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A Most Despicable Hoax: Women, Crime, and Newspapers in Depression-Era St. Louis

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I. INTRODUCTION

After 194 days at the City Jail in St. Louis, Nellie Tipton Muench departed Union Station for the Federal Detention Farm in Milan, Michigan, at 6:20 p.m. on the evening of July 7, 1937.[1] She had finally given up on any hope of appeal and agreed to start her sentence for mail fraud. A large crowd of "hundreds" of people arrived at the busy train station to catch a glimpse of the once auburn-haired doctor's wife who had captivated the city since 1934. That day, however, onlookers were surprised by her brown hair streaked with grey; she was denied henna to dye her hair in jail. She wore shell-rimmed "smoked" glasses, lenses tinted brown, to shield her eyes from the flash bulbs of photographers as she came in through the 18th Street entrance.

As Muench walked down the steps to the midway, a newsboy yelled out "Good luck, Nelle!" Her escort, U.S. Marshal William Fahy, accompanied by his wife and his daughter Winifred, allowed her to make few phone calls before the boarded the train. She first called Carl Auer, a wheelchair-bound musician whom she and her husband often hosted at their home in happier times. Auer had testified on her behalf in multiple trials. She made a second phone call, and when she discovered she was out of nickels, Marshal Fahy lent her one for the final call. He also gifted her a copy of the newly released book *We Are Not Alone*, which she requested after she could not get it from a friend.

On the train, she was led to a sleeping Pullman car with Mrs. and Miss Fahy. It took a few minutes, but soon the photographers dissipated in the face of the drawn curtains and locked door of Drawing Room A. Muench then waved in, surprisingly, a *Post-Dispatch*

[1] According to members of the family today, the surname is, despite its German origin, pronounced "Minch."

correspondent. For 90 minutes, Muench mostly relaxed and spoke freely about the missing Amelia Earhart as well as her own plight. Despite her longstanding claim that she was framed by the newspapers for a kidnapping for ransom and subsequently passing off a stolen baby as her own to gain sympathy and money, Muench spoke to the correspondent "without bitterness." She ate heartily in the dining car amidst members of the St. Louis Browns baseball team as well as a former patient of her husband. At first he pretended not to know her. However, before leaving the car, he put down his napkin and came to her table. "Mrs. Muench, I am sorry. I wish you courage," he said, offering his hand "with grave dignity." "Thank you," she replied, choking and then weeping "briefly" as she looked out the window. She composed herself, "got out her powder and lipstick, employed them quickly, and resumed her discussion of cooking." The train continued on to federal prison.[2]

The strong reaction which Muench provoked that day from those who knew her as well as those who only knew her from the newspapers was only a fraction of the attention she received from the press, the law, and the public since she was first named as a co-conspirator in the kidnapping for ransom of a wealthy doctor in 1931. The key to the unusual longevity of this story and the force with which it gripped the city is understanding that it was more than just a sensational courtroom drama. Media coverage of this case – as well as media manipulation by the characters involved – illustrates the early stages of the media-based celebrity culture that we currently live in. More importantly, it also demonstrates a shift from a moralizing and paternalistic fourth estate to one that is more interested in propping up characters that sell papers and developing necessary symbiotic relationships with said stars. In the 1920s and 30s,

[2] "Nellie Muench Enters Prison at Milan, Mich.," *St. Louis Post-Dispatch*, July 8, 1937.

the rich and famous were no longer just aristocracy and royalty that wished to be shielded from publicity and the prying eyes of the masses except on the few occasions that it served their interests. "Celebrities" had become self-made men and their families, Hollywood stars, pilots, athletes, and others who needed and thrived on publicity. Editors, reporters, and publishers in St. Louis at the time were having serious discussions about what constituted both responsible and attractive news coverage, despite Muench's cries of a simple case of yellow journalism designed to boost circulation at any cost.

In this thesis, I analyze newspaper coverage, private correspondence, and Muench's own book to show that the press covered Muench as a new breed of celebrity instead of condemning her as a criminal, villain, kidnapper, or fallen woman, and that she, in turn, took media manipulation to new heights and used it to further her own version of the truth, consistently attempting to evoke sympathy from the public and the jury. This actually worked – until it didn't. I argue that this specific celebrity culture, as a direct antecedent to the culture we find ourselves in today, developed as a result of the intermingling of changing ideas about women and a new brand of journalism, and that Nellie Muench used this to both her advantage and detriment to carve out a starring role for herself in a rejection of a life she was not content with. In my analysis, I examine the specific language the media used publicly (and where available, privately) in coverage of this case, as well as Muench's deliberate communications, verbal or otherwise, to the jury, judges, reporters, and public.[3] The fact that the newspapers

[3] Due to available surviving records, the focus is more on the *Post-Dispatch* than the *Star-Times*. The *P-D* is also more reliable, where the *S-T* resorted to consistently unethical and unsavory methods. The third paper, the *Globe-Democrat*, covered this case extensively as well, but did not generally break any news about it, while the *P-D* and the *S-T* were incredibly involved, from *P-D* reporter Rogers recovering the kidnapped Dr. Kelley to *S-T* editor Harry T. Brundidge and his wife hosting Anna Ware and her sister at their home for the duration of the hearing. The *Globe-Democrat* either could not or would not go to such lengths.

were more tolerant than a generation (or even decade) before gave Muench the space to use them to her advantage. Before this happens, she wanted her image to be that of the cultured glamorous New Woman, and took it to a point that repeatedly got her in trouble. In slumming with the debonair but shady gangster Angelo Rosegrant, her later kidnapping co-defendant, she was cosplaying the types of characters popular in the movies she would have seen in pre-code Hollywood films. When her kidnapping trial hit the papers, she used media coverage to subvert this entirely and morph into the image of modest motherhood. Evoking sympathy using motherhood becomes more important in the Depression era thanks to a backlash against the "New Woman."[4] In fact, without her gender and her class, there would be no story here for the newspapers. They would have covered the trial as they did for Muench's co-defendants and that would have been the end of it. Instead, those unexpected factors interested the public who wondered how and why someone like Muench would be involved in this.

Women in the 1930s are also an underrepresented and understudied group, as we shall see. Celebrity culture was forming during this period as Hollywood exploded, and the opportunities available to women were changing, but in general, society had not caught up with them yet. To that end, the media was not ready to understand women who do not fit traditional archetypes, and celebrity culture reduced the figures to tropes. Muench herself was taking advantage of a role in society that was not available to her in her younger years in rural pre-Prohibition Missouri. However, her downfall should not necessarily be seen as the expected punishment for a woman who acts out of societal norms. Her gender and performance of

[4] Loralee MacPike, "The New Woman: Childbearing and Reconstructions of Gender, 1880-1990," *NWSA Journal* 1, no. 3 (Spring 1989): 393.

motherhood make the case unique, but every single one of her male cohorts receives a similar or worse fate. Their trials were splashed across the front pages as well – the difference is, they did not play the game and put on a good show. The celebrity aspect of this trial overshadows the pathos of it: This may seem fairly harmless in the grand scheme of things, but dozens of people's lives were shattered at best, or they were in prison or dead at worst. In the end, the media (and the public) moved on without picking up the pieces. Feminist historian and biographer Susan Ware argues that when writing about women's lives, it is key to understand that "traditional narrative arcs that trace a male model of success or achievement do not necessarily apply to female subjects. Women's public lives," she says, "rarely unfolded in straightforward ways; they were often complicated by struggles to obtain an education, and productive work, or escape the expectations of traditional female roles and other distractions, like marriage or motherhood."[5] Muench's life certainly matches this description, and makes it fertile ground to explore larger forces at play such as the Depression, post-Prohibition crime, post-suffrage feminism, and the beginnings of today's 24-hour news cycle.

To tackle this argument, in section II I give an overview of the Muench saga, from her beginnings in mid-Missouri to the Kelley kidnapping, various trials, the baby hoax, her prison sentence, and attempts to locate her after her release. Although this itself is merely an abbreviated version of this story, it's imperative to understanding the arguments that follow. Next, in section III, I discuss crime in this period, focusing on tabloid trials, kidnappings for ransom, and female criminals, as well as the interplay of the new celebrity culture, which often

[5] Susan Ware, "Writing Women's Lives: One Historian's Perspective," *Journal of Interdisciplinary History* XL, no. 3 (Winter 2010): 417.

used true crime as its basis. In section IV, I detail Depression-era womanhood, tracing its feminist origins from the female bicyclists of the 1890s and the flapper age, as well as the way these stereotypes are presented in popular culture and media, and how this resulted in a somewhat more liberated yet simultaneously regressive view of women in the 1930s. In section V, I describe Muench's life before the Kelley kidnapping. This illustrates many of the ideas and contradictions displayed in previous sections and lays the groundwork for explanations of Muench's attempts at manipulating both the media and public sentiment. Section VI covers the newspaper coverage of Muench and her trials and analyzes the language used as well as the motivations of those behind the reportage. Section VII delves into *Judge for Yourself*, the book Muench published in 1936 to bolster her claims of innocence. In conclusion, Section VIII summarizes my arguments and describes the last traces of Muench's eventful life.

II. THE KELLEY KIDNAPPING & THE MUENCH BABY HOAX

By the early 1930s, preacher's daughter Nellie Tipton Muench had gotten used to brushing shoulders with St. Louis' rich and powerful. During her childhood in Pike County, Bowling Green, and Columbia, Missouri, her father, the Reverend William Tipton, was a Baptist minister of some renown who was well-known in mid-Missouri by the time of his death in 1925. Her elder brother, Ernest, was appointed to the Missouri Supreme Court in 1932. Muench and her husband had both been musicians in Columbia, where they met as students, and hosted a lively musical salon at their home in St. Louis, on Westminster Place.[6] This street is among the wide boulevards of the Central West End, an old and wealthy neighborhood, and was certainly not cheap. Yet it was not quite the same as nearby Portland, Westmoreland, and Kingsbury Places, where the city's elite were shielded from everyday St. Louis. Inching ever closer to this tony crowd, Muench opened a posh dress store called the Mitzi Shop, where she sold dresses to one Kathleen McBride Kelley, daughter of the late capitalist, philanthropist, and oil magnate William Cullen McBride. After a few years, the shop was in debt and eventually closed.[7]

On April 20, 1931, a rainy spring evening, Kathleen's husband, Dr. Isaac Dee Kelley, an ear, nose, and throat specialist with a large private practice was summoned from Portland Place on a house call for a sick little boy.[8] The call was a fake, and Dr. Kelley was kidnapped. After several days of negotiations with the family, Dr. Kelley, still in blacked-out goggles, was released to *St. Louis Post-Dispatch* reporter John T. Rogers at a filling station near East St. Louis.[9] The

[6] "Mrs. Muench Frankly Tells of Her Past," *St. Louis Star-Times*, March 15, 1934.
[7] "Three Creditors Seek Receiver for Mitzi Shop," *St. Louis Post-Dispatch*, April 27, 1928.
[8] "Dr. I.D. Kelley Kidnaped; Lured From Home by Fake Phone Call Last Night," *St. Louis Post-Dispatch*, April 21, 1931.
[9] "Dr. Kelley Released to Post-Dispatch Man," *St. Louis Post-Dispatch,* April 28, 1931.

kidnapping continued to be splashed across the front pages of St. Louis' three daily newspapers for months, but police made little headway in making an arrest. The years dragged on, until suddenly an indictment was handed down in 1934, holding six individuals responsible for the kidnapping-for-ransom scheme. The full story came from Adolph Fiedler, a former justice of the peace with a checkered past, who, in return for his testimony, professed to know all the details of how and why Kelley was targeted. Five were the usual suspects; three additional suspects had already been killed in gang warfare. But one name stood out on St. Louis County Prosecuting Attorney C. Arthur Anderson's list: Nellie Muench.[10] The press was confused, as Muench herself claimed to be. What connection would she have with an east side tavern, the likes of "Pretty Boy" Lechler, and various members of the Egan, Cuckoo, and Shelton gangs?

Once Muench's name was involved, the *Post-Dispatch*, the *Star-Times*, and the *Globe-Democrat* were on the hunt. She first got her trial severed from the others, and then had it moved to Mexico, Missouri, arguing that she would not be able to get a fair trial in St. Louis thanks to all the publicity (the others weren't so lucky).[11] The move to Mexico was crucial: In a time when women were not allowed to serve on juries, the panel of "peers" would be Audrain County farmers who were likely familiar with the Reverend Tipton, at least by name if they did not know him personally. They were also probably familiar with her brother, Ernest Moss Tipton, a state supreme court judge. Twenty years earlier he'd begun his law career in Fulton, about 26 miles south of Mexico, where he also served as athletic director at Westminster

[10] "Adolph Fiedler Names Eight Men and Woman as Kidnapers of Dr. Kelley," *St. Louis Post-Dispatch,* February 7, 1934.
[11] "Mrs. Muench Gets Change of Venue; Trial Goes to Mexico, Audrain County," *St. Louis Post-Dispatch,* June 24, 1935.

College.[12] The group of rural farmers and grocers and general store proprietors were not likely to believe that a woman of Muench's class and family reputation would be involved in something as sordid as a gangland kidnapping.[13] Yet Muench apparently was not certain of this, and needed an insurance plan, something to boost her chances – a baby.

The only problem was that the Muenches, both in their 40s and already married for nearly half their lives, were childless. In an age before widely accessible birth control, this was not likely to happen at this late stage – but it wasn't impossible. A small notice appeared on August 21, 1935, that a baby boy had been born to the Muenches at their home three days earlier. Muench soon telephoned the *Star-Times* herself to confirm the news, declaring that, "This baby is a gift from God, sent at a time when the whole world has turned against me," before she began to sob.[14] The baby did not appear in court – they were careful not to claim it as their own under oath at this point – but was eventually paraded around the courthouse square. It worked. Muench was declared innocent and returned victorious to St. Louis.

Someone else took note of all the publicity. Anna Ware, a 19-year-old unmarried servant girl from Pennsylvania, saw Muench's frequent newspaper mentions and photographs, and realized she recognized her. Eventually, with the help of the *Star-Times,* Anna filed a *habeas corpus* writ and petitioned to have her baby returned to her.[15] She claimed she was forced to give up the child against her will, and that Muench had ridden in a car with her before she gave birth. A different baby who had died a few days after birth was also traced to the

[12] "Ernest Tipton Named as Assistant coach of Westminster College Team," *St. Louis Post-Dispatch,* August 15, 1915.
[13] "Mrs. Muench Acquitted of Kelley Kidnapping; Jury Out Overnight," *St. Louis Post-Dispatch*, October 5, 1935.
[14] Speculation as to why she trusted or at least favored the *Star-Times* early on can be found on page 41. "Mrs. Nelle Muench Announces the Birth of a Six-Pound Son," *St. Louis Star-Times*, August 21, 1935.
[15] "Anna Ware to Fight for Baby in Court," *St. Louis Star-Times*, September 18, 1935.

Muench home (see page 52), heightening suspicion that Muench's friend, lawyer Wilfred Jones, had indeed procured an infant for her.[16]

The press went wild, covering every court filing and often visiting Muench at her home for tearful interviews. A neutral third party was chosen to handle the strange case; even-keeled Cape Girardeau judge Rush Limbaugh, Sr. was appointed as special commissioner by the Court of Appeals.[17] Months of testimony followed, with various stock characters taking part like something out of a pulp novel. There is Carl Auer, the disabled musician who lived with the Muenches on and off and testified to Muench's constant tender care.[18] There is Grace Thomasson, the seductress with platinum blonde hair and at least eight husbands, most recently the widow of a wealthy old man, who admitted the baby plot and her role as accomplice in procuring an infant.[19] There is Verne Lacy, the fiery defense attorney with bushy black eyebrows who was constantly sweating, jowls shaking, as he roared at the witness stand.[20] The plot became even more sordid when Muench's affair with another even wealthier Central West End doctor, Marsh Pitzman, became public. The middle-aged bachelor was footing her legal bills and had been convinced he was the father of Muench's miracle baby.[21]

In his report to the Court of Appeals, Limbaugh recommended the baby be returned to Ware, and the Muenches, Jones, and another accomplice were given fines for an improper adoption.[22] Soon the district attorney's office argued that she procured the baby not for jury

[16] "Baby, Ill in Muench Home, Died in July," *St. Louis Star-Times*, September 18, 1935.
[17] "Suit of Anna Ware to Regain Baby to Be Heard Tuesday," *St. Louis Post-Dispatch*, October 9, 1935.
[18] "Mrs. Muench Frankly Tells of Her Past," *St. Louis Star-Times*, March 15, 1934.
[19] "Mrs. Thomasson's Quarters Ransacked for 'Baby' Evidence," *St. Louis Globe-Democrat*, October 6, 1935.
[20] "Defense Begins in Verne Lacy Trial on Charge of 'Fixing' Jury," *St. Louis Post-Dispatch,* June 27, 1934.
[21] "Pitzman's Story Ends State Case in Muench Trial," *St. Louis Post-Dispatch*, August 15, 1936.
[22] "Anna Ware Wins Baby Suit; Commissioner Finds Muenches Had Her Child," *St. Louis Post-Dispatch*, December 5, 1935.

sympathy but to keep Pitzman's money coming; either way, this twist did her in. Federal mail fraud charges were brought, as she had written Pitzman numerous letters about the baby and her need of funds. In December 1936, a federal jury found the foursome guilty.[23] Almost a year to the day after Anna Ware got her baby back, Muench, her husband, and their two accomplices were sentenced to federal prison. After five years, four trials for Muench alone, at least two related murders, and untold public funds, Notorious Nellie was behind bars.

Mentions of Muench and her cohorts died down, and the newspapers moved on. She was not in court the day the federal jury announced the guilty verdict and began to lose her pull on the papers. Short listings on Muench and her husband's various appeals, the loss of their home to creditors, conspirator Wilfred Jones' disbarment, and other continued exploits and attempts to avoid a 10-year federal sentence began to ring of fatigue. Without their star on the witness stand or telephoning a reporter to express her indignation at the accusations, reports of legal proceedings read quite dully.

Eventually, four years of efforts to stay out of prison had been exhausted, and Muench left City Jail on the evening of July 7, 1937 – a 194-day delay that would not apply to her sentence. She ended up not at the reportedly boarding school-like Alderson Prison with accomplice Helen Berroyer, but rather the Federal Detention Farm at Milan, Michigan. She eventually did get a transfer to Alderson, and was released after serving less than seven years, let out on conditional release on April 11, 1944. Her husband, who was released earlier, had already filed for divorce; a contest from Muench was filed and dropped. After attempts to keep

[23] "Mrs. Muench, Three Aids in Jail After Sentencing; She and Jones Get 10 Years," *St. Louis Post-Dispatch*, December 27, 1936.

her whereabouts secret, like blurred postmarks on letters to her lawyer's office, the *Star-Times* tracked her down at her brother Judge Tipton's home in Jefferson City. Later that year she was found living in a rooming house and working as a practical nurse in Kansas City, "in contrast with the lavish life she previously followed."[24]

[24] "Mrs. Muench Making Living as Nurse in K.C.," *St. Louis Star-Times*, November 29, 1944.

III. CRIME & THE NEW CELEBRITY CULTURE

The trial-as-media-spectacle in the United States was not born in the wake of World War I. In his 2011 paper and subsequent book, Stanford University law professor Lawrence M. Friedman explains their development out of colonial-era public executions and other sentences (whipping, stocks, etc.). This was not simply entertainment: It also functioned as ritual and morality enforcement. The supposed gallows speeches of condemned men were widely distributed as a "popular form of literature," though the "enlightening, moralistic" texts were almost certainly written beforehand by "ministers, jail officials, or the doomed man himself."[25] In the nineteenth century, "elite" opinion began to turn against public executions because "in big raucous cities, with a floating population, with slums, crude waterfront saloons, and an atmosphere prone to rioting and disorders," public hangings were "no longer effective as moral theater" but rather something that might bring out the worst in a crowd.[26] Friedman writes that although the state began to carry out executions hidden away in the bowels of a penitentiary, there were a few important exceptions to this new criminal justice narrative: Wild West vigilantes, Southern lynchings, and headline trials.

Headline trials, of course, are only possible in the age of mass media. Although there were plenty of notorious figures before the nineteenth century, Friedman argues that the convergence of widely available newspapers, disposable income, and the new literary form of mysteries and detective novels led to the rise of the headline trial as entertainment during this period. He categorizes sensational trials into ten different types: political, corruption and fraud,

[25] Lawrence M. Friedman, "Front Page: Notes on the Nature and Significance of Headline Trials," *Saint Louis University Law Journal* 55, no. 4 (2011): 1247.
[26] Friedman, "Front Page," 1247.

"was justice done?", tabloid, celebrity, whodunit, soap opera, "worm in the bud," "who would have thought?", and moral panic. Headline trials rarely fall neatly into just one of Friedman's categories, and often overlap. He provides famous examples for each type to explain their characterizations and the larger meaning in society. For our purposes, we will investigate his explanation of those applicable to the Muench case – tabloid, celebrity, whodunit, soap opera, and worm in the bud. Many of the cases he cites are murder trials, as these are often the most dramatic, but the Muench case incorporates similar themes.

Friedman categorizes tabloid trials as cases where the trial itself might be an anticlimax as it centers around incredibly lurid or depraved, especially sexual, crimes. He cites Jeffrey Dahmer and other serial killers, but there can also be simply shocking crimes that capture the imagination of the public. Celebrity trials, obviously, involve celebrities, but these types of trials can include well-known or public figures in their community like Lizzie Borden. She was not a celebrity before the murders of her father and stepmother, but the Bordens were prominent figures in Fall River, Massachusetts. Celebrity trials invite public fascination for another reason, Friedman says: "The rich and famous can afford to hire the best, the most flamboyant, the most newsworthy lawyers…[they] have the means and the will to turn the trial into media events."[27] In the Muench case, Verne Lacy is the flamboyant attorney, all jowls and eyebrows – a stock character the reader is familiar with, just as viewers were captivated decades later by Johnnie Cochran and F. Lee Bailey. Whodunit trials add "an air of mystery and doubt" to the proceedings because it's unclear if the defendant is innocent or guilty. Friedman compares these to the popularity of Perry Mason novels, which debuted in the 1930s. Mason is always

[27] Friedman, "Front Page," 1258.

able to decipher the puzzle, reveal the real killer, and save the falsely accused. "Real life can be much more ambiguous – and tantalizing," Friedman says.[28] Soap opera trials usually involve a love triangle and romantic complications, or a lover scorned; these are often celebrity and/or tabloid trials, too. Here he notes that defendants are usually men, but "occasionally a woman sits in the dock."[29] The Muench case involves all of these elements, but perhaps the most compelling argument for why St. Louis was so obsessed with the saga is the worm in the bud trial. This type of headline trial "expose[s] the sleazy underside of prominent or respectable society…the raw reality behind the life-styles of the rich and famous, the seamy habits and sex lives of members of Broadway and high society." In trials like that of Lizzie Borden, Fatty Arbuckle, Leopold and Loeb, and Robert E. Chambers, Jr. (the "preppy" murder of 1986), "the case[s] ripped aside a curtain that covered and concealed a kind of dry-rot, a concealed pathology, and one which (arguably) was eating away at the pillars of respectable society…a collapse of traditional values."[30]

Friedman argues that headline trials are not notorious simply because they are entertaining. Instead, they "tell us something about our society and, more and more, about the role of the media in that society. Indeed, the media have become a critical factor in explaining the why and the wherefore of headline trials."[31] They are, he says, "a natural outgrowth of a celebrity society" and at the same time, reflect a growing fear of a changing society, where social standing is mobile in terms of both status and geography.[32] In another study, Friedman

[28] Friedman, "Front Page," 1259.
[29] Friedman, "Front Page," 1263.
[30] Friedman, "Front Page," 1264.
[31] Friedman, "Front Page," 1267.
[32] Friedman, "Front Page," 1271, 1276.

and William E. Havemann studied front pages of three major American papers in 1910, 1950, and 1990. They concluded that in the earlier period, headlines about criminal trials illustrated a response to the "excess of modernization" as opposed to fears about the Cold War and post-World War II America in 1950 and urban poverty, the war on drugs, and racism in 1990.[33] The Muench case is obviously extremely unique, and most sensational trials include a murder. Twenty years before Dr. Kelley was kidnapped, Mae Talbot, an opera singer, murdered her abusive husband in 1909. Much of law professor and historian Carolyn B. Ramsey's analysis of this case focuses on the domestic violence aspect, and the way that played out in the media, but the relevant argument for us is that it was not just entertainment, but a public trial of social issues.[34] The saga reflects fears about changing social mores, a fear of poverty, and shifting gender roles – themes that are also reflected in the Muench case.

Crime in this period is somewhat unique, as well; Prohibition fostered an explosion of criminal activity surrounding bootlegging and the ancillary crimes necessary to keep such operations going. Prohibition turned many ordinary citizens into criminals, and forced previous law-abiding Americans to depend on criminals to supply their alcohol. This resulted in a public ambivalence toward the supposed moral ills of some crimes. As it became clear Prohibition would soon end, gangs in cities across the country had to turn to crimes like theft, racketeering, and increasingly kidnapping for ransom to keep money coming in. The Depression didn't help either. Legislation responded in due course, and the Federal Kidnapping Act, known as the

[33] Lawrence M. Friedman and William K. Havemann, "Headline Trials in the Twentieth Century: A Look at Front-Page Criminal Coverage in 1910, 1950, and 1990," *Loyola Law Review* 59, no. 1 (2013): 137, 150.
[34] Carolyn B. Ramsey, "A Diva Defends Herself: Gender and Domestic Violence in an Early Twentieth Century Headline Trial," *Saint Louis University Law Journal* 55, no. 4 (Summer 2011): 1349.

Lindbergh Law, passed in 1932, allowed federal agents to get involved if a victim was transported over state lines. It is often assumed that this was a response to the kidnapping and killing of the Lindbergh baby, but it was actually introduced a year earlier: Kidnapping for ransom was such an issue in St. Louis by 1931 that Missouri Senator Roscoe Conkling Patterson and St. Louis Representative John Cochran introduced the proposed bill eight months after Dr. Kelley's ordeal.[35]

East St. Louis had become a popular hiding spot for St. Louis gangs operating in the "snatch racket"; by 1929 a gang calling itself The Lawbreakers' Protective Association of Chicago sent letters to victims demanding $20,000 for "membership dues." (I have not found any evidence that any of Muench's associates were part of something so organized.) The Kelley kidnapping was St. Louis' 13th in just 16 months. In his paper "Headline Kidnappings and the Origins of the Lindbergh Law," Barry Cushman recounts four high-profile 1931 St. Louis kidnappings that prompted Patterson and Cochran's bill in December of that year: Adolphus Busch Orthwein (curiously, his cousin was married to one of Mrs. Kelley's sisters), grandson of Anheuser-Busch president August Busch; Oscar Johnson II, International Shoe Co. heir; Alexander Berg, wealthy furrier; and Dr. Kelley. At least two of the Kelley kidnappers were involved in the Johnson kidnapping, and Verne Lacy represented a Berg co-conspirator.[36]

In February 1932, the House Judiciary Committee heard testimony from a bevy of St. Louis witnesses attesting to the importance of the bill, although key figures like Attorney General William D. Mitchell opposed it because it would be expensive to enforce, and "might

[35] Barry Cushman, "Headline Kidnappings and the Origins of the Lindbergh Law," *Saint Louis University Law Journal* 55, no. 4 (2011): 1294.
[36] Cushman, "Headline," 1300, 1302.

induce the states to become overly reliant on the federal government for enforcement of criminal prohibitions on kidnapping."[37] Four days later, Charles Lindbergh's infant son was kidnapped. The bill passed both houses by June. (Muench and her three co-conspirators were eventually put away on a federal charge – but not this one.) Ultimately, Cushman's argument is that the kidnapping of Dr. Kelley was one of the cases that directly led to passage of the Federal Kidnapping Act.[38]

Ernest Alix presents a survey of kidnappings for ransom in his 1978 book, *Ransom Kidnapping in America, 1874-1974: The Creation of a Capital Crime*, but only includes cases that garnered mention in the *New York Times*. This severely limits both his data and his conclusions. By his count, kidnappings for ransom peaked in the 1930s, with a resurgence in the 1970s – both times of economic distress. Yet out of 1,036 total kidnappings reported in the *Times* during that period, only 236 were kidnappings for ransom.[39]

A crucial point in the examination of crime and culture in the 1930s is the advances in mass communication that made it truly possible for the first time for Americans to have a shared experience. In *Culture as History: The Transformation of American Society in the Twentieth Century*, Warren I. Sussman describes the effect that increased circulation of newspapers, advances in photographic technology and the use of photos in newspapers and magazines, and the advent of radio had on American culture. Photographs and film, though not new inventions in the 1930s, "provided a fresh way of understanding events…[making] it

[37] Cushman, "Headline," 1306.
[38] Cushman, "Headline," 1316.
[39] Ernest Kahlar Alix, *Ransom Kidnapping in America, 1874-1974: The Creation of a Capital Crime* (Carbondale, IL: Southern Illinois University Press, 1978).

possible to see, know, and feel the details of life, its styles in different places, to feel oneself part of some other's experience." This certainly can be applied to the hold tabloid trials had on the public. Getting the details of tawdry entanglements mirrored "the lowly soap opera, the most frequently mocked of radio's inventions" because it "provid[ed] the intimate experience of other people's lives so that millions of housewives knew they were neither alone nor unique in their problems."[40]

In turn, the newspapers of the early 20th century were expected to be "full of news." As Daniel J. Boorstin examined in his seminal book *The Image: A Guide to Pseudo-Events in America*, the attitude toward news had changed in this period. If there were no elections, no natural disasters, no assassinations to fill the pages, a good reporter would still find a story (where else would all the advertisements go?). If there was no story, he would create one "by the questions he asks of public figures, by the surprising human interest he unfolds from some commonplace event, or by 'the news behind the news.' If all this fails, he must then give us a 'think piece' – an embroidering of well-known facts, or a speculation about startling things to come." Boorstin writes extensively about "pseudo-events" such as presidential debates, press releases, news leaks, and interviews on late-night talk shows and their role in creating "news." Muench created many pseudo-events throughout her ordeal, such as walking her miracle baby around the courthouse square in Audrain County, hosting reporters in her home for interviews, and allowing reporters to accompany her as she fled to Illinois to evade arrest until bail was arranged. These tactics ensured her story stayed on the front page – or close to it – despite

[40] Warren I. Susman, *Culture as History: The Transformation of American Society in the Twentieth Century* (New York: Pantheon Books, 1984), 159-160.

protestations to the contrary. In turn, readers clamored for more information, fueling the feedback loop.

Of celebrities, Boorstin notes their reliance on mass media to stay relevant. As opposed to "the hero," a celebrity, he says, must always be current or else he is forgotten. "The passage of time, which creates and establishes the hero," he writes, "destroys the celebrity…The very agency which first makes the celebrity in the long run inevitability destroys him. He will be destroyed, as he was made, by publicity. The newspapers make him, and they unmake him – not by murder but by suffocation or starvation." Muench certainly exemplifies this celebrity that is so commonplace today. Boorstin doesn't see this rise and fall as tragic, however, as the celebrity is "returned to his proper anonymous station." Muench likely did not see things that way, even as she obscured her identity after release from prison (see page 13).[41]

There have been many crimes that captivated the American public, and these studies provide a useful framework to view the Kelley kidnapping and Muench baby hoax. The rash of kidnappings-for-ransom in St. Louis were directly borne from Prohibition and the void left by bootlegging. The media coverage that developed alongside rising crime in the 1920s splashed lurid and violent images across front pages and made the perpetrators household names. As explored by Friedman, the public was especially enthralled with cases that showed the seedy side of respectable life. They followed the cases like they would thrilling serials in the newspaper, and those who were able packed courtrooms to follow the drama in person. As with other tabloid cases like Mae Talbot or Stanford White, Muench was their neighbor – how

[41] Daniel J. Boorstin, *The Image: A Guide to Pseudo-Events in America*, 50th Anniversary Edition (Vintage Books, 1992), 63.

could she be involved in something like this? To others, Muench represented the moral decay they saw (or wanted to see) in the upper classes who pretended superiority. The nexus of crime and celebrity in this period primed St. Louis as never before for a sprawling, complicated saga to take hold.

IV. DEPRESSION-ERA WOMANHOOD

To understand the environment Muench was operating in at the time of her arrest, we must understand the nebulous social rules and expectations of women, as well as the limited roles available to them in society. As explored by Julia A. Golia in her 2016 paper "Courting Women, Courting Advertisers: The Woman's Page and the Transformation of the American Newspaper, 1895–1935," in the first 30 years of the 20th century, newspapers shifted toward a new reader and consumer: women.[42] In 1895, only a few papers had content aimed at female readers, usually short society listings and other announcements near the personals. By 1925, newspapers across the country had expanded and diversified dedicated women's sections. Editors touted this readership to advertisers, and "had come to believe that they could not draw sufficient advertising revenue without proving to ad men that they could maintain a devoted female audience."[43] In the eyes of newspaper executives, this new readership should be paired with stories about another "new" breed: the female criminal. Expanded freedoms, suffrage, and Prohibition created a wave of sordid coverage. Douglas Perry surveyed the titular *Girls of Murder City* in his 2010 book about the 1920s Windy City criminals who inspired *Chicago*. "This obsession for publicity was something new in society," he argues, and "it made the newspapers, just as much as the people it covered, what they were."[44] Pre-Hayes Code Hollywood films like *Underworld* (1927), *Scarface* (1932), and *Born Reckless* (1930) glamorized, for the first time, bootleggers, gangsters, molls, and murderesses – often inspired by true

[42] Julia A. Golia, "Courting Women, Courting Advertisers: The Woman's Page and the Transformation of the American Newspaper, 1895–1935," *The Journal of American History* 103, no. 3 (December 2016): 606-628, https://www.jstor.org/stable/48560225.
[43] Golia, "Courting," 620.
[44] Douglas Perry, *The Girls of Murder City: Fame, Lust and the Beautiful Killers Who Inspired Chicago* (New York, New York: Viking Penguin, 2010), 231.

stories that had captivated newspaper audiences. Real-life crime stories provided entertainment in the form of sagas that readers could follow for weeks, months, or even years in the age before television, with newspapers breathlessly reporting on every movement of the players.

Much of the literature positions media coverage and crime in response to a changing America. The "New Woman" of the 1920s is just the kind of cultural change that might provoke a strong reaction. The New Woman is often used to referred to flapper types that emerged after women gained the vote in 1920, but it was already the source of consternation and pearl-clutching a generation earlier. In Loralee MacPike's 1989 paper "The New Woman, Childbearing, and the Reconstruction of Gender, 1880-1900," she details how "the debate about women's nature and women's place in society intensified because of real changes in women's lives, and the New Woman who embodied these changes became the focus of a battle to control cultural change."[45] For the first time, couples were marrying later, meaning women might not be going straight from adolescence into marriage. Higher education was opened to women, especially at land-grant universities across the country (the University of Missouri admitted women beginning in 1868, for example), and teaching, nursing, and clerical work became female-coded jobs; women were increasingly visible in public, outside the home. MacPike argues that even something as innocuous as the cycling craze of the 1880s illustrates "women's belief that amenities such as bicycles and functional clothing were necessary components of the lives they led…[and] altered the ways women appeared in public and forced a new visual, iconographic image that conflicted with the traditional married mother visually

[45] MacPike, "New Woman," 368.

implied by the sedentary, corseted-and-crinolined woman."[46] The New Woman, ahead of the turn of the century, was more likely than an ordinary woman to "ride a bicycle, smoke cigarettes, use slang, travel, and be sexually active."[47] This, of course, seemed frightening to Victorian society. If a woman no longer had to choose men, how might she live? MacPike details novels about the New Woman – none of which end happily. Ultimately, the promises of the early New Woman were not fulfilled, and "the major restructuring of roles that had appeared possible in the last decades of the nineteenth century took a different turn and resulted in the glorification of motherhood that emerged after 1900."[48]

Yet there is a clear throughline from the New Woman of the 1880s-90s to that of the 1920s. In "The New Woman in the Making," a 1927 essay, Leta S. Hollingsworth writes that the New Woman is just getting started. She scolds the Victorian sensibilities that condemn birth control, pointing out that the stroller "was deplored as wicked and dangerous when it was first invented" as a real mother "carried her child 'as God intended.'" The use of anesthetics in childbirth initially met a similar reaction. The New Woman, she says, has just gained "power in procreation" but "does not yet know how to use this power most advantageously in the total management of life." Hollingsworth admits that any woman "experimenting" with her own life – that is, doing anything but going straight into the life of a housewife – is an explorer, trying to find the best way for a woman to live, something that "requires a courage and a genius deserving something better than blame or jeers, deserving at least open-minded toleration and

[46] MacPike, "New Woman," 371.
[47] MacPike, "New Woman," 371.
[48] MacPike, "New Woman," 392.

assistance."[49] In 1955's "The New Woman," June B. West traces the qualities of the New Woman of the jazz age as depicted in popular novels. West argues that even the in 1930s, there was "still a continuing resistance against the economic independence of women…[which] put women in a bargaining position" while men were still "dependent on feminine companionship."[50] Some of the novels West examines feature New Women who are economically independent yet still obsessed with romance, but many insisted on economic as well as sexual freedom. Female characters have abortions, declare they are not virgins before marriage, smoke cigarettes, and openly take lovers – crucially, these things do not lead to their downfall. The literature, unsurprisingly, generally claims that most young women of the day were flappers, which West rightfully calls a generalization that was part of the backlash as it "implied a moral disintegration that was quite likely more publicized than actually existent."[51] In any case, West finds that by the 1930s, the New Woman is shown "insisting on her right to be a human being," whether that is professional life, motherhood, or both.[52] Twenty years later, Estelle B. Freedman felt that historians focused too much on the image of the flapper and not enough on a true intellectual women's movement – a continuation of Progressivism – in the 1920s.

However, the Depression meant that there weren't enough jobs for men, much less women, and the New Woman was driven back into the home. A "1937 college text explained that feminists in the nineteenth century had made only small gains, but 'Since then household

[49] Leta S. Hollingsworth, "The New Woman in the Making," *Current History (1916-1940)* 27, no. 1 (October 1927): 20.
[50] June B. West, "The 'New Woman,'" *Twentieth Century Literature* 1, no. 2 (July 1955): 56.
[51] West, "New Woman," 66.
[52] West, "New Woman," 67.

electrical appliances have done more to emancipate women than all the generations of agitation by militant suffragettes.'"[53] Historians of the 1930s and 40s wrote that women chose to remain as professional homemakers despite urbanization and emancipation: "Their portrayals of satisfied professional housewives or unstable career women were doubtless both products of and reinforcements for the Depression psychology which sought to bring women out of the work force."[54] World War II did catapult women into traditionally male activities, but that would result in yet another backlash against changing gender roles personified by the "traditional" image of the post-war 1950s housewife.

In her book *Holding Their Own: American Women in the 1930s*, Susan Ware writes that for many women, the Depression upheld a division of gender roles where men brought in the money and women tended to the home. Obviously, this is not a situation limited to this period, but Ware notes that situations where a husband lost his job often actually reinforced traditional roles as the wife committed herself to taking care of the children and running the household instead of looking for paid work herself. "Cleaning, marketing, and child care were women's responsibilities," Ware explains. "Women were strongly encouraged to limit their aspirations to husband, family, and domesticity; work outside the home, especially for married women, was discouraged." In contrast, popular culture in the 1930s celebrated (though not universally) well-known figures like First Lady Eleanor Roosevelt, female athletes like Sonia Henie and Babe Didrickson, and pilot Amelia Earhart who did not take on a traditionally female role. [55]

[53] Estelle B. Freedman, "The New Woman: Changing Views of Women in the 1920s," *The Journal of American History* 61, no. 2 (September 1974): 381.
[54] Freedman, "New Woman," 383.
[55] Susan Ware, *Holding Their Own: American Women in the 1930s* (Boston: Twayne Publishers, 1982), 173.

Society's conception of the role of women in the late 1920s and early 1930s both grew out of and reacted to the expanded opportunities accessible to women beginning in the 1890s. The rise of fads like bicycling led to increased mobility, visibility, and independence for young women, and the fashion required to participate gave them those things as well. The women's suffrage movement also pushed women who likely did not see themselves as "political" into a very public and politicized arena; they became true citizens with the ability to participate fully in public life, even if they did not work outside the home. However, middle- and upper-class women did not turn into careerists en masse as some of the more radical suffragettes dreamt of. Although the economic reality of the Great Depression pushed many women into the workforce out of necessity, the ideal woman still remained a dutiful wife, mother, and homemaker. There was less of a place for a woman who could not or would not fulfill those roles, whether she was childless, husbandless or both.

V. MUENCH BEFORE THE KIDNAPPING

Many of these ideas are reflected in Muench's life before she went to prison. Despite her rural upbringing, she was well-educated alongside her brothers and attended Stephens College in Columbia, Missouri, a women's school that opened in 1833. During the 1909-1910 school year, when she was a student, only 8,437 women nationwide earned bachelor's degrees.[56] Muench later claimed that she met her husband, Ludwig Orlando Muench, when they were both students, she at Stephens and he at the University of Missouri, and they eloped in 1912 before returning to Columbia to finish their degrees.[57] However, contemporary reports and marriage records show that they were actually married in 1911, and seem to imply that Muench was simply a former student, not a graduate. Interestingly, the *Columbia Daily Tribune* reported that "the wedding was a complete surprise to the friends of the contracting parties," and her father, despite being a reverend, did not perform the ceremony at the Baptist church. The report noted that Miss Tipton "had endeared herself to a wide circle of friends" in Columbia as her main achievement.[58] The future Dr. Muench continued his studies and wrote music for productions at M.U.; the 22-year-old Muench occupied herself by singing at church and later said she dreamt of being an opera singer.[59] In 1912, opera singing would have been a generally respectable path to stage fame, if perhaps unlikely for the new Mrs. Muench. Here we begin to see the dichotomy at play: Muench appears to want something besides the quiet life of a country doctor's wife. Instead, she visited her family after a move to St. Louis and attended

[56] Thomas D. Snyder, ed., *120 Years of American Education: A Statistical Portrait*. National Center for Education Statistics, 1993, 83.
[57] "Mrs. Muench Surrenders in Kelley Kidnaping," *St. Louis Post-Dispatch*, March 15, 1935.
[58] "Muench-Tipton: Student Weds Columbia Girl and Surprises Friends," *Columbia Daily Tribune*, October 30, 1911.
[59] "Another Musical Comedy," *Columbia Daily Tribune*, February 17, 1912; "Church Services," *Columbia Daily Tribune*, May 10, 1913.

lunches given by friends.[60] While her comings and goings were occasionally notable enough for the social columns in Columbia, in St. Louis, Muench was nowhere near the status of the Edwardian upper crust. In 1920 the Muenches had a nurse rooming with them, presumably to bring in extra money.[61] There's no record of her activities while Dr. Muench served in World War I in France from 1918 to 1919, but perhaps a house without a husband or a father on the brink of the Roaring Twenties gave her a taste of something more.[62] By 1925, she had come up with a surefire way to rub shoulders with the wealthy and bought the Estelle Harpole Millinery Shop at 392 North Euclid.[63] She had her first brush with front-page fame when an armed robber stole upwards of $12,000 in diamond jewelry from the shop in August 1925; the *Star-Times* gave her the full-page headline while the *Post-Dispatch* gave her a column in the top center of the page.[64] Both quoted her extensively. When a suspect was apprehended less than 24 hours later, Muench positively identified him, dramatically swung her purse at him, hitting him in the chin, and declared, "That's the man. That's the dirty coward."[65] By this point she was around 34, married but childless: Too old to participate in society's conception of new roles for women

[60] "For Mrs. and Mrs. Ludwig Muench," *Columbia Daily Tribune*, November 21, 1911; "Local News Notes," *Columbia Daily Tribune*, January 2, 1914.
[61] 1920 U.S. census, St. Louis city, Missouri, population schedule, ward 25, enumeration district (ED) 499, sheet 3A (handwritten), dwelling 44, family 45, Nelle T. Muench; digital image, Ancestry.com, (http://www.ancestry.com : accessed 29 March 2024); citing NARA microfilm publication T625, roll 961.
[62] "Dr. Muench Returns From War," *St. Louis Globe-Democrat*, September 22, 1919.
[63] Muench told the *Star-Times* in 1934 that after she inherited $7,500 from an uncle, she planned to travel to Europe. Instead, on a whim, she bought the Estelle Harpole Millinery Shop from its eponymous owner. She claimed the shop earned $10,000 a week, the furnishings were thrifted, and her money troubles were thanks to an embezzling employee. "Mrs. Muench Frankly Tells of Her Past," *St. Louis Star-Times*, March 15, 1934.
[64] "Woman Robbed of $12,200 in Jewelry," *St. Louis Star-Times*, August 18, 1925; "Doctor's Wife Robbed in Shop of $12,000 Gems," *St. Louis Post-Dispatch*, August 18, 1925.
[65] "Hair Cut Leads to Man's Arrest as Jewel Thief," *St. Louis Star-Times*, August 19, 1925; "Woman Hits Robber Suspect on Jaw," *St. Louis Post-Dispatch*, August 19, 1925; "Cropped Hair Leads to Arrest of Suspect in $12,200 Holdup," *St. Louis Globe-Democrat*, August 20, 1925.

such as the carefree flapper, the adventurous aviatrix, or the ambitious co-ed, but also unable to move into the more traditional female archetype of wife *and* mother.

If we are to accept Fiedler's claim that Muench was part of the Kelley plot – and we should – her involvement with Rosegrant and the other gangsters could have been going on at this point. A friend and a maid witnessed the robbery, so it was not made up, but it is not out of the realm of possibility that this was an insurance scam. The initial report noted that she estimated the jewelry's value at about $15,000, "the amount of insurance she carries," and that she was wearing all the jewelry at the time, which would make it easy for a "robber" to know which pieces to steal. In December of the same year, she was *almost* the victim of a robbery spree when three young men stopped her outside her home, and she "argued" that she didn't have anything of value. One of the robbers simply patted her on the shoulder and apologized, saying "Sorry, I guess we made a mistake."[66] This seems extremely strange, even if we take the tale at face value.

Muench was also involved in a speculation scheme gone wrong in 1927; she, not her husband, was one of several "prominent" St. Louisans who bought Missouri oil leases from a man who had been barred from selling them and filed suit to recoup $5,000 in lost investments.[67] Her money troubles continued, and in March 1928 she filed suit against the defunct Page Bank, along with several other former patrons, to recover $3,250.[68] A few weeks later, her creditors put the Mitzi Shop under a trusteeship to try and earn back their $60,000 investments, with Muench retained to run the shop; three other creditors filed a separate suit

[66] "Seven Holdups by Two Bands of Three Young Men," *St. Louis Post-Dispatch*, December 2, 1925.
[67] "St. Louisans Bought $25,000 in Oil Leases from Barred Operator," *St. Louis Globe-Democrat*, February 4, 1927.
[68] "Suits Filed in Circuit Court for Page Bank," *St. Louis Globe-Democrat*, March 16, 1928.

against her. Because the shop was not incorporated, she was personally liable, and the suit uncovered that her assets included not one but two Lincoln automobiles that cost her $14,000.[69] This was a huge luxury that does not seem prudent for someone fending off creditors or even a simple small business owner.

Her creditors took her through bankruptcy proceedings that year, but she refused to go down easily. Reports of various filings regarding the Mitzi shop had been clinical up until July, when she testified in bankruptcy court that one of her creditors, attorney Edward Foristel, charged her 46 percent interest. It is not this accusation that we should take note of, but rather how she, "a modishly dressed, middle-aged woman" according to the *Post-Dispatch*, explains it to the court: "At that time, I thought all men were honorable," she says, positioning herself as a mere woman who trusted a conniving vulture, and "complained she was on the verge of a nervous breakdown as a result of her troubles."[70] This damsel-in-distress routine garnered her a front-page placement in the *Star-Times*, which elaborated that she was indeed "modishly dressed in black chiffon, wearing a large black hat of flexible straw" and "appeared faint at times and had difficulty in recalling exact dates." Here she gets her first taste of the true spotlight, and we see how she attempted to use preconceived notions about her gender to get out of a bad position.

Much later, when Dr. Muench initially filed for divorce, he cited not only his wife's fiery personality but her love of extravagant things that drove him to ruin as grounds for separation.[71] This state of affairs might have pushed her to join the Kelley kidnapping for

[69] "Three Creditors Seek Receiver for Mitzi Shop," *St. Louis Post-Dispatch*, April 27, 1928.
[70] "Says Foristel Charged 46 Pct. on $10,000 Loan," *St. Louis Post-Dispatch*, July 11, 1928.
[71] "Suit for Divorce to Be Contested by Mrs. Muench," *St. Louis Post-Dispatch*, July 16, 1943.

ransom plot, or perhaps she saw a more exciting life for herself on the arm of the extremely wealthy Dr. Pitzman, or as the glamorous moll to Rosegrant's sly schemer. There isn't much information about her life before her marriage, but clearly as an adult, trouble followed her. Besides the various financial issues of the Mitzi shop, it seems very strange that she would be a victim in multiple robbery attempts in the span of a couple of years. She had also been arrested (but never prosecuted, it seems) in 1919 for larceny involving jewelry in a hotel room. Her problems – at least the ones we know about – arise at a time in her life when it must have been clear to her that motherhood was not on the horizon. What other space was there for her on the edges of St. Louis high society in 1930? The shop can be seen as an attempt to at least form relationships with the types of people she aspired to be. It is difficult to believe that even if Dr. Muench could have provided her this kind of lifestyle – or if she were the wife of Dr. Pitzman instead – she would have been satisfied.

Opening a business was not the kind of thing a woman in her position would normally do, and we can use it to interpret what her desires for her life might have been. The Muenches did host a musical salon, so perhaps they were more bohemian than their class might indicate. It could also have been something for an idle, childless woman to use to occupy her time, though philanthropic work would have been more in line with the likes of Mrs. Kelley and her sisters – why didn't she turn to that instead? It seems apparent that she saw a future for herself wherein she was the main character, so to speak. I believe that Muench was involved in the kidnapping plot, despite her acquittal. Her explanations for why Fiedler included her in his story (see page 73) simply do not make any sense. There would be no reason to invent her involvement and group her with gangsters that Fiedler knew well. Muench would not be the

first or last rich woman to slum it with those society deemed beneath her, and it must have added excitement and daring to her life. Obviously, her intention would not be an arrest, indictment, trial, or jail time, but given her taste for the finer things and clearly mounting debt, a kidnapping for ransom may have sounded like a feasible plot. The crew got away with it for three years, and it is impossible to know if this spurred her on to attempt more schemes with Rosegrant, or if it scared her back into the cushy confines of Westminster Place. Once she was thrust into the spotlight for the Kelley kidnapping, her theatrical antics in and outside of the courtroom show her penchant for, at the very least, a more interesting life.

VI. NEWSPAPER COVERAGE

Nellie Muench was first mentioned by the St. Louis newspapers in connection with the Kelley kidnapping on February 7, 1934, when she was arrested at her Westminster Place home. At this early stage, there is no description of her appearance nor any other adjectives describing her; the *Star-Times* reported that she "gave her age" at police headquarters as 35 (she was in fact 42) and offered two sentences about her shuttered Mitzi Shop.[72] Finger man Adolph Fiedler, on the other hand, is given a huge front-page photograph, complete with his signature cigar hanging from his mouth. The front page also features mugshots of two of the gangsters, Felix McDonald and Bart Davit. Perhaps *Star-Times* reporters had minimal information on Muench at this point because it is the last time she would be mentioned so clinically throughout the dramatic case. Curiously, the *Post-Dispatch*, despite quoting Fiedler's story extensively, did not name Muench at all; it lists her as Mrs. N------- in his tale. The unnamed woman, who helped identify prospective victims, "then operated a small business in St. Louis and was presumed to be respectable." It offered no other information about her, other than Fiedler's claim that she "seemed to be the brains of the gang."[73] The extra final edition of the February 7 *Globe-Democrat* did not report on the arrests at all. The February 8 edition gave them a slim front-page column but only named Muench as "a woman" with a West End home, adding that her husband was a doctor.[74]

[72] "Woman and 5 Men Accused in Kelley Kidnaping," *St. Louis Star-Times*, February 7, 1934.
[73] "Adolph Fiedler Names Eight Men and Woman as Kidnapers of Dr. Kelley," *St. Louis Post-Dispatch*, February 7, 1934.
[74] "Woman, Three Men Arrested as Kidnapers of Dr. Kelley," *St. Louis Globe-Democrat*, February 8, 1934.

At this point in St. Louis' media scene, the *Post-Dispatch* was undoubtedly the most prestigious publication. Joseph Pulitzer bought the disintegrating paper at auction in 1878 (he was the only bidder). By 1903, he had turned it into an emblem of the original New Journalism: "a through-going, hard-hitting, and persistent news policy in which new impetus was given to the gathering and writing of the news. Facts piled upon facts were printed, repeated and hammered home."[75] Joseph Pulitzer II, who inherited the paper from his famous father at age 26 in 1911, had originally started working at the *Post-Dispatch* just a few years earlier after "a socially successful but academically subpar year-and-a-half at Harvard."[76] Pulitzer took to the newspaperman's life and remained extremely engaged in the editorial direction of the paper – as opposed to a business-only publisher – for the rest of his life. He worked closely with managing editor Oliver Kirby Bovard, city editor Ben Reese, and Washington correspondent (and later Harry S. Truman's press secretary) Charles G. Ross to strategize all newspaper coverage including Sunday features, opinion pieces, and political editorials.[77] John T. Rogers had won the Pulitzer Prize in reporting just a few years earlier in 1927 for his investigation of a "bankruptcy ring," which led to the impeachment of Judge George W. English of the U.S. Court for the Eastern District of Illinois; Ross won for correspondence in 1931 for coverage of the country's economic situation; the paper itself won for public service in 1937 for uncovering rampant fraudulent voter registration and ballots in St. Louis. This is not to say that Pulitzer and

[75] In his biography of Pulitzer, Daniel W. Pfaff (see following citation) notes that Markham's dissertation was later published as a book, but the book was subject to approval by Bovard's widow, and some of the information present in the dissertation was removed. Because of this, I have opted to review the original dissertation. James W. Markham, "Bovard of the Post-Dispatch" (PhD diss., University of Missouri, 1952) 52.
[76] Daniel W. Pfaff, *Joseph Pulitzer II and the Post-Dispatch* (University Park, Pennsylvania: Pennsylvania State University Press, 1991), 8.
[77] This is clear in surviving correspondence between Pulitzer and various editors and reporters.

Bovard were not concerned with ad sales and circulation. They were, but they felt excellent coverage was the key, whether that be hard-hitting investigations or more trivial sports pages. This strategy that was proven when the *Post-Dispatch* regained the top spot in 1935 after falling behind the *Globe-Democrat* in 1919.[78] Throughout this period, when Pulitzer was not on hand in St. Louis, but perhaps at his estate in Bar Harbor or abroad, he was in constant communication with the staff via letter, telegram, and telephone. Bovard, Pulitzer, Ross, and others were having deep and ongoing discussions during this period about what the paper should cover and how it would do it. [79] It was in this environment that Bovard sniffed out and would not drop the Muench story.

Bovard began his career as a teenage clerk at the *Post-Dispatch* but left for a bookkeeping position at the *Star-Times* in 1892.[80] Although he could not get a writing job, he was exposed to reporters like "Red" Galvin, a "tipster and information man [who] frequented racetracks, gambling resorts, and other breeding places of lawlessness; and he knew well the political schemes at city hall." Galvin, a flamboyant redhead whose ends justified the means, was tasked with more information gathering and source cultivation and less writing – certainly a hallmark of turn-of-the-century journalism. Though he "helped educate Bovard in the ways of men and crime," Bovard must have been determined to run his newsroom in the exact opposite manner, despite what Muench would later claim in court.[81] Bovard got his first journalism position as a young bicycle enthusiast – hopping on one of the fads that signaled the first

[78] Markham, *Bovard,* xx.
[79] Joseph Pulitzer Papers, State Historical Society of Missouri, reels 36-37, St. Louis, Missouri.
[80] Markham, *Bovard,* 6.
[81] Markham, *Bovard,* 10.

appearance of the New Woman – and became bicycle editor at the *St. Louis Star*, where everybody called him Jack. He parlayed this into a serious reporting job at the *Post-Dispatch* in 1898, where he remained for 40 years.[82] By the time he became city editor, it was required to address him as "Mr. Bovard," and he was no longer the "congenial and likable" bicycle columnist but rather calm, cold, collected and often ruthless even to his own staff.[83] His years at the city desk were marked by "crusades" and exposés to unmask corruption, crime, and scandal in St. Louis – making it likely that if he sensed something was amiss, he was unwilling to let it go until he got to the bottom of the story. It was Muench's poor fortune that Bovard was the driving force behind the *Post-Dispatch* when she was thrust into the public eye in 1934. He immediately saw that she was the prime mover behind the scheme, and thus the story, and did not handle her with kid gloves in deference to her gender and class.

However, we should not credit Bovard with covering her through a proto-feminist lens: Bovard's "practice" which became a "tradition" was to only use men for news assignments. Female writers were acceptable for the society pages or the Sunday magazine, and a staffer could only recall three women who had ever written news for him. One of them earned her spot when "a prominent club woman" who was sued for "alienation of a husband's affections" disappeared. Bovard promised the reporter a job if she could find her, and he kept his word – the story trumped any sexist reservations he had about female reporters.[84] Bovard saw his (and the *Post-Dispatch*'s) role in St. Louis as a service to the public to root out deception and criminal

[82] Markham, *Bovard,* 15-33.
[83] Markham, *Bovard,* 61, 124.
[84] Markham, *Bovard,* 330-331.

activity. It would have been anathema to him to accept Muench's Mexico acquittal and the appearance of a miracle baby.

Because Dr. Kelley was released to Rogers, a *Post-Dispatch* reporter, who then conveniently got the whole story before handing the victim over to police, there were accusations by rival papers (and especially Muench) that they had a hand in it, or resorted to unsavory means of reportage. However, Rogers had worked other recent kidnappings, and was famed for his underworld sources.[85] It's a stretch to believe those who accused him of being in cahoots with gangsters, but he was almost certainly someone they knew by reputation if not sight, and he must have been a non-police "authority" figure whom they could easily get in touch with without risking capture.

In the wake of the Orthwein kidnapping a few months earlier, Pulitzer asked his staff why the *Star-Times* and ace reporter Harry T. Brundidge seemed to have special access to the Busch family; in response, Reese systematically explained the decisions behind his city desk coverage (and Brundidge's activities) in an internal memo to Bovard and Pulitzer, giving us a window into the reporting techniques and journalistic integrity of both papers. Reese found that *Star-Times* reporters got a statement from the kidnapper's mother by posing as police officers after she refused to make a statement to the press, and scored the interview with the kidnapper himself by promising they wouldn't disclose his whereabouts to police. "Obviously, the Post-Dispatch could not have obtained either story under such circumstances. Post-Dispatch reporters must introduce themselves as such and never, under any circumstances, misrepresent or conceal their identity or mission…[the story] would not have been published in

[85] "The Press: Missouri Newshawks," *Time*, January 19, 1931.

the Post-Dispatch unless the newspaper were in a position to surrender the fugitive to the authorities before publication was made.[86] Bovard and his team saw themselves as more ethically sound than their counterparts at the *Star-Times*, which they seem to have been, but they too went much farther than reporters and editors today would find acceptable (interviewing Dr. Kelley before calling the police, for example).

In another reporting coup, the *Star-Times* got an exclusive interview with Muench for its February 8 edition, which ran alongside a soft-focused photograph of her that is at least ten years old.[87] The copy is nothing short of breathless, describing Muench's furniture, demeanor, and appearance – all of which would surely be of interest to its female readers. In her large West End home – which was luxurious, to be sure, but nothing compared to the mansions of Dr. Kelley, who lived on nearby Portland Place, and her paramour Marsh Pitzman, who lived on Kingsbury Place – Muench hosted the *Star-Times* to give the first version of her story which she would stick to until nearly the end. "Her attractive brown eyes flashing with indignation," the reporter begins, noting Muench lounging on a davenport, detailing her "attractive home" and a floor "covered in Oriental rugs.[88]" She was "modishly attired in black dress with white collar and white sleeves," a costume similar to the one in her provided photo, and "titian haired and attractive." By the end of the interview, Muench "had regained her composure to a point where her natural exuberance of spirit would not remain suppressed." The reporter was clearly taken in by Muench and believed her story, describing the burden the accusation put on her

[86] Ben Reese to O.K. Bovard and Joseph Pulitzer, January 16, 1931, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 37, St. Louis, Missouri.
[87] This makes her claim in *Judge for Yourself* that she never gave an interview to any newspaper very strange and easily disproved.
[88] She oddly also denies this as a Fiedler claim in *Judge for Yourself*.

mental state.[89] Perhaps she called the *Star-Times* because the *Post-Dispatch* broke Fiedler's story and she did not trust them, or maybe she saw them as the enemy because they were rumored to have negotiated on behalf of the Kelley family.[90] Either way, she was unable to keep quiet, as any lawyer surely would have advised, and took hold of the narrative herself. As many celebrities do today when facing a scandal, she may have thought she would get ahead of the publicity and position herself favorably (and innocently).

The *Post-Dispatch* did not name Muench until her indictment on March 13, where her full name was screamed in a headline that spans the entire page, accompanied by an old and likely touched-up photo of her looking thoughtfully out the window of her home with a dog.[91] The *Post-Dispatch* clearly considered her fair game at this point, reporting on "Incidents in the Colorful Career of Mrs. Nellie Muench, Whose Creditors Lost $77,000." Her shop was "pretentious," and she a "familiar figure" at "fashionable dining places." The Westminster Place home on a block "flanked by brick and stone columns" was the site of "notable events" for the musically oriented couple. Not unfairly, Muench is described as "inclined to plumpness." "She has red hair, alert brown eyes, and an animated, dynamic personality. She is a facile and intelligent talker on many subjects, particularly music." It admitted the top-notch quality of the Mitzi Shop and her charming shopgirls. Page 3 features a mugshot of Muench from 1919, stemming from a dispute with another lady who said two diamond rings were missing from her room at the Marquette Hotel after Muench visited her. Nothing ever came of the arrest and it

[89] "Never Saw Fiedler in Her Life, Says Mrs. Muench, Accused of Aiding in Dr. Kelley's Kidnaping," *St. Louis Star-Times*, February 8, 1934.
[90] Their relationship must have soured when the *Star-Times* began bankrolling Anna Ware's stay in St. Louis.
[91] Both the *P-D* and *G-D* reference archives housed at The Mercantile Library contained photos of Muench and other players touched up with paint or pen, mostly to add a contrast so they would render better in newsprint, but sometimes adding makeup-like improvements.

doesn't seem to have made the papers at the time.[92] Clearly Bovard felt that she was not as innocent as she claimed; his coverage pointed to the unsavory episodes in her past that seemed at odds with her first-glance image as a middle-aged doctor's wife.

The *Globe-Democrat* finally reported on Muench March 14, and declared itself astounded at her alleged involvement. Although "her career has been colorful," it "has been pitched in circles of eminent respectability and she was particularly well known to society people," and the Mitzi Shop was "ultra-exclusive." "She is attractive in appearance, is a pianist of considerable ability, has exhibited at dog shows," wrote the *Globe-Democrat* plainly.[93] Her age was still in question, with the *Globe-Democrat* reporting that she gave it as 38 at her arrest, and the *Post-Dispatch* using her claim to a credit agency report on the shop in 1928 that she was 44 to mistakenly calculate her age as 49.[94] Finally she reported her age as 42 upon her surrender to the sheriff's office, a process which left her "in a state of nervous collapse."[95]

Once he had more information, Bovard cabled Pulitzer, who was aboard the *Empress of Britain* in Hong Kong, news of her indictment on March 16. "Nellie Muench indicted for Kelley kidnaping with five men: McDonald, Davit, Rosegrant alias Dago, Wilders, and negro farmer Johnson. Charge abduction for ransom, a capital offense, the result of our Fiedler story, which grand jury investigation confirmed as to men and convinced jurors as to woman. Muench denies complicity, admits acquaintance Rosegrant and gives bizarre explanation. Her bond

[92] "Mrs. Nellie Muench Indicted with Convict and Gangsters on Charge of Kidnaping Dr. Kelley," *St. Louis Post-Dispatch*, March 13, 1934.
[93] "Mrs. Muench Hiding Out After Being Indicted in Dr. Kelley Kidnap Case," *St. Louis Globe-Democrat*, March 14, 1934.
[94] "Mrs. Nellie Muench Indicted with Convict and Gangsters on Charge of Kidnaping Dr. Kelley," *St. Louis Post-Dispatch,* March 13, 1934.
[95] "Mrs. Muench in State of Nervous Collapse After Her Surrender," *St. Louis Globe-Democrat*, March 16, 1934.

raised to $50,000; men denied bail when their preliminary bonds expire."[96] The telegram shows this was an important development in Bovard's eyes, though he couldn't yet be sure of the extent of Muench's involvement. It is also early evidence of Pulitzer's involvement in the coverage of Muench; he trusted Bovard and his team but definitely saw this as an important story.

Muench must have still seen the *Post-Dispatch* as on the side of the prosecution and Fiedler as its star witness, because she invited two *Star-Times* reporters to accompany her and other friends to Illinois for two days while she waited for her lawyers to make arrangements for her surrender. The *Star-Times* described her as moving through "varied emotions" and speaking with "unusual frankness" as she told of her past. "I don't know why I'm telling you all of this, but I just feel like talking," she said. "When a woman has been married one year, two years, ten years, and has no children, the bottom sort of drops out of everything – life just seems flat. Well, that is the position I'm in at the present time." It's the only time she admitted her ennui as a source of her actions. But soon enough, she switched back to what might get her out of that malaise – playing the star. In a conversation where she bragged about being able to sing soprano in English, French, German, and Italian, she imitated a screen seductress: "When I get on the witness stand to answer the charges against me, I guess I'll just do a Mae West. Turning to my attorneys, I'm likely to inquire, 'How'm I doin', boys?" she joked as "her large brown eyes twinkled from beneath a chic, small black hat." This did not end up being her strategy, but it gives us insight into how she viewed herself as well as early attempts at a public performance.

[96] I edited this telegram for readability. O.K. Bovard to Joseph Pulitzer, March 16, 1934, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 37, St. Louis, Missouri.

One more important insight gleaned from this interview is that Muench saw herself as unlike other women. She was unique, memorable, unmistakable. “Women, I’m sure, will be much more critical of me than men. I’ve always been misunderstood by women. Most all my friends are men,” she said. “Why, since I was arrested the first time [about six weeks earlier] our home has been filled with flowers. I had to call up one florist to tell him to stop filling the orders.” It’s less important if this was really true; it’s more important to understand that she wanted the reader to see her as a star whose backstage dressing room was a revolving door of flowers, admirers, and accolades. “I want an immediate trial so I can clear myself of these charges. I know this case will never be forgotten, but I don’t want the charges hanging over my head any longer than necessary.”[97] Just several weeks into her years-long ordeal, Muench was already convinced the case would make her famous, a proposition she was at this point barely pretending to eschew.

As the trial began, Bovard was not by any means sure that truth would be the result, and he was fully cognizant of the argument Muench would make. He telegrammed Pulitzer at his estate in Bar Harbor, Maine, in July 1934:

> In Kelley case, serious consideration should be given to courtroom strategy of defense. Their effort undoubtedly will be to turn the jury’s mind from real defendants and real evidence and to the “malign partnership” between the “powerful newspapers with unlimited funds to spend for sensations for its own commercial purposes” and the “slimy snitch” Fiedler. When you have read arguments in [Verne] Lacy trial, you will see how effective those gentlemen can be with the average jury. It must be admitted, I fear, that the Lacy jury was a cross section of the population. Their unwillingness to decide on the evidence, their seeming ignorance of the sinister alliance between criminals and certain lawyers, or worse, disregard of that condition, which we surely have made clear,

[97] “Mrs. Muench Tells Frankly of Her Past,” *St. Louis Star-Times*, March 15, 1934.

> was a disappointing commentary of the influence of truth and fact on the community."[98]

Here, Bovard resented the implication that the *Post-Dispatch* would take down an innocent citizen to sell papers, and lamented that this was a common viewpoint among the public. Bovard made sure his team operated with what he felt to be the utmost integrity, but that included things like paying private investigators to track down missing witnesses when the prosecution could not afford to do so, and even consulting with prosecutors on strategy in court. Instead of seeing this as editorial overreach, he felt it was the paper's duty to make sure the corruption it uncovered was punished instead of letting getting crooks away with it because the city or county lacked resources. In many ways, the newspapers in this case are more important (and more effective) than the prosecution. Further, Bovard saw that the media's celebrity object was presented as its foe, when he felt their real enemy to take down was the lack of sway "truth and fact" held for the public and the ties between lawyers and criminals.

When Muench began to appear in court, the papers reported on her outfits as well as her mien.[99] In June 1934, the "auburn-haired" Muench is "modishly attired in a white dress, white gloves and a white hat trimmed with velvet" and occasionally "raised a large white handkerchief to her lips."[100] This outfit was also reported as "a white silk summer dress, panama hat, quarter-length white gloves and white shoes" – a dramatic all-white ensemble for

[98] I edited this telegram for readability. O.K. Bovard to Joseph Pulitzer, July 1934, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 37, St. Louis, Missouri.

[99] It's interesting that the presumably male reporters are able to notice and comment on extremely specific aspects of Muench's (and others') appearance and outfits, including when she last wore them. As noted on p. 38, Bovard was not in the practice of hiring female reporters, but he did have a few, and it's possible female correspondents phoned in the stories which were written in the newsroom. Perhaps his male writers simply knew that much about fashion as part of being good reporters.

[100] "Kelley Judge Denies Motion to Disqualify," *St. Louis Star-Times*, June 11, 1934.

one of her first court appearances was surely no coincidence.[101] White was the color of the suffragettes, but it also symbolizes innocence and purity. Even at this early legal stage, Muench knew the effect that her clothes and actions like the flutter of a handkerchief would have.

Between this time and when her trials actually begin, she must have been working behind the scenes to stop the whole thing, and even went so far as to see if then-Senator Harry S. Truman could do anything to help her. Truman, who grew up in Independence, was a friend of Judge Tipton; Truman (and others) affectionately called him Tip. On March 23, 1935, Truman sent a short letter on his Senate letterhead to Rufus Burrus in Independence; Burrus was a friend and legal adviser to the Trumans who knew Tipton through his association with Kansas City boss and politician Tom Pendergast. "I appreciate of course, your interest in the situation in St. Louis County, and I have been trying to be of some assistance," Truman wrote. "It is a situation however, that is loaded with dynamite and I am of the opinion that there is very little that can be done from this end of the line. You of course, know my feeling for Judge Tipton, and I will be pleased to do anything I can to help him, but the situation is such that there is nothing much that can be done. Sincerely, Harry."[102]

A year later, while petitioning for a change of venue, Muench sat through days of testimony that recounted how the St. Louis papers had poisoned the prospective jury pool against her. She wore a different ensemble each day, an effort that would be sure to get her person mention in the coverage: One was a "black wool dress and fur piece and black hat,

[101] "Defense Spars for More Time in Kelley Case," *St. Louis Post-Dispatch*, June 11, 1934.
[102] In 1948, "Tip" had a special gavel made for Truman from the wood of a tree on the campus of Westminster College in Fulton that Jefferson Davis had spoken underneath, so clearly, there were no hard feelings. Harry S. Truman to Rufus Burrus, March 23, 1935, Rufus Burrus Papers Appendix, Truman Presidential Library, Independence, Missouri, Document 74.

trimmed in green and white," worn while she became bored during the morning session. Instead of listening to the proceedings, she opted to read *Timber Line* by journalist Gene Fowler, a look at the Wild West beginnings of the *Denver Post* – perhaps a taunting nod at the newspaper men in the courtroom.[103] Her various costumes illustrate her wealth, and thus her class to the jury and the press. The strategy was to convince them that someone like Muench would never be involved in a sordid scheme filled with violent gangsters.

By the time she won the change of venue motion and her trial kicked off in Mexico, her "miracle" baby had arrived. Even though Bovard was privately suspicious, and reporter Alvin H. Goldstein had begun poking around (see page 70), the paper was careful to mention the child without an ounce of skepticism.[104] When the Muenches arrived in Mexico, none of the descriptions of them were negatively slanted. They did not appear in court but were reported as conferring with counsel before and after, Muench wearing "a black woolen suit, with black fox fur, black hat with a green band, and brown hose and shoes…Her baby, the birth of which was recently announced, was not with her."[105] If they were not required in court, it is likely that the Muenches made appearances precisely so they would be reported upon.

Events spiraled for her over the next few weeks ahead of her trial when the grand jury and Court of Appeals began looking into the baby issue while her kidnapping trial was in progress (see page 52). The day before testimony began in Mexico, Muench issued a statement requesting a medical examination to prove that she had given birth. In response to public fervor

[103] "Secret Probe of Kidnaping Is Bared in Muench Case," *St. Louis Globe-Democrat*, June 20, 1935.
[104] Goldstein and James W. Mulroy won the Pulitzer Prize in 1925 for their *Chicago Daily News* reporting on the Leopold & Loeb trial. Specifically, their investigation matched Leopold's typewriter to the ransom note sent to victim Bobby Franks' parents. He later headed the *Post-Dispatch*'s New York bureau and covered the United Nations. "Alvin H. Goldstein Dies, Was Post-Dispatch Reporter," *St. Louis Post-Dispatch,* May 7, 1972.
[105] "Mrs. Muench's Trial Sept. 30 at Mexico, Mo.," *St. Louis Post-Dispatch*, September 2, 1935.

regarding the Price and Ware infants, Health Commissioner Bredeck had demanded proof of baby Muench's birth within 48 hours. Instead, Muench asked for a gynecological examination: "In making this statement, I am not unmindful of the fact prosperity ordinarily demands and public decency ordinarily respects the inherent right of any woman to the protection and privacy of the ordeal of motherhood and the physical effects remaining thereafter, but in view of the campaign of vilification that has proceeded against me in the public press, I ask and pray that a committee of three disinterested and unbiased physicians he appointed to examine my person and determine whether I am a mother or whether I have perpetrated the most foolish, as well as despicable, hoax in the history of the City of St. Louis." This statement reads as overkill; if Muench is confident enough, no one will be able to challenge her motherhood. Again she relied on the implications of her gender to protect her, crying out about "public decency" and "the inherent right of any woman."[106]

The atmosphere was friendlier in Mexico, but Muench could not fully escape the suspicious around her baby. Reporters pointedly wrote that the child was borne to the "attractive, auburn-haired defendant" "at the age of 43 after 22 years of childless married life."[107] The reader is left to infer the probability of such a "miracle." A photograph of the Muenches arriving at the courthouse accompanies several columns of front-page stories of the "colorful" defendant's "dramatic entrance." Stepping out of "her husband's" coupe, Muench threw makeup powder in the air to ruin the photographers' chances of a good shot – a move more suited to a movie star thwarting paparazzi. Indeed, the scene plays out cinematically:

[106] "Mrs. Muench Asks for an Examination," *St. Louis Globe-Democrat*, September 28, 1935.
[107] "Kidnaping Trial of Mrs. Muench Opens Tomorrow," *St. Louis Post-Dispatch*, September 29, 1935.

> Mrs. Muench swept across the sidewalk to the building. As she entered the Courthouse, photographers waiting at the door began to take flashlight photos of her. Glaring at them from deep-brown eyes, she tossed face powder, which made a white cloud before her as she advanced. The flare of flashlamps marked her progress as she went briskly up the long flight of stairs to the second-floor courtroom. One camera man who stood too close to her as she swept around the staircase, was showered with the powder, which she continued to throw until she had entered the courtroom.[108]

This is a prime example of how Muench toed the line of acting like she did not want any publicity, but behaved in a way that was guaranteed to get her the maximum amount.

Another story headlined "Sidelights on Courtroom Drama" encapsulates the public fascination with Muench's drama. The first woman to arrive at 6:30am, shortly after the janitor, traveled 30 miles from Montgomery City, Missouri, even though it was only jury selection. "It's like something out of Charles Dickens," she told a reporter. More than half of the spectators were women, "in new fashion and in house dresses, merchants in neatly pressed business suits and farmers in clay-soiled overalls, girls and matrons, bearded patriarchs and drug store cowboys." In another vignette, Dr. Muench pointed out to his wife her cousin W.C. Reid, "an erect man of 77, his features all but concealed by a flowing mustache and beard." This caused her to dab at her eyes with a handkerchief.[109] From this we see just how much she held the public in thrall. Men and women from various walks of life came to get a glimpse of her, and these onlookers no doubt followed the case closely in the newspapers. If she merely sat in court in a simple, all-black outfit, and made no gestures, comments, or dramatic entrances, it's much more likely that the ado surrounding the trial would have died down. Muench, however, was not one to celebrate her eventual acquittal in an empty room.

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[108] "Mrs. Muench Makes Dramatic Entrance at the Courthouse," *St. Louis Post-Dispatch*, September 30, 1935.
[109] "Sidelights on Courtroom Drama," *St. Louis Post-Dispatch*, September 30, 1935.

She took the stand in her own defense on October 2. That day, Judge Tipton sat next to her for the first time in the trial – a move that must have been designed to remind jury and spectators alike of her standing in the community. Instead of calling character witnesses, the defense had Muench list the members of her family. Both Judge Tipton and their relatives were probably known, whether by name, reputation, or personally, by the 12 jurors, at least four of whom were Centralia-area farmers. Cleverly, the Muench legal team communicated her background to the jury this way; she communicated her class to them another. She wore a silver fox fur to testify, had to remove a white glove to take her oath, and fingered a beaded purse during questioning. To remind the jurors of her gender, she burst into tears upon the entrance of Carl Auer, a disabled musician who was treated by Dr. Muench and often stayed at their home. "She emitted a long, shrill cry, then convulsive sobs. She buried her face in her handkerchief. Judge Hughes rapped for order…she continued to sob audibly."[110] As the trial went on, the *Post-Dispatch* estimated that nine out of 10 spectators were women, much to the chagrin of the 77-year-old courthouse janitor, who had to sweep up the wax paper from their homemade lunches every evening.

Although the judge could have held her in contempt for such continued displays, he allowed them. They were so dramatic that they would have been impossible for the jury to ignore. Additionally, the outbursts were guaranteed to receive comment in the newspaper as articles recounted day after day of exciting developments. She would sway the jury, just as she

[110] "Mrs. Muench Admits She Knows Rosegrant; Denies Guilt; Defense Rests," *St. Louis Post-Dispatch*, October 3, 1935.

would sway the public, and emerge from her trial vindicated, with a baby in her arms to cement her rightful status in the eyes of society. An acquittal alone was not enough.

The *Post-Dispatch* was far from sure that she would be found guilty: Pulitzer's assistant Basil Rudd sent him a short telegram at his hotel in London, letting him know that the case would likely go to the jury that evening. "State has strengthened case with new evidence but verdict problematical."[111] Pulitzer must have wanted to keep up on the trial, as the staff felt itself responsible for the indictments after publishing Fiedler's story. Indeed, Muench was acquitted the morning of October 5, after the jury of 10 farmers and two merchants deliberated for five hours and 10 minutes. The foreman said they agreed to keep their deliberations secret, and each refused to answer reporters' questions, so we cannot definitively know that Muench's deliberate displays of womanhood, wealth, and respectability were the defining factor, but it is difficult to believe they had no effect.

As Judge Hughes read the verdict, Muench gripped the arms of her chair and then let out a loud sob. She "threw her arms around [counsel], kissed him on the cheek, then put her head on his shoulder and sobbed." Her performance for the public and the press could not stop upon acquittal, as her claim to motherhood was already in jeopardy. She happily posed for photographs and grabbed the arm of Sheriff E.S. Haycraft, who had selected the jury venire of 40 prospective jurors "all of whom he knew personally." "Well, you told me the truth," she said, as he "beamed." "Didn't I though?" Haycraft said. [112]

[111] Basil Rudd to Joseph Pulitzer, October 4, 1935, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 37, St. Louis, Missouri.
[112] "Mrs. Muench Acquitted of Kelley Kidnaping; Jury Out Overnight," *St. Louis Post-Dispatch*, October 5, 1935.

If there had been no baby scheme, the Muench story stops here. She was acquitted of the very serious kidnapping charge, while all her alleged co-conspirators were found guilty, or were dead. Behind the courtroom theatrics, Muench must have been so desperate to secure her freedom, or felt she was losing her hold on Pitzman, or in so much debt (although her lawyers were working pro bono as a favor to Judge Tipton), or all three, that she cooked up the baby idea. It's unclear how she knew Wilfred Jones, the lawyer who procured both the Price and Ware infants for her, and if it was solely her idea or something he suggested.

Bovard must have sensed something was amiss when the Muenches announced the birth, because his reporters were able to track down the presence of an *un*announced baby in the Muench home about a month earlier.[113] Through *Post-Dispatch* reporting, it came out that Estelle Oberg, a 21-year-old platinum blonde night-club waitress, gave birth on June 29. Unmarried, she knew she would give it up for adoption, but wanted to keep it for a few days before she returned to her hometown of Minneapolis. Wilfred Jones arranged to pick up the baby on July 10, and it was in the Muench home that evening. Jones later claimed that it had a rash he wanted Dr. Muench to look at, but clearly, this was meant to be the original baby the Muenches would pass off as their own. The baby was so ill, however, that Dr. Muench had to call in another doctor to look at it that day; Jones was eventually forced to take the infant to Jewish Hospital, where it died a few days later of bronchial pneumonia.[114]

[113] This child became known as the "Price baby" after its father. The infant was later exhumed to ensure there was no foul play.

[114] "Unwed Mother of 'Price Baby' Tells Her Story; How Jones Arranged to Take Her Child," *St. Louis Post-Dispatch,* September 20, 1935.

If this ill-fated child had not died, there may not have been any trail for reporters to follow, no matter how suspicious they were of Muench's motherhood. Oberg, who lived out of town, would have been unlikely to petition for the return of her child, even if she had seen coverage of Muench's kidnapping trial. All of this taken together, along with Jones' claims that he procured the Price baby for the same parents who had the real Ware baby – just not the Muenches – make it inevitable that the plot would be found out. This seems like a spectacular and unnecessary miscalculation – but then again Muench was no criminal mastermind. She was unable to keep up (or successfully execute) previous grifts or even the Mitzi shop. Perhaps she saw motherhood as the only way to keep Pitzman on the hook, and she simply seized the opportunity to grab that which had always been out of reach. In her desperation, Muench severely overplayed her hand and put into motion her own demise.

Two days after her acquittal in Mexico, the *Post-Dispatch* published a copyrighted interview with Pitzman detailing their affair and Muench's promise that the baby was his. This is most likely the story copy editor H.T. Meek referred to later as Bovard's successful attempt to clinch the "missing link" of motive and prove that the baby was meant to be blackmail. "Bovard was not holding back because of any fear of libeling Mrs. Muench," Markham writes. "H.T. Meek, head of the copy desk, realized one day while reading copy that the story was defaming Mrs. Muench, and he was surprised to find the libels included in that part of the story which Bovard himself had inserted." Bovard confirmed Meek's suspicions but told him to leave it in – he "deliberately inserted the statements with the hope of luring Mrs. Muench into suing the paper. In that event, the *Post-Dispatch* could bring out all of its own evidence against her, he

said. Mrs. Muench did not sue."[115] Unfortunately, we have no record of what evidence the *Post-Dispatch* had; Bovard must have felt it would have resulted in jail time for Muench and that is why he wanted to bring it out in court instead of the paper.

The next day, Judge William Dee Becker overruled the motions of the Muenches in Ware's habeas corpus petition and appointed Limbaugh Special Commissioner in the case. There are several days without mention of Muench on the front page; this seems to contradict her later claim that the newspapers would do anything to keep whipping up sentiment against her. When the couple was called as the first witnesses in the hearing, October 15, they each refused to answer whether a child had been borne to their marriage on the account that it "might tend to incriminate" them; the *Post-Dispatch* called special attention to the addition of the word "might."

Upon taking the stand, Muench is described as a "chunky figure" in probably the least charitable description of her in over a year of coverage, wearing a fur-trimmed ensemble with a fur-trimmed hat. "The demeanor of Mrs. Muench at the trial of the baby case was in marked contrast to her actions at her recent trial in Mexico," the *Post-Dispatch* noted. "There, surrounded by 13 attorneys, she was nervous and fidgety. Today her mood was one of gaiety, almost hilarity."[116] Of course, we cannot know Muench's inner thoughts and motivations, but perhaps she was feeling confident on the heels of her victory in Mexico. The next day, the *Post-*

[115] Markham, *Bovard*, 223-224.
[116] "Muenches Refuse to Answer 'Was a Child Born to Them?' Fearing Self-Incrimination," *St. Louis Post-Dispatch*, October 15, 1935.

Dispatch crowed that the Muenches' refusal to answer the question supported "in the most authoritative way the exposure of the hoax."[117]

Muench did not have the influence she enjoyed in Mexico with Rush Limbaugh; it required a different performance. Yet even as she's accused of increasingly serious crimes, the newspapers refrain from vilifying her or portraying her as cold or haughty. Her fancy clothes are always elegant instead of gauche; her outbursts at the judge are couched as passionate instead of foolish.

The young, unwed mother Anna Ware is positioned with Muench in terms of class. Ware is never disbelieved, but a fine line is walked that treats both women as credible, instead of casting Muench as a calculating liar or Ware as a gold-digging opportunist. On the first day of testimony in Ware's habeas corpus hearing, the 19-year-old is hardly an attention-seeker looking for a payday, but rather "spoke in a voice so low she often had to be prompted to raise it. She was dressed in a brown ensemble and appeared a trifle overawed in the ornate paneled Appellate Courtroom, in the Civil Courts Building, with counsel bustling about and the special commissioner looking down from the bench. Mrs. Muench's appearance was in striking contrast. Her figure is buxom, where Miss Ware is slim and frail. Her voice was clear and firm," Pointedly, "her ensemble was brown, the same as Miss Ware's, but there was a richness about it that contrasted with the bargain counter simplicity of Miss Ware's attire. She wore a brown fur also and brown hat with fur trimming."[118]

[117] "Muenches Refuse to Testify and Wilfred Jones Fails to Appear," *St. Louis Post-Dispatch*, October 16, 1935.
[118] "Anna Ware Identifies Her Letters," *St. Louis Globe-Democrat*, October 16, 1935.

(Ware was originally tracked down by *Star-Times* reporters after the grand jury called in September to track down the origins of a mysterious adopted baby failed to act before expiration and did not find either the biological or adopted parents of the child. Reporter Harry T. Brundidge likely ghostwrote the first-person story attributed to Ware herself, which ran as a serial across three days.[119] Her case was not linked to Muench until the Price baby connection came to light a few days later.) [120]

On October 18, *Post-Dispatch* reporter Spencer R. McCulloch testified about his own conversations with the Muenches just a month earlier. If McCulloch's testimony is true – there is no reason to believe it is not – it illustrates a serious lapse in judgement from Muench. After the paper reported the presence of the Price baby in their home, Muench told McCulloch that her alleged baby broker, lawyer Wilfred Jones, came to see her and warned that "Nellie, our backs are against the wall." Defiantly, she replied, "Wilfred, my back has been against the wall since I was 14 years old." It's hard to even speculate what Muench might have meant by that, other than she was ready for the challenge. She also told McCulloch that Ware would identify any baby, and "If you want to play ball with me, I have $1000 in my room that can be used to obtain a baby." "She was living in a special kind of hell," she said, and later, "I'm ruined and I know it."[121]

These comments sharply contrast with the versions of herself Muench presented in court, whether confident and glamorous or passionate, persecuted mother. They also call into

[119] "Mother of 'Mystery Baby' Found by Star-Times," *St. Louis Star-Times*, September 16, 1935.
[120] "Baby, Ill in Muench Home, Died in July," *St. Louis Star-Times*, September 18, 1935.
[121] It's plausible this was one of the things Bovard hoped would come out in court if she sued the *Post-Dispatch* for libel.

question her frequent protests that the newspapers, especially the *Post-Dispatch*, were framing her as part of a personal grudge. McCulloch, for his part, knew how to cultivate a source, and keen to retain such access, wrote her that "I would be derelict in human sympathy if I did not appreciate the position in which she found herself," and testified that he'd sent her flowers "as a matter of salesmanship."[122] McCulloch must have known that Muench's fame, even as it spiraled out of her control, depended upon continued newspaper coverage. Without it, she was at the mercy of Limbaugh and Limbaugh alone. With it, at least she could attempt to keep the public on her side; Limbaugh did receive letters in her favor.

Her most dramatic moment in court came on October 30. A few days earlier, the habeas corpus hearing was brought to a halt when Limbaugh ordered that the child be produced in the Court of Appeals. The Muenches' appeal to the state supreme court was unanimously denied (Tipton, of course, recused himself), and the baby finally appeared in the courtroom of Judge Becker. Before the session began, the courtroom was calm. Muench, in a black ermine-trimmed suit and a black hat, held the baby, wrapped in a blue "snuggle-rug." Ware, in a green tweed skirt and tan silk blouse, kept her "eyes riveted upon the blue bundle," but "except for a strained eagerness in her posture she exhibited no emotion." Muench was "cooing happily" over the baby and refused to even glance in Ware's direction.[123] When Judge Becker ordered it into custody of the children's hospital, her "demonstration" began:

> Rising and pounding her fists, she screamed at the top of her voice: "Oh don't you do it! Don't do it! Don't do it! Oh, how can you! You mean old brute! How can you! You can't do me that way! "Remove that woman from the courtroom," said Judge Becker, when he was able to make himself heard…"I don't care what you do to me," said Mrs. Muench, renewing her shrieks and table pounding.

[122] "'Our Backs Are Against the Wall, Nellie,' Said Wilfred Jones," *St. Louis Post-Dispatch*, October 18, 1935.
[123] "Anna Identifies Baby as Her Son," *St. Louis Star-Times*, October 30, 1935.

> Judge Becker raised his voice. "Take her out of the courtroom," he ordered. "Oh, I don't care what you do," she repeated. "Take her out, Mr. Marshal," was the Court's order, in a louder tone, while fresh screams arose, with cries of "I don't care." "Officers," the Judge said, as loudly as he could speak, "Take that woman out of the room, absolutely – take her away!" "No, no," she cried as the policeman and Marshal approached her. Then, turning to the Judge, she shouted, "Nero! Nero! You are afraid of the newspapers, that's all – afraid of them!" "Take her out," the Judge repeated, and she was seized and removed by the officers. She had the last word. It was – "To take my baby from me."[124]

Muench knew she would have to play the part of a mother whose baby is torn from her breast. She probably was truly upset: Her adopted child, whom she likely did bond with over the few months she had him, was being taken away. Not only was she mourning the the loss of her (albeit pretended) motherhood, but this was not a good sign for her in terms of the legal proceedings. Maybe she knew at this point that the ruse was over; she had never been and would never be a mother. Afterwards, she was barred from the courtroom for the remainder of the hearing. Without the star in court, the newspapers continued to cover the trial, but a multi-column photo of her co-defendant, Helen Berroyer, must not have played as well; for a few days, the story is reduced to a single column or doesn't appear on the front page at all for most of November. Limbaugh had to wait for all 1,800-2,000 pages of court testimony to be transcribed before submitting his report to the Court of Appeals.

Muench was missing from the front page for weeks, until December 5, when it was recommended that the baby be returned to Ware. "Judgement Confirms Exposure by Post-Dispatch," reads the subhead, perhaps a bid for another public service Pulitzer. Without any response from Muench, the story is absent from the following day's front page. Pulitzer and his

[124] "Mrs. Muench Puts on Storm and Is Put Out of Court," *St. Louis Post-Dispatch*, October 30, 1935.

staff must have breathed a sigh of relief: In early October, one of Pulitzer's family or one of his employees wrote Basil Rudd about arrangements for files, keys, and a return to St. Louis, adding that they were "heartily sick of Mrs. Muench."[125] They had privately considered her as guilty of the kidnapping since publishing Fiedler's account and were suspicious of the birth from day one. Although she claimed they could not get enough of her, undoubtedly, they were tired of her antics and lies.

On December 13, the Court of Appeals officially adopted Limbaugh's report. Objections from the Muenches were expected, indeed filed, and dismissed. Ware was reunited with her son on December 19; four large photos ran in the Sunday magazine that day, along with one on the front page. The case was such a sensation that before the new year, WLW Cincinnati dramatized the Mexico trial for radio using stage names over two nights on the "Famous Jury Trials Hour" (the show was not broadcast in St. Louis).[126]

When Ware received the news that the baby would be returned to her, she was "visibly agitated and asserting she couldn't describe her feelings adequately except that she was 'very happy,'" promising to give him a good Christmas. "Waiting to see what the judges would decide was the hard part. It took so long and I couldn't think of anything else," she said. Although she had previously filed charges against the baby's father, her former employer, she told the *Post-Dispatch* she just wanted to forget about him and find a home to work in as a maid where she could keep her son. Ware was "drawn from the quiet old settlement of Newtown, Pa., into the

[125] This letter is typed on Pulitzer's Bar Harbor letterhead, and signed, though I can't make out the signature. It can't be from Pulitzer as it mentions "the telegraph with J.P.'s new addresses." Anonymous to Basil Rudd, October 5, 1935, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 35, St. Louis, Missouri.
[126] "Muench Kidnaping Trial Dramatized Over Radio," *St. Louis Post-Dispatch*, January 2, 1936.

whirl of the baby hoax," against her will – the circumstances of her pregnancy are stated plainly but don't use terms like "adultery," "affair," "out of wedlock," simply referring to her once as an "unwed mother."[127]

Although the Ware baby was returned to its rightful mother, on December 6, the *Post*-Dispatch ran an editorial that explicitly called for further judicial action. Taking credit for the exposure of the baby hoax, the editorial praised Limbaugh's "inescapable conclusion" but argued that "the ends of justice" had not yet been completely served. "The case rests now on the doorstep of other officers – the prosecuting authorities," the editorial board concluded. "Theirs is the clear responsibility to take whatever punitive action is warranted by the laws, or, if they shall say that no action is possible, to establish that fact in the court of public opinion."[128] The editorial page is, by its nature, used for a call to action, whether from the public or the government, so this is hardly an overstep. What the *Post-Dispatch* declined to disclose was that it had relationships behind-the-scenes with prosecutors and other officials; they were able to urge further prosecution both publicly and privately.

On January 10, the Muenches, Jones, and Berroyer were next charged on a conspiracy to illegally take custody of first the Price baby and then the Ware baby.[129] All four were granted a change of venue to Kahoka, Missouri, in the very northeast tip of the state, far from the influence of the Tiptons.[130] By this time, given the Limbaugh decision that the child was indeed

[127] "Anna Ware Wants Her Baby for Christmas," *St. Louis Post-Dispatch*, December 5, 1935.
[128] "The Anna Ware Case," *St. Louis Post-Dispatch*, December 6, 1935.
[129] "Criminal Charges Filed Against Muenches and Wilfred Jones," *St. Louis Post-Dispatch*, January 10, 1936.
[130] "Muenches Get Change of Venue to Kahoka, Mo." *St. Louis Post-Dispatch*, February 10, 1936.

Anna Ware's, the media had dropped the pretense of innocence, but continued to describe her every movement and wardrobe change without judgment.

The star witness was Grace Thomasson, an associate of Jones who had variously posed as a nurse (though she denied handling either child). The story became even more tawdry when she testified that the plan, which Dr. Muench was fully aware of, was to charge Dr. Pitzman as father of Muench's baby, whereupon Dr. Muench would threaten to sue for divorce naming Pitzman as a co-respondent – resulting in the wealthy Pitzmans paying to keep the whole incident quiet. The judge had warned in jury selection that "newspapers were not on trial and that whatever the newspapers had printed 'cut no ice. This court is here to try the facts.'" Still, Muench interrupted the prosecutor as he laid out this motive to ask "Your Honor, have I no protection against the newspaper?" She was ordered to sit down.[131] Thomasson was first to make the claim that the baby was procured not simply for sympathy, but to get as much as $250,000 from Pitzman. Pitzman, for his part, had long before given up trying to withhold any part of the story and testified that his sexual relationship with Muench began not long after she was charged with the Kelley kidnapping. She used her vulnerability to win him over, Pitzman said, at one point throwing herself in his arms in hysterics before they were intimate in the Muench home several times. "One side of her was attractive," he said to Lacy, "and another side I feared."[132] This explanation from the mild-mannered bachelor may very well capture the feeling of the public toward Muench as well.

[131] "Testimony Begins in Muench Case," *St. Louis Post-Dispatch*, April 8, 1936.
[132] "Pitzman's Story Ends State Case in Trial," *St. Louis Post-Dispatch*, August 15, 1936.

The story reported the ensembles of both Muench and Berroyer at the very end of its long coverage of the day's testimony. Muench wore the same black costume she had worn several times in Mexico and in the habeas corpus hearing, the reporter noted, indicating that Muench's magnetism was fading, perhaps as her resolve was fading as well.[133] For the next few days following she was absent from court, pleading illness, until she took the stand once again in her defense on April 13. This time, she appeared in a blue floral dress, blue hat, light blue wrap, and white gloves, coughing constantly and declaring "I want no sympathy." Under questioning about her basic identity and background, she refused to say her maiden name. "Oh, is that really pertinent? I'd rather not answer," a response quite different from her testimony in Mexico. She denied that she was ever intimate with Pitzman in "a show of indignation," and repeatedly apologized for offering more than a question was asking. Muench denied everything and told her side of the story that she refused to say under oath in front of Limbaugh. On the stand, she was "at times emotional" and "described herself as persecuted, at other times flared up with bursts of indignation." The word "indignation" is used multiple times to describe Muench's manner.[134] The next day, Judge Higbee was forced to call a mistrial after a juror admitted someone approached him with an offer of $100 to hang the jury. The new trial was heard in Kahoka in August, with the same defendants repeating the same testimony. This time Verne Lacy sat at the defense table; he was a corpulent, fiery lawyer who often roared his questions and had defended Kelley kidnapping co-conspirators Felix McDonald and Bart Davit. Muench was fined $25 for contempt of court after she applauded Lacy's interrogation of

[133] "Pitzman's Story Ends State Case in Trial," *St. Louis Post-Dispatch*, August 15, 1936.
[134] "Mrs. Muench Bases Her Defense on Exploded Fiction She Once Refused to Relate Under Oath," *St. Louis Post-Dispatch*, April 15, 1936.

Thomasson. Lacy also tried to get Ware to testify that "a newspaper had instigated" her habeas corpus proceeding, but Judge Higbee sustained the prosecution's objection, warning that not a word of the testimony introduced showed such a thing.[135]

Muench took the stand once again, and summarily denied everything. Her voice quavered when asked if her husband had ever been away, and she mentioned his World War I service. She wore a white summer dress, black straw sailor hat and flowered white shoes and cooled herself with a handheld electric fan she brought into court. When Judge Higbee was, for the nth time, forced to strike out an additional comment, she turned to him, put her hand in front of her mouth and whispered to him, "There ought to be some way of telling the truth." The judge was not amused. "And don't do that anymore, either," he said "sharply." She became "more and more irritable and uncomfortable" throughout cross examination, snapping at the prosecuting attorney and sometimes shouting. Clearly, the line of questioning was not going the way she wanted it to, and her attempts at poise continually failed her. She "bristled" at the prosecution's question around "a certain woman of unsavory reputation" and questions about her "past life."[136] The weariness of everyone involved can be felt throughout the reports of the trial (her appearance here is given a single column on the front page, continued later, with no photo); especially now, the evidence was nothing new, and Muench's protests and denials were falling on increasingly deaf ears. All four were found guilty of the conspiracy on August 22, and

[135] "Mistrial Warning to Muench Defense," *St. Louis Post-Dispatch*, August 13, 1936.
[136] "Nellie Muench on the Stand in Baby Hoax Trial," *St. Louis Post-Dispatch*, August 18, 1936.

given fines after 13 hours of deliberation and 48 ballots. All four were silent when the verdict was read – there was "no demonstration," not even from Muench.[137]

By the time their federal trial on mail fraud charges began in November, the story was relegated to page 3 of the *Post-Dispatch* (the *Star-Times* kept it on page 1 but led with Pitzman).[138] Muench looked "slightly thinner" and wore black with a silver fox fur collar, soft black hat, and white kid gloves. As she sat down she was silent, but powdered her nose. A deputy Marshal was stationed at both courtroom entrances to stop the "wholly curious" and exclude everyone except those called as witnesses as much as possible. The marshal attributed this too poor ventilation in a courtroom prone to overcrowding; still, a group of onlookers, mostly women, milled around outside the entrance despite the order.[139] After 21 days of testimony, the last trial of Nellie Muench was complete. All four were found guilty on five of nine federal charges. The punishment would not be a mere fine. Once again, none of them showed emotion and all declined to comment.

Muench finally admitted the baby hoax as part of a sentencing plea on December 26, 1936. It seems likely her motive in finally giving up the ghost was to try and save her husband or herself from harsh sentencing. Tearfully, Muench admitted she took the Ware baby but insisted her husband had nothing to do with it. With circles under her eyes, she left her "luxurious" mink coat on her chair and approached the bench. "I took a baby – one that I thought no one in the world wanted but me. I did tell Dr. Pitzman he was the father," she said in a quavering

[137] "Mrs. Muench, the Doctor, and Others in Baby Hoax Found Guilty and Fined," *St. Louis Post-Dispatch*, August 22, 1936.
[138] There are no stories about instigation of the federal charges. I imagine that the case was so well-known to prosecutors in St. Louis that they needed no urging; it's also possible city prosecutors forwarded the case on officially.
[139] "Muenches, Jones on Trial Charged with Mail Fraud," *St. Louis Post-Dispatch*, November 23, 1936.

voice. “But there was never a conspiracy to defraud him of any of his property or any of his money. His purse was always open to me, as he has testified. I did it out of love, to hold him. I don’t want innocent people to suffer. My husband did not know the facts until last Monday night. There was never the slightest thought, or slightest idea to violate the law in any way whatsoever. Please may you and God be merciful to me.” She then broke down and sobbed. Federal Judge George H. Moore, apparently unmoved, made no comment, and merely turned to Berroyer for her plea. The *Post-Dispatch* must have felt some sympathy for her, as it described her at the time of sentencing as the picture of sculpture that might have been titled “The Picture of Despair” yet could not resist a jab. She was, it reminded readers, “the most distinguished defendant to be convicted in Federal Court here in many years, sister of a Judge of the State Supreme Court and daughter of a rural Missouri clergyman.”[140]

Internally, the *Post-Dispatch*, tired as it may have been from Muench’s antics, counted it as one of its great achievements for 1936 alongside the exposure of 45,000 “ghost” voters in St. Louis, fraud in the riverfront bond issue election, a bribery case involving the State Health Commissioner, and more. Assistant managing editor Dwight Herrin prepared a memo for Bovard detailing these accomplishments and listed the long-awaited Muench confession, confirmation of their work, as number three. Bovard forwarded the memo along to Pulitzer, writing that he would indeed “blow my own horn.” “The contributions of information which this department has made available to the public on public affairs and topics of general interest

[140] I find it hard to believe that Dr. Muench was in the dark about the origins of the baby until this late stage. We have no way of knowing how involved he was in hatching the plot, but it is impossible that would not have known, at the very least, that his wife was never pregnant. “Mrs. Muench, Three Aids in Jail After Sentencing; She and Jones Get 10 Years,” *St. Louis Post-Dispatch*, December 27, 1936.

are, I believe, impressive…for good measure here go another couple of toots: Probably 90 percent of the major articles were my own ideas, and, of course, the development and treatment of all have been my work." [141] It is somewhat surprising the *Post-Dispatch* did not receive any award for this coverage, but the sordid tale of gangland kidnappers and adulterous middle-aged women does not carry as much cache with the Pulitzer Prize committee as election fraud.

[141] O.K. Bovard to Joseph Pulitzer, January 5, 1937, Joseph Pulitzer Papers, State Historical Society of Missouri, reel 37, St. Louis, Missouri.

VII. JUDGE FOR YOURSELF

There is one instance that we hear from Nellie Muench herself without the filter of a newspaper reporter. In 1936, between the first and second Kahoka trials, Muench put out a book called *Judge for Yourself* through Miller Print Shop in Lawrence, Kansas.[142] We cannot take this publication at face value, but rather we should examine it as a document illustrating how Muench wanted to be seen by the public. The bulk of the book is devoted to defending herself against the Kelley kidnapping accusations (as opposed to the baby hoax) of which she had already been acquitted. It's unclear how many copies were printed or how widely it was distributed, and it doesn't seem to have made much of a splash, as I could find no mention of the book in any newspaper. We can only speculate as to who funded the printing, Muench herself or someone else – even with help from family, their legal bills were surely mounting.[143]

By the time *Judge for Yourself* was published, sometime before June 1936, the baby had already been returned to Anna Ware, and the foursome was facing a criminal conspiracy trial and federal charges for misuse of the mails. It seems that the public and the media accepted Limbaugh's conclusion that Muench had never borne a child. She must have been desperate at this point, which is indicated by the level of hysteria that runs throughout *Judge for Yourself*; early on she refers to "this modern crucifixion of me," for example.[144] She fudges the truth beginning on page two, where the timeline surrounding her marriage doesn't line up with

[142] Nelle Tipton Muench, *Judge For Yourself* (Lawrence, Kansas: Miller Print Shop, 1936).
[143] In Mexico, her attorneys told reporters that they were doing it *pro bono* as a favor to Judge Tipton, but Pitzman also thought his funds were aiding her legal defense. He later testified he paid $10,500 to Robert M. Zeppenfeld, her attorney in the kidnapping trial. Her legal team also changed several times as hearings continued, so it's unclear how far Tipton's influence went. In Kahoka, the attorney was local and hastily arranged; he told the *Post-Dispatch* that he was working "for a fee and no other reason," though arrangements had not been made. Lacy would not have been an associate of Tipton's but it's hard to believe he worked for free.
[144] Muench, *Judge*, 13.

published reports of the time (see page 29). Muench carefully attributed her desire to open a fancy boutique to "the restlessness of the post-war period," which, she said, "left me with a desire to do more than just keep my home fires burning."[145] Here, Muench deliberately avoids a declaration of female independence and explains this move in a way that would have been more palatable to conservative readers.

Her central argument in *Judge for Yourself* regarding her innocence in the Kelley kidnapping is that to make his story publishable, Fiedler inserted her into to the story to replace the real role of *Post-Dispatch* reporter John T. Rogers, a claim I have not seen made elsewhere and one that seems like it would have opened *Judge for Yourself* to a libel suit from Rogers or the *Post-Dispatch*.[146] She blames the newspapers for causing Dr. Muench to be kicked out of his longstanding office space, and concludes that the only reason Dr. Pitzman turned against her is because he had been "crawfished" and "fell into the clutches of the *Post-Dispatch*." Of course, she doesn't mention anything about their sexual affair. She purports to print part of a letter he sent her explaining that threats from "bitter enemies" and the *Post-Dispatch* are why he could no longer provide financial or moral support. "I know deep down in my heart that even if you were guilty of each and every charge – which obviously neither my head nor heart can believe – well in so many ways you have just got something other women lack," she quotes him.[147] This line echoes his testimony that he was both attracted to her and yet feared her. It gives us insight into just how captivating she was; the media frenzy wasn't just because she was a female defendant.

[145] Muench, *Judge*, 2.
[146] Muench, *Judge*, 8.
[147] Muench, *Judge*, 17.

There's no evidence that this is a fabricated letter; the language reflects his early interviews and later court testimony on his opinion of Muench. Pitzman is "a friend tried and true" with "pure sympathy of heart," "a physician of good repute, with a fine background from an honored family," until he "turn[s] traitor. And when I say traitor, Benedict Arnold was no greater traitor than he."[148] Later, she details how Pitzman was a daily visitor at her home after the baby arrived though she gives no explanation as to why he would do such a thing. His intentions to a married woman were innocent and proper, she claims. (Pitzman admitted their affair in court.) Yet Muench turns vicious in an instant. "Can you imagine a man, a respectable man," she practically shouts, "who could be turned so completely into a mass of spineless, quivering jelly by the fear and threats of the yellow press so as to make himself in the eyes of the world such a perfect, complete turncoat?"[149]

I am inclined to see *Judge for Yourself* as a last-ditch effort that Muench largely wrote herself, because she's unable to contain such typical flashes of indignation and defiance that a lawyer or ghostwriter would surely temper. As she goes on, her descriptions of her enemies escalate. The press is a "reeking, filthy quagmire of libelous quicksand," "delirious intoxication of the greedy yellow press," "slimy muck of sensationalism," "the modern Sodom and Gomorrah of Journalism."[150] Bovard is of "a most sanctimonious appearance," and "outwardly exhibits kindness and gentleness, but who inwardly possesses an insatiable spirit for pursuing methods that bring on exposure and criticism of those he opposes, either in politics or

[148] Muench, *Judge*, 18.
[149] She also says he observed the "flow from my body and flow from my breast," a claim that Pitzman did not make to the press or in court and can in no way be true. Muench, *Judge*, 99.
[150] Muench, *Judge*, 22-23.

business…so perhaps he believes there is no closed season for his newspaper victims as these poor unfortunate are hunted without a let up or a day of grace." Reese would be better on the football field than at a table of literary minds, and is "the modern swearing, driving, heartless Editor bent only on getting out the most sensational, the most gripping story with the biggest headlines in the earliest edition." Rogers "has no less than three high-priced cars in the garage." Surprisingly, she admits both the prowess of the *Star-Times* and the *Post-Dispatch* in sniffing out crime rings, but "when I am cast aside as no longer 'news for the public' I am tempted to speculate as to whom they will use to take my place as a subject."[151] With this, she seems to anticipate the inevitable conclusion of the newspaper celebrity as outlined by Boorstin (see page 21): Without publicity, for all intents and purposes, the celebrity will cease to exist although the person remains. Still, the reader is wont to ask Muench if the newspapers were so good at identifying these crimes, how could they make a mistake only with her? She offers no explanation.

Muench sprinkles in criminal accusations throughout *Judge for Yourself*. The newspapers perpetrated a "whispering campaign" against her, culminating in a rumor circulated by Alvin Goldstein of the *Post-Dispatch* (see page 37) that Muench had a relationship with a high-ranking state official; that the newspapers attempted to tap the phone lines of the state Supreme Court building, presumably to target Judge Tipton; that Goldstein claimed to be a police deputy to gain access to her home; that Anderson was driving under the influence when he crashed his car, not attacked; that Commissioner Limbaugh did not write his report,

[151] Muench, *Judge*, 130-132.

the newspapers did.[152] Other accusations of various fixers and informants for the papers and the prosecutor's office have been impossible for me to verify. Whether they are true or not, Muench would know (or perhaps hope) that an everyday reader would not be able to verify them either and would have to take her at her word on this. In fact, around the time of Anderson's automobile attack, Bovard's own life was threated, according to his wife.[153]

"During my difficulties the innuendoes brought or, I might say, open statements made by various employees of the Saint Louis press as to my nefarious dealings with various men such as blackmail, etc. were quite the subject and topic of conversation (outside of court) but nobody was able to produce a single witness to certify or testify as to the scummy innuendoes and by this time you must realize if it were possible for the press to secure one derogatory witness they would have spared no expense and gone to no ends of trouble, to say nothing of murder, to have secured that witness. So again I quote the title of my book, 'JUDGE FOR YOURSELF,'" Muench implores her readers.[154] Unsurprisingly, there were indeed various rumors circulating about the players in this case, and of course many about Muench herself. However, the *Post-Dispatch* specifically did not just publish anything and everything it heard against her. They were not a tabloid writing any manner of true or untrue stories about its subjects, but rather a publication that carefully selected its coverage.

[152] In October 1934, county prosecutor Anderson was run off the road by another car, resulting in a crash that broke his leg. The media and the police saw it as a clear attempt to threaten him off the Kelley case. Instead, he tried the defendants while on crutches, thought he never fully recovered. Bovard felt responsible and paid his $1,000 surgeon's fee. "You know, Arthur, if I hadn't got you into this, your accident might never have happened," Bovard told him. "Prosecutor in County Forced Off Road, Hurt," October 9, 1934; Markham, *Bovard,* 218; Muench, *Judge*, 25, 49, 105.
[153] Markham, *Bovard,* 218.
[154] Muench, *Judge*, 27.

To wit, an internal report by Goldstein details interviews with a woman who worked at the Chase Hotel, where the Kelleys kept an apartment. This employee claimed that Muench was involved in trying to secure an apartment on the same floor for a wealthy speculator named Robert Conroy.[155] The employee did report this story to the police. Goldstein's memo also mentions someone else involved named "Florian Fiorita, formerly if not now, a constant companion of Nellie Muench. Fiorita, who has an unsavory reputation, is related by marriage to the Denato's[sic]."[156] The apartment was never rented, and I have not seen this story mentioned elsewhere, in print or in court.[157]

Another example of the rumors circulating comes from one of the many letters sent to Rush Limbaugh during the trial. The letter, written in pencil in rudimentary script with poor grammar and punctuation, claims to be from a male cousin of Muench's who was actually in her home at several key points. He warns Limbaugh that "gangsters" may be on hand to start shooting when he reads his findings, and says that he was there with the Black maid when the Ware baby was brought in, and is mentioned in the news as the "second doctor" that the Muenches claimed examined her for signs of childbirth. "You know I am a cousin to Nell[e], but she is the rottenest blackmailer there is. She said if she did not get to keep that baby in order to

[155] The only other reference to Conroy I have found in connection with this case is upon his death. Conroy shot himself to death in 1940 after at least a few years' struggle with mental illness. In this story, Conroy, whose family owned the Conroy Piano Co., is described as a former patient of Dr. Muench. "Robert Conroy Jr. Shoots Self to Death in Home," *St. Louis Post-Dispatch*, June 17, 1940.

[156] A Carl Fiorita was a Cuckoo gangster, but Florian Fiorita only shows up in census records and relatives' obituaries. The Denatos were a St. Louis crime family. Alvin Goldstein to O.K. Bovard, undated, I.D. Kelley file, *St. Louis Post-Dispatch* reference archives, Mercantile Library, St. Louis, Missouri.

[157] A note about the *Post-Dispatch*'s files: When Markham was writing his dissertation on Bovard, all files and internal memos were still housed at the *Post-Dispatch*. The paper told me they had recently donated these files to the Mercantile Library. When I reviewed them, they are not any internal files but simply organized clippings that made up the reference library. However, there were some random documents like the Conroy memo tucked amid the yellowed clippings. Curiously, the entire Muench file was missing.

sue the *Post-Dispatch* for $1 million, she was putting the judge and Jones and [defense attorney] Keating and Annie Ware and you all on the spot…The list of names she had in her hold was men she blackmailed a few years ago. She tells me everything. I'll keep you posted," he writes. Among other things, he details one of her alleged blackmail schemes. "She used to have a camera fixed in her home, and when some man came there that had any money, she would tell them she had no chairs. They must sit on the bed beside her. Then the maid would snap their pictures together, then she would collect all she could get."

Another letter, simply signed "One who believes in justice," made a similar accusation and called Dr. Muench just as big of a crook as she. "What is wrong with all you men? Are you all like Dr. Pitzman, intimate with that Muench woman?" it begins. The writer says that Limbaugh should "ask the man that did their [wall] paper hanging what they did to him when he went to collect his bill. She told him to come in the bedroom, and when he went in she was half dressed, and her husband came in and told him he had better sign the bill [as] paid or be sued. That's the kind of tricks they pull. That is how they get their money. He sure don't get it as a Doctor." There's no way of knowing if Limbaugh took these accusations seriously, but in any case, he kept the letters.[158] (Limbaugh also saved an envelope with no return address only containing a cutout of his photo from the *Globe-Democrat* upon which the sender had written "A tool of [Judge] Becker and the newspapers, a hunk of Limburger," so perhaps he just thought it was funny.)

[158] I have edited these letters for readability. Anonymous letters, Personal Papers of Rush Limbaugh, Sr., Rush Hudson Limbaugh, Sr. U.S. Courthouse, Cape Girardeau, Missouri.

One of the explanations Muench gives for this supposed crusade against her is the Mitzi Shop. Including this story in *Judge for Yourself* is an interesting sidestep into a salacious situation that seems to be at odds with her constructed self-image of the unfairly attacked mother; she could have easily focused on the Fiedler/Pendergast angle instead of bringing up accusations that associate her with such untoward activities. Muench explains that while many wealthy wives and daughters like Mrs. Kelley patronized her shop, their husbands' mistresses did too, charging to the married men's accounts, often on the same day. She also says there was a fashionable "house of ill repute" nearby on Euclid that had police protection due to its high-profile clientele. "Oh, my reader, how I could burn up these pages! How many names could I use! How much unhappiness I could visit on the heads of some of the people who have defiled and maligned me – who have perjured themselves before the eyes of God and Justice – but I cannot find it in my heart, although fully justifiable, to cause any other human soul one iota of the suffering I have been caused," she writes.[159] She does specifically name the *Post-Dispatch*'s editorial editor George S. Johns and his mistress, who were also named in court. It is absolutely implausible that covering this up would be enough for Pulitzer and Bovard to target Muench; Bovard fired men for much less.[160]

Another explanation is that the campaign against her was a plot by the *Post-Dispatch* and its "yes little brother" the *Star-Times* to embarrass Judge Tipton, the motive here being

[159] Muench, *Judge*, 29.

[160] Markham recounts a story in which a staff lothario's wife attempted to win him back by mailing herself boxes of poisoned candy and reporting the "attempts on her life" to the police; she broke down under police questioning and admitted the scheme. The police reporter phoned in the story, which noted that she was the "wife of a *Post-Dispatch* reporter." Bovard added the word "former" before "reporter." The husband, away on assignment, learned of his firing from the story. This tale also appeared in the National Press Club's newsletter in 1938. Markham, *Bovard,* 129.

that Tipton was a Pendergast man, and as "mouthpieces of big business," the St. Louis papers were anti-Pendergast.[161] Her explanation as to how Fiedler, whom she says she never met, even had her name, is that she knew Angelo Rosegrant's wife from a bridge class at the Chase Hotel, and Dr. Muench later performed a tonsil operation on one of their children.[162] Fiedler, she explains, overheard a call between Muench and Rosegrant regarding payment for the operation; once he heard she was Judge Tipton's sister, he concocted a scheme, knowing that the *Post-Dispatch* was anti-Democrat and anti-Pendergast.[163]

This argument is confusing at best. If the papers, specifically the *Post-Dispatch*, were crusading against Tipton and Pendergast for political reasons, it wouldn't make sense for them to be in cahoots with county prosecutor C. Arthur Anderson, as Muench also claims here – he was a Democrat. In reality, Bovard was hardly behind big business and began leaning toward socialist policies as early as 1931. He wrote a never-published "thesis" that discussed how "government might check the increasing flow of wealth into a few hands,' a program that involved public ownership of utilities and natural resources."[164] Pulitzer, for his part, had a personal view "closer to what might be called the conventional mainstream" but, perhaps due to his wealth, he was not as liberal as his subordinates.[165]

All of this press "propaganda," she says, flooded St. Louis City and County to argue that "all defendants were guilty; that my conviction was necessary to prove that a woman could be as guilty as a man; that the law could be no respector [sic] of persons, and that a woman should

[161] Muench, *Judge*, 36.
[162] It's possible this is how she actually did know Rosegrant.
[163] Muench, *Judge*, 37.
[164] Markham, *Bovard*, 352-360.
[165] Pfaff, *Pulitzer,* 9-10.

be punished just the same regardless of her sex."[166] She drops this line of reasoning immediately and does not acknowledge, as she sometimes does elsewhere in *Judge for Yourself* when attacking various stories or arguments, that yes, female defendants should be treated the same as male defendants or that women are just as capable of crime as men. Perhaps this could be seen as too much of an admission, or even too radical to argue in a state where women would not serve on juries for nearly another decade. Her lawyer, whom she quotes, argued in court that her inclusion was simply the attempt of newspapers to make the story juicier by adding a respectable woman to the story. "Professionals in organized crime would not take a woman into their confidence in a matter so serious as kidnapping. They are not fools," shouted Clay County Rogers, Muench's Kansas City attorney, in court.[167] It does not seem likely that a woman of Muench's education and history of independence would truly believe that, whether she was guilty or not, but Muench and her attorney knew this would probably play well with the jury and the public.

Finally, 74 pages into her book, Muench turns to the baby. In a startling confession, she implies that when she learned she was pregnant, she seriously considered abortion. "This fact [the supposed pregnancy] I kept a secret, arguing with myself pro and con daily and nightly. Constantly I asked myself What am I to do? With all the perjured evidence, with all the perjured testimony and the power of the yellow press again back of this testimony, what would they do to me? Would I be committing a crime by bringing my baby into the world or would I be committing a far greater crime by not bringing it into the world?"[168] Muench details her

[166] Muench, *Judge*, 55.
[167] Muench, *Judge*, 60.
[168] Muench, *Judge*, 74.

preparations for the coming baby: ordering special clothes, decorating the nursery, dreaming about what the baby would look like. “Only you mothers and expectant mothers can feel this joy,” she chides, and proceeds to distance herself from the hot-headed, shop-owning Nellie we have seen in the preceding book chapters.[169] She probably did do these things, to be fair, but some of them are blatantly untrue: “My love for nice clothes, to appear well-groomed, a desire I’ve had all my life, was completely cast out of my mind.” As we have observed, in reality she continued her careful attire until she went to prison.

After the baby was born, Muench argues that the papers continued to go after her because her motherhood “was a terrific jolt to the yellow press after their persistent and relentless efforts to paint me in the eyes of the public as a woman of loose morals. Women of that type do not have babies, for reasons which are too numerous to mention. Further, they were afraid that I would turn dramatic and take my baby into court during my trial in Mexico, Missouri, as to create sympathy.”[170] It was out of this fear, she says, that Goldstein heard about Anna Ware’s baby and decided to put it in her head that the Muenches were the ones who had her child. Again, Muench flips and begins with kindness befitting of a demure, unfairly persecuted mother in dealing with Ware. “In defense and in justice to Miss Ware, I feel it my duty to exonerate her from any wrong doing in connection with what the press was doing” she says, and criticizes the *Star-Times* for manipulating Ware into “exposing herself to an unfeeling world, in branding herself as immoral and her baby as illegitimate.”[171] A few pages later, she pivots and refers to Ware as “of low intellect, with no morals, with no background whatsoever”

[169] Muench, *Judge*, 75.
[170] Muench, *Judge*, 78.
[171] Muench, *Judge*, 81, 86.

and her "true colors," that is, "an adulterous mother in capable of caring for it, herself a bastard."[172] When the judge ruled that the baby would be placed at the Saint Louis Children's Hospital for the duration of the proceedings, "something snapped inside me. I was insane."[173] Muench had to be forcibly removed from the courtroom. In contrast, when Ware was allowed to examine the child, she was "phlegmatic and devoid of any sentiment of feeling, not even to the extent of showing a desire to touch my baby."[174] In Muench's version of the story, her passion shows her to be the true mother of the baby; Ware's apathy evidences her lie. Towards the end of *Judge for Yourself*, Muench writes that Ware wouldn't be able to provide for that baby in any case and asks the reader if it is not a "sin to civilization" that a child be forced to live with a girl like that instead of the Muenches, who would spare no expense.[175] "[L]et me say that the best interests of the child, regardless of parentage, was never for a moment considered."[176]

Judge for Yourself repeats itself constantly, and it dives into alleged details and schemes so convoluted that it is hard for readers to keep track of the various plots against Muench from all angles. In the end, she concludes once more that her downfall was orchestrated by the newspapers (though not the *Globe-Democrat*, in her opinion) simply to sell advertising, and then protect themselves against criminal charges. "The conviction that the newspapers hope to see dealt out to me in the future would be a blow I would scarcely feel, so wounded is my body and spirit already," she wails in closing the book, continuing her crucifixion metaphor. "I doubt,

[172] Muench, *Judge*, 94, 102, 119.
[173] Muench, *Judge*, 92.
[174] Muench, *Judge*, 92.
[175] Muench, *Judge*, 102.
[176] Muench, *Judge*, 106.

if the blessed Saviour, on the Cross, even felt the pain of the last spear thrust that was demanded by the howling rabble incited by a Pharisaical leader."[177]

If her court appearances and interviews between 1934 and 1936 were a performance designed to not only project innocence but keep the papers and public engaged and make her a star, *Judge for Yourself* is one, too. Yet the book shows Muench to be losing her hold on the public's attention. Her prose is often fiery and overdramatic and vacillates wildly in tone, but it doesn't display the charisma and magnetism that many who saw her in person observed. She isn't nearly as forthcoming in *Judge for Yourself* as she was in early interviews with the *Star-Times*, before she decided they too were against her. I do not think it would have swayed any judges, juries, or the public regardless, but *Judge for Yourself* would have been more effective (and perhaps more profitable) if she gave readers a glimpse into her supposedly glamorous life – a home full of music, a closet full of mink coats, two Lincolns. No longer were reporters following her as she avoided arrest by hiding out in Illinois. This downturn in interest is reflected in the hysteria present throughout the book. Until she lost custody of the Ware baby, Muench relied on press coverage to publicize her side of the story, both directly and via court testimony – and, she must have hoped, drum up support. After Limbaugh's report, she took matters into her own hands with *Judge for Yourself*; perhaps she finally saw how far out of her depth she really was. Muench must have finally felt that she could no longer control her destiny.

[177] Muench, *Judge*, 155.

VIII. A CELEBRITY WITHOUT PUBLICITY

There's no denying that Nellie Muench made for a good story, then and now. Bovard's biographer estimated that when all was said and done, the *Post-Dispatch* alone had devoted 1,548 columns to the Muench saga from the day of the Fiedler story (February 7, 1934) to February 27, 1937, totaling over a million words (of course, it helps that not even counting the trials of the Kelley co-conspirators, Wilfred Jones' perjury trial, and other ancillary stories, Muench went to trial five times in three years).[178] This story would not have had such a stranglehold on St. Louis with anyone else at the center of it. Muench was one of the first modern celebrities, someone who was not a movie star or a princess, but an everyday person who participated in a push and pull with newspapers that covered her as just that. She both took advantage of and was somewhat victimized by the burgeoning celebrity culture, women's expanded yet still limited place in society, and the evolving role of the press. Nellie Muench, in some ways, was ahead of her time. What is evident is that she was operating in a life that was too small for her. Countless women must have felt the same way – perhaps that was why they swarmed to her court appearances. As the daughter of a local "celebrity," for lack of a better term, especially one vivacious and musically inclined, she was a big fish in a little pond.

The Muenches' mutual love of music must have drawn them together, but maybe the glamorous life she envisioned upon their move to St. Louis wasn't as she had expected. Maybe her husband wasn't the same once he returned from France. The life of a business owner clearly didn't provide Muench the avenue she had hoped, either, and in fact made everything worse and put her in debt. Dancing with a debonair, dark-haired, mustachioed Angelo

[178] Markham, *Bovard,* 229.

Rosegrant at the swanky Chase Hotel must have seemed like a scene out of a Hollywood movie to Muench, not to mention the chance to be involved in a scheme that would end her money troubles. When that failed, maybe she really did imagine herself as the mistress of the Pitzman mansion on Kingsbury Place; maybe he was simply a mark who was easy to dupe. At its peak, the most plausible explanation for her mounting deceptions, even in the face of criminal charges, is that she got carried away with her fantasy, and there was no way out. If she only stuck to her story, she must have thought, she could sway the jury like she did at the Mexico trial. She could bring the public to her side if she wore the right thing, cried at the right times, and performed womanhood in the right way.

What she didn't count on, and certainly blamed, was the doggedness of the media. However, instead of a personal vendetta against her, the likes of Bovard, Pulitzer, Reese, and others were after the truth – something she could and would never give. The crucial convergence of both a new world for women and a conservative backlash, expanded newspaper circulation and the New Journalism, the struggle of post-Prohibition gangs, the success of pre-code Hollywood films that glamorized the gangster as well as sex and amoral women gave Muench and the media a larger field on which to operate. Muench sought to manipulate the press, the public, jurors, friends, admirers, and more by taking on many of these personas. In turn, the newspapers, especially the *Post-Dispatch,* were able to investigate and cover her in a way that would have been impossible a generation earlier. Male editors saw the value in aiming coverage at women, and women in turn gave them the circulation numbers they needed for advertising sales.

Women gained the right to vote while Muench was a young wife, and the opportunities for the New Woman of her youth expanded during the 1920s, only to be met with regressive politics during the Depression. While Muench was in prison, the possibilities for women surged forward during wartime. They were again yanked back with the picture of the ideal housewife in the post-war era by the time she was released and, now divorced, went to live with her successful brother and his family. Once more she must have found herself a woman without a place in society: Divorced, over fifty, childless, felonious. After prison, Dr. Muench remarried. So did Berroyer, and Pitzman (no doubt the longtime bachelor was urged by his family following this debacle) wed before Muench ever made it behind bars. Following her release, Muench's continued schemes are unrealized, her legacy forgotten, and even her death unclear. The celebrity is only as good as her publicity.

In 1959, the *Post-Dispatch* reported on a court filing revealing that Muench had finally begun to make payments on her $5,000 fine, briefly explaining the nearly 30-year-old drama without much mention of Muench herself or her magnetism.[179] The next year, her name was invoked by her nephew Price Tipton as a "nominal interest" in his Stonewall Investment Corp. to build three skyscrapers on Kingshighway Boulevard. The front-page story notes that she had begun to use the surname "Lee."[180] The financing soon fell through, and the others assured backers that Price Tipton and "Mrs. Lee" were no longer involved.

After this, the mentions of the crime only pop up as each figure died – judges, lawyers, witnesses, accomplices, reporters. Dr. Muench died of a heart attack the day before his 77th

[179] "Mrs. Muench Begins Paying Old $5,000 Fine," *St. Louis Post-Dispatch*, January 25, 1959.
[180] "Nellie Muench Has Interest in Firm Planning 3 Skyscrapers," *St. Louis Post-Dispatch,* April 23, 1960.

birthday in 1967 at his home in Washington, Missouri, and Nellie is, of course, given the final mention after his surviving family.[181] Muench herself lasted until 1982 – but even this has proven a fact of her life difficult to pin down.

A few months later, *Post-Dispatch* reporter Florence Shinkle wrote a two-part series on the saga, distilling down the sensational story to a tale of an unusual woman.[182] Shinkle found a 1962 *Kansas City Star* item about the wife of a real estate dealer named Nelle Lee Wormington declaring bankruptcy with a curiously familiar excuse: "I just don't know how this could have happened. It's all so confusing. There are no records."[183] (I have not been able to find this news story, nor any record of her marriage, if this is in fact Muench.)

Muench outlived the *Star-Times* by several decades, and at the time of her death, the *Globe-Democrat* was on the brink of collapse.[184] The remaining *Post-Dispatch,* for which she had undoubtedly sold many papers at the apogee of her trial, does not appear to have run Muench's obituary or any notice of her death at age 91, a date or even age I have been unable to definitively confirm. Like so many things in this case, she, in the end, remains out of reach. Perhaps the paper was unaware – a quiet end for a woman determined to seize the limelight with the aid of newspapers who were happy to help her do it.

[181] "Dr. L. O. Muench Dies of Heart Attack," *St. Louis Post-Dispatch,* June 16, 1967.
[182] Florence Shinkle, "'The Strangest Female Personality' of a St. Louis Era," *St. Louis Post-Dispatch*, January 23, 1983.
[183] Florence Shinkle, "Saga of Baby Hoax," *St. Louis Post-Dispatch,* January 24, 1983.
[184] The *Post-Dispatch* took over the *Star-Times* in 1951; the *Globe-Democrat* folded in 1986.

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