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NEBRASKA: Considerable cloudiness Friday and Friday night; scattered showers north Friday and south Friday night; Friday highs, 55 to 65.

THE LINCOLN STAR

FIFTY-SEVENTH YEAR No. 200 LINCOLN, NEB., FRIDAY MORNING, MAY 22, 1959 SEVEN CENTS

STARKWEATHER DIES TODAY; WRIT DENIED

Federal Court Try Fails; Van Pelt Refuses Stay

... Mass-Killer's Appointment With Death Unchanged

STARKWEATHER . . . dies today.

By Virgil Falloon

Mass killer Charles Starkweather was denied a stay of execution by Federal Judge Robert Van Pelt in a ruling Thursday afternoon on the bantam redhead's last-hour plea to be spared death in the electric chair Friday.

The appeal to the federal court was apparently the last opportunity to change the appointment with death, set for 6 a.m. Friday. Only a final-moment stay by a U.S. Circuit Court or U.S. Supreme Court judge, or a delay ordered by Gov. Ralph Brooks, could halt the execution. Neither seemed likely.

With the help of his parents, Starkweather appealed earlier Thursday to the U.S. District Court at Lincoln for a writ of habeas corpus on the allegation he was denied proper legal counsel and thus deprived a constitutional right.

His petition also asked for an execution stay until his case could receive federal review.

Both Denied

Both the writ and the stay were denied—leaving the 20-year-old condemned murderer scheduled to die at 6 a.m.

In a 6-page memorandum opinion, Judge Van Pelt said it "should be clear . . . that clemency is for the executive branch of duly constituted state authority . . . and is not within the province of this court . . ."

While Starkweather has not appealed directly to Gov. Ralph Brooks for clemency, both his girl friend Caril Fugate and her attorney, John McArthur, have asked the governor to stay Starkweather's execution. Both efforts have been denied.

Her attorneys, in repeated efforts to obtain a new trial for Caril, have contended false testimony by Starkweather prompted the jury verdict against the 15-year-old girl.

'Not Proper Counsel'

In his petition for a habeas corpus writ, Starkweather charged he was not given proper counsel and asked the court follow the same procedure used in the Grandsinger appeal.

Loyd Grandsinger of Wewela, S.D., once condemned to die for the slaying of Nebraska Safety Patrolman Marv Hansen, was awarded a new trial in federal review of his case and was subsequently acquitted.

In an handwritten letter accompanying the petition, Starkweather said:

"I also want a complete review of my case that was State versus Starkweather vecause (sic) i did not have adequate consel, and i haven't been counsed since the State Supreme Court denied my appeal, and from what i understand this writ of Haveous (sic) Corpus should have been filed immediately with the federal court after the denial.

"And i believe i have the right of the higer court, but as it is now i am deprived of my freedom and liberty."

'Contention Unsupported'

As to Starkweather's claim he was deprived of proper legal counsel, Judge Van Pelt said he found nothing in the alleged facts to support this contention.

No claim is made that his court-appointed attorneys were drunk at his trial, the federal jurist observed, and the court "would not consider the two or three occasions of alleged drunkenness at the penitentiary, even if proved."

"It is not alleged this in any way hampered the preparation of the case and it is not claimed there was such inebriation at or during the trial," the opinion continued.

It is to be assumed that the state trial took the proper safeguards to protect the defendant's constitutional rights, the judge said. "No violation of his constitutional rights were assigned as error or discussed by the Nebraska Supreme Court."

Judge Van Pelt noted that Starkweather's parents, Guy W. and Helen Starkweather, orally presented the matter Wednesday and stated they "did not want freedom for their son, as was given Grandsinger, but commutation of his sentence to life imprisonment."

'No Leniency Power'

Contrary to Mr. and Mrs. Starkweather's belief, Judge Van Pelt said the court has "no such power" to grant leniency.

As to Starkweather's claim that his attorneys had not sought a change of venue, the judge said the court "cannot go behind the counsel's judgment."

The jurist also said that "it is evident from the opinion of the Nebraska Supreme Court . . . that the case was tried on a question of sanity rather than whether the defendant did or did not kill the person of whose death he has been convicted."

The opinion said the claims of improper counsel could not be made on the basis that certain evidence was put into the trial while other evidence was not.

Calls About Circuit Judge

Guy Starkweather, father of condemned killer Charles Starkweather, telephoned The Star early Friday asking the names of the federal circuit court of appeals judges in Omaha.

Starkweather said he was going to appeal to the judges by long distance telephone. Either is empowered to stay executions if sufficient grounds for the action are presented.

After failing to reach either of the Omaha judges, he obtained the name of Archibald K. Gardner of Huron, S.D., chief judge of the circuit, for another attempt.

THE FINAL VISIT

Six Starkweathers approach the entrance to the State Penitentiary where Charles Starkweather spent his last hours. From left are Dick Starkweather, Guy Starkweather's half-brother; Guy Starkweather, Charles' father; Greg, Bob, and Donnie Starkweather, Charles' brothers, and Mrs. Helen Starkweather, Charles' mother. (Star Photo.)

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Brooks Refuses Requests

... By Caril's Attorney

By Don Walton

A request by John McArthur of Lincoln, attorney for Caril Fugate, that Gov. Ralph Brooks reconsider his decision denying a stay of execution for convicted mass killer Charles Starkweather was turned down Thursday.

The governor Wednesday turned thumbs down on two requests from Caril, one that Starkweather's execution be delayed and the other asking that a meeting be arranged between Caril and her former boy friend.

"No harm could possibly come to anybody by granting this request," McArthur wrote Brooks.

Letter Cited

"Within a day or two after Caril Ann Fugate and Charles Starkweather were returned from Wyoming, the sheriff asked Caril to write a letter to Charles, which she did, stating that she did not want to see him.

"This letter was delivered to Charles by the sheriff, and within a short time he repudiated his confession exonerating Caril and made a new confession implicating her.

"The connection is obvious."

McArthur wrote that on March 14 a discharged inmate from the State Penitentiary told the attorney that Starkweather had undergone "a long and intensive program of influence" before he testified against Caril at her trial.

(Starkweather testified that Caril was a willing companion on the 10-murder rampage 16 months ago.)

Two other inmates and a former guard later corroborated the former inmate's statements, McArthur wrote.

Trial Ruled Out

That evidence was ruled insufficient to justify a new trial in Lancaster District Court Tuesday, he pointed out.

Exercise Planned

Honolulu (AP) — Elements of the U.S. Pacific Air Forces' mobile strike force will conduct a mobility training exercise on Formosa late this month, the Air Force announced.

Says Starkweather:

'Best Take It Easy'

By Charles Beal

"Best take it easy, Dad."

These were the parting words of convicted killer Charles Starkweather to his father as the latter with the rest of the Starkweather family departed from Charles' cell only eight hours before the youth was to be electrocuted.

Charles was allowed to embrace his mother before she departed, Deputy Warden Greenholtz said.

Outside the prison walls, Mrs. Starkweather was dry-eyed but declined to comment on the approaching execution. Very tense, she asked newsmen to discuss the matter with Guy Starkweather, Charles' father.

"We feel that the attorney's might as well be throwing the switch as the executioner," Starkweather said. "If he'd had adequate counsel, the situation would be different," he added.

Parents Last

Starkweather's parents were the last to leave the prison. The first to leave were Charles' younger brother, Robert, and Guy's half-brother and wife, Mr. and Mrs. Richard Starkweather. Later, Rodney and LaVeta, another brother and sister said their goodbyes and left the prison.

Asked if he had sought further legal aid after a petition for a stay of execution and a writ of habeas corpus were denied by Federal District Judge Robert Van Pelt, the elder Starkweather said "we just have no hope." He said he had not considered an appeal to the United States Circuit Court of Appeals nor had he contacted Gov. Ralph Brooks.

'Good Spirits'

"He's getting tired but I marvel how he's holding up under it," the elder Starkweather said of Charles. Saying that the convicted youth was in "good spirits," the father said "I imagine he was trying to keep our spirits up too."

Charles showed "some emotion, but not too much," during his parents' last visit, the father said. "He's prepared and has made his peace with his God," said the father.

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Visit With Parents, Steak As End Near

By Del Harding

Charles Starkweather, former Lincoln garbage collector, who admitted involvement in 11 murders, was scheduled to be electrocuted shortly after 6 a.m. Friday at the State Penitentiary.

The 20-year-old redhead was visited for three hours and 10 minutes Thursday evening by his parents, Mr. and Mrs. Guy Starkweather; his brothers, Bob and Rodney and sister LaVeta; and Guy Starkweather's half-brother, Richard and wife.

Earlier, he had his last regular meal — sirloin steak with potato and salad trimmings. Starkweather had told Acting Warden John Greenholtz he had no preference concerning the meal, so Greenholtz ordered him the steak.

He had a good appetite and ate most of the food, Greenholtz said.

35 To Watch.

About 35 persons were scheduled to witness Nebraska's first execution since Roland Dean Sundahl was electrocuted about 12:07 a.m. on Apr. 30, 1952. Sundahl had been convicted of the 1950 murder of 15-year-old carhop Bonnie Lou Merrill near Columbus, Neb.

Greenholtz said that an officer was to be stationed at a phone in the warden's office with direct intercom connection with the death chamber in case a last-minute communication should come through.

Starkweather was to be escorted during the 100-yard walk from his maximum security cell in the hospital ward to the death chamber by two of the assistant law enforcement officers.

Fifteen newsmen from the Lincoln area, 5 official witnesses, Prison Chaplain Robert Klein, a physician, Greenholtz, a hired executioner from out of the state and eight law officers from the State Safety Patrol, Sheriffs' Office and Lincoln Police, who will serve as the executioner's assistants, were among those who were to attend the execution.

Chaplain Present

Greenholtz said the prison chaplain was to be in Starkweather's cell from midnight until the execution. Although he could be permitted to witness the execution, Charles asked him not to, the elder Starkweather said.

Charles was described as being "uncommunicative" Thursday night, but Greenholtz said the youth did inquire about the disposition of his personal belongings.

Greenholtz said Thursday night a "dress rehearsal" for the execution had been held earlier, with a person about Starkweather's size standing in.

The acting warden said also that Starkweather's head and lower left leg had been shaved in preparation for Friday morning.

Stating that Starkweather was "a little edgy and nasty" when the denial to his application for a stay of execution was delivered to his cell about 4:30 p.m., Greenholtz said this was only to be expected.

Executioner Secret

Greenholtz would not make public the name of the executioner, who normally is

(Continued on Page 2, Col. 8.)

Dulles' Condition About The Same

Washington (AP)—John Foster Dulles' condition is about the same as earlier this week when he was reported growing weaker, the State Department indicated Thursday.

The Weather

NEBRASKA: Considerable cloudiness Friday and Friday night; partly cloudy and cool Friday; scattered showers north Friday and south Friday night; temperature changes slight. High Friday 55 to 65.

Lincoln Temperatures

1:30 a.m. (Thur.)	60	3:30 p.m.	56
2:30 a.m.	60	4:30 p.m.	56
3:30 a.m.	59	5:30 p.m.	56
4:30 a.m.	58	6:30 p.m.	56
5:30 a.m.	55	7:30 p.m.	56
6:30 a.m.	55	8:30 p.m.	56
7:30 a.m.	55	9:30 p.m.	56
8:30 a.m.	55	10:30 p.m.	56
9:30 a.m.	55	11:30 p.m.	56
10:30 a.m.	55	12:30 a.m. (Fri.)	55
11:30 a.m.	54	1:30 a.m.	55
12:30 p.m.	54	2:30 a.m.	55
1:30 p.m.	56	3:30 a.m.	54

High temperature one year ago 75; low 38.

Nebraska Temperatures

Lincoln	56	61	Imperial	59	65
Airport	56	58	Sidney	56	61
Norfolk	54	63	Scottsbluff	59	61
Grand Island	58	63	Chadron	55	59
North Platte	60	62	Omaha	57	61

Temperatures Elsewhere

Anchorage	35	54	Los Angeles	73	80
Atlanta	60	65	Memphis	64	67
Chicago	49	58	Miami	74	78
Cincinnati	55	60	New Orleans	67	72
Denver	52	57	New York	61	65
Des Moines	52	57	Phoenix	65	69
Detroit	51	54	San Francisco	53	57
Fort Worth	63	72	Seattle	45	48
Kansas City	60	66	Washington	62	75

Sun rises 5:04 a.m.; sets 7:42 p.m.
Moon rises 8:03 p.m.; sets 5:08 a.m.
Normal May precipitation 4.19 inches.
Total May precipitation to date 1.75 in.
Total 1959 precipitation to date 13.59 in.
Nebraska Precipitation

Orange Blossom

Meadow Gold's new ice cream —delicate orange flavor with surprise bits of pineapple. At your store or your door.—Adv.

Gray Weather Seen For State

A gray weather picture of clouds, cooler temperatures, showers and thunderstorms was the weatherman's prediction for Nebraska Friday.

The northern part of the state was slated for scattered showers during the day with the south portion receiving showers and thunderstorms Friday evening.

Unless heavy rains occur in the southeast again, swollen creeks and near-full rivers are expected to recede with no flooding Friday.

Temperatures across the state will range in the high 50s and lower 60s Friday, with cloudy skies predominating.

Thursday's state high was 60 at North Platte, with remaining weather stations reporting uniform highs in the upper 50s.

Housing Bill Is Passed

$2.1 Billion Plan Big Win For Democrats

Washington (AP)—The House voted 261-160 Thursday for a $2,100,000,000 housing bill, a smashing victory for the Democrats over President Eisenhower.

The triumphant Democrats batted down, as fast as they came up, Republican moves to cut the cost, to cut out public housing, and to send the bill back to committee for revision.

Voting for the bill on passage were 228 Democrats and 33 Republicans. Against it were 45 Democrats and 115 Republicans.

Minority

Nebraska's 4 congressmen voted with the minority as the House passed the housing bill 261 to 160. The Nebraska quartet is Lawrence Brock and Don McGinley, Democrats, and Glenn Cunningham and Phil Weaver, Republicans.

Angry debate apparently changed no minds.

The next big question: will Eisenhower veto the bill that finally reaches him? Republicans said he would.

Never Lost

And, if he does, will the Democratic-dominated Congress vote to override the veto? He has never lost on a veto test. A 261-150 ratio would not provide the two-thirds margin needed to override.

Just before final roll call passage, the House rejected on a roll call of 233-189 an effort by Rep. Clarence E. Kilburn (R-NY) to reinstate an administration-backed substitute sponsored by Rep. A. S. Herlong (D-Fla).

Now the House bill must be adjusted with a $2,690,000,000 measure passed weeks ago by the Senate. The final outcome would seem sure to be far out of line with the $1,600,000,000 housing program Eisenhower originally submitted.

For A Nice Change

A Maraschino Cherry Cake with maraschino icing. Good. Fresh at Wendelin Baking, 1430 South, 7a.m.-10p.m.—Ad.

–Denial Ignored–

Hoffa Threat Is Hit

Kennedy Charges Teamster Boss Is Mistaken

Buffalo, N.Y. (AP)—Sen. John F. Kennedy (D-Mass) said Thursday night Teamsters Union president James R. Hoffa is mistaken if he thinks he can block legislation he doesn't like by threatening a nationwide strike.

Hoffa has been quoted as threatening such a strike if Congress should pass restrictive labor legislation. He has denied making such a statement, attributed to him in a speech he made at Brownsville, Texas, on Tuesday.

Ignoring Hoffa's denial, Kennedy said in a speech for a Grover Cleveland dinner here:

"Mr. Hoffa last Tuesday threatened to seek a nationwide strike if Congress placed unions under the antitrust laws—a general strike, such as those which have paralyzed less stable nations with less powerful governments in the past."

No Such Plan

"I have never favored placing unions under the antitrust laws," Kennedy said. His labor bill, passed by the Senate, contains no such provision. Sen. John L. McClellan (D-Ark), however, has announced he will introduce a bill proposing to do just that.

Kennedy said he has never felt such a law would provide the answers to correcting corruption or racketeering in the labor management field.

Rather, he said, "it would penalize all honest, democratic unions instead of eliminating the few hoodlums who have infiltrated the (labor) movement." But, he added:

"If Mr. Hoffa feels that any and all legislation in this area can be stifled by his threats of pressure — if he thinks the legislative processes of this nation are going to falter and halt as a result of his strong arm tactics—then he does not understand either the American people or the Democratic 86th Congress."

'Be Damned'

Saying Hoffa's motto is "the public be damned," Kennedy declared:

"The public's best answer to Mr. Hoffa is prompt passage of the Kennedy-Ervin labor management reform bill to put him and his ilk out of business. And I am confident that is going to be done this year."

NO STRIKE
Teamster boss Hoffa says there will be no nationwide strike. Story on Page 5.

Space Hop For Mice Postponed

... Discoverer III

Vandenberg Air Force Base, Calif. (UPI) — The Air Force Thursday postponed the scheduled launching of 4 "moon mice" in a life-capsule aboard Satellite Discoverer III.

A weather front with low hanging clouds moved in over the mid-California coast at firing time just as scientists were prepared to attempt to put the mice into orbit and then recover them alive.

There was no immediate indication of whether the firing would be set again for Friday, but it was decided that it was too late Thursday to meet the recovery schedule. The Air Force hopes to snare the nose cone containing the mice in the Pacific ocean near Hawaii.

A possible delay longer than 24 hours would be necessitated by refueling the Thor rocket booster.

The count-down proceeded through early afternoon, but finally was held for the weather because of required instrumentation on the satellite.

Today's Chuckle

The condition a man is in can best be judged from what he takes two of at a time—stairs or pills.

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