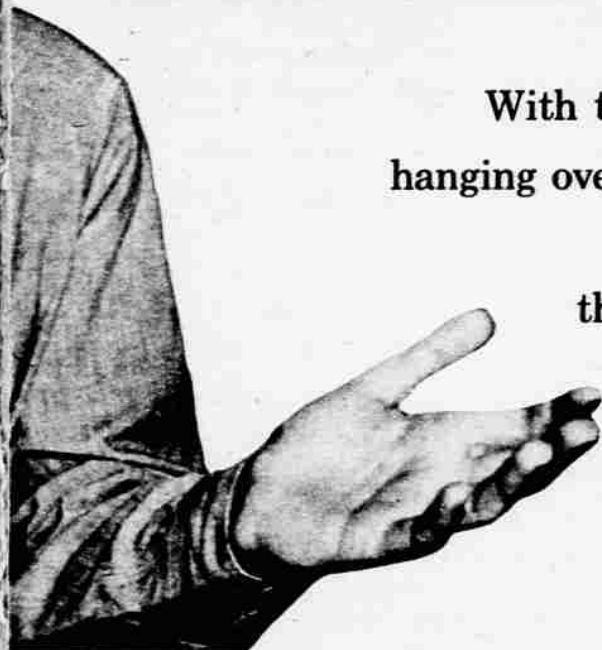


DEATH ROW

With the specter of the gas chamber hanging over him, two questions remain unanswered: Was he really the Red Light Bandit? And, guilty or innocent, did he receive a fair trial?



for survival has attracted the attention of psychologists, criminologists, penologists, and the public at large. Lawyers have undertaken his defense. Petitions to spare his life have been signed by millions in Sweden, Brazil, Japan, India, and other countries. Many prominent Americans, including TV's Steve Allen, producer Walter Wanger, Eleanor Roosevelt, novelist Aldous Huxley, psychiatrist Dr. Karl Menninger, as well as priests, rabbis, and ministers, have joined in pleas that he be awarded clemency or a new trial. Recently, *Osservatore Romano*, the Vatican newspaper, editorialized: "Nobody can deny that anyone who has to wait 11 years for the gas chamber has expiated his guilt, no matter how grave."

TODAY, after 12 years of heated controversy and thousands of pages of legal documents, two questions still loom unanswered.

Was Chessman really the Red Light Bandit?

He has offered innumerable times to take a lie-detector test, drawn attention to the fact that, while admittedly guilty of scores of robberies, he had never before been convicted or even accused of a sex crime.

While practically conceding that the Ford coupé he was driving when captured was the car used by the Red Light Bandit, Chessman has insisted that two criminal cronies who used the car were guilty of the crimes. He asserts he has told one of his lawyers in confidence "the name, identity, and part of the story of the Red Light Bandit; the main one and a clown who was mixed up with him and also with me in a different deal." He also says that, though they are friends outside of prison, he has placed the names of these men "together with certain affidavits and police records" in a package to be made public some 50 years from now.

The second unanswered question is:

Did he—guilty or innocent—receive a fair trial? All of Chessman's protestations would not have

delayed his execution a single day if he hadn't seized on a loophole in the state's case against him and hammered away at it until he has convinced some newspapermen, lawyers, and even judges that his constitutional rights were violated.

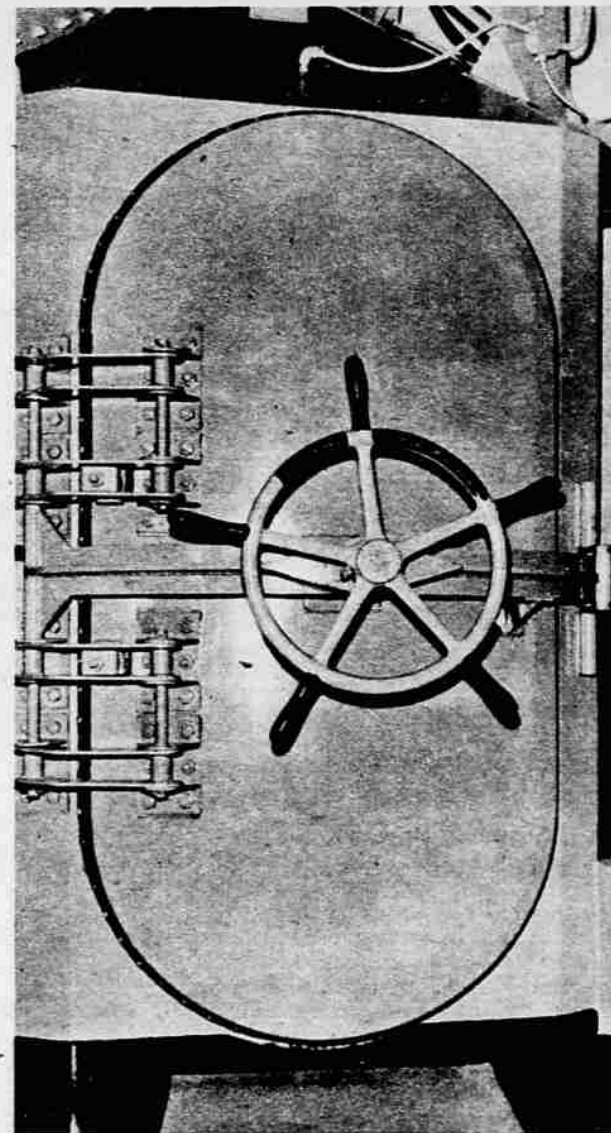
By a freakish circumstance, the court stenographer who kept the daily shorthand record of the trial died suddenly just two days before Chessman was sentenced to death. Later, to obtain the full transcript of the trial, the dead stenographer's notes—written in a peculiar, almost undecipherable form of shorthand—were completed by another court stenographer who, it was later disclosed, was a relative of the prosecuting attorney.

Moreover, this stenographer, selected by the prosecuting attorney, conferred privately and at length with the witnesses against Chessman to reconstruct their testimony before translating the notes. Neither Chessman nor any legal representative of his was invited to these meetings.

Later, the shorthand notes were stored by still another relative of the same prosecuting attorney in a garage, then in a private safe-deposit vault, so that Chessman and his attorneys were unable to examine them until nearly eight years after his trial. Chessman's claims of prejudice and error in this handling of the trial record have formed the basis of most of his appeals. Last month the U. S. Supreme Court rejected Chessman's latest petition, and the state of California promptly set Feb. 19 as his eighth—and perhaps final—execution date.

Is there any real key to the strange story of Caryl Chessman?

Yes, say some experts. Long before the Red Light Bandit case, Chessman already was one of the most reckless, hardened, and incorrigible criminals at large in California. Born in Michigan, the only child of parents of modest means, Chessman suffered an attack of encephalitis at 10, which he claims changed him from a happy, creative youngster into a brooding, temperamental problem child. At 12, he began



San Quentin gas chamber may end Chessman's ordeal.

stealing bread and milk off neighbors' doorsteps. At 14, he was stealing cars and breaking into gas stations and candy stores. At 16, he was in reform school. At 18, he was the swaggering, bragging leader of a gang of boy bandits. At 20, in 1940, he was sent to San Quentin for robbery.

Belying characterizations of Chessman as a "criminal genius" is the fact that all his thefts and robberies were so poorly planned and haphazardly executed that from 1940 until 1948 he was seldom out from behind bars for more than six weeks at a time. Altogether, he has spent nearly two-thirds of his lifetime in prison.

YET, WITHIN PRISON, Chessman always switched roles. As a model prisoner, he displayed such marked intelligence, enthusiasm, and dedicated energy that he was assigned to clerical and educational posts. He taught English, shorthand, and typing, and developed his own method for teaching illiterate convicts to read. Nonetheless, in San Quentin and other prisons in the early 1940s, psychiatrists who studied Chessman concluded that he was a dangerous psychopathic personality who could not be trusted to adjust to normal life.

As his long legal struggle approaches a climax, Caryl Chessman, pain-racked by an ulcer, warped by years in death row, shows signs of nearing exhaustion. Some newspapermen, who over the years have become closely acquainted with him, say he is "about burned out" and that his will to fight any longer is waning. Chessman himself has scorned his lawyers' attempts to have his sentence commuted to life imprisonment, declaring that if he cannot prove his innocence he would rather die.

If incorrigible Caryl Chessman was not guilty of the Red Light Bandit crimes, it is ironic that, from Cell 2455, he may have contributed more to society's understanding of its problem children than he ever would have as a free man or long since put to death in the gas chamber.