The Kidnapping of Irving Bitz
Monday, 19-Apr-1999 13:00:49

Message:
152.163.213.48 writes:

"Rich Ex-Mobster Found Strangled in 150G Kidnap" -NY Post headlines 9-22-81. Bitz evidently disappeared on 9-2-81 and his shark-eaten body was found off Oakwood Beach in Staten Island after a 150,000.00 ransom demand. According to NY Post reporter, Carl Pelleck, Bitz was known to police for many phony kidnapping/ransom "stunts" and this demand on his own life was considered just one more stunt. Bitz was connected to Louis Lepke and Lucky Luciano and was supposed to have been the guy who rubbed out Legs Diamond. At the time of his murder, at age 78, Bitz was the president of Imperial News Inc. and was a wealthy resident of Melville LI.
So here is something that has puzzled me for many years now and it might be something for Lindbergh Kidnapping Hoax buffs to ponder. If the Jersey cops couldn't figure out Lindbergh's scam does that necessarily mean the mobsters could not? After all, hoaxes and scams have always been a great source of income for organized criminal syndicates and, IMHO, they would have been the one group that Lindy could not fool. Maybe they have always known about his hoax, as NY Post columnist Cindy Adams has claimed. She wrote a column at the time of Ludovic Kennedy's HBO movie and claimed her Mafia sources told her they always knew the father had killed his retarded son.

ronelle

Re: The Kidnapping of Irving Bitz
Monday, 19-Apr-1999 16:01:46
192.60.36.248 writes:

There seems to be a prevailing consensus that the cops investigating the Lindbergh case were blind, incompetent, stupid or all of the above. I don't believe that.

If the hoax possibility occurred to latter-day researchers such as Ahlgren and Manier, not to mention Cindy Adams and her mob sources, I'm certain it occurred to some police investigators in the 1930s.

The difference is that the climate of the 30s was not the climate of the 90s. Lindbergh was an American icon who was perceived of as having been victimized by a heinous crime, and any police officer suggesting otherwise was looking at big-time unemployment. In those Depression years, that wasn't a pretty prospect.

If that happened today, that same police officer would put in for retirement, do the TV talk show circuit, and then go on to a new career as a movie consultant.

Al Berkowitz

Re: Re: The Kidnapping of Irving Bitz
Monday, 19-Apr-1999 20:55:36
152.163.201.202 writes:

;;;;;;;;;There seems to be a prevailing consensus that the cops investigating the Lindbergh case were blind, incompetent, stupid or all of the above. I don't believe that.;;;;;;;;

So, what would you call allowing the father of a "kidnapped" baby to take over such an investigation? Smart? Even in biblical times, much less the 3os, people would have called it just plain irresponsible. I agree with you completely about the American icon rationale but let's face it - those cops, including the chief, were more afraid of offending the icon and worse, losing their jobs. Just like today. No difference in Colorado either.

ronelle

Re: The Kidnapping of Irving Bitz
Monday, 19-Apr-1999 20:59:25
152.163.201.202 writes:

Sorry, I forgot to mention Cindy Adams' source - it was the niece of Salvatore Spitale who refused to give her name. She claimed the info about LIndbergh killing his own son came from her uncle.

ronelle

Re: The Kidnapping of Irving Bitz
Wednesday, 21-Apr-1999 01:09:49
152.163.205.57 writes:

If any mobsters had been aware of Lindbergh's scam they would certainly have tried to blackmail him.

ralph

Re: Re: The Kidnapping of Irving Bitz
Monday, 03-May-1999 11:27:26
207.136.199.103 writes:

Who says they didn't?

Bonney

Re: The Kidnapping of Irving Bitz
Friday, 04-Jun-1999 14:41:48
207.41.174.131 writes:

Ronelle, I would be thrilled if you could tell me where you saw that Irving Bitz was connected to Lepke. Was it in the obituary? Many thanks.

KT </HTML>

Arthur Kohler's "expertise"
Wednesday, 21-Apr-1999 12:22:26

Message:
205.188.193.44 writes:

JM's response in an earlier posting claimed that tree scientists, botanic DNA, canine genome projects, binary analysts are routinely recognized in criminal courts to provide assessments of circumstantial evidents.

This is simply not true. Experts are NOT "routinely recognized" in crininal courts to provide assessments. In fact, the opposite is true, The law is extremely guarded about allowing so called "experts" to testify and under well established case law (Fry) will not allow ANY expert to testify unless a 3-prong test has been met. 1)The theory upon which the "expert" is going to testify must be based upon well established scientific principles, 2) the expert has the background qualifications (education or experience) to render an opinion in that area, and 3) the opinion would be helpful to the jury to understand something outside of the realm of common exprerience. For instance, a weatherman could not testify that it was raining on such and such a day because you don't need an expert to say that it was raining out. The law is jealous about experts and is concerned that in a trial the jury may give more weight to the "opinions" of the expert than to the tesimony of other witnesses, (which it is instructed it may not do) and therefore in a close situatuion the expert will not be allowed to testify. Statitistics consistently show that when a challenge is made to an expert testifying as a witness in a case that so called "expert" is allowed to testify in less than half of the csaes. In the Lindbergh case Arthur Kohler met neither the first not the second prong of the trset and would not be allowed to testify today. What scientific principles did he employ? And more importantly, what background did he have in saying that the two pieces of wood were ever joined? That was not his job, and more importantly, he had no experience at all in that area.

JM also asked earlier, "We just ask you--what single fact presented at the trial exculpates BRH?"

This is obviously a statement by someone who has never tried a criminal case in America, and apparently was dozing off that day in high school civics. The standard in America is not what exculpatory evidence the defendant presents but rather if the State has proved the case against the defendant beyond a reasonable doubt. If it does not the defendant must be found "not guilty." Game, set, match.

Ralph

Re: Arthur Kohler's "expertise"
Wednesday, 21-Apr-1999 12:50:03
209.12.168.207 writes:

Maybe you should spend a little more time in criminal court, Ralph. It seems the experts now almost outnumber the lay witnesses. You can't do a homicide without a pathologist, and more and more you see serologists, microbiologists, firearms id experts, trace evidence experts (chemists); accident reconstructionists for vehicular homicide cases; toxicologists for DUI/DWI to explain the effects of alcohol on the body. I even saw one with a forensic veterinarian on the cause of death of a dog. Professor Imwinkelried's book on Scientific Evidence is now up to two volumes. The Frye test has pretty well been replaced by the Supreme Court Daubert decision where relevancy is the test rather than "general acceptance in the scientific community". (A minority of states maintain the Frye standard.)You might want to update your notes on that one--it's now several years old. As to the exculpatory evidence comment, you have taken it out of the context of the message. The question was from one academic position to another rather than stating the burden of proof in the American criminal courts system. By the way, where did you obtain your statistics on experts who are challenged fail to testify in over half of the cases? Certainly not from the Department of Justice, Bureau of Justice Statistics. Virtually every expert is challenged either by motion in limine at a FRE 104 hearing pre-trial; sometimes in limited voir dire of the expert at time of offering; or in cross-examination of credentials, opinion, etc. after direct examination (this latter attack, of course, would not prevent the testimony). As to your speculation about the wood expert in today's criminal trials, he probably would qualify under the Frye test and the relevancy test under Federal Rule of Evidence 401 (relevancy) and 702 (testimony by experts). His testimony tracing the wood used in the ladder; the nuance of the wearing of the saw blades; the ring patterns in the wood in the attic and rail 16 would qualify as relevant and would "assist [the jury]to understand the evidence or determine a fact in issue" ("Can the ladder be traced to BRH?") as stated in Federal Rule 702. As to sleeping through civics in high school, I actually had it in the 8th grade, but I probably dozed off on occasion.

JM

Re: Re: Arthur Kohler's "expertise"
Wednesday, 21-Apr-1999 14:40:49
205.183.31.67 writes:

most of kohlers findings and studys was done before they caught hauptman. i think his findings are a landmark in detective work.ive read some earlier documents before hauptmans arrest, and im very impressed with kohlers work

steve for ralph

"Experts"
Monday, 26-Apr-1999 06:13:19
12.77.221.64 writes:

For those following this aspect of criminal litigation, the US Supreme Court in the last few weeks further clarified the Daubert ruling on the admission of expert testimony in trials in a case involving tire experts.

JM

Read Any Good Books Lately?
Wednesday, 21-Apr-1999 20:59:09

Message:
204.60.24.151 writes:

I'm really enjoying learning as much as I can about the Lindbergh/Hauptmann case, and I've read four books -- Noel Behn's, Ahlgren & Monier's, Scaduto's and am currently in Kennedy's The Airman And The Carpenter. What's the next one I should read? What's your personal favorite book on the case?

David Sims

Books
Thursday, 22-Apr-1999 11:20:33
209.12.168.207 writes:

You should read them all. It is only when you get a "global" view that you see why some of the theories rise or fall. You might also want to review the appellate decision in the trial which can be found at most major libraries. It is State v. Hauptmann, 180 A. 809 (1935). The A is for "Atlantic regional law reporter" and the citation means volume 180 at page 809. There is an A2d and maybe an A3d by now so be sure you get the right series. By reading the works of Anne Morrow Lindbergh you get a parallel view in the time sequence. I would suggest you also read the books by Adele Rogers St. John, and the biography of Samuel Liebowitz, the famous defense attorney in the Scottsboro Boys case, who refused to represent Hauptmann after speaking with him in the jail. There are some interesting observations in Francis X. Busch's "Famous American Trials" which covers this case as one of four. Whipple's book "The Lindbergh Kidnapping Case" is the closest you will get to the trial transcript unless you visit the museum in NJ (why don't the contributors here get together and get copies of the transcript??). The transcript shows you what the jury actually heard as opposed to the editorial snippets the writers select to further their agenda. There are also some good documentaries which air consistently on cable, and at least two movies "The Lindbergh Case" with Anthony Hopkins as BRH and the quasi-fictional HBO special based on the Ahlgren and Monier book. HBO took equal liberties with the James Earl Ray case, but they at least have had the wisdom to shelve it after one showing. You might also find it interesting to read Koehler's article "Technique Used in Tracing the Lindbergh Kidnaping Ladder" in American Journal of Police Science, The Journal of Criminal Law and Criminology, Vol 27, No. 5, 1937, and J. Vreeland Haring's "The Hand of Hauptmann" (still available at bookstores by order or by the Net) which examines the handwriting exemplars. Usually handwriting exemplars are not worth much unless there are a lot of questioned and known samples as there were in this case (a large amount, in fact). Only by reading all the books can you arrive at your own reasoned opinion, and you should take the opinions of the

contributors to this board at face value only (mine included) until you can determine for yourself what you believe about the case. You should always be on the lookout for new sources. For Example, there are some interesting pictures in "American Justice--Great Crimes and Trials" (Begg and Fido) based on the TV series by the same name. You can also find reviews of the case and evidence in "Scientific Evidence in Criminal Cases (Moenssens & Inbau) and "Scientific Police Investigation" (Inbau, Moenssens & Vitullo). Fortunately, for the avid student, there are many, many books available. Keep looking and remember what Sherlock Holmes said: "I had come to an entirely erroneous conclusion which shows, my dear Watson, how dangerous it always is to reason from insufficient data." (Doyle, "The Adventure of the Speckled Band".)

Best Wishes

JM

Re: Books
Thursday, 22-Apr-1999 12:48:28
204.60.24.52 writes:

Thanks for your response, JM, it's filed away for future reference.

I'm finding I can't reason far in any direction on this case without stepping on a piece of evidence hotly disputed by one side or the other -- were the employment records falsified, what did Condon say and when (and is Condon's word for it all we have?), what were defense attorneys actually allowed access to, et al.

Some "evidence" is particularly spurious -- the board coming from Hauptmann's attic -- while other evidence, such as the ransom money, does implicate Hauptmann, and it requires as great a willingness to give poor Richard the benefit of the doubt on that as it does to believe he could have constructed, and actually contemplated using, that ladder.

Do you know of any compendium that arranges evidence into such categories as "Unquestioned," "Doubtful," "Suppressed," "Probably Falsified," "Complete Crap," etc.? So many times in discussions here someone will say something like "When Hauptmann was in Hopewell..." or "When Hauptmann was playing music that night" in support of a theory, and it strikes me dimly that I read somewhere it's contested evidence, and therefore an unsupportable conclusion. Getting all these facts and factoids everyone tosses around categorized in an objective taxonomy would sure be a help in winnowing out self-contradictory ("Lindbergh did it, and Condon was part of the kidnap gang") trains of thought.

David Sims

Re: Re: Books
Thursday, 22-Apr-1999 13:23:51
209.12.168.207 writes:

Unfortunately there is little agreement. What do you find "spurious" about the board from the attic, for example. As to the employment records, there may be an issue as to whether he was at work DURING THE DAY of March 1 or March 2, but what does that prove? The kidnapping was done in the late evening within a driving radius of the time frame. What the records show without dispute is that BRH's last entry for work is marked as Monday, April 4. There are no marks for him working April 5 or after. The ransom money was paid Saturday night April 2. It appears that within two days after the payment of the money, BRH decides he no longer needs to work for the Forcht construction crew. That he quit the job is a fact; that he actually had ransom money is a fact; it would be inference from these circumstances that he quit because of the ransom money. Some take the inference; some don't. Some allege he made money in the stock market, but no one seems to offer a good explanation for the large coin deposits he made (unless one takes the inference he was laundering the ransom money--using a big bill to pay for small purchases). I have doubts about the accuracy of the employment records for the date of the crime, but then I believe he had ample time to work and be in on the kidnapping, especially if he only built the ladder and wrote the note (my theory). There appear to be no doubts about the accuracy of the employment records for the time he quit work.

JM

Re: Re: Re: Books
Thursday, 22-Apr-1999 15:12:32
204.60.23.209 writes:

What do I find spurious about the board from the attic? That this supposed slick criminal was goofy enough to rip a traceable board out of his attic when he had any number of serviceable boards in his garage and a lumber yard -- where he supposedly got the rest of the ladder -- two blocks away. That dozens of police officers from several search teams, from the BI, New York City Police and NJSP went over the house with a magnifying glass, with more than one team being sent in specifically to check out the attic, and nobody mentions a missing board. That no mention of the missing attic board is made at Hauptmann's exhaustively thorough extradition hearing in the Bronx, although Bornmann (who just happened to be living in the house at the time) supposedly "found" it before then, yet never once in days of intense grilling is it mentioned in any official transcript of the procedings. That the first anyone hears of an attic board is after Koehler speculates that maybe Rail 16 was from "indoors" somewhere. That faking evidence is a time-honored

police tradition, especially in the poorly-trained and sycophantic NJSP, which had been under heavy criticism for going two years without a suspect in the most publicized crime anyone could remember and whose notorious Captain Lamb had specifically offered to contrive such evidence for the prosecution. That to suggest Hauptmann would plane both sides of a board in such a rickety, thrown-together job of a ladder is simply laughable.

David Sims

Re: Re: Re: Re: Books
Thursday, 22-Apr-1999 15:46:56
205.183.31.67 writes:

dave, the police were looking for money not the wood in the attic at the time. how do you know he had lumber in his garage? the lumberyard wasnt as close as you think. the bronx tour shows that

STEVE FOR DAVE

Re: Re: Re: Re: Re: Books
Thursday, 22-Apr-1999 17:29:15
204.60.23.209 writes:

Police found an ample supply of lumber in his garage and basement to construct the ladder, early search records show this. They were not in the house looking for only money, they were looking, under explicit orders, for "evidence." And even if they were looking only for money, they must have examined the floorboards carefully -- a logical place to hide a large amount of cash. They razed the garage and excavated beneath it, remember. Yet nobody notices a missing board, none of the Treasury agents, Bureau of Investigation agents, New Jersey State Police troopers (understandable that they'd miss it, granted), New York City detectives noticed a board had been ripped off the attic floor? Of course not, because no boards were missing until they realized they needed something tangible to link the ladder to Hauptmann -- since of the over 500 sets of fingerprints found on the ladder, none were his.

David Sims

Re: Re: Books
Friday, 23-Apr-1999 14:31:34
192.60.36.248 writes:

The employment records were altered, unquestionably, but Scaduto and others who have made an issue of this fail to recognize that an alteration is not necessarily a falsification.

These employment records were manually maintained. It is possible that BRH reported for work on March 1 and 2, was marked as "present" by the site boss, then took off, and his entry for those days was changed to "absent."

That's a reach, admittedly, but a case for falsification can only be made if it can be shown that he was paid for those two days. To my knowledge, that's never been established.

Al Berkowitz

Re: Re: Re: Books
Saturday, 24-Apr-1999 02:00:13
205.188.195.31 writes:

;;;;;;;;;an alteration is not necessarily a falsification.;;;;;;;;;;

Shades of Jafsie! Oy Oy Oy Al! You almost sound like Condon when he tried to avoid naming Hauptmann as "John." He gave a most complicated lecture, under oath, upon whether an "identification" was the same thing as an "acknowledgement" or some such nonsense. I am not trying to make fun of you but I can't help feeling that this kind of nit-picking is funny after a while since there is so much "stuff" pointing to prosecutorial tampering of evidence. It is mindboggling that anyone could look at those timesheets and not be disturbed. Could you believe in the truthfulness of them if you were on a jury and a man's life was at stake?

[I was once punished for tampering with the marks on my report card when I was in the 5th grade so if JM starts questioning my expertise on this issue let's just say it "takes one to know one." :)]

Also, I believe there WAS proof that BRH had been paid for those days. Maybe someone has the source of that information but I remember reading somewhere that he HAD been paid for it - possibly in Scaduto or Kennedy?

ronelle

Re: Re: Re: Re: Books
Saturday, 24-Apr-1999 12:35:58
12.79.176.112 writes:

Come on, Ronelle, I said it was a reach. My only point was that the timesheets had to be linked with proof that BRH was paid for the two days to conclusively establish a case for falsification. To my knowledge or yours, that hasn't been done.

Al Berkowitz

Re: Re: Re: Re: Re: Books
Saturday, 24-Apr-1999 12:48:02
204.60.25.91 writes:

Does the phrase "beyond a reasonable doubt" mean anything for you?

David Sims

Re: Re: Re: Re: Re: Re: Books
Sunday, 25-Apr-1999 12:32:58
12.79.175.65 writes:

No point in getting sarcastic. I'm suggesting a possible verifiable area of followup which could confirm or refute the claim that the employment records were retroactively falsified. What's your problem with being thorough?

Al Berkowitz

Re: Re: Re: Re: Re: Re: Re: Books
Monday, 26-Apr-1999 15:37:53
204.60.24.138 writes:

I have no problem with thoroughness, but the stance of looking at altered time sheet records in which the alterations are completely out of character of the rest of the time sheets, and fit (too) nicely with the preconceived notions of the person who uses them as evidence -- who, we may recall, is a person not known to break out in hives at the prospect of bending the truth; and maintain that well, wait a second, maybe those are honest alterations and not falsifications is simply falling back on the most timeworn logically fallacious "argument" of all: Asking your opponent to prove a negative -- "Oh yeah? Well prove it's not true!" This, as we know, is a logical/sophistical impossibility.

I can say "I believe there are little green men on Mars." You, being sensible, say "No, there aren't." I say "Oh yeah? Prove they're not there," and fold my arms in triumph: Logically, you cannot.

This is what gives conspiracy theories, including many erroneously advanced on this board, such long shelf life: The burden of proof has been shifted off proving something is true to proving something is not true, an infinitely more difficult and infinitely less defensible line of attack. It's like that convoluted scenario JM said some bank teller in Phoenix is publishing. Naturally she can't document her hysterical claims, but nobody can sit down and conclusively prove she's wrong, either. Voila -- a cottage industry is born.

Common sense indicates that the employment records were clearly altered by someone with a stake in demolishing Hauptmann's alibi, and one has to really want to believe otherwise to question that.

David

Re: Re: Re: Re: Re: Re: Re: Re: Books
Tuesday, 27-Apr-1999 13:55:26
192.60.36.248 writes:

Oy vay! Oy vay! When I made my original point, I thought I was quite clear that it was a reach, but you and Ronelle insist on jumping all over me.

My point was--and still is--that if it could be established that BRH was paid for the two days, then the timesheet alterations clearly and unmistakeably confirm a conspiratorial attempt to discredit his alibi. On the other hand, if it can be shown that he was docked for the two days, then the alterations--albeit an empirical no-brainer--could possibly be the end-result of another sequence of events. If none of the above because the payroll disbursement records cannot be found, then we default to reasonable doubt, and--yes--in that event there is no reasonable doubt to negate the premise that the alterations were fraudulent.

That's what I meant by being thorough, and I can't see how that constitutes a sophomoric indulgence in wrapping myself in a negative premise while exempting myself from any burden of proof. If that was your inference, it certainly wasn't my meaning, and I apologize for any mis-understandings I may have caused.

Al Berkowitz

Re: Re: Re: Re: Re: Re: Re: Re: Books
Tuesday, 27-Apr-1999 14:00:06
204.60.24.143 writes:

Hey -- you reach, we jump!

I like you, Al, you're a true mensch.

David

Mensch man
Tuesday, 27-Apr-1999 14:48:05
209.12.168.207 writes:

Since Bruno had the finance records custodian testify at the rendition hearing in NY from the payroll records for that period, and since Bruno introduced two payroll stubs from that period, perhaps copies of those documents are in the file in the NY courthouse. Certainly you have the transcript of that testimony as part of that record. Since, to prevent rendition, Bruno had to prove that he was not in NJ during the time of the kidnapping, I suspect he offered the best proof he had (the checks) and that the finance records clerk was speaking from these payroll records. The books show copies of the "time cards", but make no reference to the payroll records. The payroll records did not establish that Bruno had an alibi for the time of the kidnapping (based on the clerk's testimony from the payroll records). But, even if he had been shown to have worked that day, it would only establish an alibi for him to late afternoon or early evening, which is why he had to depend on the "custom and habit" of Tuesdays at the bakery.

You may want to check the NY courthouse or see if a copy of the payroll records were forwarded along with the Governor's warrant to NJ where Bruno would have had to have had an initial appearance before a [commiting Judge].

They might be in either or both of these two places. Es ken gemolt zein.

JM

Oy Ronelle
Sunday, 25-Apr-1999 03:46:29
12.70.19.230 writes:

The following is from BRH rendition hearing in NY and taken from 153 Misc. 61 and can also be found in 274 N.Y.S. 813 (October 16, 1934). BRH is referred to at the "relator" in an extradition hearing.

"The relator here testified on his own behalf and called as witnesses to support his testimony Christian Fredericksen and Kate Fredericksen, former employers of relator's wife, Anna Hauptmann, relator's wife, and Howard James Knapp,an officer

of a former employer. He also introduced in evidence a record of his employment at the Hotel Majestic, Seventy-second street and Central Park West, New York city; check dated March 31 1932, thirty-six dollars and sixty-seven cents for salary while employed at the hotel and a check dated April 15, 1932, six dollars and sixty-seven cents, for salary ata the hotel. (page 65)...Witness Knapp assistant treasurer of the Reliance Management Property, Inc., in charge of payrolls for the Majestic Hotel, testified that the company's records showed Hauptmann was employed there from March fifteenth to some time in April." (page 66)

It should be noted that this occurred shortly after the arrest and these were BRH's witnesses testifying from records under their control.

On page 66 of the opinion, based on BRH's own testimony, BRH went to the "agency" (not the Majestic) on days he didn't have a specific job assignment to see about a job. It is clear from his own witness testifying from records under the control of his own witness that the Majestic was no alibi for him on March 1 or March 2.

There is lots of interesting testimony from BRH summarized in this opinion which should be available to any one near a law library. Researchers willing to look beyond Scaduto, Kennedy, and others might be interested in the series of "corrections" made by other BRH witnesses from their original statements made to police, and the series of lies BRH was caught in which the opinion details.

Since this record has been available since October 1934, it is interesting that more attention hasn't been drawn to such lines as "There was found in relator's home a board with the address and phone number of the 'go between'. Relator admitted he wrote the numbers but could not make out if the other handwriting was his." (at page 67). Apparently that BRH admitted in open court so shortly after his arrest that he wrote Condon's phone number has not be enough to sway people away from the "reporter theory".

I hope your personal attacks on me are theraputic, Ronelle. We all enjoy them. ;)

JM

Re: missing the point
Sunday, 25-Apr-1999 13:03:23
152.163.197.207 writes:

But JM you are missing the point. Let's say BRH began work at the Majestic on March 15, 1932. So therefore a man in the middle of pulling off
"The Crime of The Century" for fifty thousand dollars pauses mid-plot and mid-negotiation to get a carpenter's job at 31 bucks a week?
Doesn't anyone ever THINK?

Or MAYBE, BRH is brought into the plot when the extortionists realize that they need a German accented guy to pick up the bag of money.

Even if BRH wrote Jafsie's name inside his own closet so that he could easily squeeze inside of an unlit closet whenever he wanted to call Jafsie from a house that did not have a telephone, all this means is that BRH was another extortionist like Means, and does not put him on the ladder in Hopewell.

Ralph

missing the point
Sunday, 25-Apr-1999 20:52:20
12.70.16.173 writes:

How about "leaving out some points", Ralph? No money paid yet, but quits soon after the money is paid. Even the staunchest BRH supporter must admit that the 1932 phone number written in the closet of the man who ends up with ransom money is a significant "coincidence" (again for those who persist with the "reporter" story, BRH admits writing Condon's phone number in the closet); there was significant testimony linking him with the first note which makes him much more than an extortionist;

Actually, I agree that the Majestic thing is overblown as presented here on this board. The reason the Majestic was debated back and forth was that Ronelle's argument seemed to be: Crude ladder; BRH was carpenter; talented enough to work for Furcht; Furcht helped build Majestic; millionaires live in Majestic; millionaires would not live in crude constructions; Furcht must not have built crude construction; BRH was a carpenter for Furcht; BRH must have been talented carpenter; therefore BRH must not have built ladder. (If this isn't a fair assessment of the argument, please someone else recharacterize it). I just pointed out that according to pro-BRH authors and pro-BRH witnesses, BRH apparently was only a maintenance man at the Majestic not a carpenter, and then only for about 2-3 weeks. BRH himself at the rendition hearing said that he didn't do much carpenter work in 1932. This Majestic argument (using the Majestic work to deny connection of BRH to the ladder) is a false argument without factual basis.

Your point about "why would he stop in the middle of the crime of the century to work at the Majestic" perhaps can be answered by BRH's testimony at the rendition hearing when he produced evidence of his only two paychecks for the period (March 15 to early April 1932): amounting to about $40.00 (he was only paid about $6 for the entire month of April). Notice I say "perhaps" as we all should say when we are speculating.

No one is suggesting that BRH called Condon from the house without a phone. We don't have to reach that at all. The pro-BRH side must live with the fact that BRH admits writing the 1932 number of the intermediary in the closet. You could ask "Why would he hide the number in the closet?" Why does anyone hide anything if it is being done aboveboard? Why did he hide the gun in the board in the garage in October, 1931? Why did he have the gun? We are all on thin ice asking "why" questions without sufficient additional facts.

JM

Re: missing the point
Monday, 26-Apr-1999 06:41:32
206.214.112.45 writes:

---I just pointed out that according to pro-BRH authors and pro-BRH witnesses, BRH apparently was only a maintenance man at the Majestic not a carpenter, and then only for about 2-3 weeks.---

According to Hauptmann, he was supposed to work as a carpenter but found himself working at a lower skilled job and THAT was why he quit. According to the State however, he was working as a carpenter. They even produced the records to show that he was paid the higher wage that the carpenters were paid.

So, irrespective of what the "Pro-BRH" people may say, I take it you believe the State that he was employed there as a carpenter, right?

---We are all on thin ice asking "why" questions without sufficient additional facts.---

I know you don't like 'why' questions, but I will ask you one anyway.

If Wilentz wanted to 'prove' that Hauptmann didn't work on March 1, why use the records from the pay period of March 16-31 instead of showing the jury the record for the period of March 1-15? Why not just show the jury the record covering March 1 and say "well, do you see his name on here anywhere"?

Mjr

Re: missing the point
Monday, 26-Apr-1999 23:24:16
205.188.198.47 writes:

But doesn't all this just point to BRH as a crook who tried to cash in on extortion money? How does the job quitting in April after the

extotion money was paid, the gun in the garage, Condon's phone number, any of it, put Bruno on the ladder in New Jersey? The problem is
that everyone who has written about this case seems to take one of two extreme positions. Either Bruno did it all or else he was a
framed saint. There is a possible middle ground here that none of the writers seem to have recognized. BRH could have been an
extortionist. There weren't exactly a shortage of them in this case.
That does not mean he was the window man in hopewell.

Ralph

Re: Re: missing the point
Tuesday, 27-Apr-1999 11:02:17
204.60.24.143 writes:

Excellent point, Ralph. Hauptmann wasn't on the ladder in Hopewell, he never saw or touched the Eaglet, but very well could have been somehow mixed up with the extortion attempt -- either knowingly, or tangentially, by taking what he knew to be hot money off Fisch's hands, or by simply stashing the money for Fisch, as he says.
I can believe Hauptmann guilty of some degree of extortion or complicity, but not of the kidnapping itself. And since I lean to the theory that the Eaglet's disappearance and possible death were in-house occurrences, either a prank gone terribly wrong or some other scenario, I'd say Lindbergh went through with the charade just to further distance himself from any suspicion.

He must have been quite uncomfortable when it became clear somebody was going to die for the sake of keeping him from great public embarrassemnt, but he couldn't very well stand up now and say "Hey, wait a minute, folks, it was all really a terrible misunderstanding." He'd go from one of the most honored, respected men in America to Public Jackass #1.

David

Re: Re: Re: Read Any Good Books Lately?
Thursday, 22-Apr-1999 11:25:20
152.163.201.181 writes:

Thanks for pointing this out David - you really are alert! I emailed amazon.com again last night to correct this problem. It has been going on for several months now and they cannot get it straight. The only other review besides my own was also unfavorable and suddenly, one day, both of these unfavorable reviews simply and

mysteriously disappeared! Not until I complained did they put it back up again. No, as you realized, I did not mean to write "Gregory Hoax" - there is a string of words in-between Gregory and Hoax that has been (conveniently for Fisher) deleted. The title of Ahlgren and Monier's book was deleted as you can see. Several months ago I posted that review on this board and someone was upset that I referred to Fisher's book as "the perpetuation of a hate crime." I have never changed my view on this. I see Hauptmann's unjust trial, and death, as a form of public hysteria. It was a hate crime. Committed by the "justice" system and sanctioned by xenophobic citizens who were duped by power-hungry politicians and greedy newspapers - and Fisher's book only serves to perpetuate those crimes. His view is warped by the Trenton Dogma that claims they got the right guy and anyone who questions the case, like Ahlgren and Monier, are just "small town guys." Fisher's intro to the paperback edition sounds like a huge tantrum - how dare anyone find fault with Trenton Dogma - it is infallible.
For anyone reading this message who might not understand what David is referring to, Amazon.Com allows readers to write their own personal review of any book and within 2 weeks it is placed on their website. Try it with your favorite, or un-favorite, books. (Although, recently there was something written exposing unfair promotional tactics of Amazon.Com)

ronelle

"Small town guys"
Thursday, 22-Apr-1999 12:19:36
209.12.168.207 writes:

Is the assessment of Monier incorrect? Seems that if you can question Koehler's credentials as a witness, you should be equally able to question Monier's credentials as an "investigator" if it appears that it is in an area where he may have limited experience. Is this not fair game? I'm not sure about the Trenton Dogma. Is that similar to the Bruno Mantra?

JM

Re: "Small town guys"
Saturday, 24-Apr-1999 16:39:19
152.163.213.184 writes:

;;;;;;;;;Seems that if you can question Koehler's credentials as a witness, you should be equally able to question Monier's credentials as an "investigator" if it appears that it is in an area where he may have limited experience;;;;;;;;;;;;;;;;;;;;;;;

Monier's 28 years in law enforcement and 15 years as Goffstown Police Chief entitles him to be called a "professional law enforcement investigator." At least, in my dictionary and since I wrote the heading of this message board you can yell at ME for that title I gave him.

If Goffstown is not crime-ridden Gotham it still does not detract from the logic of his well-stated theories and the brilliance of his sleuthing. In fact, even if he were not in law enforcement at all, MOnier and Ahlgren's theories would still make sense.

If Goffstown and Manchester (Greg Ahlgren's "small town") have "limited" Monier's experience in kidnapping hoaxes (and I don't know that it has) it obviously hasn't "limited" his ability to think rationally about a case that has had more red herrings than real clues for over 60 years. And, btw, what kind of "big town" do you come from where people use such "scientific" deductions to judge the intelligence of others? Sounds like eugenics to me.

But you happen to be correct about a need to know everyone's credentials in a debate of this kind. It gives us all a better sense of who the opponent to our ideas may be and why they feel the way they do, although it wouldn't necessarily make them wrong. In courtrooms however, there better be a much higher standard. Someone's life is at stake.

The difference, as I see it, between the absolute necessity of questioning Koehler's credentials is that Koehler, claiming to be a wood expert, put a man in the electric chair. Monier has simply written a book questioning the bizarre behavior of the "kidnapped" baby's father (something that the negligent and irresponsible NJ cops didn't do at the time) and is not ever going to be any sort of a witness to any trial in which a human life will be taken. The only thing you can accuse Monier of doing, and he needs no PHDs for it, is having shown us a Lindbergh that Scott Berg tried so hard not to reveal.

ronelle

Re: jealousy
Saturday, 24-Apr-1999 16:57:50
152.163.213.184 writes:

I sometimes wonder if the undignified anger towards Ahlgren and Monier from other researchers doesn't really came out of jealousy and sour grapes. The new perspective of this case that A & M have established by the publication of their theory is a shocking achievement in my view. Thousands, maybe even millions, of amateur and professional sleuths have been theorizing for 6 decades and no one even came close to the most plausible theory of all - that a world idol didn't have

the courage to admit his paternal negligence and proceeded to become the world's greatest coward by pointing a finger at an innocent man.

Yep - two small town guys. IMHO, the only explanation for personal attacks on A & M must be from jealous rage. So many researchers with fancy credentials from big cities have spent decades on this case yet failed to see what A & M saw from back there in the sticks of Goffstown and Manchester.

ronelle

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Oy Ronelle (2)
Sunday, 25-Apr-1999 04:04:18
12.70.19.230 writes:

Personal attacks on A & M for pointing out that which is evident from the jacket from their own book? Jealousy? It is politically correct to trash CAL, Wilentz, Condon, Perrone, and many, many others. And it is politically correct to trash Jim Fisher as an author. But any questioning of authors from the pro-Bruno camp stems from "jealousy".

Maybe you ought to go ahead and trash United States District Judge Lacey for so thoroughly dismantling every theory advanced by this board in the opinion dismissing Anna's case (570 F. Supp 351 (1983)). Of course, Judge Lacey had the advantage of having access to all the records, and Anna's case was argued by a "skillful" (read that "pro-BRH") attorney). That Judge Lacey complained several times that [Anna's] attorney offered no proof to back up many of the theories is a common complaint by some on this board.

One of my favorite parts of Lacey's opinion deals with the "illegal wiretapping and eavesdropping" on BRH and his attorneys. Anna's lawyer complained that Wilentz learned from these conversations that BRH was a "warm and friendly" person but willfully concealed that fact from BRH's attorneys. The judge's response was something like "You would think they would know".

Now let's watch you trash noted NY jurist John Keenan for his book review of "The Airman and the Carpenter" found in 84 Mich. L. Rev. 819 (1986). Especially note the comment "The cover's back flap suggests that 'Kennedy is perhaps best known for three works which have resulted in pardons for innocent people falsely convicted of murder.' Perhaps so, but this book will not make him four for four." (at page 820).

I guess Judge Keenan was just jealous.

JM

Re: Oy Ronelle (2)
Monday, 26-Apr-1999 06:47:03
206.214.112.45 writes:

---Maybe you ought to go ahead and trash United States District Judge Lacey for so thoroughly dismantling every theory advanced by this board in the opinion dismissing Anna's case (570 F. Supp 351 (1983)).---

JM, this statement gives the impression that Lacey dismissed Anna Hauptmann's claims because he found them to be untrue. If you read the opinion (and I'm sure you did), you know that is incorrect.

The claims were dismissed for a variety of reasons but the assertion most raised here - that Wilentz used false, misleading and perjured testimony and that he withheld evidence - was dismissed solely on the basis of immunity. The Court never discussed or considered the claim on its merits.

Mjr

MJR
Monday, 26-Apr-1999 11:50:09
209.12.168.207 writes:

You are partially correct, but you could have gone further. You could have pointed out the numerous references in the opinion to the lack of factual information for many of the allegations. However, many of the allegations against Wilentz were in the area where there was only qualified immunity, which is a much lesser standard and for which many prosecutors have had to pay out lots of money over the years. In fact most of the more serious allegations were as to the investigative phase for which Wilentz would have only had the same immunity as the rest of the police defendants.

You could have gone on and discussed the opinion as it considered those claims against Wilentz which fell under the qualified immunity mantle. He would have been entitled to qualified immunity only "insofar as [his] conduct does not violate a clearly established statutory or constitutional rights of which a reasonable person would have known". In other words, if the Court found Wilentz violated clearly established constitutions rights of BRH, he wouldn't have even had qualified immunity. The court found the claims either to refer to violations which were not violations in 1934-36; or that the claims were "insufficiently pleaded"; or that the claims failed to allege any damages from the claims; or that the claims "[do] not even rise to the level of a claim" (n 22).; "fail to allege specific facts"; that "conclusory allegation[s] must be dismissed"; "dismissed...for failure to comply with...cases requiring specificity in civil rights cases"; and so on. I didn't see any references to these observations by the court in your email.

I believe it was you who earlier used the term pro bono in reference to the attorney in this case yet you did not point out that under 42 USC 1983 he could have been entitled to attorneys fees if he had prevailed and that it is not uncommon for these fees to be in the high six-figure range.

A partially correct answer (in fairness you pointed out that mine was partially correct; I suggest yours could have been more complete) permits people like David to assume things which are not complete (as he quickly did). I find it significant that

the plaintiff could not put facts with many of the allegations when it was virtually a "put up or shut up" situation.

JM

Re: MJR
Monday, 26-Apr-1999 15:53:35
204.60.24.138 writes:

Well, maybe I'm out of my depth here. I read your post several times, JM, even printed it out to compare on the screen next to MJR's post, and I still fail to see exactly where you show the inaccuacy of this statement: "[That] Wilentz used false, misleading and perjured testimony and that he withheld evidence - was dismissed solely on the basis of immunity. The Court never discussed or considered the claim on its merits."

Obviously you've forgotten more about the case than I've ever learned about it, so maybe you could spell out for me where the court considered that claim on its merits? It seems to me this is a key point. Many thanks.

People Like David

People like David response
Monday, 26-Apr-1999 18:33:09
209.12.168.207 writes:

Sorry if I have confused anyone with this analysis. My suggestion was that there was more to the decision than readers might interpret from the narrow issue posed by the earlier post.

Wilentz was sued along with numerous others and a summary of the allegations against them individually and jointly is that "Wilentz knowingly presented perjured, false, and misleading testimony at trial; that he deliberately withheld exculpatory evidence; that he conspired with defendant Hearst Corporation to deprive Hauptmann of his right to a fair trial; and that he conspired with State Police officers who carried out illegal searches and seizures, contaminated the jury, and deprived Hauptmann of his right to privacy and his right to counsel". Only about the first nine words of this allegation would be protected by absolute immunity assuming that the alleged conduct was done during a trial phase. The rest would only enjoy qualified immunity, and if it were shown that for that latter conduct, Wilentz violated known constitutional and statutory rights, the case would go forward rather than be dismissed. The court construed much of the latter to fall into

two major categories of investigative techniques and due process. Since the police officers only enjoy qualified immunity, their cases would go forward if it could be shown that they violated any known constitutional rights of the defendant. Witness intimidation would fall into this category, and the Court discussed the claim that Wilentz had intimidated Kloeppenburg and the underlying claim that Kloeppenburg was forced by this intimidation to present false or misleading testimony. Despite the absolute immunity for the actual use of this testimony or permitting it to be misleading (if true) the court went on to discuss the situation. This same assessment would apply to the "suppressed Majestic records", the "corrupt encouragement" of Perrone to mis-ID Hauptmann; the burglarizing of a defense brief case; etc. The "corrupt encouragement" to commit perjury would consider the underlying claim to the actual use of that perjury (which would be immune).

The court in considering these underlying claims states that the suit (speaking of the officers "conspiring" with Wilentz) "does not identify which, if any, of these defendants committed these alleged wrongdoings". The court then speaks of the "enormous documentary discovery" Anna had access to but which failed to produce any factual allegations. The court summarizes that "It is not enough broadly to allege without any facts, as plaintiff has done." As to whether there was any merit to the claims of the Wilentz-police conspiracy, the Court adds "The issue of the qualified immunity claim of the state police defendants with respect to the aforementioned allegations need not be reached". In short, the court need not even apply the immunity test to the conspiracy since there was no evidence of such a conspiracy. The court later adds "the vague and conclusory "conspiracy" allegation fails to state a claim as to these Officers". If there is no evidence of a Wilentz-police conspiracy to undermine the rights of Hauptmann, that certainly is voicing an opinion as to whether the allegation stands by itself.

If Wilentz used perjury, false or misleading testimony, he had to do it through either the cooperation of the police (conspiracy) or through coercion, cooperation (additional conspiracy), or intimidation of lay witnesses. It was to this latter aspect that the court found no sufficient facts were pled to merit the case going beyond the motion to dismiss.

To suggest that the Court dismissed the claims against Wilentz without discussing facts alleged simply does not fairly treat the opinion. While technically true, it could be characterized as "misleading".

But, read the case on your own, and decide for yourself. You may want to hire a real lawyer to assess it for you, or you may be a real lawyer.

JM

People like David response

Monday, 26-Apr-1999 18:54:28
204.60.24.138 writes:

Thanks for spelling it out. MJR's statement holds, then, since Wilentz's knowingly presenting perjured, false, and misleading testimony at trial was, in fact, covered by immunity.

And as far as "proving" Wilentz-police collusion on other fabrications, I assume there would be a need for a transcript of Wilentz and some cops meeting... "All right, Mrs. Brown, start transcribing: Schwarzkopf, here's how I want your boys to frame Hauptmann. Find somebody to say they saw him in Hopewell, find a way to connect that ladder to his house somewhere, get somebody who can straightfacedly call himself a 'wood expert' on the stand, have Lindbergh say that was the voice he heard even though it's a slap at anyone's intelligence, send Reilly a case of whatever he's drinking these days and don't provide any translation for Hauptmann. And make sure you get the names of which flunky cops and gumshoes do what, so we have it all down. There, got that, Mrs. Brown? Good. File it in a safe place."

Sometimes what we call "conspiracies" happen without any sort of guiding intelligence except a clearly defined end to be reached. In World War II the vast majority of Dutch families hid Jews in their homes, such as Corrie Ten Boom's The Hiding Place made popular. Nobody had a meeting and announced to the whole country that that is what they were going to do and how to go about building fake walls and expanding and stocking cellars, everybody just did it. To the Nazis sure, it looked like a massive "conspiracy."
Cops would understand what needed to be done to frame Hauptmann for the kidnapping and murder without needing it spelled out for them.

Again, thanks for taking the time to slow it down a bit for me.

David

To David
Tuesday, 27-Apr-1999 03:41:55
12.70.5.84 writes:

It is the framing of the statement which which I have difficulty. (since Wilentz's knowingly presenting perjured, false, and misleading testimony at trial was, in fact, covered by immunity.) This statement infers that there was such a use. Since in courts someone must have the burden of proof, courts require "proof". Many of you quarrel with the "proof" in Hauptmann's trial, but are willing to accept without "proof" allegations against Wilentz, and others.

My position on the Anna case was that since the allegation was that Wilentz and the police conspired to deny BRH's constitutional rights, and the lawsuit was virtually void of any factual basis in the allegations for that "conspiracy", the question of Wilentz actually using the products of that conspiracy later in court is a lesser argument. In short, if Wilentz conspired to violate BRH during the "investigative phase" (only qualified immunity) and later actually used illegal products of that conspiracy [perjury, false, misleading testimony or proof](absolute immunity), if one finds there are no factual allegations of the former it doesn't matter much about the latter. The Court decided the latter first, saying that even if Wilentz actually used the illegal products, he would be immune for their actual use, but not necessarily for engaging in an investigative phase conspiracy if he violated known constitutional rights. A lot of the rest of the opinion discussed Wilentz' "investigate phase" (found no claims) and discussed the police investigations (found no claims).

I think it would be misleading for people to assert that Anna sued Wilentz for using perjury, false and misleading testimony, but he was immune. The assertion might want to add, "and the court dug around in the claims of the conspiracy which produced the witness intimidation, the improper investigative technique, the hiding of evidence, etc, but found no claims which survived a Motion for Summary Judgement against Wilentz or the police for violating known constitutional rights of Bruno."

Actually, MJR and some of the other "learned in the law" people might venture the opinion that, based on the "enormous discovery" offered to Anna's lawyer, and despite four amendments to the lawsuit, either the suit was very poorly drafted and argued, or there just wasn't any evidence beyond allegation of any conspiracy to violate known constitutional rights. These motions exist to prevent someone saying (as was similarly pointed out here) "We think (you and the police conspired to) burglarize a suitcase; we don't know whose suitcase; when it happened; whether he got anything; whether he used anything he got; or whether it hurt us in anyway, but we want him to pay us damages". Think you might want to spend $20,000 to $250,000 defending a claim like that? And when you say "Hey, how about some facts?" they reply, "Oh, well, you know conspiracies can exist without there being any facts, it's an understanding. Everyone knew what to do. We don't need to allege anything beyond that he just did it." The court said that wasn't enough.

JM

Re: MJR
Tuesday, 27-Apr-1999 07:25:18
206.214.112.40 writes: