

The Crime and the Criminal

A PSYCHIATRIC STUDY
OF THE LINDBERGH CASE
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This book is dedicated to the work that has been done and will be done to hasten the inevitable realization that crime is a symptom of illness, and that psychiatry has a place in the administration of criminal law.

CONTENTS

INTRODUCTION	9
I. A CRIME WAS COMMITTED	15
New Jersey State Police	23
Federal Aid	27
New York City Police Department	29
Arrest and Extradition	36
II. PSYCHIATRIC ANALYSIS AND INVESTIGATION OF THE CRIME	41
III. FLEMINGTON	74
Public	75
Press	76
Radio	80
IV. PERSONALITIES	82
Justice Thomas W. Trenchard	82
Counsel for the State	83
Counsel for the Defense	86
The Jury	89
V. THE STATE OF NEW JERSEY VERSUS BRUNO RICHARD HAUPTMANN	92
Selection of the Jury	92
The State's Case	94
The Case of the Defense	253

The State's Rebuttal	360
Summations	369
The Court's Charge	370
The Verdict	383
VI. APPEALS, REPRIEVES AND THE EXECUTION	384
Decisions of Courts of Review	384
Attitude of Governor Harold G. Hoffman and Attorney General David T. Wilentz	389
EPILOGUE	401
INDEX OF WITNESSES	409

THE CRIME
AND THE CRIMINAL

Introduction

The demands of modern civilization and society have been fulfilled by the execution of Bruno Richard Hauptmann for the murder of Charles Augustus Lindbergh, Jr. Justice has had its day in court and a murder has been avenged. Those engaged in the administration of law can sit back and, with an air of complete satisfaction, state that the case is closed, that the crime has been solved, that the criminal has been punished in such a manner as to act as a deterrent to others who may contemplate committing a similar offense.

However, in this case, I am of the opinion that a greater issue was involved. An atrocious crime was committed. But just how it was committed, why it was committed, and how in this age a lone man could successfully arraign his sole powers against well-organized police forces for so long a period of time, still remains unanswered. The solution of such questions would have been a greater contribution to the understanding of crime than the mere execution of a criminal.

With the case marked closed, no more is known about the actual facts in the commission of the crime, or the personality of the man executed, than was outlined in theoretical deductions about the crime and the criminal made a few months after the baby was kidnaped. During his stay in the Bronx and in New Jersey, two psychiatric examinations were made of Hauptmann by qualified men. But these examinations were conducted under conditions which, circumscribed by the strict legal requirements, were from a medical point of view unorthodox. In fact, such an examination of a patient in private practice would have caused the conclusions to be totally disregarded and perhaps condemned.

The ideal procedure, and what will some day inevitably be the practice, would be the elimination of psychiatry as part of court procedure. Law will function along strictly legal lines and the

question of the guilt or innocence of the defendant will be determined on a basis of fact. Then, after conviction and prior to sentence, when the cooperation of the prisoner is possible and time is unlimited, a psychiatric examination will be made. Psychiatry will have nothing to do with determining the prisoner's legal guilt, but will, with the aid of sociology and penology, evaluate the motives of the crime and the mental make-up of the criminal. This is in harmony with the progressive suggestion made by ex-Governor Alfred E. Smith, that the sentence of a man be postponed until his personality has been studied.

At the present time, the law in the majority of the States has limited the concept of "insanity" (a legal term which has been discarded by the medical profession) to the question: Does the person under examination know the difference between right and wrong? This strict limitation of "insanity" had its origin in English law in 1843. It is a sad commentary on the progress of law that it has not made any advance in the understanding or acceptance of psychiatry in nearly a century; and this is especially shocking since it is in this past century that the greatest advances in psychiatry have taken place. Psychiatry has been dynamic and law has been static.

The absurdity is more glaring in that a psychiatrist, examined as to his qualifications as an expert, is asked questions for the purpose of determining his knowledge of present-day psychiatry, not the theories maintained one hundred years ago. When examining his patient he is using the knowledge we now possess of mental illness, and it is upon present-day theories that he is able to come to a conclusion. It is in the court procedure that the paradox becomes apparent, when, after he is ready to report his findings, he is asked a question which implies, "Now, Doctor, although we were interested in whether you knew present-day psychiatry, you must now forget it. Will you please answer this question: According to the code existing in 1843, is he sane or insane?"

The world is under the impression that psychiatrists differ in giving expert testimony. A careful survey of thousands of cases has revealed that in nearly all instances they have agreed that the defendant under discussion is mentally ill. The difference of opinion is on the legal formulation, not the medical.

The legal interpretation that the test for insanity is the ability of a person to know the difference between right and wrong must some day be abandoned. Nearly all insane people know the difference between right and wrong. Some States have already realized that the test is not whether the individual knows right from wrong but whether he possesses enough will power to prevent him from doing the wrong. They have retained the 1843 concept, but have added to it the question of "irresistible impulse." This is a decidedly progressive step, in harmony with the advances made by medicine. The doctor, however, is still called upon to enter into a discussion which is strictly legal, and so loses his identity as a physician.

The fact that the law, while using psychiatry, refuses to profit by what psychiatry has to offer, is best illustrated in the recent convictions and executions of men who were known to be actually medically "insane" and as such to have been patients in institutions for the mentally ill, but who were nevertheless proved "sane" by law.

Psychiatry may become of great value in the determination of the punishment or treatment of a convicted individual. Crime, no matter whether recognized as a symptom of illness or not, is behavior; and psychiatry, the branch of medicine which pertains to mental diseases, incorporates human behavior in its field of study. The individual guilty of asocial behavior must be adequately punished by law. There is no difference of opinion that punishment must serve a twofold purpose: protection of society and the possible correction of asocial tendencies on the part of the criminal. If one adheres to the theory that crime is a symptom of mental illness, it is unbelievable that punishment alone will cure the ailment. Psychiatry must determine what the cure shall be.

In the not very distant past, a mentally ill person was treated as a criminal. He was held responsible, incurable, was incarcerated and forgotten by society. Today society accepts its responsibilities, and with the knowledge gained, has instituted an intelligent, progressive procedure. This has resulted in humane care, with the reward of cure in cases originally thought to be hopeless.

Contagious diseases have been the cause of more deaths and illness, and a greater burden to society, than any other known cause: one typhoid carrier may be guilty of more deaths than any

murderer. We have instituted intelligent methods today whereby the ill person, the potential menace to society, is not held responsible for his illness but is isolated and treated until such time as he can once again take his place in the community. It is only by the application of these same medical principles that the illness of which crime is a symptom will be determined and its incidence reduced.

Psychiatry can also, if given the opportunity for more research, offer aid to the police in the solution of crime. A knowledge of psychopathology will, in the future, be used in evaluating the facts pertaining to a crime, which will allow the deduction that the crime was committed by a person with a certain "mental make-up." It will also be able to postulate motives not readily discernible in the commission of the crime.

It was my faith in these premises that caused me to undertake an analysis of the Lindbergh crime. The original theoretical deductions as to the personality of the kidnaper and the motive for his crime are presented in this book, and an attempt made to correlate them with the limited information available about Hauptmann after his arrest and during his trial.

The acceptance of my report on the case proves the possibility of a better comprehension of psychiatry on the part of law and police authorities, and it is hoped that the psychiatric deduction for the first time attempted in the solution of a crime will open up a new field in criminology.

Also included in the book is a condensed version of the trial. While many persons followed the trial in the Press and read every printed word of the testimony, it was usually in connection with other matter—comments on the testimony of the day and predictions of what was to follow. This was bound to create confusion in any mind, and I have observed that it did so, even in the minds of otherwise clear thinkers. The trial took over a month, and unless a person limited himself to read the testimony only, and in its exact sequence, it was practically impossible, in a retrospective mental summary, not to encounter a haze as to parts of it.

I therefore decided to offer a synopsis of the entire trial from the opening addresses to the end of the Judge's charge. The actual transcripts involved about a million and a half words; in printed form, for review purposes, they fill twelve books with a total of

4,921 pages. In making up this synopsis my efforts have been: first, to reduce it to what I thought was relevant material without losing a sentence, or even a word, that would affect the intended meaning of the testimony; secondly, to place it before the reader in narrative form, eliminating much phraseology and legal argument that naturally encumbered the verbatim story. Another reason for the inclusion of testimony is to offer some of my own observations, according to notes made at the trial. These observations have naturally a background of psychiatric analysis of action and reaction and are in no wise to be considered from a legalistic viewpoint.

It is my aim to make available in a single volume a record of all essential facts associated with the kidnaping of Charles A. Lindbergh, Jr., and the trial of Bruno Richard Hauptmann.

D. D. S.

New York, June 10th, 1936.

I. A CRIME WAS COMMITTED

Charles Augustus Lindbergh, Jr., twenty-months-old son of Colonel Charles Augustus Lindbergh and Anne Morrow Lindbergh, was kidnaped between eight and ten o'clock on the evening of March 1st, 1932, from his nursery in Hopewell, New Jersey. The Colonel's choice of Hopewell for his home had been governed by a desire to secure a quiet, inaccessible retreat from the prying curiosity of the American public, whose adulation caused him embarrassment and annoyance. Protected by the Sourland Mountains, an unfriendly range of high hills in a desolate area, his estate stood alone amid hundreds of acres of wooded land, part of which had been cleared for a landing field. It was bitter irony that from this home, so carefully planned as a peaceful refuge, the first child of the famous couple should have been kidnaped.

Charles Lindbergh's epic solo flight from Roosevelt Field in New York to Le Bourget, Paris, on May 20th, 1927, had aroused the world to extraordinary enthusiasm. Subsequent flights brought further acclaim. His skill and daring, coupled with boyish reticence and modesty, intrigued public imagination, and he rapidly became established as a legendary figure whose exploits were watched by millions with awe and admiration. The courtship and subsequent marriage of this boy from an unpretentious background to Anne Spencer Morrow, daughter of Dwight W. Morrow, distinguished financier, one-time Ambassador to Mexico and later United States Senator from New Jersey, was long a topic of public interest. Anne Morrow, known for her shyness and reserve, was warmly accepted as the perfect mate for the Lone Eagle.

Another factor essential to an understanding of the unique position which Lindbergh held in the emotional life of the people was the absence of apparent family ties. He was an only child whose father was dead and whose mother remained in the background when he achieved fame. He seemed an orphan, an ideal subject for

adoption by a nation as its favorite son. By older men and women he was regarded as a foster-child. He crystallized the children's dreams of conquest. To his own generation, he was, according to individual mental make-up, someone to love as a brother or someone of whom to be jealous—though his solitary flight, a victory over the hazards of nature, was an achievement that precluded feelings of jealousy or rivalry on the part of the average man.

The immediate reaction of horror, therefore, when the public learned of the kidnaping of the Lindbergh child, gave way to an intense feeling of individual and personal affront at this crime against the adored citizen of the world.

Colonel Lindbergh, informed by the baby's nurse that the child was missing, immediately ran to the nursery. An open window, an envelope on the window sill, footprints on the floor between the window and the empty crib, brought the immediate harrowing realization that his child had been kidnaped. The Colonel ordered his butler to telephone the Hopewell police.

On the morning of March 2nd, the newspapers reported that the Lindbergh child had been kidnaped and was being held for \$50,000. They also contained the startling but meager information that a three-section ladder and a chisel were found on the estate, and that the southeast nursery window and the ground beneath it indicated that the child was removed by way of this ladder. A ransom note, the content of which was not revealed, was found on the window sill. Throughout that day and for many days thereafter, no further authentic information was divulged. Pacifying reports from various officials offered hope that the child was alive and would be shortly returned and that negotiations were progressing satisfactorily. With such paucity of facts, an outraged public was not satisfied, and thus newspaper reporters, under pressure from harassed editors who demanded "news" and more "news" to feed insatiable readers, made much of the rumors and legends concerning the wildness of the Sourland Mountain region. They took refuge in biographies of the Lindberghs, the crime problem in the United States, the history of kidnaping and their theories about the crime; but real news remained scarce amid pages of feature articles.

In Hopewell, the arrival of numerous representatives of the dif-

ferent law-enforcement agencies created confusion which was accentuated by the appearance of hundreds of reporters and thousands of the morbidly curious. The Lindberghs, after a conference with Colonel Henry C. Breckinridge a day or two later, ameliorated the confusion by placing full authority in the hands of Colonel H. Norman Schwarzkopf, head of the New Jersey State Police. Reporters and curious onlookers were thereafter kept at a distance from the house.

Plans were then devised by the Lindberghs for negotiations for the return of the child. The ransom note in the nursery not only reported the kidnaping and demanded \$50,000 for the baby's return but instructed the family not to inform the police "or make anything public." It was natural that the parents should be fearful of violating these orders. The kidnapers promised further communication within four days. The Lindberghs, via newspapers and radio, now anxiously conveyed assurance to the kidnapers that they were less interested in their apprehension than in the health and safe return of the child. Fearful that the publicity would make it impossible for the kidnapers to negotiate with them, the Lindberghs planned to go to the kidnapers. On the theory that the crime was committed by organized members of the underworld, they employed Morris Rosner, supposedly cognizant of all underworld schemes. He in turn called in Salvatore Spitale and Irving Bitz, petty by-products of the bootlegging era, who were said by Rosner to possess the necessary diplomatic technique for negotiating with criminals. What they did will never really be known, but what they said they were going to do was heralded in the Press. This publicity, supposing the original premise correct, could only have hindered any transactions they might otherwise have had with the underworld. The police, critical of their participation, could not dissuade the Colonel, who was really in charge.

Approximately four days later, unknown to the public, Colonel Lindbergh heard from the kidnapers. His previous alarms were confirmed by their reference to public excitement and police activities which made ransom arrangements impossible; yet hearing from them was something and his anxiety was somewhat alleviated. The kidnapers also revealed their uneasiness by communicating with Colonel Breckinridge.

The next few days were uneventful, but on March 7th, Dr. John F. Condon, an elderly educator in the Bronx, on his own initiative wrote a letter to the *Bronx Home News*, which was published on March 8th in the following form:¹

DR. JOHN F. CONDON MAKES OFFER OF \$1,000 TO KIDNAPERS FOR RETURN OF LINDBERGH BABY

An offer to act as "go-between" in negotiations for the return of 20-months-old Charles Augustus Lindbergh, Jr., with the promise of absolute secrecy as to the identity of the kidnapers and an additional \$1,000 to any ransom which may be arranged by Col. Charles A. Lindbergh, was made today by Dr. John F. Condon, 2974 Decatur Ave., near 201st St., educator, author and lecturer.

The added ransom represents the major portion of Dr. Condon's savings, yet he asserted that he is willing to part with it in order to restore the child to his anguished parents.

In his appeal to the abductors, Dr. Condon said, "I offer all that I can scrape together so that a loving mother may again have her child and that Col. Lindbergh may know that the American people are grateful for the honor that he bestowed upon them by his pluck and daring.

Promises Utmost Secrecy

"Let the kidnapers know that no testimony of mine, or information coming from me will be used against them.

"I offer \$1,000 which I have saved from my salary as additional to the suggested ransom of \$50,000 which is said to have been demanded of Col. Lindbergh.

"I stand ready at my own expense to go anywhere alone, to give the kidnaper the extra money and promise never to utter his name to any person.

"If this is not agreeable, then I ask the kidnapers to go to any Catholic priest and return the child unharmed, with the knowledge that any priest must hold inviolate any statement which may be made by the kidnapers."

Dr. Condon is one of the best known educators of the Bronx.

He retired in 1930 after serving for 46 years as a school teacher and since then has devoted much of his time to giving lectures at Fordham University.

¹ The entire letter was not published.

In offering to act as "go-between" in negotiations for the return of the Lindbergh baby, Dr. Condon said that he was doing so on his own initiative and would be responsible to no person for information which he might obtain from the abductors.

Dr. Condon received a reply on March 9th, offering to accept him as a go-between in ransom negotiations and, if he were willing, he was to deliver an inclosed letter to Colonel Lindbergh. Dr. Condon promptly delivered the note which, after comparison with the first one, was admitted to be authentic. At a conference that same evening, Dr. Condon was approved as go-between by Colonel Lindbergh and by Colonel Breckinridge, who had accepted Dr. Condon's invitation to live at his home during the arrangements. It was also agreed that Dr. Condon, in negotiations with the kidnapers, should use the combination of his initials, J. F. C., which when quickly pronounced formed the word "Jafsie."

The kidnapers' further communication with Dr. Condon resulted in an hour's meeting between the doctor and a man who identified himself as "John," and said he represented the kidnapers. As definite proof of his official capacity, he agreed to send to the doctor the sleeping suit worn by the baby the night it was kidnaped. A few days later this arrived and was specifically identified as the garment belonging to the baby. Negotiations continued between Dr. Condon and "John" through personal notices in the newspapers. The world at large suspected that these notices referred to the Lindbergh kidnaping, but was unaware of the identity of "Jafsie." The negotiations were prolonged owing to the kidnapers' evident anxiety, which was attributed to fear of detection.

However, on April 2nd, all arrangements were made for the payment of money to "John" for the return of the child. "John" informed "Jafsie" that because of the difficulties encountered in caring for the child, the original ransom sum was to be increased to \$70,000. On that evening, therefore, according to instructions from the kidnaper, Dr. Condon and Colonel Lindbergh proceeded to St. Raymond's Cemetery in the Bronx with a box containing \$70,000. Dr. Condon met "John" at the cemetery, and a little distance away the Colonel was seated in an automobile with the money. Having persuaded the kidnaper to reduce the ransom to

the original sum of \$50,000, the doctor returned to the Colonel for the money. Then Dr. Condon went back to "John," gave him the money and received a note containing instructions for finding the baby. Contrary to expectations, the child was not recovered, and a few days later a hopeful world was shocked at the announcement of complete failure. The emergence of Dr. Condon's participation, with the recital of what took place between March 1st and April 2nd, evoked further journalistic activity, and a distorted biography of the aged educator became public knowledge.

Coincident with the Bronx negotiations, Gaston B. Means, whose notorious career had been interrupted occasionally by various prison terms, approached Mrs. Evalyn Walsh McLean, a well-known Washington social leader, early in March, 1932, with the promise that he could secure the return of the Lindbergh child through his extensive underworld acquaintance. Mrs. McLean, deeply shocked by the crime, and especially touched by it since her own son had been killed accidentally while being guarded from threatened kidnaping, gave Means \$104,000 to aid his search. With the announcement of the failure of Dr. Condon's negotiations, despite the payment of \$50,000, Mrs. McLean became suspicious and filed charges against Means, who was convicted of larceny and imprisoned.

Meanwhile Colonel Lindbergh, though concentrating on the transaction with "John," had also started half-hearted negotiations with John Hughes Curtis, shipbuilder of Norfolk, Virginia, backed up by two reputable members of his community: the Very Reverend H. Dobson-Peacock, Dean of Christ Episcopal Church of Norfolk, who had met the late Senator Morrow in Mexico, and Rear-Admiral Guy Burrage of the United States Navy (retired) who had commanded the ship on which Colonel Lindbergh returned to the United States after his epic flight to Paris. Curtis maintained that he had been approached by the kidnapers and had seen the ransom money, and he offered to act as a go-between.

On March 22nd, these three had an interview with the Colonel, and although factual proof of Curtis' contention was lacking, the reputations of the minister and admiral were such that the Colonel—the wish being, perhaps, father to the thought—tended to believe it. He did not, however, accept Curtis until the failure of April 2nd gave impetus to his faith in Curtis' theory. The bizarre story,

that the child was on a boat in Chesapeake Bay outside of Norfolk, Virginia, was now believed by Colonel Lindbergh, and he spent weeks on boats sailing up Chesapeake Bay at the direction of Curtis, on the lookout for the signal which, supposedly, would reveal the boat on which the child was being held. While the Colonel was on this expedition, the United States Government was in readiness to offer its fleet to aid in searching the waters. On May 12th, 1932, the Colonel and the world were shocked by another blaring announcement: Charles A. Lindbergh, Jr.'s body was found in a shallow grave within five miles of the Lindbergh home and identified by the police and by Betty Gow, the child's nurse. Colonel Lindbergh, returning from his fruitless search, identified his child the following day.

Curtis was brought to trial in Flemington at the Hunterdon Courthouse, charged with obstructing justice, and on this charge he was found guilty, but the jurors recommended mercy. The legal construction of this conviction carried with it the implication that Curtis actually dealt with the kidnapers, although the testimony of important witnesses, including Colonel Lindbergh, indicated that he had at no time any dealings with the kidnapers. In the archives of the courts of New Jersey, nevertheless, there is the legal record of the conviction of John Hughes Curtis for having knowledge of the kidnapers of Charles A. Lindbergh, Jr.

Until May 12th, police detection was held in abeyance because the primary issue was the safe return of the child. Knowledge of the child's death now destroyed the need for precaution, and police activities were fully extended to the tracking down of all possible clues. The Hopewell police, first notified of the crime, was superseded by the New Jersey State Police. Within the first four days, the Federal Bureau of Investigation, United States Department of Justice, Bureau of Internal Revenue of the United States Treasury Department and the New York City Police Department were called in and offered their services. To overcome the resultant confusion, Colonel H. Norman Schwarzkopf was given sole charge. Actually, however, Colonel Lindbergh, advised by Colonel Breckinridge, completely dominated all police work. The New York police, not extended full confidence, retired from the scene. The others remained and agreed to restrict their activities to the prescribed regu-

lations. Despite the Federal Bureau of Investigation's record of achievement, the little pertinent information possessed by the New Jersey State Police was not completely turned over to it. The New York City police was only slightly more informed than the public, although ransom letters bore New York postmarks and ransom negotiations and Dr. Condon's conferences with "John" were held in New York, making it reasonable to suppose that the criminals lived there.

At no time during this period of watchful waiting were any joint conferences held by these four units to pool their efforts toward an analysis of the crime. At no time was there any discussion of the possibility of cooperatively organized procedure, providing the child were safely recovered, for the detection and apprehension of the criminals. Only on rare occasions during ransom negotiations, when clues overlapped, were some slight attempts at evaluation and coordination made. This lack of joint action may be illustrated by the fact that the original ransom communication was neither shown nor its content revealed to the cooperating agencies until later, and then only to Federal groups. When Colonel Schwarzkopf, after the suspect was arrested, answered criticisms directed against the inefficiency of his unit, he took refuge in the excuse that his force was undermanned, ignoring completely the fact that valuable service was offered by outstanding police authorities in the nation.

After May 12th, unhampered by the restraint previously enforced pending the hoped-for return of the child, the various agencies came into open conflict over orders felt to be unwise, and each unit went its separate way. Thus the discussion of the aspects of detection must be taken up individually, except where clues overran the boundaries set by these groups.

All police agencies adhered tenaciously to the theory that the child was kidnaped by a gang and refused vehemently to entertain another concept. That theory was diligently pursued and criminal bands throughout the country were investigated for news of the kidnapers. A reward of \$100,000 was offered by a group of outstanding bootleggers for the return of the child alive, because they wished to rid themselves of the prying police and safeguard their own activities. News of it was not published, but was sent through underworld channels; nothing resulted. The working premise that

the crime was committed by a gang was logically pursued. Considered in relationship to it, the method of investigation really did not warrant the considerable comment directed against it. Criticism should rather be directed against the premise.

New Jersey State Police

The New Jersey State Police, on the scene shortly after the child was reported missing, made a routine examination of the grounds and the house. That night the ladder, the chisel, the nursery and its contents were fingerprinted twice without revealing any readable prints. This failure to secure fingerprints aroused in the State Police no suspicion either of the method employed, or of the qualifications of its expert. If it had at that time availed itself of the facilities of other police agencies, subsequent embarrassing situations would have been avoided. Neither the ladder nor a footprint found under the southeast nursery window were subjected to scientific experiment. The ladder was tested only to confirm the fact that but two of the three sections had been used to reach the nursery window from which the child was removed and that it could not sustain a weight greater than approximately one hundred and eighty-five pounds. A cast of the footprint was not secured. The members of the household were not closely questioned.

A day or so later, Governor A. Harry Moore called a conference and directed that the Jersey City and Newark police assign detectives to the case, who were to take orders from Colonel Schwarzkopf. He was handicapped by the fact that Colonel Lindbergh was a famous man who chose to direct police activities and even started investigations of his own. Whether because of Colonel Lindbergh, or independently, cannot be determined, but the State Police conducted its inquiry on the premise that the crime was committed by a highly organized gang. Colonel Schwarzkopf adhered closely to the suggestion that, in order to safeguard the life of the child, no steps were to be taken for the apprehension of the criminals. This restriction placed the troopers in the rôles of estate guards and messenger boys. During this period, their main task was the sorting of crank clues.

Although the Jersey City detectives were active participants, they were not given the benefit of all the available information. They questioned the baby's nurse, the cook and the butler on the Lindbergh estate; they sought to determine a connection between the employees who had constructed the house and the kidnapers. From this extensive check-up, nothing of any value was forthcoming. Telephone calls made to and from Hopewell during the month before the crime were checked. Railroad stations, buses, taxis and airports were visited to ascertain whether anybody carrying a baby resembling the Lindbergh child was seen on March 1st. Homes within a five-mile radius of the Lindbergh estate were searched and troopers were instructed to be on the lookout for any lumber resembling that used in the kidnap ladder. The chisel found near the ladder was taken for identification to all hardware stores within a twenty-mile radius of the Lindbergh home. Paroled and escaped convicts and paroled or discharged insane asylum inmates were all thoroughly checked. But regardless of the detailed check-up, no clue emerged. During this interval, about 250,000 letters were received by the Lindberghs and each letter was read, classified and initialed by a trooper.

The Jersey City police held that the crime was an "inside job," helped by an "outside gang," whereas the State Police, dominated completely by Colonel Lindbergh and Colonel Breckinridge, strongly affirmed the idea of a highly organized gang, independent of "inside" aid. The State Police was informed of all the steps leading up to Dr. Condon's negotiations with "John." This information was not given to the Jersey City detectives, who were, however, told about John Hughes Curtis. They advised Colonel Lindbergh against accepting him as a go-between, but the Colonel disregarded them. The discovery of the child's body brought Curtis under suspicion of extortion, as his story of the kidnapers was now considered a bitter hoax. It was Inspector Harry W. Walsh of the Jersey City police who was largely responsible for "breaking" Curtis and securing a confession by a highly developed technique which consisted in part of taking his victim for a "walk."

After the failure of Condon's negotiations, members of the Lindbergh and Morrow household were again questioned thoroughly. Careers of those not born in the United States were traced to their

native countries. At this time Violet Sharpe, an English maid in the Morrow household, came under suspicion because her story of her whereabouts on March 1st now differed from her previous statement to the police. After the child's body was found, her contradictions were brought before her and, according to the police, she showed signs of emotional and physical distress. Owing to her physical state, a rapid pulse and high temperature, physicians called by the police advised rest. When called for questioning the following day, she committed suicide by drinking potassium cyanide contained in a preparation for cleaning silver. Inspector Walsh, impressed with her physical and emotional condition, which to him indicated guilt, then concluded that she had aided the kidnapers. He said:

She was the recipient of the phone call at 10:30 Tuesday, March 1st, that ordered Betty Gow to Hopewell. This gave her the knowledge that the baby would be in Hopewell that night. She told conflicting stories concerning her movements on the night of March 1st. She insistently refused to reveal the identity of the person she was with on March 1st.

Her physical condition changed for the worse after it became known the baby was dead. I attribute this change to the workings of her conscience. I believe that previously she had been buoyed by the hope that the baby would be returned safely, she would get a cut of the ransom money and no one would be the wiser.

She ended her life just before she was to be questioned again by the police, and as I believe, when she feared the screws of detection of her guilt were getting tighter and tighter.¹

Violet Sharpe's reticence about her whereabouts on the evening of March 1st was due solely to the fact that she was being courted by the Morrow butler and was regarded by the household as a person of high moral integrity. If she had divulged her activities on that evening, she would have had to admit that a week prior to the crime she unconventionally met an adventurous gentleman and that she met him again the evening of the crime. Unwilling to cloud her reputation, in her perplexity she contradicted herself. Walsh, however, continued to believe in the adage that suicide is

¹ *Jersey Journal*, November 17th, 1932.

tantamount to a confession of guilt. Her participation in the crime not proved, New Jersey State Police became the target of bitter criticism from the American and English Press, which accused the police of venting chagrin for their failure on a poor English servant girl. The British Consulate, which investigated reports of alleged police brutality, was eventually satisfied that Violet had not been unjustly treated.

The other police agencies disagreed with the inspector's contention and there has never been the slightest proof that the English maid had either directly or indirectly anything to do with the kidnaping.

The State Police, considerably annoyed with the succession of merry-go-round clues which were not leading anywhere, now fastened vigorously upon Dr. John F. Condon. In the company of Detective Coar of the Jersey City police and Detective Leon of the New Jersey State Police, he was enticed by a ruse to Inspector Walsh's office in Alpine, New Jersey, where without any preliminaries he was asked to confess. He was not treated very graciously, but after four hours of questioning his story remained unshaken. The inspector, failing in this attack, decided to take the doctor for a "walk" along the Palisades, possibly hoping that this method might work as it did with Curtis.

Despite this "treatment" at the hands of Inspector Walsh, the doctor continued to extend his cooperation to the Jersey authorities. He continued to examine photographs, to attend line-ups in many cities, and remained in readiness, despite the inconvenience, to serve whenever called upon.

Early in the month of March, Dr. Erastus Mead Hudson, a New York physician who for years had been interested in fingerprinting, volunteered his services. Considering the usual technique of obtaining prints ineffective, he sponsored the use of a silver nitrate method, a chemical process which could reveal otherwise indiscernible fingerprints. The New Jersey State Police accepted his services only in part. He was allowed only to demonstrate his method on a small section of the ladder to a group of troopers who then, after observing his technique, processed the ladder themselves. That the State Police, when it had the advantage of Dr. Hudson's presence, should turn the work over to inexperienced troopers instead, was a pro-

cedure lacking in understanding, which prevented the possibility of discovering readable fingerprints. Sometime later, after a crime conference held by Governor Moore, at which the ladder was exhibited, Dr. Hudson himself was allowed to process the ladder; but because it had been handled by so many people at the conference, the numerous prints and smudges obtained were obviously of no value.

During the ransom negotiations, the ladder was subjected to numerous tests by Squire Johnson, Assistant Director of Construction, Department of Institutions and Agencies of New Jersey. Some dissatisfaction was felt with these tests by the police, who thought they lacked completeness, but it was not until June that the State Police became aware of Arthur Koehler's work in the tracing and analysis of lumber for the Federal Government.² The ladder was then sent to him for a thorough analysis.

Federal Aid

Apprised of the crime by Colonel Breckinridge, the Division of Investigation of the United States Department of Justice, under the leadership of J. Edgar Hoover, volunteered aid. Agents of that bureau were at the Lindbergh home throughout the Condon negotiations and were kept informed of the doctor's progress with "John." Upon investigation, they too concluded that the crime was committed by an organized gang. Special Agent Frank J. Wilson, in charge of the Intelligence Unit, Internal Revenue Bureau, United States Treasury Department, suggested and supervised the recording of the serial numbers of the ransom bills. The Federal agencies were also dominated by the belief that any attempt made to apprehend the perpetrators of the crime would endanger the child's life. They did, however, get in touch with notorious criminals and organized gangs throughout the country for knowledge leading to the kidnapers.

It is surprising that these experienced men should have clung so firmly to the theory that the crime was committed by an organized gang. Their own experience should have taught them that no gang

² See Koehler's testimony, pages 137, 244, 367.

would have undertaken so hazardous an enterprise for the ridiculous sum of \$50,000. Their assumption was mocked at on their visits from gang to gang; they were told that, first, no gang would ever have kidnaped Lindbergh's baby and, secondly, if one had, the ransom demanded would have been much larger. The criminal gangs were only too eager to cooperate with Federal agents because their activities were being curtailed by incessant investigations. Al Capone, alleged to have been the head of one of the most highly organized gangs in the world, dropped a hint from his cell in the Cook County (Illinois) jail, that if he were released, he could get the baby, but his hints involved compromise with the Federal authorities and his offer was ignored. Some of his suggestions, nevertheless, were followed for months. When run down they proved of no significance.

On April 2nd, according to the testimony, Colonel Breckinridge and Federal agents, aware of the forthcoming negotiations, remained at Dr. Condon's home while Colonel Lindbergh and the doctor proceeded to follow out the kidnapers' instructions.

Governor Harold G. Hoffman of New Jersey told me that Dr. Condon and Colonel Lindbergh were followed, known or unknown to the Colonel, by Elmer L. Irey, Chief of the Internal Revenue Bureau, and Colonel Breckinridge, to St. Raymond's Cemetery. Their purpose was perhaps two-fold: they wished to guard Colonel Lindbergh and to check on Dr. Condon's rôle during the transfer of the ransom money. After the failure of that transaction, the Department of Justice agents actively pursued their theory that a gang had committed the crime.

On April 4th, Ralph Hacker, Dr. Condon's son-in-law, went to St. Raymond's Cemetery, accompanied by Dr. Condon, and took a plaster-cast impression of a footprint near a freshly made grave where the doctor had met "John" a few days before. This was done under the direction of Special Agent Thomas H. Sisk, Division of Investigation, United States Department of Justice. Just why Hacker, and not one of the department's experts, took the impression has never been cleared up.

At the announcement of the child's death, the Federal Government offered all the resources of the Department of Justice to aid

in the hunt for the criminal. The Government was urged to pass laws making kidnaping a capital crime.

In November, 1932, at a conference at the Morrow home, I met Special Agent Wilson. After the conference we drove to New York together and on the way he informed me that he still adhered to the theory that the crime was committed by a gang, though he seemed sympathetic to my "lone man theory," and said that, so far, the fruitless investigation of his theory tended to confirm mine. Nevertheless, despite this admission, he continued in pursuit of a criminal gang. My concept he accepted sometime later.

Throughout their investigations, and despite their numerous activities, the Federal agencies played only a modest rôle. Toward the latter part of 1932, they worked in close harmony with the New York City police. With their cooperation as an example, New Jersey joined the alliance in 1933. By this time ransom bills were appearing in New York City, which was now accepted as the important base of action. The idea took root that the criminal or criminals lived in the city and all forces were represented in the tracing of ransom bills from the banks to the depositors.

New York City Police Department

Lieutenant James J. Finn of the New York City Police Department was the first member of that unit to go to Hopewell, at Colonel Lindbergh's request, sent through John Mahoney, builder of the *Spirit of St. Louis*.¹ Upon his arrival at the Lindbergh home, Finn's offer of New York City cooperation was not graciously accepted, despite his published statements to the contrary. He did not choose to limit himself to the city, but he had no alternative. The New York City Police Department was never informed of all the facts possessed by the New Jersey State Police and was not permitted to see either the original or photostatic copies of the ransom notes until they were sent to me for study.

Captain Richard Oliver, then Finn's immediate superior, entertained theories about the crime which differed from the others; these were not accepted. He was partially informed of the Condon

¹ The plane the Colonel used in his solo transatlantic flight.

ransom negotiations by the New Jersey State Police, but vital facts were withheld even from him. Captain Oliver felt that although the crime might have been committed by a gang, it was not one efficiently organized. Told of "John's" behavior at Woodlawn Cemetery during his first interview with Dr. Condon, he thought that it bore out his theory of a "cheap gang." His varied experience with gangsters would not allow him to conclude that "John" would have been the chosen delegate for so delicate a mission. Not officially informed of when and where the ransom money was to be paid "John," he discovered, by methods known to the police, that the transaction was to take place on April 2nd. On that evening, Police Commissioner Edward P. Mulrooney, acting under Federal orders, ruled that no detective was to be north of One Hundred and Twenty-fifth Street and Harlem River, so that Colonel Lindbergh and Dr. Condon would have the necessary freedom in dealing with the kidnapers. This order confirmed Oliver's information. Crystallizing his theory, he decided to surround the meeting place. He thought of two possibilities: Either "John" was the go-between for a "cheap gang" which was guilty of the crime, or he was a member of a "cheap gang" which obtained the ransom symbols and, though not guilty of the crime, might be guilty of extortion. If "John" were alone that evening, Oliver expected either to kidnap him or pretend to be a member of another gang and go with "John" to the kidnapers' hideout and declare himself a partner to the profits, a well-known procedure among criminals.

A few weeks before April 2nd, anticipating such a transaction and knowing he would not be included in it, Oliver definitely planned to handle the situation in his own way. He shadowed Dr. Condon's Bronx home that evening and when the Colonel left with the doctor, Oliver, dressed like a derelict, proceeded to follow in an old automobile. It was not long before the Colonel realized he was being followed, and the game of lose-me-if-you-can went on. The Colonel thought he won, but he was outsmarted by Oliver, who followed him directly to St. Raymond's Cemetery and saw Condon leave the Colonel. He now knew that money was to be passed and he watched some of Dr. Condon's movements. Then,

as he was about to enter the cemetery to carry out his plan, he was disturbed by conflicting thoughts:

"What if the baby is still alive? I think the child is dead and my theory of the crime correct. Still, I may be wrong. I have violated orders by my presence, I may jeopardize the baby's life and rather than do that, I might as well shoot myself now."

In the theoretical stage, Oliver was sure of his ground; faced with reality he became fearfully uncertain. On the one hand, he had the opportunity to become a great detective; on the other, he might not only be condemned to utter disgrace, but might cause the child's death. Beset by conflict and frightened by such responsibility, he quickly and quietly left the scene.

On April 9th, Colonel Lindbergh announced the failure of the ransom negotiations and revealed "Jafsie's" participation and his identity. Police activity was somewhat released from restraint. About April 11th, Leigh Matteson, Science Editor of the International News Service, informed Lieutenant Finn of my "lone man theory" and he immediately became interested. It was then that a definitely organized plan was devised by the New York City Police Department, and Lieutenant Finn was assigned to the case.

For the next two and a half years, Lieutenant Finn devoted all of his activities and thoughts toward the solution of the Lindbergh case. The New York City Police Department ran down all clues sent in from other agencies, plus their own, which eventually totaled 16,000. Although at this time Finn did not hold altogether to the theory of the gang, he still felt it wise not to exclude the idea of a professional criminal or criminals. This opinion led him far afield in the tracking down of criminals about whom he received spurious information.

After all of these so-called clues were dismissed, Finn believed that the passing of the ransom money, now in the possession of "John," would lead to his eventual discovery, and on this assumption he planned his strategy. He pursued a well-developed scheme to effect cooperation with the banks in New York City. His first attempt, owing to the complicated system of serial numbers first sent out by the Federal Government, was not very successful. Aware of the difficulty of handling the Federal pamphlet, he developed a more expedient way for listing the serial numbers of

the ransom bills. With this system in use, scattered reports of ransom bills began to come in.

By this method, he set about checking my "lone man theory." He was certain it was correct, and thought that the kidnaper would finally be caught in the act of passing a bill. He visited all the banks and urged their aid. He devised a scheme for the checking of bills in chain stores, whereby the clerk, in giving change, could check quickly and unobserved the serial numbers of the bills presented to him. He interviewed collectors for gas companies and urged them to be on the watch during their collections, for ransom bills. Ransom bills reported by banks were not easily traced to original depositors, and if traced, the depositors only occasionally could recall from whom they received the money. During all of these investigations of depositors, no mention of the Lindbergh case was made. Ostensibly, the police were searching for the passer of counterfeit bills. As the months progressed, from such scanty descriptions as came in, Finn was able to build a tentative picture of a man which began to bear a likeness to Dr. Condon's description of "John." He began to chart the appearance of the ransom bills on a map of New York City,² and there slowly evolved a chart of the kidnaper's trail in his passing of the bills. These appeared most frequently along the line of transit communications running north and south on the East Side of New York City.

All of the bills were folded straight through the center lengthwise and then through the center crosswise and once again crosswise, the double fold crosswise resulting in a very compact arrangement. This arrangement was used, I thought, so that when the kidnaper put his hand in his pocket, he could distinguish immediately between the ransom bills and his other money.

A microscopic examination of one of the five-dollar bills received revealed: "A pinkish substance which is apparently lipstick; blood; red and blue crayon; red marks apparently crayon; blue mark on face of bill apparently in crayon resembling Numeral 3 or 5; gold or brass dust particles."

Until November, 1932, although the thought of an organized

² Captain Oliver helped in developing the map and partly paid for it, but was never given credit for his contribution or reimbursed for his expenditure.

gang still prevailed among all other police authorities, Captain Oliver and Lieutenant Finn were convinced of the correctness of my theory and pleased with the aid I gave them in the evaluation of the numerous clues they had to trace. All during this time, the New York City Police Department was denied, by the New Jersey State Police, a chance to see the ransom notes. Finally, the New Jersey State Police agreed to let me see photostatic copies of all the ransom notes. They were brought to my office by Captain Russell A. Snook. There, for the first time, the New York authorities had an opportunity to see them. They were left in my possession until the completion of my study, when they were returned to the New Jersey State Police by the New York City Police Department, which photographed them so that our studies could be continued. I do not know whether the New Jersey State Police was ever informed of the photographs which were taken. I was working mostly with the New York City Police Department and presented my formal report to it. I was not actively consulted by the New Jersey State Police. Colonel Lindbergh, hearing of my work on the case, requested that I come to the Morrow home in Englewood for a conference to which the New York police was not invited.

After receipt of my report, both Oliver and Finn definitely accepted my theory. They did not cease to cooperate with other agencies in running down clues in New York City which seemed to point to gangs; but with this difference: although their investigations were still thorough, they were no longer excited and disturbed about gang clues.

For the sake of greater clarity, in the latter months of 1932, they agreed with me to think of the kidnapers as residing in a certain place. A large map was utilized in establishing a hypothetical locality bordered on the west by Jerome Avenue, with Gun Hill Road to the south, Two Hundred and Thirty-third Street to the north and Boston Post Road to the east. Of this area approximately a square mile was inhabited. On a basis of nationality this was reduced to a still smaller area, sparsely populated, which theoretically placed the kidnaper in the northeast quarter, in a well-known Swedish settlement called Edenwald. It was not known at the time that Germans had gradually displaced the Swedes in that neighborhood. Numerous plans were discussed for determining

whether the kidnaper lived in that locality. The most feasible plan under consideration was the investigation of automobile owners.

It was thought practical to obtain from the State Motor Vehicle License Bureau a list of automobile owners in that district in order to study the handwriting on the application cards and compare it with the handwriting of the ransom notes. In order to simplify the procedure, it was agreed to definitely think of the kidnaper as German, and to take only those license cards which bore distinctly German names. At the time of the trial I was under the impression that this had been done. After the trial, however, Finn told me that he had not done so, because it would have been impossible to locate the kidnaper by this method. The consensus of handwriting experts was that it was impossible to judge conclusively a man's handwriting by an automobile license, since this is often printed instead of written; and even when it isn't, it does not supply sufficient material for an analysis.

Finn did not act according to the suggestion that he investigate only our special area, but did some routine work on the Bronx in general. He overlooked the fact that, at the time, the police were interested not so much in obtaining conclusive evidence as possible clues. The handwriting in the ransom notes and the spelling characteristics were sufficiently individual to be easily recognizable, and some of the letters in the ransom notes would have to be used in filling out the license cards. For example, "x" would have to be in "Bronx," "p" would perhaps be used in data relating to occupation, and the question of complexion, in the word "light," would afford some opportunity for the inversion of "g-h-t" to "h-g-t." Cards containing such peculiarities would not have numbered more than a hundred, and a perusal of those might have offered some leads.

Finn continued with his waiting game, certain that the kidnaper would become more brazen in passing bills. He was so sure of this outcome that we began to devise plans for the eventual arrest and examination of the suspect. On May 2nd, 1933, a deposit at the Federal Reserve Bank of \$2,980 in gold ransom certificates was reported. All gold certificates were being turned in by Government order and their use after a certain date was prohibited. The deposit slip bore the name J. J. Faulkner and the address 537 West One Hundred

and Forty-ninth Street. The Federal authorities and the New Jersey State Police cooperated with New York in a very careful check-up of this clue, but no J. J. Faulkner was found at that address.

Their exhaustive detective work on that one clue alone would fill a volume. The records finally revealed that a Jane Faulkner had lived there in 1921. Her family was located and she was found to be married. Because of peculiar circumstances, the whole matter was thoroughly investigated. One member in a collateral branch of the family had taken a trip to Canada under an assumed name, another had committed suicide, and a remote relative knew Dr. Condon's son-in-law. Jane Faulkner, married to Carl O. Geissler, was traced to a Larchmont, New York, address. Geissler's handwriting as taken from his passport, bank slip and marriage certificate, was found by two handwriting experts to be similar to the Federal Reserve deposit slip. But after a thorough investigation, the entire family was completely eliminated from participation in the kidnaping.

Throughout the summer of 1933, no ransom bills were reported by the banks. In order to encourage the tellers to be more observant Colonel Lindbergh offered a two-dollar reward for each bill discovered, and the New York Police Department subsequently offered five dollars for each bill. The fact that the ransom bills were in small denominations, increased the difficulty. Neither bank tellers nor merchants paid much attention to bills of less than fifty or a hundred dollars. On November 27th, 1933, the Corn Exchange Bank and Trust Company reported that a five-dollar ransom bill had been deposited by the Loew's Sheridan Square Theater. Mrs. Cecile M. Barr, cashier of the theater, gave a description of the man who gave her the bill which closely fitted Dr. Condon's description of "John."

Finn became more and more convinced that when he got the man who was passing the money he would have the receiver of the ransom bills. Throughout the spring and summer of 1934 bills were reported, but no descriptions of the individual who passed them could be secured. On September 6th, the National Bank of Yorkville reported a ten-dollar gold certificate deposited by a vegetable store on Third Avenue and Eighty-ninth Street. An employee in the shop recalled the man who gave him the bill, it had been neces-

sary to change it for a six-cent sale and he had an argument with the man. His description tallied with Mrs. Barr's and he added further details.

From September 10th on, the bills began to appear more frequently. Finn requested newspapers and radio stations to refrain from giving any notice of this fact, and he secured valuable coöperation. On September 16th, Walter Winchell, columnist of the *New York Daily Mirror*, broadcast his usual Sunday evening feature, and after a battle with the National Broadcasting Station, announced the frequent appearance of ransom bills. Mr. Winchell, aiming at the bank tellers throughout the city, said: "Boys, if you weren't such a bunch of saps and yaps, you'd have already captured the Lindbergh kidnaper." Lieutenant Finn accidentally heard the broadcast and was extremely disturbed when he heard the announcement that ransom money was again showing up in Yorkville. He felt that the kidnaper might stay under cover for a long while, making all the patient months of waiting completely useless.

Just two days later, he was informed by the Corn Exchange Bank and Trust Company at Park Avenue and One Hundred and Twenty-fifth Street that another ransom bill had been discovered. It was traced to the Warner-Quinlan Company, a gasoline station at Lexington Avenue and One Hundred and Twenty-seventh Street. Lieutenant Finn was accompanied to the bank by Federal Agent Seery and Corporal Horn of the New Jersey State Police, who on examining the bill found some numbers written on the margin. He and Finn thought they resembled an automobile license number and telephoned the State Motor Vehicle License Bureau. Armed with the information that the license number belonged to a Richard Hauptmann of 1279 East Two Hundred and Twenty-second Street, they went to the gasoline station and received further corroboration of previous descriptions.

Arrest and Extradition

Since the description of Richard Hauptmann given by that bureau, tallied not only with Mrs. Barr's description, but with

others as well, the long hunt for the kidnaper of the Lindbergh child seemed at an end. All police agencies concerned were quickly notified that an arrest was imminent. It was fitting that Lieutenant Finn be in charge of the arrest as it was his work, based on my advice plus his own strategy, which led him to the kidnaper's home. In this case, the ordinary routine arrest could not be pursued. If Hauptmann's home were surrounded and entered, valuable evidence might be lost, for quite possibly the money might not be hidden in his home. Throughout my repeated conversations with Finn concerning the method of the arrest I had stressed the point that it would be advisable to arrest the man away from home so that at least one bill, which I thought he would always carry, would be found on his person. Afterwards, Finn, discussing the arrest and search of Hauptmann on the street, which revealed one ransom bill, told me that even in the excitement of the moment, he remembered my prediction.

Meanwhile, Hauptmann's home was secretly watched by New Jersey troopers and Federal agents. Finn, however, fearing they might lose their patience and spoil his plans, did not wish them to remain on watch all night. He therefore had the home surrounded during the night by a carefully chosen group of expert policemen, and the others left.

Before sunrise on September 19th, 1934, everything was in readiness, all forces on the alert for the appearance of Hauptmann. Arrangements were made to follow him in three automobiles, each one containing a representative of the three interested police groups. At eight fifty-five he came out of the house. His appearance fitted all descriptions. He walked toward the street, and went to the garage and took out his automobile. He was unaware that he was followed.

After trailing him for a few miles, Trooper Duerr, in his automobile, being afraid that Hauptmann might disappear in the maze of traffic, signaled to him to edge toward the curb. John Wallace of the New Jersey State Police jumped out, quickly ran over to Hauptmann and slid in on the driver's seat with him. After he was taken out of his automobile, Lieutenant Keaton of the New Jersey State Police and Finn began to search him. Keaton found one twenty-dollar gold ransom certificate. Inspector John J. Lyons was notified

directly of the arrest, and his presence was awaited before the suspect's house was searched.

Hauptmann was not immediately informed of the crime of which he was suspected, but was approached on the subject of counterfeit bills. He was asked if he had any more at home and admitted he had "a hundred and twenty dollars in gold." He was then taken back to his home by the police and a search of the premises was made. After an hour and a half he was taken to the Greenwich Street police station. There he remained that day and several days thereafter, while a thorough inspection of his home and garage revealed \$14,600 hidden in unusual places. After lengthy questioning, Hauptmann was put in a line-up, which, except for him, was made up of police officials. Dr. Condon and those who had previously described the passer of the Lindbergh ransom bills were requested to make an identification.

This procedure must be severely criticized, for it hardly smacked of an impartial method. Regardless of how the policemen in the line-up were clothed, they were not charged with offenses and their consciences were easy. Their attitude must of necessity have conveyed this essential difference between them and Hauptmann, notwithstanding that they might have been selected because of similar, as well as different, physical characteristics. Another important distinguishable trait was Hauptmann's pronounced German accent.

Dr. Condon, on viewing the line-up, asked permission of Inspector Lyons to conduct his own investigation. The inspector, although puzzled, allowed him to handle the situation in his own way. From a number of men in the line-up Condon then asked four to step forward. In order to hear the voices of the men, he asked each man his name. Next, on slips of paper, he wrote some phrases which "John" had uttered to him in the cemetery. Handing the slips to the four men, he asked each one to read out loud. Addressing Hauptmann in particular, he asked him a few words in German and Hauptmann replied in his native tongue.

After Dr. Condon's conversation with Hauptmann, he left the Greenwich Street police station without making a declaration of his identification.

On September 24th, Hauptmann was held without bail for a

hearing and then transferred to Bronx County and thoroughly examined by District Attorney Samuel J. Foley. A case was prepared wherein Hauptmann, accused of having taken the ransom money from Dr. Condon, was charged with extortion. He was taken before the Bronx Grand Jury on September 26th. This procedure was necessary because it was held doubtful at that time whether the State of New Jersey would have sufficient evidence to warrant trial on its charges, handicapped as it was by its legal code which stemmed from the old English common law. The best available legal advice was sought for an indictment which would warrant asking the State of New York for the right of extradition. The ambiguous phraseology of the New Jersey statutes made the charge of kidnaping impossible; there was no provision in its code to allow for the prosecution of so modern a crime. After numerous conferences, an indictment which could stand the test of extradition was prepared.

At the time of Hauptmann's arraignment in New York, on charges of extortion, the Hunterdon Grand Jury met and handed down an indictment of murder during the commission of a felony. Numerous legal experts had been consulted, and the following indictment, handed down on October 18th, 1934, perhaps one of the shortest indictments ever presented in such an important case, allowed for extreme latitude in the presentation of evidence:

The grand inquest for the State of New Jersey in and for the body of the County of Hunterdon upon their respective oaths present that Bruno Richard Hauptmann on the first day of March, in the year of Our Lord One Thousand Nine Hundred and Thirty-two, with force and arms, at the Township of East Amwell, in the County of Hunterdon aforesaid, and within the jurisdiction of this court did wilfully, feloniously and of his malice aforethought, kill and murder Charles A. Lindbergh, Junior, contrary to the form of the statute in such case made and provided and against the peace of the State, the Government and the dignity of the same.

The extradition proceedings were held in the Bronx County Court and the State of New Jersey presented just enough evidence to warrant its request without revealing its complete case

to defense counsel. *The State of New Jersey* was granted the right of jurisdiction despite defense counsel's efforts to the contrary.

Immediately after Hauptmann was removed to Flemington, Wumerton County seat, on October 19th, Attorney General David T. Wilentz of the State of New Jersey requested an interview with Dr. Condon, who graciously consented to go to Perth Amboy to see him. Dr. Condon then told Wilentz that the prisoner Bruno Richard Hauptmann was "John," and asked permission, which was granted, to see Hauptmann again. At the Flemington jail, the doctor saw Hauptmann and had a lengthy conversation with him. In the presence of other officials, he reaffirmed his identification of the prisoner.

Dr. Condon's refusal to declare his identification of "John" in the New York City police station was always attacked by those who believed Hauptmann innocent, as a definite failure to identify "John." I discussed this point with important police and legal authorities, and came to the conclusion that it was his gesture of revenge against the treatment accorded him by police officials of both States when they attempted to shake his story of his innocent participation in the ransom negotiations.

A few days prior to Hauptmann's execution, however, Governor Hoffmann gave me a different version of Dr. Condon's failure to declare his identification of "John."¹

¹ See pages 390-91.