

'Enigma Woman' Nellie Madison

Femme Fatales & Noir Fiction

by Kathleen Cairns



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In 1934 Nellie Madison was arrested for the murder of her husband. Her demeanor and refusal to talk fascinated reporters, who portrayed her as an "outlaw" to a public captivated by such criminals as "Baby Face" Nelson, Clyde Barrow, and Bonnie Parker. Here she is seated at the counsel table during her trial in Los Angeles Superior Court.

Shortly before midnight on March 24, 1934, Nellie Madison, a Montana rancher's daughter, pumped five bullets into her husband Eric as he lay in bed in the couple's Burbank, California, apartment. Police arrested her two days later hiding in the closet of a remote mountain cabin and brought her back to Burbank where she was questioned, jailed, and charged with first-degree murder. The case quickly became a media sensation. Reporters—fifty sat in on her interrogation—nicknamed her the “enigma woman” for her oddly detached and inscrutable demeanor and her refusal to talk.

Two months later, just before the start of her trial, Los Angeles County District Attorney Buron Fitts announced that he would seek the death penalty. To that date no woman had been executed in California, and only one woman, Emma LeDoux, had been condemned, in 1906, also for killing her husband. The state supreme court overturned LeDoux's sentence, but she still resided in prison in 1934.¹

In the years between LeDoux's conviction and Madison's trial, California saw its share of notorious female murder defendants. Jurors gave Louise Peete a life sentence in 1920 after she killed her landlord and buried his body beneath his house. In 1922 a jury convicted “tiger-woman” Clara Phillips of murder for the brutal hammer-slaying of her husband's lover and sentenced her to ten years to life in prison. Dolly Oesterreich managed to evade prosecution for eight years after the 1922 shooting death of her husband. Jurors in her 1930 trial could not agree on a verdict, and prosecutors eventually dropped all charges. In April 1934, shortly after Madison's arrest, Rhoda Cobler killed her policeman husband by putting strychnine in his breakfast cereal. Jurors convicted her of first-degree murder and recommended a prison term of ten years to life.²

Prosecutors in all of these cases chose not to seek the death penalty. Why did they not do the same for Nellie Madison, a woman with no prior criminal record, whose offense, if in fact she committed it, appeared no worse than those of her “sisters” in crime? The decision seems to have been fueled by a combination of four factors—timing, personality, political ambition, and popular culture.

1. Nancy Ann Nichols, *San Quentin, Inside the Walls*, California Department of Corrections pamphlet (Sacramento, Calif., 1991), 23. LeDoux won release from prison in the 1920s, but she was tried and convicted later for running a “lonely hearts” scheme that targeted lonely elderly men.

2. Craig Rice, ed., *Los Angeles Murders* (New York, 1947). Information on Rhoda Cobler is from the *Los Angeles Evening Herald and Express*, *Los Angeles Times*, and *Los Angeles Examiner*, April 14–July 3, 1934.

Nineteen thirty-four was the worst year of the Great Depression. For many people, crime had come to symbolize deeper structural problems of a society whose values seemed wildly askew. Others, however, were captivated by such outlaws as “Baby Face” Nelson, “Machine Gun” Kelly, Clyde Barrow, and Bonnie Parker, whose daring exploits provided a vicarious outlet for their own antiauthoritarian impulses. In this potentially unstable climate, some politicians sought to capture both audiences, touting tough-on-crime policies for the former and imposing harsh sentences to remind the latter of the perils of flouting authority.

Mass media—newspapers, magazines, and the wildly popular literary genre known as noir fiction—reflected establishment views as well, but made crime entertaining as well as instructive in pursuit of advertisers and readers.³

This fusion of art and politics may have benefited powerful men, but it held potential devastation for women like Madison. In the 1930s states executed an average of 170 inmates each year, 1 nearly every other day. Eleven women were executed during the 1930s, one-quarter of the women executed in the twentieth century. All of the condemned women shared one trait—an unconventional background that put them at odds with the authorities who tried them and the jurors who convicted them and that enhanced the media’s ability to “sell” them as “outlaws.”⁴

To Depression-weary Los Angeles, Nellie Madison must have seemed tailor-made for the role of “outlaw.” Born in 1895 in the southwestern Montana railroad outpost of Red Rock, she was the youngest child of Irish immigrants Edward and

Kate Mooney. Two years after her birth the family moved to a homestead south of Dillon, Montana, and began operating a sheep ranch that eventually spanned both sides of Grasshopper Creek and extended all the way to the top of a small mountain that still bears the Mooney name seventy years after Madison’s legal travails and the Depression cost her family its hard-won slice of the American dream.⁵

By her teens, Madison was well known for her abilities with horses and guns. Rumor had it that she could hit a bird on the wing with a .22 rifle. She also possessed a reckless streak and a restless nature. At thirteen she eloped to Salt Lake City with a man eleven years her senior, but her parents quickly had the marriage annulled. Four years later she left Montana to study at a business college in Boise, Idaho, where she married twice more. In 1920 she moved to Los Angeles with her third husband who worked as a wildcatter in the oil industry. After divorcing him, she married and divorced again, each time moving slightly higher on the social scale. Her next husband, William Brown, was an attorney whom she met while managing an apartment building owned by the Brown family.⁶

After her fourth marriage ended, Madison settled in the resort town of Palm Springs. There she managed hotels and, in 1933, met the man she stood accused of killing. Eric Madison was a violinist from a prestigious Danish



Courtesy Ed Mooney

Born in 1895 in the southwestern Montana railroad outpost of Red Rock, Madison seemed tailor-made for the role of “outlaw.”

3. Warren I. Susman, *Culture as History: The Transformation of American Society in the Twentieth Century* (Washington, D.C., 2003), 150–83. Susman argues that popular culture in the 1930s, rather than challenging the system, reinforced the status quo.

4. Nineteen thirty-five saw the highest number of executions overall, with two hundred people, including three women, executed that year alone. Hanging was the method of choice in most states, including California, and no state mandated automatic appeal of death sentences until California did so in 1935. See California Penal Code, sec. 1239(b). See also L. Kay Gillespie, *Dancehall Ladies: The Crimes and Executions of America’s Condemned Women* (Lanham, Md., 1997); Kathleen O’Shea, *Women and the Death Penalty in the United States* (Westport, Conn., 1998); and Hugo Bedau, *The Death Penalty in America*, 3d ed. (New York, 1982). The “Espy File,” <http://www.deathpenaltyinfo.org/ESPY.html> (accessed between October 2002 and June 2003), contains a list of 14,634 individuals executed in the United States between 1608 and 1987.

5. Information on Nellie Madison’s background comes from the four-volume trial transcripts, “Reporters Transcript on Appeal,” *People of the*

State of California v. Nellie May Madison, California State Archives, Sacramento (hereafter CSA, Sacramento); coverage in Los Angeles newspapers, March 26–July 5, 1934; *The History of Beaverhead County*, vol. 1 (Dillon, Mont., 1990), 390; and Ed Mooney (Nellie Madison’s great-nephew), interview by author, Dillon, Montana, August 16, 2003; and Esther Mooney (widow of Nellie’s nephew), telephone interview by author, August 1, 2002.

6. The annulment petition is on file in *Edward Mooney v. Ralph Brothers*, March 1909, case C-1332, Beaverhead County Courthouse, Dillon, Montana. Nellie’s second marriage, to Clarence R. Kennedy, occurred in Boise, Idaho, April 1, 1914, and the marriage certificate, number 53866, is on file at the Ada County Courthouse, Boise. Although she still lived in Idaho, her third marriage, to W. Earl Trask, occurred just across the state border in Vale, Oregon, on May 1, 1917. The marriage certificate, number 01867, is on file at the Malheur County Courthouse, Vale, Oregon. There is no record of divorce for her second marriage either in Oregon or Idaho, and she used her maiden name, Mooney, on the Trask marriage certificate. Neither state has a death certificate on file for Clarence R. Kennedy.



Courtesy the author

This modern photograph shows the location of the sheep ranch along Grasshopper Creek, south of Dillon, Montana, where Madison grew up.

family whose father served in the royal cabinet in Copenhagen.⁷ The couple had a wedding ceremony in Salt Lake City, moved briefly to Portland, Oregon, and then returned to Los Angeles in early 1934.

At five-foot-seven-and-a-half, Madison was tall for a woman of her time, and she possessed the kind of good looks often referred to as striking. She had large brown eyes, an oval-shaped face, and bobbed dark brown hair carefully done up in the marcelled style. More comfortable with men than women, she spent weekends hunting with male friends in the mountains north of Los Angeles. Some mornings she saddled up and took long, solitary rides into the forest dressed in rust-colored suede pants, a fringed vest, Indian-print shirt, and large Stetson hat. She also chain-smoked cigarettes and drank her Scotch whiskey neat. To police, lawyers, and journalists, she did not react to her arrest in the manner expected of women. She did not break down, plead for mercy, or, like Rhoda Coblentz, the husband-poisoner, babble out a sobbed confession. Nellie Madison was also childless, a fact that fascinated police

7. Eric Madison's father, Carl Fredrick Madsen, began his working life as a cobbler but rose to become a cabinet minister. *Los Angeles Times*, March 28, 1934, sec. 2, p. 5.

8. Burbank Police Department interrogation, March 26, 1934, in "Reporters Transcript on Appeal," vol. 3, pp. 1105-10; Frances Erbes, telephone interview by author, October 31, 2002; Doris Miller, telephone interview by author, November 1, 2002. Both Erbes and Miller knew Nellie when they were young children.

who questioned her and who kept finding different ways to ask if she had ever had children. "No," was her one-word response.⁸

If she had remained below the radar screen of the civic establishment in Los Angeles, Madison undoubtedly would have been able to maintain her autonomy, anonymity, and somewhat unconventional lifestyle. But she did not. The murder and her arrest, in concert with her sexual history and "enigmatic" persona, set her on a collision course with influential men who held the power to craft for her a public image that leaned heavily on cultural stereotypes ripped from the headlines and from the pages of noir fiction.

District Attorney Buron Fitts and Superior Court Judge Charles Fricke, the two men most directly involved in Madison's case, drew from their own backgrounds and notions of "acceptable" gender roles—many of which may have been unconscious—to help create and burnish her "outlaw" image. Individually and as representatives of the power structure, both men possessed a deeply ingrained sense of entitlement, a strongly authoritarian bent, and a sophisticated understanding of how to use cultural symbols in the service of personal ambition.

Fitts, who longed to be governor of California, was a decorated World War I hero and head of the California chapter of the American Legion. He joined the Los Angeles County district attorney's staff in 1920 and gained



Cleveland State University/Everett Collection

Bonnie Parker, who accompanied Clyde Barrow on a two-year spree of robbery and murder that terrorized the Southwest, was undoubtedly the most notorious of all female “outlaws” in the 1930s. Her exploits engendered hyperbolic news coverage and set the standard by which the public judged other female criminals, including Madison.

prominence as a tenacious prosecutor of prostitutes, vagrants, imbibers, and gamblers, as well as more vicious criminals. In 1926 he ran for lieutenant governor and won, but he quickly grew bored with the mostly ceremonial job. The following year he decided to return to Los Angeles and mount a campaign for district attorney, a job that he hoped would give him a larger public stage. He used the media to promote his candidacy. “If elected, I will use the powers of the office for law abiding men, women and children and as a most unhealthy place for criminals,” he told the *Los Angeles Times* in a May 1928 interview.⁹

Shortly after Fitts’s August 1928 election, a Los Angeles County grand jury indicted his predecessor on corruption charges; Fitts volunteered to prosecute his former boss

and won conviction. Thus voters statewide were well acquainted with Fitts and his law-and-order credentials by the 1930 gubernatorial campaign; nonetheless, he lost in the March 1930 Republican primary to San Francisco mayor James Rolph, who went on to become governor that November.¹⁰

By 1934 Fitts still retained his ambition. He oversaw the largest staff of prosecuting attorneys in the country, tried five thousand felonies a year, and had an 82 percent conviction rate. He assigned two deputy district attorneys, rather than the usual one, to Madison’s case, signaling his recognition of its value as a résumé-builder.¹¹

10. Jules Tygiel, *The Great Los Angeles Swindle: Oil, Stocks, and Scandal during the Roaring Twenties* (New York, 1994), 261–62, 297, 304.

11. *Ibid.*, 326.

9. *Los Angeles Times*, May 19, 1928, sec. 2, p. 1.

Fricke was not as well known as Fitts outside of Los Angeles, but he was a highly respected jurist who relished his close relationships with the city's political and social elites. Fricke's ambition was somewhat less exalted than Fitts's—he hoped to be tapped for the appellate court bench by capitalizing on his achievements, his network of prominent acquaintances, and his tough-on-crime credentials.

Born in Wisconsin in the 1880s, Fricke came to Los Angeles in 1917. Like Fitts, he joined the district attorney's staff where he came to prominence prosecuting “tiger-woman” Clara Phillips. In 1925 he organized the Murder Club, a group of prominent men who met monthly to discuss sensational cases, including the unsolved killing of film director William Desmond Taylor. Republican Governor C. C. Young appointed Fricke to the superior court bench in 1927.¹²

Fricke quickly became a regular on the lecture circuit. Reporters covered many of his speeches, which seemed designed to elicit attention. In one talk he declared that women made better jurors than men because they were “fairer.” In another he proclaimed three-quarters of all drivers in Los Angeles incompetent, specifically mentioning epileptics and color-blind men. In 1930 he backed a controversial practice of arresting large groups of people en masse, charging them with vagrancy, as a way to stamp out union organizing. He also occasionally took the stand to testify in his own courtroom on minor procedural matters, an action that drew media comment but not official censure.¹³

By the time Madison came to trial, Fricke had become presiding judge of the Los Angeles Superior Court, the jurist who parceled out cases to his colleagues. He obviously relished this perquisite, for hers was not his first high-profile trial, nor would it be his last. Others included the 1942 Sleepy Lagoon case, in which Fricke refused to allow the Mexican American murder defendants to get haircuts or change their clothes, and the 1948 Caryl Chessman case, in which he continually engaged in verbal combat with the so-called “Red-Light Bandit,” sentenced to death for raping two young women.

“Like others of his class and gender,” wrote Frank Parker in his book on the Chessman case, Fricke tried “to freeze norms of conduct, whether for political power, dissent, race relations, or sexual activities,” reflecting “a judicial attitude which includes the belief that morality is falling apart and the conviction that the law must be used rigorously to restore the old standards.”¹⁴

If men like Fitts and Fricke viewed themselves as arbiters of public morals and guardians at the gates of civic life, popular culture served as their handmaiden. News-

papers, magazines, and novels reflected and fueled public fear and fascination with crime and criminals.

By the early 1930s crime reporting was a reliable circulation-booster for daily newspapers. Monthly magazines, ordinarily oriented toward more thought-provoking and less knee-jerk topics, reflected public concern as well. A March 1934 *Saturday Evening Post* article, for example, pondered ways to stamp out crime, suggesting stronger police powers and tougher gun-control laws. *The Literary Digest* went farther, recommending in December 1934 that citizens create vigilante groups. Even women's magazines leapt into the debate. *Independent Woman* warned against “coddling” criminals in a 1935 issue.¹⁵

As women who seemed to live by their own rules and life choices, female “outlaws” received significant attention during the Depression from members of the media who were eager to play up the seductive and sexually titillating aspects of their exploits. Los Angeles newspapers, for example, still wrote about “tiger-woman” Clara Phillips twelve years after her conviction, reminding readers of her sexual relationship with a smitten court-watcher who helped her escape following her murder conviction.

National media in 1933 and 1934 focused on women such as Kathryn Kelly and Bonnie Parker. Kelly was married to “Machine Gun” Kelly, designated “public enemy number one” on the FBI's most-wanted list. She had spent time in prison for robbery and prostitution at the time of her marriage in the late 1920s and began to encourage her new husband in his criminal career. In fact, she essentially acted as his chief marketer, suggesting the nickname by which he became famous and collecting spent shell casings from his holdups and selling them as souvenirs. Authorities caught up with the Kellys in Tennessee in September 1933, and both received life sentences in federal prison.¹⁶

Parker, who accompanied Clyde Barrow on a two-year spree of robbery and murder that terrorized the Southwest, was undoubtedly the most notorious of all female outlaws in the 1930s, and her exploits engendered the most hyperbolic news coverage. Just two weeks before the start of Madison's trial, police ambushed Parker and Barrow in a rural area of Louisiana and executed them in an avalanche of machine-gun fire as they sat in their Ford coupé. “The legend of Bonnie and Clyde was born of the anxiety and fear . . . of the early 1930s,” wrote John Treherne. Parker “supplied the unique ingredient: the image of the tiny feminine figure with the machine gun who chose to die with the man she loved.”¹⁷

With real-life characters such as Phillips, Kelly, and

12. Alice Armstrong, *Who's Who in California* (Los Angeles, 1957), 135.

13. *Los Angeles Times*, June 1927–March 1931.

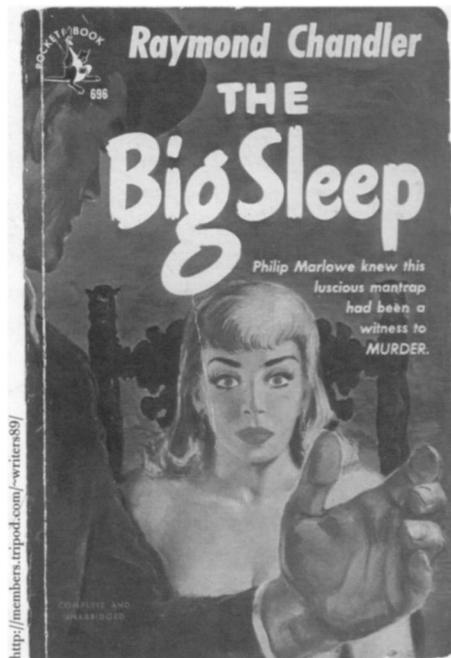
14. Frank J. Parker, *Caryl Chessman: The Red Light Bandit* (Chicago, 1975), 57.

15. *Saturday Evening Post*, 206 (March 10, 1934), 23, 82–90; *Literary Digest*, 118 (December 8, 1934), 7, 39; *Independent Woman*, 14 (January 1935), 9, 31–32.

16. *Los Angeles Examiner*, April 8, 1934, sec. 5, p. 6.

17. John Treherne, *The Strange Case of Bonnie and Clyde* (New York, 1984), 209.

Parker saturating news pages, writers of noir fiction did not need to delve too far into their own imaginations to summon up sexual and dangerous fictional females. Such women represented the centerpiece of many of the noir fiction stories that began to appear in the late 1920s in *The Black Mask* and other pulp magazines. By the mid-1930s Dashiell Hammett, James M. Cain, and Raymond Chandler, writers who started in pulp magazines, had made the transition to novels. Their best-known stories were set in California and prominently featured seductive female “outlaws.” To readers of noir novels, real female criminals might have seemed indistinguishable from their fictional counterparts—beautiful, diabolical Brigid O’Shaunessy from Hammett’s *The Maltese Falcon*; sexually ravenous, murderous Cora Smith Papadakis from Cain’s *The Postman Always Rings Twice*; and amoral, skin-crawling Carmen Dravec from Chandler’s short story *Killer in the Rain*, later published as *The Big Sleep*.¹⁸



Hard-boiled detectives and seductive femme fatales characterized the wildly popular literary genre known as noir fiction. Authors whose stories began to appear in the late 1920s in *The Black Mask* and other pulp magazines included Dashiell Hammett, James M. Cain, and Raymond Chandler, whose *The Big Sleep* character Phillip Marlowe described Carmen Dravec in these words:

She giggled.

That gave me a nasty feeling. If she had screeched, or turned white, or even keeled over, that would have been fairly natural. But she just giggled.

I began to hate the sight of her. Just looking at her made me feel dopey.

*beautiful,
dangerous,
and . . .
stubbornly
unrepentant*



It was in this climate, where art and politics came together in the service of ambition and popular culture, that Nellie Madison came before the public gaze as an “outlaw” woman. From the moment reporters and police arrived at the murder scene, late the day after the murder, to find Eric Madison dead on the floor clad only in his underwear, reporters depicted the suspect in terms easily recognizable to readers of noir fiction: beautiful, dangerous, and, following her capture, stubbornly unrepentant. The combination of her frontier background and sexual history enabled reporters to conflate two different “outlaw” images: the violent western gunslinger and the seductive femme fatale.

“Two shots—a man’s screams—then four more shots—A ‘do not disturb’ note on the door of an apartment in which a man lay crumpled to death,” read the first-day story in the *Los Angeles Evening Herald and Express*. The reporter noted that police sought “Madison’s beautiful brunette bride . . . who has mysteriously disappeared.”¹⁹

The “outlaw” image surfaced early, as reporters scoured southern California seeking acquaintances to interview. One journalist described Madison as a “Montana ranch girl, expert in the art of whirling a lariat and revolver marksmanship.” In choosing a remote mountain cabin as her “hideout,” this reporter continued, Madison was “once again in the ranch country,” for her “heart called her back again and again to the open prairies, the rugged hills where she could ride and shoot and roam as she once did in her Montana.”²⁰

In a somewhat ironic touch, at the time of her arrest, Madison’s brother, Dan Mooney, formerly sheriff of Beaverhead County, Montana, was again campaigning for election to his old job. Newspapers, which carried his photograph, called him “tall and taciturn” and a “picturesque Westerner.”²¹

By the time police questioned her, Madison had made the transition from western renegade to noir femme fatale. As the *Los Angeles Evening Herald and Express* reported, “Aloof, behind her unyielding wall of silence, Mrs. Nellie Madison, ‘enigma woman,’ today firmly but quietly resisted the efforts of sleuths to wrest from her the answer to the strange riddle of the murder of her husband.” Continuing in this vein, the writer noted: “She turns upon [interrogators] a gaze that seems to pierce through their eyes and

18. Dashiell Hammett, *The Maltese Falcon* (1929; reprint, San Francisco, 1984); James M. Cain, *The Postman Always Rings Twice* (New York, 1934); Raymond Chandler, *The Big Sleep* (1939; reprint, New York, 1976).

19. *Los Angeles Evening Herald and Express*, March 26, 1934, sec. 1, p. 1.

20. *Ibid.*, March 27, 1934, sec. 1, pp. 1, 8.

21. *Los Angeles Examiner*, June 14, 1934, sec. 1, p. 5. Mooney lost the election in July 1934.

into some mysterious beyond. Her lips curl in a slow, enigmatic smile. She is mistress of herself, and the questioners, beaten back time after time, turn away in disappointment.”²²

The *Los Angeles Examiner* story on the interrogation featured dialogue as if from a novel. “Don’t you know Madison is dead?” a reporter queried. She seemed not to hear the question. ‘Give me a cigarette please,’ she said.” According to this same writer, police dug through Madison’s purse and extracted a sharp knife. “What did you carry this for?” asked an officer. “Oh that. I took it with me in case I had to pare something.” This approach may have been designed only to sell newspapers, but it also reflected a culture steeped in crime coverage and detective fiction.²³

For the next two and a half months, reporters for all of Los Angeles’s daily newspapers reinforced Madison’s image. There was the murder weapon—a 32.20-caliber revolver, a “man’s” gun; the method of killing—Eric Madison had been shot in the back; and his widow’s inappropriate responses—she grew animated only when she “inspected an array of cosmetics brought to her at the county jail.”²⁴

The drumbeat of such news stories undoubtedly led Fitts to believe that her case could help him hone his image as a “hero” responsible for ridding the state of both a dangerous killer and an “outlaw” woman. Without knowing what her defense would be, he announced just before the trial that he would seek the death penalty. Deputy District Attorney George Stahlman spoke for his boss when he said: “Mrs. Madison shot her husband in the back. Any motive is of no concern.”²⁵

The most specific reference to noir fiction came on the first day of trial, which began June 7, 1934. It drew hundreds of spectators and set off near-riots over seating. “Like the opening of a detective mystery will be the prosecution’s evidence in the trial of the comely . . . ‘enigma woman,’ declared the *Los Angeles Evening Herald and Express*. “There will be told in court the screams of a woman at midnight . . . excited footfalls in dim halls. Then,

22. *Los Angeles Evening Herald and Express*, March 27, 1934, sec. 1, p. 1.

23. *Los Angeles Examiner*, March 27, 1934, sec. 1, p. 1. The transcript of this conversation is contained in “Reporters Transcript on Appeal,” vol. 3, pp. 1105–10.

24. *Los Angeles Examiner*, April 1, 1934, sec. 1, p. 3.

25. *Los Angeles Evening Herald and Express*, June 7, 1934, sec. 1, p. 1.



Courtesy California History Room, California State Library, Sacramento, California

As women who seemed to live by their own rules, female “outlaws,” including “tiger-woman” Clara Phillips (above), received significant attention from members of the media who were eager to play up the seductive and titillating aspects of their exploits.

like the closing chapters of a ‘thriller,’ in which the mystery is solved, the story of Mrs. Madison . . . will unroll before the jury, providing, it is hoped by the defendant and her counsel, an adequate excuse for blasting Eric Madison into eternity as he lay on his bed that fateful night.”²⁶

As the two-week trial progressed, prosecutors piled on evidence of Madison’s apparent nonconformity, some of which had nothing to do with the crime. “Do you smoke?” Stahlman asked her. “Sometimes,” she replied. He asked about her marriages and, when her memory proved faulty, had the court reporter read her interrogation into the record, including her comment that “I think there were three husbands before Eric, but there might have been four.”²⁷

26. *Los Angeles Evening Post-Record*, June 14, 1934, sec. 1, p. 1; *Los Angeles Evening Herald and Express*, June 7, 1934, sec. 1, p. 1.

27. “Reporters Transcript on Appeal,” vol. 3, pp. 1000–1012.

ENIGMA WOMAN SHOWN TO BE DEADLY SHOT

low, deadly was the aim of the
id that held the pistol when Eric
dison, film studio attaché, fell
dled with bullets. No bedroom
rch 24 was outlined by graphic
grams today at the trial of Mrs.
llie Madison, accused of her hus-
d's murder.

The diagrams were sketched by
ul Palmer, deputy district attor-
, prosecuting. Dr. A. F. Wagner,
nty autopsy surgeon, then
etched in the paths of the five
lets that entered Madison's body.
"Any four of these five bullets,"
aid Dr. Wagner, "would have
illed Madison."

"Would any one have killed him
stantly?" Wagner was asked.
"Probably not. Only the one
at struck him in the head. And
ven it might not have. People
ave lived with bullets in their
rain."

GRISLY HUMOR

Grisly humor was introduced
en Attorney J. W. Ryan, for the
fense, criticized the anatomical
opositions of the sketches on the
ackboard before the jury.

"Did you, an experienced sur-
geon, draw those figures?" Attor-
ney Ryan asked, with feigned sar-
asm.

"Don't blame Dr. Wagner for
hat! Prosecutor Palmer inter-
posed. "I drew them. But the evi-
dence in this case is so clear I
didn't think the drawings need-
ed to be."

Attorney Ryan retorted
ame would tell" about the
nce.

Meanwhile, a beautiful
cheduled as a "surprise wit-
ne" from the state, waited to testify.

YOUNG SECRETARY

She was 22-year-old Wilma
low-haired secretary in an
office downtown and she was



Los Angeles Evening Herald and Express, June 8, 1934

The crowds at Broadway and Fifth Street go about their business only a few blocks from the Los Angeles Superior Court where Madison faced the death penalty. Newspaper articles describing the trial read like a novel: "Aloof, behind her unyielding wall of silence, Mrs. Nellie Madison, 'enigma woman,' today firmly but quietly resisted the efforts of sleuths to wrest from her the answer to the strange riddle of the murder of her husband."



Security Pacific Collection, Los Angeles Public Library, Los Angeles, California



Executive Clemency File, California State Archives, Sacramento

Compounding the defense’s difficulties were District Attorney Buron Fitts, who longed to be governor, and Superior Court Judge Charles Fricke, who hoped to rise to the appellate court bench. The prosecution’s arguments proved persuasive, and jurors convicted Madison of first-degree murder. The California Women’s Institution at Tehachapi photographed Madison in 1939.

The most startling use of noir imagery was the “death bed,” which prosecutors carted into the courtroom over the strenuous objections of Madison’s attorney, Joseph Ryan. They placed the ornate mahogany bed, with its blood-stained sheets and bullet-punctured headboard, squarely in the center of the courtroom. Newspapers carried photographs of the unusual exhibit. One photo depicted Fricke and prosecutors Stahlman and Paul Palmer bending over the bed, probing at the sheets with a wooden pointer. Before the end of the trial, Fricke, who upheld virtually all of the prosecutors’ motions, took the stand to testify for the prosecution. During earlier testimony, he had used a stopwatch to time the interval between two sets of gunshots, and now he reported his findings.²⁸

In this environment Madison and her attorney were decidedly overmatched. She could do little to counteract the already deeply ingrained “outlaw” image, and he seemed unable or unwilling to challenge the prosecution’s characterizations. In fact, Joseph Ryan seemed to view his client through the same lens used by prosecutors and the Los Angeles media. In a letter he warned her not to discuss her “previous history.”²⁹

28. *Los Angeles Examiner*, June 12, 1934, sec. 1, p. 3.

29. Joseph Ryan to Nellie Madison, June 4, 1935, Executive Clemency file, *People of the State of California v. Nellie May Madison*, CSA, Sacramento.

In fact, Ryan's discomfort with Madison's past, and with the true circumstances of the murder, led him to propose a preposterous defense: claiming that the dead man on her apartment floor was not her husband, but a stranger. How did the body get there? She did not know. And where was Eric Madison? She did not know. As bizarre as this may seem to a modern audience, a similarly unusual tactic had worked three years earlier for Dave Clark, a former deputy district attorney tried for murdering two prominent Los Angeles businessmen. He claimed he did not know how a gun got into his hands. After Clark's acquittal, jurors said they had been reluctant to convict the "handsome" defendant.³⁰

In their summation to jurors, prosecutors again sought literature as a touchstone, but not noir fiction this time. Instead, they reached back into the classics to find a character they saw as worthy of comparison: Shakespeare's murderous Lady Macbeth. "How strange, how similar is the cunning character created by Shakespeare to the tragedy in the apartment where Mrs. Madison calmly shot her husband to death," declared Stahlman.³¹

Prosecutors, it turned out, knew how to play to their audience. After nineteen hours of deliberation, the jury of eight men and four women convicted Madison of first-degree murder. At that time, California jurors in capital cases signaled their intended sentence by either recommending a penalty or remaining silent—an automatic death sentence. Madison's jurors remained silent. On July 5, 1934, she stood before Judge Fricke as he sentenced her to "hang by the neck until you are dead." He set September 24, 1934, as the execution date.³² Although there was no automatic appeal at that time, the California Supreme Court agreed to hear her appeal and stayed the execution. But in May 1935 it upheld the sentence and rescheduled the execution for October.³³ For the political and journalistic

*[T]he dead
man on her
apartment floor
was not her
husband, but
a stranger.*



establishment of Los Angeles, this resolution undoubtedly seemed like the denouement of a noir novel.

But they soon learned a lesson that subsequent generations would take for granted: literature may be forever, but the audience is fickle. As the clock ticked toward the execution, many California residents began to examine the moral implications of hanging a woman. Stories—particularly those written by Agness Underwood, one of the state's few prominent female reporters—began to depict Madison in recognizably human terms: her face now creased with worry lines, the streaks of gray threading her hair, the loneliness of her life in solitary confinement. Anti-death penalty activists began circulating petitions. They obtained letters attesting to her good character and to the often-violent disposition of her late husband Eric.

The femme fatale vanished forever on June 21, 1935, to be replaced by the more stereotypically "appropriate" image of the "wronged" woman when Madison dictated a confession from her prison cell. She killed Eric Madison, she admitted, after discovering that her marriage was a sham; Eric only pretended to marry her to gain access to her inheritance from her parents.³⁴ She discovered his perfidy a week before the murder when she came home to find him in bed with a young girl. In a state of dazed confusion, and fearing public disclosure as a fornicator, she bought a gun and shot Eric. She did not intend to kill him. And, she added, her own attorney had urged her to lie. "He said he had a tip from the jury that if I told the true story, they would convict me."³⁵

Joseph Ryan, who had been fired by his client following her conviction, denied the allegation and declared that Madison's mind had "cracked under the stress," but the twelve jurors and two alternates now joined the chorus pleading with Governor Frank Merriam to spare her life. Newspapers carried editorial cartoons, including one

30. *People of California v. Nellie May Madison*, vol. 3, pp. 788–918. Dave Clark stood trial in 1931 for killing two prominent businessmen. He said he had been lured into a trap and that he had grabbed a gun from one of them and accidentally killed him. He shot the second man in self-defense. All the evidence pointed to Clark having brought a gun to the meeting; nonetheless, a jury acquitted him. Tygiel, *Great Los Angeles Swindle*, 307–8.

31. "Reporters Transcript on Appeal," vol. 4, pp. 1310–26.

32. *Los Angeles Evening Herald and Express*, July 5, 1934, sec. 1, p. 1; *Los Angeles Evening Post-Record*, July 5, 1934, sec. 1, p. 1; *Los Angeles Times*, July 6, 1934, sec. 1, p. 1; *Los Angeles Examiner*, July 6, 1934, sec. 1, p. 1.

33. "Supreme Court of the State of California, Appeal from the Superior Court, County of Los Angeles," May 27, 1935, *People of the State of California v. Nellie May Madison*, CSA, Sacramento. In the appeal, the defense argued that Fricke had favored the prosecution, both by his testimony and by his willingness to allow the bed into evidence. The justices said they did not condone the use of "inflammatory" evidence but also said the defense raised no issues significant enough to warrant a reversal of sentence.

34. Until her confession just two and a half months before the scheduled execution, Nellie Madison never disclosed the fake marriage, except, if she is to be believed, to her attorney Joseph Ryan, who was unsympathetic. The "marriage" had taken place as Nellie and Eric were on their way to Dillon to collect her inheritance. Eric told her he knew a minister in Salt Lake City who could marry them. He went alone to get a marriage license, which she thought was strange but accepted anyway; the friend conducted the "ceremony"; and they signed the license and left for Dillon. Nellie did not discover the minister was not a minister at all until she found Eric in bed with the girl. Enraged at Nellie's discovery of his infidelity, Eric divulged the true status of their relationship and threatened to expose Nellie as a fornicator.

35. California Supreme Court, "Appeal for Executive Clemency," June 21, 1935, *People of the State of California v. Nellie May Madison*, CSA, Sacramento. The fifteen-page confession portrayed Madison as an alcoholic, drug abuser, and violent predator with a predilection for under-aged girls. Nellie said she never meant to kill Madison. After the shooting she decided to kill herself with the murder weapon or the knife she carried in her purse, but police arrested her before she could accomplish this.

depicting a haggard woman reaching toward the sun shining outside her prison cell. Fitts and Fricke, recognizing perhaps that they had lost control of the debate, quietly shifted gears. In a letter to Merriam, Fitts said he could make no recommendation on the hanging; the governor was on his own. Fricke discounted the confession as the work of a desperate woman, but expressed ambivalence as well.

With sixteen days left before the scheduled hanging and public opinion clearly mounting against the execution, Merriam signed the reprieve. Nellie Madison left her lonely cell and joined the general prison population, which included dozens of other women murderers fortunate enough to have avoided death sentences.³⁶

It has been seventy years since the “enigma woman” riveted the public’s attention, and she has been long forgotten. Her case has never appeared in any of the books featuring sensational southern California trials, and yet it is as significant as any of them, perhaps more so, for it provided an early demonstration of the connection between ambitious politicians and the media and the transitory nature of popular culture, which can elevate or destroy individual lives.

The painful experience of being cast as an “outlaw”



Herald Examiner Collection, Los Angeles Public Library, Los Angeles, California

As the clock ticked toward Madison’s scheduled execution on July 5, 1934, California residents began to examine the moral implications of hanging a woman. A groundswell of public opinion, including the pleas of the twelve jurors and two alternates who had recommended the death penalty, persuaded Governor Frank Merriam to grant clemency. Here Madison stands outside her cell in the Los Angeles County Jail just after receiving the death sentence.

and a character out of noir fiction helped to destroy Nellie Madison. She spent a total of nine years in prison. Following her reprieve, she began an unrelenting campaign to

win her release from prison, inundating two governors with letters and petitions. “I do not wish to seem impatient, but of course I am anxious,” began one letter. Finally, in March 1943 Democratic governor Culbert Olson commuted her sentence to time served.³⁷

Shortly afterward, Madison moved to San Bernardino, California, and married one more time. But her prison experience left her with serious health problems, including hypertension. In 1951 she suffered a stroke that left her partially paralyzed. She died two years later, at the age of fifty-eight.³⁸ As for Fitts and Fricke, all of the effort they put into Madison’s case did not catapult them into higher office. Shortly after Madison’s trial, a Los Angeles grand jury indicted Fitts for perjury in connection with another case. He was acquitted but lost his bid for a fourth term as district attorney in 1940.³⁹ Fricke sat on the superior court bench until his death in January 1958 from throat cancer.⁴⁰

Since Madison’s reprieve, the State of California has executed four women, including Louise Peete, paroled in 1943 after spending twenty-three years in prison for the 1920 murder of her landlord and convicted of a second murder in 1945. None of the executed women killed her husband.⁴¹ *m*

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36. *San Diego Sun*, September 10, 1935.
 37. “Commutation,” December 31, 1942, Executive Clemency file, *People of the State of California v. Nellie May Madison*, CSA, Sacramento.
 38. Nellie Madison’s death certificate, 53-057732, is on file at the California Bureau of Vital Statistics, Sacramento. She suffered from hypertension for years before her death. The earlier stroke, in 1951, left her partially paralyzed. On her death certificate, her last husband, John Wagner, filled in “housewife” under occupation.
 39. Tygiel, *Great Los Angeles Swindle*, 325.
 40. Fricke’s obituary appeared in the *Los Angeles Times* and the *Los Angeles Examiner* on January 27, 1958, sec. 1, p. 1.
 41. Eithel Juanita Spinelli, the leader of a Sacramento gang, became the first woman executed in California in 1941. Louise Peete, who killed another landlord in 1944, this time a woman, was executed in 1947. Barbara Graham, a former prostitute, was executed in 1955 for the murder of an elderly woman during a robbery. She went to her death wearing silk pajamas, and Hollywood made a film about her life, *I Want to Live*, starring Susan Hayward. Elizabeth Duncan was the last woman executed, in 1962, for murdering her pregnant daughter-in-law.