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BARBARA GRAHAM *and the* POLITICS *of* EXECUTING WOMEN *in* AMERICA

Kathleen A. Cairns

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Author's Note

VERY FEW PEOPLE profess neutrality when it comes to the death penalty, and I am no exception. During my working life I've been on both sides of the issue. As a young newspaper reporter in the post-Watergate era, I was a staunch opponent of capital punishment, believing it to be a barbaric relic of a medieval past. Then I was assigned to the 1982 Los Angeles trial of "Freeway Killer" William Bonin. A thoroughly repulsive individual, he kidnapped and murdered at least a dozen teenage boys and young men, whose bodies he dumped along Southern California freeways. Every morning the victims' mothers sat huddled together inside the courtroom. Bonin looked like such an ordinary man—pale, pudgy, and nondescript—yet he had done horrific things to their young sons. Good riddance, I thought, as jurors sentenced him to death. I had switched sides and now favored the death penalty.

In 1983, still on the pro-capital-punishment side of the issue, I wrote a newspaper series about the death penalty in California. I traveled to San Quentin and peered into the gas chamber. I met face-to-face with a death-row inmate and solicited letters from condemned men, whose scrawled missives were filled with misspellings and mangled grammar and reeked of self-pity. Astoundingly—considering that I was an avowed feminist and later chose to research and write on condemned

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women—it never occurred to me to ponder whether women had been executed in California. I also never questioned whether innocent people had been executed. Virtually all of my condemned correspondents claimed they had been framed. Had any of them been?

Neither omission seems surprising in retrospect. In 1983 there were no women on death row, and no one had been executed in California for nearly two decades. With a state supreme court that consistently overturned death sentences, it seemed unlikely that an execution would occur anytime soon. In fact, it took another nine years and a conservative resurgence for the state to resume executions. By 1992, when Robert Alton Harris became the first person executed in California in twenty-five years, my support for capital punishment had begun to waver. Harris, like Bonin, had been thoroughly despicable. He had managed to live fourteen years longer than the two teenaged boys he had kidnapped and shot in the back. And yet something seemed wrong with a system in which dozens of journalists clamored for credentials to watch a man's death while a San Francisco television station—unsuccessfully, as it turned out—sought a court order enabling it to broadcast the event to an audience of millions.

For me, the death penalty existed largely as an abstraction until 2002, when I began research for a book on Nellie Madison, the first woman on death row in California. I knew by then that the state had executed four women. Madison was not among them. The fact that she had escaped the ultimate punishment seemed to border on miraculous. She had gone on trial in June 1934, charged with murdering her husband. Charles Fricke, the judge who later presided over the trials of Barbara Graham and Caryl Chessman, had presided in Madison's case as well.

Fricke had clearly favored the prosecution, going so far as to take the stand as a prosecution witness. Madison's attorney bordered on incompetent, yet appellate justices were willing to overlook egregious legal shenanigans in order to uphold her death sentence. Only a

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last-minute grassroots movement, fueled by revelations of extreme physical and psychological abuse on the part of Eric Madison, saved Nellie Madison's life. The governor reprieved her, literally days before her execution. This introduction to the bizarre and labyrinthine politics of capital punishment tipped me toward the abolitionists' side of the argument. I have remained there ever since.

By 2006 I was reading books on death-penalty cases and following debates on blogs and elsewhere about the capricious, arbitrary, and inequitable nature of capital trials. I decided to enter the discussion by choosing an executed woman and writing about her. Enter Barbara Graham, arguably California's most famous executed individual, male or female. Examining Graham's life, trial, appeal, and execution revealed just how easily police and prosecutors—with help from publicity-seeking judges and stool-pigeon conspirators promised immunity from prosecution—could rig the process. Graham's case also revealed the role of the media in shaping perceptions of guilt and innocence. Was she guilty? It is impossible to know with any degree of certainty. But she was condemned following a grossly unfair trial. That alone should have earned her a reprieve from death.

Graham's case also raised an issue that has been virtually ignored in all of the public hand wringing about capital punishment. Proponents argue that execution brings a sense of closure to the families and friends of victims. What about the families of the executed? I thought of this frequently while writing this book. Barbara Graham had three young sons when she died in 1955. She fervently hoped, she said just before her death, that they would never know what happened to her. She could not have foreseen just how long her story would remain in the public realm—in film, books, proposed legislation, even in song—making it all but impossible for her children to remain ignorant of her fate.

This book is dedicated to the children of America's executed men and women. They were victims too.

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Introduction

HER GIVEN NAME was Barbara Elaine Ford, but her friends called her Bonnie right up to the end, when she walked into the gas chamber at San Quentin. It was 11:31 a.m. on June 3, 1955. By then the world knew her by another name: Barbara Graham. It knew that she was the third woman executed by the State of California, and by far the prettiest and the youngest. It knew that she dressed carefully for the occasion, wore a mask, and received two last-minute stays. The world also knew that it had taken her eight minutes to die.

Just shy of her thirty-second birthday, Graham had left behind a mess of a life. She had married four men. She had borne three sons. All of her sons lived with other people, and she had not seen the older two for several years. She had been in and out of trouble since her early teens, and her rap sheet spanned much of California. Most of her arrests were for misdemeanors, but she spent nearly a year in San Francisco County Jail for perjury.

The final arrest did her in. Los Angeles police picked up Graham and two men, Emmett Perkins and John Santo, on May 4, 1953, and charged them with murder in connection with a robbery gone wrong. Reporters and photographers quickly leapt on the story. They virtually ignored Perkins and Santo, both violent career criminals,

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but clamored for access to the woman they dubbed Bloody Babs and the Titian-Haired Murderer.

Her trial in Los Angeles Superior Court in August and September 1953 played to standing-room-only crowds hoping for a glimpse of a real-life femme fatale. Graham acted out the role as if born into it. Prosecutors accused her of trying to sway male jurors by "sitting there, looking pretty," and they worked diligently to squelch any possibility of empathy. They need not have worried. Graham proved to be her own worst enemy; she always had been.

If events had taken their normal course, Barbara Graham would have faded from public view shortly after her execution. She would have been merely a statistic, the thirty-seventh of forty-two women executed in the United States in the twentieth century. But history veered off center and Graham did not disappear. In fact, her story was being rewritten even before her death. As her appeal worked its way through higher courts, a handful of journalists visited her in prison. A few came away shaken, believing that she had been framed.

Following her death, one journalist, Edward S. Montgomery of the San Francisco *Examiner*, initiated a campaign to posthumously clear her name. In 1956 he contacted Hollywood producer Walter Wanger with a proposal for a movie. *I Want to Live!* was released in fall 1958 to nearly unanimous raves. Filmmakers kept the ending but altered the rest of the story in significant ways. Their Barbara Graham emerged as an innocent woman railroaded to her death by a punitive male bureaucracy that was heavily invested in making her pay for her easy sexuality, cocky attitude, and life of small-time crime. The film catapulted Graham onto the top rung in the hierarchy of executed American women, the only one with a Hollywood fan club.

Montgomery also helped to write a book about Graham's case. *I Want to Live! The Analysis of a Murder* leaned heavily on Graham's horrific childhood with a mother who abused and neglected her. In this version, Graham loved her children. She listened to jazz and

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tragic operas. She read and wrote poetry. She struggled to do right, to marry, to settle down and raise a family, but her past always caught up with her. The book became a best seller.

San Francisco Chronicle reporter Bernice Freeman also featured Graham in a book, *The Desperate and the Damned*, recounting her experiences writing about condemned inmates. Graham may have been "amoral" in many life choices, but, Freeman insisted, she had not been capable of murder.[1]

Police and prosecutors who had tried Graham might have simply ignored the movie, the books, and even the song, "The Ballad of Barbara Graham," by songwriter Val Norman. But they did not. Authorities feared, with some justification, that sympathy for Graham might help abolitionists in their quest to end the death penalty in California and thus play a role in a larger national effort.[2]

To thwart this possibility, law enforcement officials decried *I Want to Live!* as a fictional whitewash. One of Graham's two prosecutors insisted that she had confessed to the murder before her execution. He also recruited a newspaper reporter to write magazine articles and a book. *The Case of Barbara Graham* appeared in 1961, six years after Graham's execution. It cast her as a villain, only this time even worse than the femme fatale of her trial. The book sold a few copies and soon disappeared from view. It seemed that Graham finally was destined to disappear as well, moving out of the spotlight that kept her at the center of a relentless tug-of-war over her guilt or innocence.

Graham, in fact, did begin a slow fade-out, but her presence hovered over capital-punishment debates during much of the 1960s. She had put a human face on what seemed, to many people, to be a theoretical discussion about an abstract topic. Her story is riveting on its own, but her role as catalyst in facilitating dialogue about such an important topic makes her story relevant still, even though nearly sixty years have passed since her death.

Graham's case raised many thorny and troubling issues about the

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death penalty that remain relevant today, among them its arbitrary application, the power of police and prosecutors to engage in questionable tactics, the role of media in constructing images that shape public attitudes, and the execution of condemned inmates absent incontrovertible proof of guilt. Her case holds particular resonance because of her gender. Women account for less than 1 percent of executions in America, making Graham a valuable subject, both from a sociological and a historical perspective.

Media accounts of condemned women generally posit them as one-dimensional archetypes. Close examination of Graham's case offers a more complex and nuanced view, and it provides a window into an era when a female murder defendant's sexual persona could make or break her chance of escaping conviction, even condemnation.[3]

Any examination of Graham begs the question: Of all the women executed in the United States in the twentieth century, why was she the one who so captivated abolitionists, journalists, and filmmakers? Such sympathetic treatment seems particularly oxymoronic, given the timing of her case. The early Cold War period was not known for hand wringing over the guilt or innocence of condemned men and women. The public had not yet grown accustomed to the prospect of wrongful convictions and executions.

The executions that fueled debate centered on individuals condemned for crimes other than murder. Caryl Chessman, for example, was executed by the State of California for kidnapping, and New York housewife Ethel Rosenberg was executed by the federal government, alongside her husband Julius, for espionage.

In the 1950s most people, at least if they were white and middle class, generally trusted the police and courts. Few individuals believed or suggested that white men and women convicted of murder were victims of miscarried justice. The system was supposed to work for them. If they were executed, they were guilty, plain and simple.

And yet the system clearly had not always worked. In the years

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after World War II a few ambitious politicians rode roughshod over the lives of ordinary, law-abiding men and women. Opinion makers, journalists, and filmmakers viewed these political machinations from front-row seats—some uncomfortably close to the action. Barbara Graham's trial occurred at the height of the so-called McCarthy era. By the time of her execution, Wisconsin senator Joseph McCarthy had been brought down and no longer held the power to destroy lives and reputations. A few journalists and filmmakers might have felt emboldened to challenge other forms of authority, including courts and the justice system.

But, again, why Barbara Graham? If mainstream journalists and filmmakers felt compelled to turn their attention to controversial cases involving women, why not Ethel Rosenberg? Scant evidence existed to connect her with espionage activities. Civil rights groups, liberals, and abolitionists around the world protested the Rosenbergs' death sentences during their lifetimes, and serious scholars wrote of them afterward. But few mainstream journalists and no powerful filmmakers rushed into the breach to proclaim Ethel's innocence to the world.

Graham obviously possessed some attributes that Rosenberg lacked, namely her striking good looks and sexuality. It would be hard to overestimate the importance of these factors. Virtually every story focused on Graham's appearance. Reporters wrote about her hair, her clothes, her makeup, the way she walked, and even how she held her cigarettes. Graham also lived in Los Angeles, the setting for many popular noir films, and she had a riveting backstory.

Ethel Rosenberg had been a dutiful wife—possibly too dutiful. Graham had a much more interesting resume. She had been, according to one alliterative account, "a mother, a murderess, a mobster, and a moll."[4] The combination of "mother" and "moll" proved irresistible to journalists and filmmakers. Graham was also white. Historically, few mainstream journalists or members of the public in general

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have paid much attention to the executions of men and women of color. But other executed women had been beautiful, white, and possessed interesting life stories. Toni Jo Henry, for example, was electrocuted by Louisiana in 1942. Henry, like Graham, had been a prostitute. No one protested her execution.

There had to be something about Barbara Graham, and her case, that turned fascination and titillation into activism and outrage. In fact, there was. In addition to beauty and sexuality, Graham was one of only two white American women in the twentieth century executed with no conclusive proof that she committed the murder in question. Controversy also emerged in the case of Anna Antonio, who was executed in New York in August 1934 for hiring two men to kill her husband. Debate arose only toward the end of Antonio's appeals, when one of the killers changed his story.

The murder for which Graham was condemned had numerous problems from the beginning. Five people initially were named as suspects. One talked to police, got Graham's name wrong, was kidnapped, and was never seen or heard from again. A second talked to police and was granted immunity by prosecutors, but he changed his story between his police statement and trial testimony.[5]

Since no weapons, fingerprints, or any other physical evidence linked Graham to the killing, police set her up in a sting operation as she awaited trial and then surprised her in court with wiretapped conversations. From a distance of nearly sixty years, it is impossible to know why prosecutors were so desperate to condemn her. Perhaps their real targets were her codefendants, two violent recidivists suspected of murder in other jurisdictions as well as in Los Angeles. But they faced a quandary: Could they ask jurors to vote death sentences for the two male defendants, but vote something else for the female?

This strategy might send the wrong message: it would suggest that Graham's gender made her different. Or, possibly, her sordid past led

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prosecutors to use her in order to send a message to other marginal characters: this is what happens to reprobates who commit crimes and consort with hardened criminals.

Graham's court-appointed trial attorney vehemently protested many police and prosecution tactics, but he found no sympathetic ear in superior court judge Charles Fricke. Fricke's nickname revealed all that anyone needed to know about him. Defense attorneys called him San Quentin Charlie, and he boasted of sending more defendants to the gas chamber than any other judge in California.

Ironically, had Graham not been condemned but instead sentenced to a long prison term, abolitionists would have had a much slimmer peg on which to hang their arguments about injustice, and Hollywood would have had no incentive to feature her in a film. The notion that the system abused her provided activists with ammunition. "I felt if they could do those things to Barbara Graham and get away with it, they could do [them] to each one of us," her appellate attorney, Al Matthews, said after her execution.[6]

Continuing controversy over Graham and a few others enabled abolitionists to chip away at the death penalty in California and at the national level. On several occasions between 1955 and 1964 lawmakers seemed on the verge of abolition but fell short of the needed votes. The pendulum, nonetheless, was swinging in that direction. In 1957 California became the first state to mandate bifurcated trials, in which defendants convicted in capital cases were given the chance at second minitrials to present mitigating evidence. By the mid-1960s, executions across the country had dropped into the single digits and abolitionists had shifted to a new strategy—challenging the constitutionality of capital punishment.

In 1972 both the California Supreme Court and the United States Supreme Court abolished the death penalty as cruel and unusual punishment. The U.S. high court ordered states to rewrite their laws, specifying exactly what crimes committed under what circumstances

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qualified for the ultimate punishment. Good fortune for abolitionists proved fleeting, however. Many states, including California, soon implemented new laws.

By the end of the 1970s, thirty-five states had reinstated capital punishment. Death rows filled and executions resumed. Since 1977 more than 1,200 men and 12 women have been executed in the United States. California's death rows currently hold 700 men and 20 women. California has executed 13 men, but no women.

Few people today recall Graham's trial, appeal, and execution, though writers occasionally mention her in books and articles about post–World War II Los Angeles noir. Film devotees may watch *I Want to Live!* and ponder whether the Graham character was even a real person. Legal and criminal justice scholars are drawn to the film as a cultural artifact. A few use her case as a touchstone to analyze how the politics of execution have, or have not, changed.

In many ways, it seems that not much has changed at all. Despite the new laws, rules, and safeguards implemented since the 1950s, the politics of life and death remain a crapshoot. Prosecutors engage in underhanded tactics. Some trial attorneys are incompetent. Accomplices are given incentives to testify. Innocent people are condemned. On the other hand, though, DNA evidence and systemic safeguards can also exonerate the wrongly convicted.

A new generation of abolitionists again struggles to find a way to end the death penalty in America. Barbara Graham might seem irrelevant to this battle. To prominent men in 1950s Los Angeles she must have seemed irrelevant as well. Graham was a nobody. She had few resources and no friends in high places. She was the kind of person easily shipped off to prison, even the gas chamber, with no challenges, questions, or political ramifications.

And yet friends somehow had appeared—some of them men with powerful connections. Graham's newfound allies managed to craft a competing narrative in which she was the abused child, the

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sad and lonely young woman who longed for love, a prostitute but definitely not a killer. This new narrative trumped dire warnings about vicious criminals and victims and caused male authorities embarrassment, humiliation, and impotent rage. The judicial system has always been reluctant to execute women. Barbara Graham serves as a lingering reminder of the potential consequences of choosing the wrong ones.

This book is divided into ten chapters. The first three discuss the murder that set Graham on the path to execution, her life leading up to trial, and the trial itself. Chapters 4 and 5 examine her appeal, her execution, and some of the journalists who came to question her guilt. Chapter 6 places Graham's case in context alongside those of other women executed in the United States between 1900 and 1955.

Chapter 7 discusses the film *I Want to Live!* Chapters 8 and 9 shift the focus to the abolition movement of the 1950s and early 1960s and Graham's part in it. Graham disappears from the narrative through much of Chapter 9, but her absence does not mitigate her importance to the movement. Chapter 10 examines the cases of women now on death row in California and details the cases of the twelve women executed in the United States since 1984. The fact that California has not executed any women since 1962 can be attributed, in part, to the lingering consequences of Graham's execution.

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1

A Murder in Burbank

MABLE MONAHAN LIVED in a residential neighborhood of immaculately landscaped yards and spacious homes in Burbank, California, about a dozen miles north of Los Angeles. Her tidy white stucco house straddled the corner of West Parkside Avenue and Orchard Street. A sturdy row of decorative hedges hugged the house on three sides. A concrete walkway led from the street to the front door, which was partially obscured by a latticed trellis covered by climbing vines. Despite the area's low crime rate, Monahan took extraordinary precautions to ensure her safety.

A six-foot tall concrete wall separated her front and back yard, and the two areas connected via a gate that opened onto the driveway. Monahan always kept it locked. Every Wednesday morning her landscape gardener, Mitchell Truesdale, performed the same ritual at Monahan's home: he mowed the front lawn, knocked on the front door, retrieved the gate key, unlocked the gate, immediately relocked it from the inside, mowed, edged and clipped the backyard, locked up again, and returned the key.

Monahan also installed large floodlights under the eaves on the part of her home that could be seen from the street. She turned them on each night at sunset and turned them off when she rose in

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the morning. She kept her living room drapes tightly shut at night so that no one could see inside the house, and she installed safety latches on all the windows and double bolts on the doors. The front door held a small, unobtrusive peephole located at eye level.

Monahan never discussed the basis for her fears with friends or family members. But several factors may have enhanced her sense of vulnerability. Her daughter Iris had been married to Las Vegas gambler Luther "Tutor" Scherer, well-known for his high-rolling lifestyle and reputed mob connections; the Scherers had lived in the Burbank house before divorcing in the late 1940s.

Monahan was a widow in late middle age who lived alone, and she suffered from a slight disability as the result of a decades-earlier automobile crash. The accident had ended her somewhat colorful career as a professional roller skater and palm reader who toured with her late husband George on the national vaudeville circuit. At sixty-five she was still attractive, with a slender figure and short, curly, grayish hair, but she walked slowly and with a slight limp. Often she used a cane.[1]

As it turned out, Monahan's fears were justified. It seems, in retrospect, that she possessed a sixth sense about the disaster that would befall her. Inexplicably, her premonitions and many precautions did not prevent her from opening her front door to a stranger just after dark one cool evening in March 1953. That split-second decision cost Monahan her life and catapulted her into public view as part of a sensational murder case, the significance of which far outlasted its time and place in history.

Six months after Monahan's death, jurors in Los Angeles County convicted Barbara Graham, Jack Santo, and Emmett Perkins of her murder. Twenty months after that, Graham, Santo, and Perkins went to their own deaths in the gas chamber at San Quentin. All because friends of Santo's heard rumors that Tutor Scherer had stashed one hundred thousand dollars in a safe in his former home.[2]

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On Monday, March 9, 1953, the last day of Mable Monahan's life, she awoke just after 11:00 a.m. She had spent the previous night playing her weekly poker game with a group of women friends. One of them, Merle Leslie, had driven her home after midnight. Leslie was tired and decided to stay over at Monahan's. Shortly after 2:00 p.m. on Monday, Leslie left for home, promising to check in with Monahan later. When she phoned shortly before 7:00 that night, Monahan said she had eaten dinner and was sitting in her den, reading *The Purple Pony Murder,* a mystery novel. She was tired and planned to turn in early, she said. It was the last time Leslie spoke to, or saw, her friend.[3]

About 11:15 a.m. on Wednesday March 11, the gardener, Truesdale, arrived for his weekly appointment. He noticed the curtains still closed and the floodlights still on. As he approached the house to retrieve the backyard key and notify Monahan about the floodlights, he saw that the front door stood slightly ajar. He knocked. When no one answered, he pushed open the door and peered into the house. The entryway led directly to a spacious living room and separate dining room. Truesdale saw that the house had been ransacked. Furniture in both rooms had been upended.

Further back, he noticed drawers hanging askew, their contents strewn across the floor. Carpeting had been ripped up, and the walls and baseboards looked as though they had been sprayed by pellet guns or gouged with sharp instruments. Truesdale stepped gingerly into the house. What he saw sent him reeling backward in horror. "There was blood all over a partition that protrudes into the living room," he said later. He ran from the house and called Carl Lane, a friend and officer on the Burbank police force.[4]

Lane arrived within minutes and Truesdale reluctantly followed him back inside. Toward the end of a long hallway that led to two bedrooms, they found Monahan, fully clothed in a print dress and lying face down, obviously dead, the bottom half of her body obscured

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by the open door to a linen closet. A bloody, torn pillowcase partially covered her head, held in place by a piece of cloth tied around her neck. Her hands were bound together behind her back with another strip of cloth. Lane quickly called for back up.

While his colleagues examined the body, Lane searched the house. In Monahan's bedroom closet he found a purse containing a wallet with nearly five hundred dollars in cash. An ornate carved box sat on top of her dressing table. It held several pieces of expensive jewelry: a Bulova watch encrusted with four diamonds, a horseshoe-shaped clasp covered in diamonds, and three rings, all embedded with jewels; their estimated value was ten thousand dollars. Lane concluded that robbery probably was not the motive for Monahan's murder, though the perpetrators obviously were looking for something.[5]

Police removed the pillowcase. Monahan's head bore several gaping wounds, accounting for most of the blood. It appeared that she had been struck with a blunt object, causing internal, as well as external, bleeding. But the blows did not kill her, an autopsy surgeon later concluded. The cloth tied around her neck had strangled her. The murder scene yielded few fingerprints and only two or three marks from shoes with waffle-weave soles, apparently left by a man standing behind the living room sofa, but too faint to be traced.[6]

Contacted by police, Monahan's daughter was stunned. She had just returned to New York the previous week after spending nearly a month visiting her mother. Nothing untoward had happened during her visit, she said. Her mother had no enemies. Quite the contrary, she "had a large and faithful circle of friends with whom she enjoyed an active social life."

Tutor Scherer, at seventy-three, was nearly a decade older than his former mother-in-law. He had only fond memories of Monahan, he told police. At one point she had taken care of him during a lengthy illness. Scherer had given his ex-wife the Burbank house as part of the divorce settlement. Monahan had always loved the place.

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Rather than selling it when she moved East with her new husband, Iris deeded it to her mother. Scherer said he knew of no one who wanted to harm Monahan.[7]

The case remained cold for a brief period. Then, slightly more than a week after the murder, Burbank police chief Rex Andrews received a phone call from an informant known as Indian George. Fifteen months earlier, in December 1951, George told Andrews, he had overheard two men, Baxter Shorter and Willie Upshaw, plotting to burglarize Mable Monahan's home, which they believed held a hidden safe containing one hundred thousand dollars left behind by Scherer. Both Shorter and Upshaw were reputed to be henchmen for Los Angeles mobster Mickey Cohen, who made his living through "book-making, gambling, loan-sharking, slot machines, narcotics, union agitation, and a substantial portion of the city's other illicit pastimes."[8] Shorter reputedly was an expert safecracker, Upshaw a gambler and a bookie.[9]

It took several days to locate Shorter. He refused to talk until police threatened to hold him in the Los Angeles County Jail overnight. Shorter acknowledged helping to plan the burglary, even going so far as to case Monahan's house, but those plans eventually were scrapped, he said. Under pressure, Shorter acknowledged a second plan. The first week of March 1953 an acquaintance whom he refused to name had contacted him about again trying to retrieve the rumored one hundred thousand dollars. Was Shorter willing to participate? He needed the money and reluctantly agreed.

Shorter recalled meeting two men on Sunday, March 8, at a drive-in eatery in the town of El Monte, a dozen miles east of Los Angeles. One of the men was named John, he said. He claimed not to remember the other man's name, but together the three men came up with a second burglary plan. "No one was supposed to be at home," Shorter insisted to police: "They said the house was empty." Before dawn the morning of Monday, March 9, the men met up again and drove by

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Monahan's house. All of the interior lights were off. The floodlights reinforced the notion, at least for Shorter, that the home was vacant. They scheduled the break-in for that night.

Just before 7:00 that evening, Shorter said, he went to the restaurant to wait for John. A short time later, John drove up in a late-model, dark-blue Oldsmobile. He was alone. Two other men and a woman pulled up in a second car. Shorter had never met any of the three people in the second car, he told police. The men were named Jack and Emmett, he recalled, and the woman was named Mary. At least he thought that's what they called her. The two men and the woman got out of their car and climbed into John's. Shorter joined them. Together they drove to Monahan's house.

"We'll send the woman up first," Shorter recalled Jack saying as they cruised to a stop and parked across the street. Jack ordered Shorter to stay in the car long enough to give the group time to find the safe. The woman led John, Jack, and Emmett to the house, according to Shorter, and the three men hung back as she approached the door. After a minute or so, Shorter heard a scream then saw the door close.

He waited about fifteen minutes. When no one came to get him, he left the car and entered the house. What he found horrified him, he said. Monahan was lying on the floor moaning. "There was blood all over the rug," Shorter recalled. He saw John holding Monahan's head, covered with the pillowcase, in his hands. Emmett hit Monahan, and the five fled the premises.

Back in the car, Shorter worried aloud: Did they think Monahan might die? Jack sneered at him, "You're not such a man, are you?" Shorter then glanced at Mary, sitting in the front seat next to Jack. "Who does she belong to?" he asked: "I never saw a woman anyone was crazy enough to work with." Emmett responded: "She can handle herself fine."

Shorter lived with his wife, Olivia, in a downtown Los Angeles apartment. After the others dropped him off, he told police that

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he walked the dark streets searching for a pay phone and finally locating one. He dialed for an ambulance and gave the dispatcher Monahan's address. But in his agitated state, he failed to mention the city. Ambulance drivers, assuming the address was in Los Angeles, therefore could not find the house and never arrived at the scene.

Two days later Shorter read that Monahan had died, and he panicked. He had nothing to do with the beating or murder, he insisted, but feared the wrath of Jack or Emmett if they learned that he had talked to police. "They'll kill me," he said. Officers asked if he knew where either man lived. He did not know, but had heard them talking about Northern California, he said. The police agreed to keep his cooperation secret and released him.[10]

Burbank lieutenant Robert Coveney had acquaintances in numerous Northern California police departments. By this point, however, the Monahan murder had outgrown the Burbank department. The Los Angeles Police Department, under the direction of deputy chief of patrol, Thad Brown, joined the investigation. Brown was the LAPD's highest-ranking detective. During his three decades on the force, he had become an expert at cultivating confidential sources throughout California and the rest of the country.

Additionally, LAPD chief William Parker had put together an intelligence unit whose members were proficient in the use of wiretaps. Therefore, when Coveney arrived in San Francisco with LAPD detective Dick Ruble to meet with officers from the San Francisco and Oakland Police Departments, both men had a wealth of information from which to draw.[11]

Together, all of the officers perused hundreds of arrest records, booking sheets, and court cases before finally coming up with a name: Emmett Perkins. Rail thin and jug-eared, with a sallow, pockmarked complexion and a receding hairline, forty-five-year-old Perkins had a long criminal record. As a juvenile, he had spent a year at the Preston State School for Boys in Whittier, California, on a grand theft charge.

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He had served time at San Quentin for auto theft and robbery and additional time at Folsom Prison for first-degree robbery and parole violation.[12]

Detective Ruble knew Perkins, he said. Perkins currently lived in Southern California and operated a gambling parlor in El Monte where he employed a shapely twenty-nine-year-old woman named Barbara Graham as a shill. Using her considerable charms, she brought in potential "marks," then encouraged them to keep betting larger and larger sums of money. She also had a criminal record, though a minor one: none of her arrests had been for violent offenses.

Graham, also known as Barbara Kielhamer and Barbara Radcliff, had convictions for vagrancy, prostitution, bad checks, and perjury dating back to the early years of World War II. None of her convictions had resulted in prison time, though she did spend nearly a year in San Francisco County Jail for providing a fake alibi to a heroin addict convicted of robbing and beating San Francisco madam Sally Stanford in February 1947.[13]

Jack, detectives surmised, probably was forty-eight-year-old John Santo, a beefy man with dark, wavy hair, glasses, and a violent past that began in Portland, Oregon, in the 1920s. Santo had been arrested in San Francisco in 1930 for attempted murder, again in 1934 on suspicion of kidnapping, and again several years later for assault with a deadly weapon. He lived in Auburn, a small town centered on mining and ranching about forty miles northeast of Sacramento. Santo, in turn, was friendly with thirty-eight-year-old John True, who sometimes lived in the small mountain town of Grass Valley. True also stayed on a boat in Marin County, north of San Francisco and worked as a deep sea diver, scavenging scrap metal. He had no criminal record that police could immediately access.[14]

By early April 1953, police had learned from another informant that Perkins and True almost certainly had participated in Monahan's murder. The Burbank department sent a team of officers to

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Grass Valley to locate True. Without a criminal record, he seemed the most likely bet to provide information. Police tracked him to Reno, then to the small mountain town of Paradise, and, finally, back to Grass Valley, where they picked him up on April 12, 1953. They flew him to Burbank for questioning. True acknowledged Santo as a "hunting and fishing companion" but insisted he knew nothing about any murder. Santo was, True told police, "as nice a guy as I've ever known."[15]

Baxter Shorter might have disagreed, but he was no longer available for comment. Shortly after the early morning "bulldog" edition of the *Los Angeles Examiner* announcing True's apprehension hit the streets on April 13, Shorter called district attorney Ernest Roll. He feared for his life, Shorter told Roll, who offered him protection. It did not come soon enough. The next day Shorter opened the door of his Los Angeles apartment to find a man standing there, holding a gun.

Shorter's wife, Olivia, screamed and grabbed a rifle. She ran to the door, but Shorter warned her off. As Olivia Shorter watched in horror, the man shoved her husband into a car and sped away. She later identified the abductor as Emmett Perkins and described the getaway car as a 1951 Plymouth or Dodge. "We'll sure as hell find this guy dead someplace," police predicted: "Those men didn't just take him out to talk."[16]

On April 15 police released True from custody. The department released a statement: "After thorough questioning, we have secured no further evidence in corroboration of the information already in our possession." True met with the media outside the county jail. He had never been to Burbank, he said, nor did he know anyone involved in the Mable Monahan murder. He told reporters that he planned to return to Grass Valley, pick up his diving gear, and resume his search for sunken logs in an Idaho River. True's attorney, Patrick Cooney, accused Los Angeles police of falsely arresting his client.[17]

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For three weeks police remained silent about the case. When reporters asked about their progress, they had no comment. District Attorney Roll, whose office would oversee prosecution of the perpetrators, said curtly, "What I want is facts and evidence." In reality, police and prosecutors had enough evidence to arrest Graham, Perkins, and Santo on other charges, and to hold them until they could build a murder case. But they wanted to make the arrests only when they could capture all three at the same time.

Perkins and Santo had not been seen since Monahan's murder. Graham hid in plain sight, "walking freely about town." In late April four policewomen trailed her through a Los Angeles shopping district, but lost her in the crowd. The LAPD assigned them to remain in the area in case she returned. Ten days later, she did.

On May 4, 1953, policewoman Kay Sheldon managed to keep Graham in view long enough to trail her to an industrial section of Lynwood, a mostly working-class city south and east of Los Angeles. Eventually, Graham entered a "shabby Lynwood storefront" converted from an auto shop into a three-room apartment constructed out of pasteboard. Sheldon recognized this as the probable hideout and called for backup. Within minutes sixteen officers from several area police departments surrounded the building. As one team crashed through the back door, another broke down the front door. Perkins, officers told reporters, was found fully clothed in one bedroom. Santo was half-dressed and lying on a mattress in the living room.

Newspaper accounts offered different descriptions of Graham. The *Los Angeles Times* said "she was only partly clothed" and it "appeared that she had just given herself an intravenous injection from a hypodermic needle found in her purse." The *Los Angeles Examiner* said police surprised her "as she was changing clothes in another bedroom" and reported that her arms bore scars from needles, including a fresh puncture wound.

Police found no guns in the apartment and no evidence that Baxter

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Shorter had ever been there. "We presume Shorter is dead," police told the *Examiner*. It appeared, they told reporters for the *Times*, that "the trio had lived [at the converted apartment] for about two weeks."[18]

All three suspects were taken to police headquarters at city hall, interrogated for seven hours, and then booked into the Los Angeles County Jail. Graham claimed to be suffering from a heart ailment and said the needle scars came from heart medicine she had injected into herself. She had only five months to live, she told police, who then took her to the Georgia Street Receiving Hospital. Doctors there checked her heart, found nothing wrong and examined her arms for needle tracks before sending her back to jail.

Newspaper accounts of the arrest offered the first hint that Graham soon would become the centerpiece of this particular story. She received top billing in all the publications that covered the arrests. A *Los Angeles Times* story noted that "a blonde woman and two men, sought for questioning since March in the Burbank slaying of Mrs. Mable Monahan . . . were taken into custody yesterday."

The paper's front-page photo depicted all three suspects. Emmett Perkins wore a suit, tie, and hat and cast his eyes downward. Incongruously, considering his predicament, he appeared to be smirking. Santo sat next to Perkins, wearing a sweater, slacks, hat, the same downcast eyes, and an inscrutable expression. Graham sat on the other side of Santo. Despite the story's reference to her as a blonde, Graham's hair appeared to be brown. She wore a form-fitting, light-colored jacket and skirt. Her interlaced fingers obscured the left side of her face from view, but as the photographer snapped the picture, she turned slightly, peering up at the camera and leaving her right eye and jawline exposed. Even with this limited view, newspaper readers could see that this was a very attractive woman.

An additional photo of Graham appeared on an inside page of the *Times*. She sat in a chair, leaning forward, with hands behind her back, possibly in handcuffs. Her hair was now swept up, pulled

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away from her heart-shaped face. This time she looked to the left of the photographer and appeared to be talking to someone. Her eyes were fringed with dark lashes and her lips were carefully made up in what appeared to be dark-red lipstick.[19]

The *Los Angeles Examiner*'s front page carried only one large photo, of Graham alone, dressed in a form-fitting suit jacket with the top two buttons undone. She looked skyward and to the left, with about three-quarters of her face in view. The accompanying story described her as a twenty-eight-year-old redhead.[20]

On May 5, 1953, District Attorney Roll filed criminal charges against all three suspects, but not for Monahan's murder. That case still had holes, it seemed. Baxter Shorter's wife had picked Perkins out of a lineup at police headquarters, and the suspected kidnapping getaway car had been found abandoned near the Lynwood apartment where the suspects had been arrested. Perkins was charged with kidnapping and assault with a deadly weapon and denied bail. Police also linked Santo to the kidnapping via the car, which turned out to belong to his former girlfriend.

Olivia Shorter had not named Santo as a kidnapper, so he was charged with forging a fictitious telegram. His bail was set at fifty thousand dollars. Graham was arraigned on seven counts of forgery, as the "result of a clothing-buying spree in March and April when she passed more than $200 in fictitious checks." Her bail was set at twenty-five thousand dollars. The bail amounts were extraordinarily high for such minor offenses, but officials aimed to ensure that all of the suspects remained in jail until murder charges could be filed. At that point all three would be held on no-bail warrants.[21]

For the first time, newspaper readers throughout Los Angeles learned that Graham was the mother of a son. The *Times* cited his age as fourteen months; the *Examiner* said he was two years old. None of the stories mentioned her son's whereabouts. "I haven't seen my husband or boy for two months," police quoted Graham.[22]

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With the absence of physical evidence against the three suspects and only a short time before attorneys would surely demand their release, police cast a wider net. It brought in thirty-four-year-old William Upshaw, who had helped to plan the first, aborted break-in of Monahan's home. Newspapers reported that authorities wanted him for questioning.

A friend had notified Upshaw, who was in Mexico City. "I left down there as soon as I could and arrived here this morning," Upshaw told reporters on May 13. Police had hinted at his relationship with Los Angeles mobster Mickey Cohen, but Upshaw denied any connection to the underworld and described himself as "an airline parts procurer."

Upshaw claimed that he had met Shorter a decade earlier when Shorter owned a bar in Long Beach. "I didn't keep up the friendship, but every now and then I'd run into him." Police kept mum about any information Upshaw might have provided about the Monahan case, but within days John True was brought in by San Francisco police and sent back to Los Angeles. The district attorney set June 2, 1953, for a closed hearing before the Los Angeles County grand jury.[23]

Such a proceeding could accomplish two goals for prosecutors. Since no defense witnesses testified at grand jury hearings, subsequent indictments would establish at least the appearance of guilt. And prosecutors could use grand jury testimony to coach witnesses whose memories might have dimmed by the time criminal cases went to trial. Witnesses had strong motivation to stick to the script, since changed testimony could result in criminal charges.

Both Upshaw and John True offered testimony. Upshaw admitted helping to plan the aborted December 1951 burglary and refusing at the last minute to participate in the one that led to Monahan's death. He had been the unnamed person at the original meeting with Shorter when the second burglary was planned, Upshaw

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acknowledged. More important, Upshaw told grand jurors that he knew what had happened in the actual robbery-turned-murder. A shaken Baxter Shorter had contacted him the next day to express his concern that Monahan might die and to confide his fears of retribution by his male accomplices.[24]

True testified voluntarily, he said. Rumor had it that police were about to offer him immunity from prosecution if he testified against Graham, Perkins, and Santo. Rumors also had circulated claiming that police had first offered Graham immunity, but that she had refused, citing her innocence. In his grand jury testimony, True acknowledged being at Monahan's home the night she was murdered. He seemed to revel in what he depicted as his heroic role.[25]

The perpetrators believed the house to be unoccupied, True said. But just in case it was not, Santo concocted a story to convince Monahan to open her front door. He named Graham as the woman who accompanied the four men to the home. In Santo's plan, she was to go up first, claim to have car trouble, and ask to use the telephone.[26]

Monahan opened the door but began to scream as she saw the men standing behind Graham. They pushed their way inside and shut the door. True testified that Graham began hitting Monahan with a gun butt to quiet the terrified woman. "I ran my hand between the gun and the lady's face and I told Barbara, 'Don't hit her anymore,'" True told grand jurors. "The lady was bleeding. She fainted . . . she just collapsed. Everybody was running around."

After subduing Monahan, the group "shook the whole house down" looking for the hundred thousand dollars, even going as far as dismantling the floor furnace and the garbage disposal unit. As they prepared to leave, True said, Graham put a pillowcase over "the lady's head and Perkins tied the lady's hands." Perkins then "grabbed [Monahan] by the feet and said, 'Let's get her out of the door.' The lady's head was in my lap as we moved her. We put her in a closet. Santo came by with a piece of cloth. I don't know whether it was a

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sheet or what it was." Santo wrapped it around her neck. "The lady was moaning and I said, 'This lady is going to die.'" True testified that he slashed a hole in the pillowcase so that Monahan could breathe and told the others, "You'd better call an ambulance. Then I realized I had said the wrong thing."[27]

Neither Graham, Perkins, nor Santo attended the hearing. Grand jurors deliberated less than a half hour before issuing indictments against all three for conspiracy to commit burglary, robbery, and murder. Superior court judge William Neeley arraigned the suspects and denied them bail.[28]

Graham again earned top billing in all of the stories. The *Los Angeles Examiner* story of the indictment included four photos. Graham's was the biggest and it appeared just below the headline. On this occasion she obviously had aimed for a somewhat subdued look, with her thick, curly hair pulled back in a ponytail and her eyes largely obscured by black-rimmed glasses. Upshaw and True appeared only in small mug shots, less than a quarter the size of Graham's. The bottom of the page featured a photo of Perkins and Santo together as they sat outside the grand jury hearing room.

Graham also took star billing in the *Times* story, partly because of what occurred several hours after the indictment, when she collapsed in her jail cell, fell backward against her cot, and briefly lost consciousness. Authorities feared a blood clot in her brain and rushed her to Los Angeles General Hospital for tests. They turned out to be negative, but Graham "either could not or would not speak" for several hours afterward.[29]

The trial was still weeks away when Graham, Perkins, and Santo were arraigned in superior court. Judicial officials obviously recognized that the case would draw significant attention from the press and public, since district attorney Ernest Roll assigned J. Miller Leavy and Adolph Alexander, his two top deputies, to prosecute the trio. Presiding Los Angeles County Superior Court judge Charles Fricke

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always picked the highest-profile cases. True to form, he assigned the trial to himself.

None of the defendants had money, so Fricke appointed public defender S. Ward Sullivan to represent Perkins and Santo. Graham needed her own attorney, since she was deemed to have a conflict of interest with her codefendants, but she could not afford to pay a private lawyer. Under rules in place at that time, the trial judge could appoint a private attorney, who had to work for free unless he could convince the county to reimburse him. Jack W. Hardy, a well-respected criminal lawyer, was in Fricke's court on another matter when the judge tapped him to represent Graham. He had never represented a defendant in a capital murder case.[30]

Up until this point, the newspaper-reading public had seen only minor, though tantalizing glimpses of Barbara Graham. They would soon become riveted by the young woman whose life story might have sprung from the imaginations of any number of hard-boiled fiction writers specializing in stories depicting "a dark world below the placid surface, whose inhabitants" were "grasping, emotionally twisted creatures." Their common theme was murder and the perpetrators very often "busty and beautiful" women who were also willful, sexual temptresses. Such women always came to bad ends. Or, as writer Geoffrey O'Brien phrased it, the objects "of desire had a very slim chance of reaching the last page alive."[31]

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