

One of Jurors Held Out for Electrocution

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in the community, a kind and considerate husband and a loving father.

May Be Good Influence

The judge further stated that he believed that the relatives, the friends and the prosecuting officers must have felt that something had occurred in the brain of Culbertson to cause a disintegration of brain structure to enable to commit such an act.

In closing, the judge compared Culbertson's past life with the one which he will now lead. He would find himself living with a group of men, many of whom were debased and degraded and other men who, like himself, had in an unguarded moment committed an act that resulted in their arrest and sentence to a state penitentiary.

He would find men, the judge continued, who felt that the hand of mankind was constantly lifted against them. In closing he told Culbertson he could be of great assistance to these men and could exert a good influence in the penitentiary, showing, by virtue of his own case, that the hand of mankind was not always raised against the lawbreaker.

Joseph's Address to Jury

In opening his short address to the jury, the county attorney pointed out that in the case of first degree murder the law recognized two forms of punishment, death by the electric chair, or life imprisonment. Mankind, he added, seemed of two opinions as to which form was in reality the worst punishment, death or life imprisonment.

The responsibility in prosecution of such a case and in the determining of the degree of punishment was a serious one, the attorney continued. In pursuance of the investigation of the case, coupled with the obtaining of the confession, the county attorney said he wished to commend and thank those members of the sheriff's office, the state sheriff's office and the police department for their work.

His office, he continued, was not going to demand the life of the defendant—was not going to insist on the death penalty. The county attorney frankly stated to the jury that the defendant had made an offer of a plea of guilty to the charge, in return for a recommendation of a life sentence from the county attorney and the latter, after long deliberation, had accepted.

"In my opinion the ends of justice will be met if you return a verdict of life. But yours is the responsibility, life or death," the attorney continued.

Some Facts Withheld

The county attorney stated he was proud of Hall county citizens, in that, despite the enormity of the offense there had not once been rumblings of violence. It was agreed, he went on, that it was offense of extreme dastardliness. The attorney then reviewed the history of the case, briefly.

Murder, he went on, was in his estimation the most cowardly of all crimes. While Culbertson had been a coward in committing the crime, he had since conducted himself as a man, in admitting his guilt and in

going into court with a plea of guilty.

First, in outlining some of the reasons for his recommendation of life imprisonment rather than death, the county attorney expressed the opinion that there were certain facts contributing to the motive of the crime which had never been and possibly could never be brought out in a trial of this nature.

The lips of Carl Culbertson were sealed, the county attorney believed, from uttering certain facts that might give further enlightenment to the motive, and possibly place him in a better light. Probably this was for the best, he continued, since the person who might be affected by these revelations is dead.

Daughter Considered

In further consideration of the life sentence, was the eleven year old daughter, Viola, who first furnished officers with vital information of the murder and incriminated her father. This girl had been torn between deep affection for her father and her duty to her God, the attorney added. Never had he seen as deep an affection between a father and daughter as existed between Culbertson and Viola, he stated.

The daughter would suffer for this crime the rest of her life, the fingers of the world would always be pointed at her and the stigma would never be wiped away, the attorney told the jury.

Finally, in consideration of the life sentence as preferred over one of death, was the request and recommendation of the closest living relatives of the deceased, together with those of the officers who had been most closely connected with the case.

Culbertson had only his past record as a man of good character in the community upon which to now fall back, the county attorney stated. In closing he added that he felt Culbertson had committed the act partly in what he felt was the interest of Viola.

Suhr Waives Argument

Earlier in the address to the jury, the county attorney had mentioned briefly the defense attorney, William Suhr, who, he said, had conducted himself and handled the interests of his client in a most ethical manner.

In waiving his final argument to the jury, Mr. Suhr added that it was with a feeling and expression of deep gratitude on behalf of Mr. Culbertson toward the prosecution and the relatives of the murdered woman, for the steps they had taken.

Commenting briefly before reading his instructions, the judge informed the jury that the case had been brought to a more abrupt close than he had anticipated.

His instructions were brief, and of the customary nature, instructing first as to the jury's only duty in this case, namely the fixing of either a death or life sentence penalty. He went on to instruct that the jury could consider the past character of the defendant, all of the facts of the case, as presented, and of the recommendations of the county attorney and the officers and relatives.

Recommend "Life"

Recommendations and requests for a sentence of life imprisonment for Culbertson were first uttered by persons connected with the prosecution, Thursday afternoon, first Dan Sanders, Hall county sheriff; then Otto Dudschus, state deputy sheriff; George Giesenhagen, brother of the murdered woman, and finally Otto Giesenhagen, another brother, the latter stating he had no objections to a life sentence.

Following the reading of the confession, the state placed Dr. E. E. Farnsworth on the witness stand for a brief time, the doctor testifying to assisting with the autopsy, in which it was definitely established Mrs. Culbertson was to have become a mother. The doctor said he also examined the head and neck bearing the shot.

Identification of the weapon, a twelve-gauge single barreled shotgun, with which the murder was committed, the box of shells, the screen through which the shot was fired, and pictures of the scene of the tragedy, were identified by Sheriff Sanders.

On cross examination, the sheriff stated he had known Culbertson for fifteen years and knew he had enjoyed a most favorable reputation. While under arrest, the sheriff said, Culbertson had been a model prisoner. Upon a direct question, the sheriff stated he would recommend life imprisonment.

Knew of Unhappiness

Dudschus too identified the gun, shells and screen. He added some testimony as to Culbertson's lack of interest in the investigation, at the time of the murder. On cross examination, he testified that in his opinion the square hole in the screen was shot and not cut, and ended up with a recommendation for life imprisonment for Culbertson.

George Giesenhagen stated he had known Culbertson for the past twenty-five years. While at first Culbertson and his wife appeared happy, Giesenhagen said, she had later told him that she could not stand the

manner in which Culbertson treated her.

Relations between Viola and her step-mother had not been strained, the brother said, and, according to his sister at one time, they were of the best. His recommendation of life sentence was made during cross examination.

That just two or three hours before the murder, the two appeared to be feeling normally toward each other was revealed by the other brother, Otto, at whose home the Culbertsons ate supper on the Sunday night of the murder.

He said that so long as Culbertson was not around, the relationship between the step-mother and Culbertson's daughter seemed of the best. Admitting he had heard of the Christmas eve quarrel, he said he had not observed any particular signs of ill-feeling between the two, probably because he had little contact with them.

Testify to Good Record

He testified, on cross-examination that life imprisonment for Culbertson was the general sentiment and desire of the immediate relatives of the murdered woman.

Emil Heiberg, neighbor of the Culbertsons, and to whom he first reported the tragic event, told of Culbertson's appearance on that night both at the dance, and at the farm home, afterwards. At the dance he did not appear other than normal, Heiberg said, while at the home he showed little or no emotion.

Heiberg, who was the state's last witness, spoke highly of Culbertson's character, under cross examination.

The defense literally staged a parade of witnesses in and out of the box, in the short time remaining of the afternoon session. Included in the number were Henry Stolley, Carl Knickrehm, Max Rauert, August Stoldt, Herman Suehlsen, Reed Alter, H. B. Francisco, Rev. C. B. Harman, Charles Rauert and Mrs. Clara Langman.

All offered testimony as to Culbertson's good record, the high esteem in which he had been held, his relationship with his first wife and his second, until the time of the Christmas quarrel.

CULBERTSON TAKEN TO PENITENTIARY

Carl R. Culbertson, wife slayer who was sentenced to life imprisonment in the state penitentiary, by the verdict of a district court jury, on April 29, was taken to Lincoln today by Sheriff Dan Sanders to serve the sentence. Culbertson pleaded guilty before Judge Edwin R. Clements on April 28 to the charge of killing his wife on the night of March 27.

Sheriff Sanders left with his prisoner about 10:20 o'clock this morning. Accompanying the officer on the trip was Deputy U. S. Marshal Fred Mandeville, Charles Rauert, administrator of Culbertson's financial affairs, Mrs. Sanders and her sister, Mrs. A. Rux.

Commitment papers under date of May 10 were delivered to Sheriff Sanders this morning shortly before 10 o'clock.

The sentence read as follows: "Considered and adjudged that defendant Carl R. Culbertson be taken to the Nebraska penitentiary at Lancaster, Nebraska, and there be confined at hard labor, Sundays and holidays excepted, for the period of his natural life, and that he pay the costs of the prosecution. Solitary confinement forms no part of this sentence."

Culbertson bade farewell to his daughter, Viola, age 11, Monday afternoon. The parting was marked by lack of emotional expression on the part of either. "Boys" in the jail, who told Culbertson goodbye this morning, generally added a wish for "good luck" to their farewells and expressions of regret over his leaving.

For the past several weeks Culbertson has been "sheriff" of his section of the jail. As such it has been his duty to see that the rules of the jail are enforced as they concern keeping the cells and sections clean, and as they apply to silence after locking up time at night. Culbertson, it is said, has accepted this responsibility and has enforced the "law" of the jail to such good effect that when the prisoners on the east side were moved to the west side to permit painting of the east section, Culbertson was made "sheriff" of the entire group, numbering 16.

A declaration that he intended to conduct himself like a man at the penitentiary was made by Culbertson prior to his departure.

"Whatever they tell me to do, I'm going to do it without question, he told Jailer Joe Cupp. "If I ever break one rule of the state prison, it will be unintentional."

Speaking of the local prison, Culbertson declared that the prisoners in the Hall county jail receive "mighty good treatment, every one of them."

Prison doors clang shut past Carl R. Culbertson, confessed wife slayer, at the state penitentiary yesterday, shortly before 2:00 o'clock, at the conclusion of a hundred mile auto ride in ideal May weather. The former Hall county farmer is now prisoner No. 11,139, serving a life sentence. Throughout the greater part of the ride to Lincoln, Culbertson was silent. The party stopped at Seward, and while there the man expressed regret over the slaying of his wife on the night of last March 27th. "I don't know why I did it; but I wish I hadn't done it," he said to Sheriff Sanders. While being registered, he

again expressed regret over the tragedy, to which he added, "I was mighty lucky to escape the electric chair." Culbertson was assigned a cellmate a few years younger than himself, each apparently taking a liking to the other. Prison officials told Sheriff Sanders that the cellmate was considered one of the best prisoners.

Hatred and Its Havoc.

Could any one, reading the sad story of the sentencing of Carl Culbertson, six weeks ago one of the most highly esteemed citizens of Hall county, to the penitentiary for life, for the murder of his wife, do aught but reflect how such a terrible, such a complete tragedy and contradiction, could be brought about?

Within five brief weeks two human lives, which might easily have run their normal course, were either completely blotted out, or all but irreparably wrecked, by an unseen power.

It was a strange case. An observer of the trial from a distance, who, therefore, was wholly unbiassed, passed the comment as the case was being taken up in the court on the previous day, that in all of his experience he had never seen a case in which so apparently deliberate and cold blooded a wife-murder was committed, with seemingly so minor a demand, in public opinion, for the ultimate, the heaviest, sentence. The presiding judge himself, according to the reporter's narrative, "had styled the case as one of the most peculiar and unusual in the history of jurisprudence in Nebraska."

The case was so unusual because the unseen power responsible for it rarely wrecks as suddenly and completely. Elementary human emotions and affections seldom are observed to have been running at cross purposes, and in reverse, as they did in the psychology of the two principals directly concerned. Emotions and affections are benevolent or malevolent. Six months ago, between Mr. and Mrs. Carl Culbertson, they were benevolent. But "love is sunshine, hate is shadow; life is checkered—hate and sunshine"! Shadows appeared. Hatred and jealousy had a small beginning. Both grew swiftly—like a rapid cancer. Hatred displaced love for the wife. The human heart can become jealous of anything it can love and there appear to have been evidences of a deep, jealous concern for his daughter. Despite the fact—the primary fact making the case so unusual—that Carl Culbertson had, until less than a year ago, been a strong man; a man who loved peace; whose ambition was to earn what he got, to win what he wore; who was an enemy to no one, nor had a foe; who was industrious, content with all the world, and glad over others' good—despite this fact the ugly, menacing monster of our human emotions, Hatred, seized him. The will held back the evil thought for months; but the malevolent affection kept working on. The will became dulled. The sense of right, so strong within him all his life, became numbed. At last it yielded like the mainstay of a bridge that finally succumbs to the ravages of devastating flood waters. So completely was the Carl Culbertson of a life-time transformed that, as evidenced by his own complete confession, realization, his former self, the real Carl Culbertson, did not return until the next morning. Then, first, came remorse—the inward conviction of having outraged right and the bitterest pain that can attack man's soul! It was too late to retrace all the way. He went back as far as he could—the complete confession and a contrite plea of guilty!

And the unseen power which so suddenly wrought this havoc—to think that it lies latent in every human being! Elementarily in emotions and affections we are all quite alike. Faculties, as a matter of course, are developed in varying degrees; the will is stronger, perhaps, in one than it is in another, or the power to reason is more keen; but, though latent as that unseen power may be, hatred may be touched by but a spark; and, if man controls it not, its fagots may burn and burn.

For which very reason—and the reason that Carl Culbertson retraced his steps as far as he could—will not all be in accord with the just temporal judge, who said:

"Let no one say that a life of 40 or 50 years of faultless and blameless conduct is not assistance to a man and his family."