

THE JUDGING OF HAUPTMANN

THE trial of Bruno Richard Hauptmann, for the murder of the Lindbergh baby, which began in Flemington, New Jersey, in the first part of January, 1935, was so spectacular, so bizarre, that in retrospect it seems almost incredible that things could have happened as they did. Everything conspired to make the trial dramatic. In its bare, simple outlines the case had all the ingredients of a starkly realistic mystery story. But that was not enough. It remained for the press, the radio, the officials and the spectators to make of it a fantastic extravaganza.

The 300 or more reporters covering the trial filed more than 10,000,000 words. Foreign correspondents sent hundreds of thousands of words by radio, cable and mail. Many radio stations were busy broadcasting transcripts of the testimony. In addition, news commentators and extra-legal authorities discussed all aspects of the case. Hearst's *New York Journal*, which was instrumental in employing defense counsel, and which paid the wife of Hauptmann \$25 a week, had thirty reporters and a posse of photographers on the scene. The *New York Times* devoted more space to the trial than the other papers, simply because it had more room. It was, surely, the trial of the century.

One of the unforgettable characters of the trial was Edward J. Reilly, a criminal lawyer from Brooklyn, who had been retained as chief of defense counsel. Known as "the Bull of Brooklyn," Reilly had a long, successful record of defending criminals. His strength in his home county usually lay in political pull, oratory or convenient witnesses. As soon as he took over the defense of Hauptmann he began issuing statements. There were, he said, new witnesses. He knew who did the kidnaping. He knew many dark secrets. The forces of the prosecution, headed by David Wilentz, Attorney-General of New Jersey, began answering Reilly, and this interchange continued up to the start of the trial.

The sideshow motif became evident early. Sheriff John H. Curtiss, of Hunterdon County, a fat man who came from New England, perceived almost immediately that he could make a good thing out of the trial. His first move was to keep the minions of Mayor Frank Hague of Jersey City out of the scheme. Mr. Hague is a man of considerable dignity, but some of his "boys" have a habit of "muscling in" on important trials, no matter in what part of New Jersey they are held. A committee of reporters, with one of the Hague men at the head, set out for Flemington to discuss seating arrangements. When they arrived, Sheriff Curtiss eyed the Hague fixer with contempt.



Photo by Acme Newspictures, Inc.

AT THE HAUPTMANN TRIAL

Fannie Hurst, author, and Walter Winchell, the columnist, in the courtroom at Flemington, New Jersey, where the German carpenter was found guilty of kidnaping the Lindbergh baby.

After some blustering the Hague man departed, leaving the Sheriff in complete power.

The Sheriff informed each reporter, when he came to get tickets for his paper, that there would be a \$10 tax on main floor seats and a \$5 fee for balcony seats. Most of the reporters paid it, knowing that they could put the item on their expense accounts.. But one young fellow from the New York *World-Telegram* telephoned his office before paying; the editor, in crusading mood that morning, ordered a story on the Sheriff's fee-fixing. Then the fun began. The Board of Freeholders, all Democrats, announced an investigation of the Sheriff, who was a Republican. The Sheriff explained that he was only trying to save the county a little money, and that the "contributions" were merely to meet the cost of installing benches and a temporary press table. He offered free seats to the *World-Telegram*. The reporters, realizing that they would have to keep on good terms with the Sheriff for many weeks, let the matter drop.

Afterward the Sheriff was more cautious. A third person, connected with a telegraph company, could get any one a ticket for a price. Even Mrs. Ogden L. Mills, wife of the former Secretary of the Treasury, had to pay to get in. Tickets could be obtained for \$10, \$5, a pint of good bonded rye, or a box of cigars. The Sheriff smoked cigars. Tickets were good for one session only; the reporters were lucky to have re-

ceived season passes for \$10 each. A ticket, of course, did not guarantee a seat. Many paying customers saw the show from the aisles, radiators and window sills. Panes of several windows were broken by eager spectators, adding a pleasant tinkle of falling glass to the regular trial noises.

On one occasion a woman drove up in front of the courthouse in a Rolls-Royce. Her uniformed chauffeur leaped out and opened the door. The woman, wrapped in mink, stepped out and drew from her pocketbook a \$100 bill, which she waved, announcing in a loud, clear voice that she would give all of it for a ticket. She got the ticket.

The first to realize the possibilities in the housing situation was Bert Pedrick, owner of Flemington's only hotel, a ramshackle three-story wooden building. He bought up options on most of the rooms available in the town. He paid the owners \$1 a night and charged newspaper men \$5 a day for room and board. After the trial Bert paid off the mortgage on the hotel and bought a new sedan.

Everybody in town was out to make money. The Women's Exchange, where home-made pastries, breads and rolls were brought by matrons during normal times for sale to their sisters, emerged as a tea room. The Methodist Episcopal Church became a luncheon spot, with women from the auxiliary serving meals. This enterprise was subsidized by the

State, which fed all its witnesses and officers there. After the trial the church bought a new organ. An evangelist from the Middle West saw an opportunity to save some souls while the trial was in progress. The Rev. J. Fred Bindenberger of Flemington liked the idea and promised the sky pilot his church. Other pastors objected. A compromise was reached under which the visitor agreed not to mention the Hauptmann trial in his exhortations. The revival was a failure.

The souvenir salesmen overran the place. One enterprising fellow made up a batch of miniature ladders. They were simple affairs, about eight inches long and two inches wide, the pine in them being of cigar box thickness. These miniatures were handed out to salesmen, who went about shouting that it was possible to purchase "exact duplicates" of the famous ladder used in the kidnaping for twenty-five cents. The ladders differed greatly from the principal exhibit in the case, but the buyers didn't mind. The ladders sold. One young man, highly excited, bought a ladder and tied it to his lapel with a red ribbon. He said to his companions:

"I'm going to leave it on too, by God! I'll march in on Gertie with it. Then won't she kick herself when she sees what she missed. The double-crossing bitch!"

A man with a metal press did a fair sort of busi-

ness. He set up for business on the porch of the hotel. He had constructed a die depicting the Hunterdon County courthouse, surrounded by the legend, Hauptmann Trial, Flemington, N. J." On the stand beside the press lay several hundred bright new pennies and several fine strips of copper. By running the copper strips through the press, together with the pennies, he turned out Lincoln heads backed by the courthouse and the legend. The pieces sold for five cents each, three for a dime.

The Flemington pottery turned out a set of book-ends on which the courthouse appeared. These bits of clay were bought by the more wealthy visitors and today serve as parlor exhibits in many a home. A quick sketch artist turned out portraits of Hauptmann and other principals of the trial by the dozen; postcards with scenes of Flemington were sold at five cents each; pictures of the jury ranged from a dime to twenty-five cents. The higher-priced jury pictures were "suitable for framing."

Boys from the high school made pocket money running copy for reporters. They had managed to get days off from school. These sharp lads hit upon a scheme of financing their yearbook. The town was overrun with autograph seekers. One day several of the boys appeared in the bar of the hotel with a large drawing board. They went from reporter to reporter and asked for autographs for the yearbook. It seemed

that the book was to be dedicated to the reporters who covered the trial. As each man jotted down his name, he was asked for a contribution of twenty-five cents. The reporters didn't feel they could refuse. The boys also got signatures of most of the principals except Col. Lindbergh and Hauptmann. A week later there was offered for sale at twenty-five cents each, copies of the sheet with the autographs, headed by the inscription, "The Trial of the Century." The youth of Flemington made a lot of money.

The crowds of curious were bad enough on week days, but on Sundays they were worse. After the first Sunday, when visitors stole everything in the courthouse they could get their hands on, the Sheriff wanted to close the place on Sundays, but the American Legion and the Kiwanis and Rotary Clubs volunteered to supply guards who would not only stop souvenir hunters but would answer the questions of the sightseers. When the visitors began arriving the second Sunday they found huge placards scattered about the courtroom. Over the chair of the defendant was the sign, "Hauptmann." Likewise there were signs indicating where the judge and jury sat, the witness chair, Col. Lindbergh's chair, and the spot where Walter Winchell usually kept himself. The crowds were especially eager to see Mrs. Hauptmann and her little son. Every time the two appeared on the street, the crowd would rush for them. Somehow the sightseers

seemed to find it astonishing that the child should appear as a pleasant-faced, chubby baby rather than as some sort of monster. Reilly wanted to have the baby brought into the courtroom, but Justice Trenchard, presiding, refused to allow it. Nevertheless, the jury got several glimpses of the child.

A man who got relatively little attention during the trial was Warden Harry O. McCrae, who guarded Hauptmann. Of course he got a few cigars now and then for divulging how Hauptmann had slept, or what he ate, but that was about all he got during the trial. Later, however, it developed that McCrae also had entered into the spirit of the thing. Because the officials feared that Hauptmann might attempt suicide if allowed to eat with ordinary knives and forks, he was forced to use paper utensils. The warden supplied this equipment, but when Hauptmann had finished eating, the warden hid the utensils in a little basket under his desk. After the trial he handed out paper spoons, forks and plates to any friends who happened to call—each and every one of them guaranteed to have been used by none other than Bruno Richard Hauptmann.

The macabre spectacle finally came to an end. The most dismal scene of all was the courtroom from the time the jury went out until it returned with the verdict of guilty. Justice Trenchard left the bench and went to his chambers to read. Attorney-General

Wilentz sat in the jury box. Reilly was in the witness chair. The floor was strewn with papers, cigarette stubs and remnants of sandwiches. Some, with paper bags in their hands, ate sandwiches and cakes and drank coffee, milk or applejack. The more sportive element played games of checkers and tick-tack-toe. Some of the journalists started a dice game in Justice Trenchard's library without his knowledge. Soon reporters, radio men, stenographers, lawyers and Broadway hangers-on were trying their luck. One man won \$200 on two passes. A member of the defense counsel collected \$75 and said, "That's more than I earned during the whole trial." At this point Justice Trenchard left his chambers and started for the library to get a book. The players, however, were warned. They quickly hid the dice and money and when the old justice entered the library he saw an unusually studious group of young men, all poring over law books. As soon as the justice left the game was resumed.

Meanwhile, Wilentz, sitting in the jury box, amused his listeners with such jests as, "This is where I should have been in the first place." Reilly, in the witness chair, burlesqued the testimony of state's witnesses. He shot questions at himself, then pretended to be too deaf to hear them. He would cup his hand to his ear and say, "What was that? What? Repeat the question." Reilly is known far and wide as a card, and

his barroom stories and repartee were among the most engaging aspects of the Flemington period. Before the jury came in Reilly and a woman reporter stood up in front of the judge's bench and sang "When Irish Eyes Are Smiling."

As soon as the jury had found Hauptmann guilty its members were besought by agents to go on the stage. The foreman was offered \$800 a week and the other members \$500 a week each. Some of them considered it seriously. So far had the carnival spirit run that many persons could see no impropriety in the jury going on the stage. This attitude was expressed by County Judge Adam O. Robbins, who had relinquished his post in order that Justice Trenchard might sit at the trial. Asked what he thought of the jury accepting the offer, he said:

"Couldn't blame them if they did. You don't make that much farming in a lifetime. Nope, I think it might be a good idea."

The vaudeville scheme collapsed, but the members of the jury did write (or rather, had ghost-written) articles in which they discussed the trial. They also wrote a book, each contributing a chapter. These twelve men and women had become so impressed with their importance that they found it difficult after the trial to return to their ordinary tasks. Indeed, they gave a dinner at the hotel in Flemington a few nights after the verdict. Official passes to the trial were

supplied by Sheriff Curtiss, the guest of honor, and used as place cards.

On each card was written the affectionate nickname by which the juror had come to be known. For example, Charlie Snyder sat at the place designated for "Dimples." May Brelsford took the chair marked "Giggles." Rosie Pill was "Good Girl Rosie," George Voorhies was "Horsie," and plump Verna Snyder was "Contented Verna." Beside each place lay a noise-maker and a song book. After some eating and a rendition of "I Want a Girl Just Like the Girl That Married Dear Old Dad," there was speaking. Some of the jurors praised the Sheriff, who was planning to run for Freeholder. One bit of verse went:

*"Here's to the Sheriff and a happy life,
Now that he is growing older,
May we have him for our next Freeholder."*

Later the jurors sang "Jingle Bells," put on paper caps and organized a square dance.

American newspapers were criticized because of the sensational fashion in which the trial was handled. There were many astounding excesses, violations of ethical canons, double-crossings by reporters and office-holders, and an unbelievable amount of trickery. Indeed, sound films of the trial were taken surreptitiously during the first few days, shown at a few

theaters, and then suppressed. Undoubtedly the press, and the radio people overstepped all limits of dignity, but they were not alone. The lawyers in some respects were worse. And there was printed during the trial a long, learned discussion of the evidence in the *New York Law Journal*, the official law periodical of the First Judicial Department of New York. This article discussed the evidence editorially as it had developed thus far, and pointed out that some of the testimony given was hardly credible. Many old-fashioned lawyers were perturbed at this.

It is difficult to see what could have been done to make the trial a model of decorum. It was too big, and the interest was too great. Justice Trenchard was not to blame; indeed, he did the best he could in a trying situation. The same thing would happen again, in any part of America, if a similar trial were held next year. Walter Winchell would bounce about, giving tips and suggestions to the prosecution if his sympathies lay that way, as they did in the Hauptmann case. If convenient, Arthur Brisbane would drop in to size up the situation. Damon Runyon would be there, and Adela Rogers St. Johns with her heavenly prose. Illustrators would be there, some merely for the fun of it, and there would be the usual aggregation of well-dressed women with nothing better to do.

Two exhibits in the life of Flemington deserve men-

tion. One was the menu devised by the owner of a hash house several doors from the hotel. The proprietor was not getting as much business as he had hoped for. His itinerant chef suggested a novel way of getting customers. One morning a sandwich board appeared in front of the place. It was headed "Trial Lunch." Some of the items were: "Writers' cramp soup, 10¢"; "Lindbergh steak, 50¢"; "Hauptmann beans, 35¢"; "Trenchard roast with Bruno gravy, 40¢"; "Jafsie chops, 50¢"; "Jury pie, 10¢"; "Reilly pudding, 20¢"; "Press custard, 10¢"; and "Photog's ice cream, 10¢."

Another exhibit is a song sung around the bars, the hotel and the rooming houses of Flemington. It is a parody of the old German "Schnitzelbank" song, long a favorite in the beer halls. It is entitled "Du Schoene Hauptmann Trial," and goes as follows:

DU SCHOENE HAUPTMANN TRIAL

*Ist das nicht ein dowel pin?
Ja, das ist ein dowel pin,
Fitted das nicht nicely in?
Ja, es fitted nicely in.
Dowel pin, etc.*

*Ist das nicht ein grosser dope?
Ja, das ist ein grosser dope.*

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*Ist das nicht der Frederick Pope?
Ja, das ist der Frederick Pope.*

*Ist das nicht ein ransom note?
Ja, das ist ein ransom note.
Ist das nicht ein nellie boad?
Ja, das is ein nellie boad.*

*Ist das nicht ein uncrossed "T"?
Ja, das ist ein uncrossed "T."
Ist das nicht ein double "E"?
Ja, das ist ein double "E."*

*Ist das nicht der Izzy Fisch?
Ja, das ist der Izzy Fisch.
Ist das nicht der Louis Fisch?
Ja, das ist der Louis Fisch.*

*Ist das nicht der Dave Wilentz?
Ja, das ist der Dave Wilentz?
Has he got no striped pents?
Ja, he's got no striped pents.*

*Ist das nicht die Rosie Pill?
Ja, das ist die Rosie Pill.
Ist das nicht der Peanut Grill?
Ja, das ist der Peanut Grill.*

Ist das nicht ein ladder nail?

Ja, das ist ein ladder nail.

Ist das nicht der sixteen rail?

Ja, das ist der sixteen rail.

Ist das nicht der Butler Whatley?

Ja, das ist der Butler Whatley.

Anybody seen him lately?

No. nobody's seen him lately.

Ist das nicht der Lawyer Reilly?

Ja, das ist der Lawyer Reilly.

Ist his record rated highly?

Ja, his record's rated highly.

Ist das nicht ein Danish baker?

Ja, das ist ein Danish baker.

Ist das nicht ein courtroom faker?

Ja, das ist ein courtroom faker.

Ist das nicht ein graveyard gate?

Ja, das ist ein graveyard gate.

Was he busy with his date?

He was busy with his date.

Ist das nicht das noon recess?

Ja, das ist das noon recess.

Schmells it like the Bronx express?

Ja, it schmells like the Bronx express.

Ist das nicht ein screwy song?

Ja, das ist ein screwy song.

Will we sing it all night long?

Ja, we will sing it all night long.

Oh, du schoene, Oh, du schoene,

Oh, du schoene Hauptmann trial.

All this seems to have happened a long time ago