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CRIMES OF PASSION

Edward D. Radin
Author of
"BEYOND THE LAW"

"Leaves a reader . . . tingling in the spine!"
New York WORLD TELEGRAM

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Paterson NEWS

Edward D. Radin

Author of "Beyond the Law"

CRIMES OF PASSION

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CONTENTS

		PAGE
1	THE TEXAS LOVER	*7*
2	ALL MEN ARE WOLVES	*21*
3	DESIRE AND DEATH	*41*
4	THE CASE OF FATTY ARBUCKLE	*57*
5	DR. SNOOK AND HIS LOVE SLAVE	*72*
6	LOVE IS LIKE THAT	*90*
7	MOTIVE FOR TWO	*105*
8	CRIME WITH PASSION	*123*
9	DANGEROUS WOMAN	*138*
10	MEMPHIS SERENADE	*154*
11	THE OTHER MAN	*168*

For

S. & S. HOLLANDER

CHAPTER 1

The Texas Lover

It is a generally accepted fact that many Texans like to brag about their state. They boast in superlatives—the largest in size, the biggest ranches, the mightiest cattle herds, the greatest oil deposits, the richest millionaires. And when it comes to women, Texans agree with remarkable unanimity. It would seem that Texas is populated by a special breed of high-bosomed, long-limbed beauties who by some miracle of genetics are to be found only in the Lone Star State, and it doesn't matter whether they are short, medium or tall, whether they are blonde, brunette or red-haired, all are exceptionally beautiful, all possess unmatched charm.

With all this boasting, particularly about their women, it is strange that Texans never mention the name of a man who probably was their greatest lover, who undoubtedly was one of their best judges of beauty, and who most certainly was one of the few genuine monsters that Texas, or any state, has contributed to the crime history of the country.

Joe Ball is the forgotten man of Texas, partly because a man named Hitler was preparing to meet a man named Chamberlain in a place called Munich at the time Ball's misdeeds became known, and also because newspaper

editors refused to give credence to the fantastic insinuations coming from a small town with the impossible name of Elmendorf, hints which were confirmed later when Ball had ceased to be news.

If Ball had been born in an earlier generation he might be a legendary figure today; he possessed many of the attributes that go into the making of folklore tales. Described as soft-spoken and friendly, he was a bully with a hair-trigger temper and an ever-ready pair of explosive fists that made him greatly feared. He enjoyed boasting of his prodigious consumption of liquor and was prouder still of his ability as a crack shot. He usually went about armed and gave frequent demonstrations of his shooting skill, adding to his reputation as a dangerous man to cross. He collected guns and women, and his sexual appetite was awesome. Even in appearance he was big; a muscular, barrel-chested man with a short-cropped haircut, who stood well over six feet in height.

Joe Ball was a mass killer of women, but unlike the victims of bluebeards who prey on lonely middle-aged widows or spinsters for their money, or of the rippers who are motivated by a sex urge to cleanse, all of Ball's victims were young, they were beautiful, and he murdered them for love, so that he would not be hampered when he began a new romance.

Ball's escapades began during Prohibition, that noble experiment which failed so ignobly. A native of Texas, educated at the University of Texas, he showed no liking for taking part in the extensive family enterprises consisting of large holdings of ranch lands and thriving mercantile establishments. He preferred to amass true Texas wealth by other and speedier means. This was before the price of beef, vying with gushing oil wells, had succeeded in speeding up the process of eking out an existence from sand and sage brush, and achieved the final luxury of air-conditioned Cadillacs.

Ball became a bootlegger selling flavored raw alcohol at five dollars a gallon from his home in Elmendorf, some twenty miles south of San Antonio and deep enough in the heart of Texas to satisfy any song writer. Enough people who knew and dealt with him at the

time have presented the same facts to accept this portrait of Ball as valid.

He was an indolent but successful bootlegger who waited for customers to come to his home. His clients seldom saw him wearing anything but a dirty bathrobe and he usually was in bed with an attractive woman. It was said that he changed his sleeping companions with each change in bedding. Ball always kept a bottle of whiskey and a full pan of fried chicken on a table beside his bed. Food, drink and a procession of women—he was content with his own Shangri-La. Even the arrival of a customer provided only a momentary break in his personal paradise. He would clamber out of bed, pad to the door with his bathrobe flapping open, and look over the caller.

His greeting invariably was the same: "Got the cash?"

The caller had to pay first, Ball adding the money to a large roll of bills, said never to be under five thousand dollars, which he kept in the pocket of his robe. Once he had completed the financial end of the transaction, he would whistle a signal to his Negro handyman to bring out a jug, leaving the customer standing in the open door while he returned to the arms of his latest conquest, indifferent to the fact that he could be observed from the doorway.

Despite his open method of sale he had remarkably little trouble from officials. Elmendorf was far enough out in the country to be ignored by them and they made only one ineffectual raid after being prodded into action by the commanding officer of a nearby Army camp who was finding too many empty jugs and staggering soldiers at the fort. Records indicate that Ball served no jail term.

With the end of Prohibition he followed a path established by many other purveyors of illicit liquor—he opened his own tavern. This was no rendezvous for Texas café society where one had to be seen to be socially accepted. The roadhouse was a simply constructed white-painted building, its exterior haphazardly decorated with tin advertising signs, and as later events proved, it was horribly misnamed the Sociable Inn. The

building was set back some fifty feet from U.S. Highway 181 on the outskirts of Elmendorf, with no attempt made to attract the trade of the casual tourist. Although Ball, in accordance with the laws of Texas, was licensed to sell beer and wine only, it was no secret that he would serve hard liquor to anybody who had the price.

Inside, the appearance of the tavern was somewhat better, the main room containing a long bar that ran the width of the structure. There were tables for customers who preferred to sit down and, since Ball still was fond of fried chicken, that food, at least, could be obtained. A small wing on the side of the building contained sleeping quarters for the help.

The Sociable Inn was far more prosperous than its appearance would indicate. Successful establishments catering to a drinking public depend upon at least one attraction to draw trade; with many it may be the personality of the owner, with others the decorations, the atmosphere, or the entertainment offered.

Ball's frequent rages and ready fists were no boon to trade, but his tavern possessed two major attractions that helped to bring customers despite his temper. These were his waitresses and a cement pool.

The outdoor pool in the rear was no spot for bathing beauties or for anybody with a weak stomach. Five large, ugly alligators had the place all to themselves. When customers were drinking enough to satisfy him, Ball would show his appreciation by inviting them outside where they could watch him feed raw chunks of meat to his strange pets. From sluggish lumps in the murky water they suddenly would come alive, lash out with their tails, roar and churn the water as they fought among themselves for the tidbits. For free-spending groups who came down from San Antonio or more distant points, Ball staged special shows. In a locked barn behind the tavern were pens holding stray dogs and alley cats. Ball would bring out several and hold them just out of reach of the snapping alligators until he had aroused them into a frenzy. Then he would toss the terrified animals into the water where they were devoured alive by the reptiles in the pool.

Few customers enjoyed these sadistic exhibitions, preferring instead the tavern's second attraction, its waitresses. Actually, this was accidental, more an outgrowth of Ball's continuing lusty desires than any calculated plan to stimulate business. Since he tired quickly of one woman, he constantly was on the prowl for replacements. With an eye toward a steady supply, his place soon became noted for the beauty of the girls he hired to wait on table, and this was in Texas where beautiful women supposedly are commonplace. Ball seldom had more than two girls working there at the same time and more often just one, but each girl was selected by a true connoisseur who knew and appreciated Texas beauty of face and form. The ample young charms of these girls created a particularly vivid impression in the simple barroom setting and as word about them spread it helped to draw customers to the tavern.

Although newspapers later were to call the girls "hostesses" and place quotation marks about the word, the fact is that the girls were waitresses and nothing else. Few patrons succeeded in having more than mild flirtations with any of them. In fact, most of the waitresses were far more interested in Ball than in any of his drinking clients and it became obvious that many of them fell in love with their employer shortly after their arrival. There was a rapid turnover of help in the roadhouse; those waitresses who did not respond to Ball were replaced as soon as possible while the others stayed on for a period of six months or less and then left abruptly without telling anybody.

When asked why the girls never stayed long, Ball would shrug, eye the new waitress speculatively and remark, "You know how they are, they come and go."

Why so many of them fell in love with Ball and willingly became his temporary mistresses is difficult to explain. He was neither handsome nor polished in his manners and no Hollywood director would have cast him in the role of a great lover. His technique, if you can call it that, seemed to be the direct approach. At first each girl seemed repelled, afraid of him and eager to finish her week and get away, but his obvious vigor

and brutality seemed to be an irresistible magnet that soon drew her toward him and she would become wildly jealous when he shifted his attention to a new favorite.

Just how many girls were employed over the years in the tavern is unknown; Ball's records were elementary at best, as police later discovered. Because the waitresses came and went so rapidly, even the regular patrons learned little about them, forgot their names, and could not recall them later. Two of the girls, however, became more than flitting ciphers.

It was early in 1937 when Minnie Mae Gotthardt made her first appearance at the Sociable Inn. A beautiful auburn-haired girl, she got off the bus from San Antonio carrying an inexpensive suitcase and wearing a cotton dress. The backlash of the departing bus whipped the dress taut about her admirable figure to the audible satisfaction of several men lounging near the bus station.

The twenty-year-old girl blushed at their remarks and glanced about uncertainly. To the onlookers, the appearance of a young and pretty stranger in town meant only one destination.

"Looking for Joe Ball's place?" one of them asked.

The surprised girl nodded. Her questioner pointed toward the end of town. "It's that large white building with the beer sign," he directed. As she started walking toward the roadhouse he called to her, "Hope you last long enough to get acquainted."

The news that Ball had a new "good-looker" spread rapidly and that night the tavern was crowded with a boisterous welcoming crew of ranchhands and others employed in the neighborhood. Ball was in a mellow mood and lost his temper only once, when a customer noisily insisted upon knowing why the previous waitress had left. The tavernkeeper threw the man out of the door. Later, his good humor restored, he decided to put on one of his special shows at the alligator pool.

Minnie slipped out behind the men to see what was going on. When Ball tossed a whimpering puppy into the pool, the girl gave an involuntary scream. Her em-

ployer wheeled and seized her by the arm. "What are you doing out here?" he demanded. The frightened waitress stammered that she had come out to see what was happening. "Get curious with the customers inside and find out if they need more drinks," he said harshly, and pushed her toward the side door.

That night Minnie wrote a letter relating her experiences. She said that she was afraid of Ball and planned to stay there just that week so she would have enough money to stake her while she looked for a new job. But at the end of the week, she did not leave.

Ball at this time was in his mid-forties, still vigorous, and engaged to be married for the third time. His first wife had divorced him and moved to the South, where she had remarried. His second wife disappeared after the next divorce and Ball said later that she had moved to the Midwest.

The steady customers at the tavern who had been wondering how Ball would make out with his latest waitress soon had their answer. Minnie was seen riding with him in his car and then going out with him regularly. Despite his impending marriage to another woman, Ball had lost little time in adding Minnie, with her fresh young beauty, to his string of conquests. Neighbors in Elmendorf who had been keeping tabs on his amorous adventures said that his paramours since he returned from college numbered in the hundreds.

The romance continued for several months until Minnie learned that Ball was engaged to a San Antonio girl known as Buddy. The red-haired waitress proved to have a temper to match the color of her hair. She confronted Ball in the tavern within earshot of several customers. They saw her arguing vehemently with him and overheard her say, "You're not going to marry her."

Ball's angry reply boomed out. "What I do is my own business. Get back to the tables or get out." He turned and left her standing there.

When he slipped away one night and was married to Buddy, Minnie stormed out of the Sociable Inn and sent him an angry note that read in part, *If you think I am*

going to do the things I have and then you run off to enjoy yourself with her . . . you only want to be the rat you made out of yourself.

Minnie not only refused to give up but she also made plans to separate the newlyweds and win back the tavern owner. In another letter to Ball, she wrote: *I'm still willing to break you and Buddy up if it's the last thing I do. I'll probably get killed doing it, but who cares what happens to me?*

The fiery redhead seemed to win her campaign. In May of that year Minnie returned to the Sociable Inn. Ball celebrated the event by arranging a beach party. Accompanied by Clifford Wheeler, his handyman and personal cook for many years, the couple drove off from Elmendorf for a day's outing.

That night Ball and Wheeler returned to the tavern without Minnie. Ball explained to his new waitress, a pretty blonde named Estelle, that the picnic had been a farewell celebration, Minnie had obtained a job elsewhere and was leaving the state.

Estelle repeated Ball's statements to some of the customers. Several weeks later a sixteen-year-old boy who had been working as a dishwasher ran into Ball's office to report that Estelle was missing.

"She quit," Ball informed him.

"But her dresses are still hanging up in her closet. I looked inside when I saw that she hadn't slept in her bed."

"You talk too much," Ball told him. "They're just old clothes that she didn't want any more." He went to the room, removed the dresses from the closet and ordered them burned in the trash incinerator. The following week Ball fired the boy and hired a new dishwasher.

He also had difficulty with another of his former waitresses that year. A girl named Julia had worked at the tavern for several months and then found herself discarded when Ball entered upon a new romance. She told her roommate that she was going back to Elmendorf "to have it out with Ball." She left San Antonio one night in September, and when she failed to return after sev-

eral days her worried friend called and asked if Julia was there.

Ball informed the surprised roommate that Julia had gone off to California where she had a job waiting for her. He had given her the bus fare she needed. The roommate was puzzled. Not only had Julia withheld information about the new job from her, but she also had failed to pick up her clothes and personal belongings which still were in the apartment they had shared.

It would be pleasant to report at this point that suspicious authorities began an investigation, but as Minnie had predicted in her letter, nobody seemed to care. Inquiries were received from her friends and relatives but upon Ball's statement that she had gone to work elsewhere, the matter was dropped.

Meanwhile, affairs at the Sociable Inn had quieted down with the arrival of Hazel Brown, an attractive twenty-two-year-old girl whose photographs failed to do justice to her jet black hair, her dark brown eyes and full red lips. For the first time the rapid turnover in waitresses halted. Hazel proved to be a capable manager who could run the tavern when Ball was away. She served quietly and efficiently and never became flustered during a sudden rush of business. Although she was friendly, she seldom spoke about herself.

By this time Ball's third marriage was foundering and shortly after Hazel came to work at the tavern, Buddy also vanished from Elmendorf. Ball applied himself to his new waitress and they were seen together during her off-hours. He called her "*Schatzi*," a German word whose literal translation is "treasure," and when used as a term of endearment means "sweetheart" or "darling."

Hazel seemed to have a soothing influence upon Ball; he became less truculent, cut down somewhat on his heavy drinking, and as a futther concession to her, dropped his special shows at the alligator pool.

For several months the happy couple were always together, frequently driving to beach resorts on the Gulf or else indulging in Ball's favorite outdoor exercise, which was outracing all other cars on the highway.

In late September, 1938, Hazel Brown was seen no more at the Sociable Inn. Official myopia to events at the roadhouse probably would have continued had it not been for one of Ball's neighbors. The man complained to a deputy sheriff that Ball had threatened him with a gun. This was about a week after Hazel had disappeared. The neighbor said that his family had been disturbed by a foul odor and he had traced it to a discarded rain barrel on the tavern grounds. When he asked Ball to remove it, the latter yanked a gun from his pocket and threatened to kill him if he did not get off his property at once.

The curious deputy inspected the barrel and found the bottom coated with matted blood and decaying matter. Ball laughed off the episode with the gun, remarking, "He's a Mexican and I wanted to see how fast he would run." He explained that he used the barrel to store the raw meat which he fed to his alligators.

After leaving the roadhouse the deputy spent some time in Elmendorf, where he picked up bits of curious information. Several people had seen Ball rolling a barrel off the tavern grounds late one night the previous week. Since he seldom did anything resembling manual work himself, the incident stood out in their minds. Oddly enough, although this occurred about the time Hazel Brown had disappeared from the tavern, no one linked the two events together. Instead, the deputy was informed rather pointedly that nobody had heard from Ball's third wife since she disappeared.

A check was made among Buddy's friends in San Antonio and when none of them knew where she was, Texas Ranger Lee Miller was consulted. He initiated a quiet investigation of his own, this time for the missing Hazel Brown. Miller learned that no one in Elmendorf had seen the waitress leave town and that only a few days before her sudden departure she had opened a bank account. No withdrawal had been made.

On September 24th, a Saturday night, Miller and several deputies visited the tavern. Ball was surprised at their appearance and asked if they wanted a drink.

"No, we want to talk to you," Miller replied.

"Then I'll draw a beer for myself," Ball said. He went behind the bar and punched open the cash register. When the officers saw Ball take a revolver from the cash drawer they hurriedly reached for their own guns. The husky tavernkeeper ignored them and fired one shot into his head, killing himself.

Later one of the deputies, in discussing this episode, made one of the really classic statements in crime detection. "When Ball shot himself, we got suspicious," he stated solemnly.

Now that their suspicions were finally aroused, a full-scale investigation began into the affairs at the Sociable Inn. With the exception of Clifford Wheeler, few employees had been at the roadhouse long enough to have any knowledge of what had been going on. They had been content to do their job as quietly as possible so they could keep out of Ball's way. Even though his employer was dead, Wheeler showed definite signs of fright every time Ball's name was mentioned.

Finally, after two days of persistent questioning, Wheeler revealed that Hazel Brown had been murdered. Ball had summoned him to her room late one night after the roadhouse had closed. She was dead on the floor, a bullet hole in her head. The handyman said that Ball forced him to dismember the corpse with a rusty meat saw that was in the tavern kitchen. After Wheeler had packed the remains in the rain barrel, Ball took it away and hid it.

Several nights later Wheeler dug a shallow grave at a nearby deserted spot on a bank of the San Antonio River. Ball had set fire to the head of the corpse in an attempt to prevent identification, but this was unsuccessful. Wheeler said Ball strode off into the darkness carrying the head under his arm, leaving him behind to cover up the grave. The handyman led the officers to the body.

Asked why Ball had murdered Hazel Brown, Wheeler replied, "I reckon she knew too much."

When the story of the murder appeared in the press, rumors spread that Ball had fed the missing head to his alligators. The beasts were lassoed and dragged from the pool, which was drained. The head was not found. Later,

the alligators were taken to the San Antonio zoo and hundreds of visitors flocked to the park to stare at them. So little was known about the murdered waitress that in the first newspaper reports she was identified as "Miss Schatzi."

The search for Ball's third wife ended when she was found living in San Diego, California. Buddy told deputies who flew out to interview her that she ran away because she was afraid that Ball would murder her, and she added the name of a second murder victim to the list, that of Minnie Gotthardt.

"He told me two days after she disappeared that he had killed her, and buried her body at the beach," Mrs. Ball informed the officers, adding that on several occasions after that her husband had driven with Wheeler to inspect the grave.

The handyman, who had been placed under arrest as an accessory, confirmed the second murder. He said that Minnie had been very happy over her reconciliation with Ball and that she sang in the car as they drove to a sandy stretch near Ingleside on the Gulf. Wheeler had packed a large picnic lunch. Minnie and Ball had spent the afternoon holding hands and racing along the shore together.

Toward sundown Wheeler began gathering their belongings, thinking that Ball would be in a hurry to return to the roadhouse. No one else was on the beach. He said Ball and Minnie were seated side by side looking out toward the water and watching the sunset. Ball pointed to a cloud formation and remarked, "Isn't that beautiful?" As Minnie looked up to follow his pointing finger, Ball reached behind him with his other hand, removed a gun from his trouser pocket and shot her in the head.

"Why did you do that?" the startled handyman asked Ball.

"Because she was getting in my way," he quoted his employer as replying.

Wheeler said that Ball then pointed the gun at him and ordered him to dig a grave. Ball had brought along a shovel and an axe in the trunk compartment of his car.

When they were leaving, Wheeler blazed a mark on a shrub oak some twenty feet from where he had buried the body.

He described this mark to officials and a crew of highway workers began digging the beach near the tree searching for the body. When they were unsuccessful, Wheeler was taken from jail and brought to Ingleside. He found that shifting sand had formed a dune over the grave. Special equipment was brought in and after two days of digging, the body was uncovered some sixteen feet below the surface. Justice of the Peace N. E. Sanford of Aransas Pass lowered himself into the pit and using a discarded barrel as a desk, held an inquest there with a coroner's jury drawn from the curiosity seekers who had been watching the digging operations.

An autopsy disclosed the reason for Minnie's determined fight to win back Ball. She had been pregnant. But she was not the only waitress at the Sociable Inn who had found herself in the same plight. In a locked desk drawer in Ball's home investigators found many letters from former waitresses, including the two from Minnie. Some were angry notes from discarded mistresses. One, signed "Schatzi," read: *Joe, I'm ready to come back whenever you write me.* Since this letter was dated 1936, two years before Hazel Brown came to the tavern, it was evident that Ball used the same pet name for many of the girls. Some of the letters were from girls who discovered they were pregnant after their brief stay at the tavern and who begged Ball to marry them. Several replies indicated that Ball had arranged for some of them to return to Elmendorf.

Ranger Miller began the task of trying to trace these girls. Although he checked their last known addresses, none of them had been seen after they left to return to Ball. The officer also was unable to locate Estelle, the blonde waitress who had been working at the tavern when Minnie was murdered; the young dishwasher who found Estelle's clothes in the closet; and Julia, who told her roommate she was going to have a showdown with Ball.

Several months after the story had disappeared from

the newspapers, Miller received a visitor in his office in San Antonio. The caller at one time had owned a small ranch in Elmendorf and part of his property adjoined the tavern grounds. One night in 1936 some cattle broke out of his pasture and he set out on horseback to round them up. While searching along the fence separating his property from the roadhouse, he came upon Ball butchering the body of a girl and throwing the torso to the alligators.

When Ball saw him, he drew a gun and dragged the man from his horse, stating that he would have to kill him. The rancher pleaded for his life and promised that he would say nothing. Ball finally relented because he knew the other had a large family. He peeled off five hundred dollars from the large roll of bills he always carried and told the rancher he would have to leave the county. The man fled to California with his family, later selling the ranch through a real estate broker. He had not dared to return until he read of Ball's death. Miller promised him that he would not reveal his name.

Confirmation of this story has been obtained from Miller, who has retired from the Texas Rangers and now operates an oyster bar on Broadway in San Antonio.

In view of the fact that Wheeler had been an unwilling accomplice who had to follow Ball's orders or be killed, a court imposed a comparatively light sentence of five years. The handyman did not return to Elmendorf after his release from prison.

It is believed that Ball fed at least five of the pregnant waitresses to his alligators. Just how many girls he murdered is unknown. The alligators cannot tell.

CHAPTER 2

All Men Are Wolves

When newspaper reporters can describe the woman in a fatal triangle as a "lovely, willowy, tawny-haired blonde," experienced editors automatically place the story on page one. And when the affair brings disaster to both men involved, wire services pick up the story and spread it throughout the country. But the Dr. Rutledge-Hattman case was more than a brief newspaper sensation. In many ways it mirrors the plush, giddy, hot-and-cold-war prosperity years in the United States, a period characterized by easy money and easier morals.

Let us look at the principals involved.

Byron Hattman was representative of the times. In his early twenties when Japan attacked Pearl Harbor, he served in the Marines, came through unharmed and had no difficulty in adjusting to civilian life when released from service. A graduate engineer from the University of Pittsburgh, he found he could take his pick of jobs, and in 1948 was employed as an airplane instrument designer in the armaments division of the Emerson Electric Company in St. Louis. At the age of twenty-nine he had a good paying position, owned a 17-foot sailboat, drove a new maroon convertible Buick, deposited money in several bank accounts and usually carried several hundred dollars in cash in his wallet. A bachelor from Cora-

opolis, Pennsylvania, he roomed in a private home in a fashionable St. Louis suburb.

In some ways Dr. Robert C. Rutledge Jr. was less typical; there is no short cut to quick money in medicine for a young physician who wants to specialize. At twenty-seven he was a resident doctor at the Children's Hospital in St. Louis, the final stage in his training toward becoming a qualified pediatrician, meanwhile earning a scant $25 a week. Winner of a national prize for research in Vitamin C when he graduated from medical school, he could look forward in a short time to entering private practice as a highly paid specialist. Although he was following the conservative path toward a medical career, the quickened pace of the era also had marked him. In 1943, while an undergraduate, he had met a USO singer whose troupe was entertaining soldiers at Fort Des Moines. It was spring, both Rutledge and the girl were natives of Houston, Texas, and before the troupe had left camp they were married by an Army chaplain. The marriage was as brief as the courtship, lasting only four hours. Two years later, still separated, they were divorced.

When he was twelve years old Rutledge had made the surprisingly cynical observation, "I do not believe any girl is worth murdering a man over." While his youthful grammar was faulty, his meaning was clear. Yet fifteen years later he was placed on trial charged with murdering Hattman. The woman for whom he had changed his earlier philosophy was his second wife, Sydney.

They had been married in 1946 several months after he had received his medical degree and had entered the Navy as an officer, serving as a physician in a Navy hospital in Boston. When he was released from service after fifteen months, he began his specialized training.

Although both men were residing in St. Louis in 1948, it is doubtful that they would have met in the ordinary course of their planned lives. Dr. Rutledge, naturally enough, was interested in children. Hattman, as later events showed, had no interest in babies. The catalytic agent that brought them together for one explosive moment was Sydney.

Reporters had erred in just one slight detail in describing Sydney Rutledge: her hair, which she wore in a face-softening shoulder-length bob, curled at the ends, was natural ash blonde, several shades darker than tawny. She was an exceptionally attractive young woman of twenty-three. Slender and six feet tall, with a fully developed figure, she was two inches shorter than either Dr. Rutledge and Hattman. As the daughter of a physician, she knew the slow maturing process a young doctor must go through before being certified a specialist.

It is the custom of many prosecuting attorneys to portray the defendant in a murder trial as a devil, complete with horns, whose every word is branded a lie, whose every act is suspect; while on the other hand, the victim is presented in a kindly light with his deficiencies glossed over and his attributes magnified. Contrary to any such courtroom portrayal, Dr. Rutledge had no horns—and no halo, visible or invisible, hung over the head of Byron Hattman.

A fatalist might find much in their case history to support his theory of a preordained destiny; seldom have the individual quirks of two diverse personalities led so inevitably to murder.

Their trails began to converge in February of 1948. With Dr. Rutledge frequently on twenty-four-hour duty at the hospital, Sydney had little to do to keep herself occupied and she decided to go to work. The salary was of secondary importance, since the hospital supplied Dr. Rutledge with food, laundry service and incidentals, and Sydney received a small but steady income from an inheritance that was sufficient to take care of her needs until her husband could enter private practice. She applied for a job at the Emerson Company, was hired as a $247-a-month mathematician, and assigned to the armaments division where her desk faced Hattman's drafting table, some thirty feet away.

There was no immediate romance, if there was a romance in the accepted sense at all. Testimony introduced later indicates that Hattman made his first move toward Mrs. Rutledge in July during a company outing, a moonlight excursion cruise on the broad Mississippi

River. Dr. Rutledge was on duty at the hospital and Sydney went without him, accompanying a group of other office workers. While she was seated at a table, Hattman came over and sat down beside her. It was a casual meeting of two fellow employees working in the same department. They soon discovered a topic of mutual interest—sailing. Sydney had spent many of her high school and college vacations as a camp counselor and had enjoyed the water sport. Hattman described his own boat which he kept at a yacht club and invited her to go sailing with him a few days later, at the same time issuing the invitation to several others.

The private party was uneventful; Sydney was off the boat by late afternoon. "That was all there was to that," was the way she described it later.

But on the following Saturday, July 31st, they went sailing again. It was no clandestine date; Dr. Rutledge knew of it and gave his approval. When Hattman called for Sydney he explained that they would be going out alone because the other couple had dropped out at the last minute. They drove to the Palisades Yacht Club where they changed into bathing suits and were out on the water all afternoon, returning to the dock at 6 o'clock.

In retrospect, reviewing the conversation they had while sailing, it is apparent that Hattman had set his course for conquest. As Sydney related it, he made several references to the fact that Dr. Rutledge was seldom home and suggested that he could not love her very much. "He thought it a lot for any man to ask his wife to sit at home by herself," she quoted the engineer. "And he also said he wished he had known me before. That I was very attractive, that it was too bad I was married and too bad I was tied up with someone who paid no more attention to me than my husband. I told him that he was completely wrong, that I knew when I married Bob that for three or four years he would be away from home most of the time while he was getting his training, and I was very satisfied with things as they were."

The conversation, though personal, had been without rancor, and Hattman invited Sydney to dine out with

him that evening. Although she refused at first, she later agreed. Upon arriving home she telephoned Dr. Rutledge at the hospital, notifying him that she was back, neglecting, however, to inform him of her dinner date.

There is controversy over some of the events of that night. The prosecuting attorney insinuated during cross-examination that Sydney had submitted willingly to Hattman; she testified that he had forced himself upon her after she became ill and could not fend him off. In any event, on his first evening date alone with her, Hattman had wasted little time in completing his conquest.

Dr. Rutledge first learned what had happened the following month. On August 10th, the Emerson Company held another outing for its employees, this one at the Norwood Hills Country Club. The physician had the day off from the hospital and attended with Sydney. The nineteenth hole of a golf course—the men's locker room—is a convivial place where players get together to discuss their mutual interests and women. On the day of the outing the locker room was crowded with company workers. As an outsider, Dr. Rutledge was seated by himself getting dressed. In another corner a group of employees was clustered together, laughing and telling stories. One of the men in the group was Hattman. During the course of the conversation, the engineer boasted of an affair with a new girl in the office, his voice carrying clearly to Dr. Rutledge. The woman he was talking about was Sydney.

The prosecutor later was to deny that any such conversation could have taken place and attempted to prove it by calling a witness to the stand who said he had been in the locker room and had not heard it. The district attorney, of course, did not want to tarnish the halo for Hattman, since a gentleman, traditionally, does not kiss and tell. But testimony of other witnesses, also called by the prosecutor, shows that Hattman had not been reticent in discussing his affair with Sydney with many of his fellow workers while she still was employed in the same office, a strong indication that the doctor was telling the truth.

If the murder had taken place at this point, the out-

come of the case might have been different, but four months of curious actions by both men were to pass before the denouement.

Several weeks after the outing Dr. Rutledge telephoned Hattman, told him he knew what had happened, and warned him to stay away from his wife. He added the unpleasant news that Sydney thought she was pregnant and that it was Hattman's child. Under the circumstances, the doctor continued, he wanted an abortion performed and since he didn't have the funds he requested Hattman to pay the $250 needed for the operation.

Hattman showed no concern over approaching fatherhood, but the money problem bothered him. His landlady overheard him tell Rutledge, "Well, Doctor, if you have anything more to say along those lines, tell my lawyer about it."

Dr. Rutledge did get in touch with the engineer's attorney who advised him that while he could sue for a divorce and name Hattman as corespondent, he could not force the other to pay for the operation. Several days later the physician again telephoned the lawyer and reported that no abortion was necessary. Sydney had been mistaken and was not pregnant.

On Wednesday morning, December 15, 1948, a chambermaid, appropriately named Mrs. Carrie Chambers, started out on her rounds of the seventh floor of the Roosevelt Hotel in downtown Cedar Rapids, Iowa. She used the simple but ingenious system the hotel had devised to determine when a guest had left his room. The locks were so arranged that the handle turned if the door was locked from the outside. If the handle did not turn at all, the door was locked from the inside and the maid did not enter the occupied room. At about seven thirty, Mrs. Chambers tried the doorknob to Room 729, felt it turn, and used her passkey to enter. A short time later police were at the hotel.

Byron Hattman was dead on the floor, stretched out alongside the bed, a small bloodstain in the carpet near his head. The position of the body was unusual. He was lying face down, his head twisted to one side, with his

arms folded behind his back and his feet crossed at the ankles. His overcoat was beside him on the floor and the right sleeve of his suit jacket was off and turned inside out with bloodstains on the lining. An open and empty billfold was near the body.

Although all the furniture in the room was in place, it was obvious that a prolonged struggle had taken place. All four walls were bloodstained, there was a long deep knife scratch on a closet door, and some plaster had been gouged from one of the walls by a knife thrust. Hattman's face indicated the intensity of the fight. His mouth was bruised and puffed, one eye was blackened, and there was a cut on his forehead and another on a finger. One of his ribs was broken and there was a bruise on top of his head. A medical examination disclosed that he had been stabbed in the chest. Coroner Robert Brosh, who probed the wound, reported that it was at least six inches deep and had punctured the heart. He thought a long two-edged blade had been used.

Searching officers found a wadded bloodstained towel in the bathroom, showing that the killer had washed and cleaned up before leaving and locking the door. Peculiarly, the key to the room was under the bed.

The hotel manager, who turned over a vacant room on the seventh floor for police to use as a temporary headquarters, said that Hattman had registered at the hotel almost every Monday since October. He usually drove in from St. Louis and stayed the first two or three days of the week, working with engineers of the Collins Radio Company in Cedar Rapids, who were doing subcontract work for the Emerson Company.

A telephone call was made to the St. Louis firm notifying them of the murder, and Emerson officials directed two of Hattman's friends in the plant to leave at once for Cedar Rapids to assist police in the investigation.

Two guests in the hotel established the time of the murder at about 5:45 P.M. the previous day. Eugene Postock, who occupied the room directly below Hattman, said he had heard what "sounded like a hell of a fight" going on at that time. Unable to determine just where it was, he had stepped out into the hall and looked

around. The disturbance quieted down a short time after he returned to his room. A similar story was told by L. W. Sheets, who was in his room on the seventh floor. He heard a man call out "Stop! You're killing me," but assumed that it was "horseplay." After several thumps, the noise subsided.

The first police theory was that Hattman had surprised a prowler in his room. Doubt soon was cast on this theory when officers interviewed hotel personnel. Mrs. Margaret Bell, another seventh-floor maid, said that she was cleaning up the room the previous afternoon when a man entered. Assuming that he was the occupant of the room, she told him she would be through in ten minutes and he walked out. She was still there when he returned puffing and remarked that he was not used to climbing stairs. She described him as a tall man, about thirty and wearing glasses. Her description matched that of Hattman and she was taken to view the body. "He's not the man," she told officers. "The other one was broader and heavier." Police realized that no ordinary prowler would have stayed in the room for several hours until Hattman came in.

The engineer's glasses were missing, although he had been seen wearing them when he came up the elevator to his room about five o'clock the previous afternoon.

Detectives searched his car parked in a garage across the street and came up with a peculiar find. In the trunk, wrapped in brown paper, was a glassed-in picture frame containing the breastbone and tail end of a chicken mounted on a piece of cloth. Printed on the cloth underneath the bones were the words LEST YOU FORGET.

Puzzled officers wondered whether the strange object was some kind of a threatening message. That night, when St. Louis newspapers published the story of the murder, a young woman telephoned to report that she had given the bones to Hattman as a souvenir. She explained that some time before he had "raved" so much about a fried chicken she had prepared for a picnic that she had mounted and framed the bones, mailing it to him as a joke. She had not known that he had been carrying it around with him since then.

Dr. Rutledge's name came up early in the inquiry when detectives went to the Collins factory to check on Hattman's movements the previous day. Kenneth L. Ebershoff, who knew the Rutledges slightly, said that Hattman had confided to him that he was having trouble with the doctor because of Sydney.

With St. Louis some 300 miles south of Cedar Rapids, police at first were not particularly interested in this angle. They reasoned that Dr. Rutledge would have had many more opportunities closer at home if he had wanted to murder Hattman. The detectives were more interested in the information that the engineer's work in Cedar Rapids was connected with confidential Army orders. Although company officials assured them that Hattman possessed no military secrets that would be of value to spies or saboteurs, Cedar Rapids police notified the FBI.

Late that night the two Emerson Company employees arrived from St. Louis and conferred with Inspector of Detectives William Kudrna. They pictured Hattman as a friendly man, well liked by his associates, who earned good money and spent it freely. While he had a roving eye for women, they said he always behaved like a gentleman. The only possible enemy they knew about was Dr. Rutledge. It seemed that the gentlemanly Hattman also had discussed rather freely with them his difficulties with Dr. Rutledge over his affair with Sydney. He even told them that the physician had hired a private detective and they assumed that the husband was trying to catch Hattman and Sydney together.

The pediatrician became a prime suspect when detectives learned that he had been in Cedar Rapids Monday night. He had registered at the Montrose Hotel and checked out Tuesday morning, the day of the murder. While Inspector Kudrna was preparing to send men to St. Louis to interview the doctor, he received information that tended to clear him. Mrs. Bee Nichols, office manager of a garage, said that Dr. Rutledge had brought his car to the repair shop Tuesday morning to have a water pump repaired, picking it up shortly after noon. He asked Mrs. Nichols to extend credit, explaining that

he had been called to Cedar Rapids to attend the Ebershoff baby and had left home without much cash. Mrs. Nichols agreed to let him pay the $15.30 bill by mail. She said he telephoned her Tuesday night long distance from St. Louis, telling her that he had placed a check in the mail.

Mrs. Nichols was certain that the long distance call had been from Dr. Rutledge and had been at 7:30 P.M., only about 90 minutes after the murder. Dr. Rutledge could not have driven 300 miles in that short time.

Inspector Kudrna was too experienced an officer not to consider all the angles. "Dr. Rutledge probably bought gas before he left the city," he told his men and directed them to canvass service stations. They found a dealer who had sold gas to the physician on Tuesday and he had a signed credit card receipt to prove it. The sale had been made shortly after 6 P.M.

The physician's clumsy alibi had fallen apart; he could have made his long distance call on his way home.

A further inspection of the register at the Montrose Hotel showed that the doctor had also stayed there on December sixth, the previous Monday. Hattman, likewise, had been in Cedar Rapids that day. A bellboy at the Montrose said he had entered Dr. Rutledge's room and saw a long black object in an open dresser drawer. He thought it was a short length of lead pipe that either was taped or wrapped up in cloth, and estimated that it was about twelve inches long.

Inspector Kudrna reported his information to County Attorney William Crissman and the prosecutor decided to accompany detectives to St. Louis to interview Dr. Rutledge. It was about two o'clock on the morning of December 17th when they arrived at the Rutledge apartment, accompanied by Detective Captain William Washer and several members of the St. Louis force.

The officers knocked repeatedly for several minutes before getting any response. Sydney, clad in a filmy negligee, finally opened the door when they identified themselves as police officers. She said her husband was in the bathroom. When Dr. Rutledge emerged about five min-

utes later, the officers glanced at his face looking for marks of a fight, but observed only a deep even tan.

Captain Washer requested the doctor to get dressed and accompany them to headquarters, remarking, "You know what this is all about." Dr. Rutledge did not rise to the bait and made no reply.

The physician appeared to be calm and faintly curious as he sat down in the police car. He lit a cigarette and puffed a few times. Suddenly he leaned forward as if in pain, and beads of perspiration dotted his forehead. "Get to the City Hospital," Captain Washer directed the driver. "He's taken poison."

Although Dr. Rutledge was conscious when brought to the emergency room he refused to tell whether he had taken poison, and a stomach pump was applied. As nurses wiped his face, heavy pancake makeup came off revealing bruises underneath. He slipped into a coma and doctors listed his condition as critical.

As they were unable to question him, he was placed under technical arrest and the officers returned to the apartment to question Sydney. She admitted that her husband and Hattman had been quarreling and said Dr. Rutledge had gone to Cedar Rapids to have a showdown with the engineer.

He had returned about midnight Tuesday with his face badly bruised and told her he had had a "terrible fight" with Hattman. He also issued instructions that if the police came she should answer the door and keep them in the living room until he came out of the bathroom.

"Did your husband kill Hattman?" she was asked.

Mrs. Rutledge shook her head. "I asked him that when I read about the murder in the newspapers and he told me he had not killed him but knocked him out and left him on the floor of the hotel room."

Police said she quoted her husband as telling Hattman, "No gentleman would take out another man's wife, even though she was willing." They also said that when they asked her if she had resisted Hattman's attentions she replied, "I guess I was as much to blame as he was." She later denied both of these statements.

The prompt treatment at the hospital saved Dr. Rutledge's life. He had taken six capsules of a little used poison which he had purchased after his return from Cedar Rapids. When finally questioned by detectives, he said he had been willing to forget about the affair after he learned that Sydney was not pregnant, but Hattman kept pressing Sydney for dates, stopping her in the company parking lot and telephoning her at home. The engineer jeered at his protests and suggested that he give Sydney a divorce so she could go out and have some fun. He said he pleaded with the other man to leave his wife alone and finally, in desperation, telephoned Hattman's mother in Pennsylvania.

This call infuriated Hattman and he stepped up his telephone barrage. On one occasion, Dr. Rutledge said, Hattman sent a quarter with a letter stating, "I never did a girl out of her fee yet."

The doctor added that he offered Hattman $200 if he would stop annoying them, but the engineer requested $2,000, explaining that he was tired of St. Louis and wanted to go to the West Coast to take another job.

Both trips Dr. Rutledge made to Cedar Rapids had been to see Hattman and offer him money. He missed him on the 6th and returned the following week determined to settle the matter.

"Why Cedar Rapids?" Crissman asked. "He was in St. Louis most of the time."

"I never could reach him here," the doctor explained. He said he had arrived at his hotel late Monday night and went to Hattman's room the following afternoon to sit there until the engineer came in. After the maid left, he read a magazine.

Dr. Rutledge said he renewed his offer to Hattman to pay him off, but the engineer laughed at him, pulled out his wallet displaying the bills in it, and remarked contemptuously, "I don't need your money."

"I got mad and hit him in the face," Dr. Rutledge admitted. He had knocked the engineer down and when Hattman came to his feet, he pulled a knife out of his pocket. "He lunged at me and I took the knife away

from him. As he kept coming at me I jabbed at him a number of times to keep him away."

During the fight he said Hattman succeeded in getting the knife back and at one point the two struggling men carried their battle out into the hall. Dr. Rutledge claimed he finally succeeded in knocking Hattman out. After washing up, he picked up Hattman's money which had scattered over the floor and placed it in his pocket. Both his and Hattman's glasses were broken during the scuffle and he also took them with him. He found Hattman's knife out in the hall.

He insisted that Hattman was alive when he left the room. He drove back to St. Louis and on the way tossed Hattman's glasses and knife out of the car, and after removing $35 which belonged to him, threw away the rest of the money. Dr. Rutledge described Hattman's knife as having a black handle. The engineer's landlady and several Emerson employees told police that he did own such a pocket knife.

Dr. Rutledge's father, Dr. Rutledge Sr., an optometrist, hurried to St. Louis from Houston. Anxious to protect his son's reputation, he told reporters that Robert was a good boy who never had been in trouble except on one occasion when he accidentally shot another boy in the foot.

Busy reporters, following up this gratuitous and unexpected lead, soon came up with a far different version from the one given by the father. In 1933, when Rutledge was twelve years old, he was one of three boys vying for the attention of a young *femme fatale*. Rutledge shot one of his rivals in the left hip and later admitted that he had been shooting to kill. He had planned to cast suspicion on his second rival and then kill him, too. Placed under the care of the director of the Houston child guidance clinic, it was then that the disillusioned boy remarked that no girl is "worth murdering a man over." Seven months later the charge against him was dismissed upon the recommendation of the psychiatrist.

The story of the previous murder attempt was headline news in both St. Louis and Cedar Rapids. Liberal

newspaper space also was given to the four-hour first marriage. Shortly after these stories appeared, a first-degree murder indictment was returned against Dr. Rutledge.

For several months he fought extradition in Missouri courts but finally gave up and surrendered to Cedar Rapids authorities. During this time he had developed ulcers and was placed on a special milk diet in jail while awaiting trial.

After a slow start in selecting a jury, the trial began on May 9, 1949. Crissman set the tone for the prosecution when in his opening statement he called Dr. Rutledge a blackmailer and said his motives, "in addition to robbery, were revenge and jealousy."

The defense countered just as hard by calling Hattman a debaucher of women, and denied that Rutledge had inflicted the fatal wound. At the same time the jury was told that if it came to the conclusion that the defendant had stabbed Hattman, then it had been done in self-defense.

As the prosecution presented its case, it developed that the blackmail charge was based on the request to Hattman that he pay for the abortion when Sydney thought she was pregnant. Dr. Rutledge's story that Hattman had been pestering him with phone calls was reversed and the physician was portrayed as pursuing the engineer in an attempt to extort money from him. To bolster the robbery count, evidence was introduced that the physician had deposited $270 in the bank two days after the murder. The defense was able to show that Sydney had received an inheritance payment.

Since a first-degree murder charge must show premeditation, Mrs. Hattman, mother of the murdered man, was placed on the stand. She testified that Dr. Rutledge in his long distance call to her had said that unless her son stopped seeing his wife, he would take "drastic action." The fact that Dr. Rutledge had telephoned to Hattman's mother would indicate that there was some truth to his story that the engineer was doing some pursuing of his own.

The prosecutor's version of the black object seen by

the bellboy in Dr. Rutledge's hotel room was that it probably was a case concealing the knife used in the murder. The physician had explained that it was an otoscope, a device for looking into children's ears which he used so frequently that he habitually carried it with him.

A deputy coroner who performed the autopsy testified that the fatal wound had been inflicted while Hattman was not moving, an indication that he had been stabbed while unconscious. This was disputed by Dr. Frank R. Peterson, former head of the Iowa University department of surgery, called by the defense, who said there was nothing about the wound to indicate that Hattman had been motionless.

All during the trial Dr. Rutledge and Sydney sat side by side at the counsel table, frequently holding hands. They separated only when each took the stand, Dr. Rutledge repeating the same story he told at the time of his arrest.

When newspapers reported that Sydney was going to testify, several hundred women queued up for the ninety seats. The line began to form as early as five thirty in the morning, some women bringing their lunch with them to make certain they would not lose their seats.

Sydney preceded her husband to the stand, dressed in a white blouse, dark skirt and low-heeled sandals, her only makeup a slight touch of lipstick. She said the two sailing dates and the evening supper had been the only times she had gone out with Hattman. She was questioned by R. S. Milner, one of the defense lawyers.

After describing the conversation they had while sailing the second time, she testified that the engineer brought her home about eight o'clock. "He dropped me in front of the apartment and I went in to get cleaned up. I phoned Bob to tell him I was in from sailing, but didn't mention that I was going out for supper afterward. We went to the Chase Hotel where Hattman insisted on going into the Steeplechase for a few drinks. I had two or three bourbons and sweet soda. The Chase dining room was crowded and we went next door to the Park Plaza where he insisted again on going into the cocktail

lounge. I finished one drink and half of the second when I became ill and told him I had to get out."

She said her companion told her that food would fix her up and they drove to a third restaurant where they ordered dinner, but she was unable to eat and asked him to take her home.

"He said he was sorry that he had been ordering double drinks and didn't realize that they would affect me."

For the benefit of the jury, the attorney repeated, "He was ordering double drinks?"

"When we got to our apartment," she continued, "I was so weak he had to help me up to the second floor. I had trouble getting the door open and so he helped me. He stepped inside and closed the door."

"Then what happened?"

At this point Mrs. Rutledge broke down and District Judge J. E. Heiserman declared a recess. Seven minutes later she returned to the stand to answer the question.

"He forced me back into the bedroom."

"What about your clothes, did he take them off?"

"No."

"What did he do with reference to the bed?"

"He pushed me down onto the bed."

"Did Hattman have sexual intercourse with you then?"

"Yes."

"Did you consent to it?"

"No, I was trying to plead with him to leave. I was dizzy and faint. I said I wanted to be alone. He left shortly and I don't remember anything after that."

She testified that Dr. Rutledge was at work in the hospital. When she awakened early the next morning, her clothing "was pushed up around my body." She then got undressed and returned to bed staying there for most of the day because she was "worried and nervous about what had happened." She did not mention the episode to her husband and when he asked her what was wrong she said she didn't feel well.

"When did you next see Mr. Hattman?"

"Monday morning at work."

"Did you talk to him that day?"

"Yes, he came up to me and asked me how I survived

Saturday night, and I told him I wanted to forget about it and didn't want him to talk to me. He wanted to explain. I said I didn't want him to talk to me."

Her husband, she added, learned about it from the overheard conversation at the country club. He questioned her when they got home and she told him how it happened. "We decided to remain together because we both loved each other very much and we wanted to forget what happened and go on living happily." She said she heard her husband offer Hattman money to leave her alone but the engineer continued to telephone her and Dr. Rutledge.

Her husband wept openly in court during her testimony, and when she stepped from the stand when the court recessed for the day the couple embraced in the courtroom.

Mrs. Rutledge was on the witness stand for almost two days, a large portion of which was devoted to cross-examination. Taking her over her story of the attack by Hattman, prosecutor Crissman asked, "Did you scream?"

"I don't remember screaming."

"You didn't kick or struggle, did you?"

"Yes, I did. I tried to push him away."

"There weren't any bruises on your person, were there?"

"I didn't notice."

"Did you go into the bedroom and remove your clothing while he waited in the living room?"

"I did not."

"And lie down on the bed and call to him to come there?"

"No."

The defense brought in one surprise witness, John Wilkerson, a private detective in St. Louis, who testified he had been hired by Dr. Rutledge to talk Hattman out of the $2,000 he was asking to leave Sydney alone. The detective said he told Hattman that his demand for the money was blackmail but the engineer said it would cost him that much to move from St. Louis.

In rebuttal, the State put several Emerson employees on the stand who testified they had seen Sydney stand-

ing at Hattman's desk and talking to him on many occasions after July 31st. One of the department heads said, "It simply appeared strange to me that a seemingly happily married woman should be soliciting the attentions of an unmarried man." Another engineer said that he had particularly noticed her at Hattman's desk because of her "outstanding" clothes. "When they wear tight sweaters I can't miss it," he declared to the delight of the women spectators. This answer was ordered stricken from the records.

Sydney again took the stand and repeated that she had not spoken to Hattman after the seduction. She added that she never had worn any kind of sweater during the summer months in St. Louis.

For his final stroke, Crissman and his assistant, David Elderkin, re-enacted their version of the murder. Crissman stretched out on the courtroom floor as if unconscious and Elderkin, portraying the role of Dr. Rutledge, plunged a mock knife into his heart. Elderkin then rolled Crissman over, locking his hands behind his back. Somehow, during this process, Crissman's legs crossed over at the ankles and he appeared on the floor just as Hattman's body looked in the official photographs. Whether the legs would have crossed over at the ankles if an actual corpse had been used, is not known.

The defense, recalling that the killer had to have a key to lock the door and that Hattman's key still was in the room, suggested the possibility that somebody else had entered after Dr. Rutledge knocked Hattman out and had killed him.

The jury was impressed by the re-enactment of the murder. After deliberating for slightly over three hours, it returned with a second-degree murder verdict. One question that remained unanswered during the trial and may have weighed heavily with the jurors was why Sydney had remained at the Emerson Company, working in the same office with Hattman, while the engineer and her husband were carrying on their four-month dispute. She left her job only on the day that Hattman's body was found.

The conviction carried a possible term of from ten

years to life imprisonment. Judge Heiserman sentenced Dr. Rutledge to seventy years.

An appeal was filed and after serving almost a year in prison, Dr. Rutledge was freed under $40,000 bail pending a decision by the higher court. He and Sydney moved to Houston, where he took a job selling model airplanes. When he learned that under Texas law he could practice medicine while his application for a state license was pending, as long as he did not issue prescriptions or narcotics, he opened a children's clinic in a converted store. Shortly before opening date, his father was killed when a train hit the automobile in which he was riding.

Dr. Rutledge proved to be a capable physician and as his medical reputation spread, the new clinic began to be crowded with young patients. In the beginning of April, 1951, he received word from his attorneys that the Iowa Supreme Court was expected to hand down a decision on his case on the fourth of that month.

Early that morning he took Sydney to the home of a former classmate and arranged for her to spend the day there, withholding the news that the verdict was expected. He explained that he might have to leave town on business.

Later that morning the Iowa court, in a 24-page decision unanimously upheld the conviction, ruling that Dr. Rutledge had received a fair trial. The judges commented that the four-month delay ruled out an unwritten law plea. They agreed that the seventy-year term imposed was severe, but since the sentencing judge could have imposed a life term, the sentence could not be called excessive. The decision meant that Dr. Rutledge was through as a physician, and would have to return to Iowa to serve his sentence.

The pediatrician received the news about noon from his attorneys. An hour later he telephoned Sydney at the friend's home but still did not tell her about the court decision. He phoned again after four o'clock and told her to remain overnight, that he would be busy.

"You'll hear from me tomorrow," he said before hanging up.

At 5:30 the following afternoon, a drilling contractor noticed a car parked off a lonely road about fifteen miles from Houston. The motor was running and all the windows were closed, and he went over to investigate. Dr. Rutledge was dead inside the car, a new plastic hose, with a $4.25 price tag still attached, stretching from the exhaust pipe into the machine through a narrow opening in a side ventilating cowl. Taped on the dashboard was a torn piece of paper with the name *Dr. Robert C. Rutledge Jr., M.D.* written on it in ink. Several medical textbooks rested on the gas pedal, keeping the motor racing. Two used hypodermic needles were on the floor.

Several hours before the body was found Sydney had received a letter from him. *Sorry to run out on you like this,* it read, *but I think it's best for you this way. There is a good future for you if you forget all about this. Love is but a fleeting thing at best, and time will cure a lot of grief.*

The letter instructed her to give all his model planes and tools to an eighteen-year-old boy they knew, and his books to the Baylor Medical School. It also advised her to change her name. *Then go elsewhere and start a new life. Remember that all men are wolves. I love you. Bob.*

A footnote on the case occurred in 1952. Dr. Rutledge had entered the Navy before his marriage to Sydney and named his first wife as beneficiary of his $10,000 service insurance. He did not change it after his second marriage. A court suit was held to determine who should get the money and a judge decided to split it between the two women, with the bride of four hours receiving the major share. Whatever his intentions about the insurance money had been, this added the final touch of irony to the life of Dr. Rutledge.

CHAPTER 3

Desire and Death

Few cases have attracted as much attention over the years as has the murder of Mrs. Nancy Titterton. First was the timing: it occurred on Good Friday, a solemn day even to the occasional churchgoer. Second was the savage brutality of the crime: she had been raped and strangled with pieces of her own clothes torn in shreds from her body by the frenzied killer. Third was the startling contrast of the crime and the victim: Mrs. Titterton can best be described by the old-fashioned word *gentlewoman;* quiet and shy, she was not the type to attract a sex killer. The murder also emphasized the danger that any woman constantly faces, even in the supposed safety of her own home.

Tucked away near the East River in the fashionable upper East Side of New York City is Beekman Place, a street just two blocks long, that represents an island of tranquillity away from the roar of through traffic. Lining the street are a few imposing apartment houses and a group of narrow five-story brownstone buildings that once were private homes and have since been remodeled into small apartments, usually two on a floor. It is a section which has attracted many writers, editors, actors and creative workers in such allied fields as radio and advertising.

Mrs. Titterton, thirty-three years old, lived with her husband in an apartment on the fourth floor of a brownstone at 22 Beekman Place. The Tittertons were representative of the residents of the area. He was head of the continuity department of one of the major broadcasting chains and a frequent contributor of book reviews to literary supplements. Mrs. Titterton wrote short stories that had won praise for their sensitivity and delicate literary style. She was a slight woman, weighing under one hundred pounds, of a quiet restful beauty that would pass unnoticed in the company of more obviously pretty women, a fact which made the attack upon her more surprising.

The murder was discovered shortly after four o'clock on the afternoon of April 10, 1936. Two men, Theodore Kruger, an upholsterer, and his assistant, John Fiorenza, were returning a love seat they had picked up the previous afternoon for minor repairs to the webbing and springs. Mrs. Titterton had impressed upon them the importance of getting the sofa back by Friday afternoon; she was expecting guests for the week end.

Kruger, whose shop was on Second Avenue, several blocks away, had pushed through the work as promised and drove up with his assistant to make the delivery. The two men eased the large upholstered piece through the narrow entrance located a few steps below the sidewalk, and rang the vestibule bell to the Titterton apartment.

When there was no answering buzz, the upholsterer muttered about the vagaries of women who demand rush work and then are not home to receive it. He stood undecided in the downstairs lobby. The door leading inside was open but the building was a walkup with narrow winding stairs and he did not want to carry the heavy love seat up the stairs and then have to bring it down again. Hoping that the downstairs bell was out of order, he instructed Fiorenza to try the apartment.

A few minutes later his assistant returned. "Funny thing," he reported. "Her door is open but nobody answered even when I kept ringing and ringing."

"Maybe she left it unlocked for us to make the deliv-

ery," Kruger suggested. "Let's take it up and leave it there."

The front door of the apartment, leading directly into the living room, was ajar. Kruger rapped and when he received no reply backed into the room pushing the door open. The two men placed the sofa in the same position it had been when they picked it up the day before and Kruger left a bill for his services on the sofa cushion so that it would be readily noticeable.

As they stepped out into the hallway, the upholsterer noticed that Fiorenza was about to slam the door shut. "Leave it open a little like we found it," he cautioned his assistant. "Maybe she didn't take her key."

The two men started down the steps when the upholsterer had another thought. "I'll get her telephone number so I can call her up later and see how she likes it and remind her about the bill," he informed Fiorenza. The two men re-entered the apartment, and Kruger looked about the living room without finding a telephone. He tried the adjoining room which was fitted up as a library-workshop where Mrs. Titterton did her writing. The next room was the bedroom and the telephone was in there on a small table near the door. Kruger wrote down the number and as he turned he saw that the bathroom door at the far end of the room was partly open, and the electric light was turned on. He also caught a glimpse of a pair of stockinged feet.

Clearing his throat noisily, Kruger hastily backed toward the bedroom door calling out, "Excuse me, Mrs. Titterton, but I guess you were taking a bath and didn't hear us ring. We brought the furniture and I . . ."

His voice trailed off as he realized that the feet were elevated in the air at an unusual angle. "Mrs. Titterton!" he called out sharply. There was no answer. The upholsterer moved cautiously toward the bathroom and peered in. He then rushed to the side of the tub and leaned over. His excited shouts brought Fiorenza dashing in from the living room.

"Look at that," Kruger exclaimed to his assistant, pointing to the tub, his hand trembling visibly. The body of Mrs. Titterton, nude except for a tattered slip

and the stockings, was lying face down in the bathtub, her left arm twisted underneath her, her stockinged feet hanging over the rim. Pieces of a torn maroon blouse, the top of pink pajamas, and a strip from the pink slip she was wearing had been knotted together as a noose and tied tightly around her throat.

Fiorenza was the first to recover from the shock. He picked up the telephone to notify police but had so much difficulty dialing the number that the trouble operator cut in and promptly connected him with police headquarters.

"They said for us to stay here and not touch anything," he told his boss and hurried to the kitchen for a glass of water.

The call brought detectives from the local precinct and members of the Homicide Squad to the scene. It also was the first important case for the newly organized Technical Research Laboratory, the rather impressive name chosen for the police laboratory squad of plainclothes officers who at that time had only meager equipment and whose work on the case generally has been overlooked.

Officers found the frightened upholsterers waiting for them in the living room. Kruger had notified the building janitor who had refused to enter the apartment until the superintendent of a large apartment house nearby accompanied him.

The investigators were puzzled by the appearance of the death scene. Despite the fury of the assault on the murdered woman, there were no indications that any struggle had taken place anywhere within the apartment. All furniture in the various rooms was in place and there were no scuff marks on the carpet. Yet a skirt, brassiere and a garter belt that lay on the floor next to one of the twin beds, showed how frantic the attack had been. The skirt was completely torn up one side, and the brassiere had been ripped off with such force that even the eye hooks had broken away from the garment and were on the bed. The garter belt also was damaged, with two of the snaps still attached to the stockings the murdered woman was wearing. There was

a slight dent in the bed with the faint outline of a man's footprint on the bedspread. Several small pieces of dried mud were also on the spread. The Venetian blinds were drawn in all the rooms; the only open window was a narrow one in the bathroom. Here, too, the blind was down.

The technical men were the first to go to work and they spread fingerprint powder everywhere in the four-room apartment. They also carefully collected into an envelope the small scraps of mud on the bedspread. Using the recently discovered silver nitrate method for bringing up latent prints, they were able to expose Kruger's palm and fingerprints on the white bathtub. He demonstrated how he had leaned over the tub to determine whether Mrs. Titterton was alive and the position of his prints on the tub verified his story. The only other fingerprints found were Fiorenza's and these were on the telephone and the water glass in the kitchen, which also jibed with his story.

From all the evidence it appeared that Mrs. Titterton had admitted the killer into the apartment. The fine layer of dust which normally collects on windowsills in New York City, was undisturbed on all the windows. Police also ruled out the fire-escape as a means of entrance when they learned that it had been freshly painted, and observed no footprint impressions on it. This led to the theory that the killer probably was somebody she knew or expected, perhaps a friend or a delivery boy.

The front door was slightly warped and had to be shut firmly for the automatic lock to catch, which could account for the door's being ajar; the killer in his haste to make his escape had not paused to pull it shut, assuming that it would close by itself. The absence of any signs of a struggle indicated to investigators that the killer had seized the frail woman while she was off-guard and had carried her into the bedroom, pointing again to the likelihood that she knew the man because he had been able to get close enough to grab her. In view of her slight size, a man of average height and strength could have done it.

With the arrival of Dr. Thomas A. Gonzales, Chief Medical Examiner, the body was removed from the bathtub. A small piece of water-soaked cord was found underneath the body. Measuring about thirteen inches long, it was frayed on one end and was slightly thicker than ordinary wrapping twine, resembling the cord used on Venetian blinds. This cord became an important clue when Dr. Gonzales, noting some slight chafing marks on Mrs. Titterton's wrists, observed that her hands had been bound together. The blinds in the apartment were examined and all had their cords intact. No matching cord was found in the apartment.

Dr. Gonzales said that the victim had been strangled with the noose fashioned from her own garments and estimated the time of death from four to six hours, or between 10 A.M. and noon. He also noticed a slight froth about the mouth and said she still had been alive when placed in the tub. The froth was caused by inhaling water. The body was damp and the medical examiner said the killer may have turned on the tap in order to drown her and make certain of her death. He also pointed out that the shower head above the tub was leaking and the water could have come from that. Since the plug was missing, any water the killer had let run into the bathtub would have drained off.

The technicians took with them for further examination at the laboratory the bedspread, the fragments of mud and the torn clothing the victim had worn. They promised to make an immediate analysis of the cord so that Detectives Shields and Quinn of the Homicide Squad could start on the task of locating the manufacturer and then trace the piece to the store where it had been sold.

Even though police make no public announcement of it, they immediately investigate the husband and the person who found the body in any murder case. Titterton was notified at his office and rushed home where he collapsed when he viewed the body of his wife. He said he had left the apartment at eight twenty that morning and had telephoned home shortly after nine o'clock to read his wife an amusing letter he had received in the

morning mail. They had chatted a few moments about whether formal dress was required for a wedding anniversary party being given by a friend. That was the last time he had spoken to his wife. While he was being questioned, detectives sped to his office where they quickly verified that he had been at his desk all morning and had lunched with friends, accounting for all of his time, and so he was eliminated as a suspect.

Since Kruger, who had found the body, had a witness and both men had a legitimate reason for calling at the apartment, police were not too suspicious in that direction. Kruger said he and Fiorenza had been busy at the shop all day repairing the sofa so they would be able to deliver it on time. His wife verified that he had not left the shop at all that morning.

Police were startled when they found a scribbled note on a telephone pad containing directions on how to reach 12 St. Luke's Place in Greenwich Village. This was the address where Starr Faithfull had lived; the death of this madcap beauty several years earlier is one of the unsolved mysteries in New York. It turned out, however, that Mr. and Mrs. F. R. Mansbridge, friends of the Tittertons, lived in that building. It was their anniversary party which the Tittertons had been planning to attend. Mrs. Mansbridge said that Mrs. Titterton had telephoned her at ten thirty that morning and had asked how to get to her home by subway. She said Mrs. Titterton had been cheerful when she spoke to her and from their unhurried conversation she was certain that the other had been alone then in her apartment.

The time of the murder was narrowed down still further when detectives canvassing the neighborhood found a seventeen-year-old delivery boy, employed by a local tailor shop, who said he had called at eleven thirty that morning to deliver a dress to Mrs. Titterton and had received no reply to his ring on the downstairs bell. Brought to the apartment for more thorough questioning, the boy insisted that he had not gone upstairs to the door but had remained in the vestibule. "Why should I climb four flights of stairs for nothing?" he demanded. He added that Mrs. Titterton had left instruc-

tions with the tailor that if she failed to answer the bell, no deliveries should be made. Suspicious officers wanted to know if the delivery boy had been annoying the murdered woman and if that could be the reason for her not wanting him to come up. Titterton explained that his wife had been writing a book and probably issued those instructions so as not to be interrupted while she was at work. He said that she would have accepted the dress that morning since she had been planning to wear it that evening.

The time of the murder was now established as between ten thirty, when Mrs. Titterton was alive and speaking to Mrs. Mansbridge, and eleven thirty when she no longer answered her bell.

Detectives questioning neighbors in the building and other residents of the block soon found themselves with a windfall of leads. A countess occupying an apartment on the floor below said that a brash young man had twice rung the bell of her apartment within a week and each time he had asked for a different woman. His first visit had been during the day and when she came to the door he said he was looking for a woman named Gloria. When the countess informed him that he had the wrong apartment, he had tried to carry on a flirtatious conversation with her. His next visit had been at three o'clock in the morning and this time he had asked for another woman. Without troubling to apologize for having awakened her at that hour, he again tried to flirt with her. She described him as a personable young man with sandy hair.

Since sneak thieves often wander through buildings ringing doorbells on the lookout for vacant apartments to plunder, detectives were assigned to search for this man. Police were willing to revise their original theory that the murderer was known to her and said it was possible that such a thief had found the door to Mrs. Titterton's apartment ajar and had entered only to be discovered by her. If he had a lengthy record and faced a long prison term he might have killed her to prevent his arrest. Sneak thieves frequently attack women whom they rob.

A magazine writer living in a nearby building told officers that he had seen a man in blue overalls on the roof of Mrs. Titterton's building about eleven o'clock that morning. His attention had been attracted by a large stick the man held in his hand and he seemed to be going through motions as if beating off somebody. Nobody else was on the roof. The janitor of the building was wearing the kind of overalls described by the writer. When detectives questioned him, the janitor was so upset that he had difficulty answering questions, behavior that always arouses police suspicion.

Adding to the janitor's difficulties was a report from a maid employed in another apartment in the building that she had heard a child or a woman screaming his name during the morning. She also placed the time of the screams as somewhere near eleven o'clock. Detectives recalled that he had been reluctant to enter the Titterton apartment when called by Kruger.

The janitor was taken to headquarters where he was questioned intensively for some six hours. His clothing was checked for bloodstains, the tests being negative. Although he had difficulty in recalling where he had been between ten thirty and eleven thirty that morning, he denied having been in Mrs. Titterton's apartment at any time that day. With no actual evidence against him, he finally was released but several men were assigned to shadow him and report on his every move. The delivery boy for the dry cleaning establishment also was kept under constant surveillance after he was questioned.

Meanwhile, excited neighbors were keeping police busy with descriptions of suspicious-looking men they had seen loitering in the neighborhood. For a quiet, peaceful street, Beekman Place seemed to have an unusually large number of sinister men on the street. A woman who lived several doors away was positive that she had seen a "thug type person" hanging around near the entrance to the Titterton house. A doctor's maid furnished officers with still another description of a man she had seen whose actions she did not like.

The building was undergoing some renovations and a crew of four painters had been working in the struc-

ture all week. Only one of the painters had reported for work on Good Friday and he said he had been doing some brush-up work in the halls and had not been on the fourth floor at all. Men were sent out to check on the alibis of the other painters. By now, sixty-five detectives were working on the case under the direction of Deputy Chief Inspector Francis J. Kear.

Officers spent several days in running down the mysterious men seen lurking in the neighborhood. These turned out to be collection men and salesmen whose work brought them to Beekman Place. One eccentric, a whip-carrying musician, was held overnight for questioning and then was sent to Bellevue Hospital for mental observation.

The sandy-haired man popped into the picture again when a woman said she recognized him from the vague description given by the countess. She said that he was a glib theatrical producer whose specialty seemed to be to meet women and then separate them from some money to back ventures that never were produced. This woman was seeking him for giving her a bad check when she pressed him for a return of her money. Police satisfied the woman by finding the man and arresting him; they also satisfied themselves that he had nothing to do with the murder of Mrs. Titterton.

Detectives checked thoroughly into the victim's background for a possible lead. The daughter of a contractor in Dayton, Ohio, she had attended Antioch College and then had come to New York where she had worked in several bookstores, finally becoming the book buyer in a department store. She had literary ambitions and had gone to work in the editorial department of a publishing house. It was only after her marriage that, encouraged by her husband, she began to write. On the strength of her first published short story she had been offered a book contract by a new publishing firm.

One of the newspapers attempted to build up a mystery suitor, implying that at one time Mrs. Titterton had contemplated divorcing her husband. Friends scoffed at the report and said the Tittertons had been very happy together. The mystery suitor was located by detectives

and turned out to be nothing more than an old friend. Mrs. Titterton was described as an unaffected person without any pseudo literary mannerisms, who liked to wear tweeds and sports clothes. Ironically, she had moved to the Beekman Place section because she had been afraid of the neighborhood where they formerly had lived. This was in Hell's Kitchen, a rough area on the West Side. Mrs. Titterton had been so frightened while living there that she had bars placed over the windows of their apartment. She had been very happy the previous October when they moved to the more refined Beekman Place where she met death. Despite her fears, she never had been molested in Hell's Kitchen.

As far as the investigators could learn she lived a quiet, simple life, her social activities being confined almost wholly to the literary world.

The cord found in the bathtub held out little hope for a quick solution to the case. The laboratory men reported that it was one-eighth of an inch thick, was five ply, and contained low-grade Italian hemp, some jute and a few strands of istle. Detectives Shields and Quinn interviewed manufacturers and learned that some twenty-five concerns made cord containing istle. Most of the cord makers were located out of New York and this meant that the cord would have to be taken for examination to each factory to determine who made it. Then shipments would have to be traced from wholesalers to retailers, a procedure that would take months.

The painter who had been at work in the building became a prime suspect for a while when the laboratory men reported that they had found several smudges of green paint on the bedspread. He had been using that color paint on the day of the murder. Although questioned by relays of detectives, he could not be shaken from his story that he had worked on the lower floors of the building and had not been on the fourth floor that day.

Despite the unceasing efforts of all the detectives working on the case, a week passed without any sign of a break. Newspaper reporters gradually drifted away from the stationhouse and for several days haunted Kru-

ger's upholstery shop, pumping him and his assistant, Fiorenza, hoping to extract from them some bit of information that they had failed to mention to police. Photographers took pictures of the two men at work. But while reporters learned how Kruger had served many years of apprenticeship before opening his own business, they uncovered nothing new about the murder. Fiorenza was engaged to be married and proudly displayed a photograph of his fiancée but newspapermen failed to pick up his hint that they should run his girl's picture in the paper.

The story gradually was relegated to the back pages and the case seemed headed for the unsolved file. The police commissioner told impatient reporters that "it is a tough case."

The laboratory men were working quietly on their own. The clue of the green paint had petered out. The painter was in the clear and investigators realized that Mrs. Titterton, herself, might have brushed against some of the fresh paint while going up or down the stairs and then inadvertently transferred the paint to the bedspread. Or the killer might have gotten some on his clothes; but this did not make the painter the murderer.

The bedspread had been examined under strong lights but the faint outline of the man's footprints was too indistinct to determine the shoe size. The only logical explanation for the footprint was that the killer had stepped onto the low bed in order to pick up Mrs. Titterton after the assault and carry her into the bathroom.

The fragments of mud did not seem to offer much in the way of a clue. To the naked eye, and even under a microscope, the mud looked like a sample of ordinary dirt that one might pick up on a shoe while walking along a street. The mud might have come from the shoe of one of the many officers who had crowded into the bedroom when police were first notified.

Scientific tests cannot be hurried and days passed as the technicians put the small clump of dirt through various tests. They isolated a tiny sliver of a white hard bristle. This was sliced in half and studied under a high-power microscope. The laboratory detectives finally de-

cided that the bristle was a fragment of a horsehair. Several other smaller pieces of black horsehair also were found mixed in with the dirt. As a double check these were sent to Dr. Benjamin Vance, the hair expert on the staff of the Medical Examiner's Office, and he likewise concluded that the pieces were fragments of horsehairs.

When the report reached headquarters, officials were puzzled at first by the find. Horses are not too common in New York City. There are several riding stables near Central Park and a few other stables in the city where peddlers rent horses, but no horse-drawn peddler's wagon had been seen on Beekman Place on the day of the murder and none of Mrs. Titterton's friends or acquaintances was a riding enthusiast.

It was Captain Edward Mullins, head of the Homicide Squad, who came up with a possible answer. "Isn't horsehair used as a stuffing in upholstered furniture?" he asked. A call to manufacturers quickly verified this belief.

The horsehair clue pointed to the upholsterers. Kruger had been investigated thoroughly because he had wandered through the apartment and had found the body. The investigation had convinced officials that he was clear, but not too much attention had been paid to Fiorenza since Kruger's alibi also had covered him. Detectives Swander and Hayden were assigned to check more thoroughly into Fiorenza's alibi and also to inspect the cord in the Second Avenue shop.

The detectives visited the store. Kruger was alone; it was a slow day and his assistant was off. While Hayden held the upholsterer in conversation, Swander wandered about the shop, gradually making his way to the rear where he noticed several rolls of cord. He snipped samples off each and then rejoined his companion. Kruger was led into talking about the day of the murder and he described how he had opened his place of business before nine o'clock that morning and had worked hard to finish the love seat on time.

"Fiorenza would be late on a rush day," he remarked.

The detectives promptly picked him up on that since

he had previously told them that he and his assistant had been working all that day on the love seat. The upholsterer explained that he knew where his assistant had been in the morning so he had an excellent alibi. He then stated that Fiorenza was on probation for having stolen an automobile for a joy ride and had reported to his probation officer that morning, coming to work shortly after noon. He added that Fiorenza had telephoned him from court.

The detectives returned to headquarters with the information. The samples of the cord were rushed to the laboratory for comparison purposes. Assistant District Attorney William O'Rourke, who took part in the conference, pointed out that the courts had been closed on Good Friday and Fiorenza had lied when he told Kruger that story.

When laboratory tests showed that one of the samples of cord was identical with the piece found in the bathtub, Fiorenza was picked up and taken to the Harbor Precinct, a stationhouse seldom visited by reporters, so that he could be questioned without newsmen overrunning the place.

At first, Fiorenza insisted that he had been at the probation office on the morning of the murder, but finally switched his story when he was convinced that the courts had been closed that day. He said he had invented the story to cover up from Kruger that he had taken the morning off. It had been such a nice day that he had not felt like going to work and had taken the morning off, walking up and down Broadway. He denied having been at the Titterton apartment until he had accompanied Kruger with the love seat.

Officials obtained a copy of his record. The twenty-four-year-old suspect had been arrested twice for stealing cars and once for taking a bass drum and several other musical instruments from the basement of a store, but none of his previous arrests had been connected with sex crimes or violence.

The questioning continued during the night without getting Fiorenza to change his story. At one point, a man dressed as a taxi driver entered the room and

pointed out Fiorenza as the man he had seen on Beekman Place during the morning. Actually, the man was a detective. Fiorenza was left alone for several hours after the identification.

When questioning was resumed his denials seemed to lack their former vehemence and detectives, sensing that he was weakening, began questioning him again. Still denying the murder, he told officers that he had raped Mrs. Titterton. "But I didn't kill her," he insisted, and then added significantly, "I don't want to die in the electric chair."

With this opening, his questioners kept pounding at him, pointing out how all the evidence indicated that the man who attacked her had also strangled her. They deliberately ridiculed his claim that somebody else must have slipped into the apartment and murdered Mrs. Titterton after he left. About nine o'clock the following morning Fiorenza finally gave up and told the story of the murder.

He said he had first seen Mrs. Titterton the day before the murder when he had called at the apartment to pick up the love seat. The sight of the frail, gentle woman had so aroused him that he had been unable to get her out of his mind. The more he thought about her, the more determined he became to ravish her. That night when he left the shop he took home with him several lengths of the upholsterer's cord, determined to carry out his deed. When he awoke the following morning he decided not to go to work but to attack Mrs. Titterton. He waited until eleven o'clock and then rang her bell.

I walked up, his confession read, *and she was standing in the doorway. She said, "Good morning, what do you want?" I says, "I've come to see you about where to put the couch."*

Mrs. Titterton then admitted him into the apartment and indicated that she wanted the love seat placed where it had been. Fiorenza suggested that it might look better in one of the other rooms and stepped into the library. Mrs. Titterton followed. When they were near the bedroom he suddenly seized her and started tearing off her clothes. When she screamed, he clapped a hand over

her mouth and carried her into the bedroom, holding her down on the bed with his foot while he hurriedly fashioned the noose from the garments he had stripped from her. Mrs. Titterton's last words to him had been, "Please don't hurt me."

He used the cord he had brought with him to tie her hands behind her back to prevent her from struggling while he raped her. He had pulled the noose so tight about her neck while she was struggling that she went limp. After he had ravished her he picked up her body and placed it in the bathtub. "I wanted to hide it," was his explanation for this act.

Before he left he cut the rope from her hands, later throwing the pieces away in a trash barrel on his way to Kruger's shop. He had overlooked the small piece that had slipped under her body while he was placing her in the tub. The doorbell rang just as he was preparing to leave the apartment and in his rush to get away he failed to close the door properly. The downstairs bell had been rung by the delivery boy with the dress.

Fiorenza said he had been alarmed when Kruger discovered the body but then, thinking that he had commited a perfect crime, he had enjoyed acting the part of an innocent bystander. Actually, he had acted out his role so well that police never suspected him until the laboratory detectives found the fragments of horsehair.

Placed on trial the following month, Fiorenza pleaded not guilty, repudiating his confession. The defense claimed that he was a psychopathic personality and that the details of the confession had been suggested to him by police. His attorney suggested that one of the sinister strangers that had been seen lurking in the neighborhood by excited neighbors must have been the killer. The attorney was unable to explain away the thirteen-inch length of cord or the horsehair fragments on the bed.

Fiorenza was found guilty of first-degree murder by a jury that deliberated nineteen hours. He died in the electric chair at Sing Sing, a victim of his uncontrollable desire.

CHAPTER 4

The Case of Fatty Arbuckle

The motion picture industry, television notwithstanding, represents an important segment of the commercial life of the nation. Subject as it is to the fancies and whims of the public, studio officials are extremely sensitive to pressure groups, often leaning over backward to avoid offending. In part, responsibility for this attitude can be traced back to the early days of the industry when it fought vigorously to save one of its most valuable stars and left itself open to suspicion of being involved in bribery, subornation of perjury, and a bald attempt to cover up murder.

Some three generations of movie-goers have grown up since a Fatty Arbuckle picture was last shown on the silver screen. He is vaguely remembered today as a fat comedian popular in the early days of the silents, who was forced into retirement as the result of a sensational sex trial. Few people can still remember the actual facts; indeed, many of the facts were effectively hushed up and glossed over.

In 1921, at the time the case broke, Roscoe C. (Fatty) Arbuckle was one of the best-known comedians in the world. On the screen the thirty-four-year-old, 300-pound actor portrayed a bumbling, ineffective man who was forever getting himself into ludicrous situations and

meeting them all with a fatuous grin that audiences found hilarious. In real life, he was a shrewd businessman and had just signed a contract to make a series of films over a three-year period that gave him a guaranteed return of three million dollars, a rate of pay close to $3,000 a day, making him one of the highest paid individuals in any business. In keeping with his position as a Hollywood star, he drove a special custom-built automobile that was reputed to have cost him $25,000 and he was in frequent difficulty with motorcycle police, being picked up often on speeding charges. The resulting publicity with Arbuckle grinning his foolish smile into the camera was well worth the minor fines he paid.

For the Labor Day week end that year, Arbuckle motored from Hollywood to San Francisco with a group of friends including an actor and a director, renting for himself a three-room suite on the twelfth floor of the St. Francis Hotel.

On Monday, September 5th, whether by design or accident, a party began early in the day in the suite with guests coming and going all afternoon. Newspapers later were to characterize the party as a Bacchanalian revel in which liquor supposedly flowed more freely than water. To back up their stories they dug up information that Arbuckle's bill for his three-day stay at the hotel was $611.13, exclusive of the cost of the whiskey. Whether Arbuckle brought the liquor with him from his well-stocked cellar at home or whether he had purchased a bootleg product in San Francisco was a problem that was to disturb prohibition officials for almost a year until they dropped their investigation. Arbuckle had had the foresight to build up a large stock of supplies the year before the advent of prohibition.

The party ended earlier than expected when word spread among the guests that one of the women present had become ill. She was taken to another room in the hotel and the house physician summoned. He suggested that she should be taken to a hospital, that an immediate operation was advisable. Another doctor summoned later treated her for several days at the hotel and then had

her transferred to a private hospital where she died on the afternoon of September 10th.

There is little doubt that an attempt was made to cover up the events that led to her death. Just who was responsible for this was never learned; Arbuckle already had returned to Los Angeles, sailing by steamer from San Francisco on Tuesday, the day after the party.

Official curiosity was first aroused by a strange telephone call that apparently was made in error. Deputy Coroner Michael Brown was in his office on September 10th when a woman, who identified herself as calling from the private hospital, telephoned inquiring when an autopsy was going to be performed. Brown was puzzled; the coroner's office had received no report of any suspicious death. "What autopsy are you talking about?" he asked.

The woman speaker at the other end had just started to explain when Brown heard another voice whispering to her; this was followed by a sharp gasp, and the caller suddenly hung up.

Brown promptly called back the hospital only to have the same woman deny that she had telephoned him. When he became insistent that he recognized her voice, she replied, "I'm sorry, I have no information to give you."

Indignant over the highhanded treatment he was receiving, the veteran official drove to the hospital only to meet with the explanation that the previous call had been a mistake. Dr. Brown refused to be put off and conducted an investigation of his own. He learned that a twenty-five-year-old woman patient had died that afternoon in the hospital and her physicians, puzzled by the cause of death, had performed their own autopsy. Dr. Brown examined the vital organs which were in the hospital morgue and observed that the bladder was ruptured, an injury which he thought had probably resulted from a blow or a fall. Normally, since the attending physicians had signed a death certificate, Dr. Brown would have dropped the matter, but because of the unusual behavior following the call to his office, he notified

police to conduct an investigation into the death of the woman.

When reporters learned that she was Virginia Rappe, they sensed a story and hurriedly briefed police on her background. Miss Rappe was a noted American beauty and model. In a sense, she was one of the early cover girls, since her photograph had been used on the frontispiece of the popular song, "Let Me Call You Sweetheart." Some five years earlier she had gone to Hollywood, and after bit parts in pictures had progressed to featured roles in several current films. Publicity releases from her studio indicated that she was headed for stardom and she was being referred to as another Mary Pickford, the standard comparison at that time for all screen actresses.

Detectives obtained the name of the physician who had been attending her and he said he had been called into the case by Mrs. Maude Montgomery, who had been at the St. Francis Hotel with Miss Rappe. He did not know how her bladder had been ruptured; the autopsy showed that peritonitis had set in and caused her death.

It was the story told by Mrs. Montgomery that was to lead to the arrest of Fatty Arbuckle on a murder charge. She said the actress and her business manager had invited her to come along on a trip from Los Angeles to San Francisco. They had arrived on Sunday, September 4th, and the following day when Arbuckle learned they were in town he had invited them over to his hotel. Arbuckle was a friend of the business manager and had known Miss Rappe since she first came to Hollywood. The rotund comedian also was a close friend of Miss Rappe's fiancé, a well-known director who was in New York at the time making a picture.

Mrs. Montgomery, with Miss Rappe and her manager, arrived at Arbuckle's suite shortly before noon and they were served drinks. Several other people, including two showgirls from San Francisco, were in the rooms. During the next few hours other people dropped in and there was a constant going and coming of guests. Miss Rappe was drinking a mixture of gin and orange juice.

Some time after their arrival, Miss Rappe started for the bathroom. Mrs. Montgomery said that Arbuckle, who had been watching the actress, seized her as she passed his bedroom. Shouting, "I've waited five years for you and now I've got you," he pushed her into the bedroom and locked the door.

"I did not know Miss Rappe too well," Mrs. Montgomery said, "so I did not want to interfere."

A short time later, however, she heard the actress screaming and she ran over and pounded and kicked on the locked bedroom door, demanding that Arbuckle open it. The screams and moans continued for more than half an hour and Mrs. Montgomery telephoned to the desk for help. H. J. Boyle, assistant manager of the St. Francis Hotel, hurried up to the suite and demanded that the bedroom door be unlocked. Mrs. Montgomery said that Arbuckle came out of the room dressed in pajamas and wearing Miss Rappe's panama hat cocked on the side of his head, with "his foolish screen smile on his face."

Miss Rappe was lying on the bed, fully clothed but with her dress badly torn and one sleeve off. The actress was moaning and writhing as if in severe pain. "I'm dying," she gasped. "Arbuckle did it."

Mrs. Montgomery told the officers that when Miss Rappe continued to scream with pain, the screen comedian threatened to throw her out of the window and told the others that she was shamming. Later the two showgirls undressed Miss Rappe and gave her a cold bath. Ice also was applied to her body. When this failed to revive her, she was taken to another room in the hotel and the house physician summoned.

Mrs. Montgomery called in a doctor she knew and he treated Miss Rappe at the hotel until Wednesday, when he had her removed to the hospital where she died.

But when detectives began questioning some of the people who had been at the party, they ran into conflicting stories. The hotel official admitted he had been summoned to the suite but many of the others guests could recall no such incident. The two showgirls said they had given Miss Rappe a cold bath but said she had wandered

away from a room in which she was resting and they had found her in distress later in a nearby vacant room. This was a foretaste of what authorities were going to meet throughout the case.

Two of the nurses who had attended Miss Rappe at the hospital were convinced that Arbuckle had raped Miss Rappe, and said the dying woman told them that the comedian was responsible for her condition. She pleaded with them, "Get Arbuckle, don't let him get away with it."

The story promptly became first-page news in every paper in the country. A San Francisco police official issued a cautious statement in which he said that Arbuckle was being sought for questioning, but at the same time he emphasized that no charge had been filed against him.

Arbuckle left Los Angeles in his car stating that he was going voluntarily to San Francisco to clear up the mistake. He was accompanied by the two men who had been with him the previous week in San Francisco, and an attorney. He issued a statement to reporters in which he denied completely the story told by Mrs. Montgomery. He said that Miss Rappe and her friends had arrived in his suite of rooms at the St. Francis while he was having breakfast and that Miss Rappe had started drinking immediately. He had known her for five years.

"Shortly after she had taken a few drinks she became hysterical," his statement read, "and complained that she could not breathe and started to tear off her clothes. I requested two girls present at the time to take care of her. She was disrobed and placed in a bathtub to be revived. The immersion did not benefit her and I then telephoned the hotel manager, telling him what was wrong, and Miss Rappe was taken to another room and put to bed. When there was no change in her condition a doctor was called.

"I was at no time alone with Miss Rappe. During this time in my rooms there were at least half a dozen people there all the time, and I can produce witnesses to bear out this statement."

Arbuckle arrived in San Francisco late in the evening and met detectives by arrangement at a downtown cor-

ner. When brought to the Hall of Justice he refused to answer any questions, stating he was doing so on the advice of counsel.

With the comedian in their grasp, San Francisco police no longer were cautious. He was promptly arrested on a murder charge, accused of having caused the fatal injuries to Miss Rappe while forcibly raping her. The complaint was signed by Mrs. Montgomery. Under California law any death resulting from an injury during rape or attempted rape, is first-degree murder whether or not there was an intent to kill.

Detective Captain Duncan Matheson told reporters, "This woman, without a doubt, died as a result of an attack by Arbuckle. That makes it first-degree murder without a doubt. We don't feel that a man like Arbuckle can pull stuff like this in San Francisco and get away with it." Captain Matheson prophetically omitted using the phrase "without a doubt" in his final sentence.

District Attorney Matthew Brady, who had been out of town when the case broke, hurried back to San Francisco to take charge of the investigation. He soon learned that Arbuckle's statement about having witnesses to back him up had not been an idle one. Many of those interviewed insisted that nothing had happened at the party, that it had been quiet and orderly. Others pleaded ignorance, advancing the view that everybody had been drunk and nobody knew what was going on.

A curious chambermaid at the hotel said she had been on the twelfth floor when she heard a woman screaming "Oh, God, no, please don't." She moved over to the door of the room and heard a man's voice while the woman continued to scream and moan. She identified the room at which she had eavesdropped as the bedroom of Arbuckle's suite.

Both showgirls reluctantly admitted that they had heard Arbuckle threaten to throw the moaning Miss Rappe out of the window unless she quieted down.

The dress the dying woman had worn to the party could not be found at first but part of it later was recovered from the room to which she had been removed from Arbuckle's suite. Later, one of the guests at the

party explained to skeptical officers that he had taken the torn sleeve and other parts of the torn dress along with him because he needed cleaning rags for his car.

The case had aroused wide interest abroad as well as in this country and lengthy daily stories were cabled direct to the London *Times*. Hundreds of reporters from leading newspapers in the country converged on San Francisco.

District Attorney Brady began presenting the evidence he had gathered to a Grand Jury with the request that Arbuckle be indicted for first-degree murder. The prosecutor soon ran into trouble. One of the showgirls who had backed up Mrs. Montgomery's story disappeared and could not be found. In addition, other witnesses retracted previous statements they had made. The result was that the Grand Jury reported that it had insufficient information to warrant a first-degree murder indictment and voted instead for a manslaughter charge.

The irate prosecutor claimed that his witnesses were being tampered with and announced that he would seek an indictment against a group of men and women who had offered to fix the case for a $50,000 fee. Nothing came of this. Later the missing showgirl was found and signed a statement that she had been warned not to talk about the case. She used the word "they" in describing the men who had frightened her off but she said she did not know who "they" were.

Brady refused to accept the Grand Jury's findings as the final charge against Arbuckle and continued to hold him for murder on the complaint signed by Mrs. Montgomery. The coroner's office, also disapproving the indictment, held a public inquest. The coroner believed that Miss Rappe had received her injury while being raped. His theory was that Arbuckle had seized Miss Rappe on her way to the bathroom when her bladder was distended from the drinks she had consumed. When Arbuckle thrust his heavy weight upon her the distended bladder ruptured.

While all this legal maneuvering was going on, there was a sharp reaction throughout the country against Arbuckle. Many movie houses canceled bookings of his

films and there were scenes of disorder at some theaters where his pictures were being shown. Some movie house owners, seeking to capitalize on the case, booked pictures in which Miss Rappe had appeared, advertising her name in star billing even where she appeared only briefly in a bit part. Studios hurriedly recalled these films. More than 8,000 people filed by the body of the dead actress when she was brought to an undertaking parlor in Los Angeles.

Several studios, seeking to calm public reaction, announced that they would insert morality clauses in all their future contracts. The unfortunate actor who had accompanied Arbuckle to San Francisco was released by his studio even though he had not been in the apartment at the time.

Miss Rappe's fiancé issued a sharp attack on Arbuckle. "He is the result of ignorance and too much money," he told reporters in New York. "There are some people who are a disgrace to the film business. They get enormous salaries and have not sufficient balance to keep right. They should be thrown out of the business. Virginia's friends were decent people. I know she would not have associated with anyone she knew to be vile." He said both of her parents were dead and she had lived a simple, quiet life in Los Angeles.

He also sent a message to the undertaker that read, *Please treat her with tenderness and sweet care, for she was a real girl and did just as I would expect her, fighting to the last for the honor of her outraged womanhood. Before you cover her sacred remains forever just lean over and whisper into her ear a little message. Tell her Henry said that he still loves you. She will hear.*

When reporters asked him whether he was going to her funeral, he replied that he had been advised not to return to California until the case was over. He did not amplify this remark.

At a court hearing on the murder charge, Mrs. Montgomery changed her original story slightly, stating that she saw Miss Rappe enter Arbuckle's bedroom and that he went in after her and locked the door. Under lengthy and persistent cross-examination, she admitted

that Miss Rappe had had a number of drinks but denied that she had been drunk or that she had beckoned to Arbuckle to come into the bedroom, a phase the defense later dropped. Several of the witnesses were attacked so sharply by Arbuckle's attorneys that the presiding judge had to warn counsel that the witnesses were not on trial.

At the close of the hearing, which lasted several days, the court denied the request of the defense to dismiss the charge, but at the same time he denied a request from the prosecutor to hold Arbuckle on a first-degree murder charge, reducing it to manslaughter. The court made the curious remark that Arbuckle had made millions of people laugh and therefore special care had to be taken in his case. He then pointed out that while witnesses had quoted Miss Rappe as saying that "Arbuckle did it," and "Arbuckle hurt me," such phrases did not show that rape had taken place, and that Miss Rappe had never mentioned rape at any time. District Attorney Brady angrily denounced the judge and said that if any crime had been committed, then the charge had to be first-degree murder and no other.

Despite the public reaction against his films, Arbuckle had not been without friends. The news-hungry reporters, who had time to fill while waiting for the trial to begin, were eagerly seeking information and soon had stories to write. Interesting tales of the background of Virginia Rappe began appearing in print. She was supposed to be the illegitimate daughter of a beautiful but unnamed actress who had been "wronged" by a caddish English nobleman. The mother, said to have been even more beautiful than her daughter, had been engaged to marry a member of an important Chicago family when she was appearing in the 1893 World's Fair. The titled Englishman, also unnamed, had come to Chicago to view the Fair and had been smitten by the charms of the beautiful actress. He seduced her upon his promise to marry her, but when it came to making wedding plans he suddenly had to return to England on important business and never returned. When the duped actress discovered that she was pregnant, she fled to New York

where her daughter was born. Virginia who was brought up to believe that the actress was her older sister, never knew that she was her mother. Although outwardly gay, the mother had brooded over her cruel desertion and took to drink "and other excesses," as the papers phrased it. She died when Virginia was only eleven years old.

After her mother's death, Virginia went to live with a relative in Chicago named Rapp. She took his name, changing it later to Rappe for theatrical purposes. This relative, who supposedly told Virginia the romantic tale of her mother, died when Virginia was fifteen and she was left alone in the world, conveniently making verification of the story impossible.

A woman admirer was said to have taken Virginia into her home, sending the beautiful child to a dramatic school. Rather than suffer the same fate as her mother, however, Virginia left the school and became a model instead. She was said to have gone to Paris where her beauty brought her much fame, and she later toured South America where wealthy men showered her with expensive jewels.

The whole story, it might be pointed out, was somewhat along the lines of a combination of movie scenarios popular in that era. The cumulative effect was to portray the victim in an unfavorable light—a sinning mother who drank herself to death; a caddish father who was English to boot in a period when the English were not particularly popular in this country; a girl with tainted blood. It also carried the implication of like mother, like daughter, since the defense had tried to show during the hearing that Miss Rappe had been drunk, consuming more liquor than anybody else present.

At the same time these tales were appearing, items were published about Arbuckle that could do him no harm. His estranged wife, from whom he had been separated for several years, hurried from Cape Cod to be at his side and she announced her faith in his innocence. They were divorced two years later.

Arbuckle's elderly stepmother was interviewed and she detailed how he always had been a good boy and

had contributed generously to the support of his family. He had started his theatrical career at the age of eight when he earned 50 cents a night appearing in black face with a stock company in his native Kansas City. When he was seventeen he started on his own as a singer on the vaudeville stage, earning $17.50 for his first week. He had been one of the early pioneers in Hollywood, starting as an extra with the old Keystone comedy group, later appearing in Mack Sennett comedies with Mabel Normand, Chester Conklin and Charlie Chaplin.

Friends also granted interviews in which they explained that he was a hard worker and was the same gentle, lovable character in private life as the one adored by so many millions on the screen.

Viewed from the distance of time, the stories printed about Arbuckle and Miss Rappe appear to have been a clever campaign to mold public opinion and actually try the case in the newspapers before the trial started. His completed but unreleased pictures represented investments totaling several million dollars, with even more millions involved for theater owners and exhibitors, since his films were top box-office attractions.

Arbuckle was placed on trial in November, 1921, a little over two months after Miss Rappe had died. Part of the defense strategy in any trial is to gather information against prospective witnesses so as to discredit them before a jury and lessen the impact of their testimony. The defense had gathered information that Mrs. Montgomery had entered into a bigamous marriage. When the prosecutor learned about this, he did not call her to the witness stand. Meanwhile, he had difficulty with other witnesses. More of them recanted statements they had made previously, one of the showgirls testifying tearfully that she had been forced to sign the statement. The defense had lined up an impressive array of physicians to testify that a spontaneous rupture of the bladder is possible. The hotel physician, however, who had been the first to examine Miss Rappe, could not be shaken from his belief that her internal injury had been the result of force. When he did reply, in answer to a question, that a spontaneous rupture of the bladder is

possible, one of the defense attorneys remarked, "Thank you, my friend."

"I'm not your friend and don't call me your friend," the doctor angrily replied, and reiterated that his examination indicated that in this case the rupture had been due to force.

Miss Rappe had lived in New York, Chicago and Los Angeles, and the defense produced witnesses from these three cities, all of whom testified that liquor always produced the strange effect of making the actress tear at her clothes and go into fits. One of the witnesses testified that she had been present at such an episode at a resort. Brady presented witnesses, however, who said that Miss Rappe had been in Los Angeles at that time and the defense witness was arrested for perjury. The charge later was dropped.

Arbuckle took the stand in his own defense and offered his version of what had occurred. He said that Miss Rappe and her friends had arrived while he was having breakfast and was still in his robe and pajamas. They had started drinking immediately. Later he entered his bedroom to get dressed. When he stepped into the bathroom, he found Miss Rappe lying on the floor, tearing at her clothes and in obvious distress. He asked the showgirls to administer first aid and they placed her in the tub. Some of the defense doctors had testified that the shock of the cold water could have produced the rupture.

Arbuckle denied attacking Miss Rappe or forcing her into his bedroom. She had been placed on his bed, he said, while the girls prepared her for the bath.

Many of the reporters covering the trial wrote that the prosecution had failed to dent Arbuckle's story. None of the reporters recalled his previous statement of events which differed from his story on the stand.

Dr. Heinrich, the noted criminologist, testified that he had examined the bedroom doorway and found partial fingerprints of Miss Rappe on the inside of the door with Arbuckle's prints superimposed over part of them. This would indicate that a struggle had taken place, with Miss Rappe trying to open the door and Arbuckle plac-

ing his hand over hers, holding it closed. The defense called a fingerprint expert of their own, but he failed to qualify and the court would not allow him to testify. The defense then called a hotel maid who said she had gone over that door with a feather duster after the suite had been vacated, the assumption being that this act had removed all fingerprints.

During summation, the defense pointed out to the jury that Mrs. Montgomery had not been called to the stand by the prosecution even though she had signed the original complaint. Rather broad hints were dropped that she might not have been called because her testimony would help prove Arbuckle innocent. The defense attorneys failed to mention that they could have called Mrs. Montgomery as their own witness if they felt that her story would have been helpful to them. The jurors, of course, knew nothing about the bigamy charge she was facing.

When the case finally was placed in the hands of the jurors, they deliberated for forty-two hours and then reported they had been unable to reach a verdict. Reports of their actual vote varied; some papers said the jurors had stood 11 to 1 for acquittal, others reported it had been 10 to 2 for an acquittal. Mrs. Montgomery later pleaded guilty in Fresno to a bigamy charge and was released on probation.

Arbuckle was tried again in January, 1922. Several of the recanting witnesses, who had been warned they would be prosecuted for perjury, went back to their original statements in this trial. Arbuckle did not take the stand. This time the jury was out for forty-four hours and once again could not reach a verdict. The jurors were reported to have stood 10 to 2 for a conviction.

The third trial, held several months later, resulted in an acquittal for Arbuckle. The prosecutor conducted an investigation and said that one of the jurors had made arrangements with a newspaper reporter to signal him if an acquittal was voted. The arrangements, he added, had been made before this person had even been selected as a juror.

Immediately after the trial, Arbuckle left the country for a tour of Europe. Several months later, when the excitement caused by the case had quieted down, Will Hays, then czar of the movie industry, announced that he was authorizing the release of Arbuckle's films. There was an instant and furious reaction, the plan being attacked by hundreds of ministers, women's groups and civic organizations. Hays hastily revised his verdict and said the films would be released only if the public wanted to see them. They remained in the studio vaults.

Arbuckle had to cancel his $3,000-a-day contract and tried to establish a new career directing pictures for several small studios. He adopted the ironic pseudonym of "Will B. Good." When word of his new efforts leaked out, the public reaction was still as strong and these films had to be recalled.

In 1927, he opened in a stage show, *Baby Mine*, in New York City. Although the show received indifferent reviews from the critics and closed after a run of several months, Arbuckle was encouraged by the fact that the show had been allowed to open, and he arranged a tour of personal appearances. He was scheduled to appear in a Minneapolis theater in April, 1928, but the city council there voted to bar him from the theater and he canceled his tour.

Five years later one of the major studios decided to take a chance and signed him to star in a series of two-reel comedies, using a studio in New York instead of Hollywood. On June 29th, 1933, shortly after the first one was completed, Arbuckle died in his sleep of a heart attack. He had celebrated the first anniversary of his third marriage that night. He was forty-six years old.

For the first time since his banishment by the public, Arbuckle had a large audience. Thousands viewed his body as it lay in a funeral parlor, many of them teenagers who had never seen an Arbuckle film.

While Hollywood studios today still seek to protect their investments when a star gets into difficulty, their techniques, like their movies, appear to have improved since the Fatty Arbuckle trials.

CHAPTER 5

Dr. Snook and His Love Slave

Dr. James Howard Snook was, in many ways, one of the most pathetic men who ever sat down in the electric chair. Vilified in the public press as a sinister beast who fed narcotics to unsuspecting girls to force them to be his love slaves, he hurried to the chair as if eager to embrace death and escape from a world that had tumbled down about his head. Now that the hysteria has died down and Dr. Snook is largely forgotten, it is possible to separate the facts from the many rumors, conjectures, and pure fantasy that surround the case.

In 1929, at the age of forty-nine, Dr. Snook had every reason to be fairly content with his position in life. A balding, bespectacled professor of veterinary medicine, he held a secure post on the teaching staff of Ohio State University, lived with his wife and young child in a nice home at the edge of the beautiful campus, and was able to augment his comfortable salary with large fees as veterinarian for horse breeders. Although plain-looking almost to the point of being homely, and addicted to shell-rimmed pince-nez glasses that gave him an owlish appearance, he pictured himself in his lively imagination as a ladies' man and was having a romance with a girl half his years. Helping feed his ego was the acknowledged fact that he was one of the best pistol shots in the

country and in 1920 had represented the United States in the Olympic games. What the middle-aged horse specialist failed to consider was the common horse-sense fact that the years were taking their toll, that his physical stamina could neither keep pace with his imagination nor with the actual demands made upon him by a younger girl.

For a girl of the Flapper Era, Theora Hix was an anachronism. Where the others of her age had celebrated their emancipation by bobbing their hair, hiking their dresses above their knees and discarding confining undergarments for the freedom of flimsy panties, she combed her long hair in a severely plain style pulled taut across her forehead and knotted tightly in back; her skirts were concealing rather than revealing; and even in the heat of summer she wore a long, enveloping one-piece suit of underwear that could have served, but did not, as a chastity belt. Later, the prosecutor was to wave this garment before a spellbound jury as proof of her modesty and virtue, conveniently overlooking reams of testimony pointing to a much different conclusion.

For Theora Hix seems to have accomplished the difficult feat of leading an unsuspected dual life. On the campus, where she had spent four years as an undergraduate and was in her second year of medical school, she had the reputation of being a "grind," a serious student who always had her nose buried in a thick book. Because she never was seen at school social functions with a date, seldom entered into casual conversation and rarely smiled, she was considered a man hater, and male students gave her a wide berth or ignored her completely. Actually, she was pretty, although few people ever looked at her long enough to realize it. But the prim and demure student her associates knew was only one side of her personality. She was also a very passionate girl with an iron-willed determination to dominate the men in her life. She forced Dr. Snook to perform an operation upon himself so that they could continue their love making without fear of pregnancy.

It fell to the lot of two schoolboys to project the case

into the headlines. On Friday morning, June 14, 1929, the boys were striding across the New York Central rifle range on the outskirts of Columbus on their way to target practice when they saw what they thought was a bundle of clothes lying in waist-high grass about one hundred feet beyond a target and not far from a gravel road. They went over to have a closer look and hurriedly notified police.

When officers arrived they found the body of a girl lying face down in the weeds, a handkerchief in her right hand, her left arm beneath her body. A man's wrist watch she was wearing, its glass shattered, had stopped a few minutes after ten o'clock. Coroner Joseph Murphy counted seventeen separate blows on her head, all containing the characteristic indentations left by a ball-peen hammer. Her skull was fractured in several places and one blow also had smashed her forehead. There was a deep cut in her throat that had severed the jugular vein, and another stab wound in the abdomen. The back of her dress was slashed in many places. In addition, there was a bruise mark on her upper arm near her left shoulder that was to add fuel to the many rumors in the case. Three fingers on her right hand were crushed across the top knuckles, an injury that puzzled the coroner since he was certain that it could not have been inflicted with a hammer or knife.

Searching officers trampled down the grass in a wide area without finding any clues to identify either the killer or the victim. Her hat and handbag were missing. There were faint tire tracks leading off the gravel road toward where the body had been found but these were too indistinct to be of any use.

Investigators were able to narrow down the time of the murder to about ten o'clock the previous night, as indicated on the wrist watch. It could not have occurred much earlier because there had been a rifle match on the range that lasted until 8 P.M., with stragglers remaining on the field for at least an hour. The gravel road was used as an exit and the body would have been in view of the departing spectators. The murder could not have occurred much after ten o'clock because a violent thun-

derstorm that started twenty minutes later and lasted most of the night had left the field soggy, while the ground underneath the body was dry, indicating that the corpse was there before the storm. This theory was confirmed by a local constable who said he had arrived at the rifle range a few minutes before the rain started and hid there on the alert for chicken thieves who were plaguing a neighboring farmer. He had spent a wet, uncomfortable night in the field and had seen no cars drive up.

Although the rifle range was outside Columbus city limits, both city and county officers had responded to the call and each force decided to conduct its own investigation. The resulting rivalry to see who could break the case first and gather the glory led to some strange activity on the part of officials.

The body of the murdered girl was taken to a funeral parlor morgue. Late that afternoon Alice Bustin, a second-year medical student, notified Columbus police that her roommate, Theora Hix, was missing. Instructed to view the body at the morgue, she arrived with her sister Beatrice, a technician at the university medical laboratory, who also shared their apartment, and with Mrs. Alice Moran, secretary at Neil Hall, a girl's dormitory on the campus. All three identified the victim as Miss Hix.

Detectives Otto Phillips and Robert McCall of the Columbus Homicide Squad, who had been among the early arrivals at the rifle range, were placed in charge of the city police investigation. The bewildered Bustin sisters could offer little helpful information. They said Theora had left their apartment on Neil Avenue at seven o'clock the previous night to go across the campus to University Hospital, where she was being taught how to operate the telephone switchboard in preparation for taking over the job during the summer.

The sisters had not been alarmed when she did not come home during the night, thinking that she had taken refuge from the storm at the home of a family for whom she worked occasionally as a baby sitter. It was only after they learned that she had failed to show

up that noon for a luncheon appointment with Peggy Edwards, secretary to the dean of women, that they decided to notify police. "She was a most punctual person," they explained.

As far as they knew, Theora had lived a quiet, almost secluded life, studying most of the time and working off excess energy by playing tennis and other sports. She liked to take long walks and frequently was gone from the apartment evenings from five until ten o'clock. Asked about her men friends, the sisters surprised the officers by insisting that she never dated or expressed any interest in men. She seldom spoke about anything but her studies, even to her roommates.

At the hospital, Bertha Dillon, the switchboard operator, said that Miss Hix had shown up on time for her lesson, but after forty-five minutes had smiled and told her that she was late for a date and would try to be back not later than nine thirty.

"It was the first time I had ever seen her smile," Miss Dillon told the officers, adding what was to become a familiar phrase, "She was a quiet girl."

Information that Theora had a date, presumably with a man, was complete news to her friend Miss Edwards, who remarked, "If she knew any men, I never heard of them."

That same refrain was to be repeated endlessly as the officers painstakingly sought out all her acquaintances and classmates, hoping to find a lead to her date that Thursday night. "She never went out with men," they heard everywhere. "She didn't talk much," was the favorite description used by her friends. And when it came to her personal affairs, Theora Hix seemed to be a veritable Sphinx. She never discussed them, and her classmates assumed that she had nothing to talk about except her studies.

University records showed that she was a good student. Her parents were Dr. and Mrs. Melvin T. Hix of Bradenton, Florida, having moved there from New York when her father retired as a university professor. He contributed $600 a year toward her support, and since this sum was insufficient for her needs, the university had

extended assistance by finding employment for her on the campus.

The first flaw in the picture Theora Hix had carefully built up as a shy, retiring coed was uncovered by detectives when they searched her room. In a dresser drawer, carefully hidden underneath a pile of clothing, they found an old-fashioned derringer pistol and a box of .41 calibre bullets. Puzzled by their find they questioned the Bustin sisters, who were equally mystified. They had never seen the gun nor had Theora ever mentioned it to them. The only item missing from her wardrobe was the brown purse she had been carrying when she left the apartment Thursday night. She had not been wearing a hat.

On a campus of 14,000 students it is impossible to escape completely unnoticed no matter how circumspect one's behavior, and reporters picked up information that Theora had been seen on several occasions with William Miller, a thirty-five-year-old instructor in the College of Agriculture. Since she worked for different faculty members, no one attached any importance to it. Miller was in charge of corn-borer research and was living at an experimental station the university maintained at Wooster, dividing his time between there and another station in Bono, making only infrequent trips to Columbus.

Even before police learned about him, reporters were knocking on the door of the fraternity house where Miller stayed when in Columbus. They were met by Robert Summerbell, an instructor at Northwestern University who was giving a summer course at Ohio State. He told them that the horticulturist no longer had been seeing Miss Hix and was engaged to a Wooster girl. The reporters insisted on talking to Miller, who had returned.

Meanwhile, police received information that Theora Hix had been seen riding around in a blue Ford coupé with a heavily built man wearing horn-rimmed glasses, a description that did not fit Miller.

Despite this, black clouds of suspicion were beginning to gather about the horticulturist, part of it of his own making. At 3:15 A.M. Saturday, a man who gave his

name as Miller telephoned police headquarters wanting to know whether Miss Hix had been hurt or killed. Asked whether he was related to her, he replied that he was a friend and hung up. Hours later, Miller appeared at the morgue, where he requested permission to look at the corpse. When police learned that he had been in Columbus on the night of the murder, detectives sped to the fraternity house to take him into custody. He protested that he already had told his story to police. Actually he had told it to the reporters, who failed to mention that they were newsmen. Suspicious fraternity brothers examined the officers' credentials and, still not satisfied, trailed the police car to headquarters.

Miller admitted making the early morning call and explained that he had been in Bono when Summerbell telephoned him at 3 A.M., telling him about the murder. Suspecting the call was a hoax, he checked with police and when he learned it was true, left at once for the campus.

Requested to account for his movements on Thursday while in Columbus, Miller said he had spent the afternoon at a movie and during the evening had been with Summerbell until nine o'clock, when he went to his room and wrote several letters. After going out to mail them, he went to bed.

Summerbell backed up his story. Other residents of the fraternity house assured police that Miller had not been out that night except for the brief period when he mailed the letters. However, in naming the theater, he selected one that had been closed for several months.

Asked about his relationship with the murdered coed, he gallantly tried to shield her reputation and said their dates were uneventful automobile rides. Then he added that he had asked her to marry him and she had turned him down, information which made his questioners only the more suspicious.

Obviously nervous while being questioned, the more upset he became, the more certain some officials were that he was the killer. His devoted fraternity brothers explained in vain that he was so bashful "he would even

have trouble explaining why he went into a drugstore for a malted milk."

The search for a heavy-set man with a blue Ford coupé led to Dr. Snook. He showed no alarm when officers turned up at his home, greeted them cordially, and said he was happy to go to headquarters to give authorities any assistance he could. He was allowed to drive there in his own car. His right hand was bandaged and in a splint.

It was Dr. Snook who turned the spotlight on the unknown side of Theora Hix. Assuming a man-about-town air, he informed the officers that the murdered girl had been his mistress for three years. "It was no silly love affair," he said in an offhand manner. "Neither of us wanted to marry each other. She was a good companion in a different way than my wife." He left no doubt with his listeners that the demure coed had been anything but demure in the privacy of a bedroom.

Dr. Snook cleared up the mystery of the derringer. Miss Hix had previously lived alone in a basement apartment and a burglar had tried to enter the place. The veterinarian gave her the gun and taught her how to shoot. He said she became a good shot and would have shown no hesitancy in blazing away at a prowler.

He indicated that he had been generous during their association, helping her financially so she could continue her studies, but this aid had tapered off when she was able to get more employment. His calm and self-assured manner was in sharp contrast with that of Miller. He had a ready explanation for the injury to his hand—a wrench slipped while he was tightening a bolt on his car. Detectives noted that he placed the accident on Wednesday afternoon, the day before the murder. Dr. Snook claimed to know nothing about the murder, that he had last seen Miss Hix on Wednesday night when he met her at the Neil entrance to the campus.

With classes over for the summer, he said he had spent Thursday working in his garden and repairing a gate in his yard. "I went to my office at the university about 7:45 that night, where I looked over my mail and spent

time checking a story I had prepared for magazine publication. After that I went to the Scioto golf links to get my shooting glasses. I went back to the pharmacy at Tenth and High streets and got there right after the night papers came out. I was home by nine thirty, had something to eat, and spent the rest of the evening sorting vacation clothes. My wife and I are leaving soon for our regular summer vacation."

Dr. Snook did Miller no good turn when he told officers that the horticulturist also had had an affair with the murdered coed, and he indicated smugly that he had taken her away from his faculty associate. He added that his rival still saw her occasionally.

The younger instructor, who was undergoing questioning in another room, was confronted with this information and reluctantly admitted his intimate friendship with the surprising Miss Hix. "But I still would have married her," he said, as if seeking to gloss over the conduct of both of them.

Dr. Snook's alibi stood up fairly well. He had been seen getting his shooting glasses from his locker at the golf club, and his wife said he was home by nine thirty Thursday night, as he had claimed. The only discrepancy concerned the injury to his hand. A doctor who treated it Friday morning thought it appeared then to be a fresh wound less than a day old, moving it up to Thursday night and not Wednesday.

Unable to decide between the two suspects, police held on to both of them. With a murder scandal involving a girl student and two professors, the story occupied most of the front page of local newspapers.

Saturday night Mrs. Smalley, the owner of a roominghouse, rushed breathlessly into headquarters, clutching a paper containing photographs of Theora Hix and Dr. Snook. "I know this couple, they rented a room from me," she informed police.

She said that early in February, a man who called himself Howard Snook had rented a room in her place at High and Hubbard streets. He explained that he and his wife were traveling demonstrators for a salt company

and only wanted the room for a few days. He was alone and rented the smallest and cheapest room she had. Mrs. Smalley said that it wasn't until early Friday afternoon, the day Miss Hix's body was found, that the man finally gave up the room, telling her that he and his wife had been transferred to another territory. He turned in both keys but paid until the end of the week "because my wife may want to use the room until Sunday." Most of the time the couple had used the side entrance on High Street and the landlady caught only an occasional glimpse of them. She thought they came separately.

When an officer was directed to bring Dr. Snook from a cell where he was being kept, Mrs. Smalley suggested that he wear a hat. "I've never seen him without one," she explained.

If the detectives hoped that her presence would upset the dignified Dr. Snook, they were disappointed. He smiled pleasantly when he saw her and said, "Good evening, Mrs. Smalley."

The veterinarian readily admitted that he had rented the room for his trysts with Theora and was undisturbed at the coincidence that he had moved out several hours after her body was found. "We had decided to give up the place because I was going away on vacation and we no longer had any need for it," he explained. "We did plan to have a pleasant summer together upon my return." He said he had collected the key from Theora when he saw her Wednesday night; that had been the purpose of their meeting.

The "love nest," as newspapers called it, was a small dark room in an old three-story brick building that once had contained flats. The building was part of a row of attached tenements that lined the street. A telephone pole, with many overhanging wires stretching directly alongside the roominghouse, did not enhance its appearance. Dr. Snook had exercised great care in selecting the place since it was in a low-income neighborhood where there was little danger of encountering any of his neighbors or college students.

Mrs. Smalley added a footnote to the growing legend

of the taciturn Miss Hix. She met her only once when she entered the room early one afternoon with clean linens and found her there alone.

"You're Mrs. Snooks, aren't you?" she asked.

"Yes," was the one-word reply.

The friendly landlady tossed out a conversation-opening gambit with, "This is the first time I've met you."

"I guess so," replied Theora, returning to the reading of a book and shutting off any further attempt to prolong the talk.

Both arrests had been made by city police. On Monday, with the case no nearer to a solution, county officials claimed jurisdiction and took direct charge of the prisoners, with Prosecutor Jack Chester Jr. active in the case.

While city detectives had been inclined to agree that Miller's naming of the wrong theater had been nothing more than an honest error, county officers thought otherwise and they centered their initial attack upon him. He was questioned for hours by relays of men in an attempt to break him. At one point he was shown a close-up photograph of the body of Theora Hix on the rifle range. "I suppose I'll be charged with the murder," he told the officers. "I'll tell you the whole truth." While detectives leaned forward expectantly, he again said he was innocent.

Miller's unfortunate experience with the law was not yet over. At midnight, he was hustled out of his cell and rushed to the morgue. When he hesitated at the entrance, asking that his lawyer be summoned, he was pushed inside and forced to stand next to the mutilated corpse of his former mistress. He even was made to touch her body as officers shouted questions at him. The Grade B movie scenario strategy failed.

Meanwhile, city detectives continued their investigation. Some charred remnants of clothing and a vanity case were found in the furnace of Dr. Snook's home. Mrs. Snook explained that she had burned an accumulation of rubbish in the furnace Saturday morning while housecleaning in preparation for going away on vacation.

A chemist who examined Dr. Snook's car found no

blood on the bolt where the veterinarian claimed to have gashed his finger, but he did find a small bloodstain on the right doorjamb. Recalling the three crushed fingers on the girl's right hand, Detective Phillips realized that a slamming car door could have caused the injury. Doctors agreed with him. He raised the theory that Dr. Snook and Miss Hix had been riding in the car when they quarreled. She opened the door to run away and he slammed it shut, catching her hand. She then wrapped a handkerchief around it. The quarrel continued and Dr. Snook killed her.

"You're only indulging in guesswork," was the prisoner's reply.

Stories that Dr. Snook fed narcotics to girls began to appear in newspapers when it was learned that he had been questioned two years earlier, after a woman who had taken an overdose of morphine said she obtained the drug from the veterinarian. He told a straightforward story that the young woman, a former student, had come to him during a gallstone attack and asked for the drug to relieve the pain. He gave her three tablets but she returned, saying she had lost them. Dr. Snook gave her more tablets only to have her appear for the third time, again with a story that they had been destroyed. The veterinarian said he handed over the remainder of the bottle, meanwhile cautioning her against excessive use. The manner in which she obtained the additional drugs is typical of the tricks used by addicts and Dr. Snook was cleared of any suspicion at the time.

But now the incident was made to appear sinister and suggestions were raised that he had fed drugs deliberately to women. Officers recalled the bruise that had been on Miss Hix's arm and the story spread rapidly that it was the mark of a hypodermic needle and that he had turned her into a dope addict. Each new move brought fresh headlines and further action. The viscera of the murdered girl were sent to chemists for examination for possible drugs. Dr. Snook, who seemed intent upon tearing down any possible reputation left to his former mistress, denied giving her narcotics but said that he had seen her take cocaine on two occasions, once by mouth

and once with a syringe. He added virtuously that although she had tried to get him to use drugs, he had refused. As a result of all the newspaper stories, a federal narcotics agent was assigned to investigate the use of drugs on the campus, and newspapers treated it as an accepted fact. Lost in the shuffle was word from pathologists that the purplish mark on the murdered girl's arm was an ordinary bruise and nothing more.

In the midst of the mounting excitement, the elderly parents of the victim arrived in Columbus. The once mild-mannered Dr. Hix refused to believe that his daughter could have willingly consorted with a man and he thirsted for revenge. "A girl her age, who has never shown any evil tendencies, does not suddenly go wrong without some peculiar and unusual reason," he told reporters. "There is some mystery about this."

Dr. Hix appeared at headquarters and officials had difficulty in keeping him out of the room where they were interviewing the two suspects and witnesses. Detective Phillips said later that Dr. Hix "haunted" the corridors, following every person brought in for questioning and staring intently at him. He even hired his own attorney to prod police.

By now the case had become such a sensation that patrolmen had to be assigned in front of the "love nest," the rifle range, and Dr. Snook's home, to keep sightseeing automobile traffic moving. When hundreds tried to jam their way into the funeral parlor to catch a glimpse of the murdered coed, her parents asked police to bar all but official visitors.

A group of convicts was brought to the rifle range to mow the grass, and detectives found twelve scattered keys and a broken keyring, all belonging to the murdered girl. One key was for a safety deposit box which contained several bank books showing that she had about $600 on deposit, a neat financial trick in view of the fact that she only received that much for her entire year at school. A canceled book recorded some $1,800 in deposits between June, 1927, and April, 1928, with the entire amount withdrawn in August of that year.

Dr. Snook's attorneys issued a statement that most of

that money had been borrowed by Miss Hix from the veterinarian and she had returned $1,000 in cash to him at the time she closed the account. The lawyers hired a private detective who said he had found evidence that an unidentified degenerate had followed Miss Hix several days before the murder. The savage attack upon her, he contended, must have been the work of such a person.

His theory met with a cool response from officials who had a new one of their own. They had received a tip that Mrs. Snook had been seen buying a new dress on Saturday, and the tipster wondered out loud whether she might have needed a new one to replace a bloodstained garment that could have been burned in the furnace of her home. A jealous wife would continue battering the skull of the other woman long after she was dead.

The unhappy Mrs. Snook, who had to learn from newspaper accounts of her husband's romance with Theora Hix, was questioned for over four hours by Prosecutor Chester. She said later that he had accused her of the murder. She was able to prove that she had not purchased a new dress, had only looked at one.

But her interrogation, which ended when she collapsed, did weaken her husband's alibi. She said that she had gone up to her room shortly before nine thirty on the night of the murder and a few minutes later heard a downstairs door slam, so she assumed that it was her husband entering the house. Some time after eleven o'clock she went downstairs and Dr. Snook was eating his customary late snack in the kitchen. The prosecutor remarked that the slamming could have been caused by the storm.

It was Dr. Snook's turn for a midnight session with the district attorney. He was not taken to the morgue, however, to look upon the body of the murdered girl. Previously, detectives had escorted him to the rifle range where they ordered him to look at the bloodstained ground. He had remained calm during that acid test.

With the midnight interrogation of Dr. Snook also unsuccessful, county officials returned to Miller the following morning. Early in the session one of his questioners came out of the room and told waiting reporters, "We'll

break him in a few minutes." Several hours later the unbroken Miller was released upon orders of Prosecutor Chester and cleared of any complicity in the murder. This action failed to deter the head of Ohio State University, who announced that both Miller and Dr. Snook were dismissed from the faculty because of their conduct with Theora Hix.

Still other tips continued to pour in on police and one of these was to lead to the eventual cracking of Dr. Snook. A caller who refused to give his name advised police to investigate a suit Dr. Snook had brought to a tailor on Friday. The garment already had been cleaned when detectives picked it up and sent it to a city chemist for tests.

With Miller now out of the picture, the prosecutor agreed with Detective Phillips that Dr. Snook was the killer, but the problem was to get him to confess. For eighteen hours, officers took turns at questioning the suspect. The wearying session began to affect him and he made many inconsistent statements, finally admitting that he had obtained the key from Miss Hix on Thursday and not Wednesday.

The following afternoon, a week after the murder had been committed, he was being questioned again. A police officer hurried in with a note from the chemist stating that a stain removed from the knees of the dry-cleaned suit had been blood. The note was shown to Dr. Snook and for the first time he broke down and wept. When he regained his composure, he confessed to the murder.

In his statement he said, "Our association was not a love affair in any sense of the word, but in time Miss Hix developed a more determined attitude in regard to dictating my movements." The cause of the fatal quarrel had been her orders to him not to go out of town with his family during the coming week end.

"She threatened that if I did go," his confession read, "she would take the life of my wife and baby. During this quarrel she grabbed for the purse in which she sometimes carried a derringer I had given her. In the struggle she was hit on the head with a hammer with the intent to stun her. She continued desperately, and an increased

number of blows of increasing force were necessary to stop her. Realizing then, no doubt, that her skull was fractured, and to relieve her suffering, I severed her jugular with my pocket knife."

After the murder, Dr. Snook searched her purse and learned that she had not been carrying the gun. He removed the key to their trysting place and tossed the rest of them away. On his way home he dropped her purse into the Scioto River. He hid the knife and hammer in his basement tool box. Detective Phillips' reconstruction of the hand injury had been correct; Dr. Snook had slammed the car door shut, catching her hand.

During his trial, which began the following month, Dr. Snook enlarged considerably on his story of the fatal night. They met for an automobile ride and he had planned to park near the golf course, but there was a tournament on and Theora was afraid she might be seen. He next suggested River Road but said Theora told him that she once had been "caught" there with Miller and both had been fined. They finally drove to the rifle range and Dr. Snook described in detail their final and lengthy love making in the car. He said they had quarreled almost immediately after when she complained of the "inadequacy" of his car as compared to Miller's. It was an unusual choice of word and even stranger topic of conversation at that particular point, so it is possible that the quarrel related to an inadequacy of the aging Dr. Snook. In keeping with this there was surprise testimony by Chemist C. F. Long that he had found no narcotics in the viscera but he did isolate traces of a sex stimulant that had been in the sandwiches the murdered girl had eaten shortly before her death.

Prosecutor Chester used this testimony to charge that Dr. Snook had made Theora Hix his "love slave," but he failed to explain away the fact that Miss Hix had first been the mistress of Miller and that her affair with Dr. Snook had continued for three years. Dr. Snook may have been telling the truth when he said he knew nothing about the sandwiches, that Theora had brought them with her and they had eaten them on their ride to the rifle range.

The veterinarian also testified that while they were quarreling she struck him in a most vulnerable area that doubled him up in pain. He insisted that he had been in fear of his life when he hit her with the hammer.

During his testimony, he described many incidents where she had dictated his movements. The previous summer while she had been attending classes in New York, she found herself in difficulties with her studies and sent him word that he was to come to New York at once. The veterinarian said he asked Miller to go in his place. Miller told this same story to police and said he had gained the impression that Theora Hix was becoming "too hot" for the older professor to handle.

Love letters that passed between them were read to the jurors. Many were filled with sex erotica. In one of them, Dr. Snook reported completing the operation on himself that his mistress had wanted. In what must be regarded as a schoolboy attempt to avoid detection, he had signed many of his letters "Mabel." One letter, written in 1927, commented on a recent one she had written, and asked, *Won't you write me more and more of them? And then I'll have them published at $5 a volume—wow, what a sale!*

In another, maintaining his pose as the great lover, he described a golf foursome that included a woman who was wearing a dress above her knees with a plunging neckline. *She ruined my game,* he wrote. *No more play in such company any more.*

Dr. Snook's contention that his romance with the coed had not been a silly love affair suffered during the reading of the letters, in which he used such phrases as "My Dear Sweetkissikums," "Ooocie, that's me," and the familiar X's connoting kisses. He closed many of the letters with "wet kisses, a shudder shake, and a release."

It was during his summation to the jury that Prosecutor Chester held up the underwear that Theora Hix had been wearing at the time she was murdered.

"Here is the garment that Theora Hix wore," he said displaying it to the jurors. "Back in the back part of this room there are three hundred women, and I will gamble something pretty right here and now that this is the most

modest garment that any woman in this room has on, I don't care how many of them there are here. There can't be anybody to dispute that.

"It is a garment that comes down, fastens around the legs, comes up the sides and starts at the top and doesn't end until it gets to the bottom, and you won't find half a dozen more like that in this room today. It is the most modest garment that there is, and it tells the story of that girl. . . . Just that little suit of underwear and put the whole story right there."

When he had completed his impassioned plea to the jury, the three hundred less modestly clad women in the audience broke into prolonged applause despite constant gavel pounding by the court.

Dr. Snook's attorney did not spare his client's feelings when he described him as a "poor simp" who had hitched himself "in the same harness with a girl of twenty-four who is on the physical ascendancy."

"She forced him to perform an operation on himself to prevent conception. She hounded him. She threatened to shoot him. Instead of taking his fist and hitting her on the head, he took out his notebook and made notes of what she did to him."

The jury required less than half an hour of deliberation to find Dr. Snook guilty of first-degree murder. On February 28th, 1930, shortly after the veterinarian's fiftieth birthday, he entered the execution chamber. Witnesses said he walked quickly to the chair and sat down unaided, hitching up his trousers for the electrodes to be fastened. Waiting a few blocks away, in the office of his attorney, was Dr. Hix. When he received word that the execution was over and the murder of his daughter avenged, he said, "We must wire Mother." Previously, he had sent a letter of thanks to the Governor when he refused to stay the execution.

In an attempt to avoid further publicity, Mrs. Snook arranged for a pre-dawn burial. An Ohio State student returning from a date at four o'clock in the morning saw a hearse and several cars in front of the home. A short time later a crowd of students gathered to watch the funeral procession, the irrevocable end of Dr. Snook.

CHAPTER 6

Love Is Like That

This is the story of a small-town beauty who came to New York. Her story begins like thousands of others; it is only the end that is different.

The leading ladies of these real-life stories leave their homes in smaller cities, towns and farms for Hollywood or New York. Seeking theatrical careers, they range from pretty to beautiful and from no ability to real talent, but only a handful possess the necessary combination of personality and determination to achieve even minor success. The others, ashamed to return home and face their neighbors and friends as failures, follow one of two patterns of behavior. The more sensible girls drift into other work and settle down to orderly, routine lives. The rest progressively lower their standards of acceptable jobs and some of them attain notoriety during the periodic vice scandals that crop up in the two entertainment capitals.

Madeline Webb of Stillwater, Oklahoma, was typical of many of the girls who leave home with such high hopes. Voted the prettiest coed on her campus, she had brains as well, and was only nineteen when she received her college degree. She went first to Hollywood and then to New York, where instead of seeing her name up in lights, she saw it in glaring headlines.

It was shortly after eight thirty on the morning of March 5th, 1942, when the night telephone operator at the dignified Hotel Sutton on East 56th Street notified the manager that there had been an unusual number of telephone calls to Room 207, none of which were answered. A persistent woman caller insisted that her daughter should be there. A bellboy, directed to visit the two-room suite, tried the bedroom first, knocking on the door, and when there was no response, used his passkey to enter. The room was empty with the twin beds still made up, showing that they had not been used during the night. A radio was playing loudly in the adjoining living room. When the boy tried to open the connecting door he found that it would move less than an inch, encountering a heavy object. He went out to the hall where he used his passkey to open the main living-room door and backed out hurriedly when he saw the body of a woman, bound and gagged, wedged against the connecting door.

Detectives from the East 51st Street stationhouse and members of the Homicide Squad, under Captain Edward Mullins, a veteran of more than 3,000 murder investigations, hurried to the hotel. The victim, a middle-aged woman, had been expertly trussed up. She was lying on the floor, her ankles bound together and her arms lashed behind her back with black rubber-coated wire. In addition to wide strips of adhesive plaster taped over her mouth, a black and white silk scarf also was knotted tightly across her mouth and nose, with another woman's scarf tied tightly around her throat. The room showed no signs of a struggle and there were only a few minor bruises on the woman's body. An assistant medical examiner said that the gag had smothered her. The small portable radio, which had been blaring dance music when the detectives entered, had the volume knob turned on full.

On a desk in the living room was an empty spool for two-inch adhesive tape and a pair of wire cutters. Four coffee cups were on the table, and five cinnamon buns—several partially eaten—were in a basket. A woman's

black coat was folded over a chair and nearby, on a coffee table, was a pound box of unopened chocolates.

The murdered woman was a stranger to the hotel staff. The suite had been taken on February 20th by a couple who had registered as Mr. and Mrs. Ted Leopold of Euclid Avenue, Miami Beach, Florida. Because they had arrived without luggage, the desk clerk had requested and received the first week's rent in advance. No payment had been made by the couple for the second week.

Hotel employees described Mrs. Leopold as a strikingly beautiful and shapely brunette in her mid-twenties. "She looks like a showgirl," one of the bellhops told officers. Her husband was a small, slender, thin-featured man in his thirties. "He's a scrawny runt," said the informative bellboy.

Captain Mullins studied the thin pliable wire used to bind the victim and decided that it was the kind used for radio aerials. He noticed that it was new, and detailed a group of men to canvass all shops within a mile radius of the Sutton to see if they could trace the buyer.

Shortly after the detectives arrived, the hotel telephone operator reported that the same woman who had been calling repeatedly during the night was again asking for Room 207. She was instructed to put the call through and Captain Mullins answered. The caller identified herself as Mrs. Bertha Kolischer of the Hotel Woodrow and inquired about her daughter, Mrs. Susan Reich, who had gone to the Sutton the previous afternoon for a date with a friend and failed to return home. Her description of her daughter matched that of the murder victim.

An alert, active woman of eighty-two, Mrs. Kolischer had an interesting story to tell. She had accompanied her daughter and son-in-law, a wealthy wax manufacturer, when they fled from Austria after Hitler had annexed that country. Mrs. Reich, who was fifty-two, had been an outstanding Viennese beauty, but her years of hiding-out before making her escape from the Nazis had destroyed her good looks. When they finally reached this country and her husband established himself in business they took a permanent apartment at the Woodrow. A

beautiful young actress, with a marked resemblance to Mrs. Reich in her youth, was living at the hotel. To Mrs. Reich the girl brought back vivid memories of a happier past, and she became the young woman's benefactress, frequently inviting her up for dinner to make certain that she had enough to eat. The young actress finally had to give up her room at the hotel, and moved away. Recently, Mrs. Reich had informed her mother that she had heard from the girl. She was now married and wanted Mrs. Reich to meet her husband, and they arranged the luncheon appointment for that purpose.

Mrs. Reich had remarked to her mother that the actress seemed to have married well since they were staying at the Sutton. She left for the appointment wearing some of her best jewels, a valuable 5-carat diamond ring, a pearl pendant and an expensive platinum wrist watch.

The listening officers exchanged glances. The jewelry was missing.

Although Mrs. Kolischer could not recall the name of the young actress, she searched through her daughter's apartment and found a photograph that the girl had given to Mrs. Reich. It was a head and shoulder shot of a very pretty brunette glancing archly over a shoulder. Sutton employees identified the girl in the picture as Mrs. Leopold.

The photographer, whose name was on the picture, recognized the girl as Madeline Webb, who had worked for a time as a photographer's model. This jibed with a slip of paper found in the murdered woman's purse on which was written in pencil, *Madeline Webb Leopold, 330 East 56th Street—Plaza 3-9800*—the address and telephone number of the Sutton Hotel.

Police now had one of the occupants of the room identified. Mrs. Kolischer knew nothing about Leopold, and Miami Beach authorities telephoned that the Euclid Avenue address he had given when registering at the Sutton was a vacant lot.

Meanwhile, Captain Mullins assigned men to check into the background of Madeline Webb and learn everything they could about her. They found that she had been arrested once for disorderly conduct, and from

probation records were able to piece together much of her earlier years in New York.

After graduating in the top third of her class from the Oklahoma Agricultural and Mechanics College in her home town of Stillwater, Madeline had married her school sweetheart, but the role of a young housewife in a small town was in sharp conflict with her ambitions for the theater, and the marriage soon ended. With money advanced to her by her mother, she went to Hollywood, where despite her beauty and her belief in her singing and dancing ability, studio gates remained closed to her.

Madeline convinced herself that her failure was due to an automobile accident back in Oklahoma in which she lost two front teeth. Dentists were able to recap the teeth without the damage being noticeable but she was left with a tiny, almost invisible scar on her face. Deciding that footlights were less demanding than a camera lens, she left for New York only to find that it was no easier for the inexperienced to gain a foothold in the theater than in the movie studios. With her fresh young beauty and full-bosomed figure, however, she was able to find jobs in the chorus lines at night clubs. But such work does not usually last long; night clubs frequently go out of business or change their shows after several months and hire an entire new chorus line. By the end of two years even chorus work became less and less frequent. Although still beautiful, Madeline now was more sophisticated, and night club owners prefer the fresher beauty of youth. When the World's Fair opened she was happy to take a job in one of the honky-tonk shows, posing in the semi-nude. She also worked for various photographers, but as she found herself supplanted by younger girls she began to take off more and more clothes in posing for pictures. This work also dwindled.

From the Woodrow, where she had lived while working fairly steadily, she moved to a succession of cheaper hotels and roominghouses. Sometimes she managed to get enough money together to get out with her possessions; other times she had to leave them behind.

To the detectives gathering the information about her, it was a familiar picture of the steady downgrade of a

girl who has lost her faith in a theatrical career but who still hangs on, hoping that some miracle will occur.

With room and board a problem, she became the mistress of various men, some of them shady theatrical agents who promised to give her a break in a vague new show. When they tired of her she was out on the street again. By now she drank heavily and it was at this time that she was arrested. She was drinking alone in a hotel bar when she quarreled with two other women in the place. During the argument she broke a glass and then attempted to cut one of the women with it. She was stopped in time and ordered out of the hotel. Later she entered the lobby and when she refused to leave was arrested and charged with disorderly conduct. Convicted, she was given a suspended sentence.

Later, her mother produced several letters she had written home during this period. In one, she wrote, "I hate everything here. I don't know which way to turn. I haven't ten cents. I haven't seen a soul in New York I know. I don't know what will happen next."

Despite all this, Madeline refused to return home to life in Stillwater.

The records of the East 51st Street Detective Squad added another bit of information about her. The previous June she had appeared at the squad office, accompanied by a man, and lodged a complaint of rape. Her story was that she had attended a party and one of the guests there had forced her into a bedroom and attacked her. The detective, who knew something of her reputation, was suspicious of her story. Instead of coming to police immediately afterward, she had waited almost twenty-four hours. The man with her was not an attorney; he said he was just a friend. She admitted that there were no witnesses to the assault, which made a conviction almost impossible to obtain. The detective knew that such charges sometimes are made as a form of extortion, the accused paying the girl off to drop the complaint rather than face the notoriety of a court trial. After speaking to the man she named, who completely denied her statement, the officer refused to make the arrest and advised her that she could obtain a court war-

rant herself if she went before a magistrate and swore t the truth of her statement. She did not press her com plaint any further. The detective's description of th man who had accompanied her to the stationhou matched that of Leopold.

Several hours after the identity of Madeline Webb wa established, the true name of Ted Leopold was obtaine On February 19th, the day before the Leopolds regis tered at the Sutton, a woman notified police that tw diamond rings valued at $500 had been stolen from he by a man named Eli Shonbrun. The woman said she ha been in the lobby of an office building when Shonbrur whose brother she knew, came up and spoke to her. H admired the two rings she was wearing and asked h how much they were worth. "Oh, about seven cents," she replied in jest. Shonbrun asked if he could exami the rings and she obligingly took them off. As soon as h had them, he dropped seven cents in her hands and ra out of the building.

The case was assigned to Detective Thomas Tunney brother of Gene Tunney, former heavyweight boxing champion. Shonbrun had a minor police record for petty thefts. During his search for him, Detective Tunney was informed that Shonbrun was living with a woma named Madeline Webb.

A rogues' gallery picture of him was shown to employ ees at the Sutton. Ted Leopold was Eli Shonbrun. Al though police now knew the identity of the couple wh had occupied the suite where the murder occurred, they did not know whether they were involved in the mur der. The four coffee cups indicated that at least on other person had been present in the hotel room.

Meanwhile, the detectives assigned to find the shop that had sold the wire trudged the streets in an ever widening circle. They finally located the store a quarter mile from the Sutton. The wire had been purchased by two men, one tall and slender. A clerk said the shorter man seemed to be worried that the wire would not be strong enough. He didn't say for what.

A police teletype alarm was issued for Madeline Webb and Eli Shonbrun. Reporters located almost a hundred

different studio pictures of the girl and for days newspapers published various photographs of her, many of them showing her scantily clad.

The probing continued into the background of Shonbrun for a possible lead. A native New Yorker, he also had been stage-struck, and for a time had been a singer with several well-known bands. His talent, however, was limited and the jobs did not last long. Although he had worked in several other fields after that, he seldom remained employed very long, preferring to live by his wits and stay in the theatrical district. He had been arrested several times for stealing jewelry from women.

The two frustrated failures—the still beautiful Madeline Webb and Eli Shonbrun—met one day in one of the taverns in the district. It was at this point that Madeline's story veered sharply away from the familiar pattern.

There is no doubt that Shonbrun fell deeply in love with the girl. He abandoned his wife and seven-year-old child to live with her and boasted of her beauty to all of his friends. To Madeline, who had begun to despair about her looks, his devotion was a new lease on life. For the first time since her school days, she fell in love. But even with the incentive of their love, neither one thought of looking for employment outside of the theater, and they drifted about from one hotel to another, clinging to each other. It was Shonbrun who had accompanied Madeline to the police precinct when she lodged her dubious rape complaint, and this was typical of some of his plans to raise money. His theft of the two rings had evidently furnished the funds to pay the week's rent in advance at the Sutton.

The continued probing into the background of Shonbrun turned up information that he had an uncle who dabbled in secondhand jewelry and, like Shonbrun, had a minor police record. The uncle, who used the names Murray and Harry Hirschl, was trailed by two detectives when he left his apartment the following morning. He went to the secondhand jewelry district on Canal Street near the Bowery where, after much haggling, he sold a broken ring for thirteen dollars. One of the detectives slipped inside after Hirschl left and examined the

ring. It was the mounting of Mrs. Reich's stolen ring with the diamond missing.

Hirschl next was followed to one of the inexpensive movie houses that line 42nd Street. Instead of watching the film, he went upstairs to the lounge where he remained for forty-five minutes, frequently looking at his watch. Finally, he got up and left the theater. The trailing detectives reasoned that Hirschl had planned to meet Madeline and Shonbrun; since they did not show up, he had, temporarily at least, lost contact with them. The detectives picked him up and brought him to Captain Mullins for questioning.

The suspect went through the familiar routine of denying any knowledge of the ring setting and insisted that the only thing he knew about the murder was what he read in the newspapers. "I haven't seen Shonbrun in months," he said. "Every time I see him he wants to borrow money from me."

When the clerk in the old-gold establishment identified him as the seller of the mounting, Hirschl decided to talk to save his own neck, but once again he claimed to have no knowledge of the murder. He said his nephew had brought the diamond ring to him and asked him to sell it. He found prospective buyers wary of purchasing so expensive a ring from him and he returned it to Shonbrun, who pried out the diamond and then asked him to sell the mounting. They had arranged to meet in the theater. His story was that it wasn't until that morning when he read about the murder that he learned the ring had been stolen.

Asked why he had gone on to sell the mounting instead of coming forward to police with his information, Hirschl replied that he did not want to harm his nephew.

The officers refused to accept his story at face value and continued to question him. Finally, he told the full story, admitting that he knew of the plan to rob Mrs. Reich but carefully keeping himself clear of the murder.

He said that Shonbrun and Madeline were desperate for money and the beautiful actress remembered Mrs. Reich, the woman who had befriended her. "She always wears expensive jewelry," she told her lover. To Shon-

brun, this seemed like a golden opportunity. After they had established themselves at the Sutton, he had Madeline telephone Mrs. Reich and arrange for her to come to the hotel to meet her husband. Hirschl said his part was to dispose of the jewelry after the robbery. He had not been present in the suite when Mrs. Reich arrived. The fourth person, he said, was John Cullen, another ex-convict and a friend of his nephew.

He claimed that Shonbrun had told him what had happened in the suite when he turned the ring over to him. Mrs. Reich had entered, bearing the gift box of chocolates. She sat chatting with Madeline, Shonbrun and Cullen while they had coffee. Madeline then excused herself and went into the bedroom. Shonbrun turned the radio on full to drown out any shouts and then demanded that Mrs. Reich hand over her jewelry. The startled woman screamed and one of Madeline's scarves was hurriedly whipped around her neck. The two men bound and gagged the struggling woman, yanking the ring from her finger and taking her other jewelry. When Madeline heard Mrs. Reich scream she ran out of the bedroom door and then went out into the street. Somehow, neither Shonbrun nor Madeline had anticipated that Mrs. Reich would fight against giving up her jewelry. They had expected her to surrender her valuables meekly and submit to being tied up with the wire. To prevent any further screams, Cullen and Shonbrun gagged her mouth tightly without realizing that she could not breathe.

Hirschl was booked for homicide and the search extended for Cullen and the lovers. Cullen answered the description of the tall man who had purchased the wire. Lieutenant Daniel Mahoney learned that he was particularly fond of a food served by a delicatessen in the Bronx and detectives were stationed to watch the store.

Five days after the murder Cullen was seen entering the delicatessen. In the hope that he might lead them to the others, detectives did not pick him up immediately but followed him. They soon found that he did nothing but ride about on subways and buses, sleeping on trains. Fearing that they might lose him, he was arrested.

The prisoner, who had a lengthy record of arrests, mainly for petty thefts, remained poker-faced during hours of questioning. He still did not change his expression when he finally admitted his role in the murder, repeating a story similar to the one told by Hirschl. Cullen revealed that Madeline and Shonbrun were living in a roominghouse on East 147th Street in the Bronx.

Led by Captain Mullins, a squad of men sped to the address. When they burst into the room, Shonbrun was seated in a chair reading a newspaper account of the search for them, while Madeline was disrobing, preparing for bed.

She ran to Shonbrun's side, clutched him to her breast, and exclaimed, "Oh, my God, Eli." She said to the officers, "I've been living like a rat, ducking in and out of hallways, afraid that if I stepped outside I would be arrested."

Shonbrun told the detectives that the diamond was hidden in the pillow on the bed. The precious stone, for which the murder had been committed, had been useless to them since they were unable to dispose of it.

Shonbrun had a new story to tell, different from those of the other two men. He immediately cleared Madeline of any complicity in the crime and said that he had sent her to a department store to do some shopping before Mrs. Reich arrived, so that she would not know they were planning to rob her best friend. He turned on his uncle, and although admitting that he had discussed the robbery with Hirschl, said that the murder actually was committed by his uncle and several other men whom his uncle had brought along.

Madeline also claimed to be shopping at the time of the murder and insisted that she had known nothing of the plan to rob Mrs. Reich.

All four prisoners were indicted for first-degree murder, with Hirschl agreeing to turn state's witness against the others in return for a lesser conviction.

Three months after the murder Madeline Webb, Shonbrun and Cullen were placed on trial with Assistant District Attorney Jacob Grumet, then head of the Homicide Bureau, prosecuting the case. Former State Supreme

Court Justice James M. Springer of Stillwater, who had known Madeline as a child, came to New York with her mother to assist in her defense. Hundreds of women tried to enter the courtroom, and police lines had to be formed. The frustrated actors, playing before the largest audience they had seen in years, put on daily emotional shows that kept the courtroom spectators entranced for almost three weeks. Both of them interrupted the trial on many occasions with their shouts, denials and grimaces as they disagreed with the testimony offered by witnesses. Whenever there was a recess, Madeline and Shonbrun embraced in the courtroom, both sitting so that photographers would get their best profiles. In many of these photographs they are seen staring soulfully into each other's eyes.

When Madeline took the stand she wore no makeup, a severe black dress that emphasized her pallor, and horn-rimmed glasses. She carefully pulled her dress down well below her knees. She repeated the story she had told at the time of her arrest but under cross-examination admitted on the stand that she and Shonbrun were penniless on the day of the murder. She was asked to explain how she could have gone shopping in a department store if she had no money. Madeline had no ready answer for this question. She also was unable to explain away the two telephone calls made from their suite at the Sutton to Mrs. Reich at the Woodrow. Miss Evaline Klarrman, an aunt of the murdered woman, testified that she had answered the telephone on the first call and had recognized Madeline's voice. Mrs. Reich had told her mother after the second call that it had been the young actress who had telephoned. Since Mrs. Reich did not know any of the others, it was apparent that she had been lured to the fatal rendezvous by Madeline Webb.

Several times while Madeline was on the stand she told of her automobile accident years before in Oklahoma and how the scar had disfigured her and ruined her career. Even the harsh flash-bulb newspaper photographs failed to show up the scar. She persisted in telling this story despite constant objections by the prose-

cution and rulings by the court that it had no bearing on the murder. Had she displayed as much persistence in pursuing her stage ambitions, she might have advanced further than she did.

Shonbrun, still fighting to save the life of the girl for whom he had abandoned his wife and child, took the witness stand and dramatically confessed his guilt to the jury. He absolved both Madeline and Cullen from blame and claimed that he and his uncle, who had testified against him, had plotted the robbery and committed the murder. He had heard Madeline speak of the many kind acts by Mrs. Reich and that gave him the idea of robbing her of her jewels. Since he knew Madeline would not allow it if she knew about it, he had sent her away from the hotel that day.

"Then why did she run away with you after the murder?" he was asked.

"Madeline loved and trusted me," he replied. "I told her that I had nothing to do with the murder and she believed me and stayed with me." He paused, and then added solemnly, "Love is like that."

Corroboration of Hirschl's testimony that Madeline had been present in the hotel suite and fled when Mrs. Reich screamed was provided by a bellboy at the Sutton. He testified that he had seen her hurry out of the lobby to the street shortly after one o'clock on the afternoon of the murder, which was just about the time the assault took place. The bellboy could not be shaken from his testimony. He pointed out that there seldom were guests in the hotel with her looks and figure. It was an ironic note that the beauty which had failed to gain her stardom was helping to seal her doom.

Cullen became the forgotten man during the trial. He sat quietly at a table, maintaining the same poker-face he had presented since his arrest. He never spoke to the other two defendants and did not take the witness stand in his own behalf.

Springer, the retired Oklahoma judge, wept as he made an emotional appeal to the jury to acquit Madeline Webb. He reviewed some of the great love affairs of history, Cleopatra and Antony, Queen Elizabeth and

Essex. "Madeline found her Shonbrun," he said huskily. "Madeline and Eli lived together and I am firmly convinced of his abiding love for her. She believed what he said. She was a trusting and confiding woman. I say to you, gentlemen, will you lead her to the dark, dreary door of a dungeon cell or will you lead her in the green pastures and by still waters? Will you bid her to go free and bathe her brow in the sweet stream of freedom? Send her back to her Christian mother. Let her answer the prayers of a broken heart."

Madeline Webb sobbed constantly as he spoke.

The jury deliberated for five hours before returning with its verdict. The silent Cullen was the first to hear the decision by the jury foreman. He winced slightly when found guilty of first-degree murder and then quietly sat down in his chair again.

Madeline Webb was called next to face the jurors. The foreman spoke slowly and deliberately as he read the decision: "We find the defendant Webb guilty of first-degree murder with a recommendation of mercy." Such a verdict meant life imprisonment instead of the electric chair.

Shonbrun, his face mottled with red, leaped up when the verdict was read. "My God, she's as innocent as my mother," he shouted. "You have crucified her."

Madeline's voice was almost lost in the hubbub as she sobbed, "Please, Judge, please, I didn't."

Shonbrun didn't bother to listen as the jury foreman read the verdict finding him guilty of first-degree murder with no recommendation of mercy.

Still visibly angered at the verdict against his sweetheart, he was called before the court clerk to answer the customary questions put to all convicted prisoners. When the court clerk asked for his occupation, he shouted, "I'm a murderer, just like Mr. Grumet." Court attendants tried to soothe him and told him to take it easy.

"How can I take it easy?" he asked in another shout. "Grumet just crucified a girl as they did two thousand years ago. He framed that girl."

When asked about his previous convictions, he re-

torted, "I was convicted of the heinous crime of petit larceny in 1936."

A week later Madeline Webb and Eli Shonbrun saw each other for the last time when they appeared in court to be sentenced. Shonbrun again raised his voice, declaring his sweetheart innocent. The court ignored his outburst and sentenced him and Cullen to die in the electric chair. Madeline was sentenced to life imprisonment. The lovers were separated as they left the courtroom, Shonbrun being sent to the death house at Sing Sing and Madeline to the Women's Prison in Bedford Hills. The Court of Appeals denied a new trial and both Cullen and Shonbrun were executed. Madeline Webb will be eligible for parole when she is in her early fifties, when her figure will have thickened and her good looks long faded away.

Shonbrun, in his simple statement, "Love is like that," had placed his finger on the crux of the case. Because of her love for Eli Shonbrun, Madeline Webb had been willing to sacrifice her remaining standards and perspective. Because of his love for Madeline, Shonbrun had fought desperately, willing to sacrifice his own life for her. Both failed because love requires more than a blinding passion.

CHAPTER 7

Motive for Two

In November, 1952, when Winnie Ruth Judd fled for the sixth time from the Arizona State Hospital, she was only continuing the flight she began some twenty years earlier with the discovery of this country's most celebrated trunk murders. Her flights, both real and fanciful, have led psychiatrists to disagree, have caused conflict among judges and grand juries, and confused investigators to such a point that one remarked, "The only thing we can be sure of is that it was a crime of passion, but the question is what passion or passions?"

That same question has been asked repeatedly over the years. Actually, the motive is not obscure, the confusion arising mainly from the different statements made by Winnie Ruth Judd. What most observers have overlooked is the simple fact that she varied her stories in an attempt to win her freedom; she had no interest in revealing the complete facts. Enough information has come to light by now to indicate not only what happened, but why.

At the time of the murders, Winnie was an attractive blonde in her mid-twenties, her face dominated by unusually large and beautiful blue-gray eyes. There was no indication in her fully developed figure that she once had been tubercular, and it is interesting to note that

she frequently posed for photographers with her knees crossed, giving full display to her long, slender and shapely legs. She possessed a captivating personality, and was able to charm both men and women—so much so, that hospital authorities are convinced that she had help in many of her escapes.

Since Winnie had spun fanciful tales and spread confusion from her childhood on, it is not surprising that her case has caused much controversy. Yet the basic facts are clear.

When Southern Pacific Train Number Three arrived in Los Angeles on its overnight run from Phoenix on Monday morning, October 19, 1931, the baggageman reported to the district supervisor that two trunks had smelled up his car. One was a large packing type, the other a smaller steamer size. Some brownish liquid was oozing from a corner of the large one.

Since the deer season had just opened in Arizona, both men assumed that a hunter was sending home his kill despite regulations against the shipment of game. The two trunks were set aside.

About noon that day an attractive blonde woman, accompanied by a younger man, presented claim checks but the supervisor refused to release the trunks until he could examine the contents. The woman, wrinkling her nose with distaste at the odor, remarked, "I wonder what's inside?" After explaining that her husband had the keys, she said she would be back shortly, and drove off with her companion in an old battered roadster.

Some four hours later, when she failed to return, police were notified and the two trunks opened. Jackknifed into the larger one was the nude body of a woman. The steamer trunk contained the head and parts of the dismembered torso of a second woman. Both had been shot in the head, with additional gunshot wounds in the breast and right hand of the second woman. Later, the missing pieces of the torso were found in a suitcase and hatbox which had been abandoned in the women's rest room at the depot.

The assorted luggage was a veritable treasure trove of clues. The larger trunk was stuffed with snapshots of

the two women, letters, assorted personal papers, clothing, books, a ten-inch curved saw-tooth knife, a set of surgical instruments, and a piece of bloodstained carpet. Several discharged .25 caliber cartridges were in two purses. The hatbox yielded a .25 Colt automatic.

Some of the letters were addressed to Mrs. Agnes Anne LeRoi, the others to Miss Hedvig Samuelson, both at the same address of 2929 North Second Street in Phoenix. Many of the snapshots were labeled *Anne and Sammy*, making the identification of the two women even easier, and police were able to determine that it was Miss Samuelson's body that had been butchered.

As the victims had been shipped from Phoenix, authorities there were notified and began an immediate investigation, while Los Angeles police started searching for the unknown blonde.

At the railroad station in Phoenix, detectives learned that the trunks had been shipped Sunday night by a woman who had signed *B. J. McKinnell* to the claim checks. The local address she had given turned out to be nonexistent.

Any doubt as to the identity of the victims was removed when police went to the North Second Street address and learned that Mrs. LeRoi and Miss Samuelson shared a duplex bungalow apartment there and had not been seen since Friday night. Mrs. LeRoi, a nurse employed at the Grunow Memorial Clinic, had not reported for work on Saturday. Instead, Dr. Percy Brown had received a telephone call, supposedly from her, informing him that Miss Samuelson's brother was ill in Tucson and she had to accompany her roommate there. Because it upset him to be without an assistant to take X-rays, he had demanded that she report for work, but the caller hung up on him.

Suspicious because he had not recognized the voice, Dr. Brown sent his wife to the bungalow. She found the doors locked, nobody answered her repeated rings, and a glance into the bedroom windows showed the twin beds made up. She told her husband that both women were gone.

Police searched the bungalow and at first glance

everything appeared to be in order; all furniture was in place and the refrigerator was well stocked with fresh food. A thorough inspection turned up several small bloodstains on the wall alongside one of the beds. Underneath it, several square feet of carpet had been laboriously cut away with a small pair of manicure scissors left on the floor. The missing carpet matched the blood-stained piece in the trunk. When the officers turned back the covers on the twin beds, both mattresses were missing. Two spots of dried blood also were noticed on the sidewalk in front of the bungalow.

One of the local trucking services had picked up a trunk at the bungalow late Saturday night. A pretty blonde had admitted the expressmen and instructed them to take the trunk to the station. It was so heavy that three men were needed to lift it. They had rested it momentarily on the sidewalk where the blood spots were found. The foreman advised the woman that it was too heavy to go as baggage and she gave him an address on East Brill Street, telling him to leave it there in the garage. Winnie Ruth Judd occupied the apartment at this address on Brill Street. Her landlord, H. U. Grimm, said he had taken two trunks to the station for her on Sunday afternoon. It was obvious to police that the large trunk originally had held the two bodies.

Winnie also was employed in the Grunow Clinic, but as a secretary. She had reported for work an hour late on Saturday morning after telephoning that she would be delayed. Her call had come in shortly after the one supposedly made by Mrs. LeRoi, and the telephone operator at the clinic said both calls had been made by the same woman. Mrs. Judd had spent Saturday at the clinic typing menus, a point that was to assume importance later. On Sunday, she entered the clinic, her hand bandaged, and left word that she had to leave for Los Angeles because her husband was very ill, but had arranged for a substitute to take her place.

Meanwhile, the trail in Los Angeles also was leading to the name of Winnie Ruth Judd. A baggage clerk had jotted down the license number of the roadster in which the blonde left the station and this was traced to Burton

McKinnell, a student at the University of Southern California, who told police that his sister Winnie had appeared unexpectedly on the campus shortly before noon and had asked him to drive her to the depot to pick up her luggage. After the supervisor refused to hand over the trunks without inspecting the contents, she told her brother that she was in trouble but refused to explain. She got out of his car in the downtown shopping area, borrowed his last five dollars and walked away.

The time of the murders was established at about 11 P.M. Friday. Several neighbors reported hearing shots at that time. Evelyn Nace, a friend of the victims, said she had been at the bungalow all evening until about ten o'clock when her sister stopped by to pick her up. Mrs. LeRoi was preparing for bed and had just put on a pair of pink pajamas, while Sammy, who was tubercular and allowed to sit up only a few hours a day, already was in bed. "Both girls were perfectly cheerful as they said good night," she told detectives. No other visitors had been at the bungalow that night before she left.

The search for Winnie was extended to Santa Monica where her husband, Dr. William C. Judd, who was ill, was living with a sister. He was surprised to learn that his wife had been in Los Angeles and had failed to get in touch with him. He knew both Mrs. LeRoi and Miss Samuelson and said Winnie was one of their best friends, the three of them rooming together at the bungalow until the previous month when his wife took an apartment in anticipation of his coming back to Phoenix.

Dr. Judd, who was forty-eight, was some twenty-two years older than Winnie. They had met when she was eighteen and had joined the staff of the State Hospital for the Insane at Evansville, Indiana, where he was supervising physician. He had been kind to the shy girl when she first came to work there as a matron; then found himself falling in love with her. They were married after a brief courtship. Some time later she became ill and thought she had a heavy cold. Dr. Judd, however, recognized the early symptoms of tuberculosis, resigned his post, and took her to Mexico, but she failed to make any progress and he brought her to a sanitarium in Pasa-

dena where after eighteen months the disease was arrested. From there they moved to Phoenix. As a result of war wounds, Dr. Judd was unable to work for long stretches and Winnie went to a secretarial school to prepare herself for a working career.

Describing her as "demure and sweet," Dr. Judd refused to believe that she could have been responsible for the two murders. He said he had received a letter from her only that morning. Dated and postmarked Saturday afternoon, which was after the murders, it was a chatty letter and contained no hint of the crime. It read:

Dear Doctor:

I start so many letters and then have to do something else and destroy the letter and simply do not get one mailed.

Thank you very much this time for writing me whether I write to you or not. I am busy. I don't seem to get things done . . .

Doctor, I am lonesome. I will be so glad to have you here. I love you, oh, so tenderly with arms of love. I am usually so tired I can't write how much I love you. Then after I have rest for awhile, I long for you. I will be glad if you are here Tuesday or Wednesday. I need you and have for some time, but we needed money so badly when someone took $15 of my money.

Everybody is going hunting down here. Four of the clinic doctors went, and ever so many people. The deer season is open now. Some of the nurses over at the hospital are going out . . . They want me to go about 3:30. It will be an outing for me so maybe I will go. I would like to.

It is much cooler here now. Come home soon. It isn't a pretty home, Doctor, but again, we ain't got barrels of money, maybe we're all ragged and funny but we will travel along singing a song "Side by Side," because we love each other.

Ruth

Dr. Judd showed the officers another letter he had received from her in August in which she wrote: *For the*

last few years we have had an awful time, that is, breaking away from the "stuff" and never completely getting away from it . . . Doctor you are just part of my life . . . I am sitting here writing and crying so that I cannot see the letters on the typewriter. Doctor, I can't sleep, and I can't do my work.

Asked what she meant by the "stuff," the physician explained that he frequently had to take drugs to relieve the pains of his war wounds and had become addicted. Since then he had rehabilitated himself.

Although he described his married life with Winnie as very happy, he said that she had longed for a child but he opposed it because of his health and their precarious financial position. Her yearning became so strong that at one point she began speaking of a mythical son and accused him of causing the baby to disappear.

The letters Winnie wrote to her husband and the story he told police provide an important key toward understanding the motive, as will be shown later.

Although Dr. Judd protested that his wife must be innocent, officers by now were convinced that she was responsible for the trunk murders, but they ran into difficulty in trying to establish a motive. The first lead was the discovery that Winnie had moved out of the bungalow. Friends of the three women said it was not because Dr. Judd might return to Phoenix but because Winnie and Mrs. LeRoi were unable to get along together. This was substantiated by an unfinished letter Sammy had started to her sister in which she wrote, *Anne and I have moved away from Mrs. Judd, and we are much happier by ourselves, as she and Anne clashed on so many things and their quarrels were sometimes violent.*

But opinions differed on the cause of the quarrels. Some thought that Winnie had tried to drive a wedge into the unusually close friendship that existed between Mrs. LeRoi and Miss Samuelson. The two had met in Alaska where Sammy was teaching school and the other was supervising nurse of a small hospital. When Sammy became ill with tuberculosis, generous Juneau residents contributed money to send her to Phoenix, and Mrs. LeRoi gave up her post to accompany her friend and

live with her. She took a job at the clinic and acted as nurse for Sammy when she came home at night.

An extrovert who liked people, Mrs. LeRoi made friends easily and brought each new acquaintance home to meet Sammy. These included not only nurses and doctors but businessmen in Phoenix, and they became very fond of the schoolteacher who was always cheerful even though she was bedridden most of the time. Mrs. LeRoi, who was a divorcee, had met Winnie after she obtained a job at the clinic. Winnie had moved in with Sammy in August when Mrs. LeRoi went home to Portland, Oregon, for a visit with her family. She cut her trip short after receiving the following letter from Mrs. Judd:

> I suppose you know that Sammy and I are together, waiting every day for our dear little Anne to return to the fold. Sure, I think we can get along fine, the three of us, until I go to the Doctor. We talk a lot about our Anne and how she is going to behave herself when she comes back. Sammy is flirting as per usual. I went to Bisbee on Saturday, and Sammy moved over to the house on Sunday night . . . Well, at 5 A.M., Sammy heard someone come in the back door and she got up and ran out to meet the milkman! He was terribly surprised and started to run. Then Sammy told him she thought it was me. I don't know what to believe. Anyhow, the milkman is as sweet as pie and doesn't run any more . . . Sammy also flirts with the iceman . . .

Several weeks after Anne returned, Winnie moved out and took the apartment on East Brill Street.

Other friends, however, thought that Winnie and Anne had quarreled over a man. A nurse, who knew both of them, said that she had attended a dinner at Winnie's apartment on Thursday, the night before the murder. John Halloran, a well-known Phoenix businessman, was there with two companions. They had brought the food and wanted to invite Anne and Sammy to the din-

ner. Winnie protested but went along with the others when Halloran drove them over to the bungalow. She refused to leave the car, however, and Halloran went in alone. "Winnie saw him kiss Anne and Sammy when he went into the bungalow and she was furious and upbraided him when he returned to the car," the nurse told police.

Halloran, a married man, denied being in love with Mrs. Judd or having an affair with her. He admired the plucky fight Sammy was making to regain her health and his admiration also extended to Mrs. LeRoi for her unselfish devotion to her friend. He had met them through Mrs. Judd. In view of the letters Winnie had written to her husband, detectives were inclined to accept Halloran's statement that he was nothing more than a friend of all three women.

Meanwhile, Winnie had disappeared. Police of Arizona and California conducted an intensive search and Dr. Judd issued a public appeal for her to surrender. On October 23rd, she telephoned her husband and arranged to meet him with an attorney. After a two-hour conference with her, Dr. Judd notified police.

Her left hand was still bandaged and she said she had been shot by Sammy. She had surrendered because she feared lockjaw. Taken to a hospital, a bullet was removed from the fleshy part at the base of her third finger. Doctors said that her body was badly bruised.

She told police that she shot in self-defense, but refused to answer any questions on advice of counsel. The following day, however, scraps of an 18-page letter, written on telegraph blanks, were found in the drainpipe of a Los Angeles department store. When the scraps were pieced together, it appeared to be a confession to the murders that Mrs. Judd had written to her husband. The first part was rambling, frequently incoherent, and in it she admitted that she had falsely accused a man of raping her and causing her to be pregnant when she was sixteen. *I lied then and was a virgin when I married you,* the statement said. She also admitted that her stories about having a baby which Dr. Judd had spirited away

were false. *I'm crazy on that line,* the letter read. *And aside from that and occasionally a rage that I get into, I seem quite bright.*

When the letter came to discussing the two deaths, Winnie wrote that she had stayed overnight at the bungalow with Anne and Sammy, and the following morning while they all were still in pajamas they had started quarreling. She wrote that Anne and Sammy were angry because she had introduced a nurse to a businessman in town and they threatened to tell him that the nurse was being treated for a venereal disease. Winnie said she told Anne that she had no right to reveal information contained in hospital records.

This portion of the letter read:

"Well," Ann said, "He certainly won't think much of you doing such a thing. You've been trying to make him like you, and Mr. — too, getting him to move you, and when I tell them you associate with and introduce them to girls like that, they won't have a thing to do with you, and . . . he won't take you hunting either."

I said, "Sammy, I'll shoot you if you tell that." We were in the kitchen just starting breakfast. She came in with my gun and said she would shoot me if I went hunting with this friend. I threw my hand over the mouth of the gun and grabbed the breadknife. She shot. I jumped on her with all my weight and knocked her down in the dining room. Ann yelled at us. I fired twice, I think, and since Ann was going to blackmail me too . . . and hand me over to the police, I fired at her.

There was no harm introducing this nurse who is very pretty to the men . . . but they were going to kill me for introducing her. . . . Doctor, dear, I am so sorry Sammy shot me. Whether it was the pain or what, I got the gun and killed her. It was horrible to pack things as I did. I kept saying: "I've got to, I've got to, or I'll be hung." I'm wild with cold, hunger, pain and fear now. Doctor darling, if I hadn't got the gun away from Sammy, she would have shot me

again. . . . I killed in self-defense. Love me yet, Doctor.

There was no signature to the letter. Ruth at first said she had written it and then denied it. A handwriting expert testified she had written the letter.

Officials, at first, were delighted with the find, but as they studied the letter they began to back away from it. Winnie had placed herself in the bungalow Friday night and said the fatal shots were fired Saturday morning. All evidence indicated that the murders had occurred Friday night and Winnie had not been in the bungalow when the victims went to bed at 10 P.M.

She had been labeled the "Velvet Tigress" by reporters and in this statement she had clawed the reputation of several people. The nurse she had named in the letter was the same one who had told police about Winnie's quarrel with Anne, and there was little doubt that the man in the letter was Halloran. Thus she had smeared the reputations of both possible witnesses against her.

With the letter made public, Winnie began to talk. She said that after she left her brother, she had entered a department store and concealed herself in a drapery department on an upper floor, remaining there overnight. The following morning she slipped down to the first floor, bought a package of black dye and changed the color of her dress in a washroom. That afternoon she walked out with a group of women and started toward Pasadena. She got a lift from a truckdriver who let her out near the sanitarium where she once had been a patient. She knew that there were vacant cottages on the grounds and she hid in one of them, remaining there until her fear of lockjaw drove her to seek out her husband. To disguise herself for her return trip, she sneaked into an occupied cottage and helped herself to a dress and coat. She admitted that she had written the letter found in the drainpipe on her return to Los Angeles before her surrender.

"You know the rest," was all she would say about the murders.

Several days later Winnie furnished a new motive in

a story she sold to a newspaper. She now claimed that Anne and Sammy were perverts and the quarrel started when she accused them of it. In this new version she said the struggle took place in the kitchen where she shot both of them, later carrying them into the bedroom. It wasn't until Saturday evening when she returned from work that she dissected one body because both would not fit in the trunk.

District Attorney Lloyd Andrews of Phoenix said her second statement, like her first, was a "fanciful fabrication" intended to form the basis of a self-defense or insanity plea.

"She still has not told the real motive," he said to newsmen. "I believe it to be something far more important than the quarrel she described."

He pointed out strong flaws in Winnie's two statements. Although she claimed she had been shot in the hand Saturday morning, she wore no bandage when she reported for work at the clinic and had spent the day typing, an almost impossible task if she had been wounded in the left hand. The physician for whom she worked told investigators he would have noticed it if her hand had been injured. The prosecutor said flatly that she had shot herself in the hand to build up a self-defense alibi. Her story of dissecting the body hours after the shooting was disputed by medical evidence which showed that dismemberment had taken place almost immediately after death. The doctors dealt an even more severe blow to her version when they said the path of the bullets through the body proved conclusively that both women had been shot while asleep in bed.

Anticipating an insanity plea, the prosecutor obtained a court order for several psychiatrists, including Dr. Joseph Catton, to examine Winnie. Her attorneys also employed psychiatrists for the same purpose.

Friends of the murdered women denied the perversion charge. Mrs. LeRoi had been engaged to be married and had many men friends. She had encouraged visitors to drop in at any time as part of her plan to keep Sammy cheerful and was visibly pleased when callers came.

Winnie was placed on trial on January 19, 1932. The

evidence consisted largely of the facts so far set forth here. One woman testified that Winnie told her that she had a "boy friend." A streetcar conductor said that she had boarded his car at about ten o'clock on Friday or Saturday night—he wasn't certain as to the exact night —and got off near the bungalow. At 11:25 that same night, while he was on his return trip, she again boarded his car, getting off near her home.

For several days Winnie sat quietly between her elderly mother and her father, a minister in Illinois, as the evidence piled up against her, but her temper flared when Dr. Catton came over to speak to her during a court recess.

"Get out of here," she screamed at him. "I won't talk to you. You promised not to tell anything I told you, but you go down to pool halls and talk about me. Get away. Get away."

The reason for her outburst became clear when Dr. Catton took the witness stand. He had questioned Winnie for several hours while she was awaiting trial and she had admitted to him that she was in love with another man and wanted to have a baby by him. She indicated that the other man was Halloran. At one point he asked her if she had been drinking on the night of the murder and Winnie replied, "Nobody was drinking but Halloran." She hurriedly clapped her hands over her mouth and remained silent for a while. Dr. Catton said he asked her whether she had ever cut up a human being under any conditions and she replied, "I am going to say I did," and then added, "I have never even cut a chicken."

The psychiatrist testified that in his opinion Winnie was a frightened woman, but sane. He thought she was above normal in intelligence and crafty. "She showed normal love feelings when she told me about her affair with the other man," he said on the stand. "However, she is very remorseful about everything that has happened, and regrets extremely that her husband had to know about it."

Other doctors called by the prosecution also testified that she was sane. Although the defense used the letter found in the drainpipe to plead self-defense, their entire

case was built on proving Winnie insane. Her mother took the witness stand and described how Winnie had disappeared from home once and was found several days later in a barn, clad only in a nightgown and gunnysack. It was at this time that she had raised her rape and pregnancy charge. Even after medical examination disproved her story, she continued making baby clothes. Her aged father exposed family secrets when he testified in a trembling voice that his grandmother and an uncle and two other relatives had died insane. Several defense psychiatrists said that Winnie was suffering from dementia praecox and an endocrinologist testified that she had a gland disorder that affected her mentality.

An all-male jury found Winnie Ruth Judd guilty of first-degree murder and voted the death penalty which, at that time in Arizona, was the gallows.

Although Winnie had appeared almost disinterested in her case during the trial, she became alert once she had entered prison. When her appeal for a new trial was denied by the State Supreme Court, she went before the Prison Board and spoke clearly and lucidly for three days as she argued for a commutation of her death sentence.

When this was denied, Winnie announced that she now was ready to tell the full story of the murder. Brought before a grand jury, she repeated that she had shot in self-defense, but this time brought in Halloran as the one who had packed the bodies in the trunk. She claimed that Halloran came calling at her apartment just after she arrived home from the bungalow. She had planned to telephone her husband for advice, but Halloran would not let her do it. He brought her back to the bungalow where the bodies still were on the kitchen floor. While she cleaned up the blood, he packed the bodies. He sent her home before he was through and telephoned her the next day telling her the bodies were in the trunk and that she should ship them to Los Angeles. She said that he had taken away the mattresses. If he would only produce them now, she insisted, the bedding would show that the women had not been killed in bed and that her story was true.

A sympathetic grand jury not only indicted Halloran but also issued a statement urging the parole board to commute her sentence to life imprisonment, which in Arizona means a term of 15 to 20 years.

At a preliminary court hearing for Halloran, Winnie said, "I'm not here for the purpose of clearing him. He had a chance to clear me at my trial and didn't. He is responsible for the deaths of those girls," indicating that he was the cause of the fatal quarrel, which was her original story in the drainpipe letter. Halloran repeated under oath that he knew nothing about the murders.

The court dismissed the charge against him, stating that if Mrs. Judd's story was true and she shot in self-defense, then she had not committed murder, therefore no crime had been committed and Halloran could not be an accessory. This unusual reasoning was interpreted by many to mean that Winnie was innocent.

When the Arizona Pardon and Parole Board refused to accept the grand jury recommendation and ordered the death sentence carried out, defense attorneys requested a sanity hearing before a jury. Winnie constantly interrupted the hearing with wild shouts of laughter and hysterical screams. She made several dashes toward windows as if to jump out, and tore strands of hair from her head. Dr. Catton testified that he was uncertain as to whether she had developed prison neurosis or was faking. He added that she would recover quickly once the threat of the gallows had been removed.

Only three days before her scheduled execution date the jury, composed mainly of farmers and ranchers, ruled that Winnie was insane. When she was taken to the Arizona State Hospital the next day, she was all smiles and no longer clutched at her hair or stared blankly at walls. The death sentence was deferred until she regained her sanity.

At the hospital, she quickly became one of the most popular inmates and studied to be a beautician. When she began to give permanents to nurses in the hospital, beauty parlors in town protested. Winnie made her first escape shortly after the state abolished the gallows and opened a gas chamber for executions. A ruling was re-

quested as to whether the changeover affected her death penalty, since she had been sentenced to be hanged. The State Attorney General ruled that it did not.

Winnie was free for five days, part of the time visiting with her parents who had moved to Arizona. Back in the hospital she was placed in solitary confinement for five weeks. Resentful at this treatment, she escaped again and left two notes addressed to the Governor. In one of them she asked for a new trial and this time claimed that a physician had assisted Halloran in dismembering the body. When she was captured 12 days later in Yuma, she had a 12-page statement ready for reporters in which she expanded on this same theme, meanwhile still claiming she had killed in self-defense. A grand jury ignored her latest story.

Meanwhile, Winnie had not been without friends. A citizens' committee was formed in Phoenix and asked the pardons board to hold public hearings to determine if the death penalty was delaying her recovery. The committee wanted the death sentence commuted.

This was finally done in May, 1952. Winnie Ruth Judd no longer faces the death penalty and if she is able to prove herself sane, she probably will gain her immediate release in view of the years she has served in the State Hospital.

We now come to the question of motive. Although Winnie was in love with her husband (he died in 1946), her letters to him indicated that it was more the affection of a younger girl toward an older man whom she admired and respected. While she frequently mentioned the word *love*, she rarely used the kind of terms of endearment that would be natural in such personal letters. Her salutations invariably began "Dear Doctor," and she continued to use that title in the body of her letters, never using his first name. If anything, she still was in awe of him, and she apparently never got over the relationship that existed between them when she was a young frightened girl on her first job and he was the physician in charge of the hospital.

Her longing for a child was deep-rooted with her sex desires. It began with her false accusation when she was

sixteen and continued years later when she was married and invented a baby. She was frustrated sexually and admitted to Dr. Catton that because of her husband's fears of having a child they had never completed a sex act during their entire married life. At the time of the murders, Winnie was a normal, healthy woman, physically attractive to men. She and her husband had been separated most of the time. It was quite likely that she had been telling the truth when she confided to a woman friend that she had a boy friend.

Whether it was Halloran is another matter. If she was in love with him, all evidence indicates that it was largely in her mind and was not reciprocated, but her imagination could have made it seem real to her. Dr. Catton had characterized her as crafty and it is rather odd that, after successfully fencing with police, prosecutors and other officials for weeks, she should have made a slip and mentioned Halloran's name. Her coy clapping of her hands over her mouth after the slip appears to have been play acting and she may have deliberately used a wrong name to cover up the identity of the man she actually loved and with whom she was having an affair. It is possible that this man assisted her in dismembering Miss Samuelson's body when she telephoned him in a panic after the murders. Autopsy surgeons said the dissection was crudely done and showed no signs of any medical skill. Mrs. Judd was seen riding in a car with a man on Sunday, hours before she left for Los Angeles. This man was not Halloran and he never has been identified. The mattresses could have been disposed of at that time.

We know that Dr. Judd was planning to return to Phoenix in several days. We know that Mrs. LeRoi and Winnie did not like each other, and it is quite possible that Mrs. LeRoi knew the identity of Winnie's secret lover and threatened to tell Dr. Judd about her misconduct. The one bullet hole in Mrs. LeRoi's head indicates that she was shot first; it was her mouth that Winnie wanted to seal. The shot awakened Sammy who grabbed for the gun and was shot in the hand. During the struggle the second shot caught her in the chest. Winnie then

delivered the *coup de grâce* in the head when Sammy fell back on the bed.

Winnie's love affair was threatened and she took positive steps to eliminate the threat. This situation has served as a motive for murder since the beginning of mankind.

CHAPTER 8

Crime With Passion

A book of this kind would not be complete without a case in which a rape stems from the crime rather than from such basic emotions as love, hate or desire. In this category can be placed the acts of most so-called sex criminals. A man who sees a woman and is determined to ravish her—John Fiorenza in Chapter 3 is an example—is comparatively uncommon. Most women are attacked during the commission of another crime; a pocketbook snatcher or a burglar may commit a sex assault on his victim, but his primary purpose is the theft rather than the assault.

Such sex criminals are the most dangerous of all. Nothing deters them, not even murder, and once they have committed murder they will continue to kill again and again, with authorities engaged in a desperate race to catch them as their death toll rises.

The case history of George Joseph Cvek is cited most frequently by authorities as a perfect study of this kind of criminal in action. In it can be found all the elements: he was a sneak thief, he attacked scores of women, he murdered several of his victims, and he continued without letup even when he knew that an intensive search was on for him. Like all criminals of this type he oper-

ated in so definite a pattern that officials were able to predict his movements even though they did not know his identity and his activities were wide-spread, carried on from Maine to Washington, D.C.

The case, though, did not begin as a typical one. Shortly after ten thirty on the night of February 4th, 1941, police were summoned to the third-floor apartment of John Pappas, a prosperous Greek importer who lived on Grand Concourse in Bronx County, New York City.

Pappas had just returned home from his shop and found his beautiful young bride strangled on the bed. A kitchen towel had been knotted about her throat, a man's handkerchief was in her mouth, her shapely legs were bound with strips of another linen towel, while her hands were tied behind her back with a man's tie. She was wearing a blue housecoat. Although the bedroom gave every evidence of being ransacked and Pappas reported that a diamond ring and an expensive wrist watch his wife had been wearing that morning were missing, the setting in the living room indicated that she had been entertaining a caller. Two used coffee cups and two partly filled wine glasses were on a coffee table, along with a partly filled tray of cookies. The table also held a cut-glass water goblet. On another table was a bottle of aspirin tablets.

The living room showed some signs of a struggle. A heavy table lamp had been knocked to the floor and Mrs. Pappas' shoes were in the center of the carpet, turned on their side.

Pappas prepared an inventory of the dresser drawers and added a dinner ring and a silver cigarette case to the loot. His wife's purse was empty and he said it had contained a gold crucifix and about $50 in cash.

Hanging between the Venetian blind and the window in the dinette was a fur jacket. It was an unusual place for the garment and the officers wondered whether Mrs. Pappas had placed it there as a signal. The murdered woman, who was in her early twenties, was only half as old as her husband. She had married Pappas the previous year in Alexandria, Egypt, where her father

was a publisher. The importer was celebrating his fifty-fourth birthday that day.

Dr. Charles Hochman, assistant medical examiner, said the woman had been dead from eight to twelve hours. There was a slight abrasion on her lip and a small bruise mark on her chin. She had not been raped. He also noticed a smear of blood on her stockings and suggested that she may have scratched her killer. An alarm was broadcast notifying patrolmen to be on the lookout for a man with scratches on his face or hands.

Pappas said that the tie used by the killer to bind his wife's hands did not belong to him; it was a cheap one and bore no store label. A framed group photograph of his wedding party, taken in Alexandria, was on a chair in the living room. The photograph was kept on the bedroom dresser, so Mrs. Pappas must have brought it into the living room to show to the caller.

The importer was puzzled about his wife's having a visitor. He explained that she had no relatives in this country and was timid about meeting people. He had impressed upon her the importance of never opening the door to strangers and the front door had a special peephole through which callers could be examined before the door was opened. Yet the dishes on the coffee table belonged to their best set which was reserved for special occasions rather than everyday use, showing clearly that the visitor had been an important one to her.

Four cigarette butts were in an ashtray, and since the murdered woman did not smoke, it indicated that the caller had spent some time in the apartment with Mrs. Pappas.

Fingerprint experts raised impressions of three fingers on the water goblet. These did not match the prints of Pappas or of the victim and they were sent to headquarters where no matching prints were found in the files. The FBI also failed to find any matching prints in their vast files.

Questioning of other tenants in the building produced no results. Few of them had more than a nodding acquaintance with the bride. Because of her exceptional beauty they referred to her among themselves as the

Egyptian Princess. None of the residents in the adjoining apartments had heard any sounds of a struggle. The building employed a doorman but he came on duty in the early afternoon, and while he said that he had admitted no strangers, police discovered that the delivery entrance in the rear was unguarded, so the killer could have slipped in and out of the building without being seen by the doorman. He also could have entered the building before the doorman reported for work.

Further questioning of Pappas only deepened the mystery for officials. The importer said that he had not introduced his bride to any of his friends; she was known only to members of his family. She did little shopping, the main bulk of their groceries were delivered once a week by Pappas' young nephew who had been with him all day in his shop. Mrs. Pappas either carried department store purchases with her or else gave instructions that deliveries were to be left with the building superintendent, the importer picking up the parcels from the superintendent when he came home. The only outside contacts the cloistered Mrs. Pappas seemed to have were with members of the church where she served as treasurer of the Sunday school group, and here her dealings were mainly with the pastor.

Captain Charles Armstrong, veteran head of the Bronx detectives, was disturbed as he reviewed the facts in his office. The appearance of the apartment indicated to him that the killer was a thief who had managed to gain entrance, yet it did not seem likely that Mrs. Pappas would have entertained a burglar who forced his way in, and certainly not with her best dishes.

The bottle of aspirin found in the living room, the captain knew, was the trademark of a sneak thief who had twice attacked women in the past three months. He called for the records on these cases and studied the reports. In November, a Bronx couple had picked up a hitchhiker near the Pulaski Skyway in Newark. He told the couple that he was a former Mayor of Boys Town, the famous home founded by Father Edward J. Flanagan in Nebraska, and was on his way to visit his sister in Maine. He had lost his money and suitcase in a wash-

room. Touched by his story, the couple gave him some money. He insisted upon taking their name and address so he could repay the loan and told them that his name was John Mitchell. Five days later he turned up at the Bronx apartment and when the woman recognized him she let him in. He said that he had obtained a job in Newark, starting in a few days, and needed a little money to tide him over until he collected his first pay check. The woman told him that her husband would be home at five o'clock. She prepared some lunch for him and afterward he complained that he had a headache.

While she was getting some aspirin, he stood behind her, put his right arm around her neck and dragged her into the bedroom where he tied her ankles and wrists, using one of her husband's ties which he got from the closet. He used a soiled handkerchief as a gag. After ransacking the apartment, he returned to the bedroom where he raped her before leaving.

The second attack had occurred just one week before the murder of Mrs. Pappas. In this case he had called at an apartment and told the woman that he had met her husband while hitchhiking. He introduced himself as Joe Mitchell and said he was from Boys Town. Again he remained in the apartment for several hours, ostensibly waiting for the woman's husband to come home. During this time he assisted her in making the beds. Twice he asked for aspirin. About two o'clock in the afternoon he suddenly seized her, using the same technique as in the first case. He tied her hands and feet with strips of dish towel and used a handkerchief as a gag. He removed the rings she was wearing and also took her fur coat from the closet. There was no sex assault on this woman.

The description tallied in each case. The women described him as a tall, husky youth who wore a green-striped suit and a blue-green hat.

These crimes were so strikingly similar to the murder of Mrs. Pappas—the aspirin bottle, the bound hands and feet, the handkerchief gag—that Captain Armstrong was certain the same person was responsible for all three. The captain also felt he now knew how the thief had

managed to enter the apartment. By posing as a friend of the importer, he had fooled the bride who thereupon ushered him in as an honored guest, bringing out her best dishes, serving him coffee, wine and cake, the traditional dishes of welcome in a Greek household. She had probably brought out her wedding photograph while describing the ceremony. After smoking several cigarettes he had asked for the aspirin and grabbed her when her back was turned as he had the other women. Mrs. Pappas probably had put up a spirited fight, during which the lamp was knocked from the table. He had strangled her during the struggle.

The following day, after the story of the murder appeared in the newspapers, a woman living in the Washington Heights section of the city reported that a young man had tried to enter her apartment the day before. He claimed he was from Boys Town and told her that her husband had given him a lift the previous week. She had slammed the door in his face; she knew he was lying because her husband had been dead for several years.

Canvassing of the neighborhood revealed that the same youth had tried to enter two other apartments on the morning of Mrs. Pappas' murder. In each instance he had claimed to be a friend of the woman's husband but had been rebuffed by both of them.

A wire was sent to Father Flanagan describing the attacker and his claim to be a former Mayor of Boys Town. The kindly priest replied promptly that the youth was an impostor and that no John or Joe Mitchell had ever been registered at the home. Father Flanagan had additional information for the authorities. The same youth also was using the name of Gerry Mitchell and had been operating in many parts of the East since the previous July. Father Flanagan had received a letter at that time from a Mr. R. W. Stadden of Bartonsville, Pennsylvania, who had written to him telling him about giving the youth a lift. In August, he had received a telegram from Mr. J. Carter Brooker of Montclair, New Jersey, who said he had picked up the hitchhiker in Waterville, Maine, and brought him to New York City where he disappeared. A newspaper in Brunswick,

Maine, had sent a clipping to Father Flanagan containing an interview with Mitchell in which he claimed to be from Boys Town and said he had come to Maine in search of a sister who had been in an automobile accident.

Enclosed with Father Flanagan's letter were two post cards that had been sent by the impostor to Boys Town. One was addressed to Father Flanagan and read:

> Dear Father Flannigan:
> Just a few lines to let you know that I am well and hope you and the rest of the boys are the same. Please don't worry about me, because I am being taken care of by the nicest people I ever met. Am writing the details in a letter which will follow this. So long.
> Gerry.

On it was a postscript initialed R.W.S. that read: *Father: I'll take the responsibility for his arrival safely at his destination. A grand young man. We like him. He should arrive in Providence, R.I., July 27.*

The second card, also signed, Gerry, had been mailed at the same time. It was addressed to Pat Quinn, who was unknown at Boys Town, and said:

> Hi Pat:
> Well, well, what a small world. Who would think I would be hitchhiking cross-country. I suppose Father Flannigan told you about my unfortunate incident but I think it's doing me a lot of good to find out about things like this now. I am just about ready to go to church now. I am staying with some very nice people in the mts., R. W. Stadden, Bartonsville, Pa. It's a regular vacation place. I am actually swimming in their pool. I'll be seeing you in a couple of weeks.

Father Flanagan pointed out that his name had been misspelled on both cards, an error no member of Boys Town would have made. He also called attention to the way the letter r's were formed on the post cards; they were written as inverted v's.

Detectives checked with Mr. Stadden in Bartonsville and with Mr. Brooker in Montclair. Both told similar stories. They had picked up the youth on the road and he told them he was looking for a long-lost sister and that his suitcase and money had been stolen from a public washroom. He varied the place where his sister was supposed to live in accordance with the direction he was traveling. Stadden said he had taken the youth into his home for several days and then had given him money so he could continue his search for his sister in Rhode Island.

Brooker had driven him down from Maine to New York City, stopping overnight in a cabin on the road. He said the youth had registered as Gerry Mitchell for his own cabin. Detectives examined the register there and once again noticed the unusually formed r's.

Brooker added that during the ride he had mentioned the name of a friend who lived in Manhattan. Several days later Mitchell showed up at the friend's house and borrowed two dollars. He took his dog out for a walk and the dog came home alone. "We were both taken in by his story of his lost sister, lost luggage and lost money," Brooker remarked.

The description furnished by the witnesses matched that given by the two women who had been attacked in the Bronx.

One point emerged from the questioning: the impostor had been picked up every time on U.S. Highway 1. Bronx detectives were assigned to patrol the highway for fifty miles out of New York City on the lookout for him.

A five-state alarm sent out by New York police brought in the information that there were at least twenty other victims in other states, six of the women reporting that they had been raped. In some instances he had bluffed his way into their homes by claiming he knew their husbands, but he never varied his story that he was from Boys Town. Other victims were the wives of men who had given him a lift on the highway and he had obtained their addresses on his insistence that he wanted to repay the loan. Instead, he returned several

days later while the men were at work, robbing and attacking the women.

Eight days after the murder of Mrs. Pappas the impostor struck again, this time in Philadelphia. It was the same story. He appeared at the home of a woman whose husband had given him a lift from Newark to Trenton. At the time, he told the couple that his name was John Mitchell, that he was from Boys Town, had been visiting a sick sister in Maine, and now was heading south. The woman, who was alone in the house, was pregnant, expecting her child within two months. He stayed at the house for several hours chatting with the woman, then seized her, stripping her wedding and engagement rings from her fingers. Before leaving he untied her ankles to assault her and as a result of this attack she lost her baby.

Bronx detectives were sent to Philadelphia to assist officers there in their search. The patrol on Highway 1 was extended to Philadelphia while other detectives were ordered to Baltimore and southern cities on the highway route.

Five days later a housewife in Washington, D.C., was the next victim. He had called at her home, posing as a distant relative of the woman's husband, and remained there for several hours carrying on a bright, cheerful conversation. Finally, at dusk, he said he was unable to wait any longer for her husband. When the woman got up to get his coat, he seized her from the back, tied her hands with a tie and ransacked the apartment, breaking open several coin banks. He also raped her before he left. Her husband, who was employed as a bartender in a hotel, said he had never given a lift to a hitchhiker. Washington police reasoned that the bandit had heard clients calling the bartender by name, learned where he lived, and then went to his home when he knew the husband was working.

Some two hundred detectives in New York, New Jersey, Pennsylvania and Washington were now searching for the marauder. Officers in private cars were riding U.S. Highway 1 day and night from New York to Washington, and as far north as Providence, Rhode

Island. Despite this intensive search, the wanted man eluded all traps and made his next appearance February 25th in Newark, where he bound a woman and robbed her.

With the youth on the outskirts of New York City, police there began to patrol all routes leading into it, but he doubled back on his tracks and turned up in Passaic two days later where he attempted to rob a fifty-year-old woman. The housewife managed to break loose from his grasp, hit him with a vase, and shout for help. The husky youth fled through the back door and disappeared. That night he came up to a car near the New Jersey approach to the George Washington Bridge and tried to open the door. A nurse was alone in the car checking a roadmap. When he found the door locked, he rattled the handle and banged on the window trying to get in. The nurse promptly started her car and headed toward a wall to hem him in. He jumped off the running board and ran away.

For days police waited, wondering where the killer would show up next. On March 3rd they had their answer. Mrs. Elizabeth Jensen, thirty-four, was found murdered on the couch of her basement apartment in the Bronx, less than a half mile from the scene of the Pappas murder. Her hands and feet were bound and she had been strangled with a man's necktie. Captain Armstrong was certain that the same killer was responsible.

During the month-long search for him police had compiled a list of aliases he had used, and these included John, Joe and Gerry Mitchell, Robert Carl, Murtha, Martaugh, Mercer, Clark, Mikos, Connor, O'Connor, Giovenetti and Gevanio.

Detectives were given a list of these names and were directed to search through every hotel and rooming-house in New York. Previous inspection of registers had shown that he had registered several times in the past at the Mills Hotel at Seventh Avenue and 36th Street, near Pennsylvania Station. Detectives Frederick P. Durant, Edward J. Mahon and Edward J. Gillon were assigned to cover that hotel.

They arrived there on March 3rd, shortly after 7

P.M., and examined the register without spotting any of the names or the telltale r's. Posing as hotel employees, they canvassed all the occupied rooms without finding the suspect. They then drifted, one by one, into the lobby where they took up widely separated positions. Two hours later a husky youth entered the lobby. The detectives started when they saw that he was wearing a green suit and a blue-green hat, the same clothes worn by the long-sought suspect. One of the officers sauntered over as the man registered at the desk.

He asked the clerk for Room 1226, stating that he had occupied that room over the week end and had liked it. The clerk said the room was occupied and offered him one with the same view on the eighth floor. The other nodded that he would take it and signed the register, *G. Kolosky*.

Instead of going up to his room, he went downstairs to a parcel room where he picked up a small handbag and then returned to the lobby. Detective Durant had trailed along behind him.

The officer was in a ticklish spot. Although the youth answered the description of the wanted man, he knew that it also could fit many other men. The Kolosky name was one police had not run across so far in their investigation.

The detective decided to stop him anyway, and signaled to his two companions. Using the pretext that they had information that a guest at the hotel had a gun hidden in his bag, they told the youth that they would have to search the suitcase.

"Sure, go ahead," the other replied easily. The bag was unlocked and contained socks, shirts and underwear.

The detectives still wanted a sample of his handwriting. "We have to make a report on this," Durant told him, "so would you mind signing your name and address on a piece of paper so we can show we checked your bag."

The suspect wrote out G. Kolosky and then added a street address in Harrisburg, Pennsylvania. Both r's in Harrisburg were written as inverted v's!

No longer doubtful, the detectives hurried the pris-

oner to Bronx headquarters to be questioned by Captain Armstrong and District Attorney Sam Foley. When the officers searched him, they found an identification card in his pocket bearing the name of George Joseph Cvek with the Harrisburg address. The prisoner admitted that Cvek was his correct name and explained that he never registered at hotels under his right name. "What's this all about?" he asked.

Informed that he was suspected of having murdered Mrs. Pappas, he said he had never heard of her.

Meanwhile police in Newark, Passaic, Philadelphia and Washington were notified and asked to bring the women victims to New York to look at the suspect. The two Bronx women also were requested to come to headquarters.

The first witness arrived at two o'clock in the morning and the woman promptly identified Cvek as the man who had attacked and robbed her. Nine more times during the next twelve hours he was identified by women victims.

Cvek continued to deny any knowledge of the murder of Mrs. Pappas or Mrs. Jensen. Positive proof linking him to the murder of Mrs. Pappas was obtained when his fingerprints were taken and they matched the impressions found on the water goblet in the murdered woman's apartment.

Faced with the mounting evidence against him, Cvek finally confessed. His first story was that he had met Mrs. Pappas on a bus the previous month and when he told her he was out of a job she had invited him up to the apartment. When officials pointed out to him that Mrs. Pappas never went out of the house alone, Cvek then admitted that he had tried the apartment by chance. He was getting desperate since he had been rebuffed twice earlier that day in two other buildings. When Mrs. Pappas had looked out through the peephole he had motioned to her to open the door, calling out, "I'm a friend of your husband."

He said she opened the door immediately and welcomed him in, serving the wine and then making coffee.

She had just finished baking the cookies for her husband's birthday.

"I wanted to get a look around the place," his confession read, "so I told her that I had a headache and she got some aspirin. Then I smoked a couple of cigarettes and sat down beside her on the sofa. We were talking and she was showing me the wedding picture when I slipped my left arm around her neck and drew her head back. Then I took off my tie with my right hand and tied her up, stuffed my handkerchief into her mouth and ripped up a towel for her neck. I carried her to the bed. She had stopped breathing so I had nothing to hurry for. I got the rings from her finger and some other junk from the dresser."

Although he had caught Mrs. Pappas by surprise, she put up a vigorous fight for her life and before he placed the gag in her mouth she bit him hard on a finger. This accounted for the smear of blood found on her stockings.

Several days later he sold the jewelry to a peddler on the Bowery. Detectives were able to trace the wedding ring to three different dealers and when it was shown to Pappas he made positive identification.

Cvek admitted a record of seven arrests in Harrisburg, many of them when he was a juvenile. His own father had caused his first arrest at the age of twelve when he found himself unable to cope with his young son. Cvek said he had served a term in Huntingdon Penitentiary and had been paroled at Christmastime, 1939. The following summer he met an ex-convict who told him that he had seen a movie about Boys Town and had found it easy to get money from people by claiming he was from that famous home. Cvek, who was twenty-three at the time of his arrest, decided to use the same story.

He had confessed to the murder of Mrs. Pappas only after the officers were able to prove to him by the fingerprint evidence that they knew he had been in that apartment. Although officials were certain that he had killed Mrs. Jensen, he refused to admit the second murder. Out-of-town police also questioned him about sev-

eral similar murders in their territories, but Cvek would only admit to the crimes where he had been identified.

The day after his arrest, he asked to speak to District Attorney Foley and then told him that he had not told the truth in his confession. He now claimed that he had been at the Pappas apartment twice that day. He had robbed Mrs. Pappas the first time he entered and left her alive, but tied up on the bed. Later, recalling how beautiful she had been, he returned and tried to rape her. "That's how I accidentally killed her," he remarked.

The prosecutor stared puzzled at the prisoner. His story not only had obvious flaws in it, but would make no difference under the law. Then the district attorney noticed that Cvek had a newspaper in his hand and had underlined a sentence in the story dealing with his arrest that read, *Any murder committed during the commission of a felony, such as robbery, is punishable by death.*

When Foley pointed out to the prisoner that rape also is a felony, Cvek hastily withdrew this story.

He was indicted for first-degree murder and the trial started on April 15, 1941, but it was halted several days later when a mistrial was declared on a technicality. The following month Cvek went on trial again. Claiming that he had been beaten and forced to confess, he took the witness stand and blithely dismissed his earlier arrests as nothing more important than playing hooky from school. He returned to his original story that he had met Mrs. Pappas before the murder and had become very friendly with her. He was trapped repeatedly in lies when he attempted to elaborate on his story and it was shown that he was not in New York on the days he claimed to have seen her.

Finally, as the questioning became more pointed, Cvek appealed to the presiding judge and asked, "Do I have to answer those questions?" He broke down and wept when he became so enmeshed in his own lies that he no longer could remember the different stories he had been telling. "I refuse to answer any more questions," he finally blurted. "If it's a question of first- or

second-degree murder then I might as well go to the chair."

The jury agreed with him. After deliberating only twenty-seven minutes, he was found guilty of first-degree murder. On sentence day he demanded to be allowed to speak to the court. Informed that his attorneys would do the talking for him, he shouted, "I don't need them. I just wanted to let you know that this is a wonderful country where a man has to admit to a crime he didn't do in order to save himself. And its wonderful cooperation with the police that Mr. Foley has when he says they apprehended me as he says they did, when he knows that he and all those witnesses are damned liars."

He also told the judge to "leave out that business about May God have mercy on my soul. If there was a God he wouldn't let such things go on."

Cvek's outburst is a typical reaction of this kind of sex criminal when he finally appears for sentence. Some nine months later, though, he was quiet and subdued when he was led into the execution chamber at Sing Sing where he died in the electric chair.

It was the Cvek case that led police in many states to bar hitchhikers from the highways.

CHAPTER 9

Dangerous Woman

There was an air of unrealism about the scene. The night was dark and stormy and unusually cold for the deep South. Two figures stumbled across a farm field lying bare in winter fallow. The man was in his mid-forties, six feet tall, heavy, and wearing gold-rimmed glasses. The girl, who was about half his age, was vividly beautiful, her jet black hair contrasting sharply with her creamy white complexion. She was dressed in tight slacks and a form-fitting jacket, an outfit designed to emphasize the curves of her slender youthful body. Gripped in her hand was a .32 revolver.

They came to a halt in front of what the girl thought was a haystack. She ordered the man to undress, stilling his protests with her gun. Finally he stood stripped in front of her. "Now start praying," she said. The man looked into her face and what he saw in the dark, angry eyes convinced him that it was true. As he knelt naked in prayer before her, she raised the gun and fired a shot into his brain. While his body slid to the ground, she picked up his clothes and walked swiftly toward the distant highway.

For this callous murder of a man who had befriended her, Toni Jo Henry later was described in court as one of the most villainous women in the crime annals of the

country. Even the chivalrous State of Louisiana, which has rarely executed a woman, could find nothing in her conduct to merit consideration and she became the first woman in that state to die in the electric chair.

Yet, strangely enough, the story of her crime is essentially a love story. Her thoughts were on the embraces of her lover when she deliberately murdered the stranger before her. For this love she had embarked on a harebrained adventure that had no hope of success and for this love she had sacrificed her life with no spoken regrets and no indications of remorse, remarking on the eve of her execution, "The victim doesn't return to haunt me; I never think of him."

Toni Jo was born plain Annie Beatrice McQuiston in a small town near the outskirts of Shreveport, Louisiana, on January 3, 1916, the youngest of six children. Sociologists may consider it important that she was only six years old when her mother, who had been in ill health since her birth, died of tuberculosis, and that her father earned a precarious living after giving up his position as a railroad shop hand, yet from this same environment her two sisters became nurses and her brothers were honest, respected workmen.

From early childhood on, the tall, leggy girl was regarded as a hellion by neighbors; she disliked school and chafed at any restraint by adults. By the time she was fourteen she had developed physically so rapidly that she had no difficulty in posing as a much older girl and ran away from home, taking a job as a dance hall hostess. To celebrate her independence, the fourteen-year-old miss changed her name to the more glamorous-sounding Toni Jo. Later she tried factory work, didn't like it, and while she was in her early teens became a prostitute in a house in the Shreveport red-light district.

Her life at this point followed the customary pattern among such girls; she began to drink heavily, then switched to marijuana and other drugs, and was arrested six times between the ages of seventeen and twenty-one, once with another prostitute for beating a man with a bottle and snipping his ears with scissors. For brief periods she lived with different men, going to California

with one of them where she was arrested on a narcotics charge.

In the fall of 1939, Toni Jo was twenty-two years old, still slender and attractive, a drug addict, and intelligent enough to know that the future held little for her. Her life changed abruptly when she met Claude D. (Cowboy) Henry, a husky six-foot former professional boxer. Friends said it was a case of love at first sight for both of them. Henry knew of the life she had been leading; in fact, he met her in a house of prostitution, but their feelings for each other were genuine. For Toni Jo it was the first time she had been in love.

It was an alliance with no apparent chance of success. Henry, who had been arrested on many occasions, serving minor sentences, was out on bail. He had been convicted of killing a former San Antonio policeman after an argument in a tavern. He had managed to have the verdict set aside and was awaiting a second trial.

They were too much in love to consider what might happen at the second trial and made plans to marry. When Henry was shocked to find that she was a drug addict—as a boxer he liked to keep himself in physical trim—Toni Jo voluntarily gave up narcotics, forcing herself to take the "cold turkey" cure, the outright cessation of the taking of any drugs. He stayed with her during this entire difficult period, encouraging her when it seemed impossible to endure the self-imposed torture such a procedure involves, and she was able to cure herself. "He took the monkey off my back and I'll always be grateful to him," was the way she later described it. In November of that year, with the cure over, the couple quietly left San Antonio and were married by a justice of the peace in the small town of Sulphur, Louisiana, with Toni Jo using her correct name of Annie Beatrice on the marriage license.

Three months later the honeymoon was over. Cowboy Henry was placed on trial for the second time, having won a change of venue to the small town of Hondo, Texas, but on January 27, 1940, a jury there also found him guilty of murder and he was sentenced to fifty years in prison.

Toni Jo had been in daily attendance at his trial, confident that he would be freed; they had planned to "turn legitimate," as she had phrased it, when he was acquitted. Guards in the courtroom had to restrain her as she rushed to her husband's side. "I'll get you out, Cowboy, don't worry," she promised.

From that moment on Toni Jo had but one mission in life—to obtain the release of her husband—but there was little that she could do; she had no funds to underwrite another appeal and attorneys could offer little hope, since two juries already had refused to believe Henry's story that he had shot the other man in self-defense.

When her husband was sent to the state's prison at Huntsville, Toni Jo moved to Beaumont, the nearest large city, so she could visit him. Friends tried to comfort her with the trite saying that time heals all wounds, but Toni Jo was interested only in getting her man back and with each passing day she became more frantic, particularly since new prisoners cannot have visitors for at least the first month. She ignored advice to wait for several years and then have Henry apply for a pardon; the dark-haired beauty wanted immediate action and she began to scheme how to get him out.

After friends had succeeded in pointing out flaws in her various plans, Toni Jo decided to act on her own. Only two weeks after her husband had been sentenced, she met an ex-convict who had served time in Huntsville. He agreed that her plan was possible, but told her she needed money, guns and a fast car. He had a scheme of his own for raising the money. They agreed to join forces.

On February 13, 1940, Beaumont police received a report from a local hardware store that burglars had broken into the place and sixteen guns, mainly .32 and .38 caliber revolvers, were missing, along with a large quantity of ammunition. Toni Jo had set the first phase of her plan into operation.

The following morning Joseph Calloway, a salesman employed by the Montgomery Ward store in Houston, left his home driving a brand new green Ford coupé. As

a favor for a friend he was delivering the car to the firm of Younger Brothers in Jennings, Louisiana. He told his wife and seventeen-year-old high school daughter that he expected to reach Jennings late that night and would return home by bus after sleeping there overnight. He would telephone from Louisiana.

By the following afternoon, February 15th, the Younger Brothers were wondering why Calloway had not arrived with the car. They telephoned his home and were informed that he had left on schedule. Not only had he failed to deliver the car, he had not telephoned his family. When another day passed with no word from him, Mrs. Calloway notified Houston police and an alarm was broadcast for the missing man and car.

Texas police learned that he had stopped briefly in Beaumont to visit a friend and then had continued on his journey. Shortly after dusk he had stopped for gas at a station in Orange, just across the Sabine River from Louisiana. He knew the attendant there and they had discussed the merits of the new car. Calloway told the attendant that he was well ahead of his schedule and was looking forward to reaching Jennings, some fifty miles away, within the next two hours. It had started raining then and traffic had thinned out considerably. Calloway was not worried about driving conditions; he was traveling on U.S. Highway 90, one of the main roads of the southwest leading to New Orleans. The attendant said Calloway had been alone.

Louisiana authorities joined in the search, officers traveling over the road from the Sabine River to Jennings, but no trace of the missing man or car could be found.

Sunday supplement writers have built up the legend that astute detective work put police on the trail of Toni Jo, leading to her eventual capture. The truth is that authorities had no idea that Toni Jo was involved and quite possibly she never would have been connected with the murder had not the strange girl suddenly undergone the first of a series of unexpected changes in character. In fact, for a time she had difficulty convincing authorities that any murder had been committed.

Three days after Calloway's disappearance, Toni Jo appeared near Shreveport at the home of an aunt whom she hadn't seen for many years, and told her startled relative that she had murdered a man. One of Toni Jo's uncles was Captain George McQuiston, third ranking officer of the Louisiana State Police. The aunt promptly went to his police post in Shreveport but Captain McQuiston was out on a case and she returned with the officer in charge. Toni Jo told him her story.

She had decided that the only way she could free her husband from prison was to engineer a jailbreak. Turned down by all of her friends whom she asked for assistance, she met the ex-convict, whom she would only identify as "Arkansas." He told her that a jailbreak was possible, that a gun could be smuggled in to Henry, but that money would be needed for that purpose. They also would need a fast car for their getaway and guns for themselves to stand off any pursuers. Although Arkansas did not explain how Henry would be able to get out of the wall-enclosed yard, Toni Jo, in her desperation, never thought of that angle.

Arkansas also had a plan for raising the necessary money. He told her he had "cased" a small bank near Camden in Arkansas and knew that it could be held up during the noon hour without any difficulty. Here again a fast car and guns were needed, so if she were willing to help him rob the bank, he would help her get Cowboy Henry out of jail.

Arkansas had no funds at all and Toni Jo agreed to supply the guns. She hired two teen-aged boys in Beaumont to break into the hardware store. They returned with sixteen revolvers in a suitcase for which she paid them five dollars. She took a .32 revolver while her companion helped himself to two .38 pistols. The rest were hidden in the attic of the home in which she had been living in Beaumont.

Late the following afternoon, St. Valentine's Day, she and Arkansas left Beaumont. They planned to hitch a ride and hold up the driver, stealing his car. Toni Jo explained that she deliberately wore bright slacks and a jacket to be conspicuous so that by donning a dress after

they had stolen the car, they would fool pursuers. An obliging driver gave them a lift out of Beaumont, but luckily for him, his car was not fast enough for their plans and they left him in Orange. They then walked to the outskirts of the town where they waited for another lift.

By now it was getting dark and had started to rain. Fewer cars were on the road and most of the motorists ignored the rain-drenched couple raising their thumbs for a lift. The driver of an old car did stop for them but they waved him on.

Some time later, she related, the driver of a new car stopped for them, remarking pleasantly that it was a tough night to be looking for a ride. He told them he was driving for another fifty miles and they were welcome to go all the way with him. Shortly after they entered Louisiana they drove through the small town of Sulphur where Toni Jo and Henry had been married.

The next large town was Lake Charles, and Toni Jo waited until they had passsed through it. She was seated next to the driver and when she saw no other cars on the road, jammed her gun into his side and ordered him to stop. He was forced out into the road where they took his wallet containing fifteen dollars and his wrist watch. Toni Jo said she kept the money and Arkansas took the watch. The spot where they had stopped was near several oil fields and she decided that it was too dangerous to abandon the man at that point. He was forced into the trunk of the car while Arkansas took over the wheel, driving south on country roads heading toward the Gulf of Mexico.

After driving for about half an hour, Arkansas stopped and asked her what she wanted to do. Toni Jo told her companion to turn the car around while she opened the trunk and led the man across a field. She then described how she had forced the man to disrobe and shot him. Her statement at this point read:

He said, "I suppose you know you'll go to the penitentiary for this," and I said, "You know where you're going and you'd better start praying." He got down on

his knees and started praying and I shot him through the head."

Toni Jo related the incident in a calm, matter-of-fact voice as if discussing an ordinary everyday event.

According to her story, when she returned to the car after the murder Arkansas wanted to know if it was a shot he had heard and what had happened to the man. "I told him to shut his mouth and get going," she detailed.

The officer glanced curiously at the girl. Her conversational tone and relaxed manner made him wonder if the girl's story was true.

"What did you do with the gun?" he asked.

"Oh, I have it here," Toni Jo replied and reached into her pocket, placing a snub-nosed .32 on the table. The surprised official hurriedly picked it up and broke it open. One shot had been fired.

"What about Arkansas, what happened to him?"

For the first time Toni Jo showed signs of emotion. "He was nothing but a yellow rat," she said heatedly, "and when I found that out I hit him over the head with a pistol and knocked him out." She said she left him unconscious in the car on the highway between Camden and El Dorado in Arkansas.

When Captain McQuiston, Toni Jo's uncle, arrived at the police post, he found his niece a prisoner and she repeated the same story to him. A call was made to Sheriff Henry A. Reid at Lake Charles, who reported that no murder victim had been found in his territory. Arkansas police also were called. They said that the highway between Camden and El Dorado was watched regularly by police cars and no unconscious man had been found in a car.

Puzzled officials brought Toni Jo to Lake Charles where she was turned over to Captain John W. Jones, commander of the state police in that district. On the way from Shreveport she had attempted to lead officers to the scene of the murder but had failed to find it. Once again she repeated her story, telling it exactly as she had given it before.

"By the way," Captain Jones asked, "why did you have the man take off all his clothes?"

"I noticed that he was the same size as Cowboy and I wanted him to have a change of clothes when he busted out," was her reply.

Early the following morning, officers once more set out in a car with Toni Jo and began to crisscross through country roads outside of town looking for the haystack that she said she would recognize. Several hours passed; it was raining heavily, roads were slippery and visibility was bad. The officials with her were certain that her story was a hoax. The only missing person they knew about was Calloway and they had worked on his disappearance earlier without finding any indication that he had passed through that district. Toni Jo, though, kept insisting that she had murdered a man and they should continue their search. She remembered that there had been a small bridge, more like a culvert, on the road near the haystack.

Several times they got out of the car to explore fields, getting soaked in the penetrating rain. After one of these fruitless trips, Toni Jo removed her sodden shoes and said angrily, "I should have put a couple of more slugs into him for causing all this trouble."

The shocked officers remained silent.

Early that afternoon the officers reached an area southeast of Lake Charles known as Plateau Petit Bois and they repeated their procedure of traveling up and down country lanes, with Toni Jo peering intently out of the windows. Suddenly she shouted, "That looks like it, that's where Arkansas turned the car around in a ditch." As the machine moved forward she pointed to a rice-chaff stack about one hundred yards from the road. "There's the haystack," she said triumphantly.

The officers hurried out of the car and ran across the field. The body of a nude man was in front of the stack, his knees still bent, lying exactly as Toni Jo had described the death scene. He had been shot once between the eyes, the bullet traveling down through his head to the back of the neck, indicating quite clearly that he had been on his knees below her when she shot him.

On the way back to the jail in Lake Charles, Toni Jo searched through her purse for a cigarette and pulled

out a driver's license. "I forgot I had this," she said. "I took it out of the man's wallet with his money." The license identified the victim as Calloway.

Once the body was found, Toni Jo no longer was cooperative. She refused to identify her companion on the murder, claiming that she only had known him as Arkansas. A complete description of the car Calloway had been driving was teletyped to police throughout the south and southwest.

When newspaper photographers attempted to take Toni Jo's picture, she tried to smash their cameras and a deputy sheriff forcibly held her head while the cameramen snapped away.

Several hours after the teletype alarm went out, Calloway's car was found abandoned in Arkadelphia, Arkansas. No fingerprints were found in the machine but there were several cigarette butts with lipstick in the ashtray. The coupé had been on the street there for several days and no one could recall the driver who had left it there.

During the next few days Toni Jo was questioned repeatedly, but steadfastly refused to give any further information about her companion. Still calling him a "yellow rat," she repeatedly refused to name him.

Captain Jones and Sheriff Reid decided to play on Toni Jo's love for her husband as a means of getting her to talk. In an involved maneuver, she was extradited to Beaumont. Prison authorities agreed to take Henry out of Huntsville and bring him to Beaumont after he promised that he would try to get Toni Jo to talk. The couple were placed in a private room and allowed to be alone with each other for five minutes. When officers entered the room, Toni Jo was crying. "Cowboy told me to tell you," she informed the officials and identified Arkansas as Harold Finnon Burks. Police records showed that Burks, twenty-three years old, had served a short term in Huntsville under the name of Lloyd Adams. He had told Toni Jo that his home was in Banks, Arkansas. FBI agents entered the case and succeeded in tracing him to Warren, Arkansas, where he was staying at the home of a relative. They arrested him on the technical charge of transporting a stolen car across state lines and brought

him back to Lake Charles where he admitted his part in the crime.

Burks said that he became frightened of Toni Jo after he heard the shot in the rice field. She told him to drive to a town near the bank so they could look it over and he drove to Camden where they registered at a hotel. On the pretext of wanting to move the car away from the front of the building to a less conspicuous spot, he left Toni Jo alone in the hotel room and fled in the car to Texarkana where he pawned the two pistols stolen in Beaumont. He then brought the Ford to Arkadelphia where he left it on a side street. He sold Calloway's watch there and then took a bus to the home of a relative to hide out, fearing Toni Jo more than the law. He denied that she had left him unconscious in the car.

When she was asked about this discrepancy in her story, Toni Jo admitted that she had lied about that point, and then dropped a neat bombshell in the case being prepared against her.

"I didn't shoot the man, either," she remarked. "It was Burks who did it. I never got out of the car."

Asked why she had confessed, she said that as a native of Louisiana she felt the courts would be more lenient with her than with Burks. She still held to this story even when ballistics tests showed that the .32 revolver she had turned in to police had been the death weapon. Authorities were convinced that her original story of the crime had been true; her detailed description of the body and the haystack had been too accurate for her to have obtained the information secondhand. She could not have remained in the car all the time.

Burks added an ironic twist to the bizarre case when he said that he never had intended to assist Toni Jo in the jailbreak. When he met her he had just deserted from the Army, was penniless, and was anxious to get home before military police found him. He felt he had a better chance of getting a lift with her along and so he agreed that her plan for the jailbreak was feasible and then lured her into heading for Arkansas with his story about the bank.

Both Toni Jo and Burks were indicted for first-degree

murder, but the story was far from finished. Her attorneys obtained a severance and she was tried first. She took the witness stand and repeated her claim that Burks was the actual killer and she had not expected him to murder the driver. She had suggested that he remove Calloway's clothes to prevent pursuit. As in the case of Madeline Webb, she tried to ring in the story of her life to gain sympathy from the jury but the presiding judge ruled that this had nothing to do with the murder. Toni Jo was convicted of first-degree murder by a jury that deliberated almost seven hours and she was sentenced to die. Burks also was found guilty in his trial and sentenced to the chair.

Toni Jo appealed her conviction and was granted a new trial, with Burks testifying against her. The second jury was out for less than an hour and again the verdict was guilty, but once more her attorneys succeeded in obtaining a new trial.

She faced her third jury on January 24th, 1942, but had no better luck and for the third time heard the death sentence pronounced. This time the Louisiana State Supreme Court upheld the conviction and the death sentence.

In each of her three trials, Toni Jo testified under oath that Burks had been the killer. Governor Sam H. Jones indicated that he would refuse any clemency plea on her behalf and the execution date was set for Saturday, November 28th, 1942.

Eight days before her scheduled death, Toni Jo called her attorneys and the sheriff to her cell and abandoned any further hope. She now confessed that her original story had been true and that Burks never knew she intended to kill Calloway. She said she was confessing so that Burks, who also was awaiting execution, might receive clemency. "I don't think it's right that he also should die for my crime," she pleaded unsuccessfully. Once again this strange girl was exhibiting a conscience.

She also granted newspapermen an interview in which she said, "Most folks wonder what goes on in the mind of a condemned person. All right, I'll tell you. Maybe it'll help some reader. Most of us must seem like cross-

word puzzles to readers, the way we're photographed behind these bars. In the first place, the victim doesn't return to haunt me. I never think of him. I've known all along it would be my life for his. I believe mine is worth as much to me as his was to him. I wonder, though, sometimes, why it's legal now for some fellow to kill me."

She paused to light a cigarette with her own lighter and then laughed. "This lighter is guaranteed for life. Do you know one person whose lifetime lighter lasted a lifetime? Funny, I never thought mine would outlast me. Maybe I'll smash it.

"Sometimes I wonder why I didn't knock the man unconscious instead; but it was like being drunk. Ever pull something when you were drunk and that something seemed the cutest, smartest thing in the world, but it was the awfulest? Well, me, I was drunk with pressure. I always knew there was a God running the show, but I thought I could steal just one little act."

While discussing her husband she said, "That guy is king of my heart. Nobody ever really cared about me until he came along. The only thing I'm sorry about is that I can't say good-by to him before I go."

Although Toni Jo now seemed resigned to her approaching death, the case was not yet over. Six days before her execution date, Cowboy Henry escaped from a prison farm where he had been assigned to work in a laundry. Accompanied by another prisoner, he dashed out to a small truck that had just pulled up before the laundry building, knocked out the driver, and then sent the truck crashing through the gate, heading on the highway toward Houston, some twenty-five miles away. An immediate alarm was broadcast.

Prison officials questioned other inmates and learned that Henry had become increasingly upset after he had read Toni Jo's farewell interview. He told several prisoners that she was in trouble because of him and he was going to try to get her out of jail.

The prison truck was found abandoned six miles away from the institution. The fleeing fugitives had forced another truck to the side of the road and had continued their flight in it.

When several hours passed with no trace of the missing convicts, Lake Charles authorities were notified and guards were placed around the parish jail where Toni Jo was in a death cell. The local police force was placed on 24-hour duty and the sheriff formed a voluntary posse of alarmed civilians to patrol the highways leading into that city. Additional state troopers also were sent to Lake Charles.

In Texas, the search for Henry was pushed both in Houston and in San Antonio. That night floodlights were centered on the Lake Charles jail with expert marksmen posted so they could watch every inch of the walls.

Toni Jo had learned of her husband's escape. "He's crazy if he thinks he can set me free," she told her guards. She refused to sleep that night and stood at the window of her cell ready to scream a warning to Henry if she saw him approach.

Early Tuesday morning the excitement mounted in Lake Charles when a report was received from a town twenty miles away that a high-powered car had been stolen there during the night. Officials wondered whether Henry had managed to cross into Louisiana and was lurking somewhere in the vicinity.

That afternoon Houston police received a tip that Henry had spent the night in that city and had sworn that he was going to kidnap the judge who had sentenced Toni Jo, holding him as hostage to prevent the execution. "He said that if Toni Jo dies he will kill the judge," an informant told police.

The first trial had been held before District Judge John T. Hook, with the second and third trials presided over by Judge Mark Pickrel. Guards were posted around the homes of both and members of their families were forbidden to go out without police escorts.

Another tip was received by Houston police that Henry had been seen trying to get a lift on the highway to Beaumont. Road blockades were set up and all cars on the highway stopped and searched without any trace of the escaped prisoner.

Tuesday night Lake Charles resembled a beleaguered

city. Additional citizens, equipped with rifles, patrolled the highways into the city, possemen roamed the streets, and more men were stationed on the grounds of the homes of the two judges. Meanwhile tips were pouring in from eager civilians, with Henry being reported seen in dozens of different communities, almost all at the same time.

On Wednesday afternoon an underworld informant, who said he knew Henry, insisted that he had seen him walking on the street in Beaumont. The district was sealed off as police made a thorough search of the area, again without results.

That night Beaumont police began a canvass of all roominghouses in the city. The search went on through the night and then was extended to the hotels. At seven o'clock Thursday morning officers arrived at a small hotel near the railroad depot. The night clerk was shown a photograph of Cowboy Henry. "That looks like a man who registered late last night," he told the officers.

A radio call was made for reinforcements and additional police cars, their sirens silent, sped to the hotel. A group of men armed with submachine guns crept quietly up the stairs, stationing themselves on both sides of the door. One of the officers rapped on it and it swung open. The occupant was Cowboy Henry. He quickly raised his hands at the sight of all the guns trained on him and shouted, "Don't shoot, I haven't got a gun."

Henry admitted he had broken out of jail in an attempt to save Toni Jo. He had separated from the other prisoner shortly after their escape and had come to Beaumont hoping to pick up a gun to use in his jail delivery.

When guards arrived to take him back to prison, he pleaded with them to allow him to telephone his farewell to Toni Jo. The guards, however, said they did not have the authority and Henry was brought back to Huntsville, a maximum safety prison, rather than to the prison farm.

Toni Jo also asked for permission to talk to her husband. The romantic South was intrigued by the situation and officials capitulated. On Friday, the day before her execution, Toni Jo was brought to the warden's office to

receive a long distance call from the Huntsville Prison.

"I'm sorry you broke out, honey," she told him. "You couldn't have done anything. I guess it just had to happen this way. Please be a man, get rid of that zoot suit (prisoner's striped uniform) and go out of the front door (of the prison). Go straight and try to make something of your life." She ended their brief conversation with, "Good-by, honey."

Toni Jo was happy as she prepared for her execution—her one wish had been granted. Even as the hour of her death approached on Saturday, she showed no signs of fear and smiled for photographers as she came down the concrete stairway to the execution chamber. She was wearing a gay bandana to cover her shaved head. She had cried only once earlier that morning and that was when the prison barber cut off her hair. "Do you have to do that?" she asked.

Two minutes after she sat down in the portable electric chair she was pronounced dead. At the time of her execution Toni Jo was twenty-six years old. Her last words were spoken when the death warrant was read to her and she was asked if she had any statement to make.

"I believe not," was her crisp reply.

Her last-minute change of heart did not help Burks. He was executed in March, 1943.

Toni Jo's dream of being reunited with her lover had brought death to three—Calloway, Burks and herself.

CHAPTER 10

Memphis Serenade

To his neighbors, Walter Lewis Samples was a simple, unpretentious, silver-haired bachelor of sixty-nine who lived alone in a house much like himself, plain, comfortable, white-painted, on a quiet residential street in Memphis. A retired civil engineer, he was able to live well on his monthly pension plus the rents he received from several small multiple dwellings he owned in South Memphis. Despite his years he was a vigorous man, drove his own car and was actively interested in the Spanish-American War Veterans' Association of which he was senior commander. He liked to play bridge and was on friendly terms with his neighbors; his counterpart can be found in almost every community in the United States, as familiar as the man up the block. His death showed how deceptive surface appearances can be, how little we know of people we see and speak to every day.

Samples died on February 27, 1941, in the Veterans' Administration Hospital several hours after admission. His personal physician was puzzled. Shortly after two o'clock that afternoon he had received an emergency call from Samples and went at once to his home. He found his patient in extreme agony, complaining of violent pains in his stomach and an inability to hold any food.

A much younger woman was at his bedside attempting to administer first aid.

The dying man said he had first felt the pains shortly after breakfast two days earlier on the 25th. He had gone about his affairs the rest of that day but had refrained from eating. Although the pains persisted all during the following day, Samples attributed it to an upset stomach and continued his normal routine. He still failed to seek medical attention on the third morning but as the pains grew in intensity he returned home and notified his doctor.

From the symptoms described by the patient, the doctor suspected either tainted food or some kind of poison. Samples told him he kept no poison of any kind in the bungalow. The last meal he had eaten had been his breakfast two days earlier which he had prepared himself. It had consisted of his customary bacon and eggs, toast, and two glasses of milk. He recalled one unusual occurrence. When he stepped out on the porch for his morning paper, he had found a bottle of milk alongside the door. It was not from his regular dairy and he telephoned his next-door neighbor, who received deliveries from this concern. She told him that the route man had brought her customary order. Assuming that the driver had left a complimentary bottle in the hopes of picking up his business, Samples drank the milk with his breakfast. The milk had seemed fresh to him but he had a cold and his sense of taste was blunted.

The physician found the bottle of milk in the refrigerator and when he sniffed it, detected the odor of phosphorus. He sealed the bottle, gave it to the young woman with instructions to turn it over to police, and arranged to have his patient taken to the hospital.

When Samples died a few hours later, the doctor notified police and told his story to Inspector M. A. Hinds. The inspector checked with the desk sergeant.

"No bottle of milk has turned up here," Hinds told the doctor. "Do you know the woman?"

The other shook his head. "She told me she had insisted that Samples telephone for a doctor and she

scolded him for not calling me sooner. She may have turned the milk over to one of his relatives."

Detectives checked with the doctors at the hospital who had treated the patient and learned that they, too, felt that Samples' death had been caused by some form of poison. Hospital records showed that he had listed a brother as his next of kin to be notified and the latter agreed readily to have an autopsy performed. He said he knew of no reason why his brother should take his own life as he had been in excellent health and had not found retirement dull. He had been engaged in frequent real estate deals and was occupied with his duties in the veterans' organization. As far as the brother knew, Samples had no enemies, but he seldom had discussed any of his personal affairs. The bottle of milk had not been turned over to him.

Late that night the autopsy was completed. "We'll have to wait for the toxicologist's report to make it official," the surgeon reported, "but I can tell you now that he died of poison and I could smell phosphorus." He explained that this particular poison works slowly on the human body, causing severe pains for several days with the patient dying in agony.

Questioning of milk company employees ended any theory of accidental death. The route man denied that he had left a bottle of milk on Samples' porch and company officials agreed that they did not give away free bottles as a means of getting customers. They also pointed out that it would be impossible for poison to enter just one bottle. Milk bottles move on mechanical conveyors directly from the sterilization tanks to the filling machines without being touched by any employees. If poison, somehow, had entered a batch of milk then other customers would have been affected and the milk company had received no complaints, nor were there any reports of similar deaths. Somebody had deliberately inserted the phosphorus into one bottle of milk and just as deliberately left that bottle on the porch. The death of the sixty-nine-year-old unassuming man was murder.

Police had not been able that night to trace the woman who had been in the bungalow. The following morning

detectives visited neighbors of the murdered man. One woman said she had seen Samples arrive at his home the previous day, his car weaving on the road. He had been bent over almost double as he climbed the steps and entered his bungalow. Shortly after, a young woman arrived in a car and ran up the porch steps. She was followed later by the physician.

The neighbor said that Samples once had explained to her that the younger woman, who had been a frequent visitor at the bungalow, assisted him in his work with the veterans' association. Following up this lead, detectives checked at the organization headquarters and obtained the name of the woman. She showed no alarm at the sight of the officers and said she had just learned of Samples' death and was preparing to bring the bottle of milk to headquarters. It was in her refrigerator with the doctor's seal intact. Asked why she had failed to bring the milk bottle in earlier, she replied that it was inconceivable to her that anybody would want to murder Samples. Since the older man had been reluctant to call a doctor, she had not wanted to involve him in anything.

Her story shed no new light on the murder. Samples had telephoned her shortly after noon the previous day to tell her he thought he was dying, and she had hurried over. It was upon her insistence that he reluctantly telephoned for the doctor. She did not think he was trying to hide anything, since he told her the same story about the gift bottle as he later told the doctor.

The woman said she knew very little about Samples' personal affairs. He had known her husband and when he died the elderly man acted as financial adviser to her. In appreciation of his kindness, she assisted him by working for the veterans' group.

"Then you were very close friends?" she was asked.

"Not close, just friends," was her immediate response. "I liked him because he was so kind, but nothing existed between us, if that's what you mean."

Her questioners hid their smiles and wondered at her vehemence. They had not been seeking romantic implications in the murder of the sixty-nine-year-old man, particularly since she was less than half his age; they were

curious to know why Samples had called upon her for assistance when he felt he was dying.

Their smiles faded away, however, when a search was made of the bungalow. In the murdered man's bedroom were many framed photographs, all of them women, and while some appeared to have been taken many years back, there were a great many current snapshots with affectionate inscriptions on them to "Daddy Samples." Hidden in a locked desk drawer were more pictures of women, some of them partly clothed; quite a few of these photographs appeared to have been taken inside the bungalow. Other drawers in the desk yielded letters from women, almost all of whom referred to Samples as "Daddy." These letters were signed with pet names but their tenor left little doubt that it was not filial devotion that had caused them to write; they were love letters from women who had been conducting ardent affairs with a man old enough to be their father or grandfather. Some of the letters were pleas from women begging for a resumption of their love-making. Others seemed to be trying to recapture passionate moments with him as they discussed in detail the love-making hours they had spent together.

"No wonder she snapped at us," one of the detectives remarked. "She probably knew of his harem and didn't want any part of it."

The surprised officers brought their find to Inspector Hinds. Instead of finding one motive, police now were overwhelmed with possible suspects. Officers recognized some of the women in the snapshots as well-known matrons in Memphis. Others were single girls. Any one of the women, desperate to get back her letters or photographs, might have poisoned him. The documents also provided a motive for an enraged husband, sweetheart or parent of one of the girls.

Poisoning, to Inspector Hinds, was more of a woman's crime, and he directed his men to concentrate in checking on the women. With members of many prominent families among Samples' picture gallery, hand-picked detectives, pledged to secrecy, were assigned to question them.

Neighbors of the murdered man knew nothing of the double life he had been leading. He had lived quietly, spending many evenings sitting on his porch, waving friendly greetings to passers-by, or else playing bridge in their homes. Although some neighbors had noticed women callers during the afternoon and occasionally in the evening, they had attached no significance to it.

One of his old friends in the veterans' organization refused to be shocked by the disclosures. "So he took a drink now and then, played a good game of poker, and made love to women," he commented. "So, what? He was a man."

Police learned that Samples had employed a housekeeper for a time and she had lived at the bungalow with her husband. The couple had left the house after the husband had quarreled with Samples. They were traced to their new home and questioned separately. Both told the same story. Samples had attempted to fondle the housekeeper and the indignant woman told her husband. The two men quarreled when the husband gave Samples a tongue lashing. He denied to officers that they had come to blows, but he and his wife had moved out of the bungalow after that as quickly as they could find new quarters. The couple had been out of town visiting relatives at the time the poisoned milk bottle had been left on the porch.

Chemical analysis of the milk showed that it contained a large concentration of phosphorus crystals and starch, a combination used in making commercial rat poisons. With these products on sale at almost all food and drug stores, police had little hope of being able to trace the purchaser.

A thorough search of the bungalow had turned up no trace of any poison in the house. Samples' personal papers were equally barren of clues. In addition to three houses he owned in Memphis, he also held title to two tracts of farm land in Arkansas which he rented to tenant farmers. He carried a small insurance policy, with his estate named as beneficiary. No will was found in his home or in a safe deposit box where he kept his real estate deeds.

Officers checking on his background learned that he had been employed as a civil engineer on river projects for the federal government. He had told friends that one of the reasons why he never married was that his job required constant travel and he would not have been able to have much of a home life. He had spent some years working in Arkansas and purchased the farm tracts there with the idea of becoming a farmer upon retirement. By the time he did retire he had changed his mind and settled permanently in Memphis.

There were tearful scenes in many Memphis homes as officers pressed their investigation among the women who had known Samples. At first, many of the women insisted that they had known him only casually, but they changed their stories when shown the pictures. Many of them admitted illicit romances with the elderly man and pleaded with the officers to keep their names secret.

"If you didn't kill him, you have nothing to worry about," officers kept assuring them and then demanded an accounting of their movements on the night the milk bottle had been placed on the porch of the bungalow. They also were required to furnish a list of the stores they dealt with, and the owners were queried as to whether any of them had made any recent purchases of rat poison. The list of suspects began to shrink with police no closer to finding the poisoner.

Many of the women told similar stories of becoming infatuated with the older man and then finding themselves powerless to break away from him. "He was like a drug," one woman explained. "I went out with him before I was married and thought I was cured when I fell in love and was married, but I couldn't stay away from him even after my marriage."

"Whenever he wanted me, I went to him," another young woman told detectives. "Each time I told myself that I would never see him again, but when he called I went."

But while the hard-working officers gathered evidence that Samples had been an extraordinary lover, they had little else to show for their efforts.

The detectives did not overlook the woman who had

been in the bungalow when the doctor arrived, and they checked thoroughly into her movements. She had been seen out dancing with Samples on several occasions, but the investigators could find nothing to dispute her story of a platonic friendship. Samples' advice to her on several real estate investments had been sound and provided no motive for the murder.

The possibility that a jealous husband might be the killer came up when a local merchant revealed that a man had been watching the bungalow several weeks before the murder. He said the man had been in his place and stood watching Samples' home. When he asked the stranger if he could serve him, the man blurted out that he wondered if his wife might be with Samples and asked the merchant if he could find out for him. The storekeeper remarked that he minded his own business and the man walked out muttering threats to get Samples. The merchant said he had never seen the man before and described him as tall and husky, weighing about 200 pounds.

One of the women questioned remarked that Samples, at one time, had been upset about a pending court suit. That was all she knew about it. Men were directed to inspect court records and follow through on the lead.

A businesswoman who had many transactions with Samples over the years said that she had been a frequent caller at the bungalow and had seen different women there on many occasions. She described these women to police and they were able to identify all except one, a short, slim brunette. "She was there much more often than any of the others," the businesswoman said.

Pressed for further details, she recalled that the brunette had been a steady visitor for several years and then had stopped coming. Later, the brunette resumed her visits to the bungalow and the businesswoman now noticed that she wore a wedding ring. On one occasion when she dropped in to discuss a real estate deal with Samples, she found the brunette crying and from the look on Samples' face, she thought they had been quarreling. The businesswoman left hurriedly.

A search was started for the brunette. Meanwhile de-

tectives went through records of the Superior and Chancery Courts without finding Samples' name in the dockets, but they finally located a minor suit in the records of a justice of peace court. Samples had been a defendant in a suit involving title to a washing machine. A writ of replevin had been sworn out by a man named LeRoy House and he had been awarded possession of the washing machine.

Inspector Hinds, who had been directing the investigation up to this point, was out ill and Lieutenant Miller, who had worked with the inspector since the start of the case, took over active command. He shrugged at the information. "I don't think this murder was committed over a washing machine, particularly since the man got it back," he told his men, "but it's as good as the other leads we've worked on. Check it."

Details of the suit showed that House had sued to recover the machine because his wife had given it to Samples. Lieutenant Miller now was definitely interested and asked for further information. Detectives learned that House had been the owner of a prosperous trucking concern in Memphis but had recently sold out his interest in the business, buying a 14,000-acre plantation in adjoining Mississippi, about 150 miles from Memphis. He had moved there with his wife, a petite brunette, some months before the murder.

Mrs. House answered the description of the woman caller who had been seen frequently at Samples' bungalow. Information linking Mrs. House with the murdered man was soon obtained. House's former bookkeeper said he had been checking the trucking firm's books one day when he uncovered a shortage of more than $7,000 in cash. Mrs. House had taken a job in the office for a while and the shortage had occurred during that period. When House questioned his wife about the money she admitted taking it and said she had given it to Samples for a real estate investment.

The bookkeeper said that House had quarreled with his wife over her visits to the bungalow and he suggested to police that they question Mrs. House's former maid who still was living in Memphis. The maid confirmed the

story about Mrs. House giving the $7,000 to Samples and said she had been present when her mistress turned the money over to the elderly Lothario. She added that she had seen Mrs. House give Samples money on other occasions.

Friends of the couple were queried to find out if either, or both of them, had been in Memphis at the time of the murder. House had been in the city five days before the poisoning to attend a meeting of the Interstate Commerce Commission, but hotel records showed that he had stayed in Memphis just one night.

The evidence against the couple was too slight to justify any extradition and officials were afraid to ask them to come to Memphis, since it might only serve to put them on their guard and show that they were possible suspects. Inspector Hinds realized that his best chance was to surprise them; that one of them might blurt out the truth.

On the morning of April 3, 1941, a telephone call was made to House at his plantation and he was informed by the caller that he was needed in Memphis in connection with a business matter. The caller further suggested that he bring Mrs. House along for the outing. Although House was puzzled by the call, he agreed to come.

A patrol car was stationed off the road, not far from the Tennessee-Mississippi state line, on the highway that House would use to get to Memphis. About seven o'clock that night his car was spotted as it crossed the state line and a few minutes later the patrol car forced his machine to the curb and the couple were taken into custody.

When House learned that he had been lured to Memphis to be questioned about the murder of Samples, he seemed surprised. "We would have come right in if you had told us you wanted to see us," he assured officials. "We know nothing about his murder and have nothing to hide."

Mrs. House tearfully admitted her affair with Samples. She said it had started back in 1925 when she first met him. After her marriage to House she had stopped seeing him, but when Samples began telephoning her, she re-

sumed her relations with him, calling during the day at the bungalow.

"I tried to break away from him, but no woman could resist him," she told the officers. She said that Samples had wanted her to divorce House and marry him but she had refused because she loved her husband. Even though she loved her husband she had been unable to break away from the older man, no matter how she tried. At the time the businesswoman had seen her crying in the bungalow she had been pleading with the elderly man to let her alone; she told him that she was afraid that her husband would leave her unless she stopped seeing him. She had promised House that she would end her affair with Samples after he learned about the $7,000 she had given his elderly rival, but despite her promise the washing machine incident had followed and this had led to a temporary separation and the court suit.

While Mrs. House was willing to discuss her romance with Samples, she denied any knowledge of his poison murder. She said she had been at the plantation for several months and had deliberately stayed away from Memphis so she could not see Samples.

House, likewise, denied any knowledge of the murder, adding that he thought Samples had died a natural death. He also denied that he was the man who had lurked in the neighborhood of the bungalow to see if his wife was with Samples and was able to prove that he had been in Mississippi that night.

Mr. and Mrs. House were held on an open charge while Mississippi police were asked to conduct an investigation at the plantation. A deputy sheriff searched the plantation house and reported that he had found no rat poison there, nor had he been able to establish any purchase of the poison by either of them. He did report, though, that there were a large number of milk bottles in the basement, all of them bearing the name of the Memphis dairy.

While this was a link in a chain of circumstantial evidence, it still was far from any proof that either Mr. or Mrs. House was involved in the murder.

Mrs. House was searched by a matron and a legal doc-

ument was found hidden in her shoe. When Inspector Hinds examined it he saw that it was a will signed by Samples in which he had left everything he owned to Mrs. House as his sole beneficiary.

She was brought back for further questioning. Asked why she had not mentioned the will, she replied that she did not think it was anybody's business but her own. She said Samples had drafted the document himself on his typewriter in his home shortly before she had moved to Mississippi. "He said he wanted me to have everything he owned when he died because I had been so kind about letting him have money when he needed it," she explained.

It was obvious that the will was news to House. He said his wife had never mentioned it to him.

The typewriter was brought to headquarters and experts were asked to compare the typing on the document. They reported that the will had not been typed on the machine in Samples' home. Comparisons also were made with the typewriter in the office of the veterans' organization and this machine also was ruled out.

Although the signature on the will looked genuine, Inspector Hinds sent it to the FBI laboratory for examination by federal experts. He also sent along the typewriter for further study. C. A. Appel Jr., head of the Identification of Questioned Documents division reported that the signature on the will was a clever forgery and had not been signed by Samples. His tests also showed that the typewriter in the bungalow had not been used to draft the will.

Both suspects were confronted with the information. House was silent for a time and then glanced at his wife. He then confessed that he had placed the bottle of poisoned milk on the porch. In his confession, he completely cleared his wife and said that she knew nothing about the murder. Inspector Hinds also ordered the arrest of Mrs. House, pointing out that she was the one who had possession of the forged will.

The evidence given here was presented to a Grand Jury and both Mr. and Mrs. House were indicted for murder. They were placed on trial in June, 1941. House

repudiated his confession and denied the murder. Mrs. House, who had never confessed, also testified that she knew nothing about the murder. A feature of the trial was the testimony of Appel of the FBI who brought large charts to the courtroom showing in graphic detail how the forged signature had been traced from a genuine one. After debating for twelve hours, a jury returned with a verdict finding both guilty of murder, but with mitigating circumstances, and fixed the punishment of each at 20 years and 1 day imprisonment. The extra day adds to the length of time a prisoner must serve before he can be paroled.

The case was not yet over. The convicted couple filed an appeal and the State Supreme Court ordered a new trial.

Some eighteen months dragged by before they again were placed on trial. The first day, January 19, 1943, was occupied with the selection of a jury, and a complete panel had not been selected when the court recessed for the day. Spectators noticed that Mrs. House appeared to be very nervous and her husband sought constantly to calm her.

The following morning while the questioning of the prospective jurors continued, Mrs. House was even more agitated than she had been the previous day. Reporters were dozing, waiting for action, when Mrs. House suddenly leaped to her feet, ignored the outstretched hand of her husband and ran toward the bench shouting, "I can't stand it any longer. My husband is innocent. I did it alone and he's been trying to protect me."

The courtroom was hastily cleared while defense attorneys consulted with Mrs. House and then conferred with the prosecutor and the presiding judge.

Mrs. House was allowed to confess, describing in detail how she had placed the poison in the bottle and left it on the porch for Samples. She said that her husband had sold out his business in order to help her get away from Samples but the elderly man still pursued her with telephone calls. Afraid that he might be able to lure her back, she decided to poison him as the only means of breaking the strange hold he seemed to have over her.

As his mistress, she knew of his habit of drinking milk for breakfast, a point that had not escaped the attention of Inspector Hinds.

House admitted that he had confessed to a crime he had not committed in order to shield his wife. He had not known about the murder but when the will was found in her shoe he feared that she might be involved. He sought to protect her by accepting responsibility and stating that she had nothing to do with it.

When court reconvened, Mrs. House pleaded guilty to the murder and again was sentenced to the 20-year-term. The indictment was dismissed against House, a gallant figure and the real victim of the strange riptides of passion that existed between his wife and the elderly Daddy Samples.

CHAPTER 11

The Other Man

Chicago police know from experience that they can expect several hundred murders to occur every year and they have learned to take them in their stride. But they were uneasy on the early afternoon of June 3, 1945, after studying the murder of Mrs. Josephine Alice Ross in her apartment on North Kenmore Avenue.

The nude body of the attractive forty-three-year-old widow had been found stretched out on her bed, a skirt and a nylon stocking tied around her throat. When these were removed, officers saw that she had been stabbed repeatedly in the face and neck, one slash severing her jugular vein and causing her to bleed to death. Some of the cuts were covered with strips of adhesive. There also were minor bruises on her head. What disturbed the officials was the lack of blood on the body although the bedding on which she was lying was soaked in it. The tub in the bathroom was partly filled with crimson-stained water in which two towels and her pajamas had been immersed.

Captain Frank Reynolds glanced at his men and echoed their thoughts. "The killer washed the blood from the body," he remarked. "This is a new one on me."

The coroner's physician added another strange note to the killer's actions. He said the widow had died about

ten thirty that morning but the adhesive tape had not been placed over the wounds until at least an hour and a half later, long after she had stopped bleeding. This meant that the murderer had remained in the apartment with the nude body for almost two hours. The doctor ruled out a sex attack.

Mrs. Ross had been found by her seventeen-year-old daughter Jacqueline when she came home at 1 P.M. for lunch. The girl was employed in a neighborhood shop and had left home at nine thirty that morning. Her mother had been in the bedroom wearing a robe and pajamas and they had chatted a few minutes before her departure. Her older sister had left at her usual time of eight thirty for her job in the downtown section of the city.

The victim and her two daughters occupied a two-and-a-half-room apartment on the fifth floor, the girls sleeping in the living room. When Jacqueline entered the apartment she saw that the living room in-a-door bed was still down and unmade, although her mother usually cleaned the apartment right after she left. The family pet, a small bull terrier, was whimpering under a couch.

Mary Jane, the other sister, was notified and hurried home, but neither of the girls could offer any clues. Mrs. Ross had been divorced twice and her third marriage had ended in the death of her husband the previous year. The girls were half sisters; their fathers were alive but living out of town. They said their mother had entertained little since the death of Mr. Ross, had only a few men friends whom she had known for years, and was not in love nor contemplating another marriage. At the suggestion of the officers the girls went through the apartment, but as far as they could tell nothing was missing. Although Mrs. Ross' purse contained no money and she had received a small check earlier that week, the girls said she could have spent the proceeds since then; she seldom carried much cash in her purse.

Mrs. Bernice Folkman, a neighbor who also occupied an apartment on the fifth floor, said she had returned home from shopping some time after ten o'clock that morning and noticed a hatless young man walking to-

ward the Ross apartment. He was clad in a white sweater and dark trousers and wore his dark hair brushed back in a pompadour.

The janitor of the building said he had seen a hatless man wearing a sweater swing off the fire escape about noon. He had heard the clang of the ladder as it dropped on the alley pavement and had gone out to look. Although he had not recognized him, he had not set out in pursuit because some of the tenants and delivery men used the fire escape as a short cut to a parking lot in the rear of the building. This placed the hatless stranger in the building for almost two hours, the same length of time the killer had been in the apartment.

He was described to the daughters, but they were certain he was no one their mother knew.

Police learned that the killer would have had no difficulty in entering the apartment; Mrs. Ross never locked her door, and delivery men and friends who knew of her habit simply walked right in.

Part of the reason for the long stay by the murderer was explained when fingerprint experts went through the apartment and reported that all furniture, doors and even the wall baseboards had been wiped clean. There were no fingerprints anywhere, not even of members of the family.

The immediate police theory was that the murderer had been a friend of Mrs. Ross who lost his head during a quarrel, lashing out at her with a knife he had picked up in the kitchen. When his rage had subsided he placed the adhesive tape over the cuts and attempted to revive her. Then stricken with remorse, he had tenderly washed her body and remained, dazed, in the apartment. Later, realizing that he was courting possible discovery, he had wiped off everything he could think of and had fled.

Detectives lost little time in checking on Mrs. Ross' friends and acquaintances but soon learned that all of them had excellent alibis for the time of the murder. The officers also investigated the two divorced husbands and cleared them.

Officials did not overlook the possibility that Mrs. Ross

had been murdered by a prowler or a sex criminal. Even though she had not been raped, police realized that the washing of the body could be some form of sex manifestation. Several suspects were picked up but were released after being viewed by Mrs. Folkman and the janitor.

As the months passed, police made no headway. There was no apparent motive for the murder.

Meanwhile several unexplained and seemingly meaningless attacks were being made on other women. On October first, nineteen-year-old Veronica Hudzinski was writing a letter in her room on the first floor on North Winthrop Avenue when she heard a tapping noise on her window. The shades were drawn. As she got up, two shots were fired, one of them hitting her in the shoulder. Officers found a revolver directly underneath the window; it was wrapped in a crude mask fashioned from a rubberized shower curtain. The bewildered girl could offer no reason why anybody should want to shoot her.

The next attack was four days later. Lieutenant Evelyn Peterson, an Army nurse, who lived with her sister in a penthouse apartment on Drexel Avenue near the University of Chicago, was severely beaten by a prowler who dropped into the apartment through a trap door. Although the intruder clearly had been a prowler, his subsequent actions were puzzling. The nurse had been knocked unconscious and when she revived she found that she had been bound with electric wire. Just as she managed to work the wire loose, the man returned to the apartment, asked her how she felt and tried to reach a doctor for her by telephone. Unable to do so, he walked out and on the way down informed a building employee that a woman in the penthouse was ill and needed attention. Miss Peterson was taken to a hospital with a fractured skull. The strange solicitude of the man made police wonder if he could be tied in with the murder of Mrs. Ross. A partial print of just one finger was found in the penthouse; all others had been wiped away.

A second unexplained shooting occurred on the night of December fifth while Mrs. Marian Caldwell was seated in the kitchen of her home. She was grazed by a

bullet that crashed through a window and lodged in a baseboard. From the angle of the shot officers were able to determine that it had been fired from a height, probably a roof across the street.

The second murder was discovered five days later. Shortly before nine o'clock that morning a maid entered an apartment on the sixth floor of the residential Pine Crest Hotel. The door was partly open and a radio was playing loudly. A few minutes later the maid ran screaming down to the desk and reported that there was a body in the bathroom. Captain Reynolds and his precinct detectives again were the first officials at the scene. The officers stopped short on their way to the bathroom. Scrawled in bright red lipstick on the living-room wall was the message:

FOR HEAVENS SAKE CATCH ME BEFORE I KILL MORE.
I CANNOT CONTROL MYSELF.

In the bathroom, crouched grotesquely in a kneeling position, her feet resting on the tile floor, her body draped over the rim of the bathtub with her head hanging down into it, was the nude body of a slim, petite brunette. The top of her pajamas was folded loosely around her neck. A long breadknife had been driven into her neck just below the left ear with such force that the handle pressed into the flesh and the point of the blade protruded through the other side of the throat. She also had been shot twice, once in the right side of the head and in the right arm. In effect, she had been twice murdered since either the bullet in the head or the knife-thrust through the neck would have been fatal. There was a deep cut between her right thumb and index finger indicating that a struggle had taken place for possession of the knife.

As with Mrs. Ross, the killer had washed the blood from the body. Several wet and bloodstained towels lay crumpled on the floor.

The victim was Frances Brown, thirty years old, who had recently returned, after three years of war service

as a Wave, to her old job as secretary in the Chicago office of a business machine company.

The combination living-room-bedroom was in shambles. All drawers had been ransacked and the contents strewn about—even the bedding had been ripped off the studio couch and tossed on the floor. The sheets were bloodstained and a trail of blood led from the side of the bed to the bathroom.

This second murder brought Lieutenant Philip Breitzke with a group of his men from the Homicide Squad and Chief of Detectives Walter G. Storms to the scene. There were several smudges and faint scratches on the sill of one of the living-room windows, which was closed but not latched. The edge of a fire-escape landing was about three feet above the window and two feet from the side of it. An extremely agile person could have swung himself from the fire escape to the narrow window ledge, the slightest miscue hurtling him down six stories to the back yard. In order to reach the fire escape without entering the hotel, the killer would have had to scale an eight-foot fence.

Detectives fanned out through the building questioning employees and other guests. Dr. Samuel Levinson estimated the time of death at about 4 A.M., and a guest told officers that he had heard two shots fired at that time. A newsboy who delivered morning newspapers in the building said he had been on the sixth floor at 5:30 A.M. and the door to Miss Brown's apartment was closed. Yet, two tenants who had passed the apartment a half hour later reported that the door then was open and they could hear the radio playing. Once again the killer had remained with his nude victim for almost two hours. Miss Brown had not been raped.

The night clerk had noticed her coming home alone about ten o'clock. She shared the apartment with Miss Viola Butler but her roommate had been away for the night. Hotel employees said that neither of the girls had ever had men visitors in their apartment.

Brought to the hotel from her office, Miss Butler supplied police with the name and address of the girl friend

whom she had been visiting the previous night, remarking tearfully that it was the first time she had been away from the apartment in a month. She had last seen Miss Brown the previous afternoon when she told her she would spend the night out. Shown the murder knife, she identified it as one that belonged in the apartment. This suggested that the former Wave had heard the murderer enter and had picked up the knife to protect herself.

Miss Butler described her roommate as quiet and reserved. Although pretty, she had no steady boy friend and had gone out on only a few dates in the three months since her return from service.

Detectives learned that Miss Brown had visited two friends the previous evening, stayed with them until nine thirty, and left to go home, a half hour's trip away. Since she had arrived at the hotel at ten, she could not have made any stops on the way home. As a matter of routine, Miss Butler's movements were traced and she was cleared.

The lipstick message on the wall was spread over four lines, the top one measuring slightly over six feet from the floor. Directly below the strange plea was a side table containing some books, photographs and a high lamp. Most people tend to write at eye level, but even if the killer had stretched up his arms, he still had to be tall to reach the height he did with the table and lamp intervening. The writing was uneven, letters ranging from three to six inches high. Some of the letters were printed capitals, others were in script, with all the e's in the message formed the way they are on a typewriter. The lipstick used was on the table and had belonged to Miss Brown.

Because the opening phrase of the message—*For Heavens sake*—is used more frequently by women than by men, some of the detectives advanced the theory that the killer might be a woman. Neither Captain Reynolds nor Lieutenant Breitzke agreed. They felt that the gymnastics necessary for the killer to have swung from the fire escape indicated that a man was involved. Captain Reynolds added, "It took a man's strength to push that knife all the way through the neck."

When Miss Butler reported that she could find nothing of value missing, officers wondered whether the frantic ransacking meant that the killer had been hunting for something specific—a letter or a photograph—and they suggested that Miss Brown might have had a secret love affair which she was threatening to expose. Relatives and friends of the murdered girl insisted that it would have been out of character for her; she would not have taken part in an illicit romance.

The striking similarities in the murders of Mrs. Ross and Miss Brown—the washed nude bodies, the knife wounds in the neck, the unexplained two-hour stays with the victims—convinced police that both had been killed by the same person. Intensive investigation failed to show any connection between the two women; they had not known each other nor had they had any mutual friends or acquaintances.

Here, too, the murderer had tried to wipe off all fingerprints, but had made one slight slip. On the left jamb of the bathroom door a print was found of one finger. Such a clue was of doubtful value, even if the killer had a record. Fingerprints are classified and filed according to the dominant characteristics of the five fingers on a hand. To find the matching print of a single finger would require going through every card on file and comparing finger by finger. With more than 1,250,000 sets of fingerprints on file in Chicago police headquarters, this meant that up to twelve and a half million individual prints would have to be compared. Despite the almost hopeless task, Sergeant Thomas Laffey was assigned to the job.

"We're working against time," Detective Chief Storms told him. "He's killed twice and will keep on killing until we catch him."

Four weeks later the murders of the two women were temporarily forgotten with the kidnaping of six-year-old Suzanne Degnan. At seven thirty on January 7, 1946, James E. Degnan went to his daughter's room in the rear of their apartment on North Kenmore Avenue, about a mile away from where Mrs. Ross had been murdered. It was the first day of school after the Christmas recess and

he thought she might oversleep. She was not in bed and he noticed that her window was wide open although he had moved it down to just a crack when he had put her to bed the previous night. Joined by his wife, the alarmed parents went through every room in their large apartment and then notified police. Two detectives were cruising in the neighborhood when the alarm came over the air and were at the house within a minute. As one of the men entered the child's room he noticed a piece of oil-stained paper on the floor and picked it up. Printed in pencil was a demand for ransom. It read:

GET $20,000 READY & WAITE FOR WORD.
DO NOT NOTIFY FBI OR POLICE.
BILLS IN 5'S AND 10'S.

On the reverse side was printed BURN THIS FOR HER SAFTY.

The kidnap report sent all leading law enforcement officials in the city racing to the house. These included Police Commissioner John C. Prendergast, in office only one week after many years as chief of police; State's Attorney William J. Tuohy; and Chief of Detectives Storms.

Degnan had last seen his blonde-haired daughter at midnight when she had called out and asked for a drink of water. He had tucked her in and checked the windows to make certain no draft was blowing in on her. The Degnans occupied the first-floor apartment of a large brick two-family house in the fashionable Edgewater section. He was a $7,500-a-year federal employee in charge of a government bureau in Chicago. Although he did not have the money demanded by the kidnaper, he said he would try to borrow it from friends and relatives in order to get his daughter back.

Officials promised to cooperate with him and arranged for a broadcast direct from his apartment in which he pleaded with the kidnaper not to harm Suzanne while he tried to raise the money. "She's only a little girl," he said in a broken voice. A recording was made and supplied to all radio stations to use throughout the day and night.

Louis Flynn, an attorney who occupied the second-floor apartment, said he had been awakened during the night by the barking of his two boxer dogs. The barking pets also had aroused Ethel Hargrove, the Flynn maid, whose room was directly above Suzanne's. She had turned on a light at the time and saw that it was 12:50 A.M. She heard Suzanne saying, "I don't want to get up, I'm sleepy." Thinking that it was the child's voice that had disturbed the dogs, she went back to sleep.

A ladder, with one rung missing, was found in the rear alley near the garage. When it was propped up against the wall directly under Suzanne's window, it reached about a foot below the sill. The kidnaper could have used it to enter Suzanne's room. Neighbors next door had awakened at 2:30 A.M. when their own dog began barking. They said they had heard footsteps in the areaway that separated the two buildings.

Detective Chief Storms was startled by the information. Once again a criminal had remained for some two hours at the scene of a crime. Storms studied the ransom note. Although the printing appeared to be different from that scrawled in lipstick on the wall of Miss Brown's apartment, he noticed that all the e's were identical, formed the same way they had been in the lipstick message. The note had been processed by Sergeant Laffey who brought up a single fingerprint. At the detective chief's request Laffey compared it with the print found in Miss Brown's apartment. He said they came from different fingers; the same person might have left them, or two entirely different people, there was no way of telling.

Recalling the attack on the Army nurse in her penthouse apartment, Laffey also compared the single print found there with the one on the kidnap note and with the one from Miss Brown's apartment. The same man who had fractured the skull of the Army nurse had murdered the former Wave.

"We'd better not wait for the kidnaper to contact the Degnan family," Storms told his men. "If he's the same man who killed Mrs. Ross and Miss Brown then the child already may be dead." Men were assigned to the grim

task of searching through rubbish heaps, checking garbage cans, and opening sewers in the area.

Meanwhile other officers continued to search for clues and for possible witnesses. Special telephones, with detectives assigned to answer them, were installed in the Degnan apartment to help trace any call that might come in from the kidnaper. Numerous calls of sympathy were received from people who had read about the kidnaping in the early edition of newspapers; many offered to contribute to a ransom fund; others were obvious cranks. Late in the afternoon a man telephoned, said he had Suzanne, and arranged for a 9 P.M. rendezvous—at which time he would bring a lock of her hair and a piece of the pajamas she had worn. He hung up before the call could be traced. The Degnans were hopeful.

At dusk, while all radio stations were repeating the recorded plea of the father not to harm Suzanne, two detectives lifted the metal lid from a catch basin several blocks from the Degnan home. When they played their flashlights down into the sewer they saw the head of the missing six-year-old girl floating in the water. The rest of the body was missing.

As news of the find spread, police were deluged with so many calls from frightened citizens that Mayor Kelly had to go on the air and reassure the residents of Chicago that they were safe from the unknown killer. He also pledged that the city would add one thousand patrolmen to its force.

During the next few hours all portions of the dissected body, except the arms, were located in other sewers, all within a four-block radius of the Degnan home. The telephone caller never kept his nine o'clock rendezvous. Shortly after midnight a long distance call was received from St. Louis. A man, obviously not knowing that the little girl's body had been found, claimed to be the kidnaper and, after saying that Suzanne was alive and well, asked that a token payment of five hundred dollars be wired to him at Western Union in St. Louis. FBI agents picked him up there and he later was committed to an insane asylum.

One witness was found who might have seen the killer.

A former Marine had been parked in his car near the Degnan home talking to his girl friend when a young man carrying a shopping bag passed in front of his car. This was after 2:30 A.M. The man was hatless, with dark hair, and the witness thought he would be able to recognize him again because he had stepped directly under a streetlight near the car. Portions of the dismembered body had been found in a shopping bag.

The intensive search of the region turned up a small piece of wire, twisted into a loop, on which Detective Adolph Valanis noticed three blonde hairs similar to that of the murdered girl. A handkerchief was wrapped around part of the wire and bore the laundry mark, 3168 —*S. Sherman.* Another handkerchief nearby was initialed *S.S.*

The find was taken to the police laboratory where technicians said that it was the custom of the Armed services to mark laundry with the last four digits of a soldier's serial number, his first initial and last name. A detective was sent to Washington to obtain a list of all soldiers named S. Sherman. There proved to be almost 1,500 men with that name in the Army records and he began the task of tracing them.

Autopsy surgeons estimated that Suzanne had been killed between 12:30 and 1 A.M. They said she had been strangled, probably with the wire found by Detective Valanis. The incisions had been made by an extremely sharp knife such as a surgeon's scalpel. The various parts of the body appeared to have been washed after the dissection. Traces of coal dust were found in the child's hair and on the soles of her feet.

This information led to the belief that the girl's body had been cut up in a basement, and the following morning men were assigned to conduct a house-by-house investigation of all cellars in the immediate neighborhood.

Late that afternoon detectives arrived in the basement of a four-story apartment house on Winthrop Avenue, a block from the Degnan home. In the laundry room the detectives noticed several faint smears of blood in one of the tubs and when they opened the drain trap found it filled with blonde hairs and bits of flesh.

A woman tenant who occupied the apartment above the laundry room said she had been disturbed at two thirty in the morning by the sound of running water, "as if somebody was doing a big wash." Other tenants said they had heard noises in the basement until almost three thirty in the morning. A new shipment of coal had been received that morning and when officers moved it from the bin they found bloodstains on the floor.

One of the tenants' lockers in the basement had been forced open and the tenant said a shopping bag was missing. It was the bag that had been found in the sewer with parts of the dismembered body, establishing that the basement had been used to dissect the body.

While the officers were still in the basement the janitor, who also serviced several other buildings in the neighborhood, came in and was taken to headquarters. A short, stocky, balding man, he did not answer the description of the younger man seen with the shopping bag, but nevertheless, he was questioned for many hours before being released. He claimed later that police beat him in an attempt to force him to confess, the first of several such complaints made by innocent men brought in for intensive questioning. Twelve former soldiers with the name S. Sherman were located in the Midwest region and interrogated. One of the men had just left on his honeymoon and was brought back, only to be released when his alibi stood up.

Army officials reported that they had located the owner of the handkerchiefs but their records showed that he had been in the Pacific at the time of Suzanne's murder. He now was stationed in Calcutta, India. At the request of Chicago police he was flown back to this country where he identified the handkerchiefs as two he had lost. He recalled that a former buddy had lived in Chicago and suggested he might have taken the handkerchiefs in error. This man was traced. He said he found two of Sherman's handkerchiefs in his luggage when he was released from service but they had been stolen when his apartment was burglarized the previous December. Police reports showed that he had reported the burglary and had included the two handkerchiefs

among the miscellaneous trivial loot taken. He was cleared when he was able to account for his time on the night of the kidnaping.

A further indication that the killer might be a burglar came to light when Harry Gold, returning home from a Florida vacation, found his apartment ransacked. He notified the police, and officers were making a routine investigation when they noticed that his apartment windows overlooked little Suzanne's room. A neighbor had heard a noise in his apartment one night but had thought a relative was inspecting it, since the hour was only 9 P.M. Asked if she could remember the date, she replied, "How could I forget? It was the same night the little girl was taken."

The detectives working on the kidnap-murder were notified. Degnan said he had put his daughter to bed about nine o'clock that night. An experiment was conducted in Suzanne's room, a detective re-enacting the placing of a child in bed. The scene was clearly visible to the men stationed in Gold's apartment.

The kidnaping, then, could have been a spur of the moment affair, accounting for the fact that the killer had demanded ransom far in excess of Degnan's means.

Part of the loot taken from the Gold apartment included a Nazi flag, an Iron Cross and some German coins, all souvenirs brought home by his soldier son.

Meanwhile police were having their hands full with the cranks who pop up whenever a case receives wide publicity. Officers still were screening the mail arriving at the Degnan home and were able to intercept one parcel addressed to the grief-stricken mother. It contained a human ear and a note: *Will cut off your ear next?* The handwriting did not match that on the ransom note. Another person sent a lipstick message duplicating the one found on the wall of Miss Brown's apartment.

A tip was received from a woman with an unsavory record of arrests for drunkenness. She told police a man in a tavern had boasted that he had killed the little girl and she identified him as a janitor who at one time had worked in the same building where Suzanne's body had been dissected. Police lost little time in rushing the pro-

testing janitor to headquarters while the woman posed happily for newspaper photographers. Several days later the unfortunate janitor was released and the woman admitted her story was a hoax.

The missing arms were recovered in still another sewer in the same general area.

Frank San Hamel, a staff artist on the Chicago *Daily News,* came up with an unusual discovery. He was studying a photograph of the ransom message, putting together a chart of the handwriting characteristics, when he noticed several darker areas on the note. He studied these under a magnifying glass and was able to distinguish faint markings of other letters. He brought this to the attention of Detective Chief Storms. The ransom note again was examined but no markings could be seen until bright lights were focused on it at an oblique angle and then faint impressions in the paper were visible.

From this the men deduced that the kidnap note once had been part of a pad, and indentations from previous writings on upper pages of the pad had left light impressions on the kidnap note. A secret studio was set up in an office building and San Hamel and several detectives were assigned to the task of deciphering the faint markings on the ransom letter.

The work was slow and laborious. Weeks and then months passed. Now and then they came across a name, occasionally part of a telephone number. Each lead was painstakingly run down by detectives. Several of them led to University of Chicago students and one was part of the name of a restaurant that was popular with students. But none of the people interviewed could offer any helpful information. One of the most frequent grouping of letters that appeared was "eire."

The only logical explanation was that the kidnap note came from a pad that had been placed alongside one of the telephones on the campus to be used in jotting down numbers and messages.

With this lead pointing to the University of Chicago as a focal point for the investigation, detectives on June 20th requested permission to conduct a full-scale inquiry on the campus. College officials were reluctant to dis-

turb the academic calm without some stronger indication that one of their students or personnel was involved. There were many public telephones on the campus and adjacent stores, so almost anybody could have picked up a pad. They asked for time to think over the request. Six days later the university notified police that it would turn over a complete roster of its students and personnel, but on that same day there were other developments in the case.

Late that afternoon a youthful burglar was noticed by a neighbor rifling the living room in the apartment of Mrs. Leonard Pera, and police of the Rogers Park station were notified. He ran out, however, before officers arrived. The building janitor and a tenant grappled with him until he pulled out a revolver and forced them to retreat. He slowly backed out of the front door and then started running up the street, but he had been delayed long enough for Detective Tiffin P. Constant to catch a glimpse of him. The chase led through several back yards and over fences with the burglar finally dashing up the back steps to a second-floor apartment at 1320 Farwell Avenue. As Constant came up the steps the burglar fired at him twice, his gun misfiring both times. He then charged down the steps, leaping at the detective. While they were grappling, Patrolman Abner Cunningham, who was off duty and just returning from a swim in nearby Lake Michigan, came running up. Clad only in bathing trunks, he was without any weapon. He saw three flowerpots on the back porch and crashed them down on the burglar's head, knocking him unconscious.

The prisoner was removed to the Edgewater Hospital for emergency treatment and, still unconscious, was transferred to the Bridewell prison hospital. Papers in his wallet identified him as William Heirens, seventeen years old, a student at the University of Chicago, residing on the campus at Gates Hall. His home address was in Lincolnwood, a Chicago suburb.

A report of the arrest reached the desk of Michael Ahern, Captain of the Rogers Park police station. The name of William Heirens was familiar to him and he

checked through his records. The youth had been arrested in 1942, when he was thirteen years old, for carrying a pistol. He was picked up the night before he was to have graduated from the eighth grade at St. Mary's-of-the-Lake parochial school. While being questioned he confessed to eleven burglaries during which he had set fire to six of the homes he had looted. He then was living with his parents in Chicago and when officers searched the apartment they found a sizable arsenal hidden in a niche behind the kitchen refrigerator. These included an Army rifle, a .25 caliber automatic pistol, and two .38 revolvers. Four more pistols and another rifle were hidden on the roof.

The boy's parents were bewildered. His father held a responsible position with a steel company and his mother had never denied him things he wanted. When he appeared in Juvenile Court he had been so remorseful and contrite that the judge placed him on probation when his parents agreed to send him to a private correctional school in Indiana. The following year he was allowed to transfer to a regular school, St. Bede's Academy in Peru, Illinois. He remained there for three years, returning home to Chicago for summer vacations. It was during one of these summers, while working as a delivery boy, that he had been arrested by Captain Ahern's men for five more burglaries. Again he was set free by the Juvenile Court. On some of his thefts he had used narrow planks to make his way from roof to roof and had swung from window to window.

The arrest of the seventeen-year-old youth occasioned no excitement in Chicago, but as Captain Ahern studied the prisoner's record he began to wonder whether the husky young college student might be the killer of Suzanne Degnan. Inquiry on the campus showed that he was a brilliant student, passing the entrance examinations with such high grades that he had been admitted the previous fall as a sophomore, skipping the entire freshman year.

Captain Ahern brought the arrest to the attention of Detective Chief Storms. He pointed out that the series of murders had started the previous June when Heirens

had returned from St. Bede's Academy. He was a cat burglar who could scale walls and fire escapes, and he was familiar with the area in which most of the crimes had occurred, having worked there summers as a delivery boy. Equally important was the fact that he had tried to kill Detective Constant, his jammed gun preventing him from firing the two shots. He had dark, bushy hair and seldom wore a hat.

The following morning fingerprint experts were sent to the prison hospital. Puzzled doctors reported that Heirens had not regained consciousness although his pulse and temperature were normal. Despite his condition, when officers tried to take his fingerprints the youth struggled so violently that six men had to be called to strap him down.

The fingerprints were brought to Sergeant Laffey. Hours passed as he carefully recorded the outstanding characteristics on each finger and then began comparing them with the single print found on the ransom note. The Sergeant normally was through for the day at four o'clock but two more hours were to go by before he picked up the telephone and spoke to Chief Storms. "Finger on Heirens' left hand matches the print on the kidnap note," he reported.

Chief Storms and State's Attorney Tuohy left at once for Bridewell to question the suspect. Dr. Andrew T. Toman reported that Heirens was still in a coma but he suspected that the prisoner was feigning unconsciousness. Several specialists were summoned to examine him. X-rays were taken of his skull, and a spinal puncture was made. After their tests the physicians said they found no evidence of a clot or brain injury and agreed that Heirens probably was shamming unless he was in a state of shock.

Captain Ahern and a group of his men in the meantime had searched the prisoner's room on the campus and removed six suitcases crammed with cameras, clothing, jewelry, furs, surgical instruments, and assorted household effects. Item after item appeared on stolen property lists. The suitcases represented the loot from more than twenty different burglaries and included the Nazi flag

and other items taken from the Gold apartment which overlooked Suzanne Degnan's room.

Officials now were convinced that the seventeen-year-old youth was the long-sought killer. After doctors, in his presence, stated that he was faking, he appeared to rouse himself. However, although he answered questions as to where he lived, his name, and similar harmless queries, his replies became irrational the moment officials asked him about the Degnan case.

Other evidence began piling up against him. The former Marine identified him as the young man he had seen carrying the shopping bag. His fingerprints also tied him in with the murder of Miss Brown and the attack on the Army nurse.

For three days he held police at bay with his irrational behavior. More medical men were summoned and Dr. Roy Richard Grinker, chairman of the department of psychiatry at Michael Reese Hospital, suggested the use of sodium pentothal, a so-called truth serum the injection of which places a patient in a state of narcosynthesis, blotting out his active mind and allowing the subconscious to answer questions. Evidence gathered this way could not be admitted into court, but it would help officials determine whether they had the right person.

A room was prepared on the third floor of the prison hospital with Prosecutor Tuohy and Chief Storms hidden behind screens. An official stenographer also was present. Heirens was wheeled in, his eyes closed, mumbling incoherently. Dr. Grinker slowly injected a hypodermic needle filled with the drug into the suspect's veins and within a minute signaled to officials.

The questioning began:

"Did you kill Suzanne Degnan?"

"No, George did it," Heirens replied in a voice slightly above a whisper.

"How did George do it?"

"Well, George was robbing a man's home the night before and saw a ladder across the way leaning against a building."

"When did he kill Suzanne? The next night?"

"George went to the yard."

"What yard?"

"The yard where the little girl was killed."

"Did George do anything else?"

"He placed a ladder against the window and climbed in."

"He climbed in the window?"

"Yes. And then he carried her out."

At this point the drugged youth volunteered the statement, "George is a bad boy."

"What happened then?"

"George strangled her. When she didn't move he carried her out."

"Then what did George do?"

"George carried her to a place near and cut her up. Then he carried her to some sewers."

"How did he cut her up?"

"With a knife. George always carried a knife."

"Then what did he do?"

"He tore a sheet of paper out of a pad and wrote a note. Then he returned to the house."

"And then?"

"He climbed back up the ladder and threw the note through the window."

The questioning went on for more than two hours with additional injections of the drug. Heirens identified George as George Murman, some five years his senior, whom he had met while at school in Indiana. He said he met him again in Chicago in 1943 and they saw each other frequently after that.

"I met George on the morning of January seventh, right after the kidnaping. He seemed sleepy and dull but his eyes were shining." He said George had been registered at a Chicago hotel the night of the kidnaping and had recently gone to Mexico. Under the influence of the drug he said George was slightly taller, weighed a little less than he did, and had black hair that was slicked down.

Puzzled officials studied the stenographic record after Heirens had been returned to his cot. The truth serum seemed to have blown up their case against Heirens; yet there was the undisputed evidence of the fingerprints.

The FBI had been asked to make an independent comparison and their experts backed up Sergeant Laffey that the fingerprint on the kidnap note, the one in Miss Brown's room, and the one in the penthouse apartment, all had been left by Heirens.

The news of this test was kept secret but several days later reports of it leaked out. Heirens seemed concerned when he heard about it and asked what he had confessed to, agreeing to take a lie detector test.

During this examination he denied the murders of Suzanne Degnan, Mrs. Ross and Miss Brown, denied the attack on the Army nurse, and also denied that he had stolen all the things found in his room. His story was that these crimes had been committed by George Murman. And the lie detector test seemed to back him up on all his statements.

Asked to account for his fingerprint on the ransom note, Heirens replied, "George asked me for a piece of paper last Christmastime. Maybe he used that paper. Maybe that's how my fingerprints are on it. Honest, Mr. Tuohy, I'm not guilty of anything except robbing the Pera apartment."

But an intensive search for George Murman indicated that no such person as described by Heirens existed. He had not registered at any hotel, he was unknown in Indiana, the prisoner's parents had never heard of him, and although he was supposed to have visited Heirens at College, nobody there had ever seen or heard of him.

Adding to the mystification of officials was a report from Herbert J. Walter, a handwriting expert, that the lipstick message on the wall of Miss Brown's apartment and the ransom note both had been written by Heirens. A letter found in his room that was signed *George M. S.* also had been written by the prisoner.

The ransom note was dictated to the suspect and he was asked to write it down. He made the identical mistakes in spelling on the words "waite" and "safty." When shown these errors, Heirens insisted that that was how they were spelled and he lapsed into surly silence when shown a dictionary. Professors at the University of Chicago said he was an atrocious speller, but evi-

dently that had mattered little in his entrance examinations.

Psychiatrists examined the prisoner and reported that Heirens was George Murman, that he had built up an alter ego, with Murman committing the bad acts while Heirens was the good boy. They were divided as to whether he was a genuine split personality but agreed that he was legally sane and knew the difference between right and wrong.

Another cache of loot was found, and included among the guns was the one that had wounded Mrs. Caldwell in the kitchen of her home. Heirens was indicted on twenty-seven different burglaries and four cases of assault as a means of holding him in jail while the investigation continued. Then on July 25th he was indicted for the murders of Suzanne Degnan and Miss Brown. Although police were certain that he also had murdered Mrs. Ross they had no fingerprint evidence to back them up.

Three days later the prisoner's attorneys offered to have Heirens make a full confession to all his crimes if they received a guarantee that his life would be spared. After a conference officials decided to accept the offer since they feared that a jury might find Heirens insane and not convict him of anything. Later, if he regained his sanity, he would be free.

Heirens, however, refused to confess, answering all questions put to him with, "I don't remember."

Prosecutor Tuohy announced that he would bring Heirens to trial and ask for the death penalty. His statement caused the prisoner to change his mind again and on August 6th he made a full confession, admitting the murders of Suzanne Degnan, Miss Brown and Mrs. Ross, as well as the assault on the Army nurse and the shootings of the two women. Hopeful Chicago police opened their unsolved files and questioned him about other murders but Heirens said he had not committed those.

All three murders were an outgrowth of burglaries. He was not interested in the loot and never made an attempt to sell any of it. He was driven to commit the burglaries by an uncontrollable sex urge. "I get sexual satis-

faction out of breaking into a place," he explained. "If I got a real thrill, I didn't take anything." He always felt stimulated when committing the crimes, even when he was thirteen, but he had been ashamed at that time to tell his parents about it. He had not attempted any sex assaults on his victims "because I wasn't interested in that."

But Heirens could not, or would not, explain why he had remained alone with the bodies of his nude victims for two hours. According to his confession, a "haze" came over him after each murder and he knew nothing until some time later when he came out of his blackout and saw the bodies of his victims.

"Did you kill them and wash their bodies?" he was asked.

"I guess so," was his reply. "I must have done it."

Any lingering doubts as to whether he was the killer were removed when he agreed to re-enact the different murders. Brought to the Degnan home, he quickly sped up the ladder into the child's room. "The bed was over in this corner before," he remarked. The bed had been shifted after the murder. He also commented on a change in the furniture arrangement in Miss Brown's apartment, pointing to the places where the different pieces had been some seven months previously. Considering the large number of apartments he had burglarized in the intervening time, this was a remarkable feat of memory for a person who claimed he went into a blackout during the crime.

While admitting that George Murman existed in his mind only, he added, "To me he's very real. He exists. You can accept George as being me, but—well, it's hard to explain. A couple of times I had talks with him. I suppose I was really talking to myself. I wrote lots of notes to him which I kept."

He had murdered Mrs. Ross and Miss Brown because they had found him in their apartments, and strangled little Suzanne because he was afraid she would scream. After killing Mrs. Ross he had gone to a movie, and after killing Miss Brown returned to his room on the campus and studied. He dropped into a restaurant and

had coffee and doughnuts after dismembering the little girl.

The confessions and re-enactments took some fourteen hours. When returned to his cell, Heirens asked for a glass of milk and promptly went to sleep. A month later, on September 7, 1946, he pleaded guilty to the three murders and the court, acting upon the recommendation of the prosecutor, sentenced him to three consecutive terms of life imprisonment with the request that he never be pardoned or paroled.

Shortly after he entered the Illinois State Penitentiary, Heirens became an unruly prisoner and made several suicide attempts. He was examined by psychiatrists and then transferred to an institution for the criminal insane.

It is a police axiom that sex criminals follow a definite pattern, that men who molest children do not bother mature women. Heirens conformed to no pattern; he was a sniper, a burglar, he murdered a child and adult women, the only thread of similarity being the strange washing of the bodies. While Heirens would not discuss this last phase, saying only that he had been in a haze, there is a psychological explanation. It is a fairly common practice among some criminals to be addicted to the habit of constantly washing their hands, a symbol of their own inner feelings of being unclean. Heirens may have sought to wash away his sins by washing the bodies of his victims.

THE END

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