

Caprock Chronicles: A look at the history of the death penalty in West Texas

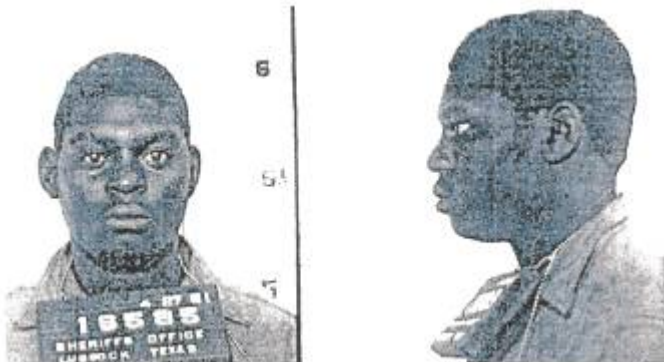
Death sentence

CAPROCK CHRONICLES/ Lynn County case among last rape executions

CHUCK LANEHART FOR A-J MEDIA



Lanehart



Above: Mug shots of Bennie Lee Mc-Intyre, who was executed after being convicted of rape in Lynn County, on Jan. 20, 1963, in Huntsville. (Provided by Chuck Lanehart)



**Below: The Texas electric chair was insensitively nicknamed “Old Sparky.”
(Provided by Chuck Lanehart)**



Judge Truette Smith was the presiding judge in the 1960 rape trial of Bennie Lee McIntyre in Tahoka, Lynn County. (Provided by Chuck Lanehart)



Bennie Lee McIntyre was convicted of rape, a capital crime, in May 1960 in the Lynn County Courthouse. (Provided by Chuck Lanehart)

EDITOR'S NOTE: This week the Caprock Chronicles essay is written by Chuck Lanehart, Lubbock attorney and historian. It reviews the 1961 trial and execution of Bennie Lee McIntyre for rape in Lynn County.

She heard a knock on her rural Lynn County farmhouse door the afternoon of April 25, 1961, the petite 27-year-old woman told a jury later. When Mary Thompson (pseudonym) opened the door, a big “colored” man forced his way in, grabbed her by the throat and raped her repeatedly.

Afterward, he apologized and asked her to get a gun and kill him. “No, I’m not going to kill you,” Mary replied. “You didn’t kill me. I’m going to pray for you.” The man then drove away in a blue pickup.

Mary called her husband, Floyd, who was running errands in Lubbock. He drove her to a physician in Post, where she was treated and released. No one

called law enforcement.

The same afternoon, Bennie Lee Mc-Intyre sought out Sheriff Booger Redwine. McIntyre had come to Lynn County from East Texas in late 1960 to work as a farm laborer. He was just 18 years old, but he was a large boy, about 6 feet tall and 230 pounds.

McIntyre talked with the lawman briefly, and then he was arrested. Redwine went to the Thompson home. No one was there, but it was apparent something may have happened, as furniture was askew.

Two days later, McIntyre signed a written confession to the rape of Mary Thompson.

Reaction that night was swift and hot. A black man was reportedly burned in effigy on the courthouse lawn. The proprietor of a grocery store was ordered not to serve black customers if he wanted to stay in business. Enraged citizens attempted to break into the Lynn County Jail to lynch McIntyre before being turned back. Law enforcement refused to investigate the incidents.

On May 8, the Lynn County grand jury indicted McIntyre for rape. It was a capital crime.

Mitchell Williams of Tahoka and John Saleh of Lamesa were appointed to represent McIntyre. Prosecutors were District Attorney George Hansard of Lamesa and Lynn County attorney Harold Green.

Judge Truett Smith scheduled McIntyre's trial for May 15 in Tahoka. The defense objected to the hasty rush to justice, and urged the judge to move the trial away from the simmering, racially charged public indignation that permeated Lynn County. The objections were denied.

Court proceedings commenced 20 days following the incident.

Three days of jury selection began Tuesday, May

16. Opening statements were scheduled Friday morning. When the courthouse opened, no one could remember such a huge crowd of spectators.

The trial started with a shock. Saleh announced, “May it please the court, and ladies and gentlemen of the jury and prosecution, at this time the defendant pleads guilty to the indictment and throws himself on the mercy of the court and the jury.”

There were no opening statements.

The state called Mary Thompson, who tearfully recounted her story, identifying McIntyre as her attacker. There was no cross-examination. Sheriff Redwine and a deputy briefly described their encounters with McIntyre. There was no cross-examination. McIntyre’s confession was presented. The state rested.

The defense introduced testimony the teen had no criminal record. McIntyre’s uncle and mother told the jury he grew up in poverty and without education in a single-parent home, obliged to provide for his mother and younger brothers. The defense rested.

Prosecutor Green demanded the death penalty, telling jurors, “It will be made known to all who are like inclined as Bennie Lee McIntyre ... to do this to a white lady. They will know.”

The weakness of the defense summation was demonstrated by Williams: “I am not sure that I know now what I am going to say. I have been in this case as court-appointed counsel ... I have searched my conscience ... I do not condone rape ... I am sorry ... I have not envied my position in this case.”

The jury returned in an hour and a half and announced McIntyre’s punishment: Death. The trial ended before 6 p.m. on the day it began, 24 days following the crime.

All appeals failed. Lynn County compensated the defense lawyers for their services on McIntyre’s behalf. They refused to cash the \$125 check.

McIntyre was electrocuted at Huntsville on January 20, 1963, less than three years following the rape of Mary Thompson. He was 21 years old, among the last eight men — seven of whom were black — to die in Old Sparky, and one of the youngest. Only two convicted rapists — both black — were executed following McIntyre’s electrocution.

In 1964, legal challenges suspended executions nationwide, in part because unfair trials like McIntyre's were commonplace across the country. The social injustice was immortalized in the iconic 1962 movie "To Kill a Mockingbird."

When the U.S. Supreme Court approved a reformed death penalty system in 1973, rape was forbidden as a capital crime.