

Joe Arridy, “The Happiest Man Who Ever Lived on Death Row”

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Most persons would feel an unspeakable repulsion about ever living on death row of an American prison. The lights are kept on night and day. Guards watch closely so no inmate can quietly sneak into oblivion before the official government-sanctioned “send-off” day. As the day of death comes closer, the physical and mental strain can be awful. How could anyone laugh for joy in a setting like this? There was once a man who did.

Colorado State Prison, Cañon City, April 17, 1937

His name was Joe Arridy. He was 22 years old and 5'4" inches tall. He wore shackles and was surrounded by police officers when he was placed in the custody of Warden Roy Best. Earlier that day, Arridy had been sentenced to death for complicity in the grisly ax murder of a 15-year-old girl in Pueblo. The warden and a number of officers walked Arridy to his cell. They watched as he sat down on his bunk, folded his hands, and said nothing.

A few days later, the warden checked on Arridy. To his surprise, he observed the inmate vigorously polishing his metal dinner plate. He worked on it until it functioned like a mirror. Then he busied himself making faces in it and talking to himself.

Warden Best was so impressed by Arridy's self-entertaining nature, he gave him an armload of old magazines and picture books. Arridy responded with laughter and began turning pages and looking at the pictures until the books fell apart. Then Best brought Joe a pair of scissors and the inmate went to work cutting out some of the faces. He hummed as he worked.

For the 18 months and 7 days that Joe lived in Cañon City, Best did everything he could to help Joe feel safe and happy. Best surprised Joe by giving him a bright-red car with a wind-up mechanism and battery-powered bulbs for headlights. Joe played with the car for days on end. When the batteries for the headlights wore out, Best brought fresh ones. Again

and again, Joe wound it up and let it scoot across his cell floor. When it struck the bars and turned over, Joe exploded with laughter and shouted, “Car wreck, car wreck!” Such shouts could be heard at 2 and 3 a.m. Interestingly, his cell neighbors, Angelo Agnes, who killed his wife; Norman Wharton, a cop killer; and Pete Catalana, killer-and-dope peddler, tolerated his outbursts and they became close to Joe.

When newspaper reporters asked about how Joe was faring, Best usually began the interview by saying, “Joe Arridy is the happiest man who ever lived on death row.” That statement was echoed in newspapers in towns up and down the eastern slope of the Rocky Mountains.

During the Christmas of 1938—Joe's last—Warden Best gave him a toy train. *Denver Post* reporter Jack Carberry described what happened in a feature story:

The minute Arridy was out of bed, he would get out his train and wind it up. Sticking his hands through the bars of his cell, he would start the train down the narrow passageway toward the end cell fifteen feet away, where Wharton was confined.

“Catch it, catch it,” he would cry.

Wharton would reach out and catch the train as it went by his cell door. Winding it up, he would send it back toward Arridy.

Weary hour after weary hour, Wharton would keep up the game.

“What can a fellow do? It keeps him happy,” Wharton said. Sometimes Agnes or Catalana would reach out and tip the train over.

Joe would shout with glee, “A wreck! A wreck! Fix the wreck!”

The guard—who found probably, a thousand wrecks of Joe's train in the last week...would also set the toy right.

Everybody entered the game just to keep Joe happy.

Joe told reporters that he wanted to live with Warden Best for the rest of his life. Some reporters even learned that Joe had spent relaxed times in the warden's home. He was acquainted with the warden's wife, Mabel, and with Buddy Best, a nephew who lived in the home as well.

While all of these heartwarming actions went on in the prison, the warden put in motion legal actions on the outside to save Joe's life. He contacted Denver

attorney Gail Ireland for help. Ireland, one of the most popular lawyers in the state, was touted as “a sort of Johnny Appleseed, scattering the good gospel of citizenship responsibility.” He took on many pro bono pursuits, which he called “labors of love.” Later, he was elected Colorado’s attorney general. Ireland threw himself into the case. Within that critical year and a half, he managed to get nine stays. The last stay ended only minutes before Joe died.

On January 9, 1939, at 6:00 p.m., Governor Teller Ammons called the warden and told him to hold off the execution until the Colorado supreme court voted on Joe’s case. At 6:15 p.m. the court voted 4–3 that Ireland’s very last petition be denied. Ten minutes later, the governor ordered the warden to carry out the execution.

For Joe’s last meal, he ate large helpings of ice cream. Earlier, Mabel Best had made a three-gallon canister the old fashion way because she knew it was Joe’s favorite food. He ate it with Father Albert Schaller, the chaplain. Then, Father Schaller gave Joe last rites. *Denver Post* reporter, Jack Carberry wrote about what he observed.

Father Schaller then prepared Joe for death in the manner of his church dealing with a child about to die.

“Our Father,” said Father Schaller.

“Our Father,” said Joe

“Who art,” intoned the priest.

You see, Joe Arridy couldn’t remember the full line. He had to repeat it in two words at a time.

When the priest finished the whole prayer, Joe returned to his train. He played with it until the warden and the chaplain came for him the last time. Joe wanted to take his train with him, but he was talked out of it. He gave it to Angelo Agnes. He gave his shiny plate to the warden. He asked the warden to give his red car to Buddy Best.

Joe walked up the gravel road toward the death chamber with the warden on one side and the chaplain on the other. The 50 authorized witnesses who followed strained to listen to all that was being said about learning to play a harp in Heaven. When they approached the small bungalow-like building, the witnesses assembled in front of the viewing window. A reporter from *The Pueblo Chieftain* dutifully described all that the witnesses saw:

The doomed youth was grinning as he entered the gas chamber and prison officials began preparing him for execution in a small room off the steel execution chamber.

While Arridy’s prison-style blue shirt and pants were removed, Father Schaller and Arridy repeated the Lord’s Prayer once more—still with just two words at a time.

Arridy stepped into the gas chamber still grinning, and immediately sat down in the second of three chairs in the small room. He was clad only in a pair of white shorts and socks.

The grin left his face when the black bandage was placed over his eyes. He seemed puzzled, but the grin returned when Warden Best took his hand and reassured him.

The guards then proceeded to quickly strap him into the chair. His arms and legs were drawn tight to the steel chair, and a wide belt was strapped across his chest and caught behind the chair. Then all the officials left the execution chamber except Father Schaller, who with tears in his eyes, took Arridy’s hand and bid him goodbye.

Then the priest left the chamber and the steel door was closed.

The Rest of the Story

Joe Arridy’s life was far from satisfying before he went to prison. A few chronological snapshots from a much larger file on this man’s life are listed here.

April 29, 1915: Joe Arridy was born in Pueblo, CO. His parents were non-English-speaking immigrants who came from Syria.

1921: At Age 6, Joe enrolled in elementary school. At the beginning of his 2nd year, the principal refused to take him back.

1922–1924: For 4 years, Joe merely stayed around the house. He was happiest when he was alone, playing all by himself. His favorite pastime was making mud pies.

October 30, 1925: The Pueblo county court committed Joe to the Colorado State Home Training School for Mental Defectives in Grand Junction.

November 15: A psychologist administered a Stanford revision of a Benet-Simon Test. Joe flunked the repeating of four digits. He was shown the color red and he said it was black. He could not name the days of the week. Most of his sentences were incomplete, containing only two or three words. The examiner classified him as an “imbecile.”

August 13, 1926: Joe’s father fought to bring him home. Once again, Joe lived a lonely but self-satisfied life. Now at Age 12, he took long walks, wandering all over Pueblo.

September 17, 1929: Joe was attacked by a gang of boys on the street. A probation officer broke it up. Then, he took Joe in custody and sent a report to the judge: In it he said,

He is one of the worst mental defective cases that I have ever seen, he cannot read or write and is not allowed to go to school for the reason he does not accomplish anything. I picked him up this morning for allowing some of the nastiest and dirtiest things done to him that I ever heard of.

September 20, 1929: Joe went back to the institution. He lived there for the next 7 years.

August 8, 1936: Joe, now 22, jumped onto a railroad boxcar that passed the institution. He took the 24-hr ride to Pueblo and jumped on other freights. He turned up 16 days later in Cheyenne, Wyoming.

August 15: A bloody crime took place in Pueblo that caused dragnets to be organized up and down the eastern slope of the Rockies. Dorothy Drain, 15, and Barbara Drain, 12, were savagely bludgeoned while sleeping together in the same bed, shortly before midnight. Dorothy was raped. Both suffered severe head injuries. Dorothy died, but after a long hospital stay, Barbara survived.

August 26: Joe was arrested for vagrancy in the Cheyenne railroad yards. He was interrogated by Sheriff George Carroll, a nationally famous former member of the posse that caught the Barker Gang. As unbelievable as it seems, Carroll stated that Joe confessed to being the savage attacker of the two girls. After getting the confession, Carroll called a newspaper reporter friend with the news. It moved quickly over the press wires. Carroll said later that Arridy was a good talker who kept changing his story. Finally the sheriff said that he got Arridy to admit to the awful thing he did to the two girls. "He was alone when he did it." "He beat them with a club."

Later that night, Sheriff Carroll called Pueblo Police Chief J. Arthur Grady and told him about Arridy's confession. Grady told an informant later that when he got the report, he "almost dropped the phone." Frank Aguilar, the real killer, was already in custody. What's more, the weapon was found in Aguilar's home. It was not a club. It was the head of an ax. Even so, Aguilar refused to confess to the murder.

August 27: The next morning, Carroll claimed that he interrogated Arridy again, and he reported that Arridy was now saying, "He beat the girls with an ax, and he did it with a man named 'Frank.'" Somehow law enforcement saw this statement as completing the investigation. It provided the confession Aguilar refused to give.

Even so, in all the deliberations that followed, the prosecution was forced to dance around an amazing amount of conflicting facts so as not to blow the Aguilar case out of the water, and possibly look like fools.

December 21: On the evening before the last day of Aguilar's trial, he told his lawyer that he did attack the Drain girls.

December 22: That morning, Aguilar went before the judge and admitted that he did murder

Barbara Drain and he wanted to change his plea to "innocent by reason of insanity." The judge denied the plea. Later that day, the jury voted that Aguilar was guilty. He was sentenced to death.

After the sentence, Aguilar was taken to a side room where he was forced to face Mrs. R. O. McMurtree. This 58-year-old woman identified Aguilar as the individual who bludgeoned her and beat to death her aunt, Sally Crumpley, 72, as they slept in the same bed. It happened in the same way as the attack on the Drain girls. It took place at midnight, 2 weeks before the Drain murder and only three blocks away from the Drain home. These women also were bludgeoned with a blunt object, but the case was never investigated because Aguilar was already sentenced to death. McMurtree, nevertheless, stated that Aguilar was alone when he committed the crime.

It is interesting to note that not once was Arridy's name brought up during this last crucial day of Aguilar's trial. It appeared that Joe Arridy had served earlier as an expendable man. Now, he was no longer needed to complete the case against Aguilar.

February 8, 1937: Joe's first "sanity" trial began. The judge ordered the jury to listen and decide whether Joe Arridy was "innocent by reason of insanity." According to the judge, "If the defendant was unable to tell right from wrong, he should be declared insane and therefore not guilty."

Early in the hearing, Arridy was placed on the witness stand for the only time during all of his defenses. The trial transcript contained 17 pages showing how Joe talked in his short, few-worded sentences. A few samples of many follow:

By defense lawyer (after being sworn to tell the truth):

Q. Joe do you know what an oath is?

A. No.

Q. Do you know who this man is speaking to you (indicating the clerk of the court)

A. I don't think so.

Q. What did he say to you; do you know what he said to you?

A. No.

(Later)

Q. Joe, who is Franklin Delano Roosevelt? Do you know who he is?

A. I don't guess I know.

Q. Do you know who George Washington was?

A. No.

(Later)

By the prosecutor:

Q. Do you know Dorothy Drain?

A. No I don't.

Q. Did you ever know her?

A. No.

(Later)

Q. Do you know Frank?

A. No.

Q. Do you know Frank Aguilar?

A. I don't know him.

The complete transcript of Arridy on the witness stand has been published in its entirety (Perske, 1995, pp. 83–89).

February 11: The jury voted that Joe Arridy was guilty. It happened because three psychiatrists from a mental health hospital confused the jury by testifying that Arridy did not know right from wrong, but they refused to call him insane. According to them, “A person needed to be normal before going insane—and this defendant has never been normal.” *The Pueblo Chieftain* summed it up the next day with a banner headline: “Alienists Testify Arridy Has Mind of a Six-Year-Old—State Hospital Physicians Tell Jury Boy’s Not Insane—Just an Imbecile.”

April 12–17: Arridy faced the trial of his life. Even so, it was not much of a trial. His appointed defense lawyer conducted no investigation of the case. Then he presented the following requests, which the judge allowed:

1. The defense lawyer requested permission to not present an evidentiary case.
2. He would, however, cross-examine witnesses for the prosecution.
3. He requested that the judge set aside the earlier “not-insane” verdict.
4. He requested permission to make his opening argument only after the prosecution had completed its evidentiary case and at the beginning of the defense lawyer’s second sanity defense.

The prosecution then went first and presented their evidentiary case. Sheriff George Carroll became the key presenter for the prosecution. The trial transcripts show how this famous sheriff became the central force for convicting Arridy. He was the lone interrogator of Arridy in Cheyenne, WY. He served as the leader when Arridy was purportedly reenacting the crime in the Drain home. He spoke without any notes or printed documents. He took the witness stand five different times. The transcripts show, in page after page, how Carroll was allowed to launch forth as a riveting storyteller with few questions from lawyers.

Carroll testified that during the interrogations, Arridy described the crime bedroom:

He said there was a door in the room, a closet in the room, and he said some dresses hanging on the wall, that one was red and

one was a blue dress. I asked him the color of the nightgowns. He first said they were white.

The prosecutor asked Carroll, “At the time Joe Arridy first admitted complicity, what were his reactions?” Carroll replied, “He was very sorry and cried about it.” When the prosecutor asked how many times, the sheriff replied, “I would say three or four times.”

When the prosecution rested, the defense lawyer launched out with his second insanity trial. In his opening statement, he said,

Our testimony will show that this young man was incompetent, was so insane as not to know what he was doing; so insane as not to know what he was saying to officers, that he could be led into saying anything people wanted him to say...His mind is so weak, he is so insane that there is no question about voluntariness or involuntariness of the statement which George Carroll testified to.

The three psychiatrists who testified in the first sanity hearing took the witness stand again. It was a new jury, but the three of them voiced the same litany they did in the first sanity hearing: “The defendant does not know right from wrong, but he is not insane. One cannot be insane if he has never been normal. The defendant has never been normal so we cannot say he is insane.”

Then came another physician, the superintendent of the institution at Grand Junction who hammered a coffin nail into Arridy’s defense. He asked to read a prepared statement and the request was granted. Reading the statement, he said,

I have classified him as a primary ament, hereditary. I took his heredity record and worked up from there to the point of view of his primary birth. He was brought into this world as he is today from a diseased plasma, and ament.

That is a diseased germ plasma that was never allowed to unfold, but has inflicted on this boy abundant damage all his life. This condition, through habit and all, has followed him through environment on up. He has reverted to perverse conditions which were bad.

April 17, 1937: After the four physicians finished their testimony, the defense rested. Then, the prosecution called its rebuttal witnesses. The final witness was Sheriff George Carroll, a man with “30 years experience as a law officer,” who had testified that he interrogated Joe Arridy for “six or seven hours.” The prosecutor asked him, “Based on your experience and your observation of Joe Arridy, is he capable of distinguishing between right and wrong?” Carroll answered, “I think there is no doubt, whatever, but he is.” Three hours later, the

jury found the defendant guilty. He was sentenced on the spot.

Unfinished Business

Beginning in 1992, I went to every local history and library archive that was located in cities along the eastern slope of the Colorado Rockies—ranging from Pueblo on the south to Cheyenne on the north. I also traveled through the Rocky Mountains to Grand Junction. I searched through microfilms of *The Denver Post*, *Rocky Mountain News*, *The Pueblo Chieftain*, *Grand Junction Daily Sentinel*, *Cañon City Daily Record*, and *Wyoming State Tribune*. All of these documents are tucked safely in file boxes in Colorado. In 1995, some of the crucial documents and citations were placed in a book (Perske, 1995).

Two years ago, many of the later documents and activities surrounding the life and death of Joe Arridy began to be collected and placed on a Web site (Eason, 2007). That Web site expands daily.

From 1959 to 1970, I worked as a chaplain of an institution for persons with intellectual disabilities. After that, I took all I learned about understanding and caring for these persons, and I metamorphosed into a street-court-and-prison worker who latched onto very lonely individuals with disabilities who were in trouble with the legal system. It was self-directed, citizen advocacy work. But somebody had to do something for people like this who were misjudged and wrongfully killed.

I am approaching Age 82. There's not much more I can do or say about Joe's situation. Yet, I hope there are some caring professionals and

citizens who will be interested enough to keep focusing on the gaping holes in this case.

One such person is Stephen Greenspan, a former Connecticut colleague now living in Colorado, who has prepared an affidavit that will be submitted as part of a request for a posthumous pardon. Steve is a psychologist—well known for his work on the definition and adaptive limitations of people with intellectual disabilities—who has testified in numerous “Atkins” (death penalty exemption) cases. Steve's affidavit (Greenspan, 2009) shed light on the nature and extent of Joe Arridy's limitations, and it makes a powerful case for why the so-called “confession” should be given no weight whatsoever. Hopefully, these results in correcting an egregious miscarriage of justice, and will shed light on a dark chapter in America's treatment of people with disabilities.

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