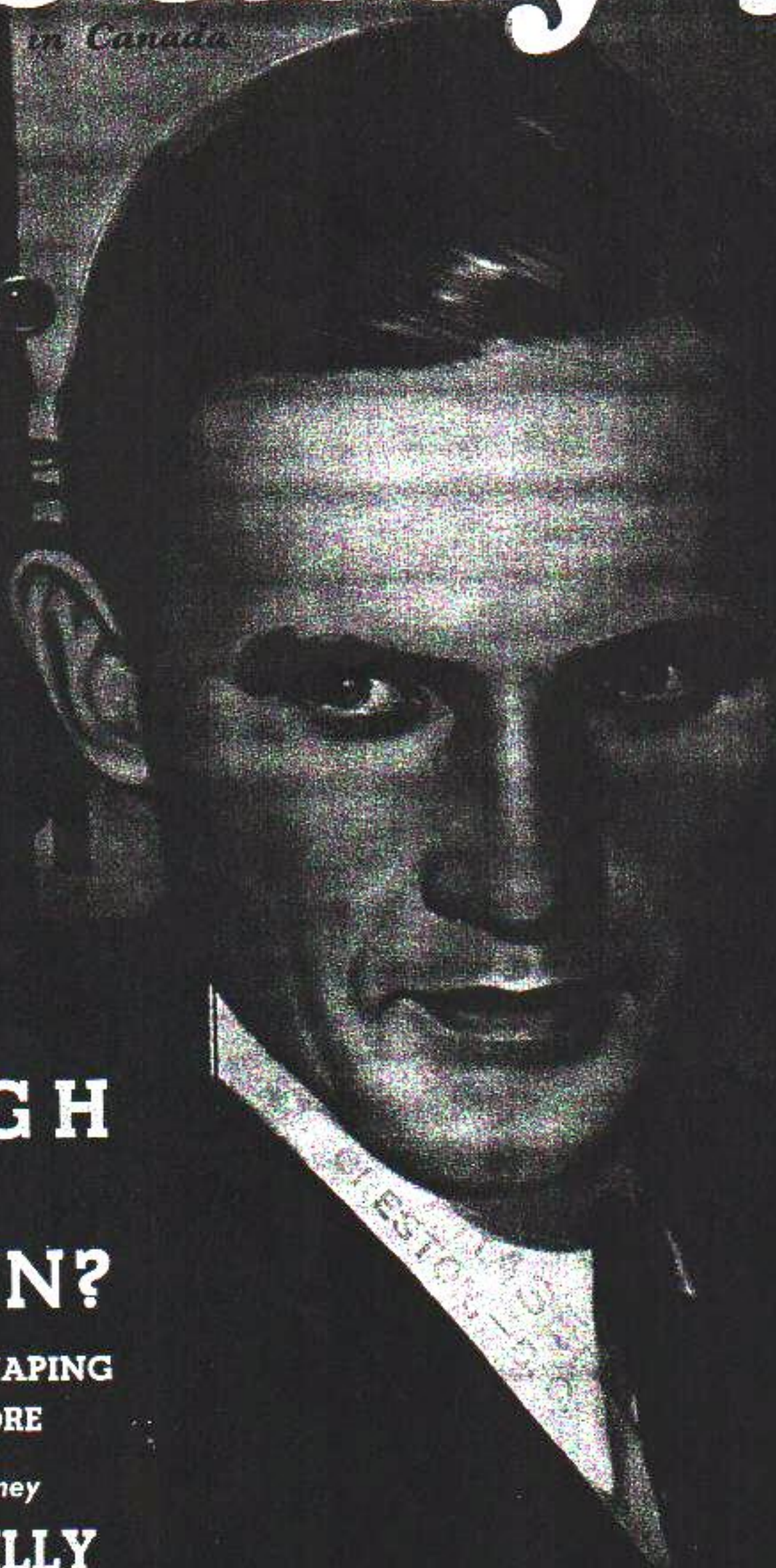


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# Liberty 5¢

*Direct in Canada*



## Will LINDBERGH Save HAUPTMANN?

INSIDE FACTS OF THE KIDNAPING  
CASE NEVER TOLD BEFORE

*Why I Am Out as Their Attorney*

*by* **EDWARD J. REILLY**

Former Chief Counsel for the Defense



# WILL LINDBERGH

INSIDE FACTS OF THE  
BEFORE... WHY I AM

by EDWARD

Former Chief Counsel

READING TIME • 21 MINUTES 30 SECONDS

ONE man can save Bruno Richard Hauptmann from the electric chair after the date is set for his execution. That man is Colonel Charles A. Lindbergh!

Yes, the father of the murdered child—the peerless aviator whose testimony helped to convict my former client at the trial in Flemington—can intervene in Hauptmann's behalf if he chooses.

Lindbergh can go before the Board of Pardons which according to provisions of New Jersey law meets at Trenton two weeks before the condemned man is scheduled to walk that "last mile." He can request that the death sentence be commuted to life imprisonment. His word, needless to say, would carry weight with Governor Harold G. Hoffman and the four judges who comprise that board. Or, in the event of a new trial, he might make that same statement to the Court.

Will he do it?

*Will Lindbergh save Hauptmann?*

Has a doubt as to Hauptmann's guilt been created in his mind? Is he positive that the Bronx carpenter, alone and unaided, with no inside connections, kidnaped and killed the baby? If he is not sure, will a sense of justice compel him to ask for clemency? By sparing this man's life does he not hope that the whole story will be told and the other culprits will be found and will be punished?

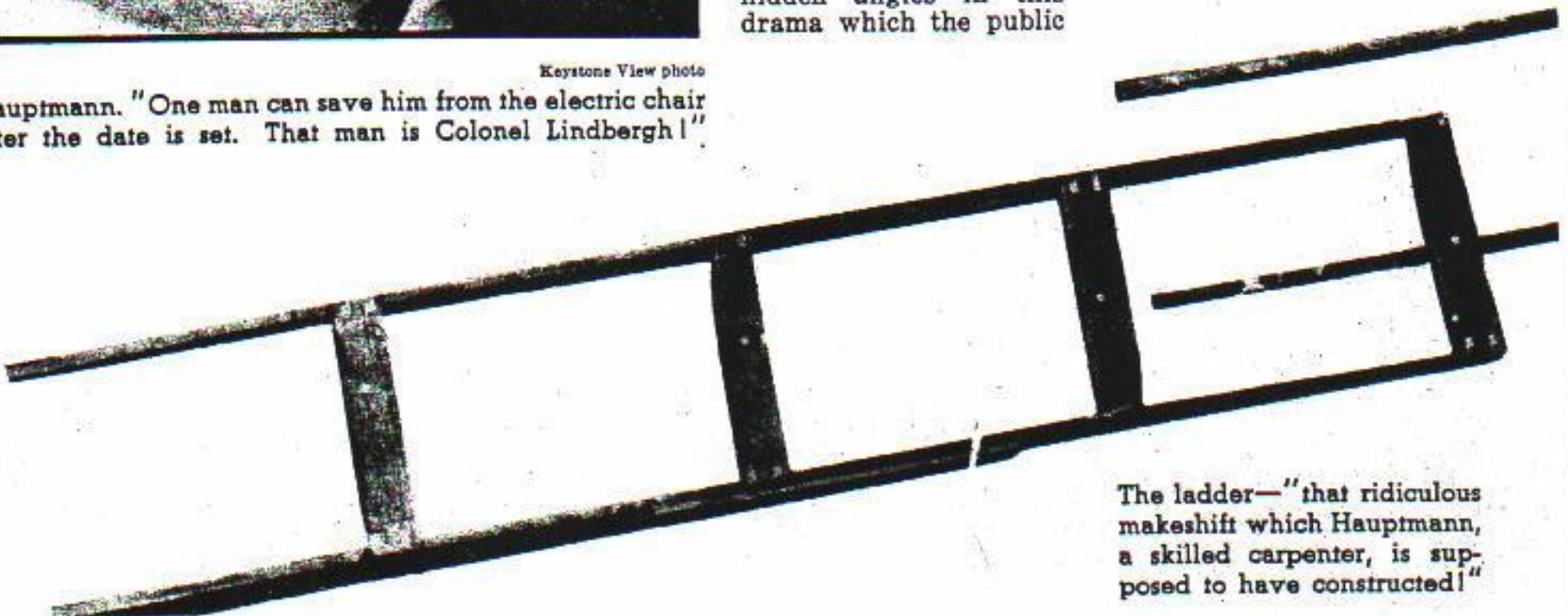
I have asked myself these questions many times as I reviewed the puzzling aspects of the Hauptmann case and tried to predict what the outcome will be.

You see, there are hidden angles in this drama which the public

At right: Mr. Reilly. "I objected to tactics used by Hauptmann's friends."

Keystone View photo

Hauptmann. "One man can save him from the electric chair after the date is set. That man is Colonel Lindbergh!"



The ladder—"that ridiculous makeshift which Hauptmann, a skilled carpenter, is supposed to have constructed!"



# SAVE HAUPTMANN?

KIDNAPING NEVER TOLD  
OUT AS THEIR ATTORNEY

## J. REILLY

for the Defense

does not know and never has known. Behind the scenes weird and sinister incidents have taken place. The complicated series of events that started when the Lindbergh child was taken from its crib that dark night of March 1, 1932, did not end when the jury said, "Guilty!"

As chief defense counsel before and during the trial of Hauptmann I have had personal knowledge of all this.



Acme photos

Colonel Lindbergh. "Does he ever in his heart admit the improbability of the theory that convicted Hauptmann?"

### The Editor Asks a Question

Mr. Reilly makes a great point of his contention that the ladder was the work of an incompetent man and that Hauptmann was an expert carpenter. Why did he not prove it? Fighting for his life, Hauptmann would have had the right to demand saws, hammers, boards, sawhorses, nails, and before the eyes of the jury build a ladder that was an expert's ladder. I wonder why Reilly didn't do this.

Now, for the first time, at the request of the editor of Liberty, I am going to explain why I wonder if Colonel Lindbergh will let Hauptmann go to his death with sealed lips.

I am going to tell:

Why I believe that the whole truth was not told in the Flemington courtroom.

Why I am convinced that others were involved in the Lindbergh kidnaping.

Why I suddenly withdrew after giving my health, my time, my money, and the benefit of my legal services to Hauptmann's defense for many months.

I did not sever connections because of difficulties





Aetna photo

Mrs. Lindbergh, during the trial of Hauptmann, leaving the Flemington courthouse for a noon recess. Right: Charles Augustus Lindbergh, Jr.—the baby victim of a kidnaper and murderer.



arising over the collection of my fee, as some people seem to believe. Naturally I did try to secure the money that was due me. A law office is not run on air. I had incurred heavy expenses which I felt should be paid.

But my withdrawal was not based upon this reason. The truth is that I got out of the case because I objected to the tactics used by Hauptmann's friends to arouse sympathy and procure contributions for the defense fund.

We were holding a meeting at the Yorkville Casino in

New York when unexpectedly, without warning, a man jumped to the platform and delivered an inflammatory speech. The issue, he said, was a battle between Attorney General David T. Wilentz, a Jew, and Hauptmann, a German.

Pandemonium ensued, and he was taken from the platform. Later circulars calculated to stir up the most violent racial hatred were handed to members of the crowd outside the hall. One of them, entitled The Lindbergh Baby Affair—Jewish Ritual Murder, asserted the child had been killed by Jews desiring the sacrifice of a Christian during the feast of Purim.

Now, as a matter of fact, there has never been a ritual murder in the history of the Jewish people!

Another equally pernicious document, pointing out that both Isidor Fisch and Wilentz were Jews, proclaimed that the trial had been "exploited" because of hysterical antagonism against Hauptmann and his native country. The Nazi-Jewish angle was played up strongly throughout.

I quote a typical sentence from this pamphlet:

"Since the trial of the accused Bruno Richard Hauptmann had begun early in January, 1935, it was observed that practically the entire Jew-controlled press in the United States grabbed this very opportunity to manufacture reports which on the whole were nothing short of camouflaged fanatical expression of hatred against the accused man's home country, Germany."

SUCH tactics as these aroused my indignation. I had no part in them and no idea they would be used. I condemned them most severely. I told Hauptmann's friends they were injuring the case, and unless they stopped I would get out.

I was not obeyed. Shortly afterward another meeting was held in Brooklyn and similar circulars were distributed.

Then it was that I broke off relations and ceased to serve as Hauptmann's attorney, though still believing in his innocence.

I would not and I will not take part in any scheme to convert this case into another Sacco-Vanzetti affair by obscuring the real issue with a dust cloud of prejudices.

Hauptmann's race and nationality have nothing whatever to do with the matter. The real question is—did he kidnap the Lindbergh baby?

Personally, I am not satisfied with the picture that was painted at the trial by the State of New Jersey—the picture of Hauptmann as the "lone wolf" who stole Charles A. Lindbergh, Jr., from the nursery, wrote the ransom notes, collected the ransom money, and knew no one inside the Lindbergh household.

And when I question whether Lindbergh might step forward to save the condemned man, I wonder if he himself believes that version of the atrocious deed that has

often been termed "the crime of the century."

Day after day, for six long weeks, the distinguished colonel sat in the courtroom at Flemington so near the defendant that he could have reached over and touched him. He listened to every word of the testimony. As



every one knows, he took the stand and identified Hauptmann's voice as the voice he heard calling, "Hey, doctor!" in St. Raymond's Cemetery the night of April 2, 1932.

Schooled in self-control, the great flier gave no indications of his inner thoughts and emotions. He appeared impassive and impersonal throughout the sessions. But he was obviously studying and digesting the statements of all the witnesses.

Since then he has had months to consider and weigh every fact he knows—everything that was said by the prosecution and the defense.

Does he see the numerous contradictions in this case? Does he ever, in his heart, admit the improbability of the theory that convicted Hauptmann? Does he question how a stranger from the Bronx could unerringly select the one nursery window with the shutters unlocked, enter at the one time he was sure to encounter no one, make his escape without an outcry from the baby or a single sound from the excitable fox terrier in the house?

Let us reconstruct the story of the kidnaping and ransom collection as it was told at the trial. Bear in mind, this is not *my* story. This is the version of events as related by state's witnesses, conforming to the theory outlined by my worthy adversary, Attorney General Wilentz, in his opening address to the jury.

On the night of March 1, 1932, between the hours of eight and ten, the world's most famous baby was taken from the nursery of the Lindbergh home atop the Sourland mountain at Hopewell, New Jersey. In the house that evening were the colonel and his charming wife; the nursemaid, Betty Gow; the butler, Ollie Whately, and his wife.

The child was ill, suffering with a cold—yet no member of the household, according to the testimony, visited the nursery between the time Betty Gow tucked the baby into bed and the tragic moment when she discovered it was missing.

**I**T was purely by chance that the family was in Hopewell that fateful Tuesday night. Customarily the Lindberghs lived in Englewood at the home of the late Senator Dwight W. Morrow, spending only week ends at Hopewell. They had no contact with local residents, and I don't recall that they ever had any visitors in those week ends.

*Who knew that the Lindberghs would be in that house the night of March 1, 1932?*

Betty Gow knew, for she came to Hopewell from Englewood early that afternoon in response to a telephone call from Mrs. Lindbergh.

Red Johnson knew, for Betty Gow left word at Englewood and he phoned her at the Hopewell home about eight thirty, the night of the kidnaping.

(This is the same Red Johnson, the sailor, whom no effort was made to bring back from Norway, though the state spent over \$15,000 bringing the Fisch family from Germany.)

Of course both Mr. and Mrs. Whately knew.

*But who else?*

Did any of the servants at the Morrow estate learn of this important fact? Did Violet Sharpe—the maid who committed suicide under fire of police questioning—overhear discussions of it?

Certainly some one who had that knowledge was in a better position to carry out the daring and terrible crime than my former client, who would have to come all the way from the Bronx just on a wild "hunch."

Now, Betty Gow, after putting the child into its crib, pinning the blankets with two large safety pins, made the rounds with Mrs. Lindbergh. All the shutters were locked except those on the southeast window, which were warped. She extinguished all the lights. No lights were left burning in the east wing of the house, where the nursery was located.

About ten o'clock she re-entered the room, crossed the nursery to the French window, closed it, and plugged in the electric heater. She bent over the cot—and discovered she couldn't hear the baby breathing. She felt for him, but he wasn't there. He had been taken out so carefully that the little mound of blankets wasn't even disturbed.

She rushed first to Mrs. Lindbergh and then to the colonel, who was reading in the library. The three of



Int. photo

Betty Gow, the nursemaid. "No effort was made to bring her friend Red Johnson, the sailor, back from Norway."

them dashed upstairs. According to the testimony, Lindbergh said to his wife:

"Anne, they have stolen our baby!"

Rifle in hand, he ran out to search the grounds. Whately called the police. On a second visit to the nursery the ransom note was sighted. It lay on the window sill, resting partly on the latticework of the radiator.

*The note was not opened until police arrived!*

Now, did the frantic father exhibit remarkable will power? Or is there any truth to the rumors that a *first* note, never disclosed to the public, had already been found?

Lindbergh, on the witness stand, said he did not even touch the nursery letter because he thought there might be fingerprints. There were no fingerprints, either anywhere in the room or on the ladder.

But there were traces of yellow clay on the radiator, on the top of the suitcase just below the window inside the nursery, and on the floor below.

This is a very strange point. Try and figure it out if





The attorney general, David Wilentz, with a facsimile of a ransom note. "The attorney general," Mr. Reilly says, "in his summation changed the theory to 'death from a blow inflicted in the crib.' Of course this is ridiculous." Below: "Jafsie" — Dr. Condon.

you can! Was our kidnaper the Man on the Flying Trapeze? Did he leap from the ground to the window and then float through the air to the crib and back? Why was there no mud on the rungs of the ladder, or anywhere inside the nursery except at that one spot?

The ladder itself was found, carefully folded, about seventy-five feet away from the house—that ridiculous makeshift ladder which Hauptmann, a skilled carpenter, is supposed to have constructed! Can you picture the kidnaper meticulously folding up the ladder and placing it under a bush—after having fallen and smashed the baby's skull against the wall? Would he take time for that, knowing discovery of his presence on the grounds would have fatal consequences?

Footprints were discovered outside the window—those of a man and those of a woman. Were they preserved? State police and local officers at the trial admitted they were not. But measurements were taken, and the man's footprint did not in the least correspond to Hauptmann's!

**I**F a stranger was in the house, why didn't the fox terrier bark? The dog, trained and cared for by Whately, was in the pantry, according to testimony. It was alive and well. Any one who knows anything about watchdogs in the country—especially fox terriers, the scrappiest little animals—knows they are very nervous, very alert. They will bark at the slightest noise.

The dog didn't make a sound. Does this indicate that the footsteps of whoever was roaming around, prowling around in the night, were known to the terrier?

*How did the kidnaper really enter the nursery?*  
I can't believe he accomplished the feat in the manner described by the prosecution.

Placing that ladder up against the house, he would have had to steady himself, open the shutters and keep them open with a sixty-five-mile gale blowing, lift up the ladder, and then jump or climb three feet from the ladder to the top of a window seat.

On this window seat at the time there were a toy beer stein and some other objects to the right in a little cubby-hole. Crawling through the darkness—for he could not afford to risk a flashlight—he did not even disturb these objects!

He navigates the room—a strange room in a strange

house—without colliding with any furniture, and finds the child at the extreme opposite end, in a crib surrounded by a screen. He lifts the baby out of the cot and the child doesn't wail. Any one knows that, sensing danger, a baby's only protection is to use its lungs and cry.

Now we have the kidnaper making his exit. Everything in that nursery is just exactly as it was when he entered! Nothing touched, nothing moved. With little Charles A. Lindbergh, Jr., in his arms he sits on the window ledge so he can swing his legs out and find the top of the ladder.

Once more the beer stein is not disturbed! He maneuvers his way out, one hand occupied with the baby, the other steadying himself. How could he close the window and the shutter?

On the way down the ladder breaks, throwing man and child against the house, crushing the baby's skull. Now, if this had actually happened, wouldn't both have fallen in the mud, leaving an imprint? There was no such imprint!

The state never proved when the baby was killed, or where it was killed. In fact, there was grave doubt as to how it was killed.

So uncertain was this point that the attorney general in his summation changed the theory from "death by falling from a ladder" to "death from a blow inflicted in the crib." Of course this latter theory is ridiculous. No kidnaper would kill a child and expect to get a cent of ransom money for the dead body. Nor would he murder the infant in its own nursery—running the risk of capture on the scene and a first-degree murder conviction.

No, the person or persons who took that baby knew very well there was no law

(Continued on page ten)



(Continued from page eight) in the State of New Jersey against kidnaping. The situation was peculiar to New Jersey and probably not known by residents of other states.

A great many people seem to be still under the impression that Hauptmann was placed on trial for kidnaping. Such is not the case. He was tried for murder in the commission of a burglary. There has been controversy between prominent lawyers as to whether the evidence in any way fits the charges laid down by the state.

After the alarm went out, the Lindbergh estate was flooded with state police, local police, detectives, G-men, reporters, photographers, and visitors. Presumably every inch of the ground was searched.

Yet one whole month later the baby's thumb guard was found on the driveway, in full view of every one, only one hundred yards from the gatehouse which had been occupied during the entire period by state police.

Betty Gow and Mrs. Whately discovered it. Could this bright and shiny object actually have been there day after day, with people passing and repassing, scrutinizing the ground for any and every possible clue?

And now as to the ransom notes and the part played by Dr. Condon:

Can any one tell me why Dr. Condon, a very strange gentleman from the Bronx, ever entered the negotiations anyway? Or why the people who wanted the ransom money chose to deal with him instead of any others?

All the New York daily papers had offered rewards for contact with the kidnapers. Some of these rewards ran as high as \$25,000. They were blazoned all over the United States. And they brought no response.

Out of a clear sky comes Dr. Condon, whom the Lindberghs did not know, had never met, and takes it upon himself to insert an ad in a small community paper. He offers the comparatively insignificant reward of \$1,000.

The letter was addressed to Dr. Condon. Inside was another communication, addressed to Lindbergh and bearing the ransom symbols. What made Dr. Condon so sure the symbols were legitimate? He had never seen the nursery note. I doubt if any of the detectives were shown that letter. Certainly the public and the press had no access to the important document.

Now, when Dr. Condon got that note he didn't take it to the police or the G-men. He went to a restaurant and waited until almost midnight before phoning Colonel Lindbergh. In one part of his testimony he said he didn't open the letter before he delivered it. Later he testified he did open the note to the colonel and described the symbols over the telephone. At any rate, he went to Hopewell and saw the Lindberghs.

Dr. Condon is a learned gentleman with a penchant for prize fights and parades. He likes to march through the Bronx streets followed by scores of children. His appearance at Thanksgiving Day parades is said to be a familiar feature in that section of the Bronx. His friends will tell you he has never had the reputation of being averse to publicity.

His conversation with "John" in Woodlawn Cemetery, as he himself related it on the witness stand, is fantastic—to say the least!

Says Dr. Condon: "A man like you, what would your mother say if she knew that you were engaged like that?"

And our kidnaper, the cold-blooded supercriminal, answers like an abashed schoolboy:

"My mother wouldn't like it—she would cry!"

I HAVE pondered long and seriously over one particular fact: Every time any one was seen by Dr. Condon or talked to by Dr. Condon there were present just Jafsie and the suspect. *No one else!*

No one else ever came close enough to this "John" whom the good doctor identified as Hauptmann to see his features. At the first meeting Dr. Condon's companion remained half a block away in an automobile. When the ransom money was paid over, the night of April 2, Colonel Lindbergh waited at a distance. He could hear a man's voice calling, "Hey, doctor!" but he could not distinguish the individual's physiognomy.

In one of the ransom notes there were directions for the construction of a box that was to hold the bills. Dr. Condon had the box constructed. But he never produced the carpenter who built it. *Why not?*

On the evening of April 2 the final ransom letter arrived at Dr. Condon's home. Colonel Lindbergh, Colonel Breckinridge and the schoolteacher were waiting in the parlor. Jafsie left the room, in answer to the ring of the doorbell, he said.

Doesn't it strike you as strange that no one looked out of the window, that no effort was made to apprehend the person who brought the note?

How did they know that the bearer was not one of the then supposed gang? Certainly it would have been possible to follow the messenger, capture him, and give him the well known third degree until he revealed what he knew. Yet no one made such a move. And to this day that messenger has never been apprehended, nor has he come forward—as an innocent man who was an unwitting tool in the transaction surely would have done.

On his errand that night Dr. Condon took with him \$70,000. That, don't forget, had been the sum requested all along by the writer of the ransom notes.

He had a conversation with the mysterious "John," went back to the car where Lindbergh waited, and told him the kidnaper had consented to take only \$50,000—because Jafsie had pleaded with him to cut the price!

Does that sound like so desperate a criminal? What impelled him to accept less when he knew the entire



Acme photos

Violet Sharpe, the servant at the Morrow home who "committed suicide under fire of police questions." Right: Isidor Fisch, whose name figured in appeals to race hatred.



The paper he chose was the Bronx Home News. No one in the city of New York at that time was paying any attention to that newspaper except Bronx residents, housewives especially.

Why did Jafsie pick the Bronx Home News?

And why would a kidnaper answer him in the hope of getting a \$1,000 reward, ignoring those who offered twenty-five times as much?

However, the evidence shows that about eight or ten days after the Lindbergh child vanished, the advertisement appeared. And the very next morning, at least forty miles away by train or trolley, in a section of the city far removed from the Bronx, an answer was sent by mail.



amount was ready and waiting? Was he touched by Jafsie's plea that "Colonel Lindbergh is a poor man"?

Why, any one capable of planning and carrying out such a crime—alone, as the state contended—would certainly realize that the anguished father was not going to quibble over \$20,000 just when he thought himself on the verge of recovering his lost child!

Now, after the payment of money followed the confused and heartbreaking events that the whole world now knows.

The frenzied search proved futile. There was no trace of the child until May 12, 1932, when a small decomposed body was discovered only four and a half miles from the Lindbergh home. Lindbergh had been tricked, and a nation-wide hunt for the kidnaper was on.

Jafsie himself made numerous trips, followed up various clues. Yet when, as he says, he saw Bruno Richard Hauptmann he made no outcry, no attempt to chase after him!

He admitted these facts under cross-examination, and his testimony seemed to electrify the courtroom. In August, 1934, riding down from New Rochelle on a bus, he caught sight of the man he now says received the ransom money—the man for whom every one was looking, for whose capture many substantial rewards had been offered.

When I asked him why he didn't tell the chauffeur of the bus to stop, and why he didn't cry out, "Get that man!" he replied:

"It was none of my business!"

**A**SIDE from Jafsie's identification, there were two valuable pieces of evidence which might have been—but were not—used by the state. I have often asked myself why not. One was the plaster-of-Paris reproduction of a footprint found on a fresh grave in the cemetery near where the conversation between Condon and "John" took place. The cast was never brought into court, never introduced into evidence.

I firmly believe that it did not correspond to the footprint of my erstwhile client any more than did the footprint outside the Lindbergh home!

The other exhibit was a phonograph record made by Jafsie, imitating the voice of "John." That record was not played at the trial. Could it be possible the prosecution did not want the jury to hear and contrast the voice with Hauptmann's own?

The pedantic intermediary from the Bronx liked to travel. He went hither and yon. He talked to various people, including newspaper reporters. Several stories were printed and several rumors circulated.

A number of persons had the impression, right up to the moment Condon took the stand, that he was not sure Hauptmann was John. However, when he testified, he denied ever having made such a statement. Possibly these people were mistaken.

No; altogether, I am not satisfied with the "lone wolf" theory of the crime.

I just cannot see an outsider from the Bronx knowing which was the nursery, which window could be opened from the outside, what hour the room could be entered without fear of discovery.

Nor can I fit into the jigsaw puzzle the strange suicide of Violet Sharpe or the equally strange events that have occurred since the trial.

I have been practicing law more than twenty-five years. Criminal law has been a hobby and a study with me. I have defended several hundred persons accused of murder. And never have I participated in a case that, once completed, with the verdict in, left so many questions unanswered.

In view of the numerous discrepancies I have cited, I often wonder whether Colonel Lindbergh does not suspect some one in his household of having been disloyal.

Does he, perhaps, doubt that Bruno Richard Hauptmann committed the crime in the manner described at the trial?

If so, might he not intervene so that the person or persons holding the key to this mystery may be forced to break their silence?

THE END