

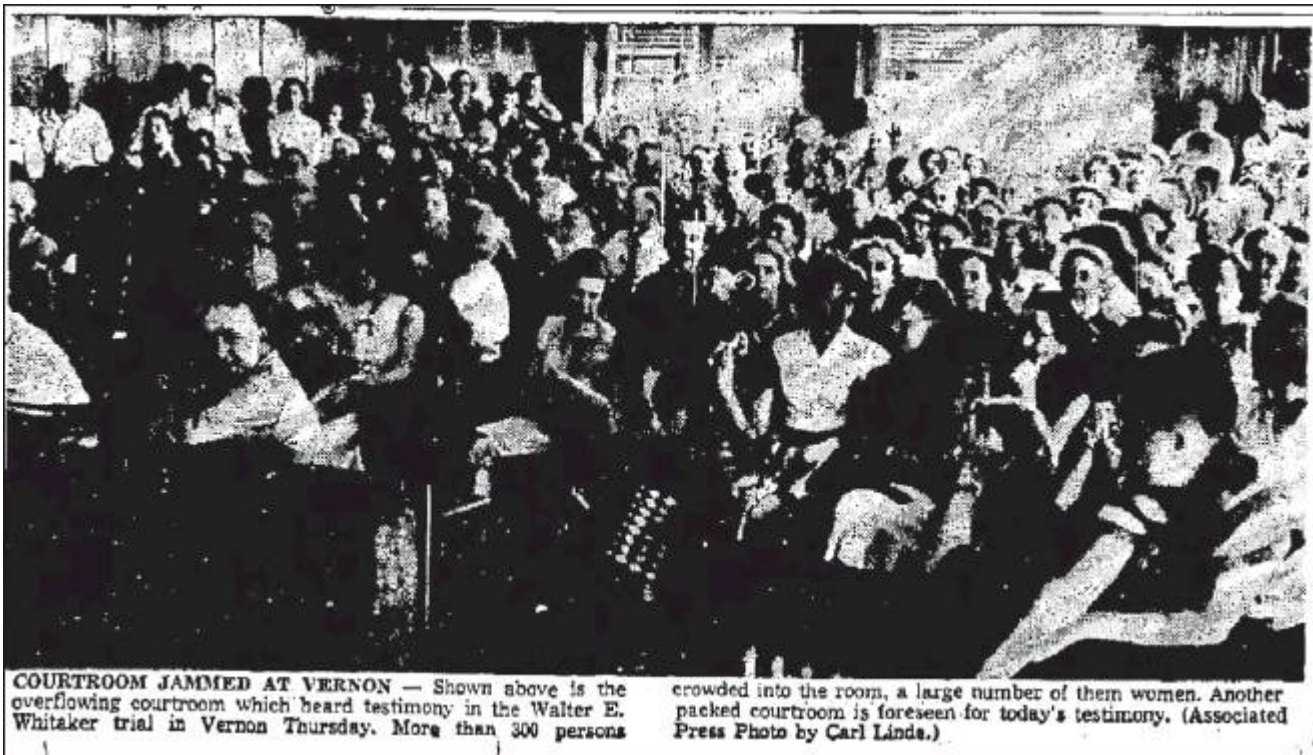
Lubbock's first execution in September 1954

CHUCK LANEHART



EDITOR'S NOTE: Caprock Chronicles is edited by Paul Carlson, emeritus professor of history at Texas Tech. This week's essay is written by Chuck Lanehart, Lubbock attorney and historian. It examines the 1954 death by execution of Walter Whitaker.

Texas' long history of state-sponsored executions began in 1819, when — during Spanish rule — George William Brown was hanged for piracy at Galveston. Many years passed before a condemned man would be executed for a Lubbock County crime.



COURTROOM JAMMED AT VERNON — Shown above is the overflowing courtroom which heard testimony in the Walter E. Whitaker trial in Vernon Thursday. More than 300 persons

crowded into the room, a large number of them women. Another packed courtroom is foreseen for today's testimony. (Associated Press Photo by Carl Linda.)

The courtroom in Vernon, Texas, was packed June 26, 1953, during testimony in the murder trial of William Whitaker. Despite the change of venue, the trail in Wilbarger County assumed a circus atmosphere. [A-J MEDIA FILE PHOTO]

Before 1954, at least one Lubbock defendant was sentenced to death, but no executions took place due to successful appeals and clemency. In 1934, a Dickens County case was tried in Lubbock County after a change of venue. Virgil Stalcup was convicted of the murder of Dickens County Sheriff W. B. Arthur. He was electrocuted at Huntsville in 1936.

Almost two decades passed before the ultimate punishment would be exacted on a Lubbock County offender. Events beginning in early January of 1953 dominated Lubbock news headlines for months.

Joyce Fern White, 18, was reported missing by her mother on Jan. 7. Her boyfriend, Walter E. Whitaker Jr., joined in a fruitless search for the girl, suggesting she may have run away to San Antonio.

Walter was a 20-year-old airman at Reese Air Force Base. Later, his court testimony provided details of their relationship and her tragic death.

Walter met Joyce at Lawson's Roller Skating Rink in August of 1952. Romance blossomed, and by January of 1953, the couple was discussing marriage.

Walter, from a wealthy Connecticut family, was notified of his transfer to San Antonio as a flying cadet. On Jan. 6, he went to bid goodbye to Joyce. The girl insisted the two should marry, but he refused. Then, Joyce informed Walter she was pregnant.

Convinced of her pregnancy, he agreed to immediately take her to Clovis, New Mexico, to marry. On the way, they stopped to make love. Afterward, she informed him she was not pregnant, and an argument ensued about his relationship with a former girlfriend.

Walter said Joyce slapped him, and the next thing he remembered was looking down and seeing her discolored face. Joyce was dead.

Eventually, he was questioned by police. After requesting counsel from a Lutheran minister, Walter led officers to the spot he buried the girl's body. "He took a shovel and dug six different holes, five of which produced the clothing ... and finally ... he dug down about four to six feet and there they found the body of Joyce Fern," according to court documents.

Whitaker was indicted for “murder with malice,” a capital crime, and the ensuing legal drama was unprecedented in Lubbock’s history. Relentless media coverage was highly prejudicial to Whitaker, and the case was transferred to Wilbarger County on a change of venue.

Talented lawyers now considered icons of the Lubbock bar lined up on opposite sides of the case. Judge Vic Lindsey, known for his fairness and knowledge of the law, presided from the bench.

The Lubbock County District Attorney was 32-year-old Travis Shelton, later president of the State Bar of Texas and a member of the Texas Criminal Defense Lawyers Association Hall of Fame. He was assisted by special prosecutor George W. Dupree, founding partner of the venerable Lubbock law firm Crenshaw, Dupree & Milam. Another prosecutor was Assistant DA Forrest Bowers, now 93, considered the dean of West Texas trial lawyers, honored by Texas Monthly magazine as one of the 100 legal legends of the past 100 years.

The defense was anchored by former Lubbock County DA Burton Burks, assisted by Clifford Brown, later president of the Texas Criminal Defense Lawyers Association and a founder of the Lubbock Criminal Defense Lawyers Association.

Despite the change of venue and the notable lawyers involved, the trial assumed a circus atmosphere. Photographers captured dramatic events in and out of the courtroom, and the defendant, Whitaker, seemed to relish the publicity. Three days of jury selection produced 12 male jurors.

Whitaker testified, claiming what amounted to an “amnesia” defense. It did not work. The prosecution proved he purchased cotton cord shortly before Joyce’s death, and blood-stained cord was found with her corpse. Joyce had been strangled.

Following three days of testimony, jurors convicted Whitaker on June 27. His sentence was death. Whitaker’s appeals were rejected, and he was electrocuted at Huntsville on September 1, 1954.

By current legal standards, Whitaker’s death sentence would be unlikely. No special circumstances were alleged, such as murder during a kidnapping or

aggravated robbery. There was no bifurcation, meaning separate trials for guilt-innocence and punishment. And, there was no showing Whitaker was likely to commit future crimes of violence. No other Lubbock County offender died in “Old Sparky,” Huntsville’s electric chair, Texas’ official execution method from 1924 to 1964. Prior to 1924, Texas executions were conducted in the county of conviction — usually by public hanging — and there is no record of a Lubbock County hanging or other form of execution prior to Whitaker’s 1954 electrocution.

Nine Lubbock County murderers — all men — have been executed by lethal injection, all since 2000.