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Haws: Finding redemption after 18 years

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Any state that's suffered through the most brutal murder spree in its history wouldn't be expected to show compassion for any of the crime's perpetrators, but that's what Nebraska did. It's relevant to today because the U.S. Supreme Court this summer will be addressing the same question that Nebraska faced — whether juvenile murderers should die in prison from a state-imposed death sentence.

Many Iowans will remember the Nebraska horror.

On about Jan. 21, 1958, 18-year-old Charles Starkweather and his 14-year-old-girl friend, Caril Ann Fugate, were hiding out in the house where Fugate's family lived in Lincoln. Three members of her family had already been murdered — Caril's mother, her step-father, her baby half-sister, their bodies hidden away in outbuildings on the property.

Caril would later contend Charley had held her hostage in the house. Charley would deny it and say Caril was a willing participant in the mayhem. After six days, the two took off, embarking on one of the most notorious murder sprees the country had ever seen. Altogether, 11 people were killed before the two were captured days later in eastern Wyoming. Movies and TV shows have been made about the rampage, books and songs have been written about it. Even Bruce Springsteen did a song.

I was living in Nebraska when all this was going on, a sophomore in high school in Hebron, about 80 miles southwest of Lincoln. Because nobody knew where Charley and Caril were, everybody was jumpy. The bodies kept showing up. Most were just killed randomly. The governor talked about calling out the National Guard. I remember people walking around with rifles and shotguns. It was awful.

I don't think anybody was surprised when Charley, who had a fixation on James Dean and "Rebel Without a Cause," was tried, convicted and sentenced to death. He was electrocuted on June 25, 1959, and, they said, claimed that Caril was so equally guilty she should have been sitting on his lap when they turned on the electricity.

Fugate, for her part, was spared the death penalty. She was only 14, after all, and female. But hardly anybody believed she wasn't a willing partner. She had had ample opportunity to escape, they said, but hadn't. Fugate was given a life sentence in the women's prison in York. Once she entered prison, I don't think anybody thought we'd hear much about her for the next several decades, until she died there, and then we'd get a big obituary, reminding us all over again of everything that had happened.

My favorite aunt lived her life in York and York County. When I'd visit her, I'd usually get around to asking about Fugate. She'd tell me she felt the girl should have gotten the same punishment as Charley, that too much pointed to Fugate helping out. Fugate's defense, that she was frozen by fear, wasn't believed.

My aunt, a retired York public schoolteacher, knew the teacher who taught in the prison, and that teacher told my aunt an interesting story — that over the years Fugate had become a model prisoner, was intelligent and highly motivated to learn. Such news didn't soften my aunt's opinion of the girl, but I could tell she was both surprised and impressed. Once a teacher always a teacher, I guess.

As the years went by, Fugate continued to progress; she got a high school diploma and did all sorts of things in the prison, including attending a prison Bible study run by the pastor of York's Church of the Nazarene. The germ of an idea began to take hold in that pastor — that Caril should be allowed to attend his church, which was about three miles from the prison. But such a monumental move needed gubernatorial approval, which, the pastor sought, and, if you can believe it, the governor approved.

Fugate, under the loosest of supervision, started going every Sunday to York's Church of the Nazarene. The congregation welcomed her with open arms and was so taken with her that parents started allowing her to help out with their children in the church nursery. At about that time, on my visits to my aunt in York, I started to notice a change. She still felt Fugate was guilty as sin — no question about it — but there was something about her age that bothered my aunt, that maybe, because she had been so young when it happened, maybe she was easily influenced by Charley. After all, my aunt would point out, Charley was a lot older and, to the young girl anyway, James Dean.

Nebraskans started talking about maybe having already exacted their pound of flesh from the girl, that maybe, because her early life had been so messed up, maybe she hadn't ever really had much of a chance — until she got to prison. And now, the prison, when it came to rehabilitation, had done about all it could for her. And they even started talking about a taboo: That maybe Fugate didn't need to die in prison.

Long story short, it happened. In 1973, the Nebraska State Pardon Board, made up of the governor, the secretary of state and the attorney general, took the first unthinkable step. They commuted Fugate's sentence to 30 to 50 years. There was much public support and little public opposition. The vote on the Pardon Board was 2 to 1, with the attorney general voting "no." And three years later, under the sentencing guidelines in place at the time, Fugate walked out of the York prison after serving 18 years behind bars. She moved to Michigan and found work as a medical aide. Since leaving prison, she's never run afoul of the law, and, as far as the public knows, she's now a married retiree.

When Fugate was being considered for release from prison, her supporters didn't use the phrase "cruel and unusual punishment" to describe her life sentence. But that was central to the thinking — that maybe a life sentence with no chance of parole wasn't appropriate for such a youthful murderer. That's the question the U. S. Supreme Court will address this summer.

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