

The Saturday  
Evening

POST

FOUNDED IN 1728 BY

*Benjamin Franklin*

## The Penalty Worse Than Death

Life sentences exact a toll more terrible than execution, says this veteran prison warden, who urges drastic reform in our concept of punishment.

By DOUGLAS C. RIGG

There is a man working in my home who killed his wife. Before becoming a murderer, he had been honorably discharged from the Navy, had never been arrested, had never been out of work. He came into the Minnesota State Prison at the age of twenty-six and he is now thirty-three. My wife and two young daughters are in his care daily. He serves my food. I would bet every dime I own that he would not commit another crime.

The question is: How much time should Al serve? Until he is fifty years old? Sixty? Or, as his sentence indicates, until he dies?

When he looks around, he feels discouraged and hopeless. One of his fellow lifers is seventy-four and has been in prison for forty-seven years. As one of six states without capital punishment, Minnesota makes its murderers serve some of the longest terms in the nation. Too often their only release comes through insanity or a "back-door parole"—the convicts' euphemism for death.

Many of my 110 lifers at Stillwater, where I serve as warden, have put in from twenty to forty years for their crimes. Some of them now are lame, halt and blind. Few can look back

on memories of love and work and children that most old folks have. Their only memory is time—prison time.

I am appalled by the human waste these men represent. There surely must be a better way of coping with the phenomenon of murder than locking a man up for life.

Some of you must be thinking, "Well, isn't that just too tough! What do you want to do—let murderers go scot free?"

It is tough. It is tough on these forgotten lifers and tough on the taxpayer. It takes about \$1200 a year to keep a man in prison. If he does about thirty years, that costs the public \$36,000. My 110 lifers have cost taxpayers hundreds of thousands. I say that the lives of these men have been wasted and so has the public's money.

Some of those dollars would have been spent more profitably on a good prison program to rehabilitate and educate these men so that they could leave prison in a shorter time and not continue to be a drain on the community. As it is in Minnesota and many other states, the lifers may be too senile to leave prison or they go out embittered over wasted years, too old to earn a living and without the social

### A Matter of Controversy

The views expressed in this article are not universal among expert penologists, of whom Warden Rigg is one. But they cast light on one aspect of an unsolved national problem—the relationship of crime to punishment. —The Editors.



39 years in the Minnesota State Prison: George Drake, 60, was imprisoned from 1917 to 1919; in 1920, he was sentenced to life for a holdup murder. He has been in the prison hospital since he had a stroke in 1955.

security that you and I have to help us meet our old age.

I asked Al, our houseman, how much time he thought he should serve for killing his wife. He looked at me steadily before he answered. "How can you pay off a debt by measuring it in time?" he asked.

He obviously did not expect an answer, but quietly kept on turning over the problem that had been uppermost in his mind for the last seven years.

"If I didn't have any reason for doing it, if I just got tired of my wife and killed her, I should

serve life. But then I think of all that happened first and I look at it another way, and say how much time should they give me? Then you're up against a wall. How am I going to say I should do five years and go home? Or should the law say twenty-five years, and if you're good, maybe you'll get out in seventeen?"

That day Al told me something about his life. I knew most of it from records I checked carefully before permitting him to work in the warden's residence, across the street from the prison. I knew that the selection of a murderer to work in my home would startle the prison



40 years: Lifer Frank Dunn, 83, hired a gunman (see picture at right) to kill his wife. A stroke and senility have kept him in the hospital since 1953.



40 years: Edward Hamilton, 60, who murdered Dunn's wife in 1917, is serving a life sentence for another crime. But Warden Rigg, shown with him, considers Hamilton a rehabilitated man.



Fifteen of the 110 lifers at Minnesota State Prison are too old or ill to work any longer. A game of dominoes helps to while away the endless hours.

Photographs by Harry Saltzman

inmates and some of my neighbors in this town of Stillwater. But I have a conviction that a prison should be a place of hope for the inmates and the community as well. I wanted to dispel some of the fear stemming from decades of the prison silent system and the theory that all convicts are depraved.

I knew that I wasn't running any risks with Al. He had a good prison record. His most constant visitor and best friend is the mother of the wife he killed. She said he had been a devoted and hard-working husband until marital problems divided the pair; a loving father, not only to his own daughter but to his wife's twin boys from a previous marriage. I felt that he would be all right to have in the house with my fourteen- and eight-year-old daughters.

A husky, pleasant-featured Negro, Al was born in Kentucky, the seventh of nine children of a coal miner and a schoolteacher. His father died when he was twelve, so Al began to work afternoons to help support the family. He had managed to complete two years of high school when the war broke out. He joined the Navy and was stationed at the naval air station near Minneapolis. After the war, Al got a job pressing clothes and married a pretty young divorcee. For two or three years they were fairly happy. Al made a superhuman effort to get ahead. He worked at his regular job, attended a tailoring school under the G.I. Bill, and had a night job in a drugstore. Then his wife began complaining that he didn't take her out enough. To satisfy her, he dropped out of

school and his night job. Later, with some Navy bonus money, he made the down payment on a cleaning establishment, but kept his old job.

When he asked his wife to help him by staying in their shop to accept laundry, she refused.

"I blew up," Al said. "I figured the least she could do was help if I was trying to get ahead."

They decided to separate. When his wife would not let him see their daughter, Al began drinking. He heard rumors that his wife was going out with other men. After one weekend of heavy drinking, he met her on the street, an argument ensued, he stabbed her to death and then tried to kill himself.

When brought to trial, he entered a plea of guilty and was sentenced to life imprisonment. After he entered prison, the thought that he might spend the rest of his life behind bars was so unbearable that Al began to think of committing suicide.

"One Sunday a guy jumped off the top cell tier and killed himself," he told me. "Next day, I thought, *I'll try it*. Then my mother-in-law came with the kids, and when they had to leave, my little one said, 'I don't want to go. I want to stay with daddy,' and she was crying and the boys were crying. That hit me very hard. I thought about them all morning and kinda forgot the idea of suicide.

"I want to put those kids through high school. That's my one hope—to get out of here before they get into high school. If they have it rough, they'll quit.

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Lifer Al Cole, who killed his wife, is Warden Rigg's houseman. Christie Rigg reads to Al while he works.

## The Penalty Worse Than Death

(Continued from Page 15)

I want to be in a position where I can help them."

Experience and statistics show that lifers as a group make better-than-average prisoners. They usually form the nucleus of the older, more reliable trusties in prison. They also make better parolees. If they do get out and fall foul of the law again, it is only very, very rarely for murder. Of course, some prisoners should never be released, either because they have totally uncontrollable, aggressive personalities or because of the heinous nature of their crimes. But I do believe all prisoners should be studied and considered for parole. They should have at least the hope of a chance of getting out and making good.

In California, where I served many years as associate warden at San Quentin Prison, first-degree-murder cases are eligible for parole at the end of seven years, but seldom are paroled before nine or ten years. Murder seconds (second-degree murderers) can be considered for parole at the end of one third of their minimum sentences, or twenty months.

How has this worked? In California, of 270 cases sentenced for murder first degree and subsequently paroled, only two were convicted again for homicide. A study published in 1953 of California parolees released between 1946-49 showed that homicide offenders were the best parole risks.

The over-all violation rate for all parolees was 50 per cent. Homicide offenders showed a violation rate of 17 per cent; robbers 50 per cent; assault cases 35 per cent; burglars 57 per cent; auto thieves 65 per cent; forgers 64 per cent; narcotics offenders 45 per cent; and sex offenders 33 per cent.

It should be noted that in California parole supervision is strict, and men are returned to prison for any failure to abide by the parole rule.

Yet, where lifers have no hope they often have figured in escape attempts. Michigan, which has the death penalty only for treason, had 547 men serving life in Jackson Prison in 1952 when inmates erupted into the most dangerous prison riot in American history. Among the riot leaders were some lifers.

In 1906, Minnesota had its last hanging. It was so horribly bungled that it

helped to contribute to the abolition of capital punishment in 1911. Today Minnesota, Wisconsin and Maine prohibit executions for any crime. Certain other states keep the death penalty on the law books only for treason or murder committed under special conditions.

I believe that states which have abolished capital punishment often have substituted something far worse—life sentences with practically no hope for parole. Because of my experience in Minnesota, I would object to the elimination of capital punishment in any state unless lifers are given an opportunity to earn their parole within a realistic time.

The record in Minnesota is a disheartening one. During the thirty years prior to 1931, only six lifers were paroled. The present three-man parole board was then set up and, on paper, lifers were made eligible for parole consideration after serving thirty-five years. But it was also required that parole recommendation receive the unanimous consent—often not given—by the pardon board, composed of the governor, chief justice and attorney general. During the following twenty years only five lifers were granted paroles. A number were freed, however, by commutation or pardon by the state pardon board without adequate parole supervision. A random check on twenty-four of those so released shows only one new conviction, and that not a homicide.

Then, in 1951 the Minnesota law was changed to enable the parole board to consider release for lifers who had served twenty-five years and had no previous felony conviction. With good-conduct time, this could be cut to approximately seventeen years. Lifers with prior felony convictions had to serve thirty-five years or about twenty-four years with good conduct.

The new law did little to reduce the backlog of lifers in prison. From 1951 through 1954 three received parole. One more was paroled in February of 1955. The despair of men who had served twenty-five, thirty and forty years was vividly described in an editorial by the inmate editor of *The Prison Mirror*:

Those who look back on thirty or forty years of incarceration, or half-life, maintain that it would have been more kind to kill them swiftly and mercifully. If it were not for the insidious, small hope of freedom sometime in the future, what man would allow himself to be shut up, allow the gates of prison to close upon him forever and ever?

It is cruel to see hope die in a man. Yet this is what happened to No. 2991, our oldest prisoner, who entered prison on February 24, 1910. After working at prison labor for forty-two years, he was "retired." Now he just sits and does his time; his eyes so dimmed he can no longer read. He has not had a visitor from the outside for more than ten years. When he was called before the parole board last year, he refused to go because he felt the board would do nothing. He had been eligible for parole twenty years earlier.

Asked why he did not appear, he said, "I gave up those hopes eighteen years ago. I didn't think it was possible to live forty-six years in prison. The years have been like a fog in front of my eyes, a smoke screen. . . . A fifteen-year-old boy who came in here for murder and died a little later was lucky."

When I first came to Minnesota, in April, 1955, I was shocked at the number of senile men I saw sitting around on old cracker boxes at the prison. I ordered benches made (Continued on Page 52)

### Put it This Way

By FRANKLIN P. JONES

Anybody who thinks this is a man's world isn't paying attention.

When a middle-aged woman is whistled at she's probably driving a cab.

A child's allowance is usually a down payment on what he spends.

A man who understands his wife probably doesn't speak the truth about other things either.

Nothing makes time fly faster than buying on it.

More women would understand their husbands if they weren't so busy seeing right through them.



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(Continued from Page 50) for them, then tried to do something more constructive. I learned that the parole board had been studying the problem, but little had been accomplished. Under a new chairman the board agreed to set up a definite schedule of hearings for fifty-six lifers who were eligible for parole because they had already served twenty-five years or more. Up to that time, the board had been hampered in its decisions by lack of information about each prisoner. For the first time, before the hearings, my staff compiled case histories on these men—medical, psychological, work records—to help determine if they should be released. Optimistically, the board announced it would process the backlog of lifer cases by January, 1957. Since that time, only six lifers have been released.

One prisoner, here thirty-two years, but still vigorous, told me, "I don't have any illusions that I'm going to get out tomorrow, but I would like to feel that I'm living and working in a situation that will give me some hope. I'm fifty-four, have a few good years left in me, and I want to go out and put them to use."

If we're not going to put these men to good use, if we're going to say they're dangerous and must have the mark of Cain on them forever, we should execute them. It would be cheaper and more humane. Perhaps we would be more honest if we justified life sentences solely as a greater punishment than the death penalty—not as an act of mercy.

I believe we should explore the potential of these men in prison and learn what we lose by keeping them locked up for the greater part of their lives. Perhaps we should let them really pay for their crimes by supporting the family of the victim, as they do in some European countries, or let them volunteer for dangerous medical research, as many of them have in Ohio, Illinois and the Federal prison system.

But if we keep them locked up in prison until they are too old to be released, we should start thinking in terms of prison geriatrics. What can be done with the man who is too old to care about twenty-foot walls and steel bars?

Fifteen of the lifers at Stillwater are too old or ill to work any longer. They are in their sixties, seventies and eighties. They are no longer dangerous. For them, further punishment is meaningless, and rehabilitation is no longer possible. They have lived to old age in a cocoonlike existence that has left them unable to face the problems of the outside world. The younger lifers look at them as in a mirror and see a reflection of their own bleak future.

I don't think that more than 10 per cent of our lifers would be unsafe to let out. Their histories show that most of them committed their crimes in an early period of rebellion. It is important to realize what has happened to them during their years in prison.

A study of age distribution of men committed to prisons in nine Prairie states showed the major share between twenty to thirty years, with the median ages ranging from twenty-four to thirty-two. This has been called "the hazardous decade" in the life cycle of men, the time when they are most apt to commit crimes. Once a man has passed this decade, the possibility of his committing a crime decreases with each passing year.

The same aging process is as true for former professional gunmen as for the so-called "crime-of-passion" killers. I believe they should have an equal chance to earn parole. However, in Minnesota an unrealistic classification system sets up three different categories of murderers, under which the professional gunman is excluded from parole consideration.

Because of this policy, Convict No. 5569 has no hope for release at this time, although he has served forty years. His case has been widely publicized as an outstanding example of a rehabilitated prisoner.

At the age of nineteen, Joseph P. Redenbaugh entered Stillwater Prison as Edward H. Hamilton, the alias under which he was sentenced. He had killed two people within thirty-six hours—a police officer and the wife of Frank Dunn, a wealthy St. Paul drayage contractor who hired Hamilton to get rid of her.

Hamilton himself says, "I was a terrible kid, a show-off, exhibitionist." He started stealing at the age of eight—the beginning of the end of a childhood marked by poverty and whippings. Born in a tent south of Omaha, Hamilton was the son of an easygoing itinerant fisherman and soft-coal miner, a drinker and a gambler. His mother was energetic, ambitious, religious, determined to give her seven children an education. Brought before the juvenile court for stealing, the youngster was sent to a Nebraska detention home, and ran away from there with a "hobo kid" when he was ten years old. He begged and stole his way across the country and was in and out of jails all over the West.

The murder of Mrs. Dunn was coldly ruthless. To earn the fee from her husband, Hamilton and two pals went to the home of her parents, where she was staying, invaded the bedroom where Mrs. Dunn was asleep with a younger sister, and shot her through the head. A few hours before, Hamilton had been arrested for speeding and had escaped by shooting and clubbing the arresting officer, who was left in a woods to die.

When the men were brought to trial, it was apparent that Hamilton was enjoying the spotlight. He turned state's evidence, an action that was to affect his life at Stillwater Prison, where most of the other inmates would have nothing to do with him.

"That had a great deal to do with changing my character," Hamilton said. "It forced me to look to myself for resources. The silent system was in force. We didn't have radios. We couldn't smoke when we wanted to. We weren't allowed to carry a pencil. Books were about the only thing one could get enough of."

In books, Hamilton began to find some clues to his own behavior. With the aid of a dictionary, he thumbed through works on psychology and psychiatry, taught himself mathematics, began taking correspondence courses in music, theology, chemistry, biology, physics, astronomy, electrical engineering, German and logic.

During the first seven years in prison, he was constantly in trouble, until he was permitted to work in the machine shop and learn a trade. Seven years later he realized he was just as far from release as ever, and spent eleven months in solitary confinement trying to adjust to this fact. Then he began to learn other trades in prison. He made his first bid for parole in 1941 and was turned down.

In February, 1956, Hamilton appeared before the parole board again, a quiet, graying, bespectacled man of fifty-eight.

The prison staff and parole officers had compiled a favorable report on him. Hamilton had changed, it declared, from a "defiant, hard-boiled gunman" to a "fairly self-contained, controlled, erudite, logical, rational scholar and technician. . . . For all practical purposes this man is a normal human being and there is little indication that he would again become involved in any crime."

The attorney general's office advised the parole board that the pardon board

would first have to commute Hamilton's sentence to a term of years before the parole board could consider parole. Not only does he have a life sentence but also a seven to thirty-year sentence to be served after the life sentence is completed. The parole board continued the case for the maximum three-year period.

Hamilton was outwardly philosophical about his rejection. But his case is one of many examples why lifers feel that "Going before the parole board is like going into court. It is like getting a new sentence every time."

Incidentally, Frank Dunn—the man who hired Hamilton to murder—has been serving a life sentence in the same prison. He now is eighty-three and has been in the prison hospital for the past three and one-half years, the victim of a stroke and increasing senility. He says, "I am just sitting around in the way, waiting to die."

Unlike many other aged inmates, Dunn has sufficient financial resources to provide for his remaining days in a hospital or rest home outside the prison walls. But the odds are that he will die a prisoner, a public charge.

As I have said, there is a small percentage of prisoners who, aside from the senile ones, should not be released from prison. But for the most part these are

and making lifers eligible for parole after fifteen years of imprisonment. Governor Freeman also has indicated that he feels the parole board should have this responsibility.

At best, parole is a difficult institution to administer, depending upon the judgment of people about people. Consequently, it should be freed, insofar as possible, from unnecessary or illogical handicaps. A wise and experienced parole board does take into account community attitudes and group mores. It seeks and is helped by the ideas and recommendations of both prosecutor and trial judges, along with other sources of pertinent, objective, scientific information about the offender.

Among the principles adopted by the National Parole Conference in 1939 under President Franklin D. Roosevelt and reiterated in 1956 under President Eisenhower are:

1—The paroling authority should be impartial, nonpolitical, professionally competent, and able to give the time necessary for full consideration of each case;

2—The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;

3—The paroling authority should have complete and reliable information concerning the prisoner, his background and the situation which will confront him on his release;

4—The parole program of treatment and training should be an integral part of a system of criminal justice;

5—The period of imprisonment should be used to prepare the individual vocationally, physically, mentally and spiritually for return to society.

If ever there was a time for us to apply those principles to the handling of our life-term prisoners, it is now. I am not suggesting that a more rational approach to the lifer is a cure-all for our manifold prison problems, but it will help and it is a place to start.

Once we recognize that the large majority of lifers can be safely paroled after ten to fifteen years of imprisonment, we can in a small way begin to reduce prison costs, cut overcrowding and lessen idleness. We can change these men from tax burdens to productive members of society. Fortunately the economic times are ripe for the adjustment of these men to community living.

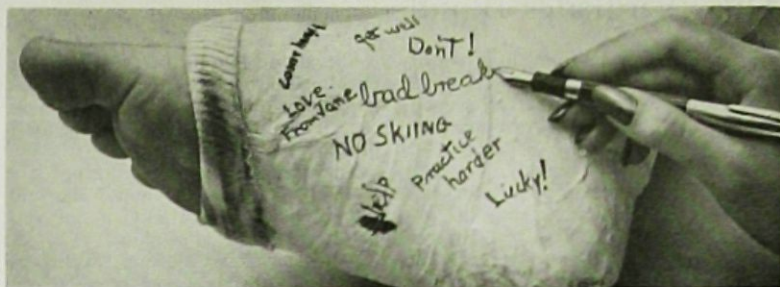
Is there a risk? Yes, but a far lesser one than when you take a Sunday drive. Will a changed system of handling life termers increase crimes, specifically homicides? The experience of states that have paroled lifers after ten-to-fifteen-year periods proves otherwise.

Essentially, we need to ask ourselves what we should do with our murderers. If we want to punish them, we can do it more efficiently and economically by execution. If we abjure capital punishment as brutal or degrading, we still must face the question. And we must face it realistically: What happens to a man in prison? Whom are we punishing—the lifer, his family, or our taxpaying selves?

Sir Alexander Paterson, one-time Commissioner of British Prisons, after many years of prison work, said that life imprisonment is "a form of mercy so strained as to become more barbarous than any block, as cruel as any crucifixion, as sadistic as slow torture over a fading fire."

Each man serving a life sentence has his point of no return. Beyond that lies his complete institutionalization. For some men this is necessary. For the large majority this is fortunately not so. Why not recognize this fortunate, if somewhat startling fact?

THE END



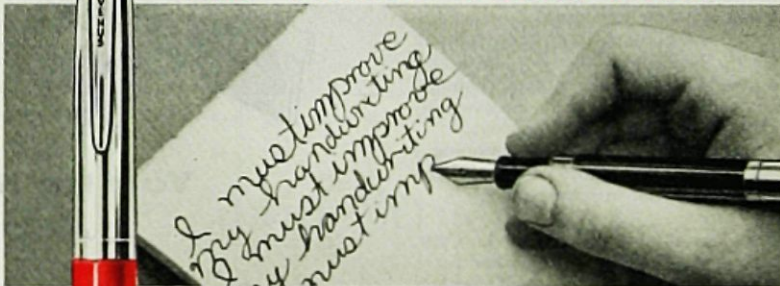
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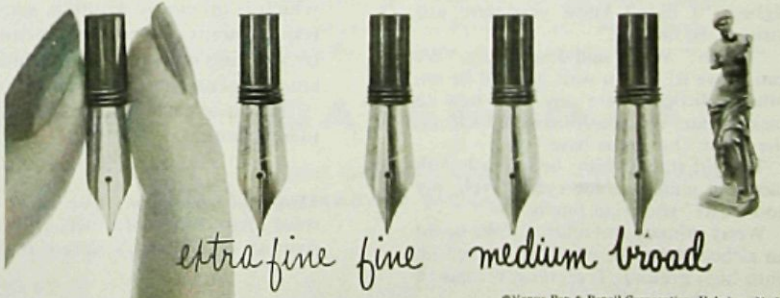


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MY CORRESPONDENCE, ALAS

The OUT basket's The thin basket's The stout basket's The IN basket!

By George Starbuck Galbraith

not lifers. They are some habitual criminals, the repeating, dangerous sex offenders, and the criminals obviously without a conscience, who will continue to rob, commit arson and assault.

The parole of these potential repeaters usually poses more difficult problems to the parole board than does that of the lifers. Yet the board has sole authority to make decisions regarding these inherently dangerous men, while it cannot parole lifers without approval of a pardon board, composed of elected officials who have many other pressing duties and who are subject to political pressures and the whims of an electorate too often tragically uninformed about prison problems.

Inevitably political considerations intrude in parole decisions when elected officials are involved. Some of the worst cases of abuse of parole power have occurred where a chief executive is charged with the conditional release of felons. The most notorious of these probably occurred during the reigns of Ma and Pa Ferguson, of Texas. Chief Justice Earl Warren, when attorney general and later governor of California, characterized political interference as the most dangerous threat to good parole practice. He was instrumental in creating a parole system in that state which as much as possible removed the threat of politics by placing all parole responsibility in an Adult Authority composed of members whose professional qualifications were stipulated in the law.

In Minnesota, an interim commission on juvenile delinquency, adult crime and corrections has recommended that legislation be enacted giving the parole board sole authority over the parole of lifers,

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