

8 RECEIVE REWARD IN SOLVING MURDER

Police Win Promotion in Selma Graff Case—Neighbors Scream at Prisoner

Three detectives, two patrolmen and three high-ranking police officers won immediate reward yesterday for solving the Selma Graff murder case. The reward—promotions, added pay, certificates of commendation—was announced before Board of Estimate members by Mayor O'Dwyer and Police Commissioner Arthur W. Wallander.

Samuel Tito Williams, 18 years old, of 122 Sutter Avenue, Brooklyn, was booked for the murder at 8 A. M., yesterday, in the Liberty Avenue police station not far from his home. Detectives said he wrote and signed a statement describing how he clubbed Miss Graff, a 15-year-old high school girl, to death in her home at 143 East Ninety-sixth Street in East Flatbush at 2 A. M. last April 20.

Patrolmen Joseph De Vivo and Frank De Lorenzo of the Liberty Avenue station, who picked Williams up early Monday morning during a routine burglary investigation, were rewarded at the Board of Estimate ceremony with temporary assignment to the detective division.

Second Grade Detective Henry V. Werner of Liberty Avenue station was promoted to first grade; Third Grade Detective Rogerr Rooney was advanced to second grade and Detective Raymond J. Cullen, although he continues in third grade, was awarded extra compensation.

Certificates of Commendation

All these men received certificates of commendation, as did Deputy Chief Inspector William T. Whalen, who commands detectives in Brooklyn and Staten Island; Deputy Chief Inspector Patrick Kenny, who heads the detectives in Brooklyn East; Capt. James Sabatino, who commands the Thirteenth Detective District. All had some part in the Selma Graff case.

Williams, six feet tall, thin, nervous and inclined to simper or giggle, admitted to the patrolmen who picked him up that he had committed burglaries in Canarsie and in East Flatbush. In his home, where he lived with his mother, the detectives found cheap loot from the burglaries.

There was no indication, up to this point, that Williams was anything but a burglar. Detective Rooney, however, recalled that Donald Graff, the murdered girl's 9-year-old brother, had described his sister's killer as a Negro youth, slender and tall.

The murderer, Mr. Rooney also remembered, had dropped in his

flight from the Graff home the iron bar that was the death instrument, and a green flashlight. Mr. Rooney placed the flashlight in with the general burglar loot. After Williams, according to the detectives, had identified other items, Detective Rooney held up the flashlight.

"That yours, son?" he asked off-handedly.

Williams nodded and simpered. "Yes, sir," he said readily, according to the policemen, "but I ain't seen it in a long time."

This was the opening wedge for the detectives. They said that when they identified the flashlight as the one left in the Graff yard, Williams admitted he had killed the girl; that eventually he sat down and laboriously wrote out a statement, and signed it.

In this statement, the detectives said, Williams confessed that a few hours before the murder he drank "Sneaky Pete," a drink concocted of raw whiskey and of wine, that he needed money to get more, armed himself with the iron pipe and forced his way through a window into the Graff apartment.

He Re-enacts the Crime

Several hours after the statement was announced the detectives had Williams re-enact the crime in the Graff apartment. Mrs. Pauline Graff tried to claw him. She screamed, "Why did you kill my little girl?" The policemen held her back as Williams shrank at her attack.

Neighbors poked at Williams with sticks as the detectives led him from the house. "Murderer," they screamed, and the cry was taken up and repeated by the throng that had assembled on the street. Twenty policemen cleared a lane through the neighbors and Williams went untouched.

In Felony Court yesterday afternoon Magistrate John F. X. Masterson held Williams without bail on a homicide charge pending action by the Kings County Grand Jury.

Arraigned in Girl's Murder

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ProQuest Historical Newspapers The New York Times (1851 - 2006)

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Arraigned in Girl's Murder

Samuel Tito Williams, 18 years old, accused of the murder last April 20 of Selma Graff, 15, in her home, 143 East Ninety-sixth Street, Brooklyn, was arraigned yesterday before Judge Samuel S. Leibowitz in Kings County Court on a charge of murder in the first degree. Williams was indicted earlier in the day. He was arrested Tuesday.

WITNESS HELPS DEFENSE

Victim's Brother Terms Slayer White Man—Negro on Trial

The state suffered a setback yesterday in the first-degree murder trial of Samuel Tito Williams, 18 years old, charged with the slaying last April 19 of 15-year-old Selma Graff of 14 East Ninety-sixth Street, Brooklyn, during an attempted robbery in the house.

The victim's brother, Donald, 10, himself beaten badly by the intruder, testified under cross-examination before Judge Louis Goldstein and an all-male blue ribbon jury in Kings County Court that the assailant was a white man, about 5 feet 5 inches in height. The defendant is a negro, 6 feet tall.

After the boy's description, Leo Healy, of counsel for the defense, asked to see copies of statements made by Donald last April to the police and the district attorney's representative. Judge Goldstein granted the request and adjourned the trial until this morning.

YOUTH FOUND GUILTY OF MURDERING GIRL

A blue ribbon jury in Kings County Court found Samuel Tito Williams, 19 years old, guilty last night of first-degree murder, with a recommendation of mercy. The jury, all men, deliberated six and a half hours.

Williams, who lived at 612 Rockaway Avenue, Brooklyn, went on trial Jan. 12 before Judge Louis Goldstein accused of beating fatally 15-year-old Selma Graff of 143 East Ninety-sixth Street, Brooklyn, during an attempted burglary in her house last April 20. Judge Goldstein fixed no date for the sentencing of the youth.

The defendant was apprehended five months after the murder for a series of alleged burglaries. It was during his questioning at the Liberty Avenue precinct station that he confessed the slaying after he identified, as his own, a flashlight found at the scene of the crime.

In reaching its decision the jury had to consider a charge, by the defense, that the confession was obtained by the police under duress. During the trial the only eyewitness to the slaying, the victim's 10-year-old brother, Donald, identified the intruder as a white man, but later he said he was "all mixed up."

YOUTH SENTENCED TO DIE IN THE CHAIR

Judge Goldstein Disregards Mercy Recommendation for Slayer of Girl, 15

A jury's recommendation of mercy in behalf of Samuel Tito Williams, 19 years old, was disregarded yesterday by Judge Louis Goldstein in Kings County Court as he sentenced the youth to die in the electric chair during the week of April 4.

Williams, who was convicted last Jan. 22 of the first-degree murder of 15-year-old Selma Graff during an attempted robbery in her home, 143 East Ninety-sixth Street, Brooklyn, on April 20, collapsed at the court's decision. He had to be carried from the courtroom to the detention cell on the seventh floor. Later he was taken to the Brooklyn City Prison to await removal to the death house in Sing Sing.

Judge Goldstein said that he based his stand on a report submitted by the Probation Department of the court. Its findings, he said, described the defendant as a "menace" to society, a "psychopathic liar whose personality is permeated with psychosexual habits of thought and conduct."

"I am fully convinced that if this jury had had before it the facts contained in the probation report, the recommendation would never have been made," Judge Goldstein said. "It would stultify my conscience to adopt the recommendation under such circumstances. It is not without hesitation that I have reached this conclusion, but having reached it, I am convinced of its absolute justice and inevitability."

Judge Goldstein explained that Williams' first encounter with the law was at the age of 11 when he appeared in Children's Court in Queens on a charge that he and an adult forcibly entered a building and stole property valued at \$500. He was on probation as a wayward minor when the murder was committed and was being sought for a series of house robberies at the time of his arrest.

A similar position was taken by Judge Goldstein last June when, in sentencing John Valletutti, 20, he refused to accept the jury's recommendation of life imprisonment and sentenced the defendant to the electric chair. An automatic appeal to the Court of Appeals is still pending. Valletutti was convicted of taking part in a bar-room hold-up in which a disabled paratrooper, home on leave, was shot fatally. In explanation of his action in this case, Judge Goldstein said that it was his "considered opinion that the jury was misled to a great extent by sympathy."

SLAYER GETS STAY FROM HIGH COURT

WASHINGTON, Feb. 23 (AP)—The Supreme Court late today ordered a stay of execution for Samuel Tito Williams, New York Negro who was scheduled to die tomorrow for the killing of a 15-year-old white girl.

The court directed that counsel for Williams be permitted to file appeal papers with the high tribunal.

The appeal will give the court details of the attorney's protest that the trial judge disregarded the jury's recommendation of life imprisonment for Williams and instead sentenced him to death.

Justice Robert H. Jackson on Feb. 12 refused to issue a stay for Williams. His attorney then took the case to Justice Wiley B. Rutledge, who today presented the case at a closed conference of the court justices. They ordered the stay.

Williams was charged with killing the girl, Selma Graff, in April, 1947, in an attempted burglary. The girl was killed with an iron bar in her home at 143 East Ninety-sixth Street, in Brooklyn.

Williams was convicted Jan. 22, 1948. A 19-year-old with a long criminal record, Williams also beat the dead girl's brother, 10-year-old Donald, with the iron bar. The young boy's testimony at the trial gave the prosecution a bad time for a moment when he described his assailant as a white man after earlier telling the police that he was a Negro.

1948 Case Gives Judges Discretion on Jury Plea

Chief Assistant District Attorney J. Kenneth McCabe, prosecutor in yesterday's felony murder verdict against two Brooklyn teen-agers, once won a 1948 case that led to upholding discretionary power of judges here to accept or reject mercy recommendations of juries in such cases. By coincidence, Leo Healy was defense counsel both times.

A jury had recommended life imprisonment for Samuel Tito Williams for murdering a girl in an attempted burglary. Acting with a probation report with information unknown to the jurors, Kings County Judge Louis Goldstein imposed a death sentence. Both the Court of Appeals and United States Supreme Court upheld him.

The Legislature passed a bill to compel a judge to accept a mercy recommendation, but Governor Dewey vetoed it—although later the Governor commuted Williams' sentence to life imprisonment.

POLICE 'COERCION' VOIDS CONVICTION

Court of Appeals Frees Lifer in '48 Slaying

A 34-year-old convict serving a life term for murder was tentatively ordered released yesterday when the United States Court of Appeals ruled that his confession had been coerced.

The court granted the prisoner a writ of habeas corpus and ordered his release "at once" from Greenhaven State Prison at Stormville, unless he should be retried promptly for the crime, which the court deemed "unlikely."

The man serving the term was Samuel Tito Williams, convicted in Kings County Court in 1948 for the murder of Selma Graff, 15, in the course of a burglary in the Graff apartment at 143 East 96th Street, Brooklyn, on April 20, 1947.

Former Kings County Judge Louis Goldstein refused to follow the jury's recommendation of life imprisonment and sentenced the 18-year-old defendant to be electrocuted. That sentence was later commuted to

life by then Gov. Thomas E. Dewey.

In a 10-page opinion, Court of Appeals Judge J. Joseph Smith pointed out yesterday that Williams was taken into police custody two months after the crime and then questioned for 24 hours, mostly about crimes other than the murder of the girl.

He said that Williams finally

confessed after the police promised he could see his mother. Judge Smith said that this smacked of coercion and that Williams had thus been denied the due process of law guaranteed by the 14th Amendment.

The confession was the only real evidence at the trial against Williams, Judge Smith declared.

Chief Judge J. Edward Lumbard and District Judge Frederick vanPelt Bryan concurred. In his separate opinion, Judge Lumbard asked whether Federal Court decisions protecting individual rights made it unduly difficult for law-enforcement agencies.

Study Is Suggested

Judge Lumbard suggested, in this regard, that the states study and adopt measures that would better protect suspects against coercive and improper police conduct during detention and at the same time give the police adequate time and proper means for investigating serious crimes, particularly murder.

A spokesman for the Kings County District Attorney's office said that office was studying the Appeals Court's decision to determine whether it should ask for a review by the United States Supreme Court.

Before going into Federal Court, Williams had exhausted all remedies in the state courts. Denial of his petition for a writ of habeas corpus by Federal Judge Archie O. Dawson was reversed by the Court of Appeals.

Summary of Supreme Court's Action

Special to The New York Times

WASHINGTON, Feb. 17—The Supreme Court took the following actions today:

ADMINISTRATIVE LAW

Declined, two Justices dissenting, to review the action of the Federal Communications Commission in removing a very high frequency (standard) television channel from Springfield, Ill., and substituting two ultra high frequency channels (No. 700, Sangamon Valley TV v. U.S.).

ATTORNEYS

Invited the Solicitor General to comment on a Wisconsin decision barring from Interstate Commerce Commission practice in that state a man licensed by the I.C.C. as a practitioner but not admitted to the Wisconsin bar (No. 749, Keller v. Wisconsin).

COURTS

Declined, one Justice dissenting, to review the removal of Melvin H. Osterman from the New York Court of Claims for refusing to testify about corruption without waiving immunity from prosecution (No. 657, Osterman v. Court on the Judiciary).

CRIMINAL LAW

Unanimously reversed a Florida district court decision that dismissed a prosecution for forcing a private plane pilot at gunpoint to fly to Cuba, the lower court having held that the Federal kidnapping act did not apply where no ransom was sought and that the air piracy act did not apply to private planes (No. 64, U.S. v. Healy).

Agreed to decide whether a tip from an undisclosed informer was sufficient to justify an Ohio arrest and search without warrant (No. 696, Beck v. Ohio).

Refused to review a decision by the United States Court of Appeals for the Second Circuit granting Federal habeas corpus to Samuel Tito Williams, who was serving a life sentence for murder in New York, on the ground that his confession was coerced (No. 721, Fay v. Williams).

ELECTIONS

Held, 6 to 3, that the Constitution required that Congressional districts within each state be equal in population "as nearly as is practicable" (No. 22, Wesberry v. Sanders).

Held, 7 to 2, that Democratic political leaders who claimed Negroes and Puerto Ricans were deliberately excluded in the drawing of Manhattan's 17th Congressional District had not proved their case (No. 96, Wright v. Rockefeller).

FOOD AND DRUGS

Held unanimously that keeping food in a public warehouse accessible to rats and insects violated the Federal Pure Food and Drug Act (No. 92, U.S. v. Wiesenfeld Warehouse Co.).

GOVERNMENT EMPLOYMENT

Agreed to consider the validity of an order dismissing a Federal Aviation Agency employe on the ground that he had used narcotics and engaged in homosexual practices as a youth before joining the agency (No. 452 misc., renumbered 844, Dew v. Halaby).

IMMIGRATION LAW

Held, 6 to 2, in the case of Frank Costello, that the statute requiring deportation of any alien convicted "after entry" of two crimes of moral turpitude did not apply when the convictions occurred while the person was a naturalized citizen, even though citizenship was subsequently revoked (No. 83, Costello v. Immigration Service).

LABOR LAW

Invited the Solicitor General to file a brief on a Mississippi decision that state courts are free to enjoin picketing designed to make management sign a contract in violation of the state's "right to work" law (No. 669, Hattiesburg Bldg. & Trades Council v. Broome).

LOYALTY

Held, 7 to 2, that William L. Greene—whose removal from a defense plant as a security risk was held invalid by the Supreme Court in 1959—was entitled to compensation from the Government for his loss of earnings (No. 84, Greene v. U.S.).

PATENTS

Agreed to decide whether it is a misuse of a patent to license it under an agreement requiring payment of royalties even after the patent has expired (No. 707, Brulotte v. Thys Co.).

PROPERTY

Dismissed an appeal from a California decision upholding a Pasadena ordinance banning outdoor advertising signs except for businesses located in the buildings carrying the signs (No. 659, Metromedia v. Pasadena).

RACE RELATIONS

Granted review of, and summarily affirmed, a district court decision holding unconstitutional Louisiana laws requiring segregation in parks, playgrounds, swimming pools and sports facilities; three Justices would have left the case to the

Court of Appeals to decide (No. 663, New Orleans v. Barthe).

Agreed to review the conviction of Aaron Henry, Mississippi N.A.A.C.P. leader, for allegedly making an indecent assault on a white male hitchhiker (No. 539, Henry v. Mississippi).

Declined to review a decision by the Court of Appeals for the Fifth Circuit reversing a district court order barring the Glynn County, Ga., school board from voluntarily transferring Negroes to a white school (No. 670, Gibson v. Harris).

Declined to review a Fifth Circuit decision enjoining officials of Jackson, Miss., from maintaining segregation at the city's bus and air terminals by any form of arrests or harassment (No. 708, Jackson v. Bailey).

Declined to review the conviction of a racial demonstrator for illegal use of a loudspeaker during a protest against segregation in East Baton Rouge, La. (No. 734, Moore v. La.).

RAILROADS

Held, 7 to 2, that the Interstate Commerce Commission may authorize a railroad to discontinue intrastate passenger service when it finds little demand for the trains, even though profits from freight operations on that line or from over-all operation outweigh those of passenger losses (Nos. 74 & 93, Southern Ry. and U.S. v. North Carolina).

RELIGION

Dismissed an attack on Kentucky's Sunday blue law (No. 665, Arlan's v. Ky.).

TAXATION

Agreed to review a decision by the Court of Appeals for the Sixth Circuit that in order to enforce a summons for records of "closed" tax years the Internal Revenue Service need show only good faith, not probable cause to believe the taxpayer guilty of fraud (No. 590, Ryan v. U.S.).

VETERANS

Held unanimously that railroad workers who had completed part of the service necessary for advancement to a better position before they were drafted were entitled, after their return and completion of the service, to seniority status reflecting the military service (Nos. 49 & 53, Tilton and Brooks v. Mopac R.).

The detailed proceedings in the Supreme Court yesterday appear on Page 44.

Ex-Inmate of Death House Sues City for \$8 Million

A man who spent 15 years and eight months in prison, including 22 months in Sing Sing's death house, filed an \$8 million damage suit yesterday in Federal Court against New York City.

The man, Samuel Tito Williams, 35 years old, of Newark, charged that he had been falsely arrested and accused of the first-degree murder of a 15-year-old girl in Brooklyn in 1947. His conviction was vacated by the United States Court of Appeals last November because his confession had been coerced.

Harry H. Lipsig, a lawyer, said the former prisoner was now a library assistant but was "still haunted by the untold agony and torment he suffered while confined in the death house."

Man Freed in Slaying Wins Damages

By ROBERT McG. THOMAS

It began with a scream at 2 A.M. April 20, 1947, when 15-year-old Selma Graff was fatally bludgeoned by an intruder in the bedroom of her home in the East Flatbush section of Brooklyn.

It may have ended last week when a Federal jury awarded Miss Graff's accused murderer, Samuel Tito Williams, 44—whose conviction was overturned in 1963—\$120,000 in damages from the city for malicious prosecution and false arrest.

Mr. Williams had served 16 years in prison before his 1948 conviction was reversed by the United States Court of Appeals, which ruled that his confession had been coerced.

The \$120,000 award, which the city said would be appealed, came after a nine-year legal battle that began when an \$8-million claim was filed by Mr. Williams's lawyer, Harry H. Lipsig, who later turned the case over to a colleague, Harry R. Schwartz.

Touched Off Manhunt

The murder of Miss Graff, a crime that touched off one of the city's largest manhunts, gripped New York in 1947, a year when only 546 homicides were reported, compared to 1,536 last year.

It also led to some of the city's most bizarre legal proceedings, which followed a tortuous course to last week's award.

Mr. Williams became a suspect after he was picked up in a routine burglary investigation in September, 1947, and detectives noted that his simpering manner fit the description of the man dubbed "the

giggling killer." The description came from Miss Graff's 9-year-old brother, who shared her room and who struggled with the killer before being clubbed into unconsciousness.

As they later told it, the detectives added a green flashlight found at the murder scene to a collection of burglary loot found at Mr. Williams's home. "That yours, son?" a detective reportedly asked the suspect off-handedly, holding up the flashlight.

'Laborious' Confession

"Yes, sir," the 18-year-old youth reportedly responded, "but I ain't seen it in a long time."

Told where the flashlight had been found, the youth reportedly confessed and "laboriously" produced a detailed, hand-scrawled confession. Taken to the scene to re-enact the crime, Mr. Williams was attacked by the slain girl's widowed mother and jeered by a throng of neighbors who poked sticks at him; 20 policemen were required to clear a path through the crowd.

Sentenced to Death

The detectives in the case were immediately proclaimed as heroes by the Pitkin Avenue Merchants Association and 11 of them were awarded \$50 government bonds at an eight-course banquet at the Little Oriental Restaurant on Pitkin Avenue.

At the trial the jury disregarded Mr. Williams's testimony that detectives had beaten him with "a blackjack, a rubber hose and a club" and burned him with "lighted cigarettes and cigars" to force the confession.

After the verdict of guilty, the judge disregarded the jury's

recommendation of mercy and a life sentence and sentenced Mr. Williams to die in the electric chair.

Citing the findings of a probation report that had not been made known to the jury, Judge Louis Goldstein called Mr. Williams a "menace" to society and a "psychopathic liar whose personality is permeated with psychosexual habits of thought and conduct."

The United States Supreme Court later upheld the judge's right to overrule the jury.

After averting his execution because of pending appeals, Mr. Williams was resented to die by the New York State Court of Appeals, which rejected an unusual personal claim of innocence by the young man, who appeared before the state's highest court, handcuffed to a policeman, and declared. "I didn't kill Selma Graff—and God knows it."

In 1949, however, then Governor Thomas E. Dewey commuted the sentence to life imprisonment.

Free since 1963, Mr. Williams is reportedly living and working in Manhattan.

Weiss Urges Theater Law

City Councilman Theodore S. Weiss announced that he would introduce legislation to require all movie theaters showing films rated G and PG to have a children's section so that children under 16 can gain admission more easily. Mr. Weiss, a Manhattan Democrat-Liberal, said that current law calls for unaccompanied children to sit in a children's section supervised by a matron, but that many theaters do not have them and thus turn their younger patrons away.