

Climax of Greatest Legal Battle For Human Life in Nebraska Nears With Approach of Thrice Deferred Date of Electrocution

Boys Sentenced to Die for Murder of Lulu Vogt Can Now Be Saved Only by Action of Clemency From the Governor

Alson Cole and Allen Grammer Cling to Faint Ray of Light in Hope That Final Public Hearing of Their Case Before Governor McKelvie May Mean Life—Last Date Set for Nebraska's First Legal Electrocution Stands as January 16—Wife of Convicted Man and Daughter of Murdered Woman Firm in Her Belief of Her Husband's Innocence.

BY GUY G. ALEXANDER.

The sentence of this court is that you, Allen V. Grammer, convicted of murder by a jury of 12 men, tried and true, shall be sentenced to die by electrocution, in the state penitentiary at Lincoln, and for you, Alson B. Cole, the same judgment must be returned."

With the utterance of these words, the condemnation to death of two young men scarcely out of their teens, one of the most bitter and determined efforts ever made to save human life was started in this state and during the last 18 months this fight, growing more bitter with each day, has resulted in no less than four reprieves being granted the two occupants of death cells in the state penitentiary at Lincoln.

These men, Allen Grammer and Alson B. Cole, have heard the death penalty pronounced in a court of record, one Grammer has heard the verdict of 12 of his peers returned, recommending the infliction of the most severe of all penalties exacted by the courts of justice for the commission of a capital offense, that of taking a human life, and these same men have heard an affirmation of this verdict and judgment from the court of last resort, the state supreme court, but never once have they given up that fleeting hope, that last bright ray of light which has filtered through the iron gratings of their 8x10 foot iron cell—that—maybe—by some technicality, some new-found evidence they might yet escape that most awful of all punishments, death in the electric chair.

Sitting in their dimly-lighted cells in the hospital building near the center of the inclosure of the walls of the state penitentiary, these convicted and condemned men have heard from the lips of their friends and attorneys the slow but gradual closing of every avenue of hope by which they might be able to escape the awful retribution which the courts of the state have so justly exacted for their participation in the murder of Mrs. Lulu Vogt on the night of July 4 or the morning of July 5, 1917. But never once

have they given up that spark of hope that some way yet would be found to escape the punishment. Less than 10 days ago all hope of friends, attorneys and relatives had vanished, but still the convicted men, ever buoyed, had maintained an air of optimism.

Fatal Day Decried.
January 9, 1920, had been decreed as the fatal day. This date had been definitely fixed by the judge of the state supreme court when they disposed of the last legal technicality by which the men might have escaped that fatal chair. So sure had been the opinion of the state board of public welfare that the men would die during their time that an electric chair, the most modern contrivance of the executioners' weapons, had been purchased and installed in a room in the hospital ward adjoining the cells occupied by the men. But that hope held.

At last the hope, now nearly worn out, was revived by the announcement made by Warden W. T. Fenton to the two condemned men that John Hilbert, chief executioner of the New York state prison, would be so busy engaged in carrying out the decrees of New York courts during their time that they would be unable to arrive in Lincoln in time to act at the first legal electrocution ever held in this state. This break in the original plans made necessary a change in the plan of the warden of the prison to carry out the execution of the state supreme court on Friday, January 9, and consequently Governor McKelvie granted a stay of execution for one week, fixing the date as Friday, January 16.

Simultaneously with the announcement of this final reprieve Governor McKelvie ordered that the state public welfare department should make a thorough and exhaustive inquiry into the case of the two men and make its report on Monday, January 5, the date set by the governor for a public hearing to guide him in making a decision as to whether to extend executive clemency to the condemned men. Once again that strange hand of Fate has stretched out its slim fingers and, literally

stayed the hand of Electrocutioner Hilbert as he was about to throw in the electric switch that would send that deadly spark coursing through the veins of the condemned man, and speed them on their way to eternity.

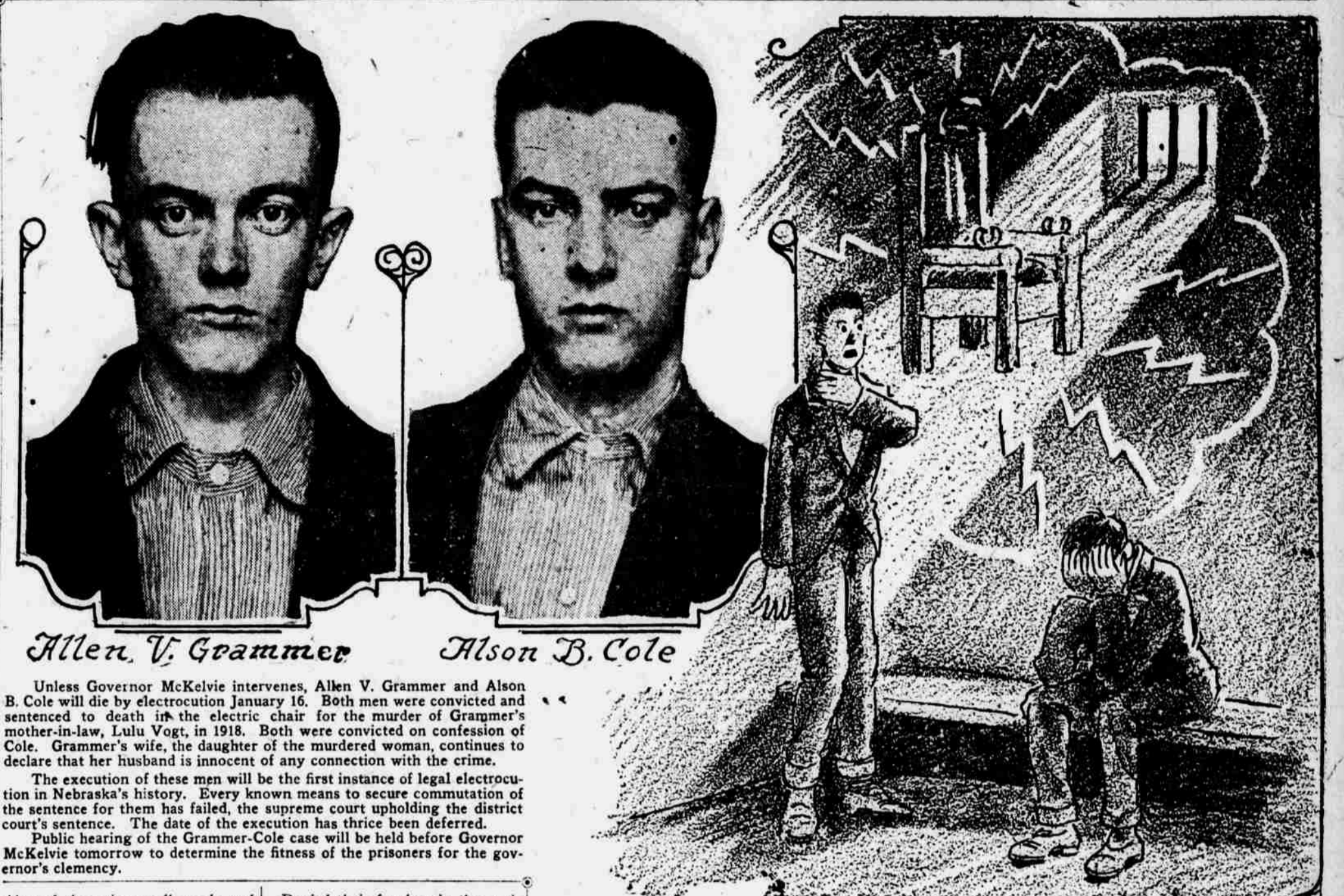
And now, these men, one a confessed murderer and the other a victim of a confession of his former farm hand, occupying adjoining cells in that death ward are slowly counting the minutes, the hours and the days until once and for all their escape or doom in the electric chair shall be pronounced.

Governor Remains Noncommittal.
Governor McKelvie has given no intimation as to what course he will pursue in the matter of extending executive clemency to the condemned men. For weeks an application for pardon carrying the names of the most responsible residents of Howard county and a separate recommendation of Warden W. T. Fenton of the state penitentiary have been before the governor for his approval, but at no time has one word on which to base a hope that he might commute the sentences of the two men been forthcoming.

Men there are, among the 300 old inmates of the state penitentiary, who have lost all vestige of happiness and cheer, as the mighty iron doors of that state prison have closed upon them, shutting them off from the outside world.

Others there are who see in the infliction of the state penitentiary the right of society to punish them for their misdeeds and the going astray of society's conventions, but who nevertheless repent of this punishment, repent, rapidly adjust themselves to their new-found life, a life of restriction, and are happy in their thoughts.

Such men are Allen Vincent Grammer and Alson B. Cole, according to Warden Fenton. Confined in the prison since April 1, 1918, these two boys, and they are only boys, have been given every freedom and privilege, the last right of a community to its condemned. There has been no broom or furniture factory work for these boys. Instead they have roamed the cor-



Allen V. Grammer

Alson B. Cole

Unless Governor McKelvie intervenes, Allen V. Grammer and Alson B. Cole will die by electrocution January 16. Both men were convicted and sentenced to death in the electric chair for the murder of Grammer's mother-in-law, Lulu Vogt, in 1918. Both were convicted on confession of Cole. Grammer's wife, the daughter of the murdered woman, continues to declare that her husband is innocent of any connection with the crime.

The execution of these men will be the first instance of legal electrocution in Nebraska's history. Every known means to secure commutation of the sentence for them has failed, the supreme court upholding the district court's sentence. The date of the execution has thrice been deferred.

Public hearing of the Grammer-Cole case will be held before Governor McKelvie tomorrow to determine the fitness of the prisoners for the governor's clemency.

ridor of the prison cell wards and have proven themselves to be ideal prisoners, ever mindful of the restrictions and the penalties provided in rigid prison discipline. That time, for them, however, has passed.

The last court of appeal has affirmed the findings of the jury in the Howard county district court, that the men must die. No longer is the freedom of the prison theirs. They are now confined to their cells in the hospital ward of the penitentiary, under the ever-watchful eye of a guard of that institution, for the law says they must die and the warden, under the oath administered when he assumed charge of the reformatory, must see that the edict of the courts is carried out and it is for him to see that they are put to death.

Denied their freedom in the penitentiary corridors, the men now only are buoyed in spirit, by the frequent visits of their attorneys. Grammer, however, has an ever-faithful wife who spends every waking moment at the side of the husband, convicted and condemned to die for the murder of her mother.

Never once has this frail little wife faltered in her determination to stand by her husband. Ostracized by her brothers, and without sisters, she alone has carried his fight to the court of last resort. "My Al is not, and cannot be, guilty. He had no reason to kill my mother, for she had been so good to him. It was my mother who first gave him money on which we started farming immediately after our marriage, and now to think that he

While The Bee might not fully agree with the artist's conception of the dream of these two condemned men, it is a cartoon that will make people think. If the death penalty is right in principle, its chief asset is its frightfulness—not so much in the death of the criminal as in the "lesson" it should have on others who would commit crime. If it is wrong it should be abolished.

Should these two men be electrocuted? The Bee will be glad to hear what its readers think.

would have killed her is unbelievable. He is innocent, before God I know he is innocent." The crime for which Grammer and Cole were tried and convicted was one of the most brutal and cold-blooded mysteries in the annals of the police history in Nebraska. The body of Mrs. Lulu Vogt, the aged mother-in-law of Grammer, was found foully murdered, lying near the roadside near her home at Elba, Neb., on the morning of July 5, 1917. A careful investigation of her

movements the night before her dead body was found, and the disappearance of Alson B. Cole from his accustomed place of employment, threw a light on the apparently insoluble crime. Then started a search of the country for Cole. A reward was offered for his arrest and conviction and in a few short weeks he was taken into custody in a small town in Wisconsin. He admitted his identity and was returned to Nebraska. He was kept in Omaha a few days,

for feeling against him at Elba was at fever pitch. In Omaha, in a room in the Paxton hotel in the company of several Omaha detectives, after a day and night grueling examination and third-degree, he capitulated and dictated a confession of his connection with the murder. It was in this confession that he implicated Grammer, the son-in-law of the murdered woman, and (Continued on Page Three, This Section.)

Census Taking Brings Thrill That Comes But Once in Ten Years

Prying Stranger Who Seeks Knowledge Of Personal Affairs Should Be Given Prompt, Complete, Courteous Answers

For He Is Fulfilling Edict of United States Constitution—Fourteenth Census to Be Started at Once—Hope to Break Time Record by Completing 1920 Tally On March 15—Highly Important to Nation's Welfare.

By ALEXANDER C. HERMAN.

Armed with a paper badge, a book of instructions and an insatiable curiosity, a stranger soon will come knocking at your door. Standing on the threshold, he will demand admittance and there will be no denying him. Memories of the past will be revived.

Ten years back you had an experience with another man carrying



a similar badge and instruction book. When he began prying into private family affairs you ordered him out of the house. But he came right back with a federal officer and forced you to answer his questions, despite all your protestations.

So you ask the 1920 visitor in. He looks around for a long table, opens his portfolio, pulls out a large blank sheet of paper and then looks at you quizzically. You may fidget, but the composure of the man will not be the least affected. He is a census enumerator and comes to you backed not only by an act of congress, but by the United States constitution itself.

Leisurely turning over the pages of his little guide book, he completes the preliminary preparations. He pulls out his pen, runs his eyes over the 29 columns of the schedule before him, and then begins his in-

After recording your name and address, he begs to be enlightened about your relationship to the head of the family. You answer. He asks if you are sure. While you counter he opens another point of attack and starts talking about your home.

You begin to tell him about the profiteering landlord who raised the rent four times during the past year. But the enumerator stops you. He is not interested. There is no room on the census sheet to record your observations. What he wants to know is whether you own your place or pay rent for it. If you are the owner, you have to tell about the mortgages.

That Is Not Enough.
Then starts a personal description. Looking up from the instruction book, the enumerator asks about your sex and color. That is not enough. He wants to know your age last birthday. You tell him you are 30 years old. He looks up with suspicion and then looks down again quickly. Warning No. 123 in the instruction book tells him that most ages ending in an "0" or "5" are approximations given by persons not knowing, or not wishing to give, their exact age. He asks for your age again and then records it, shaking his head dubiously.

Are you single, married, widowed or divorced?
In those instances where the enumerator is a woman, it may be well to keep an eye on the young member of the family. This is Leap Year, when it is quite the proper thing for the lady to pop the question. Although the census taker is not allowed to keep any copies of their reports, they may make mental notes of eligibles, and plan a subsequent "follow up" visit.

You answer and wonder if more intimate relations are to be treated, the personal survey, however, is at an end and you feel relieved. Queries about citizenship and naturalization follow, and then comes a discussion about educational qualifications.
Whether you have attended school

since September, 1919, or not, the investigator asks about your ability to read and write. It makes little difference what language you know. It may be Friulan, Basque or white Russian. As long as you can read and write it, your education is quite satisfactory.

Satisfied with the answers to the foregoing, the enumerator then takes up the issues of your nativity and mother tongue. He makes inquiry about your parents. You give him the desired information. He then suddenly turns around and asks whether you speak English. You are exasperated. After spending all this time it seems that the census enumerator ought to know whether you are able to talk the language of the land. Half apologetically he next explains that the language question, which should have been placed near the educa-

tion question, is numbered 25 on his chart, and follows the queries on nativity. He is under orders to maintain the sequence and get answers to all these questions in their order.
About Your Occupation.
A bit more sympathetic, you list for the next query. If you have a profession or calling, he will re-

cord it and then ask for particulars. If you are a weaver, the enumerator will ask you to describe the mill you work. If a lawyer, he asks about practice. If a seamstress, he wants to know whether you work out or do it at home. You then have to tell him whether



you are an employer, a wage earner or an independent entrepreneur doing work on your own account. But if you tell the census taker that you are a housewife, a cynical smile will cross his face, for the American housewife, the Census Bureau has decreed, is not "gainfully employed" and is therefore listed with those who have no work, profession or calling of any kind, hours a day are in the same category.

"What is a housewife, anyway?" once asked Sam L. Rogers, director of the 14th census. "Do you call the women who never goes near the kitchen other than to admire its spotlessness and directs her household from an office, by the same term that you give to the women living in small apartments and doing all their own work? Can you classify the woman in rural districts who attends to the family vegetable garden, takes a hand at the hoe, puts up quantities of preserves, and does all her housework besides? The questions the census takers would ask are not 'gainfully employed' and is therefore listed with those who have no work, profession or calling of any kind, hours a day are in the same category. The sole purpose of the census," said President Wilson in his recent proclamation, "is to secure general statistical information regarding the

that of popular usage. Boarders, servants and persons living in the same dwelling with you are part of your family. It makes no difference whether they are related by ties of kinship. If they are part of your household they are considered as members of your family. All the occupants of a hotel or boarding house constitute a census "family"; officials and inmates of an institution all come together under the same category. On the other hand, the watchman who sleeps in the back of a store is returned as a whole family, while his wife and children who live on the next street are reported as a separate group. Strange are the classifications of the census!

Completing the queries about the family, the census enumerator folds up his population sheet, and pulls out the supplemental schedule to record the records of the blind and deaf mutes. If no additional information is forthcoming, the man will close his instruction book, replace the fountain pen in his pocket, slip his sheets into his portfolio, and bid you good afternoon. You will be through with the census enumerator for another 10 years.

You may be peeved at him, for taking up so much of your time. You may be angry for his seeming impertinence. But you should not forget that he is engaged in a civic duty of the utmost importance to the entire nation.

"The sole purpose of the census," said President Wilson in his recent proclamation, "is to secure general statistical information regarding the population and resources of the country and replies are required from individuals only to permit the compilation of such general statistics. No person can be harmed in any way by furnishing the information required. The census has nothing to do with taxation, with military or jury service, with the compilation of school attendance, with the regulation of immigration or with the enforcement of any national, state or local law or ordi-

nance. There need be no fear that any disclosure will be made regarding any individual person or his affairs. For the due protection of the rights and interests of the persons furnishing information every



employee of the census bureau is prohibited, under heavy penalty, from disclosing any information which may thus come to his knowledge.

Answer Questions Promptly.
I therefore earnestly urge upon all persons to answer promptly, completely and accurately all inquiries addressed to them by the enumerators and other employees of the census bureau and thereby contribute their share toward making this great and necessary public undertaking a success."

The census taker who comes to you is the personal point of contact which starts the operation of a vast machine. After you are more or less begrudgingly supply him with the desired information he forwards his records through a census supervisor to a central office in Washington. There in one of the big emergency war buildings the data on the large schedule is transferred to small cards by means of a mechanical punch which makes holes on the cards to indicate the particular facts to be recorded. Until this census, this machine designed with a lever working in an arc, had been operated by hand. This year the holes will be indicated by the cards punched and the complete record made in one operation by means of a new electrical device.

Automatically assorted by another machine, the cards are then shot into tabulators. These remarkable electrical contrivances are capable of handling 425 cards a minute. By an ingenious arrangement a pin box is brought down over each card. Those needles which meet an untouched space are repressed. Those which pass through the holes form electric contacts and register on a

series of dials which record the desired information.

The data is then taken by the statistical experts of the government and prepared for publication with a speed that astounds the rest of the world. Most of the countries have tried to emulate us, but none have been able to approach the efficiency of our system.

The constitution requires that a census enumeration be made every 10 years for the apportionment of the representatives in congress. In 1790 the first congress passed an act calling upon President Washington to secure the enumeration. Only six questions were asked, but the census takers had an even harder time of it than now when encountering indignant housewives or suspicious farmers.

The First Census.
Not being experienced in the art of census taking, the investigators met with all kinds of rebuffs. Many of the inhabitants thought that the enumeration was some scheme to foist a new kind of taxation upon them. There was also opposition on religious grounds. The Old Testament records an unpleasant account of a venturesome king who brought down the wrath of Heaven by taking a census of the children of Israel. Yet in face of all these hardships beside the physical difficulties of covering the country, the

first census was collected by 650 enumerators for a cost of little more than 1 cent per capita population. There were no printed schedules. Even the headings on the pages were written by hand.

Although there had been some accounts taken by populations before 1790, the United States census of that year was the first instance in history in which the need for periodic enumerations at definitely fixed intervals was recognized and provided for. The results were so satisfactory that England, Denmark and Norway recognized their importance and started plans to take

a census of their peoples. But they did not get started until the beginning of the 19th century. In 1810 queries about the manufactures of the country were added to the eight general questions. The scope of the inquiry became enlarged in the following enumerations and in 1850 a census board was appointed, and the "first modern" census was completed. But the inquiry was so extended that financial assistance had to be found in order to handle the returns without too great delay. In 1870 the first effort was made at electrical counting. Marshals and then supervisors were added to the force. The number of enumerators exceeded 50,000 in 1900 and it was decided to make the census bureau a permanent office. Necessity had forced this development step by step, for it would have been impossible to handle the returns without such assistance and management. For the 1920 census new improvements have been devised, and it is expected that the population totals will be completed two weeks earlier than heretofore.

When plans were being made for this 14th census it seemed that there would be some difficulty in getting the requisite number of clerks and enumerators on account of the decline in the market value of the dollar. Ex-service men came into the breach, however, and the full ranks of 5,000 Washington clerks and 87,000 enumerators were soon filled.
All Classes Represented.
For the first time in the history of the American census, women have been appointed to jobs as supervisors. One of these has charge of all the special census clerks living in Washington and of their general welfare and working conditions. Negroes have been added to the force of enumerators to expedite the gathering of the information among the colored people. School children have been enlisted to explain the work of the census and convey to their homes the information that the taking of the census is a gigantic task that can only be carried out if all people co-operate in giving the enumerators correct and complete answers.
With such co-operation it is expected that the work begun on Friday will break all previous records for speedy compilation and publication. The census this year is starting earlier than any of the other. From 1790 to 1820 the census enumeration did not begin until the Monday in August. From 1820 through the 1900 census this date was taken on the first of June. The 13th census was started April 1, 1909. This year we will have a Year's day tally, for all records are based on the first day of the

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