

State has hanged 13 killers since '35

This newspaper article on the history of the death penalty in Kansas appeared in the Topeka Capital on the day George York and James Latham were executed at the Kansas State Penitentiary at Lansing. York and Latham were sentenced to death for the killing of Otto Ziegler in Wallace, Kansas, though they had murdered at least six other people on route between Florida and Colorado. The article summarizes the many changes in Kansas capital punishment law. The article claims the "mobster era" of the 1930s was the primary motivation behind the legislature's reinstatement of the death penalty in 1935, after its initial repeal in 1907.

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Topeka Capital, June 22, 1965

State Has Hanged 13 Killers Since '35

LANSING, (AP) — Kansas has hanged 13 prisoners since a capital punishment law was passed in 1935 by legislators so reluctant that they appropriated only \$250 for the gallows.

The executions of George York and James Latham early Tuesday were to be the 14th and 15th. Three times before—the last on April 14 this year—the state has hanged two men in one night and it once hanged three men convicted by Army court-martial.

Kansas abolished the death penalty in 1907, even though there had been no legal execution since 1874 and only nine before that. But in 1935, near the end of the machine gun mobster era, State Rep. Dan Hatch succeeded in getting a new law passed. He argued, on the floor of the House, that "once a criminal, always a criminal."

Nine-year Wait

But there were no executions for another nine years. One man, a restaurant operator, who killed his wife and her lover, had his sentence commuted to life imprisonment by the governor.

The first hanging, of Ernest L. Hoefgen, was on March 10, 1944—nine years after the law

was enacted. Less than a month later, rather than hang Fred L. Brady, Warden M. F. Amrine resigned.

On the same day, March 15, 1944, Clark B. Knox was hanged. On July 29, 1947, Cecil Tate and George F. Gumtow, out of state carnival workers, were hanged for a double murder.

Used by Military

There was one hanging in each of the years 1950, 1951, 1952, 1954, 1955 and in 1962. The gallows, in the limestone warehouse that serves as the execution chamber, was not used—except for a few military prisoners—until the April 14 executions this year of Richard Eugene Hickock and Perry Edward Smith, who killed four members of the Herbert Clutter family near Garden City.

There have been at least a dozen attempts to abolish capital punishment in the state, the latest earlier this year when five men awaited execution.