

See p 41

STRETCH



MAY 1967

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MAY 1967 (1)

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There is a tide in the affairs of men, which taken at the flood, leads on to fortune; omitted, all the voyage of their life is bound in shallows and in miseries; on such a full sea we are now afloat; and we must take the current when it serves, or lose our venture.
-SHAKESPEARE

(2) STRETCH

STRETCH

AN INMATE VOICE FROM THE KANSAS STATE PENITENTIARY

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STRETCH MAGAZINE is published monthly by the inmates of the Kansas State Penitentiary at Lansing, Kansas. The opinions and views expressed herein are those of the authors, and not necessarily those of the Kansas Penal Administration or of the STRETCH staff.

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All correspondence should be addressed to the Editor, STRETCH MAGAZINE, P. O. Box 2, Lansing, Kansas 66043.

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by courtesy of WILLIAM R. BARKER, Record Clerk

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by courtesy of THE PRE-RELEASE ADVISORY COMMITTEE

(4) STRETCH

To The Editors:

Thank you for sending me a copy of "Stretch." I enjoyed reading it, and commend you for a very fine job as editors.

With every good wish.

HON. ROBERT B. DOCKING
Governor of Kansas
State Capitol Building
Topeka, Kan.

To The Editors:

I have enjoyed reading a copy of the February-March issue of "Stretch."

I am particularly interested in your account of the Seven Steps Program, and I directed a letter to the Mid-America Chapter for further information regarding their activities.

I would appreciate any information you or your readers may have about programs similar to Seven Steps; the program need not be directly connected to a state or local correctional agency.

Best regards.

KEITH A. STUBBLEFIELD
Joint Commission on Cor-
rectional Manpower and
Training, Inc.
1522 K Street, N.W.
Washington, D.C. 20005

(EDITOR'S NOTE: Anyone having any information which might be of help to Mr. Stubblefield, please write to him at the above listed address.)

To The Editors:

I receive some very fine information from your magazine and have passed it along to all of my officers. At the present time I am working with some juveniles, and I have instructed them to read your magazine. In doing so it seems to have helped their way of thinking.

JAMES AINSWORTH
Chief of Police
Lenexa Police Department
Lenexa, Kan.

Letters to the Editors

To The Editors:

I have enjoyed your interesting and informative magazine.

It has occurred to me that many more people might enjoy the "Stretch" if it were on the magazine rack at all barber shops. The State Barber Board could provide names and addresses of all shops.

Best of luck.

REP. EDWARD B. BOYD
Larned, Kan.

(EDITOR'S NOTE: I wish we had the funds to send the magazine to all barber shops.)

To The Editors:

I shall be happy to pass this fine publication on to the local school as a good example of journalistic effort.

REP. TOM WEST
Topeka, Kan.

To The Editors:

I enjoy the entire publication. I am most happy that I am not there helping to put it out.

REP. GEORGE J. JELINEK
Ellsworth, Kan.

(EDITOR'S NOTE: We are happy you are not here helping us put out the magazine, as you can be of more assistance to us in the legislature.)

MAY 1967 (5)

EDITORIAL

by EDDIE DAVID COX

"Give me a little old fashioned justice - I'm fed up with coddled criminals," wrote Ed Corwin in a recent edition of the SALINA JOURNAL.

In an article entitled "OUR LAWBREAKERS HAVE IT MADE!" the columnist declared that criminals today have little fear of mistreatment, are not expected to divulge their wrong-doings, and may be offered the talents of an attorney at the taxpayer's expense if they happen to be broke. Corwin thinks this kind of treatment of persons accused of crime is something which may cause historians of the future to look back upon this era in shame.

Although he admits that "some injustices occurred," he also thinks the hangman's noose for horse thieves and killers back in the 1800's "was a great deterrent to crime."

Stressing the fact that auto thefts have rocketed into the millions annually, that there are more murders but fewer executions, and "more crime, but fewer criminals in prison," Corwin says, "Leniency and parole can be traced as the answer." He goes on to say that, in his opinion, recent court rulings have given the law-breaker a free reign, and at the same time have "leadened the shoes of the law officer in pursuit of the criminal."

The columnist complained of being unable to understand why criminal justice has taken such a turn. "Surely our forefathers didn't plan to protect the guilty and forget the innocent," he reasoned in the featured article.

There would appear to be some very significant gaps in the SALINA JOURNAL columnist's reasoning. When one bases conclusions

on such faulty precepts, it is little wonder that he will have difficulty in understanding a system of justice - any system of justice worthy of the name - or its importance to the freedom and equality necessary if democracy is to be preserved.

Indeed our forefathers did not plan to protect the guilty and forget the innocent! What they did intend - and what they provided in our Constitution and in Statutory Law - was protection for the innocent. And this protection is against the people who do not understand, either because of ignorance or because they insist on ignoring facts, what justice is all about.

If there could ever be some means of being absolutely certain that every person accused of a criminal act is actually guilty, then of course we would need no constitutional or statutory safeguards to help prevent miscarriages of justice. Unfortunately, there is no way to absolutely guarantee the infallibility of law enforcement people. Even if it were possible to always trust their integrity (which of course it isn't), there is bound to be the problem of human error, and this is something we must always make some allowance for. What kind of people are we when we can say, "What difference does it make if we deprived some innocent men of life or liberty; we got the guilty ones, didn't we?" The only people who could feel safe in a society governed by such a philosophy would be those who could honestly and sincerely trust every other human being to always do the right thing.

The inability to understand the need for "constitutional rights" of individuals - and the preservation of those rights by our courts - apparently results

EDITORIAL (Continued)

from a confusion of thought on exactly who is being protected. It is a reflection of the shallowness of one's thoughts when he speaks of protection for the "criminals" rather than protection for the "accused." To assume that every arrested person is guilty, simply because he has been arrested, is a bigoted assumption, to say the least.

Of course there are more auto thefts now than previously. The reason should not be so difficult to understand. There are far more autos. There are also far more people around to steal them.

One of the big fallacies regarding the so called "rising crime rate" is simply a misinterpretation of plain facts and figures. With an increase in population generally, and along with the rapid and extensive enlargement of thickly populated areas in particular, there is bound to be an accompanying increase in the total amount of crime, as well as some alarming developments in regard to the character of criminal activity. But in any honest appraisal of the crime picture as a whole, it should be made clear that a very large percentage of the increase noted in crime reports is due to the larger number of sources reporting crimes now than was once the case. Also, techniques for discovering, reporting, and the recording of crime have been tremendously improved, and thus such reports are far more accurate than they were during the earlier periods against which they are compared.

Perhaps the key to Mr. Corwin's attitude on criminal justice is to be found in his opening statement that the criminal of today has "little fear of mistreatment." One wonders if he thinks such persons should be "mistreated," and if so what his

motivation for thinking so might be. We have no way of knowing what qualifications of experience or training the newspaper writer may have in the field of criminology, but we doubt that he is more qualified than people like Ramsey Clark, the attorney general of the United States. Mr. Clark recently told the National Press club meeting in Washington that more than half the criminals now released from prison are returned as a result of committing other crimes, and that if the emphasis is put on the rehabilitation of these prisoners we can reduce the crimes they commit by 50 per cent.

In regard to the Supreme Court rulings limiting the use of confessions against accused persons, Mr. Clark had previously gone on record as saying, "I don't think court rules cause crimes. . . . It's a little more difficult than that."

As for the "hangman's noose" being a deterrent to crime, we need not look beyond our own state - where Mr. Corbin himself resides - to challenge the validity of that presumption. The "noose" still exists in this state, and Kansas law enforcement officials make no boast that there is relatively less crime here than in the rest of the country.

There is perhaps little use in arguing the matter with those who believe that all policemen can be depended upon never to make a mistake and arrest the wrong person, and who seem to think that the only effective method of crime prevention is to hastily pass judgment and mete out punishment in the "tough and rugged" manner of the frontiersmen of a century or so ago. Let the lawless days of the Old West return, or let the police state come into being, and see what the complaints are then.

Reasonings

by ALBERT LESCO

ON THE CONTROL OF CRIME

How long should a convicted felon be segregated from society by confinement in a penal institution?

This is a question likely to produce a variety of answers, but basically these will come from two opposite lines of reasoning. There are those - and apparently they are many - who vehemently hold that punishment should fit the crime, regardless of the circumstances, the individual motivations, or other causative factors involved. This ages old eye-for-an-eye, tooth-for-a-tooth philosophy seems so firmly and indelibly inscribed on the mores of man that it probably will never be completely erased. However, in our increasingly enlightened society today it is becoming more and more obvious that more and more people are becoming aware of the value of using mostly corrective rather than purely punitive measures in dealing with the problem of crime control.

Considering that making the punishment fit the crime includes the setting of maximum prison terms for particular offenses, and that when the maximum term prescribed by law has been served the offender must be released and allowed to return to society, it follows that any penal system based on such a philosophy actually guarantees a continuing increase in the rate of crime. In addition to the large numbers of youthful and first-time offenders regularly entering the ranks of criminals, there is always the continual flow of trained, experienced, confirmed criminals returning to society and resuming their temporarily interrupted criminal careers.

While it is true that some criminals undergo at least some degree of reformation during the period of their confinement under the present system, a tragically large percentage of them will spend time in prison gaining more knowledge of criminal techniques and developing additional alliances with the criminal community. If we can use national recidivism rates as an indicator, about two out of every three men released from prison will be engaged in some type of criminal activity within the first year after being released. In most of these cases the degree of crime indulged in will be of a more serious nature than that for which these men were previously imprisoned.

Of the remaining third of all released prisoners, a large number may also have returned to a life of crime, but owing to their education in criminal ways they have managed to avoid apprehension and conviction. An estimate by the FBI presumes that only about one-fourth of all crimes committed during a given year are ever solved, so the actual number of released prisoners who return to criminal activity can never really be known. It has been reported that the daily "count" in all prisons and jails in this country is close to a half-million people, and that the rate of turnover is letting more than 600,000 of these criminal offenders back into society each year. The majority of these are the people who will commit ninety per cent of the nation's new crimes, according to veteran law enforcement officials recently quoted in U. S. NEWS & WORLD REPORT.

Why is this true, and what can be done about it? In the first

ON-THE CONTROL OF CRIME (Continued)

place, under the "punishment to fit the crime" system now in vogue, no evidence that a prisoner has undergone any adjustment of values or reformation of behavior or attitude is necessary in order for him to eventually gain his freedom. When his legal maximum term has been served he must be given his freedom, without regard as to whether or not he is mentally, emotionally, or physically prepared for integration with free society. Furthermore, under the close surveillance and strict regimentation to which he has been subjected in prison, it really requires no great amount of effort for him to behave well enough to earn his release long before the expiration of his maximum sentence, still without having experienced anything in the way of genuine rehabilitation.

On the other hand, the treatment of criminal offenders as individuals - making the punishment fit the person - seems a much more reasonable way to provide protection for society. Under such a "corrective" approach, the courts might be empowered only to judge as to the guilt or innocence of an accused, and in a judgment of guilt to impose an indeterminate sentence. Perhaps the penal system could be administered entirely within the framework of the department of social welfare, with a parole authority comprised of qualified persons with backgrounds of training and experience in the behavioral sciences. The penal administration could be responsible for providing and supervising, under advice from the social welfare authority, adequate rehabilitative programs and procedures.

Under a system of this type, the final determination of a prisoner's sentence could be made by the parole authority, based on the individual's record of achievement in proportion to his rehabilitative needs as revealed by expert psychological testing and evaluation. Each convicted felon's case would thus be handled on an individual basis, beginning with procedures carried out by a diagnostic and guidance facility, continuing through a planned rehabilitative program suited to his personal adjustment needs, and terminating when those needs had been satisfactorily met.

Such a method of determining the length of time a criminal offender should be segregated from the rest of society could hardly be regarded as "coddling" criminals. It would rather seem to be the only realistic method by which society can hope to protect itself from the cancerous growth of crime. It must always be remembered that the criminal community is still very much a part of society as a whole. This is no doubt the main reason a punitive rather than a corrective treatment of criminals has not and could never be successful.

To hold that a particular crime should always be punished by the same length of sentence, without regard to the social needs of the individual criminal, is very much like saying that a particular contagious disease should in every case be treated exactly the same way and for the same length of time. If a particular patient's disease is known to still be highly contagious, or even if this is remotely possible, no doctor would allow that patient to be released from isolation and run the risk of contaminating the rest of the community. Nor would any doctor require a cured patient, or one who no longer posed a threat to the health of others, to remain under quarantine in the company of other diseased persons and thereby expose his patient to further infection and possibly a fatal relapse. Surely it is no more reasonable to confine a criminal offender beyond the optimum time for his successful return to the rest of society.

PARDON ATTORNEY

Excessive flat term prison sentences for a fixed number of years, and which do not include provisions for parole consideration, are not consistent with the penal philosophy as set out in state statutes, according to Ronald H. Baxter, the present pardon attorney for Governor Robert B. Docking.

Mr. Baxter, appointed by the Kansas governor shortly after the latter took office in January of this year, was interviewed by the editors of STRETCH on April 10, following executive clemency hearings held here on that date.

"Prison sentences should include both a minimum and a maximum term, and these should be in proportion to the severity of the crime," the pardon attorney said. "For example, crimes involving violence should carry sentences with higher minimum terms than should crimes of a non-violent nature," he added.

Concerning the so-called "Habitual Criminal Act" the attorney said that in his opinion the decision to invoke this law's provisions should be vested in the trial court judge, rather than rest with the county attorney as is presently the case. Under the statute now in force (K.S.A. 21-107a) the court has no discretionary authority in the matter. The statute provides that "judgment in such cases not be given for the increased penalty unless the court shall find from the records and other competent evidence" that the prisoner has previously been convicted of a felony offense. However, the decision as to whe-

ther or not the evidence of prior felony conviction(s) is introduced rests with the county attorney prosecuting the case. This allows for abuses by prosecutors who may be inclined to use the habitual statute as a threat to induce accused persons to plead guilty rather than face trial. Such a situation "upsets the balance of an advocacy proceedings," the pardon attorney said.

Mr. Baxter declined to comment on other features of the increased penalty statutes, except to say, "Almost any statute will have some inequities, regardless of how carefully the law may be written." The main provisions of the present law in respect to previous felony convictions are (1) that for a second felony conviction the punishment is "confinement in the penitentiary not less than double the penalty for the second conviction," and (2) if convicted a third time for felony the punishment is confinement in the penitentiary "for a period of not less than fifteen years." However, the common practice has been for judges to sentence second offenders (when the state, through the county attorney, invokes the increased penalty statute) to specifically twice the normal sentence for the crime, and in the case of third (or more) convictions to impose "flat sentences" of a specific number of years not less than fifteen.

Another section of the same chapter in the state statutes (K.S.A. 21-109) states in pertinent part that "(w)henver any

PARDON ATTORNEY INTERVIEW (Continued)

offender is declared by law punishable, upon conviction, by confinement . . . for a term not less than any specified number of years, and no limit to the duration of such imprisonment or confinement is declared, the offender may be sentenced to imprisonment during his natural life, or for any number of years not less than such as are prescribed. . ." It has been held by the Kansas Supreme Court that sections 21-107a and 21-109 should be construed together. (Fitzgerald v. Amerine, 154 Kan. 209, 117 P.2d 582.)

When asked if there would be any significant changes in the handling of applications for executive clemency by the new administration, Mr. Baxter had this to say:

"The procedures for handling such applications are prescribed by statute. However, there is one thing that apparently has been done in the past which we will discontinue, except possibly in extremely unusual situations, and that is in regard to requests by applicants for private interviews with the pardon attorney prior to the filing of their applications or in advance of the official hearing. In my opinion all matters pertaining to executive clemency should be discussed with applicants only within the context of the official hearing, when all the pertinent records and the board members are present. Certainly there should be no prejudging of the case by anyone prior to the official hearing. If there is information which the inmate wishes brought to the attention of the pardon attorney, this may be handled through correspondence, and any such correspondence received from prisoners will be given due consideration. However, I will not normally grant

private interviews with prisoners, and believe that to do so might well work to their disadvantage."

Mr. Baxter said that any letters received from prisoners would be answered, but stressed that he should not be asked to make legal conclusions regarding an individual's case. "It would be impossible to draw any legal conclusions prior to the executive clemency hearing," the attorney said.

"What is your position in regard to capital punishment?" the pardon attorney was asked.

"Only an act of the legislature can abolish the death penalty in Kansas, and the present administration will make no attempt to abolish it in effect through acts of executive clemency," he replied. "An application for executive clemency in a case where the death penalty has been imposed will be considered solely on the merits of the individual case, and the judgment of the courts will not be disturbed unless there is good reason for doing so," the added.

We then asked the pardon attorney if it would be practical for a prisoner who has been granted executive clemency, making him eligible for parole consideration, and is then passed by the board to seek further clemency consideration.

"No, I would not think so," he said. "If the executive clemency granted did not alter the length of the sentence, but simply fixed or lowered a minimum term that might be served, the intent of the governor would obviously be simply to make parole consideration possible. In such a case, it would be entirely up to the parole board to determine whether or not the prisoner should be released on parole."

In regard to the question of when a man should apply for

PARDON ATTORNEY INTERVIEW (Continued)

executive clemency, and under what conditions, Mr. Baxter pointed out that every prisoner has a statutory right to apply whenever he wishes to do so, provided he has the funds on hand to pay the cost of advertising his application as required by law. However, if a prisoner has previously applied and been denied it would be impractical for him to apply again within the same year in most cases, the pardon attorney said. He also stated that there are some cases where a clemency application would not be the most appropriate action for a prisoner to take. "If the application is to be based on a claim that there has been a miscarriage of justice in the case, executive clemency should be sought only as a last resort after all possible remedies through the courts have been exhausted," he explained.

Expressing an opinion that there are many prisoners who do not understand exactly what type of case may merit executive clemency consideration, the editors asked the pardon attorney if he could clarify this for STRETCH readers.

"In the main there are two types of cases which are deserving of clemency consideration," he replied. "There are cases where obvious excessive sentences which make no provision for parole consideration have been imposed - and I would stress that I refer to cases with extremely excessive sentences - and, as previously stated, cases in which there has been a miscarriage of justice somewhere along the line in the judicial proceedings. In the latter type of case, I would add that there should be substantial outside evidence to support the claim that a miscarriage of justice has occurred."

Clemency is an act or instance of leniency based on mercy, according to a dictionary definition. Webster's New Collegiate Dictionary (Seventh Edition, 1963) defines it as an act of mercy by "one having the power or duty of punishing," and further explains that "mercy implies compassion that forbears punishing even when justice demands it."

But in the matter of executive clemency for convicted felons in this state, perhaps a less literal interpretation is in order. From our conversation with the pardon attorney it would appear that executive clemency is not intended as a means of extending mercy so much as it is a means for serving the ends of justice, and then only when all other possible methods have been exhausted.

According to existing statutes the "governor may pardon or commute the sentence of any person convicted in any court in this state of any offense against the law thereof, and upon such terms and conditions as he may prescribe." (K.S.A. 62-2216). This statutory authority is given the governor without qualification, so far as the rationale upon which he bases such decisions is concerned. The only restraint placed upon him by the statute in respect to the granting of such executive clemency is procedural. The governor may not grant a pardon or commutation except "upon notice to the trial judge and prosecuting attorney of the county in which the conviction was had, nor until after notice shall have first been given for thirty (30) days of such application for a pardon or commutation of sentence by publishing such notice in the official county paper of such county." It is also provided in

PARDON ATTORNEY INTERVIEW (Continued)

the statute that "all applications for pardon or commutation of sentence shall be referred to the (parole) board for investigation" and that the board shall "submit to the governor a report of the investigation within thirty (30) days after referral to the board, together with all other information the board may have regarding the applicant." The law states that the governor cannot act in the matter until he has received the report of the board or until thirty (30) days after the application has been referred to the board, whichever time is the shorter.

A subsequent section of the statutes limits the governor in regard to the extent to which he may commute sentences in capital cases. This section (K.S.A. 62-2220) provides that in such cases the governor may reduce the sentence "to imprisonment for life, or for a term not less than ten years." In all other cases, however, "if the sentence of the court be for imprisonment, with or without hard labor," the governor may commute the sentence "by reducing the duration thereof," or if the sentence is a fine by "reducing the amount thereof."

The pardon attorney was asked by the editors to clarify the matter of restoration of civil rights to persons who have been convicted of felony crimes. There seems to be some confusion in the minds of many prisoners and some penal officials on this subject. A statute adopted in 1923 (K.S.A. 62-2222) provides that the "governor shall have the power to pardon any person

confined in the state penitentiary, on account of good conduct, for the purpose of restoring him to civil rights, not more than ten days before the expiration of his term of imprisonment, without the notice provided for in section one (62-2216) of this act." However, the pardon attorney pointed out that this statute's provisions are no longer necessary, owing to the provision in a later statute (K.S.A. 62-2252) which was made part of the law in 1957. This statute provides "the discharge of a prisoner who has served his term of imprisonment, shall have the effect of restoring all civil rights lost by operation of law upon commitment, and the certification of discharge shall so state."

Ronald H. Baxter was born in Washington, D. C., on May 7, 1936, and graduated from the Capital Page High School in 1954. During his high school years he served as a page in the U. S. Senate. After high school he studied at Washburn University Law School in Topeka, Kansas, where he earned his Juris Doctorate in 1964. He was awarded a fellowship from the Graduate School of Law at George Washington University to study Mental Retardation and Law, but resigned to enter private law practice in Topeka. In 1966, he was the Democratic nominee for Judge of the City Court, Topeka.

Mr. Baxter is married to the former Peggy Ann Gilstrap, of Fredonia, Kansas, and they are the parents of an 8-year old son. The Baxters make their home in Topeka.

EVIL often triumphs, but never conquers.
-JOSEPH ROUX

WORK keeps at bay three great evils: boredom,
vice and need.

-VOLTAIRE

FEDERAL REVIEW OF STATE CONVICTIONS

The principal immediate remedy available to a state prisoner to attack his conviction is the federal writ of habeas corpus under 28 U.S.C. 2254. The rapidly growing use of this remedy is exemplified by the fact that in 1941 only 134 petitions were filed; in fiscal 1963, 1,692 applications were filed; in fiscal 1964, 3,248 applications were filed; in fiscal 1965, 4,845 applications were filed; and in the first nine months of fiscal 1966, 3,775 applications were filed. More than 95 percent of the applications were held to be without merit. S. Rep. No. 1797, 89th Cong., 2nd Sess. 1 (1966).

On 2 November 1966, the President signed into law P.L. 89-711 (H.R. 5958) which substantially modifies 28 U.S.C. 2254 by the addition of three subsections and also added two new subsections to 28 U.S.C. 2244.

The revised Section 2254 provides that a state court's determination after a hearing on the merits of a factual issue and evidenced by written records shall be presumed correct unless the petitioner raises one of the eight following conditions: (1) The merits of the factual dispute were not resolved in the state

court hearing. (2) The state factfinding procedure was not adequate, (3) Material facts were not adequately developed at the state court hearing, (4) The state court lacked jurisdiction over the subject matter or the person, (5) The applicant was indigent and the state court failed to appoint counsel, (7) The applicant was denied due process, or (8) The factual determination of the state court is not supported by the record. With certain exceptions, the applicant for a writ will have the burden to establish by convincing evidence that the factual determination of the state court was erroneous.

A new subsection (b) of Section 2244 provides that the subsequent petition from a state prisoner after a similar petition has been denied need not be entertained unless the application is predicated on grounds not adjudicated in the earlier petition. Subsection (c) gives a conclusive presumption to the actual adjudication of federal rights by the United States Supreme Court but does not apply it to denials of writs of certiorari.

It's good to have money and the things that money can buy, but it's good, too, to check up once in a while and make sure you haven't lost the things that money can't buy.

-GOERGE HORACE LORIMER

The important thing in life is to have a great aim, and to possess the aptitude and perseverance to attain it.

-GORTHE

Life is a voyage that's homeward bound.

-HERMAN MELVILLE

HAVE YOU EVER WONDERED WHETHER THOSE AROUND YOU REALLY LIKE YOU OR MERELY TOLERATE YOU? HERE'S A DIFFERENT KIND OF QUIZ WHICH WILL SHOW YOU...

WHAT THEY REALLY THINK OF YOU

by IRWIN ROSS, Ph.D.

Certain commercially available personality tests try to gauge social adjustment through questions of this nature:

Do some people make such foolish remarks that you should contradict them?

Are the beliefs of certain people so stupid that you should condemn those beliefs?

Do you intensely dislike certain people because they are so unreasonable?

In each case the answer is supposed to be NO. If you answered YES, you are assumed to lack social skill or social standards, or to show "withdrawal" tendencies - which in turn is taken to mean that you are unpopular or otherwise maladjusted socially. All of which is nonsense - from the scientific standpoint.

Denial of your moral principles or personality cannot make people cherish you. At best it can induce them to tolerate you - for the reason that you do not register on them much one way or the other.

Who has the greater social skill - he who ducks an unpopular issue or he who can argue without arousing hostility. Without being artful or dishonest, we can all act in a way that implies recognition of other people's virtues. If we forego the pleasure of puffing our own self-esteem, if we make those around us feel comfortable and relaxed - and appreciated - we can generally get them to like us.

Candid answers to the following 20 questions will give an indication of whether you have the coveted knack of evoking fondness and liking from others.

DIRECTIONS: Check YES if on the whole you can agree with a statement. Check NO if you are inclined to disagree. Try to answer every question. Work as slowly as you like.

1. A person should keep in mind that almost every minute of the day he is under the scrutiny of those with whom he comes in contact. YES _____ NO _____

2. A person should be independent enough to talk freely to friends about a pet interest or hobby whether or not they share his enthusiasm. YES _____ NO _____

3. It is wisest to preserve dignity even when strongly tempted to do otherwise. YES _____ NO _____

4. When a person is smart enough to catch flaws in the casual conversation of others, he should make it his business to try and straighten them out. YES _____ NO _____

5. When meeting strangers, one should try to be charming and witty enough to impress them. YES _____ NO _____

WHAT THEY REALLY THINK OF YOU (Continued)

6. When being introduced to another whose name he does not catch, a person should ask that the name be repeated. YES _____ NO _____

7. A person should make sure that he is respected by never permitting himself to become the butt of a joke. YES _____ NO _____

8. A person should be wary lest others play tricks on him so that he is laughed at. YES _____ NO _____

9. When talking with someone whose conversation is witty and sparkling, a person should make an honest attempt to clever answers and repartee. YES _____ NO _____

10. A person should always be careful to reflect the mood of the company he is in. YES _____ NO _____

11. A person should help his friends because a time may come when he badly needs help from them. YES _____ NO _____

12. It doesn't pay to do too many favors because after all, how many people really appreciate them? YES _____ NO _____

13. It is better for a person to have others depend on him than for him to depend on others. YES _____ NO _____

14. A real friend makes an effort to help those who are objects of his friendship. YES _____ NO _____

15. A person should keep putting his best foot forward to make sure he is really approved of and appreciated. YES _____ NO _____

16. At a party, a person who has previously heard a joke should stop another who wants to tell it. YES _____ NO _____

17. At a party, a person who has previously heard a joke should be polite enough to laugh heartily when another tells it. YES _____ NO _____

18. When a person is invited to a friend's home but prefers to go to the movies, he should say that he has a headache or give some other mild excuse, rather than risk hurting the friend's feelings by telling the truth. YES _____ NO _____

19. A real friend insists that those close to him do the things that are best for them even when they don't want to. YES _____ NO _____

20. A person should not boldly and forcefully defend his beliefs every time someone happens to express a contrary opinion. YES _____ NO _____

PLEASE TURN TO PAGE 35 AND CHECK YOUR ANSWERS AND YOUR SCOPE

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(16) STRETCH

"EX-CONVICT" BROKE, FINDS NO JOB

by ROBERT B. ALLEN
Staff Writer, THE SUNDAY OKLAHOMAN

Tahlequah, Okla. -- Most people, it seems, don't recognize an ex-convict's dress-out suit. But it's a dead giveaway for two classes - policemen and ex-convicts themselves.

I guess that's why the man in the next booth struck up a conversation with me as I sat drinking a cup of coffee in Tahlequah. I had little money left to buy anything else after only three days out of prison.

"When you get out bud?" he inquired.

I considered disclosing my act, explaining that I was a reporter posing as a released state penitentiary inmate to learn how far I could stretch \$25 before getting a job.

Instead, I merely said, "I don't get you. I just got off a bus."

The stranger gave me one of those know-it-all looks, then said: "Don't kid me, mister, I know a peckerwood when I see one. Those clothes are like carrying a flag. I had them on once myself." (Peckerwood is a common prison term for inmate.)

Few others paid any attention to how I was dressed - khaki shirt and trousers with a corduroy jacket. I decided to be sociable and invite the man to bring his beer and sit at my booth.

Perhaps it's natural for former convicts to get together and talk "shop." I started with the line I had been using from the moment I walked out of the prison at McAlester.

The story was the same I had repeated for three days as I made the rounds of business houses in Muskogee and Tahlequah seeking employment. This was the story I told the people of the state employment service, and also to police when they recognized my dress and questioned me.

Only a few knew that I was testing how far \$25 in cash would carry a man just out of prison. This is the discharge pay proposed in legislation already approved by the house and awaiting senate action. Released convicts now are assured only \$5.

The man sitting across the table listened as I told of being sent up on a burglary conviction. I told him I wasn't paroled, but "flattened" my time. This is common penal terminology for serving out a sentence.

For 20 or 30 minutes we talked of prison life, being "racked on" (disciplinary action inside the walls), the problems of being back on the streets and of readjusting to society, and the discouragement of watching your money dwindle as you search for

'EX-CONVICT' BROKE, FINDS NO JOB (Continued)

a job.

I told him I hadn't had much luck, except a 75-cent-an-hour job offer, which I turned down. He said I should have taken it, pointing out he went to work for \$4 a day when he was first released. He agreed, however, that I should take some of the money and purchase a white shirt to aid my appearance while looking for a job.

Later I followed his advice and bought a white shirt (too tight in the neck) for 60-cents off a rummage sale rack.

In was the second casual conversation I had had since moving into society portraying an ex-convict. The first wasn't as pleasant. It began about 12:45 a.m. in the doorway of my shabby, \$1.50-a-night-room in Muskogee, before I decided on a change of scenery and rode a bus to Tahlequah. I was asleep when I heard knocks on my door. Rubbing the sleep out of my eyes, I stumbled to the door and opened it.

The girl or woman - I couldn't tell which in the dim hall light - was slight, even to the point of being emaciated. She wore tight-fitting blue slacks and what appeared to be a faded red blouse.

"Like to buy a pint for four bucks?" she asked.

I thought I was dreaming. For one thing, I hadn't expected a night caller, certainly not a female liquor peddler.

For several seconds I just stood there, but finally shook my head and started to close the door. She said, "Just a minute," and then inquired if I wasn't a new tenant. I was, but I didn't want to buy any whiskey.

"The liquor stores are closed," she said. "This is good stuff."

For one thing, I told her, the price is too steep. She considered for a moment, then offered to drop the cost 50-cents.

I still wasn't interested. She wanted to know if I knew where she could sell the pint. I had no idea, and told her I had been asleep.

"It's early," she protested. I thought she might pursue her salesmanship to the point of an argument, but she didn't. She simply shrugged her shoulders, turned and walked away. As I returned to bed I heard her knocking on another door.

Like in Muskogee, most of the people in Tahlequah appeared sympathetic, but I didn't get a job. I walked what seemed like miles, wasted my time peering into shop windows and finally came to the point where I actually felt a bitterness toward the prospective employers who kept shaking their heads at me.

Then I recalled a sign that is tacked above a doorway at the prison's trusty farm. It reads: "A man can fall many times, but he isn't a failure until he begins to blame someone else."

If you don't let your pride get the best of you, there also is help for the man "down and out." A Tahlequah rescue mission offered me a bed. If I got a job, I could pay something for the lodging, a woman attendant told me. Otherwise, I was welcome free.

The Salvation Army assured me I could come there and get nourishing meals - nothing fancy but sufficient. A local minister also offered to try and help me, suggesting several summer jobs might be opening up. Generally, wherever I went, people were sympathetic and encouraging. If I was looked down upon as an ex-convict, it wasn't obvious.

As yet, I wasn't begging, but I had no job and my cash resources were down to a nickle and three pennies.

In a three day rundown of my

'EX-CONVICT' BROKE, FINDS NO JOB (Continued)

expenditures, there are ways I now see where I might have saved. Perhaps I was too extravagant in the early stages of my release, but I grew more conservative as time went on.

The prison had issued me one pair of socks. I bought a second pair for 49-cents, and spent \$1.38 on toilet articles to help keep up my appearance. Then there was the 60-cent shirt. I smoked too much, spending \$1.40 on cigarettes during the three days. I also consumed seven cups of coffee at 70-cents, and lived one night in a \$7.50 motel room (luxury living on the first night out) before graduating down to a dreary up-stairs room at \$1.50 per night.

Except for a big steak on the first night out, I cut down on my eating too. My breakfast bill

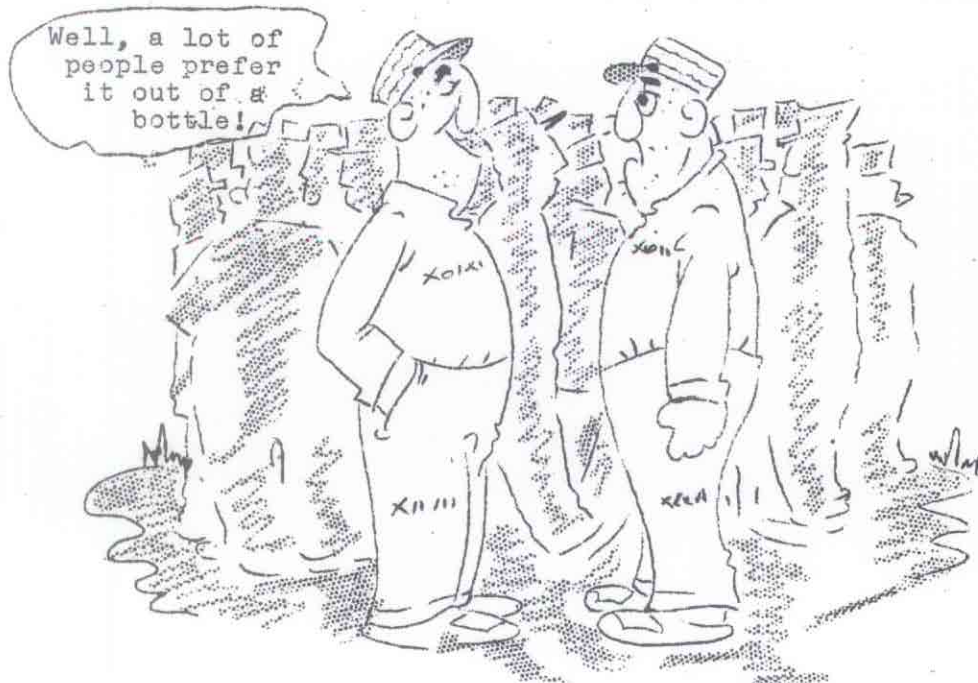
totaled 95-cents, my lunches \$2.80, and supper for the three days reached \$5.42.

After 80-cents for a taxi fare, and \$1.28 for a bus ride from Muskogee to Tahlequah, I had spent \$24.92 out of the \$25. And eight cents won't take you far.

With me, I am going back to being a reporter. But the plight of the real ex-convict could be bleak. He could succumb to temptations and revert to his old way of life, which in all probability would carry him straight back to the state penitentiary. That happens to many of them.

A recent survey at the state penitentiary shows that 49.99 percent of the inmates released come back for another term. A shortage of money in the ex-convict's pocket could be to blame.

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PHILCO-FORD CLASS I

(EDITOR'S NOTE: In the past we have printed articles telling how a man may benefit from the Philco-Ford Vocational Training courses, and the qualifications required to enroll. Here is an article which deals with the actual impressions received by one of the class members who graduated from Philco Class I.)

by LARRY DOHLE

The Philco Small Engine Repair Class is designed to give one a thorough knowledge of all 2 and 4-cycle small engines, in both theory of operation and practical repair and maintenance of all models of small engines.

Under the expert guidance of Philco Instructor Thomas Ridge, and Mr. Richard Benedict, state board of vocational education instructor, Philco Class I sailed through a six-month course in about 20 weeks! The reason this is so significant is that prior to the beginning of the course only two members of the class could claim any mechanical or electrical experience.

When first presented with the lesson plan all students were awed by the amount of study to be covered in only six months. However, the section on engine theory captured our interest, and injected us with enthusiasm. In just a few weeks we were all eager to begin tearing down engines, inspect them and take notes, and then reassemble.

I feel that I speak for the entire class when I say we were amazed at the progress the class as a whole was making.

The engines we worked on consisted of lawn mower engines, snow blowers, chain saws, garden tractors, outboard motors, to name a few. Each student completely tore down and reassembled each type of engine a minimum of three times. Students were each

graded on the practical work as well as the written work.

Proper use of hand tools and shop safety was also covered quite thoroughly. The proper use of gasoline and oil in the shop, types of fire extinguishers and the way to meet emergencies in case of electrical shock were also taught.

During the last few weeks of our training we were allowed to work on various engines used in different departments of the institution. Several engines were overhauled for the Womens Industrial Farm, and the crew which cares for the front lawn furnished us with several lawn mowers to repair and tune up.

On March 3, 1967, the students of Philco Class I received their diplomas from Philco-Ford Tech-Rep Division. Each of us also received a certificate from the Kansas Board of Vocational Education stating that we were qualified Beginning Small Engine Repairmen.

As one of the men who were permitted to participate in this vocational training program I feel that the officials responsible for making it available here are to be commended for this forward step in penal progress. It is my prediction that this will become one of the most valuable programs at this institution, and I am grateful to have had the opportunity to take advantage of it.

PLANNING A TRIP ?

We were surprised and somewhat flattered recently when we saw our publication mentioned in SATURDAY REVIEW, which is a literary periodical of considerable status. Of course, the mention was not exactly what you could call an honorable mention. They weren't commending us on the literary quality of the contents of our sometimes monthly, or anything like that, but just the same it is flattering to be mentioned in any way at all by such a prestige publication as SATURDAY REVIEW.

The item referred to was in fact a bit of satirical humor, and was no more than a single paragraph on page 12 of the issue published March 25, 1967. It was presented as follows:

"Grosset and Dunlap received an order for one of its books from STRETCH magazine, published by the inmates of Kansas State Penitentiary. They asked for THE NEW GROSSET ROAD ATLAS TO THE UNITED STATES, CANADA, AND MEXICO. Planning a trip somebody?"

Our attention was called to the paragraph when we saw it reprinted in Jim Davis' column in the PARSONS SUN, one of the state newspapers which has been kind enough to exchange publications with us. Apparently Mr. Davis thought it somewhat amusing also, and we are pleased that our request for the ATLAS at least had the effect of producing a chuckle or two, even though that was

not our intention.

What we actually had in mind when we requested a review copy of the Grosset and Dunlap book of road maps was to write an interesting review on an up-to-date travel guide, which we felt sure the book would be. We thought the review would be especially interesting when slanted toward an emphasis on the fact that the reviewers were confined in prison and therefore limited to taking advantage of the ATLAS in planning trips of the imagination only. We still think that might have been more amusing than the use to which the publisher saw fit to put our request (although we do not resent that in any way) - but, alas, the ATLAS people apparently did not see the value of such publicity as we might be able to provide, and we did not receive the requested copy of what would have been a well appreciated volume for our collection. Or, perhaps we are premature in reaching that conclusion. Maybe it will still reach our desk one of these fine days. If so, we will indeed plan a trip - a wonderful, entertaining, and exciting, albeit imaginary, journey of the American continent. We think our outside readers might enjoy it, and we are quite certain there are a great number of fellow prisoners who would dearly love to join the "see-America-first-brigade" - even in our world of make believe.

GRATITUDE is one of those things that cannot be bought. It must be born with men, or else all the obligations in the world will not create it. A real sense of a kind thing is a gift of nature and never was, nor can be, acquired.

-LORD HALIFAX

RED SOX

BASEBALL NEWS

by FISHPAW

Old Man Weather has been dogging the team for too long now. However, sore arms aside, things are looking up. We have been through some good practice sessions, learning a few things from them that will be of interest to you. Speedsters such as Kirtdoll, Hill, Powers, Johnson, and White will help to form the defense. Tyrrell, Edes, Jackson, Coleman, Crabtree, and Crutchfield will supply the power at the plate. No doubt the loss of Old Shep will be felt at first-base, but Johnson is looking better every day in that spot.

This should be the best Red Sox team in the past five years. I can honestly say that the team members are the most serious, and the best organized men to take to the field in a long time. You fans will find this to be so at the first game of the season, which will be played on April 30, with the Red Sox taking on the Kansas City Lobos. The Lobos have picked up some fresh talent, and will be out for revenge because of treatment received at the hands of the Red Sox in past games. This will make for a good ball game, so don't miss it.

At the present time, Mr. Conklin is trying to find an open date for Coleman, Inc., the Wichita team which has Bobby Boyd as its manager. This is one of the toughest teams in the state, and the Red Sox want to try them on for size. We may not beat them, but they won't run roughshod over us. Mr. Conklin is hopeful that they will be on the

schedule, which will be given in next month's article.

Heed me, you sand lot ball players: Keep in mind that you can be brought up to the Red Sox from your team, if you prove your ability. It will take determination and hard work to become good enough for the Red Sox, but don't give up in disgust if you are not selected for the roster right away. If you are a competent player, someone will notice you, and you will get a break.

This writer has never seen a young man with more desire to play ball than Bobby Crabtree. Bob is going to make a fine infielder for the Red Sox. He will be going home one of these days, of course, and it is my opinion that he will be playing with one of the better clubs after his release. Fireball is in tip-top shape this season, and he is anxious to throw. What about Coleman, you ask? Well, it's this way: I haven't seen him for three days. Maybe you can tell me something about him?

You Red Sox fans know that I will be going home shortly. This will be the last article from my pen. I would like to thank each of you for your interest in the Red Sox. You are the ones who help make a ball team that is a winner. Your support causes the team to tear its guts out in trying to bring home the bacon. So, support the Red Sox, and you will probably read in the next issue of STRETCH that the Red Sox won their opener.

A FOOL'S tongue is always long enough to cut his own throat.

-MARK TWAIN

(22) STRETCH

CAPITAL PUNISHMENT

by HAROLD NELSON

In the past two years four men have paid the supreme penalty to the State of Kansas. They were hung on the gallows of this prison. Society had - and with ample reason - executed these killers who had confessed to a total of ten murders.

Two of these men, by the nature of their crimes, became so infamous that a motion picture is currently being produced to depict their acts of violence, and is appropriately titled, "IN COLD BLOOD."

The extermination of these men was performed legally and fully in accord with the laws of the state. Their appeals were considered by the highest courts and the governor of the state, and no reason could be found to justify action other than that which was finally taken. These men had shown no mercy for their victims, and the law in turn showed no mercy toward the killers. But . . .

WAS THIS LEGALIZED MURDER? Some have called it by that name and would like to see capital punishment abolished. But those who still favor the death penalty have found many reasons to justify its continuance. One man had this to say: "Abolition is built upon the misplaced, perverted sentiment and sympathies of the well meaning pacifists...but according to all moral rights...our sentiments and sympathies should be for the victims and their bereaved. Do not sell capital punishment too short. It is doing a fine job. Leave it on the books. It hurts nobody but the enemies of society." This gentleman, and all those who share his beliefs, justify their attitude by thinking that capital punishment acts as a deterrent, or that it is necessary in order to assure that the killer would never again

be able to repeat his crimes. Is this...VALID JUSTIFICATION OR IS IT SADISM?

Are these reasons just another attempt to justify an act that is morally wrong as well as sadistic? Here is what Dr. Karl Menninger, noted psychiatrist, has to say concerning the subject:

"Why do we need the death penalty? The real reason for capital punishment is that it gratifies the sadism and revengeful feelings of many people who project their guilt upon the scapegoat. The more bungling, the more barbaric, and the more butcherous the performance, the more the tired but anxious Babbits are going to lean back in their armchairs with the evening paper, heave a sigh of relief, and say 'Well, thank God that fellow got what was coming to him; that ought to teach them all a lesson.'"

In agreeing with Dr. Menninger, perhaps we should bear in mind that some criminal acts are so violent and repulsive in nature that those who commit them may well deserve to lose all rights to live freely in society again (and such crimes are not always limited to murder.)

However, many convicted murderers have served their sentences and then succeeded in becoming useful members of society. In one report it was shown that out of 1,158 murderers who had been paroled, only 2 had committed a similar crime after gaining their freedom. Sanford Bates, former director of the Federal Bureau of Prisons has said: "Cases of murder committed by persons pardoned from the death penalty are rare if not almost unknown." Well then . . .

IS THE DEATH PENALTY A DETERRENT TO MURDER? Dale Tursi of Pueblo, Colo., expresses the be-

CAPITAL PUNISHMENT (Continued)

lief that "every horrendous crime you've heard of was committed under the threat of the death penalty and didn't deter the killer."

During a short prison term served by the present writer in Huntsville (Texas) several years ago, the electric chair ("Old Sparky") was used quite frequently. But during that same period Houston was said to be the "murder capital of the world." Thus far a total of 297 men have been put to death at Huntsville, and as of 1966, there were 22 men being held on death row awaiting execution. Apparently "Old Sparky" has not been much of a deterrent in the Lone Star State.

An excerpt from the Dallas Morning News states: "It is hopeful, however, to keep these particularly important factors in mind in weighing the issue; human judgment of guilt is not so infallible that it will never send an innocent man to his death, the poor and the negro are executed with far more frequency than are the rich and the white convicted of the same crime, and as a demonstrable deterrent to crime the death penalty has failed." Why . . .

IS THE DEATH PENALTY BARBARIC? Today a total of 366 condemned men are awaiting death by legal execution. These men will be put to death in different ways, depending upon the weapon now in use in the state where they happen to have been convicted.

Probably a great many readers of this magazine have not seen the weapon of death used for legal executions by the State of Kansas. It is not a modern instrument. It has no shiny steel parts or chrome fixtures. It resembles nothing that our modern so-called Christian society would produce.

A few years ago, before the section of wall in the southeast

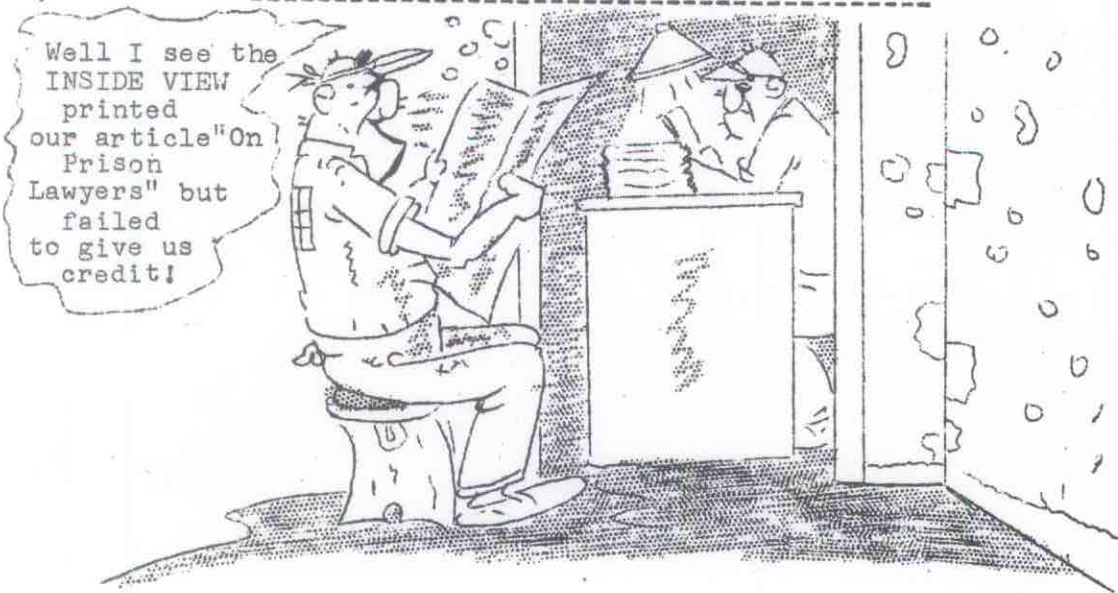
corner of the prison yard and the gate there was sealed off, some of the men whose work took them in that direction were able to look into the old warehouse and see the gallows. This writer has seen this ancient weapon of "justice" several times. It is medieval in its appearance, complete with the traditional 13 steps leading up to the platform and heavy timber crossbeams, and with a small electric light bulb hanging overhead to illuminate a condemned man's last moment of life.

The "illumination" from the bare bulb is not for him, because the black hood placed over his head shuts out all the light from his view. Nor is the light apparently for the benefit of spectators, for it is hardly bright enough for that. Perhaps its dimness is even in deference to their sensitivities. It is, however, sufficient to permit the executioner and other functionaries to carry out their grim task, and that is all that is necessary.

A prominent California Attorney once said, "The death penalty is the most dramatic symbol of barbarism present in our national domestic life." Those who have seen the instrument used in this state to carry out the "dramatic" climax of a condemned human life would surely agree that it is far more than a mere "symbol" of barbarism. It is an actual tool of barbarism, and the naked truth is that its use is entirely a barbaric act. To see it in action must leave scars on the memory of witnesses that can never be erased. Even to know it exists must be a continual source of pain to a great many civilized citizens, and is perhaps a cause of much of the mental and emotional stress now so prevalent in our enlightened society.

M O V I E S C H E D U L E

MAY	5 & 6	<u>AGENT FROM H.A.R.M.</u> Mark Richman, Barbara Bouchet SHORT	Color	84 Min.	Action
MAY	12&13	<u>MISTER BUDDING</u> James Garner, Jean Simmons, Suzanne Pleshette SHORT		112 Min.	Drama
MAY	19&20	<u>ONE SPY TOO MANY</u> Robert Vaughn, David McCallum, Dorothy Provine SHORT	Color	102 Min.	Spy-Drama
MAY	26&27	<u>ARABESQUE</u> Gregory Peck, Sophia Loren	Color	105 Min.	Drama
JUNE	2 & 3	<u>THE LIQUIDATORS</u> Rod Taylor, Trevor Howard, Jill St. John SHORT	Color	105 Min.	Spy-Drama
JUNE	9 & 10	<u>WALK, DON'T RUN</u> Cary Grant, Samantha Eggar, Jim Hutton SHORT	Color	117 Min.	Comedy
JUNE	16&17	<u>ALVAREZ KELLY</u> William Holden, Richard Widmark, Janice Rule SHORT	Color	116 Min.	Drama
JUNE	23&24	<u>DEADHEAT ON A MERRY-GO-ROUND</u> James Coburn, Aldo Ray SHORT		110 Min.	Drama
JUNE	30&	<u>LOST COMMAND</u>	Color	129 Min.	War-Drama
JULY	1	Claudia Cardinale, Alain Delon			



7 STEPPING

with AL LESCO

NEW COMMITTEE MEMBERS

With the departure of Doc Bridges, who was released on parole April 4, and of Lee Hendrix, transferred to Tuttle Creek Camp on April 12, two vacancies were created on the Pre-Release Advisory Committee of the Seven Steps Program. One of these vacancies has been filled by "Blackie" Ash, who has taken the position of secretary. The other newly elected committee member is "Dutch" Osborne, who has been appointed as treasurer.

Horace "Blackie" Ash is known throughout the institution as a solid con. He has served more than 9 years on his present sentence and his total time in prison amounts to some 25 years. Blackie is a six-time loser. He was committed here in 1958 on a 20-year sentence. However, last year he received a commutation from then Governor William Avery, changing the flat-term sentence to an indeterminate sentence of 13-to-20 years. At a subsequent parole board hearing his case was postponed two years. He is now scheduled to appear before the parole board again in June of next year.

For the past two years Blackie has been employed as a clerk in the Classification Department, but has recently been transferred to the Typewriter Repair Shop in the Education Department. Few men in this prison have the respect of fellow prisoners that is enjoyed by Blackie Ash, and we all have great confidence that he will prove to be a tremendous asset to the committee and the Seven Steps Pre-Release Program here.

Wm. "Dutch" Osborne is 27 years of age, is a four-time loser, and has served a total of six and one-half years behind bars thus far. He is presently serving a 65-year flat-term sentence. For the past five years he has been assigned to the Education Department as a teacher and clerk. In the past, he has taught German and Braille, and presently teaches a course in The Science of Personal Achievement and serves as clerk in the office of the academic supervisor.

Previously known on "The Yard" as a "hard-nose hoodlum," Dutch has in recent years been working diligently to overcome that image. His success in this regard was a major factor in him being selected for service on the Pre-Release Committee. A graduate of the Dale Carnegie Course in Human Relations, Osborne has been working also as a graduate assistant in providing that training for others. The members of the committee have welcomed Dutch to their ranks and expect him to contribute a great deal as a committee member.

SEVEN STEPPING ON TELEVISION

The television documentary film produced here earlier this year by the KANSAS STATE NETWORK, INC. and KARD-TV (Wichita) was aired over numerous stations throughout the state during the last two weeks in April. The first showing was televised over KCMO-TV (Kansas City, Channel 5) on April 13 at 9:00 p.m. During the same week, on April

7 STEPPING (Continued)

20, the film was aired over WIBW-TV (Topeka, Channel 13) at 9 p.m., and over KARD-TV (Wichita, Channel 3) at the prime time of 7:30 on the same evening. Simultaneously with the Wichita showing the documentary was shown over a network of stations in the Western section of the state.

Those of us who were privileged to watch the program here were impressed by the professional skill with which the film had been assembled and narrated by KSN's Bob Carroll.

In a letter received from Carroll after airing of the program he has informed us that the viewing public's response to the film has been tremendous. Commendations have been received from every conceivable source, he wrote, even including competitive media. He stated that there had been a flood of letters, telegrams, cards and telephone calls from "college presidents, professors, professional people, average square-jobs, little old ladies, students, law officials, etc."

We especially appreciated Carroll's remarks near the end of his narration on the film, when he told viewers "You have just seen a group of men who have chosen, voluntarily, to face the truth about themselves . . . to use their crimes and their punishments as examples to youthful offenders in a sincere effort to save the young criminal from himself These men are realistic: they know, better than anyone else, that they are criminals, not heroes. They know their program is not perfect, even though statistics prove that the percentage of men who have failed after going through this program is far below the national average of non-rehabilitated convicts who return to prison. . . . The taxpayer, who pays over sixteen-hundred dollars annually to maintain each of approximately two-thousand-five-hundred prisoners in this state's penal institutions, might consider what these men ask: two things - jobs when they get out, and a fighting chance to overcome a self-created stigma that society will not allow them to forget. . . . Say what you will about the men in Lansing: the fact remains that convicts themselves have had to originate their own program for rehabilitating convicts - a program of cons and ex-cons helping cons - and they've had to do it without the help of the most socially-conscious society in world history.

"These men have made their choice. They know they can fail; but, with serious effort, they have made a choice - to contribute to, rather than take from society.

"We who have observed the program at some length support it. We would support it, properly organized, across the country. . . . We present it to you, not as a cure-all for all convicts; not as the perfect answer for any convict -- but as the best solution, to date, for the historic problem of society-versus-the convict. . . . We would do well to recall the motto of the pre-release program at Lansing: 'Know the truth; and the truth will make you free.'"

There can be no doubt that the airing of the documentary has been tremendously effective in acquainting the general public with important information about prisons, prisoners, and the Seven Steps Program. Hopefully, it will also cause many potential criminal offenders to change directions before embarking on a criminal career. All the members of the Pre-Release Committee here are grateful to the KANSAS STATE NETWORK for producing and distributing the film, and to the Kansas State Bankers Association for sponsoring it on the air. Script-writer and narrator Bob Carroll, producer Bill

7 STEPPING (Continued)

Sikes, cameraman Burl Kinney and sound engineer Roy Taylor, and all the other people on the KSN staff who worked on the project put in a lot of time, talent, and conscientious effort to make the documentary a huge success, and each of these people have given us a lot of encouragement by showing such a sincere interest in our program.

Bob Carroll wrote that at an early date he hopes to attend one of our Wednesday evening sessions with the juveniles. "I believe, in all honesty, that you're going to do more good through your youth program than you imagine," Carroll declared.

MARILYN MAYE AND SAMMY TUCKER TO BE HERE MAY 14

Warden Sherman H. Crouse has approved a return performance here by Marilyn Maye and the Sammy Tucker Trio, to be presented on Sunday afternoon, May 14, according to our inside-outside man Joe Wallace.

The announcement that the Maye-Tucker group had offered to return here for another show was first made by solid "squarejohn" Max Perry at a recent meeting of our pre-release class. Max and his missus had recently entertained Marilyn and Sammy, and about 300 other guests who dropped in during the evening at the Perry's home in Prairie Village, at a homecoming celebration for the entertainers who recently returned from a tour of appearances at prestige supper clubs and showrooms across the United States. During the festivities that evening Marilyn and Sammy had been presented with pastel portraits of themselves, painted by one of our local artists, and also with a plaque expressing our appreciation for their previous appearance here last November.

According to Max, both Marilyn and Sammy were elated by the presentations and immediately expressed a desire to come and perform for us again. So Max got together with Joe Wallace, and in no time at all our guy Joe got together with Warden Crouse and completed the arrangements. These people don't waste any time with a lot of unnecessary conversation when they get a good idea going. They have the good thought, immediately formulate a direct plan of action, and then get right down to the nitty-gritty in a hurry. That's the kind of real people these folks are.

The Maye-Tucker team and the combo are currently playing a limited engagement at the COLONY STEAK HOUSE (on Broadway) in Kansas City (Missouri), but we understand they will soon be departing on another tour, this time for appearances at some of the top vacation spots during the summer. We are all mighty grateful that they are willing to squeeze the appearance here into their busy schedule.

PLANNING A CRIME?

The young teenager scrawled his signature on the pad and handed it to the older man. The latter looked at it closely for a few seconds, then took the same pen and copied the signature on the same sheet of paper. It wasn't perfect, but it was good enough to convince a half-dozen other juveniles that with just a bit more practice on that particular handwriting the older man could have forged it well enough to fool almost anyone.

The younger men were visibly impressed. They wanted to know how many times the man had used his talent to forge other people's names on bank checks or negotiable securities. Each of them had already

7-STEPPING (Continued)

found out that was what the man was in prison for. He told them he had lost count of the number of times he had forged signatures. They asked him how much money he had obtained in this way. He had lost count of that too. Then one of the youngsters asked how many years the older man had spent in prison, and how long he had yet to serve on his current sentence. He hadn't lost track of that. "I've been locked up about 12 years all told," he said, and if I have to serve the full time on my present sentence they can keep me here for another twenty-one-and-a-half years. I've only served about three-and-a-half years this time, and I'm doing a twenty-five year bit."

The young men looked at each other without comment, but the expressions on their faces were serious and a couple of them shook their heads slowly. It was evident that they had received the message.

The action described above took place at a recent meeting of the Wednesday evening Juvenile Rehabilitation Class, conducted here by the Seven Steps pre-release advisory committee each week. It is a fair example of the conversations between cons and juveniles which take place during the sessions, from which sponsoring "square-johns" are excluded. The youngsters learn about crime, criminals, and the consequences of criminal behavior. The emphasis is always on the consequences. The conversations are directed by the men who know more about the consequences of crime than does anyone else - the cons, who have learned their lessons the hard way. Now they are trying to impart what they have learned to younger men, so they will not end up in prison also.

Averaging around 17 juveniles per meeting for the past month, a format for the weekly sessions has been worked out which seems to be effective. For the first hour the cons and teenagers are divided into three small groups. Each group sits on chairs which have been placed in a circle, and is moderated by a committee member. The informal discussions are uninhibited, because the "squares" are not there to hear what a young delinquent may say. Then during the second hour of the meeting the groups all assemble into one, and several of the juveniles take turns at a speaker's stand. A committee member moderates this session also, and asks questions of the young speakers to get them started talking. Others in the group, both the cons and the juveniles, may submit questions also. They raise their hands to be recognized, and may interrupt the speaker at any time, just as is done in our Monday night sessions with the pre-release class. Near the end of the general group meeting one of the cons usually is called upon to give a brief talk, to tell how he first became involved in crime and what has happened in his life since that time.

Most of the juveniles seem to enjoy the meetings, and from their remarks it is evident that many of them are gaining insights which should prove valuable as they seek to make the adjustments necessary in order for them to live successfully in free society.

THE SEVEN STEPPER'S PLEDGE

Knowing that my freedom depends on my thoughts and actions, I hereby PLEDGE: To face and accept the truth about myself; To maintain my freedom; To become a useful member of society; To help others as I am now being helped.

CHOIR TRAVELS TO K. C.

by WILLIAM "WHITEY" JENKINS

On April 18, the Beacon of Hope Chapel Choir made its fourth trip outside the institution when it went to Kansas City, Kansas, for an appearance in the main ballroom of the Town House Hotel. The Choir had been to the Town House Hotel on one previous occasion to perform. On this trip, the Choir sang to some 400 odd people, most of whom were professional case workers from Kansas, Missouri, Nebraska, Iowa, Minnesota, North Dakota, and South Dakota who were in Kansas City for a conference in regards to the establishment of a national agency for the rehabilitation of the physically and mentally handicapped.

Prior to the beginning of the performance, the toastmaster made an attempt to prepare the Choir for a let-down by saying their singing would probably have to be loud enough to rise over the noise of rattling dishes and silverware, and the din of multiple conversations. The Choir Director, Bob Covington, with all the confidence in the world at his command, stated, "We'll have no problem with that." He was proven to be right.

When the 25 members of the Choir who were permitted to make the trip began to sing, the noise in the ballroom ceased. The only sounds to be heard were the voices of the Choir as it began with "I Had A Dream," and proceeded with "I Want A Girl." Following this medley of songs which were a departure from the secular songs normally sung by the Choir, came "Amen," "Send Me," and "It's Me." The audience applauded each of these numbers with much enthusiasm. With the

closing song, "One More River To Cross," which featured a solo by the incomparable J. D. Earsery, came a standing ovation which lasted several minutes, ending only when the Choir left the ballroom to board the bus for the return trip.

After boarding the bus, Mr. Charles D. McAtee, director of penal institutions, who has done much to make the trips possible, made a short speech of thanks, beginning with, "How about that!" The bus driver, Mr. E. O. Lunsford, who gives his time and the use of his bus to the institution for the trips, could not refrain from mentioning that hearing the Choir made his contribution more than worthwhile.

Following the performance, Warden Sherman H. Crouse, who is a staunch backer of the Choir, received several letters and telephone calls from people who had been at the Town House Hotel requesting that the Choir perform for their various groups. One such request came from Iowa, with the caller stating that his auditorium was "just across the Iowa line." It is reported that Warden Crouse told him, "You make arrangements for your group to come across the line into Kansas, and I'll make arrangements for my Choir to be there."

Can you believe that a Choir so good can, and does, exist in this prison, with a membership composed of inmates whom all of you know? It does exist here, and you can see for yourself that it is as good as people say it is by simply attending church services on Sunday mornings, or listening to KCLO Radio from 9:30 a.m. to 9:55 a.m. each Sunday.

COURT OPINIONS

by Eddie David Cox

No. 44,094. STATE v. ENGLISH (Appellant) Appeal from Sedgwick District Court, Division No. 2, Howard C. Kline, Judge. Writ denied and appeal affirmed. Opinion by KAUL, J., and filed March 4, 1967.

The appellant filed a petition for a writ of habeas corpus directly in the Supreme Court and has also perfected an appeal from a conviction of forcible rape and commitment to the Larned State Hospital. The superintendent of the Hospital is designated as the respondent in his petition for a writ of habeas corpus. The petition for a writ of habeas corpus was docketed with the appeal and the two proceedings are consolidated. The issues raised by the appellant in his petition for a writ of habeas corpus and also in his appeal are primarily focused on his conviction by plea of guilty, his commitment to the Hospital at Larned, and his continued detention there. HELD: (1) The tests for responsibility for crime differs from that of mental competency to stand trial. (2) It is the trial court in whose mind a real doubt of sanity or mental capacity to properly defend must be created before the court is required to order an inquiry solely on its own initiative. (3) The provisions of K. S.A. 62-1534 to 62-1537, known as the "Sex Offenders Act", and concerning disposition of persons convicted of crimes pertaining to sex, are humanitarian in purpose and are valid and proper exercise of the state's police power as a measure of public safety. (4) The application of the provisions of the "Sex Offenders Act" to persons convicted of crimes pertaining

to sex is not an unreasonable classification of such persons amounting to a denial of the equal protection of the law. (5) Commitment, until restored mentally, of a person convicted of a crime pertaining to sex, who is not insane but appears to be mentally ill, to an institution for care and treatment as provided by law, does not amount to cruel and unusual punishment or deprivation of such person's liberty without due process of law.

No. 44,201. STATE v. LOGAN (Appellee) Appeal from Wyandotte District Court, Division No. 1, O. O. Claflin, III, Judge. Appeal sustained. Opinion by O'CONNOR, J., and filed March 4, 1967.

This is an appeal by the state in a criminal action on questions reserved pursuant to K.S.A. 62-1703 (Third). The defendant was acquitted of the charges leveled against him and, regardless of the disposition of the case, cannot be retried. The questions presented relate solely to the trial court's instructions to the jury. HELD: (1) Rules relating to the construction of penal statutes stated and applied. (2) The legislature has power to forbid the doing of an act and make its commission criminal without regard to the intent or knowledge of the doer. (3) In enacting the Kansas Liquor Control Act, the legislature was concerned with the product involved, and sought to regulate, among the classification of alcoholic liquor as a beverage. Such classification includes the requirement that it be capable of being consumed as a beverage

COURT OPINIONS (Continued)

by a human being, as distinguished from those items not within the classification which are "unfit for beverage purposes."

(4) The intention of a person who transports or possesses alcoholic liquor contrary to the act is immaterial. The gravamen of such offense is that the transportation or possession involved a product coming within the statutory definition of "alcoholic liquor." (5) The act prohibited by section (2) of K.S.A. 41-407 is separate and distinct from the acts proscribed by section (1) of said statute. (6) K.S.A. 41-407 (2) prohibits the possession of any alcoholic liquor without Kansas gallonage tax stamps affixed to the container; there is no requirement that such possession be with the intent to evade the payment of tax thereon.

No. 44,223. STATE v. DICKSON (Appellant) Appeal from Shawnee District Court, Division No. 2, Marion Beatty, Judge. Affirmed. Opinion by PRICE, C.J. Filed March 4, 1967.

This is an appeal from a case in which the defendant was convicted of burglary in the second degree and larceny in connection therewith. He had two prior convictions, each being for burglary in the second degree and larceny in connection therewith, in 1952 and 1959. Accordingly, under the provisions of the habitual criminal statute he was sentenced to confinement for a period of forty years. The defendant's chief argument is directed to the proposition that under the circumstances disclosed he was erroneously forced to trial and that a continuance should have been granted. HELD: (1) The granting of a continuance rests within the judicial discretion of the trial court and its rul-

ing will not be disturbed unless it affirmatively appears that such discretion has been abused to the extent that the defendant's substantial rights have been prejudiced. (2) In an appeal from a conviction of burglary in the second degree and larceny in connection therewith, the record discloses no error.

No. 44,273. STATE v. HUNT (Appellant) Appeal from Leavenworth District Court, Kenneth Harmon, Judge. Affirmed. Opinion by FROMME, J. Filed March 4, 1967.

The defendant was convicted of burglary of a grocery store and larceny of over a hundred cartons of cigarettes. He appeals from such conviction and specifies certain trial errors as a basis for this appeal. Among which is the introduction into evidence of the cigarettes taken by an officer from the back seat of the car in which the defendant was arrested. HELD: (1) Stolen property in the back seat of an automobile, in open view of an officer may furnish probable cause for arrest and when lawful arrest is made the officer may seize the property and make an additional search. (2) The question of reasonableness of a search must be resolved on the facts and circumstances of each particular case. A search may be substantially contemporaneous with and incidental to an arrest when the removal of the car and a search of the car are a series of events constituting one continuous happening. (3) In an appeal from a conviction of burglary and larceny of a grocery store and the taking of over one hundred cartons of cigarettes, the record disclosed trial court did not err in adopting the method employed to impanel and select a

COURT OPINIONS (Continued)

jury, in admitting evidence objected to as being obtained by unlawful search and seizure and in refusing to declare a mistrial.

No. 44,278. ADDINGTON v. STATE (Appellee) Appeal from Saline District Court, Division No. 1, John I. Young, Judge. Affirmed. Opinion by FATZER, J. Filed March 4, 1967.

The appellant has appealed from the district court's judgment overruling his motion pursuant to K.S.A. 60-1507 to vacate and set aside the sentence of the district court imposed upon him in 1963 for a term of not less than fifteen years confinement in the state penitentiary pursuant to the Kansas Habitual Criminal Act. HELD: (1) An accused has no constitutional right to the appointment of counsel at his preliminary hearing and failure to appoint counsel does not constitute error in the absence of prejudice to his substantial rights. (2) The decisions of ESCOBEDO and MIRANDA will not be given retroactive application to criminal cases tried before they were decided. (3) It is the duty of the county attorney to conduct prosecutions on behalf of the state, but there is a duty to exercise discretion when invoking the habitual criminal act, and giving notice of intention to do so. (4) The good faith of the county attorney is a material issue bearing upon his motives when invoking the habitual criminal act, since the exercise of discretion in the performance of his duties implies conscientious judgment rather than arbitrary action. (5) In a 60-1507 case to vacate sentence, petitioner has the burden of establishing by a preponderance of the evidence that the county attorney acted willfully, and in

bad faith when invoking the habitual criminal act. (6) Mere trial errors or irregularities are not reviewable in a 60-1507 proceeding unless they challenge the court's jurisdiction. (7) In an appeal from an order denying a motion to vacate judgment and sentence in a 60-1507 case, the record disclosed trial court did not err in denying the motion without granting a plenary hearing or in not appointing counsel to represent him.

No. 44,238. STATE v. PETERSON (Appellant) Appeal from Leavenworth District Court, Kenneth Harmon, Judge. Affirmed. Opinion by HATCHER, C., and filed March 4, 1967.

This is an appeal from a conviction of burglary in the second degree and attempted burglary in the second degree. The defendant was sentenced as an habitual criminal and given concurrent sentences of 15 years on each count. The defendant complains of lack of evidence to sustain the convictions. HELD: (1) Unexplained possession of recently stolen property is prima facie evidence of guilt sufficient to warrant conviction. (2) In a prosecution for burglary and attempted burglary in the second degree, the evidence was sufficient to sustain the conviction. (3) Four days notice was ample time for appellant to prepare a defense. (4) Accused has no constitutional right to appointment of counsel at his preliminary hearing. (5) Any possible error in permitting the state's witness to act as bailiff was waived.

No. 44,321. STATE v. BASKER (Appellant) Appeal from Wyandotte District Court, Division No. 1, O. Q. Claflin, III, Judge. Affirmed. Opinion by HARMAN, C.

COURT OPINIONS (Continued)

Filed March 4, 1967.

Appellant was convicted by a jury of the offense of attempted robbery in the first degree. His motion for a new trial was overruled, he was sentenced under the habitual criminal act by virtue of a previous conviction to a term of not less than ten years nor more than twenty-one years, and has now appealed. HELD: (1) Where the defendant was convicted of attempted robbery in the first degree the record disclosed no error to representation given defendant at the trial, and that the information sufficiently charged the offense for which defendant was convicted. (2) A belated instruction did not coerce the jury so as to constitute reversible error. (3) The display of a gun not received in evidence did not constitute prejudicial misconduct.

FATZER, J., wrote a dissenting opinion.

No. 44,464. STATE v. WASHINGTON (Appellant) Appeal from Montgomery District Court, Warren B. Grant, Judge. Affirmed. Opinion by FATZER, J. Filed March 4, 1967.

The appellant has appealed from his conviction of burglary in the second degree and larceny in connection therewith. He was convicted upon his pleas of guilty in 1965, and was sentenced to confinement in the state penitentiary for a term of not less than five years nor more than ten years. HELD: (1) In a criminal case where counsel was appointed to represent the accused who was sentenced on his plea of guilty, the record disclosed full compliance with the requirements of K.S.A. 62-1304 and rights of accused were safeguarded. (2) Generally, a preliminary hearing has not been held to be a critical stage in a criminal proceed-

ing and waiver of the preliminary hearing may be made by an accused without the appointment of counsel. (3) In a criminal proceeding the record disclosed accused entered his pleas of guilty freely and voluntarily after he had discussed the case with his attorney, and trial court had jurisdiction to accept the pleas and to impose sentences and no constitutional rights were violated. (4) Trial court is authorized to accept pleas of guilty where the defendant advised the court he understood the nature of the charges pending against him and that he had discussed the consequences of his plea with his attorney.

No. 44,572. STATE v. FREEMAN (Appellant) Appeal from Wyandotte District Court, Division No. 4, William H. McHale, Judge. Affirmed. Opinion by KAUL, J. Filed March 4, 1967.

The defendant was convicted of robbery in the first degree and was tried on charges of forcible rape. The jury found defendant guilty on the robbery charges and not guilty of rape. Defendant's motion for a new trial was overruled and he perfected this appeal. HELD: Where a defendant who is represented by counsel, waives arraignment, enters his plea of not guilty and goes to trial, any claimed irregularities as to his preliminary hearing are considered waived. (2) Verdict of guilty of robbery in the first degree not inconsistent with verdict of not guilty of forcible rape, and verdict will not be disturbed on the ground it may have been the result of compromise by the jury. (3) Specifications of error not included in a motion for a new trial not subject to appellate review.

CORRECT ANSWERS TO QUIZ ON PAGE 15

CREDIT YOURSELF FIVE POINTS FOR EACH CORRECT ANSWER.

1. NO: Even if people did scrutinize you all day - which they don't, of course - you should ignore it. Selfconsciousness makes you stiff, wooden; may tempt you into acting "phony."

2. NO: It's all right to bore your friends a little (that is what friends are for), but you should know when they have had enough.

3. NO: Preserving dignity at any cost only serves to keep people at a distance. When something comical happens, for instance, it is better to break down and guffaw like everybody else.

4. NO: The worst bore is the person who is always pointing out that you are inconsistent, illogical, mistaken, etc. People have a right to expect a certain amount of indulgence from others, unless the issues are gravely important.

5. NO: People are more sensitive than generally realized to another's conscious effort to "put himself across," and are inclined to react unfavorably.

6. YES: It shows interest, and is rather flattering.

7. NO: While the person who allows himself to be the continual butt of jokes is regarded as a poor specimen, the fellow who can't ever "take it" has too brittle an ego to make many friends.

8. NO: For the same reasons as in Question 7.

9. NO: Often such people want appreciation rather than a duel of wits. The best rule is to "be yourself."

10. NO: It is part of good fellowship to adjust to the mood of others if not too inconvenient to do so, you will leave the impression of being a namby-pamby with no individuality.

11. NO: A person should help his friends because he wants to help them. Ulterior motives hurt your chances of being liked.

12. NO: To win friends, don't be concerned about whether others appreciate you. Be concerned about whether you appreciate others.

13. YES: The more you give and the less you take, the more popular you are likely to be.

14. YES: He helps - even though he doesn't expect or demand reciprocation.

15. NO: For the same reason as in Question 5.

16. NO: Better to suffer in silence and let the other fellow have his moment.

17. NO: This is too close to being false, and calculating; the forced laugh alienates as many as the superior smile.

18. NO: Frankness shows honesty, and at least is respected; whereas a lame excuse is worse than none, for it is liable to be suspect, and at all events is insincere.

19. NO: It is right to try to help, but not to nag; accepting a person as he is, faults and all, pays dividends in affection.

20. YES: The introduction to this test argued that harmful stupidity, foolishness and unreasonableness deserve condemnation. This is not to say that every time someone disagrees with you - especially in matters of little importance - you should ride rough-shod over his opinion. Hesitate to hit the other fellow in the ego, where he is most sensitive. True persuasion comes from appreciating the other fellow's point of view.

HOW DID YOU SCORE

Superior (upper 10 percent) 85-100

Good (next 20 percent).....75-80

Fair (next 30 percent).....65-70

Poor (lowest 40 percent)....0-60

Average score 70.

JOINT HARS



by HERB MARTIN

Lady Luck, the ever fickle, seems to have reconsidered permanent desertion of Gene Calhoun because he is falling six-fours and wheels and talkin' loud again!

The Pre-Release Committee has elected "Blackie" Ash as a member of that group - and its hard to imagine a wiser choice. He and "Dutch" Osborne, elected a few days after "Blackie," should be great assets to the cause because both are good people and tired of doing time.

All you Red Sox fans take notice of the arm of little Virgil Edes, one of the new faces in this year's Sox lineup. He still rifles the ball to second from back of the plate, but 20 years ago he was a whale of a pitcher.

Ben A. Dawes, the Vocational

Placement Counselor, is the subject of much conversation on the yard. Everyone is impressed by his sincerity and desire to help those who are truly interested in helping themselves. He hasn't much time for those who are "shucking," I hear.

Ronald Terry was given a sixteen month put off by the parole board, but after the initial shock of this news, he was heard to say: "I'll not have one write-up between now and the time I go up again." Good idea, Terry.

When this issue of "Stretch" comes out - the night yard will have started and the ball players (speaking strictly of softball) I've signed had better be ready to gin! Looks like the competition is gonna' be tough. Still need one pitcher.

Saw Doyle Meeks soaking up some sunshine on the steps behind the mess hall the other day - and he was looking great. Win this hand, Doyle, and hurry on back to the yard - you are missed.

Art Bernal, now at Dorm. #1 says the wheat farmers were not the only ones who were happy to see the end of the drought. Hmm. Wonder why? 'Cause Bernal lives in Texas.

James (Sad Sam) Sharp is back among us - fat as a hog and not too much the worse for wear. Sends his regards to L.P., and Ide and Company over the way, and hopes L.P. gets the sixteen days. It is nice and warm on the yard, you guys.

Eddie Cox just sent me word that if this most worthy column was not in the STRETCH office in the next five minutes - it would be scratched this month. In order to salvage his fine publication - will send my etchings in - but not before I caution the "Cutter" (Rosencutter) to do his most masterful job on the portrait I'm giving to my old lady. Give me some help!

MIDWEST GOSPEL BAND

by WILLIAM "WHITEY" JENKINS

The auditorium was only partially filled on Saturday, April 22. Those men who were not there missed something special - truly special. Those who were there will remember the occasion, with distinct pleasure for a long time to come, for that was the date on which Jimmie McCartney and Company made a third appearance at this institution.

THE MIDWEST GOSPEL BAND entered the institution under the sponsorship of the Beacon of Hope Chapel Choir, after the arrangements for the appearance were made by Rev. D. L. "Dad" Thompson, of Independence, Mo. "Dad" is a familiar figure around here, and the story of his life (he is an ex-convict who ran with "Pretty Boy" Floyd in the old days, and after leaving prison answered a call to the ministry, but refused to let his heart leave the prisons and their inmates) is known to most of us. Knowing him, it is understandable that he would promote the best available talent for his "boys." This time, he outdid himself.

From the opening moments of the program, it could be seen that the men were in store for some entertainment of a rather extraordinary nature. Jimmie McCartney is the leader of the band, and he introduced his fellow performers, giving a brief history of each singer-musician. Two of the members, Paul Tribble and Bill Howell are with Jimmie on a radio show titled "Country Gospel Time," an original production of KCLO Radio, aired every Saturday morning at 9:30. One band member, Dallas Nichols, who plays the mandolin was not with the group. To more than

make up for one man's absence, Jimmie brought along Kenneth McCurdy, who was introduced as "The Old Wino," and Jim Martin, who has won a battle against cancer of the throat, and Bud Robers, who has set to music a poem which was written by an inmate of the Kansas State Industrial Farm for Women. Also accompanying the group was Burt Edington who joined the audience in order to remain undistracted while he enjoyed the music and the many astonishing testimonies.

THE MIDWEST GOSPEL BAND is a professional group which recently recorded an album for Decca Records. Two of the songs on the album are "It Was Not The Nails," and "The Touch Of The Master's Hand," which were written by James H. (Jimmy) Davis, the former governor of Louisiana. Also on the album are such songs as "Thirteen Steps," and "Room 204" which were written by Paul Tribble. The group has a contract with Mr. Davis to record eight more songs for Decca.

"The Midwest Gospel Band" has been a group, as such, for more than two years. Jimmie McCartney who plays the lead and rhythm guitar, and Paul Tribble, who plays the steel guitar have been together for a number of years. They were on the night club circuit prior to finding salvation in Christ. While performing in night clubs, they were both addicted to narcotics, and were drunkards. As Jimmie said, "You name it, we did it." It was predicted by people who knew him as a youth that Paul Tribble would die in the electric chair before attaining adulthood. He did serve a term in the Alabama pri-

MIDWEST GOSPEL BAND (Continued)

son system. Bill Howell, plays lead guitar and sings, had also been on the night club circuit prior to his spiritual rebirth. Dallas Nichols has a history very similar to that of the other members of the band.

Kenneth McCurdy, plays rhythm guitar and sings; Jim Martin, plays bass guitar and sings; and Bud Rogers plays both the rhythm and bass guitars and sings. Although these three men are not regular members of the band, they are excellent musicians and are all living testimonials to the fact that no matter how "bad" a man thinks he might be, or how bad others think he is, salvation can be achieved if it is desired.

Appearing with the professional entertainers was the Beacon of Hope Chapel Choir. Without previous practice, the Choir was able to sing to the accompaniment of the band during the program. The musicians complimented the Choir's leader, Bob Covington (the little bald-headed man with the bum ticker) upon his ability to direct such a large unit so well. It is an established fact that Bob is an able director, but he has some outstanding material to work with. He has some 30 men who like to sing, simply for the sake of singing. J. D. Earsery is one such man. He sang the solo on "One More River To Cross," and his soul could be heard in every word.

J. D. is no longer the only soloist in the Choir. Joe Barber and Maurice Sims are now members of the group. So is Richard Wright, who aspires to the ministry. He sang the solo on "Just A Closer Walk With Thee," and the applause was a mild uproar.

The applause for "Dad" Thompson was greater, though. No one was aware of the fact that he could sing, until he joined Ken McCurdy in a duet. The old man still has a fine set of lungs, which he is proud to use in praise of his Saviour.

Talent is an intangible quality which, although it is God-given, can be prostituted. The Midwest Gospel Band, and its associates, have a vast amount of this quality, which is used in God's work. During the performance, throughout which testimonials were given, both in words and music, this writer observed the audience from a perfect vantage point. At times, there were tears to be seen. This in itself is proof of the "moveability" of the performers. However, if the readers wish to find proof through the use of his own senses, all he needs to do is listen to KCLO Radio any Saturday morning at 9:30. "Country Gospel Time" will be on the air at that time, and the musically talented men who relay the message of redemption in words and songs will certainly do their utmost to convince all who choose to listen.

(EDITOR'S NOTE: Bob Covington suffered a heart seizure at approximately 8:30 a.m. on Sunday, April 23, 1967, the day following the writing of the above account, while conducting a choir practice session prior to church services. He was taken to the institutional hospital, and expired there at 8:45 a.m. without ever regaining consciousness.)

THE CORRUPT JUDGE by Joseph Borkin. Published by The World Publishing Co., 119 West 57th Street, New York, N. Y. 10019, \$2.75 - 310 pages.

The author, a practicing attorney in Washington, D.C. makes a candid study in retrospect of documented impeachment cases revealing the corrupt practices of several judges in the federal judiciary, particularly the cases of Appellate Judge Manton of the Second Circuit, Appellate Judge Davis of the Third Circuit, and District Judge Johnson for the Middle District of Pennsylvania. The charges and disposition of 52 other cases are listed in the index, absent summaries, of which only four were impeached. However, a few resigned from the bench prior to a final hearing on the charges against them. As significant therewith, the author points out the fact that the appointive terms of a federal judge is lifetime and that he can only be removed by congressional impeachment. The improbability of such action is explained by the reluctance of the House and Senate to digress from their normal functions to hear voluminous records of evidence and testimony over the usual two week period of time required for such a hearing.

The door to improbity for Judge Manton appears to have opened upon his need to borrow money following the Wall Street crash in 1929, which event not only wiped out his financial resources but left him deeply in debt. In a desperate recuperative effort he succumbed to the bribery of fixers, initially in the appointment of receivers of bankruptcy cases. He remained on the bench for 22 years before conviction upon which he was sentenced to two years and fined \$10,000. He was accused of accepting bribes in the sums of up to \$250,000. These cases involved such firms as Warner Bros.,

BOOK REVIEWS



Fox Theaters, American Tobacco Co., and other similar big name firms. Thomas E. Dewey prosecuted for the State of New York.

The case of Judge Davis of the Third Circuit presents much of the same with one significant difference. The senior judge, named Buffington, was senile, practically deaf and blind. Rather than admit to these facts and resign, he chose to let Judge Davis write his respective opinions in all the cases and then signed same. Obviously, this provided a cinch majority with the concurring opinion of Davis, and simplified the bribery tech-

BOOK REVIEWS (Continued)

nics thereof very much. Judge Davis served 28 years on the bench and was not disbarred. He simply resigned.

Judge Johnson's case is one which still causes conscientious members of the bar to feel shame. He served the bench for 20 years during which time he quite openly sold favors and decisions, meanwhile tactily thumbing his nose at all objectors, including the authorities in Washington in their effort to impeach him. However, he did eventually resign and, thereafter was elected president of the local bar association and returned to private practice of law.

The foregoing cases brings to mind an observation of Thomas Jefferson:

"Experience has already shown that the impeachment the Constitution has provided is not even a scarecrow."

(Reviewed by Floyd Johnson)

HANDBOOK OF SECRET ORGANIZATIONS by William J. Whalen. Published by Bruce Publishing Co., P. O. Box 2068, Milwaukee, Wisc. 53201. 168 pages.

This is an expose of secret organizations, however, much is missing from some orders. I make this statement as I have been affiliated with several of the orders mentioned herein. The authors' prejudices are very obvious by his elaborate and long dissertation on Masonry. Also, he makes his point very well in all the orders stemming from or affiliated with Masonry. Apparently a Catholic or Lutheran, the author and his faith does not condone secret organizations.

The laymen, not acquainted with these organizations will no doubt feel that he has really read something of importance, but what he reads is common knowledge, so no real expose has

been given.

The reading of this book gives me the feeling of having taken part in "Clandestine Masonry."

(Reviewed by Casey Clark)

NO, JOHN, NO by Cressida Lindsay. Published by Clarkson N. Potter, Inc., 419 Park Avenue South, New York, N.Y. 10016, 185 pages - \$4.50.

A brilliantly written novel about the twilight world of lesbianism. One of the most "you-are-there" type novels this writer has had the privilege of reviewing for many months, Cressida Lindsay has apparently witnessed first hand, the world of the lesbian, this coupled with her writing skill has produced a "dead accurate" picture of how the other-half lives.

Kate, the heroine?, of "No, John, No" finds that the only real meaning that she can get from life is when she is having a love affair with another woman. Men, to her, and to those whom she lives with, are weak brainless animals who should be pitied. Reality is something that should be abolished according to the philosophy of Kate. Living in a world of heated love affairs and liquor is where you will find "it." But then we never seem to be able to identify just what we are looking for.

Highly recommended for those who enjoy exploring different cultures from the inside...out!

(Reviewed by Mike Cline)

MAINLINE TO NOWHERE by Yves J. Kron, M. D., and Edward M. Brown, B. D. Published by The World Publishing Co., 119 West 57th St., New York, N. Y. 10019. 208 pages - \$2.25.

Yves J. Kron, a psychoanalyst, and Edward M. Brown, a minister,

BOOK REVIEWS (Continued)

reveal in this book the many problems that confront youths of today; problems that, for some, lead to drug addiction.

Many questions will be answered concerning these problems as the reader follows step by step the very brief and tragic life of a young heroin addict, one of the many thousands, who today are still branded and treated as criminals, because of ineffective and antiquated laws.

The authors, who for years have attempted to aid and understand these individuals, successfully brings forth the true facts in this book about the young addicts of today.

(Reviewed by Harold Nelson)

THE ART OF COUNTER REVOLUTIONARY WAR by Lt. Colonel John J. McCuen. Published by The Stackpole Company, Cameron and Kelker Streets, Harrisburg, Pa. 17105, 349 pages - \$8.50.

Colonel McCuen logically divides Revolutionary War, as expounded by Mao Tse-tung and other revolutionary leaders and writers, into four phases: (1) The period of organization (subversion); (2) The period of terrorism (and to a certain extent low-scale guerrilla warfare); (3) The period of guerrilla warfare; (4) And, finally, the period of mobile warfare. This is the classical sequence and the author makes the point that the periods overlap and that, at any given moment, different phases may be occurring in different parts of the country.

Most authors have a conclusion on how to fight a revolutionary war, but none until Colonel McCuen have succeeded in evolving a board, unified counter-revolutionary strategy.

Colonel McCuen establishes a philosophical foundation or point

of departure for counter-revolutionary warfare. He stresses the political, psychological, and military fundamentals and developed a set of guiding principles which can be used to understand and conduct this new type of warfare. He has emphasized either specific examples or object-lessons - depending on which were available - to give the reader a "feel" for both the problems and the solution.

Some readers will accuse the author of ignoring the deeper causes of revolutionary war. They will cite poverty, exploitation, imperialism, poor administration, etc. No doubt these conditions do breed revolutionary wars.

With the Viet Nam situation being what it is today, this book should be required reading for the general public. It is authoritative, and written in a style easily understood by all.

(EDC)

WHITEWASH: THE REPORT ON THE WARREN REPORT by Harold Weisberg. Published by Harold Weisberg, Hyattstown, Md. 20734, 224 pages - \$4.95.

This is the most controversial book ever written about the Kennedy Assassination, in your reviewer's opinion. Giving one-half the pre-publishing bullyhoo of "Death of a President," WHITEWASH would have out sold it by 50%.

The author, has picked apart the "Warren Report" omissions in investigation, exposing their disregard for relevant information, suppressing pertinent testimony by reliable witnesses before and after the fact, and exposing the complete "whitewashing" of the facts concerning that terrible day in Dallas on November 22, 1963.

The fact that reputable pub-

BOOK REVIEWS (Continued)

lishers of the United States and European capitals would not touch this book until it was ready for "paperback" issue is in itself enough testimony to the value of the book. Political and personal reasons made this book "too hot to handle" by our big name publishers. The thought that one family name could control the presses of this country is "nauseating," yet it has been done. It is deplorable that "Whitewash" can't become a household "book of fact," so that we the people can see just what the honorable Judicial Branch of our Government can become a party to in relation to justice.

(Reviewed by Casey Clark)

THE NEW YORK TIMES WORLD ECONOMIC REVIEW AND FORECAST: 1967 edited by Lee Kanner. Published by Grosset & Dunlap, 51 Madison Ave., New York, N. Y. 10010. 256 pages - \$2.95.

A complete survey, nation by nation, industry by industry, of the year's most decisive business events. A clear authoritative forecast of world trends that affect your business, investments, and income.

This book helps you decide which industries, here and abroad, offer the most favorable conditions in the year ahead. It helps you know how much your dollar is worth - and will be worth - based on the financial condition of the economy, and of individual industries. You will get an inside view of the job

outlook, too.

(Reviewed by Mike Cline)

EQUALITY AND BEYOND by George and Eunice Grier. Published by Quadrangle Books, Inc., 180 No. Wacker Drive, Chicago, Ill. 60606. 115 pages - \$3.50 cloth, \$1.45 paper.

By 1980 several major U. S. cities will have Negro majorities (and possibly Negro mayors) despite anti-discrimination housing laws. Discrimination is only a part of the cause of segregated housing; short-sighted public policy is equally responsible for what has become a core problem in American race relations.

Indeed, our entire pattern of living is now threatened. In this clear-headed analysis, the authors examine the forces behind the problem - how segregated housing developed, how federal programs from 1935 to 1950 actually fostered it, how it affects other areas of city life, and how current urban programs are inadequate to improve the situation.

The authors recommend comprehensive planning which links housing to broad social and economic policies, including measures to improve the economic position of minority groups and a revision of housing laws to promote the free movement of low-income minorities. The arguments affect all Americans directly.

(Publicity department of publisher.)

In books we have the choicest thoughts of the ablest men in their best dress.

-JOHN AIKEN

The best effect of any book is that it excites the reader to self activity.

-CARLYLE

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