



State of New Jersey

RECORDS TITLE

THE HAUPTMANN TRIAL VOL-I

1935

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CERTIFICATE OF CHANCELLOR

In Chancery of New Jersey.

STATE OF NEW JERSEY,
Defendant in Error,
vs.
BRUNO RICHARD HAUPTMANN,
Plaintiff in Error.

SUB Indict- 10
ment for
Murder.
Certificate of
Chancellor.

This is to certify that application has been made to me for the allowance of a writ of error to be issued out of the New Jersey Supreme Court for review of the judgment of the Hunterdon County Court of Oyer and Terminer in this State, convicting the said Bruno Richard Hauptmann of the crime of murder in the first degree, without exhibiting to me the record of the proceedings in the case or any part thereof, and without alleging any error in those proceedings, and that I have refused to order a writ of error for the review of said judgment, solely because no cause, arguable or otherwise, is shown for the granting of such writ of error to the Supreme Court. 20 30

Dated: February 21, A. D. 1935.

LUTHER A. CAMPBELL,
Chancellor.

WRIT OF ERROR

THE STATE OF NEW JERSEY.

TO THE HONORABLE THOMAS W. TRENCHARD, Judge of the Court of Oyer and Terminer of the County of Hunterdon, GREETINGS:

10 Because in the judgment of the Court of Oyer and Terminer of the County of Hunterdon, upon a certain indictment against Bruno Richard Hauptmann, late of the Township of East Amwell in the County of Hunterdon, that he did wilfully maliciously and with malice aforethought kill and murder one Charles A. Lindbergh, Jr., pro et the said indictment and the several counts therein, whereof before you hath been indicted and is thereof convicted by a certain jury of the
20 County of Hunterdon taken between the State of New Jersey and the said Bruno Richard Hauptmann, as and from his complaint we have received information; we, being willing in this behalf to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said Bruno Richard Hauptmann, command you that if judgment be thereon given, then that you distinctly and opening send under your seal, the record and proceedings aforesaid, with all things touch-
30 ing and concerning the same to our Court of Errors and Appeals in the last resort in all causes at law to be held at Trenton, New Jersey, on the 12th day of March, 1935, and this writ, that the record and proceedings aforesaid being inspected, we may further cause to be done thereupon what of right and according to the laws and customs of New Jersey ought to be done.

40 WITNESS LUTHER A. CAMPBELL, our

Chancellor at Trenton, the twenty-first day of February, 1935.

THOMAS A. MATHIS,
FREDK A. POPE, Clerk.
Attorney.
LLOYD STUBBS,
Attorney.

RETURN

10 The answer of Thomas W. Trenchard, Esquire, Judge of the Court of Oyer and Terminer holden in and for the County of Hunterdon, and within named, the record and proceedings of the plaint whereof mention is within made that all things touching the same, I send to the Justices of the Court of Errors and Appeals of the last resort in all causes at Trenton, New Jersey, at the day and
20 year within contained in a certain writ to this appeal annexed as within I am commanded.

THOMAS W. TRENCHARD,
Judge of the Court of Oyer and Terminer
of the County of Hunterdon.

30

40

RECORD

THE STATE OF NEW JERSEY

HUNTERDON COUNTY COURT OF OYER
AND TERMINER, holden before The Honorable
THOMAS W. TRENCHARD, Justice of the Supreme
Court.

DECEMBER TERM, 1934.

THE STATE OF NEW JERSEY,

vs.

BRUNO RICHARD HAUPTMANN.

Sur Indict-
ment for
Murder.
JUDGMENT
RECORD.

Anthony M. Hauck, Jr., Prosecutor of the Pleas
and David T. Wilentz, Attorney General for New
Jersey, associated by George K. Large, for the
STATE.

Edward J. Bailly, Lloyd Fisher, Frederick A.
Pope and Egbert Rosecrans for the DEFEND-
ANT.

STATE OF NEW JERSEY,

COUNTY OF HUNTERDON,

} To Wit:

Be it remembered that at a Court of Oyer and
Terminer holden at Flemington in and for the
County of Hunterdon on the eighth day of Octo-
ber, in the year of Our Lord, One Thousand
Nine Hundred and Thirty-four, before the Hon-
orable Thomas W. Trenchard, one of the Justices of
the Supreme Court of Judicature of the Said
State, presiding Judge of the Hunterdon Oyer
and Terminer, according to the form of the statute
in such case made and provided by the oaths of
George N. Robinson, Foreman, Jerome T. Kosten-
bader, George H. Hoffman, Arthur Bardette,
Thomas Neigh, John R. Biggs, Lewis C. Bird,
William E. Coreoran, George N. Boudreau, Em-
mett R. Wilton, Frank L. Miller, Earl D. H.
Pickel, Barclay S. Fahrman, Hiram E. Dexta,
Chester Bellis, Flora A. Pidecock, William J.

Louderdale, John W. Hockenbury, Harry Green,
Frances H. Large, Martin Allen, Maude L. Bob-
erta, John Miller, good and lawful men of the said
County, duly summoned and then and there sworn
and charged to inquire for the State of New Jer-
sey in and for the body of the said County of
Hunterdon, it is presented in manner and form
following, that is to say:

COPY OF INDICTMENT

which said indictment was, to wit, on the eighth
day of October, of the September term, in the
year of our Lord, nineteen hundred and thirty-
four, at the Court of Oyer and Terminer in and
for the County of Hunterdon aforesaid, before
Honorable Thomas W. Trenchard, Judge of the
said Court of Oyer and Terminer of said County,
holden at Flemington, in and for the County of
Hunterdon, duly delivered here in Court by the
Grand Jurors aforesaid, in due form of law to
be tried.

Whereupon the Sheriff of the County of Hun-
terdon aforesaid is commanded to take the said
Bruno Richard Hauptmann if he may be found in
his county and him keep safely to answer to the
said indictment.

Afterwards, to wit: at the Court of Oyer and
Terminer holden at Flemington aforesaid in the
County of Hunterdon aforesaid, on the twenty-
fourth day of October, in the year of our Lord,
one thousand nine hundred and thirty-four, before
Honorable Thomas W. Trenchard, one of the
Justices of the Supreme Court of the State of
New Jersey, presiding Judge of the Hunterdon
Oyer and Terminer, in and for the County of Hun-
terdon, here cometh the said Bruno Richard
Hauptmann under the custody of John H. Curtiss,
High Sheriff of the said County of Hunterdon
aforesaid in whose custody in the jail of the
County of Hunterdon aforesaid for the cause
aforesaid, he had been committed, and being

brought to the bar herein his proper person by the said Sheriff, to whom he is here also committed, and the said Bruno Richard Hauptmann having heard the indictment read and forthwith being demanded of and concerning the premises in said indictment above specified and charged upon him, how he will acquit himself thereof, he saith he is not guilty thereof, and therefore for good and evil he puts himself upon the country, and Anthony M. Hauck, Jr., prosecutor of the County of Hunterdon, who prosecutes for the State of New Jersey in this behalf, doth the like;

10 THEREFORE, let a jury thereupon here come before the said Court of Oyer and Terminer of the Term of December, in the year of our Lord, one thousand nine hundred and thirty-four at Flemington, in the County of Hunterdon aforesaid, on the second day of January, in the year of our Lord, one thousand nine hundred and thirty-five, of good and lawful men each of whom shall be a citizen of this State and resident within the County of Hunterdon aforesaid, above the age of twenty-one years and under the age of sixty-five years, by whom the truth of the matter may be known and who are not of kin to the said Bruno Richard Hauptmann to recognize upon their oaths whether the said Bruno Richard Hauptmann be guilty of murder in the indictment aforesaid above specified or not guilty because as well the said Anthony M. Hauck, Jr., who prosecutes for the State of New Jersey, in this behalf, as the said Bruno Richard Hauptmann, have put themselves upon the said Jury at which day, to wit: on Wednesday the second day of January in the year of our Lord, one thousand nine hundred and thirty-five of the term of December in the year of our Lord, one thousand nine hundred and thirty-four, before the Court of Oyer and Terminer at Flemington aforesaid, in the County of Hunterdon aforesaid, held by Thomas W. Trenchard, Justice of the Supreme Court, presiding

Judge of the Hunterdon Oyer and Terminer, here cometh as well the said Anthony M. Hauck, Jr., who prosecutes for the State of New Jersey in this behalf as the said Bruno Richard Hauptmann, in his own proper person, under the custody of John H. Curtiss, Sheriff as aforesaid, accompanied by Edward J. Reilly, Lloyd Fisher, Frederick A. Pope, and Elbert Rosecrans, his Counsel, and the trial of the said indictment being moved against the said Bruno Richard Hauptmann, and Charles Walter, Sr., Foreman, Rosie Pill, Verna Snyder, Charles F. Snyder, Ethel Stockton, Elmer Smith, Robert Cravatt, Philip Heckenbury, George Voorhees, May P. Bralaford, Liscom C. Case, Howard V. Biggs, being called, come who being chosen, tried and sworn in accordance with law, to speak the truth of and concerning the premises, and the trial of said issue having been regularly continued until the 13th day of February, in the year of Our Lord, one thousand nine hundred and thirty-five, before the said Thomas W. Trenchard, Judge as aforesaid and the said Bruno Richard Hauptmann being present in his proper person, thereupon on said last mentioned day the Jurors aforesaid upon their oaths as aforesaid say that the said Bruno Richard Hauptmann is guilty in manner and form as he stands charged under the indictment and is guilty of murder in the first degree, (no recommendation of life imprisonment being by them made). And upon this it is afterwards on the 13th day of February, one thousand nine hundred and thirty-five of the Term of December, in the year of our Lord, one thousand nine hundred and thirty-four, before the said Court of Oyer and Terminer, and the Judge aforesaid, on motion of Anthony M. Hauck, Jr., who prosecutes for the State in this behalf ordered that the defendant, Bruno Richard Hauptmann be placed at the bar for sentence, and he being accordingly set to the bar, whereupon all and singular the premises been seen and by the

Court here fully understood, it is considered by the Court here and the Court now here doth order and adjudge and the judgment of the Court is that the said Bruno Richard Hauptmann suffer death as the punishment for said crime, at the time and place and in the manner provided by law.

THOMAS W. TRENCHARD,
Presiding Judge of the Hunterdon County
Oyer and Terminer Court.

10 **STATE OF NEW JERSEY, } ss.**
COUNTY OF HUNTERDON, }

I, C. LLOYD FELL, Clerk of the County of Hunterdon and of the Court of Oyer and Terminer in and for the said County, do CERTIFY the foregoing to be a true and correct statement from the MINUTES of the Court made during the trial of

BRUNO RICHARD HAUPTMANN

20 on the Indictment for Murder as found by the Hunterdon County Grand Jury as held, beginning January 2, 1935, and continuing until the closing of the case, including a copy of the

INDICTMENT

and of the

CAPTION,

accompanying same, copy of the

JUDGMENT RECORD,
the **PETITION** and
20 **NOTICE OF APPEAL,**

all of which are attached to the

WRIT OF ERROR,

the original of which is presented herewith.

SIGNED and sealed this ninth day of March,
A. D., nineteen hundred and thirty-five.

C. LLOYD FELL,
County Clerk.

40 (Seal)

Opening

MR. WILENTZ: May it please your Honor, Mr. Foreman, men and women of the jury:

A Grand Jury that was composed of citizens of this County has returned an indictment charging that Charles A. Lindbergh, Jr., was murdered. It is the law, men and women, as will be pointed out to you by the Court, that where the death of anyone ensues in the commission of a burglary, 10 that killing is murder,—murder in the first degree.

It is also the law, as the Court will point out to you, that if a person in the murder is feloniously stricken in one county, that is, the blow is given in one county, but death ensues in another county, notwithstanding the fact that the death ensues in the other county, it is murder in this county if the felonious striking took place here, or if the death occurs here.

I just point that out to you, not that I expect it 20 will have any particular effect, because we are going to prove that not only the striking but the death took place in Hunterdon County.

Now, on the first day of March, 1932, the State will prove to you that a very distinguished citizen of this country was a resident of Hunterdon County and on that day the household, the Lindbergh household, consisted of Betty Gow, Mr. and Mrs. Whatley, Colonel Charles A. Lindbergh, his wife, and their only and infant son, who was twenty 30 months of age, I think it was, twenty months old or young. The child was a happy, normal, jovial, delightful little tot that age,—blue eyed, curly headed, blond haired. He had been playing around that entire day with the family, and on the night of March 1, 1932, that child was killed; and the State will prove to you jurors that the man who killed and murdered that child sits in this very court room—the gentleman in the custody of the Sheriff's guards right in the rear of the dis- 40

Opening

distinguished members of the Bar who make up the defense counsel.

This crime had been planned for some time. This defendant Hauptmann had conceived this plan and had undertaken it, had plotted it, prepared it, and we will show you that by the fact that he was in and about the vicinity of this Lindbergh home on many occasions before as well as at the time of the crime.

He came there with his ladder, placed it against that house. He broke into and entered at night the Lindbergh home with the intent to commit a battery upon that child and with the intent to steal the child and its clothing. And he did. Not only with the intent, but he actually committed a battery upon the child and did steal it and did steal its clothing. I will refer to its clothing and its 10 stealing a little while later.

Then as he went out that window and down that ladder of his, the ladder broke. He had more weight going down than he had when he was coming up. And down he went with this child. In the commission of that burglary, that child was instantaneously killed when it received that first blow. It received a horrible fracture, the dimensions of which when you hear about it will convince you that death was instantaneous.

30 Getting down there he took the ladder and about 70 feet away the load was too heavy. In the one hand he had the ladder and in the other he had this bundle, this dead package to him. The ladder was of no particular use to him. He abandoned that. Then he proceeded on his way until he had gotten about a half mile, the child dead. Knowing it was dead, he wasn't a bit concerned about it and there, three thousand or more feet away and still on the Lindbergh estate, he yanked and ripped 40 the sleeping garment of that child off its body.

Opening

Though it was cold and raw, he yanked and ripped that sleeping garment off that child; because he didn't need the child, as we will show you, he needed the sleeping garment.

Then, of course, at the very first convenient spot, some few miles away, he scooped up a hastily improvised and shallow grave and put this child in face downwards and on he went on his way to 10 complete the rest of his plans in this horrible criminal endeavor.

Well, pretty soon, about ten o'clock, the Lindberghs found out that their child was missing—and you can, of course, imagine the excitement, you can imagine how hysterical some of the members must have been—and the first thing, as soon as Colonel Lindbergh heard about it, he immediately asked Whatley to call the police, and then he grabbed his rifle and went through the woods, 20 and up and down the roads, while Mrs. Lindbergh and the rest of the family looked through closets, looked here and there, looked through places they knew the child would not be, but just looked, in the hope that springs eternal in the human breast; and then of course the whole show.

Of course, they didn't know their child had been murdered. There was left a note in the room by the defendant, and that note indicated that the person responsible for this crime would 30 get in touch with the Lindberghs again in a few days. And he did.

He wrote Colonel Breckenridge and in a few days after crying to Colonel Breckenridge, the world having become aroused, a very distinguished and aged educator and scholar and teacher in the Bronx, in a desire to serve society and in a desire to serve the Lindberghs inserted an advertisement in the Bronx Home News, and that advertisement Mr. Hauptmann answered. He said, 40

Opening

"We will take you Condon, we will take you as the intermediary."

We will show you that this defendant Hauptmann personally delivered a note to a taxi driver and said, "Take this down to Condon's home, down where Decatur Avenue is." That note was not mailed, that note was delivered and delivered 10 for a purpose, because in that note he gave Condon, I think it was three-quarters of an hour to get to the place to meet him. The aged gentleman went down there to Woodlawn Cemetery and on the inside of the cemetery was Mr. Hauptmann, on the inside of the gates and Condon there on the outside until Hauptmann, becoming alarmed because somebody was coming somewhere in the distance, he scaled and climbed a nine or ten foot cemetery gate and then jumped down, ran across the street 30 to a park there and finally, when he realized he wasn't being followed by police, but only had this aged man to contend with, he stopped and there they talked. They talked for an hour and ten or an hour and twenty minutes, and in that talk this

Oh, he tried to sell Condon the idea to give up Lindbergh's money without seeing the child, and Condon had no authority.

The doctor said, "Please let me see the child; 30 take me as a hostage; don't worry, I can't do anything to you. Just let me see the child so I can tell Mrs. Lindbergh I saw it. You can keep me there until the money is paid, if you want to."

"Oh," he said, "No. I would smack me out; No. I would smack me out."

And so finally Hauptmann says, "Doesn't Lindbergh know we are the people that kidnaped his child? Doesn't he know we are the right people? Doesn't he see the symbol on the note, the 40 two circles with the big red circle in the center

Opening

and the holes? If he doesn't, and that isn't enough, we will send him the baby's sleeping garment. We will send him the baby's sleeping garment."

And it took them two or three days to send it. I suppose he had to have it washed.

And then within a few days, while Colonel Breckenridge was at the Condon home, he had 10 been there every day since the day Condon received the first message, while Colonel Lindbergh was there, that sleeping garment came in the mail from Mr. Hauptmann, with his circles and with his holes, as positive proof that it was him. And then Hauptmann says, "Now, no more terms. The Lindberghs don't see this child until they put up the money; and if you don't take those terms we can wait. Lindy has got to come to us. We can wait; but if he waits until after April 8th the 20 price is \$100,000—it is \$70,000 now."

And so, finally, here at this Condon home in the Bronx,—all of this thing taking place in the Bronx—right alongside of Hauptmann's back yard, waiting there, finally Jafsa answered for Colonel Lindbergh, "We accept, the money is ready."

And so on Saturday, April 2nd, \$50,000 prepared for Colonel Lindbergh was bundled into a box. Oh, I have got to tell you about that box. 30 Why, the carpenter put a picture of the box in his notes. He not only put a picture in it, he gave you the dimensions—six by seven by fourteen—in his own handwriting. He told them how to bundle it up, he measured it, mind you, in his own imagination and there he put this picture, in this note, of this box with the dimensions.

Why, he might just as well have put his picture in there. And so, they prepared a box, put the money in the bundle and then along came an- 40

other messenger on a Saturday night and said, within three-quarters of an hour you come here or you come there, and of course they did. Well, you can imagine, you can imagine the condition of Colonel Lindbergh then. There he was about to get his child. He only needed the money, and he had that money to give up, it was all prepared.

10 And so, he said, "I will go with you, Dr. Condon," and Colonel Lindbergh drove that little automobile on that night with Condon to follow the directions to a green-house and there they would turn over a stone and under that stone they would get further directions, and they did.

And Condon lifted up that stone or table or whatever it was and there it was, "Cross the street and go to Whittemore Avenue," or something like that.

20 He showed it to Colonel Lindbergh, and they did that. Right across the street he had picked out another cemetery for his next meeting place. And there was Condon in the middle of the road.

Now don't imagine that that particular section of the Bronx is any more populated than it is right here in Flemington, and particularly in the vicinity of the cemetery.

And there stood Condon waiting to see where Hauptmann was. Finally Hauptmann hollered,

30 "Hey, Doctor, hey Doctor,"—twice.

In the still of the night you could have heard it for two blocks and particularly in the vicinity of the Bronx. So finally Dr. Condon went down, followed him along, he on the inside of this St. Raymond's Cemetery, Condon on the outside, until they got to a hedge. And as they got down to that hedge Condon said, "Won't you please let me see the baby first?"

"Now, no use about that."

40 Well you know in 1932 times were awfully bad,

even for Colonel Lindbergh. \$70,000 was a lot of money. He wanted \$70,000 then.

"Won't you please cut it down to \$50,000? That is all we ask."

The boss said, "Yes, I will cut it down to fifty."

So Dr. Condon said to him, "Now here, after all it is just you and I. Now give me a receipt, give me the directions where we are going to find the 10 child."

He said, "All right, all right. You go back. Who is over there in the car with you?"

"Colonel Lindbergh."

"Is he there?"

"Yes, Colonel Lindbergh is there. He has got the money."

"You go back to Colonel Lindbergh and you get the money and we will meet here in five minutes and I will give you the directions." 20

He wasn't worried about being apprehended. He was relying upon the word of honor of Colonel Charles A. Lindbergh, that all he wanted was his child. Not only that but he actually had followed and traced Condon—we will prove it to you—to see that he wasn't being accompanied by detectives. He knew he was taking no chances, that he wanted the child, that was all. So he went back somewhere and he wrote a little note and he came back. And there over that hedge he received that 30 box with \$50,000.

What do you think he said? "Wait a minute, doctor, until I see if it is all right. Wait a minute."

Then he dipped his hand into this box and up he looked at Condon and he said, "Your work is perfect." Shakes hands with him. "Your work is perfect."

So within two hours in accordance with instructions given by Hauptmann they looked at 40

Opening

this note and the note directed them to go up to some place in Massachusetts, Bay Head, I think it was.

Colonel Lindbergh, Dr. Condon, Colonel Breckenridge, and a representative of the United States Government got into a plane. And Lindy who could find a speck at the end of the earth 10 couldn't find his child because Hauptmann had murdered it. Up and around the waters he searched and returned. Up again in another plane he searched and he returned, and of course finally back home. Breckenridge still stayed at Condon's home, still stayed there with Condon. Condon began in the papers to advertise for better instructions. But Mr. Hauptmann was no longer interested in Dr. Condon and no better instructions came.

20 Not only did Colonel Lindbergh with the men who accompanied him as I indicated a minute ago search for this mysterious and mythical boat but the Coast Guard of the United States went out too to try to find it. Of course it wasn't there.

that cemetery he took it knowing that that baby was lying face down in that grave in New Jersey. We will prove that.

So back again to New Jersey for Colonel Lind- 30 bergh and to the home of sorrow. Then on May 12th, on May 12th, 1932, some colored gentleman, driving along the highway, got off the beaten path of the road and into a woods, to answer the call of nature—or whatever it was—and there he was horrified by the sight of what appeared to him to be the body of an infant; and of course he rushed away, but not until he had told somebody about it; and pretty soon, pretty soon, Colonel Lindbergh and Betty Gow and others had turned 40 the body of that child up, face up. The mois-

Opening

ture in the ground had still preserved the face a little bit, so that it was white when it was turned up, and twenty minutes after the air struck it, it had turned black.

The body was horribly decomposed; one leg had been eaten away and carried away, one hand had been taken away, a great part of its body had been eaten away, the rest of it decomposed, the 10 skin, the flesh, rotted away, in that hole, the grave that Hauptmann had placed for it.

But there was that little sleeping shirt that Betty Gow had prepared and that Mrs. Lindbergh had helped her prepare that day; there was the forehead and the brown curls and the curly-headed prominent forehead under the blond hair; there was that typical nose, and there were the toes overlapping, the overlapping toes of the 20 Lindbergh child.

Anybody that knew that child, any member of the family, would know right away that was the "Little Eagle," and so of course they took the child and cremated the body and the ashes were delivered to Colonel Lindbergh.

The Lord moves in a mysterious way his wonders to perform, as you well know, and the first thing you know a little gas station attendant in the Bronx found the man that murdered the Lindbergh child. He came there with a ten dollar bill, 30 he had to get rid of the money. He came there with a ten dollar bill; it was a gold note, and the station attendant who was taking money all day long hadn't seen much of that lately, because the President of the United States had called that gold in and it was against the law to have it and to hoard it. He said to Hauptmann, "What about this, where did you get this?" Oh, then, Hauptmann knew he was in for a little trouble. What do you think he said? He said, "Oh, I have got a 40

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Opening

hundred of those," just nonchalantly, "Oh, I have a hundred of those." And off he drove. And so they finally arrested him.

They arrested him, and what do you think he said when they found on his person another Lindbergh bill? "Where did you get this?" they said.

Now, if he had gotten it honestly he would have told them right then. But what did he do? He said, "This is one of three hundred dollars that I have saved up, because I thought gold would be more valuable, and I got it from my friends and from the banks, and I had three hundred, but this is the last;" so they took him to his home and they started a search.

He knew they would not find it in his home. He had prepared for that. They took him to the police station and they pleaded with him and they talked to him. And then what?

Carpenters dug up thirteen thousand some hundred dollars of United States money—Lindbergh money, ransom money. And he was confronted with that and he said, "Yes, I buried that money."

"Where did you get it?" "Why, a partner of mine, an associate of mine, a friend of mine, now dead, gave it to me." "Is that all that you have got?" "Yes, that is all."

30 And at that very minute, when he was again saying that that was all he had and that the story which he first told about the twenty dollar bill, when he admitted that that was untrue, and then he gave this story, at that very minute the police had more money, but he insisted that was all, and when he finished that statement, District Attorney Samuel Foley said to him, "How about this eight hundred and some dollars?"

And he said, "Yes, I didn't tell you the truth; 40 that is Lindbergh money too;" that is Lind-

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bergh money too. And there, right in the house, hidden on an inside closet wall in his own admitted handwriting, there was the address and telephone number of Dr. John F. Condon, in his baby's closet, on the inside. A little closet; you would have to get in on the inside and be—well, you would have to be the type of man of Hauptmann to get in there.

In his own handwriting, and he is asked, "Why did you write Condon's name on there?"

"Why, you know, I had a funny habit, I liked to write telephone numbers or addresses."

He didn't have anything else in the whole house. And in that search, in that search we found the answer to the ladder.

Now, one year about, before Hauptmann was arrested, one year before any of us knew that there was such a person in existence, the United States Government had traced to the Bronx Lumber Yard Company, or the Bronx Lumber Corporation, they had traced some of the lumber, they knew that ladder had been made of lumber, some of which came from the Bronx lumber yards.

When Hauptmann was arrested, what do you suppose we find? We find he worked at the Bronx lumber yards, he bought lumber there, but not only that, he has got this ladder right around his neck; he took part of that attic of his and built the ladder with it,—and we will prove that to you beyond any doubt.

One rung of that ladder, one side of that ladder, comes right from his attic, put on there with his tools, and we will prove it to you, no matter how difficult it may sound,—we will prove it to you so that there will be no doubt about it.

Now, of course, this is like most crimes.

There has to be a motive for it, and you probably know it by this time. You can be sure 40

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Charles A. Lindbergh, Jr. did not attack Hauptmann; it was not in self-defense; it was not because of any provocation or anything that he had against Colonel Lindbergh.

He committed this crime, he had planned it for months, because he wanted money—money—money—lots of money he wanted, and he got it. 10 What do you suppose he wanted it for, and what do you suppose he did with it? He wanted that money so he could do as he did: live a life of luxury and ease so he would not have to work.

He quit his job the day he collected the \$50,000, the very day; they had to replace him, so that he could do as he did: live a life of luxury and ease. So he could go to Florida, so he could have a boat on Hunter's Island, and other places, so he could have a radio, in the midst of the worst 20 depression of this land, in May 1932. He spends four hundred dollars for a radio.

Not only that; so that he could as he did gamble and speculate with thousands and thousands and thousands of dollars. Why, he poured money

you suppose this gentleman did? Forty-five hundred dollars in the account of Mrs. Schoenfeld or whatever her name is, the wife, the maiden name, the delightful wife of Mr. Hauptmann; 20 forty-five hundred in the same month, two thousand more in cash in a savings account. That is besides this money found in the garage. He poured those moneys in there to satisfy his desire to gamble and speculate. Why, he used Lindy's money to buy Sweepstake tickets with! What do you think of that?

Now men and women of the jury, if we do not prove these facts to you, why, you acquit him, you acquit him; if we do not prove them to you, you 40 acquit him. But if we do, as we are confident we

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will be able to, and as we expect to, let me just tell you, representing the State of New Jersey, that this State will not compromise with murder or murderers. We demand the penalty of murder in the first degree.

MR. REILLY: If your Honor please, I move now for a mistrial on the impassioned appeal of the Attorney General, not being a proper opening, 10 but merely a summation and a desire to inflame the minds of this jury against this defendant before the trial starts.

The Court: The motion is denied.

Mr. Reilly: I ask now most respectfully, sir, that you will charge the jury at this time that the opening of the Attorney General is merely what he intends to prove, that their minds are not to be prejudiced at this time, but they are to keep their minds free and open until the last word of this 20 case.

The Court: I suppose the jury already understands that. Of course, the purpose of an opening is to tell the jury what the evidence will show. Of course the jurors will keep their minds open until the last word has been said in the courtroom.

Mr. Reilly: May I take an exception to your Honor's denial?

The Court: An exception to what?

Mr. Reilly: I move for a mistrial and the withdrawal of a juror and your Honor denied the motion at that time. 30

The Court: I will give you an exception.

Mr. Wilentz: As I understand it, if your Honor please, learned counsel did not move for the withdrawal of a juror. I don't think he is entitled to an exception to the denial of a request he never made.

Mr. Reilly: May I move now under your prac- 40

Walter E. Roberts—Direct

ties for the withdrawal of a juror and a declaration of a mistrial?

The Court: Yes, you may make your motion. And you do make it?

Mr. Reilly: Yes, I make it.

The Court: The motion is denied.

Mr. Reilly: I now ask for an exception.

10 The Court: Exception granted.

(Exception allowed, and the same is signed and sealed accordingly. Judge.)

(Maps placed on wall at right of jury.)

Mr. Peacock: We are ready, your Honor, to proceed.

The Court: We will proceed now.

Mr. Hauck: Walter E. Roberts.

20 WALTER E. ROBERTS, sworn as a witness on behalf of the State.

Direct Examination by Mr. Hauck:

Q. Where do you live, Mr. Roberts? A. Flemington, New Jersey.

Q. What is your business? A. Civil engineering and surveying.

Q. Are you licensed by the State of New Jersey? A. Yes, sir.

Q. Up until January 2nd of this year, what also was your official title in this county? A. County Engineer.

Q. Now did you make the maps that are on the wall? A. I made the original tracings from which those are correct duplicates.

Q. Then were they made by you or under your direction? A. Under my direction, partially by myself and partially under my direction.

Walter E. Roberts—Direct

Q. Where did you attend school, Mr. Roberts? A. Swarthmore College.

Q. How long have you been practicing as an engineer and as a surveyor? A. Twenty-eight years.

Q. How long were you County Engineer of the County of Hunterdon? A. Five years.

Q. Now, Mr. Roberts, I show you a map, which 10 we might designate as S-1 for Identification.

Mr. Fisher: Which one is that; is that the two mile map?

Mr. Hauck: That is the two mile radius.

Q. Will you kindly tell the Court and jury what does that map depict? A. It shows the vicinity of the Lindbergh house to within a radius of approximately two miles, the road, the county line, the lane leading to the Lindbergh house, the wood road which branches off from the lane, and that is—

Q. When was that map made by you? A. It was made in December of this past year.

Q. Now, when that map was made, did it truthfully depict the situation as you saw it? A. Yes, sir.

Q. I would like you to take this pointer and 30 come down and point out to the jury the different markings on the map, explain the map to the Court and jury.

Mr. Fisher: What scale is that?

The Witness: In the first place, I was just going to say the scale is 375 feet to the inch. The reason for the odd scale will develop later.

Walter E. Roberts—Direct

This mark here represents the north, the corner; north being in this direction—south, east and west (indicating on the map). The line here is the line between Somerset County and Hunterdon County, and from this point is the line between Somerset and Mercer County. This line running east and west represents the line between Hunterdon and Mercer County, with Hopewell Township lying to the south and East Amwell Township to the north. These lines represent various roads, the road to Hopewell, to Stoutsburg, Zien, Werts-ville, Lutz Corners, to Hopewell, and to Lyndale and State Highway No. 30. The irregular lines there represent the edge of Woodland, all this territory here being heavily wooded on the top of the mountain. The cleared land, this dark spot and the light area just back of it, represent the Lind-
20bergh house. These lines represent the lanes constructed within fairly recent number of years, and this is the indication of an old wood road, not a very distinct road, but nevertheless an indication that it had been used as a wood road.

The red marks represent two monuments which are set on the county line.

Q. Now, Mr. Roberts, I take it then that all this territory divided between these two lines is Hunterdon County? A. That is right.

30 Q. And this territory in here is Mercer County? A. That is also right.

Mr. Hauck: I would like to have the map admitted in evidence at this time.

By Mr. Fisher:

Q. Is any part of Somerset on there? A. This part, Mr. Fisher is Somerset, on the east of this line here.

40 Q. East and north? A. Only to the east. This

Walter E. Roberts—Direct

whole area on the map to the east of that line is Somerset County as far as I know. I didn't verify that on that chart.

Mr. Fisher: Do you offer the map?

Mr. Hauck: Yes.

10

Mr. Fisher: We should like first to cross examine on it, your Honor.

The Court: Cross examine.

Mr. Pope: May we cross examine upon all the maps at one time to save time? May the State proceed to prove them all?

Mr. Hauck: We are willing to do that. I
20 thought it might be more convenient to take them one at a time.

The Court: Perhaps it might be well to have this map that you are now talking about marked as Exhibit S-1 for identification.

Mr. Hauck: I would like to have that
30 done.

The Court: Then of course that would be a convenient way to refer to the map.

Mr. Fisher will now cross examine the engineer if he wishes to.

Mr. Fisher: Mr. Pope will do so.

The Court: Yes, Mr. Pope.

40

Walter E. Roberts—Cross

By Mr. Pope (voir dire):

Q. Mr. Roberts, referring to map C 1 for Identification, in speaking to the prosecutor you said what this portion here represents. May I ask if you mean by that, so that it may get on the record, that the portion of this lying to the north 10 of the irregularly dotted line and marked "Hunterdon County," on the northerly side of that line, represents the territory of Hunterdon County? A. It does, as far east as this line here, northwestward.

Q. When you say as far east as this line here, you are referring to the irregularly dotted line to the right of the map marked "Somerset County," to the right, and "Hunterdon County" to the left of the line? A. Yes, sir.

30 Q. Then that portion of the map which lies to the south and toward the bottom, marked "Mercer County" is Mercer County? A. Yes, sir.

Q. Was this map made from an actual survey on the ground? A. Yes, sir.

Q. It was not copied from other county maps? A. No, sir.

Q. In any way, shape or form? A. Not that map.

Q. How did you ascertain the distance between 30 the point marked—the red monument on the Hunterdon County and Mercer County Line to the intersection of Featherbed Lane with the road leading north and south past the Lindbergh place? A. That was done by what is called stadia measurement.

Q. What do you mean by that? A. It is possible with a transit by reading between—there are three cross hairs, horizontal cross hairs on the transit. The distance between the upper and 40 lower cross hairs, the space which that indicates

Walter E. Roberts—Cross

on a rise—as you know, where the rays from a telescope would diverge as you go further away, and as you move your rod away, those lines cover or intercept a greater length on that rod; and the rod and the transit are so constructed that by reading the transit and sighting on a properly graduated rod, you would have within less than a foot error—you have the distance from your 10 transit to that rod. It is a very quick way of making a map.

Q. And that is the way you obtained those distances? A. That and with the compass.

Q. Not by actual measurements? A. Only the distance on it. The near points here, those are done by actual tape measurements, the points near the house are taken with the tape.

Q. This road marked Van Lews Lane, or Van Lews Corners, to the left of the map, that leads 20 from Hopewell to where? A. To Van Lews Corners in Hunterdon County, that is a point on the road between Ringoes and Wartsville. It finally intersects with this road which runs very much to the north, several miles away from it, from this locality.

Q. Did you make all of the measurements for this map by the process that you have just described? A. No, sir, not the ones—

Q. —the use of the transit and the gradu- 30 ated rod? A. Not the measurements near the house, those were made with the tape.

Q. And just what measurements near the house were made with the tape? A. The length and location of this constructed lane running from the main road into the house. The distance from this red monument to the entrance to the lane, the distance from the county line to the house, the distance between these two monuments.

Q. And with those exceptions, all of the other 40

Walter E. Roberts—Direct

measurements on the map, then, are really approximate measurements made with the use of the transit and the graduated rod? A. On a larger scale, I would say they were approximate, on a scale of that size, of 375 feet to the inch, the planning of a state measurement and a stadia measurement could not be indicated. The reason for making these with the tape is because it might be important for to know the exact distance.

Q. Then, it would not be possible for us to start, for instance, at this corner here where I am pointing, and by using a 375 scale ruler, measure from there to some other—to this point down here (indicating), and to obtain the exact distance, would it? A. You can, yes, sir, I would say you could within a foot, maybe two feet.

Q. As close as that? A. Yes, sir, I think so, as close as you can read a 375 scale. I think that will answer it exactly, no matter how the measurements were taken.

Mr. Pope: That is all.

Mr. Hauck: I would like to offer the map in evidence at this time.

The Court: Any objection, Mr. Pope?

Mr. Pope: We object to the map because it is not made from an actual survey and measurements, but it was made by using the transit and a graduated scale which does not give exact measurements but only approximate measurements. Therefore we cannot use the map for the purpose of obtaining with a degree of accuracy and certainty the exact distance between two points on the map except the

Walter E. Roberts—Direct

points that the witness mentioned immediately surrounding the Lindbergh house and from the Lindbergh house to the Hunterdon-Mercer County line.

The Court: Well, as a practical matter, had you expected to set up a map of your own? 10

Mr. Pope: No.

The Court: Do you not think, Mr. Pope, that this map might well be admitted for the purpose of illustration?

Mr. Pope: Well, your Honor, the difficulty with that is that we may find it necessary during the progress of this trial to ascertain with exactness the distance between two particular points on this map which have not been ascertained by the use of a tape and which would not be accurate. It would only be approximately correct and it might make a very great difference.

The Court: It is always open to you to determine the distance between two points in any fashion that is competent. 20

Mr. Pope: Well, of course, but the State is offering this map, your Honor, and they are asking us to accept it. And it develops—

The Court: For purposes of illustration, I think. 40

Walter E. Roberts—Direct

Mr. Pope: Well, I don't know what they are going to use.

Mr. Peacock: That is it,—for purposes of illustration.

10 Mr. Pope: If it is only for the purpose of illustration, all right.

The Court: It will be admitted for the purpose of illustration.

(Two-mile radius map marked State's Exhibit S-1 for Identification.)

Mr. Hauck:

20 Q. Now I would like the stenographer to mark this lower map S-2 for Identification.

Mr. Fisher: What is that one, Tenny?

Mr. Hauck: This map.

Mr. Fisher: What is it, I mean?

Mr. Hauck: S-2.

30

Mr. Fisher: What is it?

Mr. Hauck: I will have the engineer tell what it is, if you don't mind.

By Mr. Hauck:

Q. Mr. Roberts, will you look at the map designated as S-2 for Identification and tell us what 40 it represents? A. The diagram on the right,

Walter E. Roberts—Direct

which is drawn to a scale of one inch equals four feet is a correct representation of the east elevation of the Lindbergh house. There is no line on there which has not been drawn to a correct measurement.

By Mr. Pope:

Q. Is that one inch? A. One inch equals four feet. 10

By Mr. Hauck:

Q. What is the diagram on the left of the map? A. The diagram on the left represents a drawing of the Lindbergh plan marked "Nursery." I personally do not know that that was a nursery. I was only told that. The room is the north-20 east corner room on the second floor of the Lindbergh house.

Mr. Fisher: That should be stricken. He says he was told it was the nursery.

Mr. Hauck: We will connect it up as being a nursery by other witnesses.

The Witness: I would like to withdraw 30 my statement. I didn't want to say an incorrect statement. I made an incorrect statement and tried to correct it, your Honor.

By the Court:

Q. What do you want to say now? A. I want to say that it is a diagram of the southeast corner room on the second floor of the Lindbergh house. 40

Walter E. Roberts—Cross

Q. And you know nothing about the nursery part? A. No. It is marked as the nursery, but I do not know that.

By Mr. Hauck:

Q. Well, now, Mr. Roberts, was this map made 10 by you or under your direction? A. Yes, sir.

Q. And is it an accurate map? A. It is.

Q. Made by actual measurements? A. Every line on there is measured except the shading lines which indicate the walls.

By Mr. Fisher:

Q. Is that the same scale, Mr. Hauck? A. That is one inch equals one foot.

20

By Mr. Hauck:

Q. Mr. Roberts, do those two diagrams on the map truthfully depict the situation as at the time when you made it? A. Yes, sir.

Q. And saw it? A. Yes, sir.

Mr. Hauck: I would like to offer this in evidence as S-2 for the State.

30

By Mr. Pope (voir dire):

Q. Is this the southeast corner room? A. Southeast corner.

Q. On the second floor? A. On the second floor.

Q. And it is made to scale? A. Yes, sir; one inch to one foot.

Q. And from actual measurements made on the ground? A. Yes, sir.

40 Q. By whom? A. By my assistant and myself.

Walter E. Roberts—Cross

Q. You personally supervised? A. I personally supervised the measurements.

Q. Then you know that the measurements are correct? A. Yes, sir.

Q. And that so far as this diagram is concerned we may start at any point and measure to another point and get an exact picture? A. Yes, sir.

Q. Of the room itself as well as the accurate 10 measurements? A. Yes, sir.

Q. I see on what you have marked here the east elevation "Scale one inch equals four feet" lines, irregular lines with figures in them running from the ground up to the top of the window casing if extended. What do they represent? A. They are—they represent the measurements which we found, measuring from the ground to the top of that window.

Q. Well, the first measurement then is what? 20 A. Four feet five inches from the surface of the ground to the window sill of the first floor.

Q. Now was that measurement made from the ground to the center of the window sill or was it made where it is indicated on the map? A. It was made from the ground to the top of the window sill.

Q. To the top of the window sill? A. Yes.

Q. On the first floor? A. Yes.

Q. And then the second measurement, five feet 30 four inches, what does that represent? A. That is the height of the window sill to the window coping.

Q. From the bottom of the sill to the top of the sill? A. From the top of the sill to the bottom of the coping. The coping, in other words.

Q. And the third measurement, four feet six inches represents what? A. That is the wall space between the top of the window on the first floor and the bottom of the window; in other words, the top of the sill on the second floor.

40

Walter E. Roberts—Cross

Q. And four feet nine inches, the last measurement up, represents what? A. The height of the window on the second floor, the window opening.

Q. Now to the right of these measurements you have here two lines, broken, and marked in the center "Fourteen feet three inches." That represents what? A. That represents the distance from the ground to the top of the sill of the second floor.

Q. And when you say to the top of the sill of the second floor you mean—. A. The second floor window.

Q. You mean the top of the sill of the second floor window? A. That is right.

Q. And which window is that? A. That is the east window in the room designated on this diagram here which is the window here.

20 Q. And by the east window, you mean a window which faces towards the east? A. That is right.

Q. Looking through that, you would be looking toward the east? A. Yes, sir.

Q. And that is the same window that is indicated on the diagram to the left of the map by the words "radiator and window"? A. That is right.

Q. And it is in the southeast corner of that diagram, is it? A. Yes, sir.

30 Q. And these measurements from the ground to the window sill were made by you? A. Yes, sir.

Q. They are absolutely correct? A. Yes, sir.

Q. No question about that? A. Taken with the steel tape held tight.

Q. A tested tape? A. Yes, sir.

Q. Do you know that your tape was accurate? A. A brand new tape, it had never been used before.

40 Mr. Pope: That is all.

Walter E. Roberts—Direct

Mr. Hauck: I would like to offer that map in evidence as "S-2" for that State.

The Court: Any objection, Mr. Pope? It is admitted in evidence.

(The map was received in evidence and marked State Exhibit No. 2.) 10

By Mr. Hauck:

Q. Mr. Roberts, before you go into any of the other maps, I am afraid the jury did not see all the measurements you were showing Mr. Pope. Will you point out these measurements on the east side of the house, explain them to the jury so they can see them. A. Can you see my hand? There are four measurements shown from the ground 20 to the top of the sill. It would be this portion of the window, it is about four feet and five inches. From the top of that part of the sill to the bottom, in other words, the window opening, the clear opening is five feet and four inches; from the bottom of that sill to the top of the window sill on the second floor is four feet and six inches; from the top of the sill of the second floor to the bottom of the upper portion of the window is four feet and nine inches. The distance from the ground to the 30 sill of the second floor window, which represents the southeast, the east room of the southeast corner of the second floor, is fourteen feet and three inches.

Mr. Pope: You mean the east window?

The Witness: Yes.

By Mr. Hauck:

40

Walter E. Roberts—Direct

Q. What is this measurement, pointing out the measurements to the left of the diagram, the outside of the house? A. From the edge of the house, the southeast corner of the house on the ground, there is a stone wall. The height of that wall is three feet eleven inches from the ground. The distance from the top of that wall to the eaves of the house, the gutter of the house is sixteen feet and three inches. Those are by actual measurement.

Q. What does the triangle here represent? A. This rectangle here represents a skylight, a glass skylight in the side of the house, in the roof of the house.

Q. Will you pass on to the diagram at the left of the map and explain to the jury the measurements of that room? A. As you will see from the arrow, north is in this direction in that room. This represents the east side and this the south—easterly and southerly, they are not true north and south. There is a window and immediately inside of the window is an encased radiator, then a fire place and then this next window also has a radiator, an encased radiator below the sill. On the south window, which is made up of double windows, I think they are called French windows, in front of that window in the room is a wooden box seat. This door, shown here in the north side of the room leads into the hallway. The first door on the west side of the room leads into a closet; there is a door on the southerly side of the west side that leads into a hall.

Q. What are the dimensions of the room? A. The north and south dimension of the room is 15 feet, the east and west dimension 10 feet 10½ inches.

Q. These are north and south and these are east and west? A. Yes.

Walter E. Roberts—Direct

Q. Can you tell us on the same diagram which is the front of the house? A. The front of the house is the southerly side, indicated by this arrow.

Mr. Hauck: I would like the stenographer to mark this map as S-3 for identification on behalf of the State. 10

Mr. Pope: Before you do that may I ask one question? It hasn't been admitted—

Mr. Hauck: I understand it has been admitted.

Mr. Pope: All right. I wanted him to show me the location. Never mind. 20

Mr. Hauck: Go ahead, Mr. Pope.

Mr. Pope: No. I will wait until you put the other map in.

The Court: Number 2 was admitted.

The Court: Now there has been something said about Number 3? 30

Mr. Hauck: Number 3 has been marked and I am going to examine—

The Court: Marked for identification.

Mr. Hauck: Yes.

The Court: Mr. Pope wants to cross examine on that. 40

Walter E. Roberts—Direct

Mr. Pope: After they get through.

The Court: After they get through.

You may proceed now.

Direct Examination Continued by Mr. Hauck:

10

Q. Now, Mr. Roberts, will you tell us what the map designated as S-3 represents? A. S-3 represents the outlines of the Lindbergh house as measured on the ground. That is, the ground floor, the outside of the house at the ground or near the ground, and the developments, which were made in the immediate vicinity of the house such as walls, porches, drives, pump house and drainage.

20 Q. Was that map made by you or under your direction? A. Yes, sir.

Q. And is it accurate? A. Yes, sir.

Q. Does that map truthfully depict the situation at the time you saw it and at the time the map was made? A. Yes, sir.

The Court: Well, Mr. Hauck, I think we will prepare to take a recess at this time.

30

Mr. Hauck: All right.

The Court: I will ask everybody in the court room to stay right where they are until the jury has retired; right where you are, wherever you are. The jury will retire now; the jury will retire in the custody of their officers and come back at 1:45.

40

(Recess at 12:30 a. m. to 1:45 p. m.)

Walter E. Roberts—Direct

After Recess (1:52 p. m.)

The Court: Is the defendant in court?

Mr. Peacock: No, sir.

The Court: The prisoner will be brought in.

10

(The prisoner entered at 1:53 p. m.)

Mr. Hauck: Now, Mr. Roberts—

The Court: We will poll the jury first.

(The jury was polled and all jurors answered present.)

20

WALTER ROBERTS resumed the witness stand:

The Court: Counsel may proceed.

Direct Examination (continued) by Mr. Hauck:

Q. Now, Mr. Roberts, will you again come down here by the map. Referring to the map marked S-3 for Identification, is that an accurate map? 30

A. Yes.

Q. Was it made by actual measurements under your supervision? A. Yes, sir.

Q. Will you explain in detail to the jury the different parts of the diagram and the distances.

A. The north point showing the directions of the compass. The scale of this map is one inch equals five feet. The shaded area, the strips represent the walls of the house. The places marked "W" are windows in the first floor. These are doors, 40

Walter E. Roberts—Cross

French doors, the main entrance door, these other W's are windows. The gratings shown here are cellar ventilation, or windows. The gratings on the ground level. This area here is a paved court or a paved porch, uncovered porch; also here is a flagstone court at the front door. A board fence extends westerly from this corner of the house 10 to the square on the left side of the drawing, which represents a pump house. The dotted lines shown here and here (indicating) represent a loose macadam area, that is broken stone, covered with broken stone; in other words, it is a drive way, used here, I presume, for the parking of cars, or some similar purpose. This is the entrance to the house (indicating). The points marked "C.B." are catch basins to remove surface water underground to some disposal point. The shaded 20 areas shown here, along the edge of this driveway, are trees, small trees. This section at the northwest corner is the garage.

I think that covers what that drawing is supposed to show.

Q. And does that diagram truthfully depict the situation as you saw it when you made the map?
A. Yes, sir.

Mr. Hauck: Cross examine, Mr. Pope.

80

By Mr. Pope:

Q. Is it drawn to scale? A. Yes.

Q. What is the scale? A. One inch to five feet.

Q. Was it made from a survey on the ground?
A. Yes, sir.

Q. Are the measurements accurate? A. Yes, sir.

Q. Made with the tape? A. Yes, sir.

Q. Are these trees that you have referred to placed in their exact location? A. Yes, sir, the 40

Walter E. Roberts—Cross

center dots on the diagram represent the trunk of each tree.

Q. They were placed there by measurement and by scale on the map? A. Yes, sir. There is one feature, if I may add, that I didn't refer to.

Mr. Hauck: Go ahead.

10

The Witness: There is a stone wall that is represented by these lines here. I didn't mention that before. The wall is, I presume, three or four feet above the ground.

By Mr. Pope:

Q. You mean three or four feet high? A. Yes.

20

Mr. Pope: That is all.

Mr. Hauck: Is there any objection to offering this in evidence at this time? I offer it, your Honor, and ask the stenographer to mark it.

The Court: It will be admitted as S-3.

Mr. Pope: Tell me once more what the 30 scale was.

The Witness: One inch to five feet.

(The paper was received in evidence as Exhibit S-3.)

Mr. Hauck: Now, Mr. Stenographer, while you are here will you mark the upper map on the left hand side S-4 for Identifi- 40

Walter E. Roberts—Direct

cation. And this lower map, while you are here, is S-5, please, for Identification.

By Mr. Hauck:

Q. Now, Mr. Roberts, will you take the map marked S-4 for Identification and tell us what the upper diagram represents. A. The upper diagram represents the second floor plan of the Lindbergh house.

Q. And what does the lower diagram represent? A. The first floor plan.

Q. Was this map made by you or under your personal supervision? A. Yes, sir.

Q. And is it an accurate map? A. Yes, sir.

Q. Does it truthfully depict, both of these diagrams truthfully depict the situation as it was when you were there? A. Yes, sir.

Q. When you made the maps? A. Yes, sir.

Q. Take the upper diagram and explain to the Court and jury what it represents. Describe it. A. As in the plan, the S-3, the shaded areas represent the walls on this diagram, this upper diagram. The rooms are marked from the evident use. No furniture in them,—many of them,—when I was there. But it was evident their use, and I marked them so on my plan. In other words, this room here, marked a bedroom, corresponds to this room here on S-2—isn't that it?

Q. That is right.

By Mr. Pope:

Q. That is the nursery? A. That is it. And back of that is a bath and back of that is a bathroom. Just to the west of this corner room is a bath, then a bedroom, another bedroom, a long hall, stairs going to the first floor at this point, closets,

Walter E. Roberts—Cross

an opening to a window, a bath at this point connected with the southwest corner of that floor, a bedroom north and across the hall from the southwest corner, stairs to the lower floor, and two bedrooms and a bath over the garage, on this northwest wing. The north point is shown as on the other drawings, the direction of north is shown on the plan. This north point is not from a compass but is merely for convenience in referring to the sides of the building, which would be the northerly, southerly, or easterly or westerly side, and is not an accurate portrayal of the north on that drawing—it is merely for convenience.

By Mr. Hauck:

Q. Now, Mr. Engineer, will you give us the scale of both of those diagrams, please? A. They are one inch equals five feet.

Q. And they are both the same scale? A. Yes, sir.

Mr. Hauck: You may cross-examine, Mr. Pope.

By Mr. Pope (voir dire):

Q. May we have the engineer mark the room which has been referred to as the nursery with the letter "N" with a red pencil. Any objection to that?

The Court: Any objection to that?

Mr. Hauck: No objection, your Honor.

The Court: It may be done.

(Witness marks map as indicated.)

Walter E. Roberts—Cross

The Court: Mr. Engineer, what did you say the scale was?

The Witness: One inch equals five feet.

The Court: Proceed.

20 Q. What is the size of the room marked with the red "N" representing the nursery? A. Fifteen by approximately—13 and 10½, 13, 10½.

Q. I see to the north of the Room marked "N", a north hallway? A. Yes, sir.

Q. Is that the same hallway that you referred to on the other map that the door led out into? A. The door on the north side of this room marked "N", this door in S-2 corresponds with this door in S-4.

20 Q. And you told us this morning, I think, that the door at the northwest corner of the map on S— A. 2.

Q. —on S-2, no, the door in the southwest corner of S-2 led out into another hallway. Will you show us where that hallway is on that map? A. There is a small hallway between the room marked "N" and the bath, this is the door shown on map No. 2. There are two doors there, here, here, and a door from this bedroom.

30 Q. Did you locate the library while you were there? A. Yes, sir.

Q. And where is the library? A. The library is on the southeast corner of the first floor shown on the lower diagram at this point.

Q. And with reference to the room marked "Nursery", where is that? A. It is directly underneath the room marked "Nursery".

Q. Did you notice any desk in the library when you were there? A. No, sir.

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Walter E. Roberts—Cross

Q. There was no desk there or you didn't notice it? A. I didn't see any.

Q. Does the window shown in the library and on the southerly wall of the diagram correspond with the window in the upper room, the room immediately above marked "N"? A. Yes, sir.

Q. And is that window directly above the window that looked out from the nursery? A. I 10 didn't understand the question. I am not sure of what you are asking me.

(The question was repeated by the reporter.)

Q. (Question repeated.)

Mr. Pope: Well, I am afraid that is not what I asked him. I will reframe it. 20

The Reporter: May I read the question before,—it joined in,—I took his interruption.

Mr. Pope: Go ahead.

(Questions and answers repeated by the reporter as follows: 20

"Q. There was no desk there or you didn't notice it? A. I didn't see any.

"Q. Does the window shown in the library and on the southerly wall of the diagram correspond with the window in the upper room, the room immediately above, marked 'N'? A. Yes, sir.

"Q. And is that window directly above the window that looked out from the 40

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Walter E. Roberts—Cross

nursery? A. I didn't understand the question.")

A. The window—This is a window in the southerly face, southerly side of the library, and the window in the southerly side of the room marked "N" is directly above the window in the library.

10

By Mr. Pope:

Q. Did you notice whether those windows are casement windows or whether they are fitted with sashes which slide up and down? A. The windows on the first floor are casement windows, they are practically doors—they are high French windows, they would be called.

Q. We know what you mean by casement windows. A. The windows in the front of the house—I will have to refer to my notes about these particular windows. These are casement windows here, I am quite sure.

20

Q. The only one that I am interested in is in room marked "N." A. May I refer to my notes?

Q. If you wish.

Mr. Hauck: Yes, refer to your notes.

30

Mr. Pope: Yes, surely.

A. Mr. Gauss has my notes here. (Papers handed to the witness.) Yes, that is a casement window; this is a casement window here.

Q. Now, you say "this is a casement window here." That does not mean anything on the record. A. All right. That is the one you asked me the question about.

Q. You are pointing to the window on the southerly side of the room marked "nursery,"

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Walter E. Roberts—Cross

right? A. Yes, sir; and that window is a casement window.

Q. That window is a casement window? A. Yes, sir.

By Mr. Pope:

Q. One that the windows open in or open out? 10
A. Open in.

Q. And it does not slide up and down? A. No, sir.

Q. Are there also casement windows on the east side of the house downstairs? A. No, sir.

Q. They are windows that slide up and down? A. Yes, sir.

Q. Are the windows on the east side of the second floor casement windows or windows that slide up and down? A. Double sash windows that slide up and down. 20

Q. Did you take particular notice of that window on the south side of the nursery? A. Yes, sir.

Q. That was one of the windows that you went there to examine and to locate and to put on your diagrams, wasn't it? A. Yes, they were all—

Q. But I mean that one in particular, wasn't it? A. No.

Q. Now, will you tell the jury how that window was fastened? 30

Mr. Large: I think it is important, your Honor, to indicate what time he is referring to.

Mr. Pope: At the time the engineer was there, Mr. Large.

Mr. Hauck: Will you point to the point at the time? 40

Walter E. Roberts—Cross

The Witness: As far as I remember I don't think the window was fastened when I went in the room.

Q. No, I meant was it equipped with a lock so that it could be fastened? A. I didn't notice that.

10 Q. You didn't notice whether it was a bolt lock or what? A. No, sir.

Q. Did you notice the method adopted to fasten any of the windows in the house? A. Yes, sir.

Q. And what particular windows did you notice? A. I noticed the window, the south window on the east side because I had to open that window to make my measurement to the ground.

Q. When you say on the southeast side, you mean the southeast side of the nursery, do you? A. The southeast side of the nursery and the building.

By Mr. Pops:

Q. How was that window fastened? A. An ordinary window catch similar to the window catches in this room.

Q. Were they all casement windows on the first floor? A. The windows on the south side were casement windows, yes, sir.

20 Q. The windows on the other three sides of the house were slide windows? A. Yes, sir.

Q. Did you notice whether all of the windows on the second floor were equipped with locks? A. No, sir.

Q. Did you notice whether they were all equipped with locks on the first floor? A. No, sir.

Q. Will you tell us how many ways there are, how many stairways leading from the first floor to the second floor? A. Two.

40 Q. Will you point them out on the map for us?

Walter E. Roberts—Cross

A. On the first floor plan they are marked "Up" as leading to the second floor, there is a stair leading to the right of the entrance in the main hall and a stair just to the south of the garage entrance leading to the second floor.

Q. The one that you are speaking about now, is that from what would be the kitchen wing of the house? A. Yes, sir.

Q. And the other one? A. The stairs correspond on the upper diagram, but they are marked "Down" instead of "Up".

Q. I see. Recurring to the diagram of the lower floor, the stairway leading to the second floor is immediately to the left of the front door or main entrance as you come in the door and then turn? A. There is a closet that you must pass before you start upstairs.

Q. You turn around a small closet? A. Yes.

Q. And then turn to your left? A. Yes, sir.

Q. And go up the stairs? A. Yes, sir.

Q. Do you go north first and then turn? A. That is right.

Q. And then turn east? A. Yes, sir, and south at the top. There is a landing at the top.

Q. Will you show us where the dining room was? A. The southwest corner of the house indicated here (indicating on map).

Q. Have you a scale ruler there? A. Yes, sir.

Q. Will you tell me how far it is from the library from the dining room? A. They are adjoining rooms. A. (continued) Oh, I beg your pardon. At what point do you wish that measured?

Q. Well, from the wall. A. From wall to wall?

Q. Yes, from wall to wall. A. 29 feet.

Q. Can you tell me how far it is from the top of the stairway landing on the second floor to the door leading into the nursery? A. From the

Walter E. Roberts—Cross

center of the top step, as it arrives at the second floor, to the center of the door leading into the nursery, is five feet and two inches.

Q. Five feet two inches? A. Yes, sir; the door is right here.

Q. Now, can you show the jury how one would get from the kitchen wing up to the nursery?

10 A. From the kitchen wing to the nursery, you could go two ways.

Q. All right; give us one way first, taking the stairway leading from the servants' quarters or from the kitchen. A. I will take the kitchen as being the important section of the kitchen wing. You would go through a door on the west side of the kitchen and walk six or seven feet, to a doorway on the north side of a hall, turn immediately to your right and up the stairs, come out at this point, corresponding point on the second floor. Then you would come through, you go a short passage past a closet, turn to the right through the long hall.

Q. No, you turn to the right and then to the left, wouldn't you? A. Continue to the right and then turn to the left here.

Q. That is right. A. Turn to the right here, to the left at this point, follow through that hall, then through these two doors into the nursery, that would be one way.

Q. Now will you tell me— A. That would be one way.

Q. Will you tell me the distance from the center step, from the center of the top step in the upper hall to the door leading into the nursery. A. Well, which stairs, please, Mr. Pope?

Q. The one that you have just described. A. The one I just described?

Q. The stairway leading from the kitchen, the kitchen window. A. I omitted one thing in telling

Walter E. Roberts—Cross

you, that you have to rise two steps from the kitchen window hall on the second floor to the main level. (The witness scales the map.) 64 feet and 9 inches, by the scale 64 feet and 9 inches.

Q. 64 feet and 9 inches? A. Counting the turns, all turns.

Q. And that is approximately correct? A. Yes, 10 sir, including all the turns.

Q. Including all the turns.

Mr. Pope: I would like to ask the engineer, if your Honor please, to trace on the map with a red pencil for the benefit of the jury the course one would travel in going from the top step in the second hall of the stairway leading from the kitchen wing to the nursery door which he has just described in number of feet. May I have that done? 20

The Court: Has the State any objection?

Mr. Large: Yes, your Honor please.

Mr. Hauck: The State will object to it on the grounds that it is irrelevant and incompetent as far as we can see. 30

Mr. Pope: Well, it may be incompetent and irrelevant so far as you can see, but so far as we are able to see this case, we think it is very important.

The Court: It does not appear to the Court at the moment that it is so far relevant as to justify the marking of this map 40

Walter E. Roberts—Cross

in that fashion. It may be that later on the proofs will develop that some such marking as that might be advantageous.

Mr. Pope: May we hold our request in abeyance then?

10 The Court: You certainly may, but we will not mark the map at this time.

Mr. Pope: All right.

By Mr. Pope:

20 Q. May I ask you this question, sir: Are those two diagrams delineated upon the map which you have just been describing so accurately and so carefully drawn to a scale that the jury can, or we can, any of us, by taking a scale ruler and measuring by any two points that we select obtain the exact distance between those points? A. Yes, sir.

Q. Using a one inch equals five feet scale? A. Yes, sir.

Q. You are quite sure of that, are you? A. Yes, sir.

30 Q. Was this map drawn by you yourself or by— A. Yes, sir.

Q. (continued) —one of your assistants? A. (Nodding.)

Q. And did you yourself scale all of the diagrams? A. Yes, sir, I measured the distances on the building myself.

Q. Oh, of course. So then you know that the scale is correct and that the diagram is correct? A. It has been checked. After I finished it, it was returned to the building and rechecked to

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Walter E. Roberts—Cross

see that all the lines correspond with the lines in the house.

Mr. Pope: Those are all the questions I have with relation to this map and we have no objection to its admission.

Mr. Hauck: We offer it at this time 10 then, your Honor.

The Court: This is No. 4?

Mr. Hauck: Yes, sir.

(The map was received in evidence and marked State Exhibit No. 4.)

Mr. Pope: May I ask the engineer a 20 question about the first map?

The Court: Surely.

By Mr. Pope:

Q. I believe I asked you this morning, but there seems to be some doubt in counsel's mind: will you give us the exact distance or can you give us the exact distance from the top of the sill of the lower window on the — that is the southwest side — the southwest side of the house as shown on the map marked "east elevation"? 30

Mr. Hauck: Are you referring, Mr. Pope, to S-2?

Mr. Pope: Yes, I will put that in—to the top of the bottom sill of the window im-

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Walter E. Roberts—Cross

mediately above it as shown on the diagram marked S-2?

Mr. Hauck: Just a minute. I understood Mr. Pope to say the southwest corner.

10 I believe he means the southeast corner,—do you not?

Mr. Pope: It seems to be the southwest corner. Is the southeast corner? I mean this window sill (indicating on map). Is that the southeast corner?

The Witness: Yes.

20 Q. So that there may be no mistake about it, then I am referring now to the window of the library downstairs to the window of the nursery upstairs. A. That distance is 9 feet and 10 inches.

Q. Is that marked on the map? A. It is marked—

Q. Or did you scale that? A. No. It is marked by two, two dimensions, which I totalled.

Q. You simply add— A. Yes.

30 Q. Then by adding these two dimensions we can get that distance? A. Yes, sir.

Q. At any time. A. Yes, sir.

Q. And I believe you told me that the distance from the ground to the top of the sill of that lower window was— A. 4 feet and 5 inches.

Q. 4 feet and 5 inches.

Mr. Fisher: How much from the ground?

40 Q. In looking at these windows that I have just been talking about—namely, the one in the library

Walter E. Roberts—Cross

and the one in the nursery upstairs—the map seems to indicate that the downstairs window is a 12 pane window, is that correct? A. Yes, sir.

Q. And the one upstairs is also a 12 pane window. A. Yes, sir.

Q. Are you quite sure that the upstairs window was not a double-sash window? A. I said that it was.

10 Q. I understood you to say that it was a casement window. A. No.

Q. Now I either misunderstood you or you mis-spoke yourself. A. I asked you— When you asked me the question I said I wanted to be sure that I was answering about the window that I thought you wanted me to answer. You asked me about this window here (indicating), the south window of that room.

20 Q. Well, I didn't mean to, I am sorry. I now ask you, then, about the window leading into the nursery shown on the east elevation of the map. A. That is a double-sashed window.

Q. Marked S-2. And it slides up and down? A. Yes, sir.

Q. And how was that fastened? A. It was fastened with a lock similar to the ones in this courtroom, an ordinary window catch.

Q. That is— A. Moved horizontally.

30 Q. By that, you mean, of course, the record doesn't show what was in this courtroom—you mean by that that there was a catch on the top of one sash which turned around and locked into a lock on the other sash? A. That is right.

Mr. Pope: Now, may I ask the witness at this time something about the terrain of the country over there I am through with this map.

Walter E. Roberts—Direct

Mr. Hauck: Well, I have no objection, except I am not through with the direct of this witness yet, your Honor.

Mr. Pope: Oh, that will be all right.

Mr. Hauck: I have another map.

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Mr. Pope: All right, go ahead.

By Mr. Hauck:

Q. Mr. Roberts, I would now like you to look at this bottom map which is marked S-5 for identification. What does that map represent? A. The map marked S-5 is a map prepared, it is an enlargement of a section of the official geodetic map of the State of New Jersey.

20

Q. Was it prepared by you? A. Yes, sir.

Q. And was it prepared from standard maps? A. Yes, sir.

Q. And what does it represent? A. It represents the countryside, the area in the immediate vicinity of this Lindbergh property, the indication on the map, the house is at a point about the center of the map, and the red line on the right-hand side represents State Highway No. 31; the red line on the westerly, on the left-hand side represents State Highway 30.

30

Q. Does that map show which county the Lindbergh home is in? A. Yes, sir.

Q. Which county? A. In Hunterdon County, it is north of the county line at about the center of the map.

Q. And what is the scale of that map? A. That map is a scale. Due to the fact that it is an enlargement, is not on an actual scale, I have a scale which actually fits it, but it is approximately 2 3/4

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Walter E. Roberts—Cross

inches to the mile, due to the fact it is an enlargement. I would not want to say it is exactly 2 3/4 inches to the mile, but it is very close to that.

Q. And is that map an accurate and true picture of the territory as you saw it when you made the map? A. It is a true reproduction of the official State map.

Mr. Hauck: I offer the map at this time, your Honor.

10

Mr. Pope: Well, I want to ask the witness some questions before I decide whether to object to it or not.

The Court: You may proceed.

By Mr. Pope (voir dire):

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Q. Did you make this entire map that you are now referring to? A. I made the small original tracing, as I say, this is an enlargement, I made a tracing from which this is made. My tracing is made from the original the official map of the State Government.

Q. Well, this official map that you call it, that is a map that you obtained where? A. It is one that I have had for several years, it is issued by the Department of Conservation Development in Trenton, available to the public, anyone can have it.

30

Q. And, of course, you do not know that that map was made from an actual survey or not, do you? A. No, sir.

Q. You merely assumed that that map was approximately accurate? A. From my knowledge of that country I know it is a good representation

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Walter E. Roberts—Cross

of the road and the general layout of that country for the purposes of—

Q. Well, that is not what I asked you. A. I am telling you what I know about it.

10 Q. Oh, I see. Now, after you made your tracing from the State map that you refer to, how did you make this enlargement? A. By what is called photostats, enlarging it, then printing from the enlargement it is made, as you will notice, if you look closely, it is made in four sections pasted together, matched together.

By Mr. Pope:

Q. Well, you mean you enlarged it with an enlarging camera? A. Yes. Not I personally, I did not.

20 Q. Who did that? A. I had that done for me, in Trenton.

Q. Oh, you sent the tracing out to some establishment and had the photographic copy made from that, the photographic enlargement made from the tracing which you made? A. And then I compared this map which I received back with my original, to see if they had properly enlarged it and had shown the features which were on my tracing and found that to be so.

30 Q. Will you tell me once more what you have determined to be the approximate scale of the map that you are now speaking of. A. Two and three-quarter miles to one inch.

Q. How nearly is that correct? A. That is correct within a quarter of a mile, I would say.

Q. Will you show me between what points on this map you made your check in order to determine the correctness of the map and its distances.

A. I made a check—

40 Q. Here is the pointer down on the floor. A. I

Walter E. Roberts—Cross

have two points on the county line that you can accurately measure, a monument here at the road and a monument, 1552 feet—I have the exact figure of 1552 feet on a two and three-quarter mile scale; to a fraction of a foot it would be impossible to tell.

Mr. Hauck: Speak out, please.

10

The Witness: I mentioned that the distance between these two monuments was 1552 feet. I haven't named the fraction because it would be impossible to show any fraction of a foot on a two and three-quarter mile scale. 1552 feet is a little over a quarter of a mile to the inch. It would be a little over a quarter of a mile, less than a third.

20

Q. Take the measurements from the center of the red dot? A. Yes.

Q. The direct center? A. From the edge of this door, Mr. Pope, the west edge of that black line. It is six-tenths of a mile from the house to the public road which checks also with this scale very closely. Here is a half mile and we are just about another tenth beyond that. That with the actual measurements which I had to check that—it is right in one particular and compares favorably with the known angles and so forth.

30

Q. Just take your scale ruler and check that with that, and see if that isn't very much more than six-tenths of a mile. A. I can't check it with this ruler, sir.

Q. Can't you calculate it? A. I have already got it on here, on this green sheet. I know it is correct because I have taken the time to calculate that and properly mark it.

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Walter E. Roberts—Direct

Q. And are those the only two points that you checked up on that map? A. No, sir; I also—

Q. What other points did you check? A. I compared—

Q. To test the accuracy of the map. A. I compared the portions shown on S-5 with my S-1 map—P-1.

10

Mr. Hauck: S-1.

Q. S-1. A. S-1, and find that they are sufficiently similar to consider this map correct. If you ask how many miles it is from the Lindbergh house to State Highway 31, that I could tell you within a quarter of a mile.

Q. But you could not tell us exactly, could you? A. No, sir.

20

Mr. Pope: We have no objection to the map if it is offered for the purpose of illustration of the general surroundings.

The Court: I take it that that is its manifest purpose.

Mr. Hauck: That is all we are offering it for, your Honor.

30

The Court: It will be admitted for the purposes of illustration.

(Map of area in immediate vicinity of Lindbergh property received in evidence and marked State Exhibit No. 5.)

By Mr. Hauck:

40 Q. Now, Mr. Roberts, going back to S-1, will

Walter E. Roberts—Direct

you again tell us, point again for the jury to the Lindbergh home and the lane, on that map? A. The Lindbergh home is this mark at about the center of the drawing; the double lines, practically parallel lines, which lead first to the north, then to the east, southeast, from there, represent the lane leading to the road.

10

Mr. Pope: That does not mean a thing on the record and that is very important. We would like to have that on the record, so that the record will be clear.

Mr. Hauck: Well, I will try to get it on the record.

By Mr. Hauck:

20

Q. You are now referring to the double set of lines going from the Lindbergh—the diagram in the middle of the upper section known as the Lindbergh home, and leading to the road known as the Wertsville-Hopewell Road, is that right? A. I would rather identify that road as the road from Buttonwood Corners to Hopewell. There are other roads leading to Wertsville and Hopewell.

Q. What does the double set of broken lines represent at the south of what you have now designated as the Lindbergh lane? A. An unused wood road, what was evidently a wood road in its former times. There are no wheel tracks in the road now.

30

Q. Is the entire Lindbergh Lane in the county of Hunterdon? Yes, sir.

Q. And is the wood road in the county of Hunterdon? Yes, sir.

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Walter E. Roberts—Direct

By the Court:

10 Q. Please point out the Lindbergh Lane. A. The Lindbergh Lane is shown in the solid line leading from this spot in the center of the map which indicates the house. It leads northerly for a short distance and then to the east and then south east until it intersects the road from But-

tonwood Corners to Hopewell.

Q. It is between those parallel lines. A. Yes, sir. The length is 3,300 feet.

20 Q. Where is the wood road? A. The wood road starts approximately 600 feet—that is an estimate from observation at the present time on this map—approximately 600 feet in toward the house from the public road and then runs almost due west, then north and then westerly again and is indicated on the map by a dash line, a broken line, a double broken line.

By Mr. Hauck:

Q. Mr. Roberts, is the Lindbergh home entirely in the county of Hunterdon? A. Yes, sir.

30 Q. What is the distance from the county line to the wall at the front of the Lindbergh home? A. The distance from the county line to the point, to the lower edge—

Q. Referring now— A. On S-3—to the paved porch it is 870 feet.

Q. Will you take your pointer and go over that line for the jury if you will? A. It is marked here in pencil the distance from the southerly face of the paved porch of the Lindbergh house to the county line is a distance of 870 feet.

Mr. Hauck: Cross examine, Mr. Pope.

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Walter E. Roberts—Cross

CROSS EXAMINATION BY MR. POPE:

Q. May I ask you the last distance that you gave us from the face of the porch wall to the county lane—that is an airline distance? A. Yes, sir.

10 Q. There is no pathway leading along that point or roadway? A. I didn't measure that myself. My man measured it. It is measured with a horizontal—

Q. Did you scale it yourself? A. Beg pardon?

Q. Did you scale it? A. Yes, sir.

Q. Then you are testifying from scale? A. No, I am testifying from my field notes, which indicate that that is 870 feet and the house is placed on the map 870 feet north of the county line in accordance with the measurements taken.

20 Q. Yes. But that distance was measured by one of your men, you say? A. Yes, sir.

Q. Now I am asking you does that distance which you have given us and which somebody else made check with the scale on the map? A. Yes, it does.

Q. Do you know that? A. Well, I put it there; it has to check.

Q. Well, will you scale it for me then, scale it on S-1. A. (The witness made a reply that was inaudible.)

30

Mr. Large: I submit we cannot understand or hear the conversation.

The Witness: I don't think he was asking a formal question.

Mr. Pope: No. Just tell it out loud.

The Court: You are quite right about that, Judge Large.

40

Walter E. Roberts—Cross

Mr. Pope: State it out loud. Tell the stenographer what you told me.

The Witness: I say that the distance measured on this scale is 870 feet, about 830. There is a slight amount of shrinkage on that print, I imagine. 30 feet is a very small distance on a scale of 375. It is a tenth of an inch.

By Mr. Pope:

Q. How far is it from the Lindbergh house to the nearest point of the Mercer County line? A. 870 feet.

Q. Wait a minute. As one would travel by road or using the ordinary passageway leading from the Lindbergh house to the Mercer County line? A. 3515 feet, using the lane and the public road.

Q. I would like to ask the engineer some questions about the general condition of the country there.

Mr. Pope: Now, I would like to ask the gentleman about the general terrain of the country there. In the first place, I observe—

Mr. Hauck: Now, may it please the Court, I do not object, but I do not understand it is the cross examination of the witness at this time.

Mr. Pope: This is cross examination.

By Mr. Pope:

Walter E. Roberts—Cross

Q. I observe on the map marked S 1 some irregular curling lines, starting at a star in the southwesterly corner of the map and to the right of the road leading from Hopewell to Van Lews Corners and curving upward on an irregular course toward the Mercer County line, then very much enlarged and curving to the south and also upward and crossing the Mercer County line and running around the Lindbergh lane to a point almost at the intersection of the wood road with the Lindbergh lane. Then, those thin out and continue northeasterly and cross the public road leading from Hopewell to Buttonwood Corners and then on over to the road leading to Zion. What does that represent? A. That represents the edge of what I consider a heavily wooded ground.

Q. Then are we to understand that the upper side of these irregular lines is wooded ground? A. Yes, sir.

Q. Heavily wooded ground? A. Yes, sir.

Q. And then the Lindbergh Yard, if we may call it such, was cleared off out of that wooded space?

A. Very much cleared in comparison to the area indicated by these lines.

Q. I see. A. There are trees in this other area.

Q. Now how far back toward Wertsville does that wooded country continue? That would be north. A. Oh, about two miles, I should say, possibly three.

Q. Now I want to call your attention to this diagram. I don't see the mark here. A. S-5.

Q. S-5; and I call your attention to the irregular lines about in the center of the map. There are two rows of them. They look like mountains used to look in our school geographies. What does that represent? A. That is what they are intend-

Anne Morrow Lindbergh—Direct

ed to indicate, more or less the outline of what is known as Sourland Mountain.

Mr. Pope: That is all.

10 Mr. Hauck: That is all, Mr. Roberts. Thank you.

Mr. Wilentz: Mrs. Lindbergh.

ANNE MORROW LINDBERGH, sworn as a witness on behalf of the State.

20 Direct Examination by Mr. Wilentz:

Q. Mrs. Lindbergh, you are the wife of Charles A. Lindbergh. A. I am.

Q. And where do you reside, madam? A. My legal residence is in East Amwell Township, Hunterdon County. I have been living in Englewood, New Jersey.

20 Q. When you say East Amwell Township in Hunterdon County, you mean the home which you occupied in March, 1932. A. I do.

Q. Now specifically referring to March 1, 1932, you were then living in and occupying the home in Hunterdon County, were you not? A. I was.

Q. And will you please tell us on the first day of March, 1932, about the household? A. The occupants of the household?

10 Q. Yes. A. I was there myself and my son, Charles A. Lindbergh, Jr., Mrs. Elsie Whatley, her husband Oliver Whatley, and later in the afternoon Betty Gow.

Anne Morrow Lindbergh—Direct

Q. So that the household on that date consisted of yourself and also Colonel Lindbergh in the evening? A. In the evening.

Q. And Mr. and Mrs. Whatley and Betty Gow and your infant son? A. Yes.

Q. How old was he? A. Twenty months.

Q. He was born in June, 1931? A. June 22nd, 1930.

10 Q. 1930. And had you come down to Hunterdon that day or prior to that time from Englewood? A. We came down February 27th—let me see.

Q. It would be a Friday? A. Friday.

Q. Yes, ma'am. And you stayed during the entire week end? A. Yes, stayed during the entire week end.

Q. And I think March 1st, 1932, was a Tuesday, wasn't it? A. It was.

20 Q. Now, referring specifically to that Tuesday, you were there all day? A. All day; yes, sir.

Q. And your son was there all day? A. Yes, he was.

Q. Did you leave the premises at all that day? A. I left for a short walk in the afternoon, after Miss Betty Gow had arrived from Englewood to take care of the baby.

Q. What time did Miss Gow arrive? A. About 1:30 in the afternoon.

30 Q. And when she arrived, then you went for a short walk? A. I went for a walk in the middle of the afternoon.

Q. Did you walk alone? A. I went alone.

Q. And about how long were you away? A. Not very long; I could not definitely say, about fifteen, twenty minutes, perhaps half an hour.

Q. And when you returned were Mr. and Mrs. Whatley and Miss Gow at home? A. They were all at home.

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Anne Morrow Lindbergh—Direct

Q. And the child? A. And the child.

Q. Now, during that day had you played with Charles, Junior, spent much time with him? A. I had been with him all morning, I put him to sleep for his nap about one; and in the afternoon I played with him after he awoke from his nap.

10 Q. Now, in connection with the times that you did play with him in the afternoon, was there one occasion while he was up in his nursery and you were downstairs and you played from the downstairs to the window? A. After I returned from my walk, I walked around from the driveway under his window and tried to look for him. I attracted the attention of Miss Betty Gow by throwing a pebble up to the window, and she then held the baby up to the window to let him see me.

20 Q. When you speak of the window, Mrs. Lindbergh, you are referring to the east window. Would you like to look at the map, the drawing, this being the first floor plan and this being the second floor plan, the arrow pointing to the north, and I take it to my right would be east? You threw the pebble up to the nursery window, did you not? A. I stood under both windows.

Q. Under both windows. And on the side there is just one window, is there? A. There are two—
30 well, yes, there are two windows on that side.

Q. And you stood underneath each? A. No, I stood under this one furthest down.

Q. Would you mind stepping down, Mrs. Lindbergh, please. May I have the pointer. A. I stood first under this window and then under that one.

Q. Pointing first to the easterly window and then to the southerly window. Then you threw the pebble up towards which window? A. I don't
40 remember.

Anne Morrow Lindbergh—Direct

Q. You don't remember. Now you may step back, please. Did you strike the window? A. Yes.

Q. And Miss Gow's attention was then attracted to your presence downstairs? A. Yes.

Q. And you say she then exhibited the baby? A. She held the baby up to the window.

Q. Was the window then open? A. No.

Q. It wasn't? And in that procedure and particularly that time that you were throwing the pebble up and walking along the walk there, do you recall your walking on the wooden walk or did you get off of it? A. I walked from the driveway along by the side of the house where it was quite muddy and then on to the flagstones, flagstoned porch at the back.

Q. Well, with particular reference to the easterly side of this house and particularly with reference to that portion of it underneath or near that portion which would be underneath the east window, you say you did walk in the mud there? A. Yes.

Q. Was the condition of the ground such that when you walked there you left foot prints of your walk? A. It was.

Q. So that in the afternoon, as I understand it while walking around on the east side of that building in the vicinity of that portion of the house which would be immediately underneath the east window, the second floor east window, you left your foot prints. A. I did.

Q. Then too as I understand it there was a little wooden walk there, was there not? A. Yes, there was.

Q. It extended along the east side of the house, did it, Mrs. Lindbergh? A. It did.

Q. You recall about how wide it was and what it was? Give us your best judgment on it. A. As I remember it I should say that it was the width
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Anne Morrow Lindbergh—Direct

of two planks, if not wider, I cannot recollect that completely.

Q. A sort of irregularly placed walk I take it? Or quite regular? A. It was not a regular walk placed there.

10 Q. After that—that was about what time in the afternoon, would you say? A. It was, say, around three-thirty— I cannot give it exactly.

Q. Will you tell us then, if you don't mind, please, what you did for the rest of the afternoon and how you spent your time? A. After my walk, I went up into the baby's bedroom where I found Miss Betty Gow and Mrs. Whatley. Then I went down again, I think, into the sitting room. About five o'clock I had the baby down in the sitting room playing with me. He left me to run into the kitchen. After that I did not see him until I went
20 up into the nursery about 6:15 or after, when he had almost finished his supper. From that time on for about an hour or a little more than that, I was with the baby, helping to dress him and prepare him for bed.

Q. Now, during the afternoon, as I understand it, you stated that you were with the child and the child was playing around. Will you tell us about the child, about his playfulness that day. Was he a normal child? A. He was perfectly
30 normal.

Q. Healthy? A. He was very healthy.

Q. Playful? A. He was a great deal better than he had been the preceding two or three days when he had had a cold, slight cold.

Q. Was he able to talk yet? A. He talked.

Q. To what extent, Mrs. Lindbergh? A. I don't remember any particular conversation on that afternoon. Of course, he called for all the members of the household by name, and he played
40 about the floor with me in the living room.

Anne Morrow Lindbergh—Direct

Q. Did he understand when he was addressed, understand what was being said to him? A. He did.

Q. And did he know the toys by name? And his food, was he able to tell about his cereal and his toys and things of that kind, that took up his immediate life? A. Is that a question?

Q. Yes, ma'am. A. Yes.

Q. Will you tell us, please, what was the color
10 of his hair? A. It was light golden.

Q. Was it curly? A. It was curly.

Q. And the color of his eyes, please? A. Blue.

Q. I show you a picture and ask you if that is a picture of the child? A. It is.

Mr. Wilentz: I offer it in evidence.

Mr. Large: It ought to be marked. 20

Mr. Wilentz: I offered it in evidence.

The Court: No objection; it will be marked.

(The photograph was received in evidence as State Exhibit S-6.)

Q. Will you please, to the best of your ability
30 and recollection, describe the nursery room for us? A. Do you mean the placing of the windows, or—

Q. Yes, ma'am, and generally about the room as best you can, and the condition in which it was the night of March 1st, 1932. A. As you enter the nursery from the hall you face a large French window. Just below the French window was a window box with two doors below it which opened
40 out, for toys.

Anne Morrow Lindbergh—Direct

Mr. Wilentz: Pardon me just a minute. If your Honor please, can we not have—there seems to be so much noise right in back of me that I just cannot think.

The Court: Everybody will please remain as quiet as possible.

10

Q. Yes, ma'am, please. A. As you entered the nursery from the hall there were two windows to your left, sash windows. Between them was a fireplace and a mantel. To the left of the door as you entered was a small chiffonier. To the right of the door was a table. On the wall facing the two windows there was a door into a closet. That is to your right. The crib faced the fireplace, running along the length of the wall. Between the crib and the French window was a screen covered with paper of a colored design.

20

Q. What sort of paper was that that you talked of, of colored design? A. With small figures. Small toy figures on it. The general colors were pink and green.

Q. Pink and green, you say? The general colors were what? A. Pink and green.

Q. Pink and green. Was that screen used to—
A. Protect the crib from drafts.

30

Q. Does this picture correctly portray the screen and the crib? A. It does.

Q. The very ones that were in that room that night. A. Yes.

(Hands photograph to defense counsel.)

Mr. Wilentz: May I proceed while counsel is examining that? I understand there is no objection to it being in evidence.

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Anne Morrow Lindbergh—Direct

Mr. Reilly: No, none at all.

Mr. Wilentz: I therefore offer it.

The Court: It will take the usual order.

(The photograph was received in evidence and marked State Exhibit No. 7.)

10

By Mr. Wilentz:

Q. I exhibit to you another picture, Mrs. Lindbergh. Does that show the east window, the sash window so called? A. Yes.

Q. And also the dresser? A. And the dresser, yes.

Q. And those articles exhibited and shown by this picture, Mrs. Lindbergh, are exactly as they were on March 1st, 1932? I don't mean with reference to the exact position,—but in the room? A. Exactly, as I can remember.

20

Q. Exactly, as far as you can remember.

Mr. Wilentz: I therefore offer that.

Mr. Reilly: I assume, Mr. Attorney General, they were taken right at the same time, or shortly thereafter?

30

Mr. Wilentz: She says so. She says it indicates the exact condition at that time. I don't know when they were taken.

(Photograph received in evidence and marked State Exhibit S-8.)

Q. I show you another picture which shows the crib and a little table and other articles of furni-

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Anne Morrow Lindbergh—Direct

ture; were those articles of furniture in that room on March 1st, 1932, as they are shown in this picture? A. They were.

Mr. Wilentz: I will offer it first before I refer to it.

10 Mr. Reilly: No objection.

Mr. Wilentz: I offer it in evidence.

(The photograph was received in evidence as State Exhibit S-9.)

Q. I notice in Exhibit S-9, that is the picture before me, there is a tray with some articles upon it. Were those articles there that night? A. They were.

Q. And what are those articles, if you know? Is it a food tray or a medicine tray? A. It is a tray of articles for the bath of the child.

Q. I see. A. And one container of medicine.

Mr. Wilentz: That has been marked.

30 If any of the members of the jury are unable to hear either counsel or the witness, I am asking the jury through the Court if they won't please say so.

The Court: Yes; do you apprehend that the jury is not hearing?

Mr. Wilentz: I understood that possibly some of the jurors do not hear.

40 The Court: If the jurors do not hear

Anne Morrow Lindbergh—Direct

the testimony, let them speak up and we will see to it that they do hear.

Mr. Wilentz: I really can talk much louder, if your Honor please.

Q. Now, Mrs. Lindbergh, does this correctly depict, and is it a correct and accurate picture of the baby's crib as it was in that room on that night of March 1st, 1932? A. It is.

Mr. Wilentz: I offer it in evidence.

(Photograph was received in evidence and marked State Exhibit S-10.)

Q. Will you look at Exhibit S-10, please, and tell me whether or not there are any pins shown by that photograph? A. I do not see them.

Q. All right. I want to show you two more pictures of that room from different views and ask if they correctly indicate the room, a certain portion of the room that night? A. Yes, they do.

Mr. Wilentz: I offer them in evidence.

(Photographs referred to were received in evidence and marked State Exhibit Number S-11 and State Exhibit Number S-12.)

Q. These pictures indicate, I take it, numerous toys in and about the room, Mrs. Lindbergh. Were those toys there? A. They were.

Q. And were they the toys of Charles Lindbergh, Junior? A. They were.

Q. Now, I think you stated a while ago that you were in the room at 6:15? A. Approximately.

Q. Approximately 6:15. And when did you see

Anne Morrow Lindbergh—Direct

the child again? At that time he had already had his dinner? A. He was finishing his dinner.

Q. Finishing his dinner. Where did he have his dinner, by the way, in the nursery? A. In the nursery at the maple table, which is in the center of the room.

Q. By the way, your room is connected with the baby's room? A. Through a bathroom.

Q. Through a bathroom. Who had dinner with the baby that evening? Who was with him while he was eating dinner? A. Miss Gow was with him and I came in at the end of the meal.

Q. I see. Then did you leave the nursery and where did you go? A. I stayed in the nursery until the baby was in his bed. He had been dressed, he had been given medicine, he had been rubbed with some kind of grease,—

20 Q. Vicks Vapor rub? A. Yes, for his cold and he had been put in his bed.

Q. About what time was that? A. It was a little later than that, about 7:30.

Q. Had he had a cold? A. He had had a cold for three days.

Q. Was he then suffering with a cold? A. He was much better.

Q. Did he still have a little cough or had it disappeared? A. He was a good deal better, 30 breathing easily.

Q. So that you were not particularly alarmed about his cold? A. No.

Q. Notwithstanding that, however, as I understand it, you applied these medical aids. Will you tell us then if you were there when the child was put to bed? A. He was in his bed when I left.

Q. Who dressed him for bed? A. Miss Gow and I.

Anne Morrow Lindbergh—Direct

Q. Will you tell us then about that, please? A. What he wore?

Q. Yes, ma'am. A. He had next to his skin a home-made flannel shirt which Miss Gow cut out and sewed that night out of a flannel petticoat for an infant which I had had since the child was an infant.

Q. Mrs. Lindbergh, I want to exhibit to you a 10 piece of clothing that I have and ask you whether or not you can tell what that is? A. That is the flannel shirt cut out of the flannel petticoat.

Q. Is that the flannel shirt that your child Charles A. Lindbergh, Jr. had on that night in that crib when he was put to bed on March 1st, 1932? A. It is.

Mr. Wilentz: I offer it in evidence.

20

Mr. Reilly: No objection.

The Court: It will be admitted.

(The garment was received in evidence as State Exhibit S-13.)

Q. Is Exhibit S-13 just introduced in evidence, the shirt which you have just described? A. It is.

Q. I notice a green—I think it is—thread— 30 possibly I am mistaken about the color—is that a green thread on the right side? (Handing Exhibit S-13 to the witness)? A. It is blue.

Q. Blue. Was there a blue thread—I think you said Miss Gow sewed that afternoon. A. I did not sew the garment and I did not get the thread.

Q. Now, will you tell us what else the child had as its bedclothes that night? A. On top of the home made shirt he had a small sleeveless wool shirt, cut very low in front and back.

Anne Morrow Lindbergh—Direct

Q. Will you tell us, please, whether or not you can tell from looking at this piece of clothing what it is? A. It is the sleeveless shirt.

Q. Is this the sleeveless shirt that you just described as having been worn by your child that night, March 1st, 1932? A. It is.

10 Mr. Wilentz: I offer it in evidence.

(Sleeveless shirt received in evidence and marked State Exhibit No. 14.)

The Court: If there is no objection, it will be admitted.

20 Q. What else did the child wear that evening as bedclothes? A. He had diapers, fastened to the small shirt, to the second shirt, and on top of that he had a sleeping suit, a wool sleeping suit.

Q. Did you buy that sleeping suit yourself? A. I did.

Q. I show you what purports to be a sleeping suit, No. 2 Dr. Denton, and ask you whether or not you recognize that sleeping suit. A. I do.

30 Q. What sleeping suit is that, Mrs. Lindbergh? A. It is the sleeping suit that was put on my child the night of March 1st.

Q. 1932? A. 1932.

Q. And it is the sleeping suit then that your son wore that night as he went to bed? A. It is.

Mr. Wilentz: I offer it in evidence.

The Court: If there is no objection it will be admitted.

40 (Sleeping suit received in evidence and marked State Exhibit No. 15.)

Anne Morrow Lindbergh—Direct

By Mr. Wilentz:

Q. Now you have told us about the sleeping suit and if I may be defensively leading for a minute, did the child have any thumb protectors on? A. Pardon?

Q. Did the child have a thumb protector? A. 10 Yes, he had.

Q. Will you describe that thumb protector and how it was fastened, if it was fastened? A. It is a wire thumb guard which had a piece of tape through the sides of it and was fastened around the wrist of the sleeping suit on the outside.

Q. How was it fastened? A. I did not put it on—

Q. Well, do you know? A. (Continuing.) — myself.

20 Q. Do you know how it was fastened? Did you see it done that night? A. No, I don't remember seeing it done. I know the thumb guard and I have done it myself.

Q. Do you know whether— A. But that night I did not put it on.

Q. Did you see it on though after it was put on? A. I don't remember seeing it on.

30 Q. You don't remember. Disregarding this little piece of paper please, Mrs. Lindbergh, will you tell us whether or not you recognize that as being one of the thumb guards the child had on, one of the thumb guards that was used for your child? A. Yes.

Q. And is it one of the thumb guards owned by you and which you used for your child on occasions to affix to the sleeping garment? A. It is, yes.

Mr. Wilentz: I offer it in evidence, ex-

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Anne Morrow Lindbergh—Direct

cept the paper. (Showing to counsel for defense.)

There is no objection.

(The thumb guard was received in evidence and marked State's Exhibit S-16.)

10

By Mr. Wilentz:

Q. How would you fasten this thumb guard, Mrs. Lindbergh? Would you take this string and attach it to the sleeping garment? A. No, the guard is slipped over the thumb and the tape is tied twice around the wrist.

Q. Securely tied? A. Yes.

20

Q. I suppose the purpose of it is to have it so secured that the child cannot, either playfully or otherwise, remove it during the night? A. Yes, and to have it on top of the sleeper so it will not cut his wrists.

Q. I see. Now, I take it that the last time—I withdraw that. Now, on the night of March 1st, 1932, after you saw your child dressed for sleeping, with these articles, did you then leave the bedroom, the nursery? A. I left the bedroom and went down into the living room.

30

Q. About what time was that, if you recall? A. About 7:30.

Q. Was Colonel Lindbergh home yet? A. He was not home.

Q. Had you heard from him that afternoon or evening? A. I had heard that he was coming, that he would be late.

Q. That he would be late, he had called you, had he? A. He had called me that evening.

Q. All right; now, at 7:30, when you came down, that was when you left the child's nursery,

Anne Morrow Lindbergh—Direct

what did you do then, Mrs. Lindbergh? A. I sat at the desk in the living room, which is opposite to the door from the hall.

Q. Would you like to point it out, please? A. (Witness indicates on map.)

Q. You are pointing to what is marked on Exhibit S-4 as the living room of the first floor plan. A. I am.

10

Q. Yes, ma'am. And you say you did what? A. I sat at the desk which is opposite two doors from the hall for approximately an hour.

Q. Were the doors leading to the hall open? A. They were usually open—they were open that evening.

Q. They were open that evening, they were? A. Yes, sir.

Q. And that would take you, you say, to about 8:30? A. To about 8:25, about 8:25.

20

Q. About 8:25. And then what did you do, Mrs. Lindbergh? A. At 8:25 I heard the horn of my husband's car; he drove into the back court and into the garage. He then came in through the back hall, the kitchen, and the dining room, into the living room. We then went upstairs for about five minutes on my husband's watch; we went down again into the dining room and had supper. I think that we finished supper at approximately nine o'clock, perhaps a little after nine. We went into the living room, sat down by the fire for a very short period—perhaps five minutes. We then went upstairs into my bedroom and we sat for about fifteen or twenty minutes, talking. After that my husband drew a bath, took a bath, and went down again, downstairs into the library, and I got ready to go to bed.

30

Q. Were you also suffering with a cold that day and that evening? A. I had caught the cold

40

Anne Morrow Lindbergh—Direct

from the baby. After my husband left I rang the bell for Mrs. Wheatley and when she came, asked her for a hot lemonade to take before going to bed. I then drew a bath for myself.

10 Q. Did Mrs. Wheatley bring the lemonade? A. She did not bring it, she went down to fix it, and after I had taken my bath, Miss Betty Gow came in to me through the hall door and asked me if I had the baby, and hearing that I did not, asked me if my husband had the baby, and I sent her downstairs. I then went into the baby's room through the connecting passage. This was after ten o'clock, shortly after ten o'clock. I went into the baby's room through the connecting passage, looked hastily at the bed, found it to be empty, came back into my room, where I met my husband and Miss Betty Gow. My husband went
20 into the closet to take out a rifle, and we all three went into the baby's bedroom and searched it. I was still in the baby's bedroom when Mrs. Wheatley came upstairs, and I went with her back into my own bedroom and got dressed and we started to search the house.

Q. By that time I suppose Colonel Lindbergh had notified the police? A. He had spoken to Mr. Wheatley and he had gone outside with Mr. Wheatley to look around the house. I don't
30 know what he did downstairs.

Q. When you left that room at about 7:30 o'clock, did you observe whether or not the east window, that is, the casement window I think it is referred to, was closed? A. All the windows were closed when I left that room at 7:30.

Q. At 7:30. And there were shutters on the outside of the windows, were there not? A. Yes.

Q. Were they drawn and closed? A. Miss Betty Gow and I closed all the shutters on all
40 the windows before I left.

Anne Morrow Lindbergh—Direct

Q. With particular reference to the east window, was it possible to lock it in addition to closing it? A. It was not possible to lock it. We both pulled on it and tried to lock it.

Q. But the window and shutters of the room in that nursery were closed, as I understand it? A. Closed when I left.

Q. You haven't seen that child since the first of March, 1932, have you? A. No. 10

Q. And when it was revealed that the child was missing, did you join with Colonel Lindbergh in an appeal to the person who had the child for its return? Did you join— A. What do you mean by that?

Q. Did you make a statement asking the person who had your child to return it? A. I joined with my husband—

Q. Colonel Lindbergh, yes. Did you on another occasion soon after the child was found missing make a radio appeal and statement giving the baby's diet? A. I gave out the baby's diet. 20

Q. Do you recall whether or not you gave it out in the form of a statement or whether you personally spoke over the radio? A. I did not speak over the radio.

Q. You did not. And you gave that diet out in order, I take it, that the child might be better cared for? A. Yes. 30

Q. On the night when you walked into that room did you observe whether or not the room had been changed, its appearance had been changed at all from the time that you had seen it at 7:30? A. I saw no change in the room at all. I noticed no change.

Q. Did you notice the bedclothes? A. The bed clothes were apparently untouched, as though the child had been taken out. The pins were still fastening the bed clothes to the mattress. 40

Anne Morrow Lindbergh—Direct

Q. Had you had pins affixed from the bed clothes to the mattress? A. I left the baby before he was completely put in for the night.

Q. I see. But when you did get there, Mrs. Lindbergh, you found the bed clothes affixed to the mattress by pins? A. Yes.

10 Q. About how large were the pins? A. They were large safety pins.

Q. About four inches? Give us your best judgment. A. I would say about the length of a finger, three inches.

Q. About three inches? A. Yes.

Q. And they were still securely fastened, were they? A. Yes.

Q. How about the windows in the room? Do you recall their condition? A. I did not look at the windows.

20 Q. You did not? Do you recall seeing any paper note there? A. No.

Q. Now when you went in there who had preceded you in there, do you know? A. As far as I know only Miss Gow.

Q. I see.

Mr. Wilentz: May we have just one minute, if your Honor please?

30 The Court: What is that?

Mr. Wilentz: May we have just one minute, if your Honor please?

The Court: Certainly.

Mr. Wilentz: Take the witness.

40 Mr. Reilly: Are you through, Mr. Wilentz?

Charles A. Lindbergh—Direct

Mr. Wilentz: Yes, sir.

Mr. Reilly: The defense feels that the grief of Mrs. Lindbergh requires no cross examination.

The Court: Nothing further, Mr. Attorney General? 10

Mr. Wilentz: That is all, thank you, Mrs. Lindbergh.

Miss Betty Gow, take the stand.

CHARLES A. LINDBERGH, sworn as a witness on behalf of the State.

Direct Examination by Mr. Wilentz: 20

Q. Colonel, you are the husband of the lady who was just on the stand? A. I am.

Q. On March 1st, 1932, you and your family resided in Hunterdon County in the Sourland Mountains? A. That is right.

Q. And you would go from there to Englewood occasionally and back again? A. Yes.

Q. Particularly with reference to the week end of March 1st, 1932, you and your family did stay 30 and occupy the Hunterdon County home, did you not? A. During the week end on Saturday and Sunday, yes.

Q. Your household at that time, I take it, consisted of Miss Betty Gow, Mr. and Mrs. Wheatley, Mrs. Lindbergh, yourself and your son? A. That is right.

Q. He was twenty months old approximately, as I understand it? A. Yes. 40

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Mr. Wilentz: Counsel, I hope, do not mind these leading questions.

Mr. Reilly: No.

Q. On that day particularly, March 1st, 1932, I take it you were at business? A. Yes.

10 Q. What is your occupation—what was it on March 1st, 1932? A. My occupation is aviation. On March 1st, 1932, I had spent the day in New York.

Q. And what time did you return from New York? A. Not during the entire day on aviation, various things.

Q. On March 1st, 1932, what time did you return to your Scurland Mountain home? A. I arrived about 9:25 in the evening.

20 Q. And when you got home, will you tell us briefly from there until about 10:00 o'clock what happened? A. I came by car, arriving about 8:25.

Q. By the way, did you drive yourself? A. Yes, came alone.

Q. Yes, sir. A. I put the car in the garage at the west end of our house. From there, I went in through the kitchen and joined my wife at supper in the dining room on the west end of the main section of the house on the lower floor.

30 We left supper about approximately 9:00 o'clock, went from there into the room adjoining the dining room, which we call the living room of the house on the lower floor. We sat on a sofa there for about five or ten minutes, approximately. From there, we went upstairs to our room and continued our conversation there.

I then went into the bathroom, took a bath, came downstairs, went into the library, which is on the east end of the main part of the lower floor

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of the house, sat down at a desk next to the south east window in that library and began reading.

Q. All right, sir. Now just one moment, please there, Colonel. Would you mind standing up, please, Colonel? A. (Witness steps before the map on the wall.)

Q. The library that you refer to, therefore, is the library shown on Exhibit S-4, the easterly corner of it—that is, the southeasterly corner of the house? A. That is correct.

Q. And the window alongside of which this writing table was placed is the window immediately under the sash window, I think they call it, of the nursery? A. Under the south sash window on the east side.

Q. The south sash window on the east side? A. That is correct.

Q. And that is where you were writing? A. Yes. The desk was placed right here (indicating).

Q. Right about in the southeast corner, is that it? A. Yes, facing south.

Q. All right. Now you were writing there at about what time would you say, and for how long? A. I was reading.

Q. Reading? A. At that desk; reading.

Q. About how long? A. I should say approximately half an hour.

Q. And about what time do you believe it was when you first went to that desk or went to that room to sit down to read and started your half hour reading? A. (No answer.)

Q. I understood you to say that you finished dinner about nine o'clock. A. It would be in the vicinity of 9:20.

Q. And while you were there did you have a clear view of the window that was right alongside of the desk? A. I was sitting beside the window.

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The window was open, or rather the window was closed, but the shutters were open.

Q. The shutters were open? A. The shutters were open and no curtain was drawn.

Q. Was there a curtain on the window? A. There was no curtain on the window.

10 Q. No curtain on the window? A. No curtain on the window.

Q. So that it was absolutely visible to you? A. Yes, of course.

Q. The window panes were visible to you? A. Yes, of course.

Q. You could see through them so far as the darkness would permit? A. As far as the darkness permitted, yes.

20 Q. Did you see any objects coming down past that window or in the vicinity of that window that night? A. I did not.

Q. Prior to that time, remembering that that was about 9:30, you had been in the living room, had you not? A. Prior to that time I had been upstairs, and prior to that time in the living room.

Q. Well, some time during that night did you hear some sort of a noise or crash? A. Yes, I did.

30 Q. About what time was it and where were you? A. Sitting on the sofa in the living room during the ten or fifteen minutes after we had come into the living room from the dining room. At that time I heard a sound which seemed to me, at the time, the impression that entered my mind at the time vaguely was that it was like the top of—well, say, an orange box, the top slats of an orange box falling off a chair, which I assumed to be in the kitchen.

Q. That is, sort of like the falling of a crate, a wooden crate? A. The slats of a crate.

40 Q. At any rate, what you felt was happening was that some piece of wood, like the slats of a

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crate, had fallen in the kitchen? A. That is correct. I did not pay very much attention to it at the time, but enough to remark to my wife the words, "What is that?"

Q. And except for that, it went unnoticed? A. Yes.

Q. About what time was that? A. That would be about 9:10 or 9:15. 10

Q. Was it the sort of a noise that would come with the falling of a ladder? A. Yes, it was, if the ladder was outside?

Q. Finally, at about ten o'clock in the evening Miss Gow spoke to you about the child, did she not? A. About ten o'clock.

Q. Where were you then? A. I was reading in the library.

Q. What happened, tell us, then? A. Miss Gow called to me in a rather excited voice and asked 20 me if I had the baby.

Q. What happened from then on? A. I immediately went upstairs into the nursery and from the appearance of the room I realized, and from the appearance of the crib I realized that something had gone wrong.

Q. What was the appearance of the room that indicated to you that something had gone wrong, Colonel? A. As I entered the room, of course I at first and immediately looked at the crib. The 30 bed clothing in the crib was in such condition that I felt it was impossible for the baby to have gotten out himself. I knew that neither my wife nor Miss Gow had taken him because Miss Gow had asked me if I had him and my wife was upstairs. The clothing was standing—the bed clothing was standing stiffly enough so that the opening where the baby had been was still there, the clothing had not collapsed.

Q. Was the clothing in that crib still affixed to 40

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the mattress by pins, if you know? A. As I recall it was.

Q. I see. Did you see a note in the room, a paper or what? A. Yes, I am not at the moment certain whether I saw that note at that time or the next time I entered the room.

10 Q. I see. A. But, either the first or second time; I came back very shortly.

Q. How much time intervened, would you say, between your first visit into the room and the second that you refer to? A. I should say not over five minutes.

Q. At any rate, on one of those occasions you found the note there? A. I had found a note unopened on the window sill on the southeast corner of the room on the window facing east.

20 Q. Did you find it or was your attention directed to it by anyone? A. No, I found it.

Q. I see. And I understood you to say on the window sill? A. On the window sill.

Q. Was the window open or closed? A. The window was closed.

Q. And, is this the window shown in Exhibit S-12 alongside of which or near which you found the note? A. It is, on which I found the note.

30 Q. Will you describe, as you look at this exhibit, just the spot where you found the note? A. The note was in an envelope on top of the grating which forms the window sill and through which heat comes from the radiator.

Q. Will you please step down and just show the jury on that exhibit, the point at which that note was found by you? A. (Witness steps down before the jury.) The note was on this sill.

Q. Indicating the sill underneath the east window, along the east window? A. On this sill (indicating).

40 Q. I show you an envelope with the initials

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F. A. K. on the back of it, and a note with the same initials on the back of it and ask you whether or not that note and that envelope were found by you in that room that night, and whether or not those are the papers you just referred to as being on that window sill. A. These are the papers. The note was in the envelope. The initials F. A. K. were not on at that time.

10 Q. Who placed those initials on? A. They were placed on, I believe, by Trooper Kelly; but this is the note and this is the envelope which contained the note on the window sill at that time.

Mr. Wilentz: I offer them in evidence.

Mr. Reilly: No objection.

Mr. Fisher: May we look at it first? 20

Mr. Wilentz: What is the request?

Mr. Fisher: May we look at it while you go on with your examination, for a moment?

Mr. Wilentz: Well, how about the envelope? Do you want to look at that too? 30

Mr. Fisher: Yes.

Mr. Wilentz: I should prefer, if the Court has no objection, to await the determination of counsel.

Mr. Fisher: Oh, we will only be just a second.

Mr. Reilly: No objection. 40

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Mr. Wilentz: Will you please mark first the envelope S-17.

Mr. Fisher: Will it be marked as one exhibit?

Mr. Wilentz: No, two. And the note—

The Reporter: Do you want to take it out?

The Court: If there is no objection, they will be admitted as S-17 and S-18. Is that the idea?

Mr. Wilentz: Yes, if your Honor please; the envelope is S-17 and the note S-18.

(Envelope received in evidence and marked State Exhibit S-17.)

(Note referred to received in evidence and marked State Exhibit S-18.)

Mr. Wilentz: I desire to ask permission of the Court to read the note.

The Court: You may read it.

Mr. Wilentz: "Dear Sir: Have—"

Mr. Pope: Have you got a copy of the note for us, or anything that we can follow?

Mr. Wilentz: If there is a copy I would like to have counsel give it to Mr. Pope. I did present a complete copy to former

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counsel for the defense and it was the only copy I had, but there must be some copy here and we will get it for you.

"Have 50,000 (and the dollar mark after it) dollars ready, 25,000 (and then the dollar mark) in 20 (then dollar mark) bills, 15,000 (dollar mark) in 10 (dollar mark) bills, and 10,000 (in each case the dollar mark is after the numbers and I will just refer to them) dollars in 5 dollar bills. After 2—4 days we will inform you where to deliver the money (m-o-n-y). We warn you making anything (a-n-y-d-i-n-g) public or for notify the police. The child is in gut (g-u-t) care. Instruction (or indication) (I don't know which it is) for the letters are singnature (not signature singnature, s-i-n-g, singnature— I want you please to remember that)". Then you find these two circles and as indicated there, somewhere within them, as you see them better than I can describe it, this red fire ball or blotch and at these distances three holes. Singnature three holes. That is his signature—singnature.

By Mr. Wilentz:

Q. Now, Colonel, of course you found your baby was missing and you found that—did somebody want to see it—the bed clothes in the room and the baby's room had been disturbed. Did you notify the police? A. I—shall I describe it, what happened to it?

Q. Yes, please. A. I immediately went into the closet in our own room adjoining and got a Springfield rifle which I kept there and stood at

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the top of the stairs, called to Mr. Wheatley and asked him to call the sheriff at Hopewell. That was the nearest officer of the law that I knew of. As soon as I found that his telephone call went through, so that the wires were not cut, which I had expected, as soon as he received an answer from the sheriff so that I knew that he was coming, I went outside on the road north of the house.

Q. With the rifle? A. With the rifle. It was extremely dark that night, I could see a very little distance, and I walked on that road probably for a hundred yards. I then returned to the house. Before I went on the road—I jumped—

Q. All right. A. I went ahead a little bit. After Mr. Wheatley had made contact with the sheriff at Hopewell, or with the Chief of Police, I then went down stairs—before I went out onto that road—and called the New Jersey State police and Colonel Breckenridge in New York. Then I took the rifle and went out onto the road.

Q. And who is Colonel Breckenridge? A. Col. Breckenridge is my friend and attorney in New York.

Q. Your friend and attorney? A. Yes.

Q. You say you went out with this rifle and then returned? A. Yes.

Q. Then what did you do, if anything? Had police come? A. Very shortly after that, Chief Wolfe arrived. Meanwhile, we had touched nothing in the house, in the nursery room. I left instructions not to touch anything there. I myself had not touched the note. And after Chief Wolfe arrived, we began looking around the house outside.

Q. You are talking of Chief Wolfe of the Hopewell Police? A. Of the Hopewell Police, yes. We went around the side under the nursery win-

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dow,—that is, on the east side of the house; and as I recall now, it was Chief Wolfe who, with his flashlight, found, located the ladder lying quite a few feet in approximately a southeast direction from the nursery window.

Q. You mean that by the light of the flashlight you could see the ladder? A. Could see the ladder, yes.

Q. That was either Chief Wolfe or Williamson? A. Yes. I remember clearly seeing the ladder but I am not certain at the moment who was holding the light. We walked through there on the planks which had been laid over the mud on the east side of the house, and we found both footprints and the imprints of the end of the ladder approximately under the southeast window of the nursery; but offset slightly to the north. So that the ladder was actually resting slightly to the north of the window itself.

Q. And you found the imprints of that ladder there? A. Yes.

Q. And you say footprints; did you find Mrs. Lindbergh's footprints there? A. The footprints that I saw at the time were of a man.

Q. I see. Did you see any of her footprints? A. I don't recall seeing any of hers.

Q. You don't recall. All right. Now after that, sir, I take it that State police came and you showed them the note? Oh, pardon me, before that, when Officer Williamson, or Chief—Chief Wolfe, is it? A. Chief Wolfe.

Q. Chief Wolfe? A. And Officer Williamson.

Q. And Officer Williamson; when they came did you take them up to the nursery? A. I believe so.

Q. Well, at any rate, who were the officers, if you remember, Colonel, to whom you first exhibited the note? A. I left instructions, after finding the note, that no one was to touch it, and the

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note was not touched until Trooper Wolfe of the New Jersey State Police arrived. He moved the note from the window sill to the mantle over the fire place with a penknife.

Q. Yes, sir. A. And the note itself was not opened until Trooper Kelly arrived with suitable equipment for examining it.

10 Q. For examining it, you mean, for fingerprints? A. Yes.

Q. Now I want to show you a picture of what, I believe, purports to be the ground right underneath the window in the immediate vicinity of that window, with some impressions or holes in the ground, and ask you whether you recognize those holes as being the place where the ladder stood, or the indentation or the impressions made by the foot of the ladder that you have just referred to? A. Yes, they are.

20 Q. Do they correctly depict the impression that you saw there that night made by the foot of that ladder? A. By the ladder, yes.

Q. By the ladder— A. But there are other impressions.

Q. There are other impressions, but particularly in reference to that; and that is what I am limiting it to? A. Yes.

30 Q. And that walk—there seems to be a board there; is that the boardwalk that Mrs. Lindbergh referred to a while ago? A. That either is or is similar to the walk that was lying—that was there that night.

Mr. Wilentz: I offer it in evidence.

Mr. Reilly: We would like to admit this, but, if the Court please, we would like to know when it was taken.

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Mr. Wilentz: Yes, sir.

Mr. Reilly: How it was taken and by whom it was taken.

Mr. Wilentz: My information is that—well, let me offer it for identification.

Mr. Reilly: For identification, yes, follow it up tomorrow.

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(The photograph was marked State Exhibit S-6 for Identification.)

Q. Well, at any rate, Colonel, there was the note and the ladder, impressions in the ground that you speak about, the child gone, police officers coming— I suppose the press soon came too? A. Yes.

20

Q. And about how many, would you say, were represented there in Hopewell that night before day break? A. I don't know, I imagine several hundred.

Q. Several hundred. So that, I take it, between the press and the police—and there were police of many organizations, weren't there? A. There were.

Q. I take it that there was considerable confusion and walking in and about the premises, right? A. Well, there was, the greatest confusion was before all of the press arrived and while the press was there, there was a great deal of walking around outside of the house by the press which was absolutely out of control as far as the vicinity was concerned.

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Q. I suppose that included the taking of pictures and flashlights and things of that kind? A.

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Yes, and walking around the house on the loose ground there.

Q. And during all that time you were doing what, Colonel? A. During the first period I was around the house trying to familiarize the officials with what had happened.

10 Q. And go ahead, Colonel. A. Later in the evening and during the early hours of the morning I was out on different parts, different places in the vicinity of the house with the group of police officers, visiting other houses.

Q. I want to go back for a minute, please— It is quite disconnected, possibly, but I want to get back to the time in the house, and particularly when you were in the living room. As I remember it, the living room opens into the hallway, isn't that so? A. Yes, yes, in addition to other doors.

20 Q. But, it does open into the hallway. A. With a double door.

Q. With a double door. And, there are two staircases, one leading to the right and one leading to the left, isn't that so? A. One staircase from the living room.

Q. One staircase from the living room? A. From the living room. The other stair is in the back of the house.

30 Q. In the back of the house? Well, now, the staircase leading from the living room— Could you see that? You couldn't see it unless the door was open, could you? A. No.

Q. Was the door open that night when you came from dinner and walked into that living room, for 15 minutes or so? A. Yes, sir; the doors were open that evening.

Q. Did anybody— I will withdraw that. They were open that evening as I understand it? A. Yes.

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Q. Were the doors open to the library from the living room? A. Yes.

Q. We will get back, then, again to the scene in the home, the confusion. Mrs. Lindbergh, I take it, remained in the house? A. I believe so, yes.

Q. Did you not also have Mr. Wheatley drive the car along the premises, playing his lights on the highway or on the road for a part of the way? 10 A. Mr. Wheatley went outside. At the moment I don't recall just what his actions were. He went outside and was searching outside for a time.

Q. All right, sir. Having received this first note, did you receive another? A. By mail, yes.

Q. To you directly? A. The next one was addressed to me at our home in East Amwell Township.

Q. Note No. 2? A. Yes.

Mr. Wilentz: May I have that note, please?

Mr. Wilentz: Has your Honor any objection to indicating to counsel what time your Honor expects to adjourn so I can regulate my examination accordingly?

The Court: If it would suit the convenience of counsel, I would be willing to 20 adjourn quite speedily. I think the room is quite warm. Does counsel prefer it?

Mr. Wilentz: I would like to get one breath of fresh air within the next half hour, but if there isn't any objection, I should like to just finish with this note and then continue in the morning, if it meets with your Honor's convenience.

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The Court: That I think will be satisfactory.

By Mr. Wilentz:

10 Q. Will you take a look at that envelope, please, Colonel Lindbergh, and this note and see if that isn't the note which you received second? A. This is the envelope which contained the second note and this is the second note contained in the envelope. There are some initials on there that have been put on since.

Mr. Wilentz: All right, I will describe them. I will offer them in evidence.

20 I am going to ask the Court, please, if you don't mind—I don't want to be offensive either to the Court or counsel or the press, but I would appreciate it, even though this is the last minute of this testimony, if the people in the room would remain here until we get through, so there won't be this apparent confusion that we are meeting with back there.

30 The Court: Yes, that is an entirely proper request. It won't be long now before we take an adjournment and there is no reason in the wide world why everybody who is in the courtroom now should not remain here until the Court has adjourned. The people will observe that order and keep quiet so we can all hear.

40 (The envelope referred to above was received in evidence and marked State Exhibit S-19.)

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(The note referred to was received in evidence and marked State's Exhibit S-20.)

Mr. Wilentz: Exhibit S-19 then is an envelope addressed to Mr. Colonel Lindbergh, Hopewell, New Jersey, and note No. 2—we will refer to this as Exhibit S-20—

The Court: That has been offered in evidence. 10

Mr. Wilentz: And marked.

The Court: No objection. It will be admitted.

Mr. Wilentz: Exhibit S-20 reads: 20

"Dear Sir: We have warned you note,"
—n-o-t-e—"to make anyding,"—a-n-y-
d-i-n-g—"public or notify the police. Now
you have to take the consequences. This
means we will hold the baby until every-
thing is quiet. We can note, n-o-t-e—"make
any appointment just now. We know very
well what it means to us. It is really neces-
sary to make a world affair out of this or
to get your baby back as soon as possible. 30
To settle this affair in a quiet way will bet-
ter for both. Don't be afraid about the
baby. The lady taking care of it day and
night. He also will feed him according to
the diet. Singture on all letters with an
arrow pointing to the circles and the red
dot and the holes. We are interested to
send him back in gut"—g-u-t—"Quer"—
o-u-e-r—"ransome was made up for 50,
000"—with the dollar mark afterwards— 40

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"But now we have to take another person to it and probable have to keep the baby for a longer time as we expected."

I want you to watch that point.

"So the amount will be 70,000"—with a dollar mark after it—"20,000 in 50\$ bills, 25,000 in 20\$ bills, 15,000 in 10\$ bills, and 10,000\$ in 5\$ bills. Don't mark any bills or take them from one serial number. We will inform you later were"—w-e-r-e—"to deliver the money." They—h-t-e—the money—m-o-n-y—"But we will note"—n-o-t-e—"do so until the police is out of this case and the papers—" p-a-p-p-e-r-s—"are quiet. The kidnapping was prepared for weeks so we are prepared for everything."

Mr. Wilentz: May we then at this time adjourn until tomorrow morning?

The Court: The Court will take a recess, but I will ask everybody to remain quiet, standing or sitting where they are until the jury has retired. The jury may now retire. Has the jury retired?

Court Crier Haan: The jury has gone out.

The Court: The prisoner is remanded in the custody of the Sheriff. He may retire.

(Whereupon at 4:13 p. m., the Court adjourned until tomorrow morning, January 4th, 1935, at 10:00 a. m.)

Charles A. Lindbergh—Direct

STATE vs. HAUPTMANN

Flemington, N. J., January 4, 1935.

THIRD DAY

Present:

Hon. Thomas W. Trenchard.

Appearances:

Mr. Wilentz,
Mr. Lanigan,
Mr. Hauck,
Mr. Peacock,
Mr. Large,

For the State.

Mr. Reilly,
Mr. Fisher,
Mr. Pope,
Mr. Rosecrans,

For the Defendant.

The Court: Is the defendant in court? 30

Mr. Reilly: Not yet, your Honor.

The Court: Let the Sheriff bring him in. The Clerk may poll the jury.

(The jury is polled and all jurors answer present.)

(The defendant is brought in.)

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10 The Court: I very much regret that I have to speak of a matter this morning which relates to the matter of taking photographs here while the Court is in session. I thought that that was perfectly understood between the Court and photographers and everybody else, that no photographs were to be taken here while the Court is in session. Apparently it was not understood, or, if understood, the order was disobeyed. I say apparently, because some things have been brought to my attention which lead me to think that there were some photographs taken here yesterday while the Court was in session.

20 Now, that must not occur again. If it does occur again, the Court will be obliged to take such measures as the Court deems expedient in the matter. I hope I will not have to refer to that subject matter again.

Mr. Walter Mullins: May it please your Honor I represent five news-reels, and the idea is this: that there has absolutely been no photographs taken during the trial—

30 The Court: By you.

Mr. Mullins: By any of the companies.

Mr. Wilentz: Just a minute, if your Honor please. May I just suggest that if the gentleman has anything to say to the Court, he might say it to the Court in Chambers.

40 The Court: Yes, it would be better. The

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statement made by the Court is a perfectly simple statement and ought to convey all the information that any interested party desires and, for the moment, I do not feel like listening to any explanation. You may be seated.

10 The Court: If counsel are ready they may proceed. Colonel Lindbergh will take the stand.

CHARLES A. LINDBERGH, resumed.

Direct Examination by Mr. Wilentz: (continued)

20 Q. Now, Colonel, you were telling us about the second note that you received; and getting away from that for the moment and returning to the home again, you said you went into the room, I think on two occasions, after which or between which you went out with your rifle. Now will you tell us about the condition of the room with reference to whether or not there were any foot prints of any kind at all in the room. A. There were prints on the suit case or on top of the suit case which was under the window on the southeast side of the nursery. There was also at least one print on the floor beneath that window and inside of the suit case which was on a small chest and there was also, according to my best recollection, a print on the window sill itself.

30 Q. What do you mean by a print, Colonel? A. A deposit of yellow clay, I will call it.

Q. Sort of a mud? A. Well, mud carries more of the distinction of blackness, to me; it was a yellowish red clay such as outside of the house beneath that window.

40 Q. I see. A. The length and approximately

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the breadth of a man's foot. The prints were not as distinct as to be able to see the complete outline of a foot, but they were very definitely made by a man's foot.

10 Q. So that, as I understand it then, there were these--we will call them prints from the window sill in the direction of the crib, towards the crib? A. There was at least one between the window sill, at least one between the chest below the window sill and the crib, in addition to the others.

Q. When you talk about the chest, I show you Exhibit S-11 and ask you whether or not the chest which appears on that exhibit right immediately adjoining the window is the chest that you refer to? A. It is.

20 (The Exhibit S-11 was shown to the jury.)

Q. Now, as I recall it, Colonel, you stated, too, that some time during the evening through the flashlight of one of the Hopewell officers used, you could see the ladder used in the distance? A. Yes.

30 Q. Eventually that ladder was brought into your home, was it not, that evening? A. Yes, it was. Whether it was before midnight on that evening or not I am not sure, but during that night it was brought in.

Q. Either before midnight or before daybreak the next morning? A. Yes.

Q. And will you tell us whether or not that ladder was strange to your premises or whether it was a ladder that had been there before. A. It was a ladder I had never seen before.

40 Q. It was not a part of your household or estate? A. It was not.

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Q. Was there also a chisel near the ladder? A. That was reported to me.

Q. Was there a chisel brought into the house? A. There was.

Q. Did you see that chisel? A. I did.

Q. Was that chisel a part of the household effects? A. No, it was not.

Q. Strange to the house? A. Yes.

Q. In addition to the ladder, was there also a dowel pin there? A. There was a dowel pin. I don't recall seeing the dowel pin at the time I looked at the ladder.

Q. Did you see it eventually that evening or early the next morning in your home? A. Yes.

Q. And was that dowel pin a part of the household effects prior to this night? A. It was not.

Q. Strange to you, was it? A. Yes.

Q. Then getting back to the notes: after you had received your second note, Colonel, did you directly by mail receive any further notes? A. Not directly.

Q. I show you these papers and ask you whether you did receive them in some other way. A. This is the envelope and the notes which I received next through Colonel Breckinridge. They were sent to Colonel Breckinridge's Office in New York.

Q. And Colonel Breckinridge is the gentleman to whom you referred yesterday as your friend and legal adviser? A. Yes.

Mr. Wilentz: Is there any objection to them being offered by the State? While you are looking at it, Mr. Reilly, I will proceed.

Mr. Reilly: Go right ahead.

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Mr. Reilly: Do you want to mark them?

Mr. Wilentz: I am afraid I ought to.

Mr. Reilly: Do you want to mark them for identification? If you are going to call the Colonel—

10

Mr. Wilentz: I was going to call him but if we can short-cut it, I will.

Mr. Reilly: Eventually they will be in evidence, I have no objection.

Mr. Wilentz: I offer them in evidence, with the consent of counsel.

20

The Court: They will be accepted.

Mr. Wilentz: There are three pieces to that, if you don't mind suppose you mark the envelope first, the little paper second—we will have the Colonel here when you want him—And the other one third.

30

(Envelope was marked State Exhibit S-21 and received in evidence. The note was received in evidence and marked State Exhibit S-22; the other one was received in evidence and marked State Exhibit S-23.)

Mr. Wilentz: Are they marked, Mr. Stenographer?

The Stenographer: Yes, sir.

40

Q. Following that, did you receive a telephone

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call from a gentleman by the name of Dr. Condon? A. Yes,—I did not receive the call myself.

Q. Well, eventually, did you meet Dr. Condon?

A. Yes.

Q. At your home? A. Yes.

Q. Do you happen to recall the date? A. I believe it was on the evening of March 9th or the early morning, that is after midnight, the early morning of March 10th, to the best of my recollection at this time. 10

Q. And through him did you receive these notes that night or the night that you refer to as being the first night that you met him (showing two papers to the witness)? A. Yes. Dr. Condon brought these notes to our home at Hopewell that evening. This coloring has been put on.

Q. The coloring on the envelope has been put on— A. Since. 20

Q. Since that time.

Mr. Reilly: I would ask that these be marked for identification.

Mr. Wilentz: All right, I offer these for identification.

(Notes referred to marked State's Exhibits S-24, S-25 and S-26 for Identification.) 30

Q. And after you saw these notes, just marked for identification —

Mr. Wilentz: What numbers are they, Mr. Stenographer?

The Stenographer: 24, 25 and 26 for identification. 40

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Q. (continuing)—S-24, S-25, and S-26 for Identification, which includes the envelope, having seen them, did you then authorize Dr. Condon to continue such negotiations as he was making?
A. Yes, I did.

Q. And following that was there exhibited to you by Dr. Condon or somebody for him this
10 note (showing a paper to the witness)? A. Yes.

Mr. Wilentz: That is the one I just showed you, Mr. Reilly. I offer it for identification.

(The note referred to was marked State's Exhibit S-27 for Identification.)

Q. Following that was this paper exhibited to
20 you (showing a paper to the witness)? A. You mean next in sequence?

Q. Well, at any time during the negotiations was it? A. It was.

Mr. Wilentz: And the paper we just referred to is marked S what for identification, Mr. Stenographer?

The Stenographer: S-28 for identification.
30

(The note referred to was marked State's Exhibit S-28 for Identification.)

Q. Also, Colonel, was this paper exhibited to you some time during those negotiations? A. Yes, it was.

Mr. Wilentz: This paper, also for identification.
40

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tification, is referred to as being marked Exhibit S-29.

(The paper was marked State Exhibit S-29 for Identification.)

Q. Colonel, I show you an envelope—which I will ask the stenographer first please to mark, 10 so that we may refer to it.

(Paper referred to marked State Exhibit S-30 for Identification.)

Q. I will ask you where it was that you were when you first saw this, referring to S-30 for Identification. A. This is part of a piece of wrapping paper. I was in Dr. Condon's residence.

Q. When it was delivered? A. No, when I first saw this. 20

Q. When you first saw it? A. Yes.

Q. Were you there when that envelope arrived? A. No.

Q. Do you recall by whom it was presented to you? A. It was part of a package, part of the wrapping of a package which Dr. Condon told me he had and which—well, shall I describe it?

Q. What was in the package when you got it?
A. It contained the baby's sleeping suit. 30

Q. The sleeping suit which was exhibited in court yesterday, Colonel? A. I believe so.

Q. Exhibit S-15? A. May I see it?

Q. (Exhibit handed to the witness.) A. Yes.

Q. And together with that exhibit and envelope was there also a note exhibited to you with it?
A. There was.

Q. Will you take a look please, and see if this is the note? A. Yes, this was the note.

Q. And this note that you refer to as being 40

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with Exhibit S-30 and with the sleeping suit coming together is Exhibit S-31 for Identification (the note referred to was marked State's Exhibit S-31 for Identification).

10 I also show you another envelope addressed to Mr. Dr. John Condon, dated March 19th and a note with it and ask whether or not that was eventually presented to you? A. Yes. This was one of the notes.

Mr. Wilentz: I offer it for identification.

(Marked State Exhibit S-32 for Identification.)

20 (The envelope in which the note was contained was marked S-33 for Identification.)

Q. Then again was there this note presented to you in the course of the negotiations? A. It was.

Q. I notice that at the bottom there is a blurring, was that on at the time? A. The symbol was on but not these—

Q. The lines? A. Not the stripes.

30 Mr. Wilentz: And now you are referring with reference to the stripes and the symbol to Exhibit S-34. Make it 35 and the envelope 34.

(The note referred to as marked S-35 for Identification and the envelope S-34.)

40 The Stenographer: Another envelope is S-36 for Identification.

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(The envelope referred to was marked State Exhibit S-36 for Identification.)

Mr. Wilentz: And the note, 37.

The Stenographer: And the note is S-37.

10 (The note referred to was marked State Exhibit S-37 for Identification.)

Q. And, in the course of the negotiations and somewhere in April, either the 1st or 2nd of April, was there exhibited to you this envelope addressed to Dr. John Condon, being marked Exhibit S-36 for Identification containing this note marked S-37 for Identification? A. This was shown to me very shortly before the payment of 20 the money in St. Raymond's Cemetery.

Q. Now, will you take a look at this note—pardon me, I will have it marked first for identification.

Mr. Wilentz: No envelope, just the note.

The Stenographer: The note is S-38 for Identification.

30 (The note referred to was marked State Exhibit S-38 for Identification.)

Q. Colonel, I show you S-38 for Identification and ask you to look at it, read it and tell us where you were when you saw that note? A. I was in Dr. Condon's home in the Bronx.

Q. Do you remember the day? A. That was on April 2nd, 1932.

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Q. And when you were there did that note arrive? A. It did.

Q. By mail or by messenger? A. The door bell rang in the home; Dr. Condon went to the door and returned with this note.

Q. And you read it together? A. We read it approximately the same time, yes.

10 Q. Who else was there at the time? A. Colonel Breckenridge was there and I believe Mr. Reich was there.

Q. Mr. Reich was a friend of Dr. Condon's? A. Dr. Condon's.

Q. And as a result of that note— A. Mr. Reich was there.

Q. And as a result of that note, referred to as S-38, did you and Dr. Condon then depart in an automobile? A. Yes, we did.

20 Q. And was there anyone else in the automobile? A. No.

Q. Who was driving? A. I was.

Q. This was on the night of April 2nd, 1932? A. Yes, that is right.

Q. And whose car was it? A. I was informed that it was Mr. Reich's car.

Q. But you were driving? A. Yes.

Q. Nobody else in the car with you? A. Except Dr. Condon.

30 Q. Did you have any money there with you, any sizable amount? A. Yes, we had \$70,000.

Q. And what did you do—in what container was it kept? A. It was wrapped in brown paper and placed in a wooden box.

Q. And you had the box there in the car? A. Yes.

Q. About what time of the night was it when you and Dr. Condon left in that automobile? A. Approximately half past eight.

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Q. Did you have any police protection or surveillance? A. Not as far as I know.

Q. You had arranged not to have it, so far as you were able to? A. As far as possible yes.

Q. And you then proceeded along to what point? A. To a point near the intersection of Tremont Avenue and Whittemore Street, I believe it is.

Q. In the Bronx? A. In the Bronx, near to St. Raymond's Cemetery; and we parked opposite a Florist shop on the opposite side from the cemetery.

Q. After having parked opposite that florist shop, who got out of the car? A. Dr. Condon.

Q. Did he then proceed directly across the street to the florist shop? A. We were on the same side of the street as the florist shop. Dr. Condon got out of the car, walked across the sidewalk, next to the car, and to a table in front and slightly to the side of the walk to the florist shop. Shall I continue?

Q. Yes. Continue right on. A. And obtained another note from underneath that table.

Q. Did you see him get that note from underneath the table? A. I saw him walk to the table and return with the note; I couldn't see, of course, the note under the table. I understand it was under a rock.

Q. When he came back did he come right back from there? A. He did.

Q. You could see that, could you? A. Yes.

Q. And when he came back, did you recognize this as being the paper that he had then in his possession (handing to witness)? A. Yes, it is.

Mr. Wilentz: I offer this in evidence. Will you please mark it for identification first, as I understand there is an objection

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to its going in. I withdraw the offer and submit it for identification, for the time being.

The Court: It is offered for identification!

10 Mr. Wilentz: Just for identification, your Honor.

(The paper referred to was marked State Exhibit S-39 for Identification.)

Q. After this S-39 was exhibited to you did you still remain in the same place with your car? A. Yes, I did.

20 Q. How far was that from St. Raymond's Cemetery, diagonally across the street? A. I should say it was about two or three hundred feet.

Q. From the cemetery? A. Approximately.

Q. On the opposite side of the cemetery, or on the same side? A. Diagonally across from the cemetery.

Q. Diagonally across? A. Yes, probably closer to 200, but I don't feel able to estimate that exactly.

Q. Approximately 200 feet anyway? A. Yes.

30 Q. And what time of the night would you say it was, Colonel? A. That was in the vicinity of nine o'clock.

Q. What was the condition of the weather? I mean was it clear? A. Oh, yes, the visibility was clear. I don't know whether it was overcast or not; I don't recall.

Q. A clear night? A. Clear night as far as visibility was concerned.

40 Q. And you remained seated in the car? A. Yes, I did.

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Q. Alone? A. Yes.

Q. With the \$70,000? A. Yes.

Q. And Dr. Condon, then from there, what did he do? A. After Dr. Condon returned to the car with the note, we read the note. Then Dr. Condon walked across Whittamore to the corner of the cemetery.

Q. When you say the corner, I suppose you mean the entrance, the front entrance? Or isn't there an entrance? A. I don't believe there is an entrance there as I recall it now. 10

Q. At any rate he went to the corner? A. Yes.

Q. And then what happened, Colonel? Proceed with your story. A. Dr. Condon, as I say, went to the corner of the cemetery, he stood there for a few moments, then he turned around and started to walk back across Whittamore, which runs next to the cemetery. When he arrived at about the center of Whittamore, I heard very clearly a voice coming from the cemetery, to the best of my belief calling Dr. Condon. 20

Q. What were the words? A. In a foreign accent, "Hey, Doctor."

Q. How many times? A. I heard that voice once.

Q. After that, Colonel, what did the doctor do? A. Dr. Condon immediately turned, walked back toward the corner of the cemetery where he had been and before quite reaching the same location he turned and hurriedly walked down Whittamore Street on the cemetery side. 30

Q. Yes, sir. Then, I suppose he was out of your sight? A. Yes.

Q. Did he return soon thereafter? A. He returned, I should say, in approximately ten minutes. It was very difficult for me at that time to estimate time. 40

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Q. I see, and when he had left you originally you still had the money? A. Yes.

Q. All right. When he came back did you give him the money? A. I gave him part of the money, \$50,000 to be exact.

Q. You didn't give him the seventy? A. No.

10 Q. At whose suggestion, as between you and Dr. Condon, was the \$20,000 omitted? A. At Dr. Condon's.

Q. He said all he needed was the fifty? A. Yes.

Q. And so, who took the \$20,000 out of the box? A. I did.

Q. And you gave him then the box with the \$50,000? A. With the fifty.

20 Q. Will you please describe as best you can the box in which this money was contained? A. It was a wooden box, hinged at the back with one or two clasps in front, of metal, giving the outside appearance of brass. The box was oblong in shape, not quite large enough in every dimension to hold the money which was put in, and it was slightly cracked, due to forcing the \$50,000 into the box.

Q. Fifty or the seventy? A. Well, it was cracked, really, putting the fifty in, because that was in a different package than the additional twenty.

30 Q. I see. A. The entire seventy was in there originally.

Q. And what were the dimensions, as best you can remember, of the box? A. Why, it was according, it was made according to the dimensions given in one of the notes—I do not recall the exact dimensions. It was about the width, just slightly more than the width of a bill. It was, I should say, twelve or fourteen inches long, maybe sixteen, and probably seven, or eight, or nine inches in height.

40 Q. And what were the denominations of the

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bills that remained and the denominations of the bills that were taken out? A. The bills left in the box were of twenty dollar, ten dollar and five dollar denominations. The ones that were taken out were of fifty.

Q. Fifty dollar? A. Fifty dollar, yes.

Q. Then, of course, the Doctor left with the money, did he not? A. He did.

Q. And how soon did he return? A. I should say again in from ten to fifteen minutes.

Q. And when he returned did he deliver to you this note? A. Yes, he did.

Mr. Wilentz: I offer that for identification, this note being S—

The Stenographer: S-40.

(Note referred to marked State Exhibit S-40 for Identification.)

Q. Of course, when he returned with that note he did not return with the money? A. He did not.

Q. Then I take it you went back to where: The Bronx? A. From there we started back toward Dr. Condon's home.

Q. By the way, he didn't have the box either, did he, if you noticed? A. No.

Q. When he came back? A. No.

Q. The box and the money were not with him then? A. No.

Q. You say you started toward Dr. Condon's home? A. Yes.

Q. All right. Will you proceed, Colonel. A. Before arriving there we stopped long enough to read the note which you have just shown me.

Q. That is, S-40 for Identification? A. Then after arriving at his home, as I recall, I made ar-

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rangements to obtain a plane to fly over the area designated in the note. And I left Bridgeport about daybreak.

Q. Bridgeport, Connecticut? A. Yes, about daybreak the following morning.

Q. What time did you leave for Bridgeport from New York and the Bronx, as nearly as you can remember, and how did you go there? A. We went by car.

Q. Who went along? A. As I recall now, we did not leave directly from Dr. Condon's house but stopped in New York City on the way.

Q. From New York? A. Colonel Breakinridge went and Mr. Irely.

Q. Who is Mr. Irely? A. He is chief of the Internal Revenue Department at Washington.

Q. A United States Government employee? A. Yes.

Q. And who else? A. Dr. Condon and myself.

Q. At any rate, next morning about what time did you take off in your plane? A. We left shortly after daybreak in an amphibian from Bridgeport.

Q. How long were you in the air in your plane? A. I believe several hours; I haven't the exact time, but we flew up over the area described in the note, we landed up there and spent a considerable time looking over the sea harbors in that vicinity.

Q. What was the purpose of your mission in the plane? A. We were looking for the boat described in the note which you just showed me, and to see if we could find any location of my son.

Q. And after approximately two hours— A. We were gone, I believe, longer than that, because we landed there, as I recall now, we did not return until after noon.

Q. Did you pilot the plane yourself? A. I did.

Q. And during those hours you searched the

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waters in that vicinity for the boat that you hoped had your son on it? A. That is correct.

Q. Your search, of course, was in vain that time? A. It was.

Q. You returned then where? A. I believe we returned to a field, a land field near Hempstead, Long Island, called the Aviation Country Club.

Q. Did you make another effort in a plane to locate the boat that was supposed to be the one that you were looking for? A. I did later.

Q. When: the same day? A. No. It was a day or two forward.

Q. I see. And who went up with you that time? A. At the moment, I don't recall who was in that plane.

Q. Who piloted that plane? A. I did.

Q. You did again? A. Yes.

Q. How long were you up on that occasion? A. I believe for several hours again.

Q. And again that search was in vain? A. Yes.

Q. Then you returned, and where did you go? A. On that occasion I landed at Teterboro Airport in New Jersey.

Q. And from there? A. From there, as I recall, I drove to my home in Hopewell.

Q. And that was some time in April? A. That was in April, during the early part.

Q. On the night of April the 2nd, 1932, when you were in the vicinity of St. Raymond's Cemetery and prior to delivering the money to Dr. Condon and you heard a voice hollering, "Hey, Doctor," in some foreign voice, I think, as you referred to it—since that time have you heard the same voice? A. Yes, I have.

Q. Whose voice was it, Colonel, that you heard in the vicinity of St. Raymond's Cemetery that night, saying, "Hey, Doctor"? A. That was Hauptmann's voice.

40

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Q. You heard it again the second time where?
A. At District Attorney Foley's office in New York, in The Bronx.

Q. Now, Colonel, this money that was made up, the \$50,000, I suppose you had ordered that from some bank? A. Yes.

10 Q. You had arranged for that through Morgan & Company? A. I did.

Q. And these moneys were made up in packages? A. Yes, they were.

Q. Do you know whether or not the serial numbers of those bills were taken down by anybody?
A. I requested that that be done, and I was informed that it was done.

20 Q. I see. Now coming back again to Hopewell, after April 2nd, of course Colonel Breckinridge, your adviser and friend, remained at Dr. Condon's home? A. He was at Dr. Condon's home on several occasions after that and I believe quite regularly for some time after April 2nd.

Q. And were you still awaiting word of the whereabouts of your son? A. Yes.

Q. And finally on May 12, 1932, were you called back to Hopewell? A. Yes, I was.

Q. When did you get to Hopewell? A. I believe it was after midnight that night, but during the night of May 12th to May 13th.

30 Mr. Wilentz: Colonel, if you want a glass of water or something, don't hesitate to ask, please; and I would appreciate it if the Sheriff got the prosecution one of those nice tumblers or glasses.

Mr. Fisher: I had to provide this one for myself, Mr. Wilentz.

40 The Court: Mr. Orier, won't you get the Attorney General what he wishes?

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Court Crier Hann: Yes.

Q. Now Colonel, on that night, somewhere around midnight, you say you returned to Hopewell; and did you visit a morgue in Trenton? A. On the following day I did.

Q. By the way, in March, 1932, when was the last time you saw Charles A. Lindbergh, Jr.? A. 10 On the Sunday evening preceding the 1st of March. That would be in February, 1932.

Q. And from that time on, did you ever see that child alive again? A. I did not.

Q. Did you see the child at all again? A. I saw the child's body.

Q. When? A. On the 13th of May, 1932.

Q. Some time slightly after midnight of May 12th? A. After midnight of May 12th, on May 20 13th, I believe.

Q. You saw that body in a morgue at Trenton? A. Yes.

Q. And it was your child? A. It was.

Q. And you ordered the body cremated, as I understand it? A. Yes.

Q. And had the ashes sent to you? A. Yes.

Q. They were in your custody? A. They were.

Q. So that you did not get the money back and did not get your child? A. I did not. 30

Q. By the way, the child was about twenty months of age at the time? A. Yes.

Q. A healthy child? A. Yes, entirely.

Q. Normal? A. Yes—had a slight cold at the time of March 1st—perfectly normal.

Q. Except for a little cold and except for the fact that one of the toes overlapped the other or so the child was perfectly normal? A. Perfectly normal.

Q. Blond hair? A. Yes. 40

Charles Lindbergh—Cross

Q. Curly headed? A. Yes.

Q. Did the child play around like other children? A. Yes.

Q. With its toys and you— A. Yes.

Q. And Mrs. Lindbergh? A. Yes.

Q. And the household? A. Yes, it did.

Q. Did it talk? A. Beginning to talk, yes, a number of words.

Q. Did it have any name for you and for Mrs. Lindbergh? A. Yes.

Q. And in every respect, so far as you know, the child was normal? A. Entirely so.

Q. And as active as any other child? A. Entirely.

Q. What was he, a vivacious child, an active child that ran around? A. Yes, I should say active, very active.

20 Q. Very active. And I take it, of course, Colonel, that the picture which Mrs. Lindbergh presented here yesterday—

Mr. Hauck: S-6.

Q. —S-6, is the picture of Charles Lindbergh, Junior, at the time? A. Yes, that is correct.

20 Mr. Wilentz: Except for the fact I want to exhibit to the Colonel the ladder when it comes in, the ladder and the chisel, you may take the witness.

Cross Examination by Mr. Reilly:

Q. Colonel, do you prefer to rest for a moment? A. No.

Q. Or continue right along? A. Thank you very much.

40 Q. Are you a peace officer of the State? A. Sir?

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Q. Are you a peace officer of this State? A. No, I am not.

Q. Are you armed, Colonel?

Mr. Wilentz: Just a minute, if your Honor please. I object to the question. There is no basis for the question. No reason for it; there is no materiality to it. 10

The Court: What is the question?

Mr. Wilentz: Whether the Colonel is armed.

The Court: I do not see that it is material.

Mr. Reilly: I thought it was. May I 20 have an exception?

The Court: You may have an exception.

(Exception allowed, and the same is signed and sealed accordingly.)

THOMAS W. TRENCHARD (L. S.)
(Judge).

20 The Witness: I have no objection to answering.

Mr. Wilentz: You have no objection to answering it? Well, it is not material and, as long as you have offered to answer it, you may answer; though the Court—

Mr. Large: No, the Court has sustained the objection. 40

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Mr. Wilentz: I withdraw the objection.

The Court: Well, the Colonel appears to desire to answer the question. He may answer it.

A. No, I am not.

10 Q. Colonel, may I ask you when it was that you first gathered together the different properties that formed your estate? A. That was in 1930.

Q. And I take it that you had to purchase different portions of the estate from different people? A. Yes.

Q. Do you recall whether or not, Colonel, that there was a road on some of the property you purchased that you had to close off, a wood road? A. Close off? I do not believe we closed any road

20 on the property.

Q. Did the people around there that had access to and fro and across your estate have the same access after you built your place? A. Why, as far as I know they did. I requested in one particular instance that the neighbors have the same access.

Q. Did you ever hear of any hostility to you in that neighborhood prior to the kidnaping? A. No.

30 Q. When did you first occupy the house, Colonel? A. We first lived there in the fall or early winter of 1931.

Q. The baby had already been born, had it not? A. Oh, yes.

Q. Prior to that you lived at Englewood? A. We had rented a home near Princeton, outside of Princeton, prior to that, and we had also lived at Englewood previously.

40 Q. And when it came time for you to furnish your house with servants, Colonel, where did you

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obtain your butler from? A. Well, we already had obtained a Mr. and Mrs. Whateley when we were living at Princeton or near Princeton, and they moved over to Hopewell when the house was constructed, over to the house in East Amwell.

Q. And from what agency did you get the Whateleys, do you recall?

10

Mr. Wilentz: I object to that as being not at all material, if your Honor please.

Mr. Beilly: It is very material in this case, the background of everybody in that house that night.

Mr. Wilentz: I don't believe that is the fact at all, if your Honor please.

20

The Court: Well, I see no objection to answering the immediate question.

Mr. Wilentz: All right, I withdraw the objection.

A. I don't recall the name of the agency. I recall talking to Mr. and Mrs. Whateley at the time, in my office.

Q. Were they engaged before Betty Gow? A. 30 Yes.

Q. Did they come from the same agency that Betty Gow came from? A. I don't believe that Miss Gow came from an agency. She was recommended to us by one of the people at the Morrow home in Englewood who had known her.

Q. What I am getting at, Colonel, is this: What investigation did you make of Whateley before you hired him as your butler to take into your home? A. I talked to him.

40

Charles Lindbergh—Cross

Q. Beyond that did you go any further? A. Beyond that I never go any further.

Q. You didn't know anything about his background? A. I think that may have been looked into. Personally I simply talked to Mr. and Mrs. Whateley for half an hour or an hour.

Q. And he is one of the parties that since this kidnaping died? A. Yes, he died.

Q. Is that correct? A. Yes.

Q. How long after the kidnaping did he die? A. The winter of 1932 or '33 he was stricken with peritonitis; he was in the house in East Amwell.

Q. He was taken to a hospital? A. Taken to a hospital in Princeton.

Q. How long did he live before he died? A. Several days.

Q. And of course, I suppose you took Mrs. Whateley along at the same time, employed Mrs. Whateley at the same time you employed Whateley? A. Yes.

Q. You talked to her, too? A. Yes.

Q. She is still employed in some way in the family? A. She is.

Q. The next person in the house on the night of the kidnaping was Miss Gow? A. Yes.

Q. You say you obtained her services from somebody that you knew in the neighborhood? A. She was recommended to us by one of the people who was working at Englewood in the Morrow home.

Q. Did you make any effort to learn her background? A. I don't know. That may have been done. I personally only talked to her. Mrs. Lindbergh may have looked into her background.

Q. But you didn't? A. No, except to talk to her.

Q. Did you know she had two brothers? A. No.

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Q. Did you ever know she had two brothers? A. I haven't paid very much attention to that. It seems to me I have heard she had one or two brothers since then.

Q. Since then had you learned that she had a brother who was in trouble in the State of New Jersey? A. No.

Q. Have you learned she has a brother in Canada? A. I am not sure she has a brother at all.

Q. Did you make any effort to find out if she had a brother? A. No.

Q. At the time of this kidnaping, did you not want to find out the antecedents and background of everybody in the house? A. That was thoroughly done by the police.

Q. By you? A. I placed my confidence in the police organizations.

Q. Did you not make any effort as a father to find out the background of the people that were in the house the night your child was snatched away?

Mr. Wilentz: I object. He has already answered the question.

Mr. Reilly: I think this is proper cross examination, sir.

The Court: I think the Colonel has answered the question, but if there is any doubt about it, he may answer it again.

(The question was repeated by the reporter as follows: "Q. Did you not make any effort as a father to find out the background of the people that were in the house the night your child was snatched away?")

Charles Lindbergh—Cross

A. I placed my entire confidence in the police and followed their suggestions from that time on. I tried to cooperate in every way that I could.

Q. Well, Colonel, as a man of the world, you certainly must have known that some of the police are not infallible, did you not? A. I think we have very good police. (Laughter.)

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The Court: Quiet. Don't let it happen again that we are interrupted in that fashion.

Q. You also think that we have first-class Department of Justice agents? A. I think our Federal Departments are good.

Q. Is it not a fact, Colonel, that down to this date not one Federal agent of the United States Government has ever seen these ransom notes? A. Oh, no, I don't believe that is so. No. I know that is not a fact.

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Q. Do you remember the Federal men coming to your estate shortly after this kidnaping? A. Yes, very well.

Q. Did you keep them in the garage or did you give them access to the house? A. The heads of the department had complete access to the house and we turned the house over at the request of the police and the Department of Internal Revenue.

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Q. Is it not a fact that this investigation from the day it started or the minute it started has been in the hands of the State Police of the State of New Jersey under Colonel Schwarzkopf? A. I believe that is the organization of authority, but the Internal Revenue Department has been in complete knowledge of what went on during the earlier periods, because I attended conference after conference in the home at Hopewell in which

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Charles Lindbergh—Cross

the heads of one to three of the departments were present.

Q. Can you give me the name of any agent who was present the night shortly after the kidnaping? A. What date?

Q. Shortly after the kidnaping, when they arrived. A. Mr. Irely, who is Chief of the Internal Revenue Department, Mr. Madden, who is in charge of the Chicago Division, Mr. Wilson, who I believe is now in charge of the Baltimore Division—whether the Baltimore Division is the actual name I am not sure, but all three of those men were in charge of the organization, or Mr. Irely was in complete charge of the organization.

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Q. I think you have testified, Colonel, that some time in the early morning or late at night March 1st the place was surrounded by and covered with police and reporters. Is that correct? A. Yes, that night.

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Q. And did the Department of Justice men arrive the next day? A. The Department of Justice—I talked to the Department of Justice men shortly after that, but what day they arrived I am not sure.

Mr. Reilly: Now may I have one of these pointers?

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Q. Colonel, will you be good enough to point out to the jury how a person would walk from the nursery to the kitchen without coming down the front stairs? A. Through the doorway into the hall—

Mr. Reilly: Pardon me, Colonel. With your Honor's permission, may we mark it with pencil?

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Charles Lindbergh—Cross

The Court: Well, I suppose it might be traced.

Mr. Wilentz: I am fearful, if your Honor please, that before we get through with the great number of witnesses that are going to be called, such markings would absolutely, instead of being helpful, interfere; and I think we ought to—

Mr. Reilly: It is only my purpose—the only tracing would be the Colonel's.

Mr. Wilentz: Unfortunately, we have the same right then after that. I am fearful that it would not help but would hinder.

The Court: We very frequently allow a witness to make a mark, but to allow a tracing that spreads over a considerable part of a map I rather hesitate to allow that to be done. So that I shall have to deny your application at the moment.

By Mr. Reilly:

Q. Well, then, Colonel, in full view of the jury will you be good enough to trace the course of a person's journey through your home from the nursery to the kitchen, down the servants' staircase? A. This is the nursery. Go through this door into the hall, along the hall, to the back hall, down these stairs, coming out just outside of the kitchen here.

Q. Now, Colonel, was there on that night a door leading from the kitchen out into some yard or

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roadway and, if so, will you point to it? A. Not directly. There is no door directly leading.

Q. Well, how would you get from the kitchen out into the back yard or the garage? A. That would be past these stairs, then you could go, then you would go through this door here into the garage and out one of the garage doors.

Q. And that would lead into the rear part of the house? A. That would lead into the—what you might call the parking space outside the garage, that would lead in here.

Q. Now, did you examine that parking space that night for any foot prints? A. No. There would be no use, because that is covered with a loose gravel.

Q. Then, though it was loose gravel did you make any effort to locate any foot prints? A. I walked fairly well around the house that time, but I knew there would be no object in looking in that place for foot prints.

Q. The question is, did you look, Colonel? A. No.

Q. Now, will you be good enough to trace the journeying through your house from the nursery down the front stairway to the front door? A. Lead through this door here of the nursery down these steps, coming out here past the living room door and out through the front door.

Q. Thank you, Colonel, you may resume.
(Witness resumes the witness chair.)

Q. I understood you to say, Colonel, that you last saw your son on a Sunday evening. A. To the best of my recollection, yes, I saw him that Sunday, I believe, in the evening or late afternoon.

Q. Where? A. At our residence in the East Anwell house.

Q. Had you returned from Englewood that afternoon? A. No, I had been there on Sunday.

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Q. I understood your wife to say that it was the habit to spend week-ends at Hopewell. Is that correct? A. On and off, not always.

Q. Well, now, had you spent the previous week at Hopewell or at Englewood? A. No, I believe that was at Englewood, it was not at Hopewell.

10 Q. When did you decide to come back from Englewood that week to Hopewell? A. Well, prior to the week-end or after the week-end.

Q. This particular week-end—let's go back to about the 25th, the 26th, the middle of the week, you were then at Englewood, is that correct? A. In the evening, yes.

Q. Now, do you recall when you decided to go back to Hopewell? A. No, I don't recall the day, what day that was, at the moment.

20 Q. Did you keep servants in your place at Hopewell while you were at Englewood? A. Mr. and Mrs. Whately were there.

Q. Would they always know when you were coming back? A. Not always.

Q. Miss Gow was with the baby, is that correct, in Englewood? A. During that week.

Q. During that week I am talking about? A. Yes.

30 Q. Well, finally you did arrive back at Hopewell, is that correct? A. Yes, we spent that week end at Hopewell.

Q. And the week end ordinarily consisted of Fridays, Saturdays and Sundays? A. Why, at least part of Saturday and Sunday we would consider a week end. I don't recall definitely whether it was Friday or Saturday we arrived.

Q. Well, was it your custom to leave on Sunday afternoon or some time Sunday and return to Englewood? A. We had no fixed custom.

40 Q. You simply made up your mind to go and

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started off: is that it? A. We did that some times.

Q. Now, on this particular week end you decided to stay in Hopewell on Monday; is that correct? A. My wife and my son stayed in Hopewell on Monday and I went to New York.

Q. Well, wasn't it unusual for you to stay there on a Monday? A. I went to New York on Monday. 10

Q. No. I mean the family to stay there. A. They stayed there because the baby had a cold.

Q. Now, how many people knew the baby had a cold and that the baby was going to stay in your house on Monday? A. I doubt that anybody knew that on Monday, because, as I recall, there was some question as to whether my wife might not come to Englewood on Monday. I don't believe that we knew that ourselves Monday morning, as I recall now. 20

Q. So that if the family followed their usual course that Monday they would have returned to Englewood? A. Well, if you say usual course—we had only been there—the house was newly built and we had been there only a few week ends, so there was no established precedent as to what our movements were.

Q. But your movements were in the knowledge of your butler and your butler's wife and your nursemaid: is that correct? A. Not completely, 30 no. Miss Gow was in Englewood on that Monday and she did not know until my wife called her, I think, I believe Tuesday; that is something that I can't testify to, what date my wife called her. I understand she didn't know what we were going to do until she was called.

Q. You went to New York on Monday: is that correct? A. I went to New York on Monday. 40

Charles Lindbergh—Cross

Q. Did you stay over night in New York on Monday? A. At Englewood.

Q. At Englewood Monday night? A. At Englewood.

Q. And the family stayed at Hopewell? A. At Hopewell.

10 Q. Did anybody know outside of your wife that you were going to stay Monday night in Englewood? A. I didn't know that myself until late that evening, because I had been working late and I had planned on going back to Hopewell; but in order to avoid the distance of the drive and be in New York the next day reasonably early, I stayed in Englewood instead of going to Hopewell, as we often referred to it as our residence.

20 Q. How did you communicate with your wife that you would not be home Monday night? A. I believe that I called her that evening by phone.

Q. Did you talk to the butler? A. He might have answered the phone, I don't remember that.

Q. But he would know that you were not coming home Monday night after you finished talking to your wife, wouldn't he? A. He probably would. I can't say definitely, but I think probably.

Q. And Mrs. Whateley would very likely know. She was the cook, wasn't she? A. It is quite probable.

30 Q. But the outside world would not know that you were coming home Monday night, would they? A. Very few people would know that.

Q. Very few people would know that you were going back to New York again on Tuesday, would they, Colonel? A. Very few people know what I do.

Q. Yes. So that a person in the outside world or a gang on the outside world on Tuesday, March the 1st, would have no knowledge as to where you

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were? A. Well, that depends upon their organization.

Q. It wouldn't depend on any information you gave, would it? A. Well, not with knowledge.

Q. No. Was it generally known in your neighborhood that you were armed and had a shotgun in the house? A. We didn't have a shotgun in the house. We had—

10 Q. Was it a rifle? A. I think it was—well, whoever would know about it at all knew that I had arms, because I carried them on long flights.

Q. How about this gun you were speaking about that you picked up and went outside with right after the kidnaping? A. I carried that on various flights, through Central America in 1927—

Q. Was that a rifle? A. That is a rifle, cut down Springfield.

20 Q. Now will you give us an outline of your movement on Tuesday? A. Tuesday I was in New York during the day.

Q. Where? A. I don't recall in vivid detail where I went. I think I went to the Pan-American Airways offices, probably to the Transcontinental Air Transport offices. I was at the Rockefeller Institute during a part of the day and I believe that I stopped at my dentist's that afternoon late, to the best of my recollection.

30 Q. When and to whom, Colonel, did you give your first indication that you were going to return that night? A. As I recall, I called my wife, I telephoned my wife.

Q. Did the butler answer? A. Well, it is very likely, but I don't recall that. Very likely he did.

Q. In very well conducted homes the butler answers the phone? A. We never regarded Mr. Whateley as a butler. We needed someone to take care of the place there and it just happened—it would depend on who would be closest to the

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Charles Lindbergh—Cross

phone, but it is quite probable that he answered the phone.

Q. Do you recall what time of the day or evening you phoned Hopewell and said, "I am coming home"? A. Well, it was in the evening or late afternoon, probably not more than two or three hours, I should think, before I started.

10 Q. And did you arrive at about eight or a little after? A. It was approximately 8:25.

Q. Colonel, did you have any dogs? A. We had one at Englewood at that time.

Q. Now, the dog that you had at Englewood, was that a dog that was attached to your son? A. No, not particularly.

Q. Was it a dog that you had purchased for him? A. The dog was given to me by my mother, we had not purchased it, nor was it given particularly with the baby in view.

20 Q. Was it given after the baby's birth? A. I am quite sure that it was—yes.

Q. Did it spend any time at Hopewell? A. Did the dog?

Q. Yes. A. Oh, yes, the dog was at Hopewell after we had moved from the house we rented near Princeton.

Q. When did it go back to Englewood? A. Oh, that dog was at Hopewell most of the time, I don't think it went back to Englewood for quite a long time after that.

30 Q. Well, was there any particular reason why it went back to Englewood just before the kidnaping? A. Oh, it did not.

Q. Was it there at the time of the kidnaping? A. Yes.

Q. Was it in Hopewell? A. It was at Hopewell.

Q. When I refer to Hopewell, I refer to the house. A. Yes, on the ground.

40 Q. Yes, on the ground. And you had had that

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dog for how long? A. Well, I believe we had that dog, I think that that dog was given to us about the summer of 1930, so that is slightly over a year to the best of my recollection.

Q. What kind of a dog was it? A. A little fox terrier.

Q. They are very affectionate dogs, you found this dog to be affectionate, it knew every member of the household? A. Why, reasonably so, a fox terrier, of course, is a very high strung—

Q. Very nervous? A. Very nervous, yes.

Q. A good watch dog? A. I would not say that he particularly was a good watch dog.

Q. He knew every member of the family? A. Oh, yes.

Q. He had been long enough in the family to be acquainted with everybody's habits, as dogs will?

A. Any dog will when he is there a year, I think.

Q. Did you see that dog there that night? A. Yes.

Q. In what room? A. I do not recall what I saw him in that night. I imagine he was running around in the dining room.

Q. At any time that night, between the time you arrived for dinner and the time you discovered your baby was missing, did you hear the dog bark? A. I don't recall hearing the dog bark that night. I understand that he did sometimes, but that was not a regular thing.

Q. Did you see any indication from that dog that there was anybody prowling around the house? A. No. But I would not expect any from that dog.

Mr. Reilly: I move the latter part of the answer be stricken out. I think it is for the jury to say. We are all dog lovers and know dogs and know what dogs will do.

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Mr. Wilentz: If your Honor please, I think counsel has gone into the habits of this dog so extensively and particularly as to his familiarity with the family, and he has shown that the dog knew Colonel Lindbergh and everybody well, and I think the Colonel ought to be permitted this explanation about this dog that knew him so well.

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The Court: I understand that Mr. Reilly's objection is founded upon the idea that the latter part of the answer is not responsive to his question?

Mr. Reilly: Yes.

The Court: I suppose that technically Mr. Reilly is right regarding that; so the latter part of the answer may be stricken out, and if you desire to amplify the matter on redirect examination you may do so.

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By Mr. Reilly:

Q. Anyhow, the dog was around and you have no recollection now that the dog indicated there was anything unusual about the house? A. No, I have not.

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Q. Now, of course, Colonel, following the evidence as it has been given by you and by Mrs. Lindbergh, there was some indication that the young son was recovering from a cold: is that correct? A. He had a cold that week end.

Q. You did not visit his nursery when you entered the house, did you? A. On the evening of March 1st I did not.

Q. I am talking about that particular evening.

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You first came in and greeted your wife: is that correct? A. Yes.

Q. You came in through the garage entrance, I will call it? A. Yes.

Q. After greeting her, I believe the testimony is, that you went upstairs and washed up: is that correct? A. To the best of my recollection I went upstairs and washed, before sitting down to supper.

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Q. Yes. How close was the washroom to the baby's nursery? A. It was adjoining the nursery through a short hall.

Q. Did you see Betty Gow on that floor at that time? A. Not as I recall.

Q. And you did not enter the nursery? A. No.

Q. And you heard no noise from the nursery? A. No.

Q. No suspicious noise? A. No.

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Q. That was a little after eight? A. I arrived home about 8:25.

Q. I don't want to tie you down; we will put it in the neighborhood of eight o'clock. Then you went downstairs and, as has been indicated, you entered the dining room? A. Yes.

Q. And the dining room—I think we will keep this pointer handy—from there—will you stand up and point to the dining room? A. This is the dining room here.

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Q. And this would be the main staircase in your home (indicating)? A. This is the main staircase here (indicating).

Q. And that led to the baby's nursery? A. It led to the hallway.

Q. The hallway leading into the nursery? A. Past the nursery.

Q. Will you point out, please, in what part of this dining room you sat? A. The table was about in the center of the room.

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Charles Lindbergh—Cross

Q. Was your face to the door or your back? A. Well, which? This door here (indicating)?

Q. The door out of the dining room, the nearest door to the stairs. A. Well, that is the pantry door here (indicating).

Q. That is the pantry? A. I probably sat at this end of the table; I am not sure of that.

10 Q. Where is the doorway, Colonel? A. This is the doorway to the pantry; this is the doorway to the living room (indicating).

Q. This one here? A. This one here is the doorway to the living room.

Q. Then you passed from the living room into the dining room. Is that correct? A. Yes.

Q. And there is no door out of that room except the pantry? A. And the living room.

20 Q. And the living room. But there is no doorway from the dining room into the hallway? A. Well, to the pantry. That is all the—there is no hallway there except the pantry.

Q. Now the pantry has a door, like all pantries, hasn't it? A. Three, I believe.

Q. Three doors to the pantry? A. I think so, yes.

Q. Are they small doors that swing back. A. They are normal doors. I think one of them is a swinging, I am not certain of that now.

30 Q. Maybe I don't understand you, Colonel. Three doors to the pantry? A. There are three doors leading from the pantry, I believe.

Q. Into the dining room? A. Oh, no—one.

Q. That is what I mean. A. I beg your pardon.

Q. Now the door—I have never been in your home—I assume that the door leading from the pantry to your dining room is easily accessible for anybody serving food, and it swings, doesn't it? A. I think it is a swinging door.

Charles Lindbergh—Cross

Q. It is a swinging door; and it swings back and forward? A. I believe so, yes.

Q. So the way you sat in the dining room you could not see your main hallway, could you? A. No.

Q. Nor could you see any servants' staircase? A. No.

Q. So that you were then at a part—we will put it this way—set apart from the upper part of the house? A. Well, we were in a different room.

Q. Well, you were eating, is that correct? A. To a certain extent.

Q. Yes, I mean, so far as sight went? A. Yes.

Q. Nor did you hear at that time anything suspicious from the nursery? A. No.

Q. Where was Miss Gow? A. I don't know that definitely, I think she was probably in the—between the kitchen and the sitting room in the back.

Q. Colonel, while you were in the dining room, if the front doorway of your home was opened by someone, anyone could have gone up the stairway of your house and taken the baby out of the crib, couldn't they? A. I don't think so.

Q. It would have been physically possible, would it not? A. I think it would be very improbable that that could be done without our hearing it.

Q. Never mind whether it would be improbable or not, would it be physically possible?

Mr. Wilentz: Well, just a minute, never mind the never minds.

The Court: Well, the Colonel is asked whether or not it was possible. Now, the Colonel may express an opinion about that, and I suppose that is what Mr. Reilly wants him to do.

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Mr. Reilly: Yes.

The Witness: Can I answer yes or no, your Honor?

10 The Court: Well, the question is, I believe, would it be possible in your judgment for any person to enter the house from the front doorway,—is it, Mr. Reilly?

Mr. Reilly: Yes.

The Court: And take that baby out in that fashion.

A. I don't think so.

20 By Mr. Reilly:

Q. Why, because they would have to ring the bell? A. The door did not open easily. There is no door closed between the dining room and the front door of the house. There was no carpet on the stairway. I don't think it could have been possible for anyone to come in through that door without our knowing it.

30 Q. Then would it be possible for anyone in the house, used to the house, who knew the house, to take the baby out of the crib and bring it down the main stairs? A. Without opening the door?

Q. No. Bring it to the front door. A. And open the door?

Q. Or bring it to a window. A. Answering your question directly, it might have been possible.

Q. Let's take the other course, Colonel: if there was disloyalty in your home, would it be possible for a person acquainted with the home to take the baby out of the crib and descend the servants'

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staircase and hand it to someone in the garage yard while you were dining? A. Well, again answering the question directly it would have been possible for someone in the house to take the baby out of the crib, as far as I know.

Q. You do not know, Colonel, nor can you put your finger, nor can anyone else—I will ask you though—you do not know at what exact moment the baby was taken out of the crib? A. By sight, no. 10

Q. No. You were in the dining room with Mrs. Lindbergh, I should say, an hour? A. Oh, no. No. Probably half an hour; maybe a little less.

Q. When after you left the dining room did you first see Miss Gow? A. The first time I remember seeing her was in the vicinity of ten o'clock when I was reading in the library and she came down and asked me if I had the baby. 20

Q. So that the message that the baby was missing was brought to you by Miss Gow? A. Yes.

Q. And that was the first time you had seen her that night? A. I think I had seen her before that, that night; but knowing she was there I don't recollect definitely where I saw her, but I think that I saw her and Mr. and Mrs. Whateley as I came into the house. I am quite sure that I did.

Q. You came in the kitchen way. A. Yes. 30

Q. Were they in the kitchen? A. My recollection is that I saw all three, either in the kitchen or the parlor next to the kitchen, which is marked there "Dining Room," that evening. But, of course, as I said, it is routine.

Q. Is that their dining room? A. Yes.

Q. You saw them in their quarters? A. I am quite sure that I did, all of them.

Q. Now, during the time you were in the din- 40

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ing room you heard no suspicious sounds? A. No.

Q. Then as I recall the evidence, you returned to the library? A. To the living room next to the dining room.

10 Q. How long did you stay in the living room before you sat down and started to read? A. I should think about roughly ten minutes.

Q. Is that the same room that you were sitting in or did you pass into a library? A. Could I show that on the chart?

Q. Certainly. A. (Referring to chart). We were having dinner in the dining room here. This is the back dining room. We were having dinner in this dining room. After dinner we returned to the living room and sat on a settee that was about in this position.

20 Q. So that—not interrupting you—Colonel—while you are still there with the pointer, where were you sitting on that settee? You could not see the front entrance hall of your home? A. We could see—we probably did not see it. The only part you could see would be in there.

Q. Yes. But you did not see the front entrance hall? You could not see the front entrance hall? A. You could see this part, from where you sit.

30 Q. That other part, the main doorway? A. No.

Q. And of course it would be impossible to see the servants' staircase? A. Yes.

Q. How long did you and Mrs. Lindbergh remain on that lounge? A. I should think about ten minutes.

Q. Then where did you go, Colonel? A. Then we went upstairs to our bedroom.

Q. That was adjacent to the nursery, wasn't it? A. The bath between.

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Charles Lindbergh—Cross

Q. And you did not enter the nursery? A. No, I did not.

Q. And you heard nothing suspicious? A. No.

Q. That would bring you in the neighborhood of nine o'clock? A. That would be a little after nine, I believe.

Q. Were all the lights on in the house? A. The house was fairly well lighted. I don't know whether—they couldn't have all been on. 10

Q. Was it fairly well lighted? A. Yes.

Q. The indication to anybody passing by the house would be that from the light there was somebody there and it was inhabited? A. Oh, yes.

Q. Now, did you at any time go to any of the windows of that house to indicate that you were in that particular room? A. That I was in there?

Q. In any particular room. Did you show yourself at any particular window? A. No, but I think, I think it would have been possible to see in from the outside, because we did not have curtains in the house. 20

Q. In the course of this investigation that has gone on since then, Colonel, have you ever heard it said that you were to be the one that was to be kidnaped?

Mr. Wilentz: Just a minute, if your Honor please. Of course I object to that. 30

The Court: I do not think that is within the scope of the original examination, nor do I understand that it is legitimate cross examination.

Mr. Reilly: Well, the Colonel has already testified, if the Court please, that there is no indication to the outside world except to the members of that household that 40

Charles Lindbergh—Cross

he was coming home. Now, it may be relevant along the lines as to how anybody in the world would know that he was home or whether or not he was away.

10 Mr. Wilentz: If your Honor please, may I just suggest that my main purpose in objecting is not so much to this question, but I want it understood that the State is certainly going to object to whether or not the Colonel ever heard any rumors.

20 Mr. Reilly: Well, I think it is very relevant to what the Colonel heard, because there is not any doubt or question here that we are going to ask the Colonel whether or not at different times during his negotiations there were several members of a gang whom they thought took the child.

Mr. Wilentz: Well, I object.

Mr. Reilly: We might just as well approach the subject now.

30 Mr. Wilentz: We will meet it when it comes, if your Honor please, if that is the way you want it, but right now, if your Honor please, whether the Colonel ever heard that he was intended to be the victim is so vague and indefinite, aside from being absolutely immaterial to this issue, if your Honor please, that the State objects to it.

The Court: Well, I feel that I am bound to sustain the objection, Mr. Reilly.

40 Mr. Reilly: May I have an exception?

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The Court: You may have your exception.

(Exception allowed, and the same is signed and sealed accordingly.)

THOMAS W. TRENCHARD (L. S.)
Judge.) 10

Q. I believe the evidence is, Colonel, that after you went upstairs to your bedroom with Mrs. Lindbergh, you stepped into your bathroom and drew a bath, is that correct? A. Yes.

Q. Now, did you take the bath? A. Yes.

Q. That took a few minutes. After taking a bath was it then that you descended and read? A. Yes.

Q. Now in Hopswell that night was it quiet? 20
A. Well, it was a windy night.

Q. A windy night. A. It was a windy night.

Q. And you were surrounded by a great many trees, as the surveyor said yesterday, except in a portion that was cleared off for your home? A. On the north and west the area was quite heavily with it; on the south there were no large trees, but there were quite a few bushes. So that the house stood in somewhat of a clearing in which there were small cedar trees, I should say, and brush, and a few larger trees. 30

Q. At the time the house was built, Colonel, do you know whether or not your telephone wires were laid underground in piping? A. The telephone wires were brought from approximately a telephone pole's length, maybe a telephone pole and half or two, into the house; so that the wires coming into the house were underground, but for I should say about 75 or 100 yards, something like that. 40

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Q. Did you ever have any indication while you lived in your house that the wires were being tapped? A. No.

Q. As I recall your testimony you found the wire working that night when you called the police? A. Mr. Whateley called the police and the wire was working. I did not call.

10 Q. Had it rained that day or the day before? A. I am not sure. The ground was wet.

Q. The ground was wet? A. Whether it was thawing or from rain I am not sure.

Q. This being a new house and the earth turned up freshly around the house, was that why you laid the planking there that has been indicated? A. That is undoubtedly why it was laid there.

20 Q. Colonel, will you now be good enough to point out the window of the nursery you believe your child was taken through? A. The southeast window upstairs (indicating on the diagram).

Q. Colonel, will you now point out on S-2 for the benefit of the jury, if it shows there? A. This window (indicating on the left diagram on S-2).

Q. Does it show on here, Colonel (indicating the right diagram on S-2)? A. This window (indicating).

30 Q. In relation to this window, Colonel, is that the kind of window it was that slid up and down? A. Yes.

Q. Where was the French casement window in that room? A. That was around—

Q. On this side here (indicating)? A. On the south side, this window (indicating on diagram).

Q. That is not the window that you believe your child was taken through, is that correct? A. That is correct.

Q. You believe it was this window (indicating)? A. Yes.

40 Q. Did you see the casement window opened at

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all that night when you went into the nursery? A. My recollection is that the casement window was open.

Q. Did you see this window you have indicated here on S-2 open that night? A. That window was closed.

Q. Was it underneath the closed window that you say the ladder marks were found? A. It was, slightly offset, about here (indicating on diagram). 10

Q. Apparently to the right of the window, is that right? A. Yes, as you face that diagram.

Q. Was there any fingerprint that you know of ever taken from this window that you have indicated here showing that a person on the outside of that building had raised the window?

Mr. Wilentz: Will you please face the witness when you are asking him the questions. 20

A. The window was dusted for fingerprints by Trooper Kelly, I don't know whether by others or not. I was informed that at the time they did not locate any fingerprints. They were smudges.

Q. Colonel, were you informed that any fingerprints were found anywhere around the casement window? A. My understanding is that no fingerprints which showed definitely the marking of a finger were found. That is the information that I have, but that is what I have been told. 30

Q. Who approached this window, Colonel? It is difficult for me to talk to you with my back turned. Who approached this window here to the best of your recollection, Colonel, the first person after the child was discovered out of the crib? A. Who approached the window? I did.

Q. You did? A. Yes. I did as far as I know. 40

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Q. Was it locked? A. No.

Q. Did Trooper Kelly dust that catch? A. I don't know that.

Q. Did you call attention of the police that that window was open and the catch had been thrown back? A. That window was closed, this window here (indicating on diagram), that was closed.

10 Q. But closed, Colonel? A. The window was down.

Q. Yes, the window is down, but there is a latch? A. Yes.

Q. An ordinary snap latch? A. Yes, like the one up there.

Q. Yes, indicating a thumb latch. A. That was not locked.

Q. That was not locked? A. No.

20 Q. Now, did anyone indicate to you in your household that night that they had ever looked that window? A. No, it wasn't the custom to look windows.

Q. It was not the custom? A. No.

Q. And was it known to Betty Gow that that window was not locked generally? A. I do not know. I suppose so.

Q. And to the two Whateleys? A. I suppose so.

30 Q. Had any strangers visited your home within the week before the kidnaping? A. Not as far as I know, but I wasn't there except during the week-end.

Q. Had strangers, so far as you know, ever been in your nursery? A. After the house, after we moved in?

Q. After the house was occupied. A. After we moved into the house, not so far as I know—some of our friends had been in there, of course.

Q. Of course, and your relatives—I am talking about strangers? A. Not as far as I know.

40 Q. In sitting in the library reading and approx-

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imately we will say in the neighborhood of nine-thirty and ten o'clock, you heard some sound? A. Between those times, approximately.

Q. You heard a sound? A. No.

Q. You didn't hear any sound at all? A. Not reading in the library.

Q. Well, where was it that you heard these sounds? A. As of falling wood? 10

Q. Yes. A. That was after we came out of the dining room and were sitting on the settee in the living room, as we call it, about here, and that would be, I should say, shortly after nine o'clock.

Q. Now, did that sound like a book falling off a table, or something like that? Oh, no.

Q. Did it sound like something snapping? A. It was the sound of wood on wood.

Q. It didn't sound like a tree, a branch cracking off? A. Not in the least. 20

Q. By wood on wood did it sound like striking two pieces of wood together? A. I should say more than two. There is a single sound with two. At the time I didn't pay great attention to it, but it entered my mind at the moment that it was like the boards on a crate falling together off of a stand or a chair.

Q. Well, now, when you moved into this house you had a lot of furniture and stuff delivered there, crated, didn't you? A. No, I think very little crated. It was moved over from Princeton, about 10 or 15 miles away from where I lived at Hopewell. 30

Q. Did you have anything crated? A. I don't remember anything crated.

Q. Did you have any lumber around the house? A. Well, there was lumber, yes, outside, possibly in the basement, there were boards left from construction.

Q. Was there any lumber in your library? A. 40

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Not that I recall. I don't think there could have been, it doesn't seem to me there could have been because the library was furnished—we had books in the library and desks.

Q. As far as you can recall, do you recall whether or not there was a piece of wood in the library about 12 or 14 inches long? A. I don't recall any.

10 Q. Were there library shelves? A. Were there? Yes.

Q. Were they built in by the carpenters at the time the house was built? A. They were built-in shelves, yes.

Q. The lumber that was left over, was that put in your cellar or your garage, around the grounds? A. Well, there was some—I think there were a few boards, as I recall, in the cellar; there were a few outside, on the grounds; but I don't believe there was any in the house, particularly in the library—I can't think why there would be any in the library, and don't recall any.

Q. After the usual cleaning up of the house which goes on when a house is built, such as gathering up and sweeping and cleaning, getting it ready for occupancy, did you notice any shavings or nails or stuff like that, that was swept out by the cleaners? Where was that put? A. There was a pile of that in the back of the house.

30 Q. Did you have a refuse dump off in the woods somewhere? A. There was a pit where we burned material, a few yards from the house, yes.

Q. Now, did you investigate this sound, Colonel? A. At the time, no.

Q. You knew, of course—A. I did later.

Q. You knew, of course, that the baby had, as we say, this cold? A. Yes.

Q. And it didn't come from the nursery, did it? A. Well, I don't know definitely where it came

40 from.

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Q. Well, don't you think, Colonel, that if it did come from the nursery and you heard it, that your first inclination would be to dash upstairs to see how the child was? A. There was nothing in the nursery that would make that.

Q. But, I mean, if it did come from that general direction, don't you think you would have dashed upstairs to see how the child was? A. If I had thought it was in the nursery I would have gone up.

Q. It didn't come from that direction? A. I don't know that you can say it came from the direction, as I recall. I spoke to my wife about it and the words I used to my wife were "What is that?" Then I rather dismissed it from my mind.

Q. Now, at that time you would be—Where was the library here, Colonel? Is this it? A. That is the window to the library, but that is not where I was when I heard the noise.

Q. All right. Does it show on here? Is there any window there that indicates where you were when you heard the noise? A. No.

Q. Well, then, would you be on this side of the house? A. On this side here—This is the east face of the house—on the south.

Q. Would it be the side running down here or the side running down there? A. I can show it on this diagram. This window here corresponds to this window here, upstairs.

Q. Yes. A. And we were about in here, to be exact, right in this position.

Q. Then you would be practically under the nursery? A. No, the nursery was over this way.

Q. I see. Over the library? A. Over the library.

Q. And you only heard one sound? A. I heard a sound. You couldn't call it as one sound. I heard the sound once.

40

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Q Well, could not it have come from the kitchen? A. You can't tell where it came from or, rather, I couldn't tell at the time where it came from, nor did I think much about it.

Q You didn't ring for any servant and ask what happened? A. I inquired later whether anything had fallen in the kitchen; not at the moment.

Q Before you went upstairs? A. No; after.

Q Now, the first indication then, as we have it, from your testimony that your child was missing was when Miss Gow announced it? A. Yes.

Q Then you went upstairs and, as you told us, the bedclothing was in the form of a semicircle under which— A. Well, approximately. It held the general contour that it would have had with the baby in the bed, in the crib.

Q The baby had never been contacted much with strangers, had he? A. No, only friends.

Q Only friends. You lived more or less of a reserved life, and the child was known to you, of course, and to Mrs. Lindbergh, and to Betty Gow, and to the Whateleys, and possibly to its grandmother and the relatives in Englewood: is that correct? A. Yes. And the people in Englewood and some friends.

Q Some friends in Englewood that visited the Morrow home: is that correct? A. Various friends, yes.

Q But the child was not in the habit of being exhibited or allowed to play with strangers: is that correct? A. Well, he went to school with other children.

Q What school? A. The Little School, in Englewood.

Q Oh, that was run by your distinguished sister-in-law? A. Yes.

Q Even there, there was a circumscribed and

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small circle of children of that neighborhood? A. And various teachers.

Q Yes, and various teachers? A. Yes.

Q But there were no tradesmen handling your child? A. No.

Q He wasn't getting to the milkman in the morning to play with or the groceryman, or anything like that, so that the child would become accustomed to strangers, is that correct? A. No, he was not.

Q Now, you heard no cry from the nursery of the child, did you? A. No.

Q And that child was sick, recovering from a cold: is that correct? A. Recovering from a cold, yes.

Q Its little breast had been rubbed with Vick's? A. I understand so.

Q Now, Colonel, was it the child's habit to awaken during the night? A. Well, the baby awakened at times on different occasions, I know, but whether—

Q Well, was there a feed, there wasn't any feeding now at twenty months, was there? A. A feeding period?

Q Yes. A. I think he was given something about, around ten o'clock.

Q But after that, was he a child that woke up maybe two or three o'clock in the morning and whined a little bit and somebody had to go in and pet him a little bit or give him something to eat? A. Well, we were pretty careful not to do that under ordinary conditions, I believe.

Q He was being taught to go to sleep and stay asleep? A. I believe so, I cannot answer that as well as my wife could.

Q He was under control. Now, you heard nothing as it approached ten o'clock from the child, we will say the usual hour that he received

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his added refreshment, did you ever hear any indication from the child when you were home before ten o'clock came that it was hungry and summoned Miss Gow by a little cry or a call? A. Well, not that I recall. Undoubtedly that has happened, but I do not recall at that particular period.

10 Q. Didn't you think it strange, Colonel, that the child would be put to bed suffering from a cold, no matter how slight, after being rubbed with Vicks, at seven o'clock or half past seven, and nobody entering the room or the nursery to look at that child until ten o'clock at night?

Mr. Wilentz: That is not the fact, if your Honor please, and therefore I must object to the question.

20

Mr. Reilly: I think that is the fact.

The Court: I do not recall what the evidence is in that respect.

Mr. Reilly: Well, let's make it eight o'clock. I won't haggle about the minutes, I mean the period—

30

Mr. Wilentz: Well, that is not—

Mr. Reilly: About two hours, Mr. Attorney General.

Mr. Wilentz: I fear that is not the point, either—

The Court: What is the point of your inquiry, Mr. Reilly?

40

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Mr. Reilly: Didn't he think it strange that between the time it was put to bed, seven or seven-thirty and ten o'clock at the time they went to the room when the alarm was given that nobody had entered the room to look at the child? Now, I believe Mrs. Lindbergh's testimony yesterday was to the effect that she left the child just as the child was being put to bed, she didn't even see the child put into bed, and so far as we know, nobody entered that room. Miss Gow was downstairs in and around with her all during the evening until the Colonel returned to dinner, and she was in the Colonel's company at the time and they both admit that neither one of them were in the nursery.

10

20

Mr. Wilentz: Well, if your Honor please, we will prove by a subsequent witness that that witness did go in after 7:30 or 8:00 o'clock. So that at this stage, while counsel for the defense hasn't got the testimony in the record, if they really want to ask the question of the Colonel whether he thinks it is strange or whether he doesn't, I have no objection; but I want it understood that we don't permit the question to go unchallenged, because it is not accurate. Now I withdraw the objection with that explanation.

30

Mr. Reilly: If we were in a position to have the record in this trial, which we will take up with your Honor during the noon recess, we might be more accurate. If it is embarrassing, I will withdraw the question.

40

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The Witness: Not in the least.

Mr. Wilentz: It is not embarrassing at all. That is not the object of the objection and I do not like the word.

The Court: I think the Attorney General did object, but now he withdraws the objection.

Mr. Reilly: Now he says it is not embarrassing.

The Court: Yes.

A. May I have the question restated, please?

Q. All right, I will try to restate the question: Didn't you think it unusual, Colonel, for the child suffering from a slight cold, to be put to bed before half-past seven or eight o'clock, and nobody entering the nursery to look at the child until the alarm? A. No. As a matter of fact, we made a particular point to try to leave the baby alone as long as he was sleeping well, and unless something woke him up so that there was some sound, it would be our wish, I know, that no one disturb him during that time.

Q. Well, Colonel, had it ever occurred to you that a child at that tender age, wrapped in blankets, with the window partly open, might roll over, especially suffering from a cold, being rubbed with Vick's, might roll over on its face and smother? A. No.

Q. That never occurred to you? A. No, nor do I believe it is probable.

Q. Did it ever occur to you that the child might in some way disarrange, as many children have, disarranged their bedclothes, and either do themselves serious harm or smother to death? A. No, I don't think that could be. In the first place, the

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child was very warmly dressed, so that even though the bedclothes did come down slightly, it would still be well protected.

Q. Well, your child rolled from side to side in his sleep, did he not? A. Undoubtedly.

Q. Did you ever see the little child clutch at the bedclothes when they were too warm, even in sleep, clutch at the bedclothes and try to push them away? A. Yes, yes; but as I say, the clothing on the baby was such that he would be well protected with the window open. We liked to have the window open for fresh air.

Q. Supposing it was too warm for the child, would you not think that precaution would cause you to inquire? A. If the baby got very warm, we would hear about it immediately.

Q. He would call out, would he not? A. I believe so.

Q. Of course, Colonel, this was your first child? A. Yes.

Q. I wonder, Colonel, if you can again give me from your recollection the alarm and just what you did when you entered the room? A. I was reading at the desk in the library about ten o'clock.

Q. How close was that desk to a window? A. It was next to the window. Shall I point to it?

Q. Yes. A. The desk was in this corner facing this way (indicating on diagram). This window here is the window on the east elevation (another diagram). I was sitting next to that window.

Q. For how long a period were you sitting there, Colonel? I mean not directly at the window, but inside there? A. I was sitting at the desk for, I should think, twenty minutes or half an hour, probably.

Q. That desk, that window that you pointed out there, is directly under the window, is it not,

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through which you say the baby was taken? A. Yes.

Q. And you heard no noise, did you? A. Not at that time.

Q. Did you ever hear a noise while you were seated there? A. No.

10 Q. Nothing but the howling of the wind blowing through the trees: is that all, the usual night noises? A. No unusual noise.

Q. No unusual noise. Do you know whether Miss Gow that night had been busy in the kitchen making a masquerade costume? A. Not that I know of. That might well be without my knowing it.

20 Q. Did she enter the library, the room you were in, and ask you whether you had the baby or not? Was that the way the alarm came? A. She came down the stairs and asked me if I had the baby.

Q. The front stairs? A. The main staircase.

Q. Then of course you went right upstairs? A. I asked her if he was not in the crib, and I immediately went upstairs into the nursery.

Q. Does this photograph, State Exhibit 12, indicate the window through which you believe your child was taken? A. Yes.

Q. Let his Honor see it.

30 The Court: Colonel, you may be seated. I just wanted to see it. That is the window you believe the child was taken from?

The Witness: It is.

By Mr. Reilly:

40 Q. And were you there, Colonel, when these photographs were taken? A. Well, I saw photo-

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graphs taken; I don't know whether those are the photographs or not.

Q. Some were taken? A. I saw photographs taken that night, but whether these were the ones I am not sure.

Q. It indicates here, does it not, a radiator top? A. Yes, that is the top of a radiator.

10 Q. Colonel, do you recall whether or not on the bottom of this lowest sill of the window there were any marks of any kind? A. To the best of my recollection there was a clay print there on top of the radiator, lattice.

Q. I am talking now about the window itself. A. On the sill outside, or where do you mean?

Q. Inside. A. That is inside.

Q. I mean on the window. There is the radiator. I am talking about this part, the framework of the window. A. I don't recall seeing 20 any.

Q. Were there any marks on the outside of the window at all? A. I did not look.

Q. Did you look the next day? A. No, I did not. The police had covered that the next day.

Q. You did not swing out the window the next day and just examine the window from the outside, by sitting on that radiator top, as you could have, and pull the window down and look it all over, did you? A. I don't think I did the next 30 day. I looked out there later, but I am not sure it was the following day or not.

Q. You did not see any marks? A. No, I do not recall seeing any marks on the window. I think there was a mark beside the window, apparently where the top of the ladder had been.

Q. I am talking about the window itself. A. No, I saw no marks.

Q. As far as you can recall, that window catch was always left off, is that right? A. We did not 40

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make a practice of locking windows, and I don't believe that had ever been locked, as far as I know.

10 Q. Would anybody in the world, outside of a member of your household, know that it was not your practice to lock that window or to lock your windows? A. I don't know. The shutter on that window, of course, was warped outside, so that we could not lock the shutters on that particular window that night.

Q. Did anybody try to lock them? A. That night? I think my wife tried to lock them that night and found that they were warped.

Q. How long had they been warped? A. I think for quite a few days, but there again I am not certain.

20 Q. Had any word been sent to a carpenter to come and fix that window? A. No, the house was too new.

Q. Had any indication been given to anybody outside of your household that the shutter was warped? A. Not as far as I know.

Q. Was there any other shutter of your house warped to your knowledge? A. Not as far as I know. There were no others that we attempted to close. There may have been.

30 Q. Was there any shutter outside of the casement window? A. There was.

Q. Was that closed that night? A. To the best of my recollection, it was.

Q. Where did you get the air from for the room if you closed the shutters? A. The shutters are lattice work.

Q. How are they closed, with a hook inside? A. There is a drop bolt.

Q. More or less of Venetian blinds, so the air could come through? A. Well, the air, I believe

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they are called somewhat Venetian blinds. I do not know the technical name.

Q. Well, it is a lattice work? A. Yes, sir, they are thin boards, somewhat at an angle, so the rain doesn't come in and the air can, a normal type shutter.

Q. Were the shutters drawn in by your wife so far as you know that night? A. So far as I know, yes they were, because I believe she tried to close all the shutters in that room and did close and lock all but the one on the east window, the southeast window. 10

Q. Could the noise you heard be the slamming of that shutter against the house? A. I don't think so.

Q. —in the wind? A. I don't think so.

Q. Now, assuming that the shutter was drawn in by your wife, and even though it did not catch, a person would have to take hold of that shutter to throw it back to get at this window, wouldn't they? A. I imagine they would have to use some, either hand or instrument to touch it. 20

Q. Well, if it was loose, you wouldn't need an instrument, you would just take your hand and throw it back? A. You could move it, of course, with an instrument.

Q. Or with your hand? A. Either one.

Q. And you would have to move two parts, wouldn't you? It was a divided shutter, wasn't it? A. It was a divided shutter, yes. 30

Q. You would have to move it right and left? A. Yes.

Q. How far over on this window, Colonel, would the shutter extend, as indicated on this map? A. Well, it is indicated there; I believe—as far as I can see that is the exact dimension.

Q. Well, do you know the width of the shutter? 40

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A. No, I don't know that. It was half the width of the window, approximately.

Q. Then a person going up a ladder to reach this window, Colonel, if the shutters were closed, would have to have the ladder far enough to the right to swing the shutters open, is that correct?
10 A. I don't know that, whether that would be a correct assumption or not, I don't know.

Q. Well, if he had the righthand side of the ladder up against the shutter, he wouldn't be able to get off the ladder, would he? A. I am not sure; I think that he might.

Q. Did you ever try it? A. No, but I think that I can.

Q. Did you ever try it with a ladder? A. Personally, no.

20 Q. Did you have any ladders around there?
A. Yes, there was a painter's ladder, I think, in the garage, as I remember now, or rather a double ladder—you call it a painter's ladder.

Q. Was it tall enough to reach that window?
A. Oh, yes, a double extension ladder.

Q. A double extension ladder? A. Yes.

Q. And was it there that night? A. As I recall, it was in the garage. I am not absolutely certain of that. I think it was in the garage that night.

30 Q. To the best of your knowledge and belief it was in the garage? A. Yes, but I am rather vague on that.

Q. Well, that is as to the best of your knowledge and belief? A. Yes.

Q. Now, how long had you had that ladder? A. It probably was purchased—well, it may have been purchased for the other house that we had rented, but I think it was purchased the previous summer.

40 Q. You brought it over there when you moved,

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is that the idea? A. It may have been purchased since we got there. I am not certain of that.

Q. Was your garage locked? A. No, I don't think so.

Q. Never locked? A. I don't recall locking it at all.

Q. I mean you were not in the habit of locking your car in the garage? A. No. I think those 10 doors were probably open.

Q. Double doors? A. There were three double doors. It was a two-car garage.

Q. A three-car garage? A. No, there was room for three cars.

Q. What do you mean by three doors, Colonel?
A. Well, there are three double doors, room for three cars.

Q. An individual door in each space? A. For each space, two doors to each space. 20

Q. And of course the butler had access to the garage? A. Oh, yes.

Q. Now, there were other servants who had access to your estate, weren't there, Colonel, some servants from the Morrow estate? A. Well, at the moment I don't recall any of them being there, they may have been.

Q. They had been there at different times, hadn't they? A. Not as far as I recall it, they may have been there, but I don't recall it, except 30 that the chauffeur from the Morrow home had been there.

Q. Was there a chauffeur connected with the Morrow home—did the Morrows employ at that time, at the time of the kidnaping, the Senator had passed away, hadn't he? A. Prior to that time.

Q. Yes. And when I say "Morrows" I simply designate the name of the estate, you understand that? A. (Nodding affirmatively.) 40

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Q. Didn't they have a Danish chauffeur by the name of Ellison? A. Yes.

Q. Was he in the habit of driving over to your place? A. I don't know how many times he had been there, but either he or Mr. Burke had been down there before, I believe.

10 Q. Ellison is no longer chauffeur on the estate, is he? He is a watchman at the gate, isn't he? A. Recently he has been watching the gate.

Q. Do you know whether or not he is a Scandinavian or of Danish extraction, Colonel? A. No, I don't, but I think that might well be.

Q. Did you ever have any conversation with him about this kidnaping? A. No, no. Of course, at that particular time I asked many people questions, but I certainly had not had any particular conversation with him.

20 Q. See if I can refresh your recollection, Colonel. Do you remember asking him where he was between ten o'clock and nine o'clock and three A. M. March the 1st and March the 2nd, away from the Morrow estate? A. I don't recall asking him that, but I might well have done it.

Q. You don't recall his answer, do you? A. No, I do not recall that at all.

30 Q. Well, do you know, Colonel, that on that night he drove from the Morrow Estate with an unknown person to the locality of Hopewell, New Jersey? A. No. I believe he took Miss Glow down that day.

Q. Where? A. To Hopewell.

Q. To Hopewell. And, who was this other man you mentioned, Burke? A. Mr. Burke.

Q. Is he a chauffeur? A. Yes.

Q. Still with them? A. Yes.

40 Q. What other servants did they have at that time, Colonel, that you can recall? A. I do not think I can name them completely, I am sure.

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Q. Did they have Violet Sharpe? A. Yes.

Q. What were her duties there? A. She was a maid in the house.

Q. Did she visit your home? A. I don't think she was there prior to March 1st.

Q. Did you ever know that she was in the habit of going out with Whateley? A. No.

10 Q. What they did in their off moments, you didn't know much about, you didn't concern yourself with, is that correct? A. I did not know anything about that at all, I do not know.

Q. Do you recall any other servants that the Morricks had? A. Yes, there—would it be proper just to read a list? It would make it very much easier.

Q. I do not know who they were, Colonel, I wish I did. Did they have gardeners? A. Yes.

20 Q. Did any of their gardeners do your landscape work? A. I don't think they did the original landscape work, they worked, naturally, on the landscaping after it was done; I do not know of their taking part in the original landscape work. I would not know that.

Q. Who would know it, Colonel? A. Well, for instance, Mr. Springer, who was Mr. Morrow's secretary, would have all that information.

30 Q. Do you remember the names of any of the men who worked on your house when it was being built? A. Mr. Matthews was contractor, of Princeton, and Delano and Aldridge, architects.

Q. Well, did they employ any local people? A. I believe they did, yes, quite a few, but the names I would not know.

Q. Did you ever have any difficulty with any of those workmen? A. Not in the least, no, sir.

Q. Did you have any extra help there, Colonel, came by the day? A. I do not think so.

40 Q. No gardeners that came by the day? A. No.

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Q. No laundress, or anything like that? A. No.
Q. That came by the day? A. Not at Hopewell, we had a laundress who came at our residence in, that we rented near Princeton, I believe, I know—

Q. She never came over to Hopewell? A. No, I am quite sure she did not, that is something, again, I am not absolutely positive of, but I am
10 quite certain she did not.

Q. Was your house wired against burglars? A. No.

Q. Now, when you heard the alarm, then, you came out some time afterwards with your rifle, is that correct? A. Some time afterwards, yes.

Q. After Whateley had given word to the police? A. After he had called the Chief of Police at Hopewell, and after I had called the New Jersey State Police and Colonel Breckinridge.

20 Q. You called Colonel Breckinridge at his home in New Jersey on the wire? A. Yes.

Q. Now, if you will be good enough, Colonel, to take these photographs of the nursery, maybe you can point out different things that I will ask you. I would like to know, Colonel, approximately how many ordinary footsteps with an ordinary person there would be between the bottom of this window, indicated on State's Exhibit 12, to the edge of the baby's crib? A. Well, could I, could I use
30 the map for that?

Q. Yes, or you could tell us from looking at this room and your recollection. A. Well, I would rather, I would rather use my recollection if I could.

Q. All right, anything you prefer to use you may use. A. I should think the minimum of three and probably a maximum of four, the way I would walk.

40 Q. You take quite a long stride, though, Col-

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onel, don't you? A. Probably more than ordinary.

Q. You take a long stride and you are very quick in your movements. Now, will you indicate here, please, if you can—let's assume that where the Marshall is standing in the doorway represents the window, and State's exhibit 12 and through which you say you believe your baby was taken; will you then point out going along this rail in distance about where you say the crib would be? A. The window being there (indicating)?

Q. Yes. A. Well, I should think about here (indicating). 10

Mr. Wilentz: Indicating a distance of about how many feet? We might just as well have it on the record. 20

Mr. Bailey: Yes.

The Witness: But that can be scaled right here (indicating map).

Q. All right. A. I haven't the scale.

The Court: Let Colonel Lindbergh be given the ruler that the engineer used here. 20

Mr. Hauck: I believe the engineer took it with him.

Mr. Wilentz: Is the engineer in the room?

Q. I will waive that for a minute, Colonel. We can take it up after recess. A. That is a scale 40

Charles Lindbergh—Cross

of one inch to a foot, I believe. Yes. So we could scale it with an ordinary rule.

Q. Can you recall, Colonel—you say there was a yellow smudge on the radiator top? A. Well, there was some clay there of such a nature, that is with a width and length that would indicate quite definitely a foot print—on the radiator; to the best of my recollection there was on top of the suit case and on the floor below, and I believe on the radiator top.

Q. I see. Now was the foot print directly underneath this suit case, as though somebody had stepped down from the suit case? A. Oh, no as though somebody had stepped down from the suit case; it may not have been directly opposite the center, but it was directly underneath.

Q. This suit case, Colonel, was made of what kind of material? A. I don't know what that is made of.

Q. Fabric of some kind? A. Well, it is covered with probably some type of fabric and whether the inside is ply wood or whether it is some sort of some kind I am not sure.

Q. Was it filled with anything? A. I don't know.

Q. Did you open it to see? A. I didn't, but I feel sure that that is available. No, I didn't do it.

Q. In your opinion, Colonel, a man weighing your weight, or we will say, anywhere from 175 to 190 pounds, stepping on that suit case—wouldn't he immediately crash through the suit case? A. I don't think so.

Q. It wasn't made of steel, was it? A. No. But coming down from a window I don't think that he would go through it.

Q. A man stepping in from a window would have to more or less balance himself, wouldn't he?

A. Are you asking me that question, sir?

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Q. Yes, wouldn't he? A. He would be able to hold on to the window, two parts of the window.

Q. But if he was coming in in a hurry to grab a baby and get out of that window as quickly as possible, he wouldn't be looking where he was stepping, would he? A. I think he would hold on to something getting down there.

Q. Would he hold on until somebody else in the room handed him the baby? A. Of course, I don't know that.

Q. Now, Colonel, this room was gone over very carefully, wasn't it, that night? A. I believe so.

Q. Well, did you see the police officers go over it very carefully? A. I saw police officers, yes, working on it.

Q. Will you tell us just where in that room the footprint on the floor was. A. That was below the suitcase.

Q. Was it quite definite? A. It was definite enough to be a footprint, but not definite enough to get an exact length and width from it.

Q. Did you see any measurements taken of it at all? A. No, but I don't know how that could be measured. It is like stepping—it is like stepping in mud or dust and then on a hard surface, it doesn't give a full imprint of your foot.

Q. Did anybody sift it, any police officer sift it with powder and then photograph it? A. I don't know.

Q. You didn't see that done? A. I was out a large part of the time.

Q. Did you ever hear of the existence of such a photograph? A. Not that I recall.

Q. Of that footprint in that room? A. Not that I recall.

Q. In relation to the crib that you indicated here as a distance of 12 feet—Am I correct?

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Mr. Wilentz: I really don't know.

Q. Was it about here that you indicated before? A. Approximately there, yes.

Q. Now, will you be good enough to tell me here, Colonel, if you can, assuming this to be the window, where that first footprint was on the floor, please? A. I probably cannot do that within a foot, say. If the chest was here with the case on top, that foot print would be about here (indicating on the floor).

Q. About here (indicating)? A. Roughly here (indicating).

Q. There were no footprints that you saw between that and the crib? A. Not that I remember now.

Q. Was anything disturbed in the room? A. I left orders for nothing to be disturbed.

Q. As you entered the room did you notice anything unusual about the room? A. Primarily the bed clothes in the crib and either the first or second time I went in, the note on the window.

Q. What was Betty Gow's condition? A. Why, when she called to me and asked me if I had the baby her voice was quite excited.

Q. How did she act in the room? A. Well, that is a very difficult thing, that is a very difficult thing.

Q. Was she hysterical? No.

Q. Was she crying? A. I do not believe so.

Q. And yet from all indications before that, she was greatly attached to the child, and the child attached to her? A. I believe so, yes.

Q. In fact, she was the closest person to the child excluding Mrs. Lindbergh. A. She was with the child more than anyone else.

Q. That is what I mean. A. Yes.

Q. She was with the child and the child was

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practically growing up alongside of her and in her companionship. A. Yes.

Q. Colonel where do you say you first saw this note? A. The note was lying on the window sill.

Mr. Reilly: May I have it, please?

Mr. Wilentz: Which note?

Mr. Reilly: The first note.

The Witness: It was largely on the lattice work on the radiator.

By Mr. Reilly:

Q. I now refer to State Exhibit 17 and I ask you, Colonel, to take it out of its cellophane wrapper, please, and put it back as near as you can recollect in the exact condition it was as to the way you first saw it? (Handing Exhibit S-17 to the witness, who withdrew the contents from the cellophane wrapper and re-arranged them).

Q. Was it in an envelope, Colonel? A. Yes, it was.

Q. Is this the envelope? I see it has been split. A. I think it is the envelope. I am quite sure it is the envelope.

Q. I understood you to say, Colonel, that you did not pick up this note. A. I did not.

Q. Why? A. Because I thought there might be finger prints on it.

Q. You were very much alarmed, were you not, at that time? A. Well, I realized what had happened at that time.

Q. Now, with a desire to preserve any finger prints that were on this note, you allowed it to remain there until Kelly of the police arrived, is

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that correct? A. Trooper Wolfe first moved that note.

Q. Did he handle it? A. No.

Q. Did you warn him? A. I had warned him and he moved it with the blade of a knife.

Q. So that you did not see any fingerprints of Wolfe on it? A. Oh, he did not touch it with his hand.

Q. And when Trooper Kelly arrived did he lift it for fingerprints? A. He went over it for fingerprints, yes.

Q. Did he find any so far as you know? A. No, there were only smudges.

Q. Well, did he preserve the smudges? A. There was nothing to preserve; there were no marks or lines on it.

Q. There were no marks of any kind? A. No lines.

Q. No lines. A. These lines on your finger or thumb.

Q. The grooves of the finger, there were none of those? A. Just a smudge.

Q. Just a smudge. Who opened the note first, Colonel? A. Kelly.

Q. And then handed it to you to read, is that correct? A. Well, I don't remember the sequence of that. We read it at that time.

Q. Did you read it before you went outside the house? A. The first time? No.

Q. You had been outside and came in, is that correct? A. Yes.

Q. Now when do you say you first discovered these indentations in the soft ground which you connect with the ladder? A. That was when I went around the east side of the house with Chief of Police from Hopewell, Mr. Williamson and Mr. Wolfe, to be exact. They had—one of them had a flashlight which he was throwing around on the

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east side and we saw there the ladder and we also saw the indentations next to the house where the ends of the ladder had been in the mud.

Q. How far away from the house would you say the ladder had been placed? A. Approximately 50 or 60 feet.

Q. On a driveway or roadway? A. No, no.

Q. In among the bushes? A. No, it was about on the edge of the bushes, near the edge of the bushes, and grass, where a sort of clearing had been made for the house.

Q. Did you at any time balance that ladder or take hold of it, see how much it weighed? A. I think I did some time later; I didn't at that time.

Q. You have a pretty fair idea of weight, have you not, of objects of that kind? A. Well, I don't know how—

Q. I mean you have loaded into your different airplanes various things, haven't you? A. Yes.

Q. You know how many pounds you are allowed to carry under certain conditions, 100 pounds or 150? A. Approximately.

Q. How much would you say this ladder weighed? A. Three sections, I would say, would weigh, very roughly, 35 or 40 pounds, somewhere in there.

Q. An ungainly thing to carry, wasn't it? A. He could carry it under one arm.

Q. One arm? A. He could.

Q. But you would have to disconnect it? A. It was in three sections.

Q. You would have to disconnect it and fold it in three sections to carry it this way, put your arms through the rungs, take it off? A. I do not know how many different ways it could be carried.

Q. You did not see any indication it was dragged along the ground, did you? A. I do not recall

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that; I do not remember seeing any drag marks on it.

Q. After it had been examined by Trooper Kelly, the fingerprint man of the police, was it then retained in his possession or yours? A. It remained in the custody of the State Police. I may have seen it again; I may have seen it again, I am not sure whether I read that note after that or not.

Q. Do you recall whether Colonel Schwarzkopf arrived that night? A. Oh, Colonel Schwarzkopf was there that night.

Q. Very shortly after this happened? A. I should say now shortly after, yes.

Q. And he very likely took possession of this note? Or do you recall whether he did or did not? A. What I do recall—that it was in Trooper Kelly's possession when I last saw it on that night.

Q. Did you tell the State Police that you did not want them to investigate this case, but that you wanted to investigate it yourself? A. No.

Q. Did you tell the Department of Justice men to keep out of the case, that you didn't want them to investigate the case? A. No, sir; I did not.

Q. Did you at any time during the day of March the 2nd or March the 3rd or March the 4th, telephone any official in Washington and ask him to have the Federal officers— A. Ask to have the Federal officers?

Q. No. Ask him to lay off the case? A. Oh, no, no. I asked around that time for Federal officers.

Q. Did you render all the aid and assistance you could to the Federal officers? A. Yes, sir.

Q. Do you know whether they saw this note or not? A. They did.

Q. Do you know whether any of the agents saw the note or not? A. Of their agents?

Q. Yes. A. I don't know whether their agents

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saw the note or not. I know that the heads of the departments saw it.

Q. How far would you say your garage was from the house? A. Adjoining the house.

Q. Where was this headquarters established: on your estate, Colonel, for newspapermen and the— A. Well, the newspapermen had no headquarters on the estate.

Q. Was there a headquarters established that the State Troopers had? A. They had practically the entire house. We turned the house over.

Q. Wasn't there a guard at the road, a State Trooper on guard at the road? A. On the road, I believe there was at the gate, as I recall.

Q. Did you have a gateway? A. There was a country gate, yes.

Q. How far would that be away from the house? Will you point that out on the map? A. That would be about, I believe, as I recall the measurements, a little over a half mile. Here is the house here and the gateway is here.

Q. So that we can say, with a fair degree of accuracy that the State Police took over the investigation that night? A. There was a conflict of authority that night, until the State Police took it over, and I think it was a day or two before they had control.

Q. Who was the conflict between, Colonel? A. There were three police organizations, I believe, on that night, from Jersey City, I believe, and also from Newark, and of course the New Jersey State Police, and shortly after that there were Federal officers there.

Q. But since that night this case has rested in the hands of the State Police, hasn't it? A. What day the Governor placed the State Police in complete control, whether it was the following day, that is the second or third or— It was about

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that time,—but what day they obtained complete control I am not sure. It must have been a day or two of the beginning.

Q. Colonel, on March 4th you received, or was it March 5th that you received the second note?

Q. Colonel, was it March 4th or was it March 5th that you received the second note?

10

The Court: I think now, we will take a recess. Let the people in the court room remain where they are, let the people that are seated remain seated and let the people who are standing remain standing, and the jury may retire and come back at 1:45.

(The jury retires at 12:30 p. m., court room time.)

20

The Court: The prisoner is now remanded to the custody of the Sheriff. The Court will take recess until 1:45.

(At 12:31 p. m., court room time, a recess was taken until 1:45 p. m.)

After Recess (1:45 p. m.)

30

The Court: Mr. Clerk, you may poll the jury.

(The jury is polled and all jurors answer "Present.")

The Court: Is the defendant in court?

Mr. Fisher: He is on his way.

40

The Court: He will be brought in.

Charles Lindbergh—Cross

Mr. Fisher: May it please your Honor, before resumption of the witness on the stand, I should like to request your Honor to declare an adjournment at the end of today's session until Monday morning. I appreciate the fact that it is a hardship, perhaps, to the jury, a hardship to your Honor, but I actually have been laboring here under a very difficult handicap thus far in the case—I have been in court the last three days actually, seriously ill.

10

I believe that with a long week-end I will be able to get back in such a condition that I will be able to continue with the case, and it is for that reason only that I dare request your Honor that you declare a recess over the week-end and have no session on Saturday.

20

Mr. Wilentz: Of course, if your Honor please, under such circumstances we make no objection.

The Court: The Court had expected to sit every Saturday as well as every other week day until the case is finished, but in circumstances stated, perhaps the Court is justified in taking an adjournment until Monday morning until ten o'clock and that will be the order.

30

Mr. Fisher: Thank you very much.

CHARLES A. LINDBERGH resumed:

(Cross Examination (continued))

By Mr. Reilly:

40

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Mr. Reilly: May we have a little quiet from that rear corner.

The Court: Yes, yes. Please keep quiet in the courtroom.

10 Q. Colonel, going back for a moment to the first note, so as to keep a continuity here, am I correct in saying that you gave that note into the hands of the State Police? A. I found the note on the window sill in the nursery. It was first moved by Trooper Wolfe with a knife onto the shelf over the fireplace. From there it was taken by Trooper Kelly, dusted for prints and opened.

Q. Now, that was on Wednesday, March 3rd: is that correct? A. That was on Tuesday, March—or Wednesday, March 2nd.

20 Q. March 2nd. It ran over from Monday—Tuesday night was March 1st, was it? A. That is right.

Q. And it ran into Wednesday, March 2nd, is that correct? A. Yea.

Q. Now, what else did you do in connection with this case on Wednesday? A. On Wednesday? Conferences during the day.

30 Q. Well, as a result of those conferences did you not express an opinion that it was your belief that it was a gang who had kidnaped your child? A. No, I don't believe so. I have spoken—I have used the word "they" in a group, without any particular reason to at all.

Q. Well, from the general surroundings of the case, was it your impression at that time or shortly afterwards that more than one was involved in it? A. Not for any reason. No, I don't know that I did. I have thought it over very carefully and I can't find any facts.

40 Q. Have you just changed your mind since

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Hauptmann was arrested? A. No. As I say, since that time I have thought it over carefully and I know of no facts that will show or to me indicate definitely there was more than one man.

Q. Didn't you have a belief at one time that it was bootleggers that did this? A. No, I didn't know.

10 Q. Did you have a belief at one time that it was the Purple Gang of Detroit that did it? A. No.

Q. Then why did you get in contact with Bitz and Spitale and other members of the underworld if you didn't believe that the Purple Gang had taken your child? A. I didn't know what the Purple Gang was at that time. I contacted them because I wanted to exhaust every effort to bring about the return of the child.

20 Q. Well, in getting in contact with the men who had criminal records—Eitz had a criminal record, did he not—Spitale? A. Spitale? I don't know whether he did or not. That is entirely possible.

Q. Bitz, rather. A. I have heard that. I do not know of my own information.

Q. Who was it suggested to you that you get in contact with these people, I take it you had no former even knowledge of them, did you? A. No.

30 Q. Well, who suggested that you get in touch with the under-world? A. That, I understand, was a suggestion to Colonel Breckinridge from a friend of his which he carried to me at Hopewell, suggesting that it was possible that through a man named Rosner we might be able to learn through under-world channels what had happened to our son if the under-world knew anything about it.

40 Q. Did you have any contact with the New York City police prior to March 4th, 1932? A. Representatives of the New York Police were at our home, I think, prior to March 4th, but I am not

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sure. During the early days there were some of the representatives there, including, well, at least several of the New York police.

Q. Colonel, in all these ransom notes and among all these ransom notes, did you ever receive a postal card from Newark or some other part of Jersey, that the instruction on the back was printed? A. I do not know, no; there were over 100,000 communications sent in.

Q. Did you receive one March 3rd? A. I do not know; probably received hundreds.

Q. If you received one March 3rd do you know where it is? A. All of that mail is in the custody of the New Jersey State Police.

Q. You kept no independent record, then, of what you received, did you? A. No; as I say, there were over a hundred thousand pieces that year.

Q. Well, did you begin to get mail the very next day after the kidnaping? A. I believe there was some mail that day; of course, it was a day or two before the mail became heavy, the volume heavy.

Q. Now, you will notice, Colonel, referring now to Exhibit S-19, that this envelope addressed to you was mailed March 4th, 9:00 p. m., Brooklyn, N. Y., is that correct? A. Yes.

Q. Did you, upon receipt of this letter, contact the New York City police? A. No, I do not believe that I did; however, I turned that letter over to the New Jersey authorities.

Q. Did the Police Commissioner of New York City, shortly after you received this letter, March 4th, 1932, 9 p. m., Brooklyn, N. Y., offer to you to cover every mail box in the City of New York, with a police officer, to intercept any further letters sent to you from Brooklyn, or from New

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York City? A. That may have been done, I do not recall it; and it was not a direct offer.

Q. Did you ever hear of it? A. Not so that I could say, not so that I could say that, not so that I could say that definitely, no.

Q. So that if he did make the offer and if the offer was not accepted it was not through you directly, was it? A. No, I didn't—I didn't refuse any offer.

Q. At that time Colonel Breckinridge was your attorney and friend of many years, is that correct? A. Yes.

Q. And was acting for you? A. He was assisting us, yes.

Q. Well, he was at your home and very active in a friendly way and as a legal adviser in trying to find your son, wasn't he? A. That is correct.

Q. And of great aid to you? A. That is correct.

Q. What did you do, Colonel, upon receipt of this letter (indicating)? A. I contacted the police and—

Q. Well, did you go any place? Did you do anything? A. May I read the letter, please?

Q. Yes, certainly (handing paper to witness).

Mr. Wilentz: What is the number of the exhibit?

Mr. Reilly: The envelope is S-19 and the letter is S-20, I think.

A. Well, about this time, I believe before we received this letter we had made available \$50,000; after the receipt of this letter I arranged to have 20,000 more available.

Q. Is that the \$50,000 that was prepared in the Morgan Bank? A. It was prepared by the Morgan Bank, yes.

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Q. Did you ask them to take the serial numbers or not to take the serial numbers—the bank? A. Originally the serial numbers were not taken. There was so little time that we did not as I recall, think of it at—when the original \$50,000 was made ready. Later the serial numbers were taken at my request and at the suggestion of various others.

10 Q. Without reading this letter, was this the letter that asked for \$70,000? A. The one I just had raised, changed from \$50,000 to \$70,000.

Q. In the meantime, Colonel, had a reward been offered by the state of New Jersey? A. A reward was offered, I am not sure of the date of the offer.

Q. Who offered it? A. I believe the Governor and the Legislature.

Q. \$25,000? A. That is my understanding.

20 Q. Was there any other reward offered that you know of? A. Not that I know of.

Q. Had you offered any personal reward? A. No.

Q. And nobody in your behalf? A. No.

Q. So, so far as you know, the only official reward that was offered was \$25,000, is that right? A. I believe so, yes.

30 Q. Was that generally published in the press to your knowledge? A. I remember reading of that in the press. I am not sure of the date.

Q. Well, was it shortly after negotiations? A. I can't give the date of that except that it was during the spring or early summer of 1932.

Q. Did you go any place to contact or try to contact any of the kidnapers between March 4th and March 7th? A. No, I believe not.

Q. Then on March 7th, Col. Breckinridge, or about that date, brought you S-22, consisting of three exhibits—S-21, S-22 and very likely S-23

40

Charles Lindbergh—Cross

(handing exhibits to witness)? A. That is correct, yes.

Q. Had Col. Breckinridge's address been printed in the newspapers? A. Well, I don't know. I imagine it probably had.

Q. Well now, Col. Breckinridge is an attorney of New York State? A. Yes.

Q. And his practice is more or less of estates and civil litigation, is it not? A. I really would not want to outline what his practice is. He has been my attorney for a number of years.

Q. You have never heard of him appearing for anybody charged with crime, have you? A. No, no.

Q. Now, after he brought you this letter, which in it mentions the Borough Hall of Brooklyn—are you familiar with that line, Colonel? It is right there (handing to witness).

10

20

Mr. Pasco: What is the number of it? Get it in the record.

Mr. Hauck: S-23.

Mr. Reilly: S-23.

A. Yes.

Q. Did you get the impression from this letter, S-23, that the kidnaper was operating from Brooklyn? A. No, not particularly. I would be very skeptical about that.

30

Q. Well, you see, we have the last letter of March 4th mailed from Brooklyn; we have the letter of December 3rd sent to Colonel Breckinridge, mentioning "We put the mail on one of the letter box near Borough Hall, Brooklyn." Did you then contact the New York Police and ask them to make any search in Brooklyn? A.

40

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No, I did not. All of my contacts were through the authority for the place where I was living, the New Jersey State Police.

Q. The New Jersey State Police? A. The New Jersey State Police. That was the organization of authority which I was advised I should keep in contact with, legally.

10 Q. Did you go any place after receipt of this letter? A. I believe—

Q. Again referring to 23 and 22? A. I believe not, not that I recall. I had been going around to various places, but I mean not due to that letter.

Q. Well, had you any specific place or idea in mind of your own through which you might be able to contact? A. No. At that time we were following every possible lead, but there had been nothing definite except these letters.

20 Q. Did you have any enemies that you suspected, Colonel? A. No.

Q. You had no enemies that you knew of in the aviation world? A. No, I believe not.

Q. Did you ever know a flier named Anderson? A. Anderson?

Q. A Swede, Anderson, Bennett Field? A. Not to recall by name.

30 Q. You do not recall ever having any quarrel with a flier named Anderson while you were in the mail service? A. No, I did not.

Q. And you don't recall receiving any threats from any such person? A. No, I do not. I received none.

Q. The next letter which is not in evidence but which has been marked for identification, subject to the connection of Dr. Condon, was that received from Dr. Condon? A. The first letter was left in the nursery; the second came by mail to Hopewell; the third through Colonel Breckin-

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ridge; the fourth from Dr. Condon, who brought it to our residence.

Q. Had you ever known Dr. Condon? A. I had not.

Q. Before you saw Dr. Condon did he phone you from New York? A. He phoned our residence. I was not on the phone at the time.

Q. Did you talk to him? A. By phone? 10

Q. Yes. A. I don't think so.

Q. Before you saw Dr. Condon, isn't it a fact that he told you that he had received a note or, rather—Withdrawn.

Q. Did you ever talk to him on the phone before you saw him? A. I don't believe so, but that is possible.

Q. See if I can refresh your recollection. Did Dr. Condon call you on the phone from New York and say that he had received a note from the kidnapers, and after a conversation with him in which he described the symbol, then you decided that you would see him? A. Yes, but that conversation was not directly with me. I don't believe that even in the latter part of the conversation did I talk to Dr. Condon.

Q. Was it to your home? A. It was to the home, but we had an arrangement for several people to answer the phones and in some cases it was essential that they answer the phone regardless of who was calling. That call was received by one of the people there. As soon as Dr. Condon described the symbol, I was notified, but to the best of my recollection I did not talk to him by phone.

Q. Do you know anything about symbols? A. About symbols? 30

Q. Yes, symbols such as are attached to these letters? A. Very little.