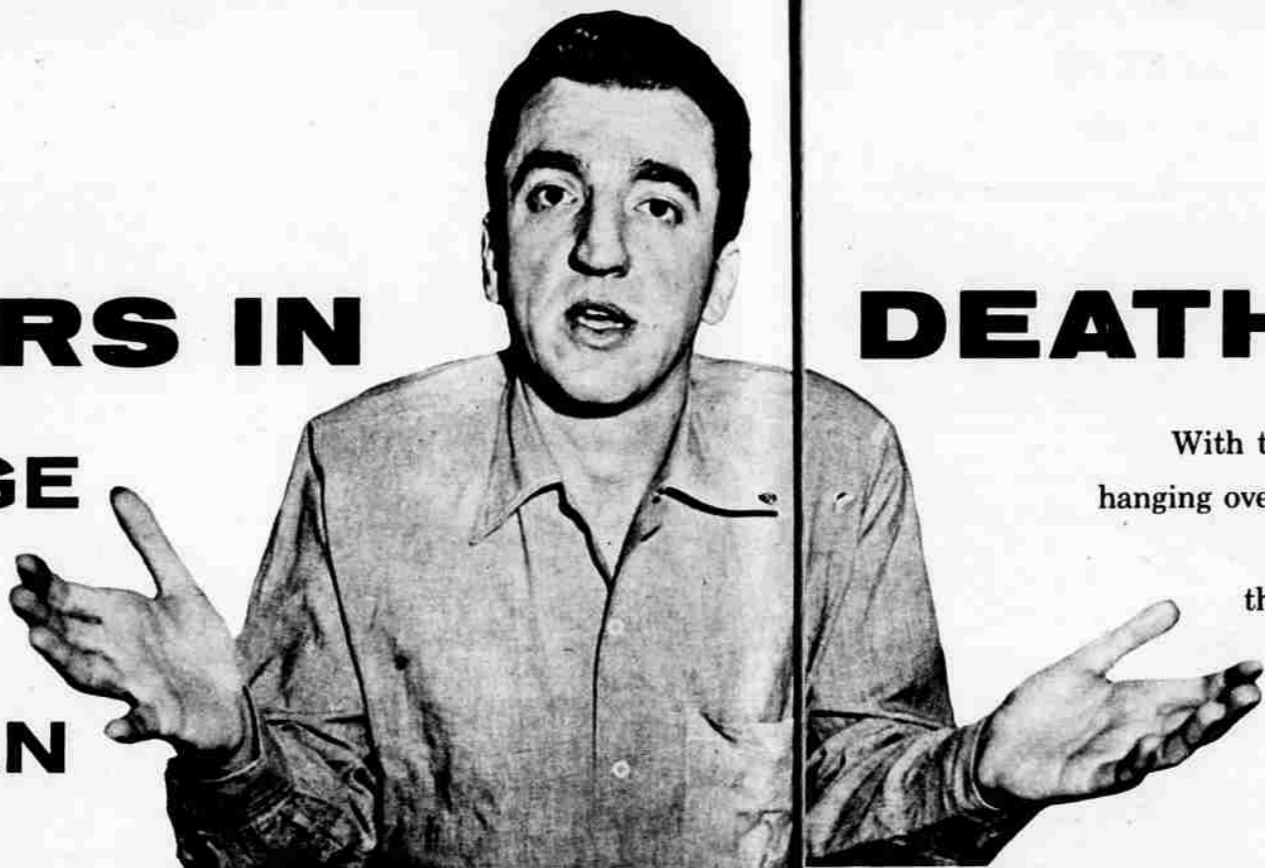


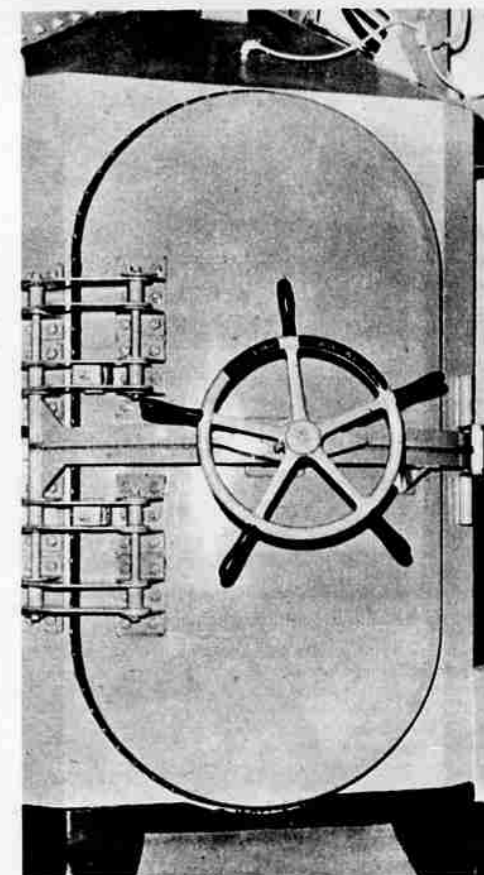
11 YEARS IN THE STRANGE CASE OF CARYL CHESSMAN

BY EVAN McLEOD WYLIE



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?



San Quentin gas chamber may end Chessman's ordeal.

"Be on the lookout for a male . . . swarthy complexion . . . possibly Italian . . . five-foot-four to five-ten . . . 150-170 pounds . . . thin to medium build . . . dark brown hair . . . crooked teeth . . . narrow nose with slight hump on the bridge of nose . . . armed with .45 automatic . . . uses small pen-type flashlight . . . believed driving '47 club coupé . . . a red spotlight has been seen on side of car..."

IT WAS A FEW MINUTES before 8 p.m. Jan. 23, 1947, a chilly, fog-shrouded night in Los Angeles, Calif. For weeks, a "Red Light Bandit," impersonating a policeman in a car with a flashing red spotlight, had been terrorizing lovers-lane couples parked on the dark winding canyon roads that overlook Pasadena's famed Rose Bowl and the glittering lights of Hollywood.

Sometimes, after he had examined the couples' wallets, he flourished a .45 automatic, pocketed their money, and departed. Other times he affixed a mask over his face, forced the girl to accompany him in his car, and brutally assaulted her. Only the night before, he had held a terrified 17-year-old girl captive for three hours. Now, as police cars combed the canyons and hills above Hollywood, their radios blared forth the bandit's description.

In Car 35, nosing slowly through the congested streets of downtown Hollywood, police officers James Reardon and Robert May suddenly spotted a Ford coupé matching the description of the bandit's car and signaled it to pull over. Instead, the Ford was off like a shot. As Reardon tramped hard on the accelerator, May, fumbling for his gun, flicked a dashboard button and flashed a radio message: "We are in pursuit of a Ford '47 coupé—heading south on Vermont Avenue at very high speed." Within a few moments, a dozen police cars converged on Vermont Avenue to cut off the coupé.

Zigzagging wildly through heavy traffic at 80 miles per hour, bullets from May's gun smashing into its rear window, the Ford charged recklessly

through one road block and was about to evade another with a tire-screaming U turn when a broadside ram from Reardon brought it to a halt. Their prisoner was a 27-year-old man named Caryl Chessman.

By the next morning, Hollywood police had accumulated enough evidence to link Chessman directly to the crimes of the Red Light Bandit. The Ford coupé had been stolen in Pasadena one month before—about the same time that the Red Light Bandit had begun to prey on the lovers-lane couples. In its glove compartment was found a pen-type flashlight. On the ground near the car was a .45 automatic. Except for his height (six feet) and lack of an Italian accent, Chessman fitted the description of the bandit. Many of the victims identified him.

WITHIN 48 HOURS, police announced that they had obtained Chessman's oral confession and that the case was solved. But, brought to trial a few weeks later, Chessman denied emphatically that he was the Red Light Bandit. He insisted he was the victim of coincidence, mistaken identity, and a police frame-up, that detectives had tricked and beaten him into confessing the crimes.

Cocky and self-confident, he spurned the offer of a court-appointed attorney and undertook to defend himself. After hearing the evidence and the witnesses against him, however, a jury of 11 women and one man found Chessman guilty of robbery and kidnaping and invoked California's seldom-used "Little Lindbergh" kidnaping law to fix the penalty of death in San Quentin's gas chamber.

On July 3, 1948, Caryl Chessman was taken to San Quentin and placed in Cell 2455 on death row. No one had evinced the slightest interest or sympathy in his case. His execution appeared inevitable and imminent. The case, which had rated only a few paragraphs in the newspapers, appeared closed.

But one of Chessman's favorite sayings is, "When it gets too tough for everyone else, it's just right

for me." Filing a steady stream of legal appeals, writs, briefs, and petitions, he dodged and twisted his way through the courts. Each time the net seemed drawn tightly about him, he found a legal loophole in it to delay his execution.

At first Chessman framed his writs and petitions in longhand on yellow pads. Later, permitted a typewriter, he turned an empty cell on death row into a law office. Working with tremendous energy and a single-minded concentration, he spent 18 hours a day fighting his case.

Instead of being put to death that summer of 1948, Chessman has remained alive in Cell 2455 while the U.S. fought the Korean War, went to the polls three times to elect a President, and advanced into the Space Age. He has seen nearly 100 other condemned men and one woman marched or carried to the green gas chamber on the floor below, watched others disintegrate into babbling insanity by the nightmarish despair of death row.

The judge who sentenced him to death is dead. Witnesses who testified against him have scattered. One is confined to a mental institution. The law under which he was sentenced to death has been changed to eliminate the death penalty. All prisoners affected by it have been awarded clemency save Chessman who, still alive 12 years later, has become the world's most famous doomed convict.

When not busy with his fiery legal petitions, Chessman began to write. Soon he was vividly chronicling the horrors of death row and arguing as brilliantly against the shortcomings of the prison system and capital punishment as any expert penologist. His autobiography, "Cell 2455, Death Row," became a best seller and has been published in 14 languages. Despite a decree by the California prison director that he could write no more, he has gone to extreme lengths to complete two more books, one written completely on carbon paper, and smuggle them out of San Quentin.

Over the years, Chessman's fantastic struggle

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

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.