

STATEMENT OF GEORGE EDWARD GRAMMER

I was born June 24, 1917 and attended Fullerton Elementary School and Kenwood High School, Baltimore County. I participated in sports during school. I met Dorothy Schmidt in the Spring of 1934 at the home of my cousin, Alberta Tagg, with whom she attended school, (Kenwood also, although I did not know her there). I graduated from high school June 1934 with a commercial diploma. I was never more than an average student at best, although my marks in commercial subjects, stenography, typing, bookkeeping, etc. were, I believe, above average. During 1934-1935, after graduation, I worked for Western Union Tel. Co., then Montgomery Ward & Co. During this period of time I dated Dorothy rather regularly although not exclusively and there were times when we did not see each other for several months.

In February of 1936 I was employed by the Potash Company of America, then located in the Mercantile Trust Building. During the latter part of 1936 I asked Dorothy about going steady but she did not think it wise at that time. Not long after that, Dorothy began training to be a nurse at Church Home & Infirmary. In the meantime I had made some progress in my work and was working as a stenographer for the traffic manager. In the Fall of 1937 I attended evening school at the YMCA - Balto. College of Commerce - and took a course in traffic and transportation. I had not seen Dorothy since she had started nurses training. When I heard that she had suddenly left the hospital and given up her training, I stopped by her home to see her.

We resumed our courtship, (this was 1938) and then in May of 1939 we were secretly married in Winston-Salem, N. C. Since Dorothy said her parents were opposed to her marriage to anyone she thought it best to say nothing at the time but to plan to be married again on the same date the following year (1940). Because of certain upsets in her home life during 1939 we decided, late in the year, to advance the date and on February 24, 1940 we were married in Baltimore County. During our courtship we attended dances, went on picnics, visited her relatives in Pennsylvania, went to movies quite often as well as amusement parks. On March 17, 1941, our first daughter, Patricia, was born and on May 1, 1941 the offices of Potash Co. of America were moved to New York City. Mrs. Schmidt suggested then that I give up my job with Potash Co. of America and seek other work in Baltimore, but since Dorothy and I both were opposed to this, I went to New York on May 1, and returned to Baltimore on weekends until Dorothy was able to carry on her normal routine. We secured a house in Floral Park, Long Island, which we rented effective July 1, 1941 when Dorothy, Patsy and I moved into it.

At this time I was assistant to the traffic manager with the Potash Co. of America. We lived in Floral Park for a year but because the house was not to my wife's complete liking, we decided to move. We first looked for a house to purchase, but because of the war and rising prices, we could find nothing within our means, so we moved to an apartment in the Parkchester development of the Metropolitan Life Insurance Co. on July 1, 1942. I talked with the vice-president of our company about going into service, but he advised against it, and subsequently, the company

arranged several draft deferments in my case. I was subsequently promoted to office manager, and on October 31, 1944 our second daughter, Dorothy May, was born. During the summer of 1944, while my wife was in Baltimore with her mother, I attended evening classes five nights a week at New York University. This served a dual purpose, since I had not had any chemistry in school. I took a special six weeks course which I knew would be useful to me in my work as well as occupy me during my wife's absence, excepting the week-ends when I visited her in Baltimore.

In June of 1945 I was drafted into the Army. We did not give up our apartment since Dorothy did not know what she was going to do. She subsequently spent part of the time that I was away with her mother and part in New York at the apartment with several girls to whom she had sub-leased the apartment. She also spent several weeks in South Carolina with me during my basic training.

Regarding my army service, it came rather late, but was welcome especially since I had been trying to convince the company to let me enter the service, (without jeopardizing my business future with them) after hearing that my brother, Norman, had been wounded on Iwo Jima while serving with the Marines. My wife understood my feelings and there was not much disagreement when I went into service even though Dorothy May was still a baby. I was sent to Fort Meade, thence Camp Croft, S. C., where I was assigned to a radio school in the infantry. Just before completing my training there, I was assigned to the Counter Intelligence Corps and sent to Fort Holabird, Baltimore, for schooling. I finished the schooling in Baltimore and was sent into the Pacific Theatre. In further reference to my assignment to the Counter-Intelligence

Corps, before such assignment could be confirmed, it was necessary that a complete investigation of an individual's life be made by the Police Department, Federal Bureau of Investigation and the CIC.

I was overseas approximately six months, and was in Tokyo, Japan for about a month and worked out of Manila, Phillipine Islands, during the rest of the time. In Japan I was attached to the 441st CIC Detachment, and in the Phillipines, I was attached to the 1135th CIC Detachment. My duties were routine for the most part, and for awhile I was in charge of the Visa section, working with the American Consul General in the repatriation program. I received other assignments, of course, having been one of the agents assigned to General Eisenhower during his visit to Manila in 1946. I was also assigned to cover Gen. MacArthur and others during the ceremony when the Phillipines received their independence on July 4, 1946.

While my service was normally routine, I do not believe that there is the slightest mark of any sort against me while I was in the Army. I was not involved with women in any manner while I was away from home in the service, though there was sufficient opportunity. I returned from the Phillipines in August of 1946, received my discharge shortly thereafter, spent two weeks in Atlantic City with Dorothy and then returned to work with Potash Company of America in the position of office manager as when I entered service.

During the Summer of 1947, we rented a small cottage in Connecticut where Dorothy and the children stayed. I visited them each Wednesday and on week-ends. This was the only summer which she did not spend in Baltimore with her Mother, but her Mother did spend several weeks with us in Connecticut. During the Summer of 1948 we did not re-rent the cottage as Dorothy was then carrying our third

youngster and she wanted to stay with her mother in Baltimore.

Georgia Lee, our third daughter, was born on September 30, 1948.

Dorothy had been depressed periodically during this confinement and after Georgia Lee was born, I promised to take her away as soon as she wanted to go. In January 1949 she said she would like to go to Florida, so we spent two weeks there during the last of January and the first part of February. We did not have the money to spare, so we borrowed the money from the Chase National Bank. We left the children in the care of Mrs. Schmidt while we were away. Dorothy and the children again spent the Summer in Baltimore.

I left Potash Company of America January 1, 1950, to work for myself as a sales representative for various motor carriers or trucking companies. This arrangement was satisfactory with the exception that since it necessitated quite a bit of traveling, Dorothy did not like it too much. After Dorothy and the children returned from Baltimore, I received a call from the former Vice-Chairman of the Board of Directors of the Potash Company of America who was then Treasurer of Climax Molybdenum Co. He talked with me regarding a position with Climax which I accepted after talking the matter over with Dorothy. I started with Climax as office manager, worked 4 months at \$550 per month, then \$600 per month for several months when my salary was adjusted to \$660 per month.

Dorothy had been spending more time with her mother on holidays and during the Summer. She made the trip to Michigan and Canada during the Summer of 1951.

On the week-end preceding Dorothy's death, everything was perfectly normal with us and she had taken me to the airport on Sunday night when I returned to New York. After she returned to

New York the first Monday in June 1952, and prior to her return to Baltimore, we had spent some time looking at houses in different

areas. We had, as I recall, attended a local card party with one of our neighbors; we had attended a Church picnic, we had been out in the company of another couple as well as having had a group of friends to our apartment for an evening. (This was a period of time wherein Mr. Sodaro stated that Dorothy and I were not getting along, and as an argument in support of this contention, he cited only one telephone call from me in New York to her in Baltimore between the middle of May and the end of June, 1952. Part of my statements here were attested to during the trial by Reverend Jansen regarding our attendance at the church picnic; and, I believe, by Mrs. Zeigler regarding an evening we spent in the company of her and Mr. Zeigler when he was home on furlough during the early part of June. I believe that the records should indicate that during the questioning of Reverend Jansen, Mr. Sodaro inferred that he (Rev. Jansen) had his dates mixed up, but when Rev. Jansen said he was certain of them, Mr. Sodaro immediately ceased this line of questioning.) Naturally the reason for only the one call to Baltimore was that for part of May (latter) Dorothy was in Pennsylvania and for most of June she was in New York.

Sometime around noon, August 19, 1952, Mr. Weston Thomas, (Treasurer of Climax Molybdenum Co.,) telephoned from Washington, D. C. and asked that I leave New York immediately to come to Washington for some important papers. These papers were of a restricted nature and pertained to a subsidiary company --- Climax Uranium Co. I was to take the papers to New York for processing and then, if necessary, I was to return with the papers to Washington so that they might be handled further by Mr. Thomas. I left New York by plane in the early afternoon,

arrived in Washington and went to the company apartment at the Windsor Park Hotel. Mr. Thomas was out but the papers had been left with the manager for me.

Since I knew I could do nothing further until morning with the papers, I decided to stop in Baltimore for a few hours before returning to New York. I went to the railroad station in Washington and took the Congressional (PRR) to Baltimore. Upon arriving in Baltimore, I called the Schmidt home on Victory Ave. where my family was staying - I suppose it was about 4.45 P.M.

My wife answered the phone and said she would come in to the station to pick me up. While awaiting my wife, I checked with the airlines and found there was a plane for New York a little after 11 P.M. and there was plenty of space available so a reservation was not necessary. I suppose it was about 5.30 P.M. when my wife and our youngest daughter arrived at the station and then we went directly home to Victory Ave. Enroute to Victory Avenue, I explained to my wife the necessity of returning to New York that night, but I told her that I expected to return to Baltimore the next evening and would remain for the balance of the week. Upon arriving at Victory Avenue, we went inside and I put the papers away and we began to prepare for supper.

I do not recall all that we had except that it was a light meal of scrambled eggs and other things. After we had finished eating, the children went out to play and I went out to clean out the car. This I did each time I went to Baltimore, for the children were always putting boards, bottles, stones, turtles and other things in the car. I had only started when my wife called me inside. She had called her brother (Richard) to tell him that she was not going

to bring her mother's car to him that night since I had just arrived, but that she was going to take me to the airport later in the evening. She wanted to ask me about visiting another brother (Harold) on Thursday evening of that week. We agreed that would be alright for everyone. I then asked my wife if she would like to go to the baseball game at the Stadium. She said no as she wanted to talk over some things with me at home. I was going to finish cleaning the car, but about this time Harold came in, and we sat around talking and watching television.

The children had come in and were getting ready for bed. When they were ready, they came and kissed me goodnight and asked for some money to spend at the picnic they were having the next day. My wife then excused herself saying she would get ready to take me to the airport. It was here that Harold offered to take me, but Dorothy said no since one of the neighbors would look in on the children as she had done two days before when my wife took me to the airport. Harold left shortly after this, and my wife started talking about moving back to Baltimore to live with her mother. Since this was a matter we had argued about several times since the death of Mr. Schmidt, I felt that it was going to be unpleasant, as usual. I tried to explain that it was not practical. I pointed out that we had invited her mother to come to New York to live with us. We had even made inquiries for a larger apartment and had been looking around for a house (as can be verified by quite a few of our friends in New York). (Her mother did not want to leave Baltimore because of her 3 sons, and yet she always wanted Dorothy to stay with her.) My wife said that her mother was afraid to stay by herself and that she did not want to stay with the boys. I had suggested that Mrs. Schmidt sell her house and get a small apartment or live with any of the children,

including ourselves in New York, but this was not agreeable. After a while my wife began to get excited, so I suggested we leave, and we did shortly thereafter. Upon checking the time, I did not think we could make the airport, so I thought I would go by Pennsylvania R.R.

We left the house and started toward the city. I was driving. One of us suggested stopping for something to drink since it was quite warm. We stopped at a place on Harford Road (Strickler's) although I did not know it at the time. I do not know how much we had to drink, but I do know that it was quite a bit. I may have had one more than my wife.

We left the tavern and got in the car, and my wife said something about gasoline. I saw that the gauge showed that there wasn't too much in the tank. Just before reaching Northern Parkway, I stopped the car, then decided to go back to the station where we had been purchasing gasoline and where the owner had agreed to cash checks for us when necessary. By this time the money I had was running low, so I thought I could get a check cashed. Since we had left the house everything had seemed quite normal, and we had talked about the children's trip to Druid Hill Park that was planned for the next day, among other things.

I turned the car around, went north to Taylor Avenue, then right or east toward Belair Road planning to turn left on Belair Road and go north to Knells Service Station to get gasoline, and if possible, to get a check cashed. My wife had said during the evening that the \$40.00 I had given her the previous Saturday was about gone and asked me to leave more money with her.

After turning into Taylor Avenue, I said that since it was getting late, perhaps it would be better, if, after we got gasoline,

that I took her home, drove the car to the station and left it there until I returned the next evening. She could have used her mother's car for the picnic. This began the argument again about giving up my job and moving to Baltimore. My wife suddenly became hysterical and grabbed the steering wheel causing the car to veer toward the fence. We were not going very fast, so I was able to stop the car. I would just about get my wife quieted down when she would start up again. This went on for a while with my wife talking about her family's troubles.

It is very difficult to give further information about what was said since most of it was said in heat. I do know that Dorothy was doing most of the talking, sometimes in an hysterical manner and sometimes more quietly. During most of the argument, I was trying to explain why it was impractical to give up my job and move to Baltimore, since it would be so much easier for her mother to move to New York or to stay with us as long as she desired, as we had invited her. I also was trying to calm her and would partially succeed when she would start over again until the last statement I remember about my job being more important to me than she was. I was getting very angry and felt a sudden surge inside me so I tried to get out of the car as quickly as I could. It was at this point that I felt a pressure building within me and I felt that I must get out of the car. I did so and in my haste, or because my wife tried to hold me back or help me along, I stumbled, and landed on my hands and feet. I know that I was only a few feet from the car and the only reason I can think of for returning to the car was to get the business papers which were behind my back while I was driving. My wife was screaming at me and I remember slapping^{at} her. I am certain I hit her for my right hand ached for several days. I never said that I

used anything to hit her with. (Capt. Simmons said that I did, and I agreed that it was possible I could have.) The last I remember is my wife leaning over the steering wheel, sobbing.

I know that I walked, in which direction I do not know. I know that I was in a cab, for one thing stuck in my mind - the driver said he was returning from a trip to Lancaster, Pa. I remember getting to Pennsylvania Station and waiting for quite a while for a train which was late. Perhaps the driver might be located, or at least his manifest might show when and where I was picked up, particularly since I recall something being said about his returning from a trip to Pennsylvania. If this can be established, it certainly would disprove the State's suggestion in their questioning that someone from New York met me according to plan and drove me to New York. This would clarify certain matters, even though it would definitely prove my presence in the Taylor Avenue vicinity near the 12:30 A.M. period. As you know, I have not denied the possibility that I caused the death of my wife, in fact, it is quite probable that I did.

I did deny then and still do and always shall deny the charges by the State that I planned such an act beforehand with, through or without anyone else or with malice or intent to injure Dorothy in any way.

While I know it is difficult to expect anyone to believe this, it is, nevertheless, the truth.

Regarding the pipe which the police say I used, I can only repeat what I told them; that I do not recall striking my wife with anything except my hand, and that only once. Capt. Simmons in Towson first suggested this, and I told him in the presence of Gordon Holmes that I did not believe that I used any pipe or any other

object when I slapped my wife during her hysterical outburst. The very fact that this is supposed to have been stated by me with other statements which I know positively I did not make, seems to be immaterial since it is my word against from two to a dozen law enforcement officers. When on the witness stand, I stated almost verbatim the words used by Capt. Murphy, which he later confirmed, but then changed, when recalled by the Court with the bland remark that he was sorry that that he made a mistake and had not meant to say what he did. The Court thereupon replied that it was sure he (Murphy) had made a mistake for "a good police officer would not make such a statement". Lt. Hettchen, who followed Capt. Murphy, stated first that Capt. Murphy did not say "if" etc. then conceded that he did, but only after the statement had been signed. Then Capt. Murphy, when recalled, stated it was all a mistake and "if" had not been used. To me this is certainly a contradiction by someone.

Regarding the pipe again; in the questioning at Central by Lt. Hettchen, Capt. Murphy, etc. I told them that I knew nothing about a pipe or other object, but that Capt. Simmons had stated that it was such.

This same set of circumstances applies to the stone which the police claim was found under the accelerator of the car. I at no time told the police that I put the stone under the accelerator but when their question regarding this (as others) was rephrased relating to possibilities, when I answered honestly, it appeared that I was admitting doing what they were suggesting, when I was only admitting the possibility.

I did not put the stone under the gas pedal, nor did I set the car in motion; at least I am not aware of having done these

things and for this reason do not believe I did.

(Incidentally, the business papers which I had to take back to N. Y. were in a large envelope approximately 10" x 14 and perhaps $\frac{1}{2}$ " thick so they would not fit in my pocket.)

Regarding the statements and/or corrections which I am supposed to have made, I would like to call certain things to your attention, although I am certain that you have already noticed them. There was a rather flagrant discrepancy between the observation of Capt. Simmons and Sgt. Holmes in a very quiet room in Towson. Capt. Simmons avers that I said in the presence of these two that "I killed my wife" -- Sgt. Holmes, in his testimony, leaves this out, although it appears in the typed statement which he is supposed to have taken down. Apparently, to cover up this discrepancy, Sgt. Holmes stated under oath that he could not hear everything which I said and at one point had to move his chair closer to me (when at no time was he more than a few inches away.) Is it conceivable that Sgt. Holmes, or anyone else for that matter, under similar conditions would not have heard such an important statement?

I know that I cannot say that the city statement was handled in the same manner, though under much noisier conditions, and sitting much farther away the same Sgt. Holmes seems to have had better hearing. While there are statements attributed to me in the statement which I know I did not make, I cannot prove otherwise because of the non-acceptance of my word in court. I do believe that in disproving one contention in the statement, it is certainly reasonable to assume that similar circumstances could exist (I say they did) regarding other changes. Also I know that I was lax in not reading the statement, but trying to follow Lt. Hettchen and

make changes as pointed out by Capt. Murphy, but I was more trusting at that time and looking for assistance rather than that which followed. In any event, there is one change which deals with mileage from or to the top of a hill, which measurement I could not possibly have known, without making it myself and which I was certainly in no position to do. Therefore, I must have been requested to make this change by someone else.

Regarding the letter to Alfano, I can only say that my wife on several occasions had asked me what would happen to the car in the event of my death. Because of the fact that I was doing more travelling for the company and these several questions of my wife, I wrote the letter to Alfano - and then the one to my wife. At no time did I ever plan to do anything to myself or anyone else.

I met Mathilda Mizibrocky late in 1951, in November I believe, at a bar in a bowling alley. There had been an argument about something or other, and after the argument, the manager of the alleys and myself were having some drinks with her and another girl, presumably a friend of hers. After several drinks, she gave me her telephone number, and I met her for lunch the next day. I never went out with her again until the first week in December, (my wife and children were in Baltimore where we had been for Thanksgiving and they had stayed for an extra week or two.) although I did see her at the bowling alley bar on Monday evenings and though I don't remember, I probably had drinks with her. The first night we went out I believe was a Friday and when I took her home, she invited me to her apartment for a couple of drinks. I don't believe I saw her again except at the bowling alley bar - until the week before Christmas. She said that she was having a party and asked me to come. As it happened, the company for which

I worked was having their Christmas party on the same evening so I said I would go, providing it wasn't too late, but she said to stop by no matter how late it was.

I had purchased small gifts for the company party for prizes which go to individuals in any games that are held. There were some of these left over, so I took them, along with other items that invariably are given to purchasing agents around this time of the year, and wrapped them as two gifts - one for Miss Mizibrocky and one for her roommate.

As it happened, I arrived at her apartment about mid-night, but she said everyone had gone and her roommate was in bed. I didn't stay too long but had several drinks, and left the two gifts which had cost me almost nothing with her and went home. This was one of the few times that I saw her when my family was home.

On the Christmas and New Year week-ends, I was in Baltimore with my family, having come down with them on Christmas Day. During this absence I saw this party several times and on the third or fourth time I visited her apartment, we were intimate.

During other absences of my wife I went out with Mizibrocky, occasionally spent a week-end with her in her apartment, since her roommate lived out on Long Island and went home on week-ends. I had dinner with her in her apartment on occasions with other married men who took flowers to her as well as I did. At one of her parties she was kidded about some of the wild parties and escapades which she had taken part in, in Korea before the war. I do not think it was a secret that she went out with whomever she pleased, married or single. I knew that she had been with men before me and had no doubt that she was with others while I knew her. Certainly I do not know where the State could justify their contention that I was in love with her.

It was unfortunate that original counsel at my trial (Mr. Federico) did not ask certain questions which would have clarified some of these things, even though he was requested to do so. The answer to her prior affairs would have had to be in the affirmative. She would have had to agree that she went out with other men.

Since she had been on her own in Washington and New York for ten years from the time she was 18, it does not seem conceivable that she had to ask her father for permission to marry anyone (if she had been asked.) Each of the letters which I wrote to her was in answer to one from her. I had no idea that she considered our relationship as anything more than an "affair" or "romance" as it was referred to. As far as asking her to talk to her father about marriage, this request never came from me, nor did I even infer that I would like to make a trip to Canada with her as my wife. Though I believe she did say I never asked her to marry me and she was vague about such discussions, it certainly appears that the court felt everything she believed or thought was true, even though it should have been apparent that she was not the paragon of virtue as portrayed by the State.

Regarding her attempts to call me by 'phone, our telephone number was listed in the directory. Our apartment was in Parkchester, which is on Westchester Avenue in the Bronx.

I would like to say that never at any time did I propose or ask this girl to marry me or consider marriage.

I loved my wife dearly and the only reason that I went out was because of the fact that, with one exception since my return from service, she spent the summers in Baltimore.

Regarding that one night, I can only say that I had stored up everything I could hold, and I just lost control. It does not seem possible and does not sound plausible, but this is as it happened.

George Edward Grammer
George Edward Grammer

CITY OF BALTIMORE,
STATE OF MARYLAND, TO WIT:

I HEREBY CERTIFY that on this 12th day of May, 1954, before me, the subscriber, a Notary Public, in and for the City and State aforesaid, personally appeared GEORGE EDWARD GRAMMER and made oath in due form of law that the matters and facts contained in the foregoing statement are true.

As witness my hand and Notarial Seal.

Benjamin Schulte
Notary Public

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TELEPHONE
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June 1, 1954

Hon. Theodore R. McKeldin
Governor of the State of Maryland
Annapolis, Maryland

Re: George Edward Grammer -

Your Excellency:

At the hearing on petition for commutation of sentence, there was presented to you a signed statement by George Edward Grammer. In this statement he said in part, referring to his movements after the crime:

***I know that I walked, in which direction I do not know. I know that I was in a cab, for one thing struck my mind -- the driver said he was returning from a trip to Lancaster, Pa. I remember getting to Pennsylvania Station and waiting for quite a while for a train which was late. Perhaps the driver might be located, or at least his manifest might show when and where I was picked up, particularly since I recall something being said about his returning from a trip to Pennsylvania. If this can be established, it certainly would disprove the State's suggestion in their questioning that some one from New York met me according to plan and drove me to New York ***".

After the hearing, the newspapers carried stories urging the driver to come forward and tell his story, and calling upon the State's law enforcement officers to make an effort to locate him.

On Friday evening, May 28, 1954, a little before 10 o'clock P.M., I received a telephone call at my home. This telephone call came from a man who refused to identify himself by name, but who said that he thought he was the taxicab driver who had picked up Grammer, and he wanted to discuss the situation with me. After talking with him for a few minutes on the telephone, I asked him to come to my home, and he

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arrived at my home Friday evening shortly after 10 o'clock P.M.

I questioned him very carefully and at some length. He was most reluctant to become involved in this case because of the publicity that naturally would follow. He indicated he was not sure he had put the trip to Lancaster on his manifest, and he was afraid this might jeopardize his license as a cab driver.

He said he had picked up a fare at the Greyhound Terminal at about 9 o'clock P.M. on August 19th, 1952. The reason he knew the date was because his birthday was August 18th. He was not sure whether at that time he worked for the Fleetway or the Sun Cab because he had transferred employers somewhere around that particular time. He picked up a soldier who wanted to be taken to his home near Lancaster, Pennsylvania. He drove this soldier to Lancaster, Pennsylvania, and when he arrived there, the soldier said that he would have to be taken 5 or 6 miles farther on to a little town where he lived. The soldier suggested some other means of transportation, but the cab driver said that since he had taken him this far, he would take him directly to his home.

The driver said he knows the town, and he can even identify the street and the house where the soldier lived. Apparently this soldier had not seen his wife for quite some time because there was a real homecoming. The cab driver was invited into the house and stayed a very short while.

He was paid his fare and thereupon returned to Baltimore. He is not sure of the time, but somewhere along 1 A.M. (of August 20, 1952) perhaps earlier, perhaps later, he was coming along the No. 1 Highway, that is, the Belair Road coming into Baltimore, when a man came out

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into the highway and hailed him. He is not sure of the exact spot, but he believes that he could pick it out if necessary. He thinks he knows where Taylor Avenue is, but this was a little farther in toward town.

The man seemed to be quite excited and got into the taxicab and said, "Take me to the Pennsylvania Station in a hurry, please". The man sat in the taxicab with his hands covering his face. He seemed to be sobbing or crying or moaning, the driver was not sure. The driver told his fare that he was returning from Lancaster, Pennsylvania, where he had taken a soldier home and he was tired. The passenger, however, did not seem willing to continue the conversation. When they got to Erdman Avenue, the driver looked behind him to find out just what the trouble was. The man was still in this same position, with his hands over his face. He took the man directly to the Pennsylvania Station. The man got out of the cab without any baggage of any kind. So far as the driver could tell, there was no blood on the man's clothing. The driver was unable to recall any unusual identifying features of the man. However, he was able to state that the man had a little more hair than he himself had and was a little taller than he was. Although he was stocky in build, he was not quite as heavy as the driver.

The cab driver is named Elliott Goldberg and lives at 4002 Wabash Avenue, Baltimore.

As the driver was leaving my home, he said that he would talk this over with his wife. Near midnight he called me on the telephone and asked me to speak with his wife. She was very much concerned about publicity, and they were anxious not to become involved in the case. After talking the situation over, she realized that it was the duty of

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her husband to make a full disclosure.

At the conclusion of the conversation, Mr. Goldberg said he would communicate with me the next day, which would be Saturday, May 29th, between 12 o'clock noon and 2 P.M. When he failed to telephone me, I called him a few minutes after 2 o'clock. He seemed distressed at the fact that he would be involved in the case and stated that he wanted to think this over a few more days.

We checked with his employers and learned that on the evening of August 19, 1952 he was employed by the Sun Cab Company as a cab driver. He took the cab out between 4.30 and 5 P.M. on the 19th and returned it between 4.30 and 5 A.M. on the 20th.

This evidence, available now for the first time, (so far as we know) shows the homicide was not planned in advance. It is inconceivable that Grammer would not have provided a means of escape from the scene, rather than to rely on the chance meeting with a taxicab, or walking, or obtaining a lift from a passing motorist, if the crime had been pre-conceived.

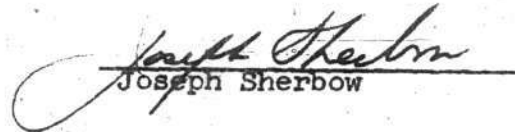
This information seems to us to be convincing proof this was not the "near perfect" murder it has been pictured in the press, radio and television. It was a tragic impulsive act, as a result of a bitter quarrel, on a lonely highway. Without the publicity "build-up", the result would have been second degree murder and the case would by now have been forgotten. In spite of the publicity, the facts show it was not first degree murder. If you grant executive clemency and commute the sentence to life imprisonment, justice will have been done.

We hope that if this driver is interviewed, that one of us may be permitted to be present. We would also like to suggest that a

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representative of the Attorney General's office be present at the
time he is interviewed.

Respectfully submitted,


Joseph Sherbow


Theodore Sherbow


Edward F. Shea, Jr.

Attorneys for George Edward Grammer

JS:ce

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EDWARD F. SHEA, JR.

May 13, 1954

Hon. Theodore R. McKeldin
Governor of the State of Maryland
Annapolis, Maryland

Re: George Edward Grammer - Petition for
Commutation of Sentence

Your Excellency:

When the undersigned attorneys were asked by the family of George Edward Grammer to assume the burden of this case after it had already been tried in the Court below, and after Grammer had already been found guilty of murder in the first degree, we realized how great was our responsibility. This case had received unprecedented publicity in the newspapers, on television and radio, and in Life Magazine.

As Judge Niles and Judge Byrnes expressed it, the articles were "slanted to indicate the guilt of the defendant". (Joint Appendix, page 349) This is the statement of two Judges of the Supreme Bench of Baltimore and not the statement of any advocate. The Judges went on to say that "***the broad fact cannot be denied that by every indication, substantially the entire population of the city and State from which a jury might be drawn had been made to believe, in advance of the trial, that the defendant was guilty." (Joint Appendix, page 350)

In other words, two Judges of the Supreme Bench of Baltimore have stated that in their measured judgment the newspaper, radio and television publicity had been so slanted as to indicate

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the guilt of the defendant and that prospective jurors from all sections of the city and State in advance of the trial had already been made to believe that the defendant was guilty.

There was no motion made by Grammer's trial counsel for postponement of the case until this feeling would die down. There was no motion for change of venue. The case came on for trial at a time when public feeling was at its height. Every man and woman who could watch television or read the newspaper or listen to the radio had already formed an opinion that the defendant was guilty. When such mass emotion is engendered and is demanding punishment, the populace then asks for only one result, - death. All distinctions between first and second degree murder are eliminated in the wake of such sentiment.

This defendant was tried and convicted by one Judge alone, who sentenced him to death. There was no jury of twelve men and women to weigh the evidence and share the responsibility of the decision of whether the defendant should live or die. There were neither three Judges, nor two Judges to confer and reach a decision on the punishment to be inflicted. The Supreme Bench of Baltimore, the Court of Appeals of Maryland and the Supreme Court of the United States did not decide whether Grammer should hang or suffer life imprisonment. The decision that he should hang is the judgment of one person only, the Judge who heard the case.

And now between Grammer and death stands only the Governor of the State of Maryland. He alone has the power to commute the

sentence to life imprisonment.

We have attached hereto a signed statement under oath by Grammer. He did not take the stand in his trial to testify as to the facts of the case. He only testified regarding the alleged confession.

The evidence in this case, when calmly reviewed, shows that this was not the planned "near perfect" murder that the publicity has made it out to be. Actually, it was a terrible crime, committed in the heat of passion, after both parties had been drinking, and in the midst of a bitter quarrel between husband and wife. This murder was not the result of premeditation by a cool cunning man with a malignant and abandoned heart. It was an impulsive act by a man overcome with anger, as a result of recent drinking, acting in a senseless manner.

This crime was committed by a man whose record up to that time had been good. There was never a violent act in his life. Not even when he was in the service had he ever done anything violent or wrong. Except for the extramarital affair in which he was involved, there was every indication that he had treated his family well, was devoted to his wife and children, and on excellent terms with his wife's family.

The evidence shows that this crime had not been planned in advance. Aside from the fact that it was so purposeless, the trail was bound to lead straight to the defendant. The murder weapon, if it was the pipe, came from the area where the car was parked. The pebble under the accelerator (if it was there) would

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show a state of panic by the husband rather than careful premeditation. He never could have believed that if the car had become involved in an accident that it would have concealed this crime.

Under different circumstances, at another time, a jury or a court could well have evaluated all of the evidence and reached a conclusion that under the Maryland law this was murder in the second degree and not murder in the first degree.

Aside from the grave differences between murder in the first degree and murder in the second degree, in Maryland where a defendant is found guilty of murder in the first degree, the jury may fix the penalty at life imprisonment. A jury, in first degree murder, may decide what the punishment may be. Even if the jury fails to recommend life imprisonment, the sentencing Judge may decree life imprisonment and not hanging. Maryland has thrown this safeguard around sentence so that at two stages under our law we have provided against death at the hands of the State.

Juries may act in recommending life imprisonment or courts in sentencing to life imprisonment, (as the case may be) for any one of several reasons. There is no one to make inquiry as to the why's or wherefore's. Whether one agrees with the view of the jury or the Court, the sentence is final; and the defendant cannot be hanged. If the sentence be death by hanging, even though it be the decision of only one man, then the Governor of Maryland still has the power to commute the sentence to life imprisonment.

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One Judge sitting in the Criminal Court may frequently sentence defendants to hang. Another Judge sitting in the Criminal Court may sentence to hang only on the rarest of occasions, or not at all.

Whatever frenzy and madness may have impelled Grammer to do this senseless act, we believe the evidence is clear that he did not plan it. It is utterly and completely at variance with every act of this man's life and with his character. Only the most irresponsible person could have planned this tragic happening in the way that it occurred, and the indications are inescapable that it was impulsive and not premeditated.

As a lawyer, you know how many times courts have changed their sentences after they have been entered. Many times State's Attorneys have agreed to accept a plea to a lesser count in a particular case. Many cases have been sent back for retrial and new and lesser verdicts found. In some cases Judges have found verdicts of guilty and on motions for new trial, the Supreme Bench of Baltimore granted a new trial, and later a verdict of not guilty was found, or conviction was had on a less grave count.

Who knows what could have occurred in this case had it been tried without the benefit of the unprecedented television, radio and newspaper publicity? Who knows what would have happened had there been a jury trying this defendant which had never seen

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the staged picture which was made up by a photographer showing the stone under the accelerator and which was never a picture of any actual stone in the case. It is truly hard for the people of Baltimore to believe that there never was such a picture except one created by the newspaper photographer and never actually a part of the case. People who saw that picture with the pebble under the accelerator believed unquestionably that it was a picture taken of the actual pebble under the accelerator. And it never was! But the devastating effect could never be erased.

We believe that the evidence shows that Grammer is not a cool calculating man who cunningly planned a murder and deliberately carried out his plan. He was a normal, not too strong individual who found himself in the midst of a bitter quarrel with his wife after both had been drinking. The story of the affair with Miss Mizibrocky shows clearly by her own testimony, by her own evidence, and by his statement that he did not plan to marry her. He did not have to get rid of his wife to marry her. He did not have to marry her in order to possess her. The whiskey had weakened his inner restraints, the quarrel had had its terrible effect, and this result had occurred. The act was not performed by a man who was a criminal at heart. There was no plotting, there was no cunning, there was not even a weapon in the car.

Your Excellency has said before where there was commutation of sentence that the verdict and sentence "represents the unaided judgment of a single individual, the trial Judge".

You have stated that you "have no quota of hangings to

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fulfill", and that even though you may be urged to "permit a condemned man to hang in order to satisfy some fancied public demand", it would not deter you from the course you deemed "right and proper".

At the sentencing of this defendant, his Honor, Judge Moser, stated (Joint Appendix, page 357) that sending the car down hill was an "act of wanton and callous disregard for the lives and property of innocent persons, considered entirely apart from the murder, shows the defendant to be a man who has forfeited the right to live in the community among his fellow men." We submit that this was no basis for a decision to hang the defendant.

The Court went on to refuse to consider life imprisonment because "the defendant is sufficiently astute that, if confined to prison, he would comply meticulously with the rules and utilize his education and talents so as to become a trusted and model prisoner". The court said that because the parole authorities might some day feel that the defendant should return to the community, it is necessary for the protection of society to remove him forever and therefore "a sentence of life imprisonment should not be considered because it might be the means by which the defendant might effect his eventual return to the community."

To fail to sentence a person to life imprisonment because some day he might be rehabilitated, might live an exemplary life in prison and might some day be returned to lead a useful life in society, is directly contrary to every principle of the parole and probation system.

The late Governor Ritchie had a situation before him involving a Judge's prediction. A Judge had imposed the death

sentence because he said that the prisoner would be a menace and a threat to the lives of others. But Governor Ritchie said, "who can say that the Court's prediction will come true? ...in any case, I do not think he should be hanged on anybody's prediction about it".

Ordinarily, courts, parole authorities and chief executives asked to exercise executive clemency must consider the possibility that a particular individual could never be reformed or rehabilitated. In this instance, the trial court has made the prediction that this defendant would never be a problem as long as he was in prison. And if we cannot safely trust him to our prison and parole authorities, then it is time we abandoned or changed our whole prison and parole system. He should certainly not be hanged because of the fear of what parole authorities at some future date might or might not do.

In the years to come, part of the Grammer story will be found in the law books where the Courts have condemned the action of State Officials for their participation in the pre-trial publicity. Part of the story will be found in the Court's prediction that Grammer would so conduct himself in prison as to merit parole many years hence. But that part of the story which appeared day after day in an avalanche of publicity -- all slanted against him -- may become dim in the public mind, but it cannot be erased from public conscience.

The Court of Appeals said:

"This is not to say that the actions of the officials of the State should be either minimized or condoned. It was a manifest impropriety for the State's Attorney to appear on the television

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program. The Medical Examiner should not have used a pending case as an example of the work of his office, and the State's Attorney should not have approved of his so doing. Officials of the State should not announce or sanction the announcement, that an accused has confessed or that he has made a statement. The term statement includes those which are exculpatory in varying degrees but to the public mind it has come to be but an euphemism which does not deceive but connotes an admission of guilt."

The Supreme Bench of Baltimore City, in the majority opinion, with reference to participation by State officials in the pre-trial publicity, said:

"We regard such a performance improper, undignified and unnecessary. We take this opportunity to express our disapproval of such practice and hope it will not be repeated in future cases. The courts probably have the traditional power to discipline officials who are a part of the administration of justice."

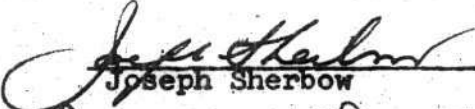
We do not here argue the question of guilt or innocence. We never have. We made it clear before the Supreme Bench of Baltimore, before the Court of Appeals of Maryland and in our brief before the Supreme Court of the United States that the defendant, in our judgment, was guilty, at the most, of murder in the second degree.

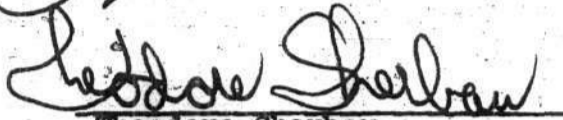
We respectfully request that we be given an opportunity to appear before you at your convenience for further presentation of any matters relating to this case that Your Excellency may feel should be heard.

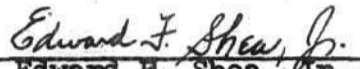
We sincerely urge that the defendant's sentence be commuted to life imprisonment.

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Respectfully submitted,


Joseph Sherbow


Theodore Sherbow


Edward F. Shea, Jr.,

Attorneys for George Edward
Grammer

ce
Enclosures:

1. Signed statement of George Edward Grammer.
2. Appellant's Brief - Court of Appeals of Maryland.
3. Joint Appendix - Court of Appeals of Maryland.
4. Petition for Writ of Certiorari - Supreme Court of United States.
5. Brief in Support of Petition for Writ of Certiorari - Supreme Court of United States.

MEMO

To: Governor McKeldin

May 17, 1954

Brief of Sherbow letter Re: Grammer

1. Sherbow points out that they took the case after the lower court had found Grammer guilty of murder in the first degree.
2. Sherbow states that Judges Niles and Burns admit that an avalanche of publicity in advance of the trial caused almost everyone to believe the defendant was guilty. Yet, despite this, Grammer's counsel failed to request a postponement.
3. Grammer was tried and convicted by one judge alone -- there was no jury. The Supreme Bench of Baltimore, the Court of Appeals, and the Supreme Court of the United States were not asked to decide whether Grammer should hang. The judge alone made that decision. *Without publicity, the decision might have been different.*
4. Sherbow contends the crime was not premeditated, but was committed after drinking and in the midst of a bitter quarrel; that actually Grammer was devoted to his wife and children.
5. He spends considerable time pointing out that Maryland, under its law, has thrown up a safeguard around a death sentence, so that at two stages we have provided against death at the hands of the State, even where a defendant is found guilty of murder ⁱⁿ the first degree. To wit: the jury may specify life imprisonment or the same may be decreed by a judge.
6. He again, in detail, points out the devastating effect caused by terrific publicity, including Life Magazine, and is repetitious in his reference to the crime not being premeditated. He also refers to your statement that you "had no quota of hangings to meet".
7. He objects to Judge Moser's statement concerning Grammer's act of sending the car down-hill, claiming this was no basis for a decision to hang the defendant. He further plays heavily on Moser's implied statement that Grammer was not fit to be rehabilitated.
8. He quotes the Court of Appeals and the Supreme Bench who criticised State officials, the State's Attorney, Medical Examiners, et al, for participating in a television program publicizing the trial.
9. In conclusion, Judge Sherbow, et al, request an opportunity to appear before you to answer any questions or to discuss any matters relating to this case that you feel you should have, and, at the same time, they urge that you commute the sentence to that of life imprisonment.
10. Included in the request for clemency is a signed statement by Grammer, [★] along with the appellant's brief -- Court of Appeals of Maryland; Joint appendix -- Court of Appeals of Maryland; Petition for return of Certiorari -- Supreme Court of U. S., and a brief in support of the petition.

For your personal information, I was advised some time ago by Mrs. Momberger that when the time came, Dr. Fisher, the Chief Medical Examiner, has pictures in his possession which he feels will materially help you in your final decision. I have requested these, and Dr. Fisher is coming to Annapolis ~~next week~~ to show and explain them.

Tom Carr

★ See over -

Re. Grammers personal statement - 17 pages -

- (1) He sketches, in detail, his biography, including time spent in the Service as a member of the Counter Intelligence Corps.
- (2) He states that he signed any and all papers put before him by police since they led him to believe they were trying to help him not condemn him.
- (3) He points out that during the trial Police testimony was changed time and again, all to his detriment, yet the Court permitted same.
- (4) He admits the argument with his wife, remembers slapping her but does not recall hitting her with a pipe, if he did.
- (5) He proclaims his love for his wife and family, pointing out that his meetings with Miss Mizibrocky, while most intimate, were only casual affairs - of which she had many and, with many men.
- (6) He admits "I might have caused her death" - See page 11 - "in fact, it is quite probable I did but.... I deny that I planned the act before hand"
- (7) He refutes much of the "Circumstantial Evidence" brought out at the trial as being irrelevant yet condemning - i.e. the fact he had only called his home once in several weeks - His wife was not in Baltimore at that time - Hence, there was no reason to call.
- (8) He concludes with a second statement of his love and devotion to his wife and again denies "Premeditation".

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The matters detailed in your letter seem to me utterly inconsequential in the determination of either the correctness of the verdict or the justness of the Court in the case of your client, George Edward Grammer.

I have carefully considered the matters you have presented to me in this letter as also the argument offered by you in the course of the recent hearing. I see no reason whatsoever for interfering with the execution of the judgment of the Court.

I am deeply convinced, after thorough study of the case that Mr. Grammer has, at no time, testified in denial of the charge, the testimony against him is clear and convincing, not only to show that he committed the crime, but the degree of the murder as well. I am further convinced that a crime of this unusual ~~and~~ atrocity was deliberate and premeditated by a man of better than average mentality and in full possession of his faculties, and that there has been no miscarriage of justice. There is no basis or justification here for the exercise of executive clemency.

STATEMENT OF GOVERNOR THEODORE R. MCKELDIN
ON COMMUTATION PLEA OF GEORGE EDWARD GRAMMER.

George Edward Grammer, sentenced to hang for the murder of his wife, has petitioned for executive clemency. His counsel, in connection with the petition, submitted a lengthy statement by Grammer, together with a copy of the printed trial record and the defense briefs filed in the Maryland Court of Appeals and the Supreme Court of the United States. Under date of June 1, 1954, Grammer's counsel wrote me as to the discovery of a taxicab driver who, it was alleged, drove Grammer from the scene of the crime. Since that time, the cab driver has stated to my office and to the press that the occurrence to which he had referred took place at another time. I have obtained the opinion of the Court of Appeals in this case, together with the briefs on behalf of the State. All of the material has been carefully studied and reviewed by me in the light of the contentions on behalf of the defendant.

Every possible legal issue has been diligently and ably presented by counsel on behalf of the defendant in court proceedings which ultimately reached the Supreme Court of the United States. It is therefore to be expected that no new issues - other than the question of sentence - are presented by the ten page clemency petition, with the appended statement of Grammer. Questions as to undue publicity preventing the election of a jury trial, the degree of the offense, and the admissibility of the statements of Grammer to police officials have all been thoroughly reviewed by the courts. Eight of the ten judges of the Supreme Bench of Baltimore who heard this case on a motion for new trial decided against the motion on all three points. Two of the Supreme Bench judges, passing only upon the question of undue publicity, concluded that a new trial should be permitted. The full Bench of the Maryland Court of Appeals unanimously affirmed the conviction in a lengthy and well reasoned opinion, giving full consideration to all contentions by Grammer. Counsel for Grammer presented to the final possible judicial authority - the Supreme Court of the United States - the questions of undue publicity and admissibility of the confessions. This petition for certiorari was denied by the

Supreme Court without comment. A careful review of the trial record and the various judicial opinions concerning this case leaves no doubt in my mind as to the correctness of the decision. I find from the record that at all times the defendant received every consideration to which he was entitled. The validity of his incriminating statements to police officials is established by abundant evidence. Grammer himself wrote a notation on his confession to the Baltimore City police that they "at all times were extremely courteous and helpful in relieving me of this terrible pain". Moreover, the killing of his wife is not denied by Grammer in his voluntary, although somewhat less than frank, statement submitted to me by his counsel.

I am further convinced by the evidence, as were the courts, that the crime was deliberate and premeditated. While the circumstantial evidence does not exclude the possibility of a lesser degree of murder, there is every indication of a carefully contrived plan to commit murder disguised as an accident, rather than evidence of a sudden, impulsive act. In addition to the confessions and other facts in the case, certain ~~parts~~ portions ~~of~~ of the uncontradicted testimony are particularly outstanding. On August 12, 1952, a week before the murder, Grammer, in having the death car checked, claimed that the accelerator was sticking, and he early made reference to this same matter in conversations with the police after the death of his wife. The mechanic who checked and tested the automobile at the time of the complaint, found no defect in the accelerator. It would seem that this claim was intended as a foundation for the purported "accident" which followed ~~when~~, after the killing of his wife, Grammer set the automobile in motion by depressing the accelerator with a stone wedged under it. Instead of proceeding downtown to the railroad station with his wife, he deviated from the route to a point where the car could be set in motion with the possibility of either a collision on a heavily travelled highway or a high speed crash into a concrete wall. Either of these events could well have been contemplated to eliminate detection of his crime. Letters written by Grammer a short time before the occurrence to indicate his concern for his wife in the event anything happened to him seem part of a pattern. One letter was shown obviously

to have been written after the date given by him in the letter and probably just after his return from a two-week rendezvous with his paramour. His affair with this woman and the impression he gave her of his love and desire to marry her, appears from her testimony and finds corroboration at important points in his love letters to her.

The verdict of first degree murder by the trial court in this case was in no manner based upon any finding of a method for leaving the scene of the crime as a part of the plan. The only evidence in the trial record in this connection appears from the statements of the defendant that the only thing "I remember I was walking across Taylor Avenue toward Harford Road, and then I do not know if I got a trolley, a cab or what. I went to the station and got a train to New York." Whether planned or not, the effectiveness of the defendant's escape from the scene of the crime is apparent from the failure of the police to unearth any evidence as to his movement from the scene. Such evidence would have been of value in furnishing independent evidence of his presence at the scene. Even assuming that the presently alleged details of the taxicab trip to the station are true, this would not affect the prior cold-blooded deliberateness of the defendant's atrocious crime. The addition of an accomplice to his plan would have provided a dangerous witness. If this disputed statement confirms the alleged failure to plan a means of escape from the scene, it can well be said to demonstrate the general fallacy of the perfect crime. In my opinion, it does not alleviate the seriousness of his offense or have any true relevancy. The alleged exhibition of remorse on the way to the station, if true, can no more serve to vitiate the acts culminating in the commission of the crime than can the prostrated, grief-stricken pose of the defendant for news photographers several days after the event.

Although wide-spread publicity about the case was unavoidable from its very nature, the defendant has maintained that this publicity was of such character as to prevent a fair and impartial jury trial. This contention was first raised after Grammer had elected trial before the Court. He was then again permitted to elect the method of trial. For a second time, he freely elected trial before the judge and thus prevented any determination of the issue he had raised, which was not further

pursued at the trial. His then counsel commented that the defendant was fortunate to have a judge who he was sure would "give him a fair and impartial trial". The reviewing courts, expressed doubt as to whether any legal issue was properly-presented on the question of publicity, but nevertheless fully considered and rejected the contention. While speculative hindsight is often more convenient than foresight, there is nothing to indicate that a jury, however fair and impartial, would have looked with any greater favor upon the cause of the accused than did the trial judge. Chief Judge Smith of the Supreme Bench of Baltimore, in his opinion on the motion for a new trial, and the Court of Appeals in its opinion, concluded that there was no reason to believe either on the facts or under Maryland practice that the defendant's election was other than a "considered and deliberate decision, based on the pending evidence that a better verdict might be obtained before a judge".

There only remains for consideration the justness of the death sentence imposed by the trial court. Reviewing courts have no power to pass upon the question of punishment, a responsibility which is constitutionally vested in the governor through the power of clemency. Speculation that a jury might have reached a different verdict or restricted the sentence to life imprisonment furnishes no sound basis for executive intervention. Nor, in the light of the foregoing analysis, can I agree with the contention strenuously advanced by counsel that the facts mount up to second degree murder at most. No other possible extenuating circumstance or basis for executive clemency has been presented by counsel or discovered by me. In determining the appropriate punishment under the laws of this State for the defendant's offense, one cannot ignore the callous manner in which he cunningly contrived the cruel and vicious battering of his faithful wife - a devoted mother.

Viewed in the light of all the circumstances adduced at a carefully conducted trial in which the defendant's rights were accorded every protection, I am unable to find any sound basis for intervention in this matter. Consequently, the decision of the trial judge, His Honor, Judge Moser, that the extreme penalty for this well-balanced and intelligent man is merited, should not be disturbed. Accordingly, the request for executive clemency is denied.

STATEMENT OF GOVERNOR THEODORE R. MCKELDIN
ON COMMUTATION PLEA OF GEORGE EDWARD GRAMMER

George Edward Grammer, sentenced to hang for the murder of his wife, has petitioned for executive clemency. His counsel, in connection with the petition, submitted a lengthy statement by Grammer, together with a copy of the printed trial record and the defense briefs filed in the Maryland Court of Appeals and the Supreme Court of the United States. Under date of June 1, 1954, Grammer's counsel wrote me as to the discovery of a taxicab driver who allegedly drove Grammer from the scene of the crime. Since that time, the cab driver has communicated to my office and to the press, the information that the occurrence to which he referred took place at another time. I have secured the opinion of the Court of Appeals in this case, together with the briefs on behalf of the State. All of the material has been carefully studied and reviewed by me in the light of the contentions urged on behalf of the defendant.

Every possible legal issue ~~in the proceedings~~ has been diligently and ably presented by counsel on behalf of the defendant in court proceedings which ultimately reached the Supreme Court of the United States. It is therefore to be expected that no new issues - other than the question of sentence - are presented by the ten page clemency petition, with the appended statement of Grammer. Questions as to undue publicity preventing the election of a jury trial, the degree of the offense, and the admissibility of the statements of Grammer to police officials have all been thoroughly reviewed by the courts. Eight of the ten judges of the Supreme Bench ^{of Baltimore} who heard this case on a motion for new trial decided adversely to the defendant on all three points. Two of the Supreme Bench judges, passing only upon the question of undue publicity, concluded that a new trial should be permitted. The full Bench of the Maryland Court of Appeals unanimously affirmed the conviction in a lengthy and well reasoned opinion, giving full consideration to all contentions by Grammer. Counsel for Grammer presented to the final possible judicial authority -- the Supreme Court of the United States -- the questions of undue publicity and admissibility of the confessions. This petition for certiorari was denied by the Supreme Court without comment. A careful review of the trial record and the various judicial opinions concerning this case leaves no doubt in my mind as to the correctness of the

decision. I find from the record that at all times the defendant received every consideration to which he was entitled. The validity of his incriminating statements to police officials is established by abundant evidence and is not seriously controverted. Moreover, the killing of his wife is now admitted by Grammer in his voluntary, although somewhat less than frank, statement submitted to me by his counsel.

I am further satisfied from the evidence, as were the courts, that the crime was deliberate and premeditated. While the circumstantial evidence does not exclude the possibility of a lesser degree of murder, there is every indication of a carefully contrived plan to commit murder disguised as an accident, ^{rather than evidence of a} ~~which plan was a~~ sudden, impulsive act. On August 12, 1952, a week before the murder, Grammer, in having the death car checked, claimed that the accelerator was sticking, and he early made reference to this same matter in conversation with the police after the death of his wife. The mechanic who checked and tested the automobile at the time of the complaint, found no defect in the accelerator. It would seem that this claim was intended as a foundation for the purported "accident" which followed when, after the killing of his wife, Grammer set the automobile in motion by depressing the accelerator with a stone wedged under it. Instead of proceeding downtown to the railroad station with his wife, he deviated from the route to a point where the car could be set in motion with the possibility of either a collision on a heavily travelled highway or a high speed crash into a concrete wall. Either of these events could well have been contemplated to eliminate detection of his crime. Letters written by Grammer a short time before the occurrence to indicate his concern for his wife in the event anything happened to him seem part of a pattern. One letter was shown obviously to have been written after the date given by him in it and probably just after his return from a two-week rendezvous with his paramour. His romance with this woman and the impression he gave her of his love and desire to marry her, appears from her testimony and finds corroboration at important points in his love letters to her. ✓

Assuming the truth of the details of the alleged taxicab trip to the station does not affect the prior cold-blooded deliberateness of the defendant's atrocious crime. Addition of an accomplice to his plan would have provided a dangerous witness. At most, the alleged failure to plan a means

of escape from the scene would serve to demonstrate the general fallacy of a perfect crime. It would hardly be said to alleviate the seriousness of his offense or have any true relevancy. The alleged exhibition of remorse on the way to the station, if true, can no more serve to vitiate the acts culminating in the commission of the crime than can the prostrated, grief stricken pose of the defendant for news photographers several days after the event.

Although wide-spread publicity about the case was unavoidable from its very nature, the defendant has maintained that this publicity was of such character as to prevent a fair and impartial jury trial. This contention was first raised after Grammer had elected trial before the Court. He was then again permitted to elect the method of trial. For a second time, he freely elected trial before the judge and thus prevented any determination of the issue he had raised, which was not further pursued at the trial. His then counsel commented that the defendant was fortunate to have a judge who he was sure would "give him a fair and impartial trial". The reviewing courts, expressing^{ed} doubt as to whether any legal issue was properly presented on the question of publicity, but nevertheless fully considered and rejected the contention. While speculative hindsight is often more convenient than foresight, there is nothing to indicate that a jury, however fair and impartial, would have looked with any greater favor upon the cause of the accused than did the trial judge. Chief Judge Smith of the Supreme Bench of Baltimore, in his opinion on the motion for a new trial, and the Court of Appeals in its opinion, concluded that there was no reason to believe either on the fact or under Maryland practice that the defendant's election was other than a "considered and deliberate decision, based on the pending evidence that a better verdict might be obtained before a judge".

There only remains for consideration the justness of the death sentence imposed by the trial court. Reviewing courts have no power to pass upon the question of punishment, a responsibility which is constitutionally vested in the governor through the power of clemency. Speculation that a jury might have reached a different verdict or restricted the sentence to life imprisonment furnishes no sound basis for executive intervention. Nor, in the light of the foregoing analysis, can I agree with the contention

strenuously advanced by counsel that the facts mount up to second degree murder at most. No other possible extenuating circumstance or basis for executive clemency has been presented by counsel or discovered by me.

In determining the appropriate punishment under the laws of this State for the defendant's offense, one cannot ignore the callous manner in which he cunningly contrived the cruel and vicious battering of his faithful wife - a devoted mother.

Viewed in the light of all the circumstances adduced at a carefully conducted trial in which the defendant's rights were accorded every protection, I am unable to find any sound basis for intervention in this matter. Consequently, the decision of the trial judge, His Honor, Judge Moser, that the extreme penalty is merited, both as punishment for this well-balanced and intelligent man and as a deterrent to others, should not be disturbed. Accordingly, the request for executive clemency is denied.