

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?

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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. 10

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). 20

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.) 30

Q. I understood you to say that you finished dinner about nine o'clock. A. It would be in the vicinity of 9:30.

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. 40

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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.

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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 adjourn quite speedily. I think the room is quite warm. Does counsel prefer it? 30

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.

The Court: If counsel are ready they may proceed. Colonel Lindbergh will take the stand. 16

CHARLES A. LINDBERGH, resumed.

Direct Examination by Mr. Wilentz: (continued)

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. 20 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.

Q. I see. A. The length and approximately 40

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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.

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.

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.

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.

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.

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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.

10 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.

20 (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- 40

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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

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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 yea? 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?")

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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

Charles Lindbergh—Cross

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.

Charles Lindbergh—Cross

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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Charles Lindbergh—Cross

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.

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.

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.

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.

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.

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.

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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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.

Charles Lindbergh—Cross

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'

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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?

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

Q. Was it locked? A. No.

Q. Did Trooper Kelly just 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-

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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.

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

make a practice of locking windows, and I don't believe that had ever been locked, as far as I know.

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.

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.

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

40

Charles Lindbergh—Cross

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.

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.

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.

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

Charles Lindbergh—Cross

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

Charles Lindbergh—Cross

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 Morrows 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

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
20 nothing definite except these letters.

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.

Q. You do not recall ever having any quarrel
30 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
40 to Hopewell; the third through Colonel Breckin-

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. 20

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. 30

Q. Do you know anything about symbols? A. About symbols?

Q. Yes, symbols such as are attached to these letters? A. Very little. 40

Charles Lindbergh—Cross

Q Well, since you have received these letters have you made any effort to decipher these symbols? A. I have thought about it considerably.

Q Do you know anything about theosophy? A. Very little.

Q Do you know that in theosophy, the basis of theosophy is symbols? A. No.

10 Q Did you know that when you came in contact with Dr. Condon, that Dr. Condon had taught theosophy? A. I know that Dr. Condon had been an instructor in the Bronx for many years. I didn't know what his subjects were.

Q Didn't you think it strange that a man from the Bronx that you did not know of should call you up and tell you that he had a note with a symbol on it? A. Not under those conditions, no; something like that had to happen.

20 Q You didn't advise Dr. Condon to put the ad in the Bronx news, did you? A. I did not.

Q Do you recall the ad, the first ad? A. I read the ad since that time; generally speaking, I recall it—that is, I know about what it contained.

Q Wasn't it a reward of a thousand dollars? A. Yes.

Q Did it occur to you strange that a man offering a thousand dollars in The Bronx for contact with the kidnapers where the State of New Jersey had offered \$25,000 for contact with them was unusual. A. The State of New Jersey had not offered \$25,000 for contact with the kidnaper at that time. My recollection is that that \$25,000, very definitely, was for apprehension of the kidnaper and not for contact.

Q Wasn't Dr. Condon's \$1,000 for apprehension? A. No, Dr. Condon offered \$1,000 in addition to what I would offer, I believe.

40 Q Did Dr. Condon, to your knowledge, ever pay anybody a thousand dollars? A. No.

Charles Lindbergh—Cross

Q Well, finally Dr. Condon came out to your house and exhibited to you a note, didn't he? A. That is correct.

Mr. Reilly: Now, may I have that note, Mr. Attorney General, and with that I am willing it go into evidence, and exhibit to the Colonel? 10

Mr. Wilentz: Certainly. Is this the next one? Yes, yes; if you are willing to allow it.

Mr. Reilly: That is the one he handed to him?

Mr. Wilentz: It will be the first one, and I will take it out of the envelope and see. 20 Where is the letter that went with it? They went together, didn't they?

Mr. Peacock: Have you the envelope, Mr. Attorney General?

Mr. Wilentz: Yes, sir. Here it is. This envelope and these two notes in one.

Mr. Reilly: Fine. 30

Mr. Wilentz: We are going to agree, as I understand it, we are agreeing that this note or these two notes which came in this one envelope are to be admitted in evidence.

Mr. Peacock: Numbering what?

Mr. Reilly: I will see. 40

Charles Lindbergh—Cross

The Reporter: 24, 25 and 26.

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Mr. Reilly: 24, 25 and 26, heretofore marked for Identification, are now, with the consent of the defense, offered by the Attorney General and, with your Honor's permission, will become part of the evidence and so marked in evidence.

The Court: It will be admitted and so marked.

(State Exhibits S-24, S-25 and S-26 for Identification were received in evidence and so marked.)

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Mr. Reilly: Are you familiar with their contents, Colonel?

The Witness: In general, yes.

Mr. Hancock: Let us have them marked first.

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Mr. Wilentz: Do they retain the same numbers except for the words "for identification" being withdrawn?

The Reporter: Yes.

(The papers referred to were received in evidence as State Exhibits S-24, S-25 and S-26.)

Mr. Hancock: Which one is the letter?

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The Reporter: The envelope is S-24 and the notes are S-25 and S-26.

Charles Lindbergh—Cross

By Mr. Reilly:

Q. Colonel, after Condon brought this note to you, was it after that that you decided to take Col. Breckinridge's advice and contact Roemer and the people we have mentioned? A. I believe that we got in contact with Roemer for instance, before that time.

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Q. When you contacted Roemer did you give him a copy of the symbol? A. No, I didn't. Now, I don't know whether he had one or not. As a matter of fact, my recollection is that he had seen the symbol.

Q. He had seen it? A. That is my recollection at this time.

Q. Had the symbol been printed in the papers? A. No, not to the best of my knowledge.

Q. I see. Who had seen it? A. Up to that time? 20

Q. Yes. A. Altogether?

Q. Yes. A. Why, members of the New Jersey State Police, some of the members of the Jersey City and Newark Police, I believe. Up to what date is this?

Q. March the 9th. A. Members of the Internal Revenue Department of the United States Government, Col. Breckinridge. As I say, my recollection is that Mr. Roemer saw one of these letters. And myself.

30

Q. But Condon had never seen this symbol? A. Up to the time he brought the letter?

Q. Up to the time he brought this letter? A. No, as far as I know.

Q. Did you go any place with Condon after he exhibited this letter to you? I mean the next day. A. Condon stayed at our home that night and I believe that the next morning the doctor went back to his home in the Bronx but that I did not go with him. I was at his home later.

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Charles Lindbergh—Cross

Q. Did he say to you under what circumstances he received this letter? A. He told me, I believe, at that time that he had inserted this ad in the paper. He told me that he had been interested in trying to do whatever he could to help. He told me that in the mail he received the note which you just showed to me.

10 Q. Did he tell you that he went to the Bronx News and offered the suggestion to them that they allow him to put the ad in? A. He did, but I am not certain that he told me at that time; thereabouts he spoke to me about going to the Bronx News, as I recall it.

Q. And the Bronx News was a locality paper? A. That is my understanding, yes.

Q. Did he show you a copy of the ad? A. I don't know; I really couldn't remember. I have 20 seen a copy since.

Q. Of course you knew that the Bronx News, you subsequently learned that the Bronx News was just a local paper? A. Local to the Bronx?

Q. Yes, local to the Bronx. Did it strike you as peculiar that an ad would be watched for and immediately answered by the kidnapers if it came from the Bronx News? A. Well, we considered all of those situations, but we also realized that after this circumstance had originally 30 happened, the sequence of the events would probably be peculiar, not according to the ordinary logic of life.

Q. Did it ever strike you that the master mind might insert an ad in the paper and answer it himself? A. I think that is inconceivable from practically any practical standpoint.

Q. You think it is? A. As a matter of fact, I tried to consider it with every individual who has been connected in any way with this case, 40

Charles Lindbergh—Cross

examining no one, whether there was any connection.

Q. Of course, you considered it from the very interested viewpoint of the father of the lost child? A. That is correct.

Q. And you have never been placed in the position of the neutral man who could stand on the side and view it from the other side? A. That is 10 why I contacted the police.

Q. Every time after that that Condon did anything in this case that was important, he always did it alone, did he not? A. No. Not according to the information that I had.

Q. Your personal contact with him—you drove up in the car with him, the \$70,000— A. In that instance there was no one there but myself.

Q. He walked across the street, he bent over a table— A. No, that was on the same side of the 20 street.

Q. Even so, wherever he walked, he bent over a table, he straightened up and came back to the car and he hands you one of the same kind of notes that he handed you in Hopewell? A. Under the table he got a note, yes.

Q. But you did not see him pick it up? A. Oh, I couldn't.

Q. He walked over, bent down and straightened up and came back, and there it is: is that 30 right? A. He had the note and he returned.

Q. He took your \$70,000 away? A. Fifty.

Q. Fifty thousand? A. Yes.

Q. He did not take seventy and bring twenty back, did he? A. No, he told me to take out twenty.

Q. He went away and had a conversation with somebody: is that right? A. That is what he told me, yes.

Q. That is what he told you. He comes back 40

Charles Lindbergh—Cross

and says fifty thousand is enough, Condon alone?
A. Right.

Q. He comes back and he says, "Fifty thousand is enough"; Condon takes the 50,000, goes some place, comes back and says, "I have given it to somebody," correct? A. Well, those are not his words, but in general, that is correct.

10 Q. No. Alone? A. Yes, he went alone.

Q. How many of these notes did he produce after this one? A. After which?

Q. After the one he delivered from Col Breckinridge to you, if you recall the number? A. I don't think I could say the exact number offhand, I know the sequence and the contents pretty well, but I am not sure of the number.

20 Q. Now, was it after this, after the receipt of this from Dr. Condon that you received another note, or was there another note before you first went to Dr. Condon's house, or did the note come after you first went to Dr. Condon's house? A. I don't think I can say that definitely. I went to Dr. Condon's house not many days after he had come to Hopewell.

Q. Now did Dr. Condon tell you that he was in contact with a gang or expected to make contact with a group? A. No. He told me the man that he contacted spoke of others.

30 Q. The man he contacted spoke of others? A. Yes.

Q. And that led you to believe that it was a group? A. It didn't lead me to believe very much but there seemed to be no reason why it shouldn't be.

40 Q. After your first visit to Dr. Condon or at your first visit to his house, did anything transpire at that time? A. Well, I was there on so many different occasions, with the exception of the time the money was paid, and I drove Dr.

Charles Lindbergh—Cross

Condon to the cemetery, it is very difficult for me to separate one visit from the other. I know about what happened when I was there, but on which visit, with that exception it is very hard to say.

Q. As I recall your testimony you were in Dr. Condon's house one night and the bell rang. A. That is correct.

Q. He went out of the room and he went to the door. A. Yes.

Q. He came back and he had another one of the notes. A. Yes.

Q. With the symbol? A. Yes.

Q. But there was nobody who saw him receive the note, rather you didn't see him? A. No, I stayed in the back of the house.

Q. That is it. After that, how long after that was the drive with the money? A. How long after did we start? 20

Q. How long after the receipt of that note? A. We started, I think, within ten minutes probably of the receipt of that note.

Q. That note called for the immediate payment within thirty minutes of \$50,000, didn't it? A. That note didn't mention the amount, but at that time the amount was understood to be \$70,000.

Q. Within thirty minutes? A. It was within a short time. I am not certain whether it was thirty minutes or forty-five or whether it simply said to go directly to the cemetery, but it was a limitation, a definite limitation as to time. We had to leave at once.

Q. Colonel, did Dr. Condon know you were coming to his house that night? A. I believe he did.

Q. Had he asked you to come that night? A. Well, he asked me to come any time. Whether he 40

Charles Lindbergh—Cross

asked that night— I think he would expect me that night. I am pretty sure he would.

Q. He expected you that night, didn't he? A. I am quite sure he did.

10 Q. And did he expect you to bring the money that night? A. Well, he knew the money was available. We had been told by note to have the money ready. He knew the contents of the notes and he knew that we planned on going, on following the notes, so I think that he probably knew that we would bring the money that night.

Q. You had not advertised to the world that you had drawn \$50,000 from the Bank of Morgan, had you? A. Well, I hadn't. I don't know whether anything was carried on it or not.

Q. You had not advertised to the world that the serial numbers were taken, had you? A. No.

20 Q. You had not advertised to the world that you were going up to Dr. Condon's house that night, had you? A. As far as I could I avoided having my movements known.

Q. Well then, who knew besides Dr. Condon that you were going to be at his house that night?

A. Well, members of the police at our residence, members of the Federal Agency.

30 Q. All Government agencies knew? A. No, I don't say all Government agencies. The Internal Revenue, for instance, knew that; and the Internal Revenue had been assigned by President Hoover to work on this case at that time.

Q. Well, excluding Government agencies, what individual knew, first that you had the \$50,000?

A. Well, the New Jersey State Police officials.

Q. Outside of them, Colonel. A. Pardon me?

40 Q. Outside of that group, outside of all officials. A. My wife, Colonel Breckinridge, Dr. Condon and a Mr. Reich undoubtedly by that time.

Charles Lindbergh—Cross

Q. Who was he? A. A friend of Dr. Condon's.

Q. He is Condon's bodyguard, isn't he? Goes around with him, R-i-c-c-h, isn't it, Reich? A. No, it is Reich.

Q. Al Reich, isn't it? A. Yes, that is correct. I don't know what—I only know him as a friend of Dr. Condon's. A. There were probably a few other people who knew that.

10 Q. Were they people you trusted, the other people, without mentioning their names? A. In every instance I knew of, yes.

Q. Well, then, the only two strangers outside of your official group and those whom you trusted, who knew anything about the fact that you had \$50,000, the serial numbers were taken, and they were available, were Condon and Reich? A. Well, we hardly considered them strangers by that time, but they knew about the money.

20 Q. They were outsiders to you until this unfortunate occurrence? A. I had not known them until then.

Q. So if you had the \$50,000 in the bank of Morgan, in its vaults, already set aside there for safekeeping— A. No, I arranged through Morgan, through the Morgan Bank, to have that \$50,000 made up, or the \$70,000, and for some time that was in our residence in Hopewell for assignment, I believe it was, in a branch of the Cern Exchange Bank in The Bronx, and on the evening of March 9th I myself took the \$50,000 to Dr. Condon's—on the evening of April 2nd, to Dr. Condon's home.

30 Q. Did he ask you to? A. No, Dr. Condon had always questioned the payment of any money without positive identification.

Q. Did he ask you to bring the money that

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Charles Lindbergh—Cross

night? A. I don't recall his ever asking us to bring money.

Q. What induced you to bring the money to Dr. Condon's house within an hour or so before he received this mysterious note at his doorway?

A. The previous note told us to do that.

Q. To be ready that night? A. What?

10 Q. To be ready that night? A. Yes, yes.

Q. To be ready that night? A. Yes.

Q. And have the money at Condon's? A. That is correct, the previous note requested us to do that.

Q. Of course you didn't take any guards with you at all, did you? A. When I went with Dr. Condon.

Q. That night? A. No.

20 Q. You had no police around at all? A. No, not as far as I know. I believe not.

Q. Now when you got to Dr. Condon's, did he ask you if you had the money? A. I do not recall his asking that, but we had it in the package there.

Q. You had it in this box? A. No, we put it in the box at his home.

Q. At his home? A. Yes.

Q. Where was the box built? A. Dr. Condon had the box built.

30 Q. He had it built according to the instructions of the letter that Col. Breckinridge delivered, which— A. I would have to see the letter, the sequence.

Q. It is S-25 (handing the exhibit to witness). I am showing you S-25, Colonel, that is one of the letters Condon delivered to you at Hopewell, is that correct? Am I correct, Mr. Attorney General?

Mr. Wilentz: I think you are right, sir.

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Charles Lindbergh—Cross

A. That is the letter, one of the letters that Dr. Condon showed us at Hopewell.

Q. And that letter contained the directions how to make the box? A. The dimensions of the box, yes.

Q. And Condon left this letter with you, didn't he? A. I am not sure whether he left it that night or took it back.

Q. Took it back with him, you think? A. I am not sure whether he left it or took it back.

Q. If he took it back, did you get it from him again? A. Oh, yes.

Q. Before the payment of the money? A. I am quite sure that we had that letter before the payment of money, if he did not leave it that night.

Q. Did you ask Condon or did he volunteer to build the box? A. Col. Breckinridge was the person in direct contact with Condon. We all knew of the dimensions stated in this letter here. As to the exact sequence of the box being built, I am not sure, except that it was according approximately to the dimensions in the letter.

Q. Colonel Breckinridge was with you the night you went up with the money. Did he stay in Condon's house? A. Col. Breckinridge was in Condon's house when we left the house, yes.

Q. And this money was in packages and was taken out and placed in this box in Condon's house? A. In one large package and one small, \$50,000 in the large package and \$20,000 in the small.

Q. The 20,000 was not in the box? A. Yes, it was in the box until Dr. Condon told me to take it out at the cemetery.

Q. Now, what time did you leave Dr. Condon's house? A. I should think about approximately a quarter after eight.

Q. Was it at your request that Colonel Breck-

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inridge stayed behind? A. I don't believe there was any question of his going, because we tried to carry on our contact with as few men as possible; it was easier to move with fewer people.

Q. Did anybody suggest that Ricci— A. Reich?

Q. Reich, Condon's friend, he left home? A. Well, I suggested that I drive the car that night.

10 Q. Did Condon know that the bills, the serial numbers, had been taken by that time? A. I don't know.

Q. Well, you were about to make payment; did you ever tell him, did he ever ask you whether the serial numbers were taken? A. Well, he knew that the numbers were taken, but it is practically impossible for me to go back and know the time when he knew that.

20 Q. I didn't ask you that. Did he know before the payment was made? A. I am not sure whether he knew it before; it may have been after that. I am not sure of that.

Q. Now, where did you stop after you left Dr. Condon? A. We went directly to the spot designated in the letter that he had received that night. I drove on Tremont a little beyond that spot and turned around, making a U-turn and came back and parked opposite the flower shop mentioned in the letter.

30 Q. And then he walked across down the street and came back with this? A. No, the—as I say, we parked opposite the flower shop, then there was a concrete walk that went from the car across the sidewalk to the door of the flower shop, and at a table under which the instructions were that the note would be was just to the right of that walk, next to the flower shop.

Q. Was that flower shop open? A. No, no, the door at that time, I believe, was closed.

40 Q. And how close was that to Dr. Condon's

home? A. Well, I think it took us a little over half an hour to drive.

Q. Well, he had a car? A. I don't think so.

Q. Well, who—did Reich drive a car? A. It was Reich's car.

Q. Reich's car. Well, a car was available? A. That I was driving.

Q. —for him?

Q. Well, now, when did you get to the cemetery? A. The cemetery was diagonally across.

Q. Was that St. Raymond's? A. That was St. Raymond's, yes.

Q. Is that the cemetery that had the high iron fence? A. An iron fence on the Tremont side of the cemetery, and that stopped, I think, just about at the corner, as I recall, and there was no high iron fence down the side bordering Whittamore.

Q. You didn't see Dr. Condon enter the cemetery, did you? A. Enter the cemetery? No, I couldn't from where I was.

Q. Well, then, did he cross the street and go to another cemetery that night? A. No. I believe that is all considered one cemetery there.

Q. Was the money passed at the cemetery that night? A. Yes.

Q. Then he came back to the car? A. Yes.

Q. When you flew the next day from Bridgeport how far up did you fly? A. Well, I would like to see a map. We flew to the Elizabeth Islands, generally speaking, and over the area in their vicinity. We flew between Gay Head and Horseneck Beach, and we covered practically all nearby waters.

Q. Is that off the coast of Maine? A. No, that is off the coast of Massachusetts, on the northern end of Long Island Sound, I believe. We followed the coast of Connecticut east to reach that location around the Elizabeth Islands.

Charles Lindbergh—Cross

Q. Did you ever go with Jafsis to a place called Beckett? A. Dr. Condon?

Q. Dr. Condon, rather. A. Beckett, where is Beckett?

Q. Massachusetts. A. No.

Q. Has your family a summer place somewhere in Massachusetts or Maine? A. There is a home near North Haven, Maine, that belongs to the Morrow family.

Q. Was there anything in the ransom notes that suggested your flying around there at all? A. No.

Q. When did you first come in contact with Curtis? A. Mr. Curtis came to our residence in East Amwell Township either the latter part of March or the first of April, I believe. My recollection now is that the first time he came there was the latter part of March. I am not certain of that.

Q. It was his idea that he should get in contact with the people that had your child by going out on a boat, is that correct? A. That was one of his ideas.

Q. The baby was supposed to be on a schooner or some kind of a boat operated by bootleggers. A. It is very difficult to outline all of the suppositions that he made, it would take a long time; that was one of the ideas that he had.

Q. But he always gave you the impression that he was more or less—that he thought he could get in connection with those people who had your children—your child, rather. A. Gave me the impression that he thought he could?

Q. Yes. A. Well, he said he thought he could.

Q. Yes. And that was your purpose in going out on that boat. A. My purpose in going out on the boat primarily was that I knew that either Mr. Curtis was lying or he had been in contact with those people who he claimed had shown him ransom bills which he had checked against the list.

Charles Lindbergh—Cross

Q. Did he have some? A. Oh, no, but I investigated through various people in Norfolk his reputation and they seemed to think that it was good enough so that I couldn't afford to overlook his statement.

Q. Well, what did he say about the ransom bills? That he had seen some? A. Sir?

Q. That he had seen some? A. Among other things he said that he had seen some and that he had checked numbers.

Q. Did he bring you any number that checked against the bank list? A. He brought nothing that was of definite identification.

Q. And he was convicted of withholding information from you, is that correct?

Mr. Wilentz: Just a minute now, if your Honor please, I object to that as not being material to this cause.

Mr. Reilly: I think it is very material.

Mr. Wilentz: Well, I think it is not material.

Mr. Reilly: If some person has been convicted of withholding information from the Colonel as to the identity of the kidnappers, and it is a matter of record in this State and the law of this State in his particular indictment and case—

Mr. Wilentz: If your Honor please—

Mr. Reilly: And he is an emissary of the Colonel's at that time—

Charles Lindbergh—Cross

Mr. Wilentz: Those facts do not appear, if your Honor please.

Mr. Reilly: Well, the fact does appear that he was convicted in the courts of this State.

10 Mr. Wilentz: The fact does not appear here at all of any such thing, and it does not appear that he was an emissary of the Colonel either, the Colonel has explained, I thought—

20 The Court: I suppose that you are entitled to cross-examine Colonel Lindbergh as to his activity with Curtis. That you have been doing, and I have no disposition to interfere with that, but I think the present question is outside of proper cross examination.

Mr. Reilly: May I have my exception?

The Court: Let me have the question read so I may be perfectly sure.

30 (The reporter repeats question as follows: "Q. And he was convicted of withholding information from you, is that correct?")

Mr. Wilentz: That is not the question.

40 (The reporter repeats the last two questions and the answers: "Q. Did he bring you any numbers that checked against the bank list? A. He brought nothing that was of definite identification.

Charles Lindbergh—Cross

"Q. And he was convicted of withholding information from you, is that correct?")

The Court: And that question is objected to by the Attorney General?

Mr. Wilentz: Yes, if your Honor please.

10 The Court: I shall have to sustain the objection.

Mr. Reilly: May I have an exception?

The Court: You may take your exception.

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

20 THOMAS TRENCHARD (L. S.)
Judge.)

By Mr. Reilly:

Q. Well, Colonel, is it not a fact that you had a distinct reason for believing Mr. Curtiss had been in contact with the people who kidnaped your child, either directly or indirectly, with the people who had possession of your child? A. To obtain the truth of that situation is a fairly long story. I had no—

30 Mr. Reilly: May I have the question answered Yes or No?

The Court: What is the question?

(The reporter read the question as follows: 40

Charles Lindbergh—Cross

"Question: Well, Colonel, is it not a fact that you had a distinct reason for believing Mr. Curtiss had been in contact with the people who kidnaped your child, either directly or indirectly, with the people who had possession of your child?"

10 The Court: Well, there seems to be an assumption of fact in that question which the record does not justify, Mr. Reilly. You are assuming that these people that Colonel Lindbergh was contacting with had possession of this child. There is no evidence of that.

20 Mr. Reilly: No, but it was his belief. You see taking the indictment as we stand here on the statements that have been made by the Attorney General that this defendant is the kidnapper and stands alone as the kidnapper and killer, I believe on cross examination I have a right to find out whether or not Colonel Lindbergh was not of the belief as recently as the Curtiss trial that it was a group of people and that he has only swung around to this belief against the defendant since the apprehension of the defendant.

30 Mr. Wilentz: If your Honor please, may I just respond to that? Counsel has not asked Colonel Lindbergh's belief at the present time and does not know it.

Mr. Reilly: He has already testified.

40 Mr. Wilentz: I do not understand that to be the fact.

Charles Lindbergh—Cross

The Court: You now want to inquire as to Colonel Lindbergh's belief at that time?

Mr. Reilly: Yes.

The Court: Well, is that objected to? 10

Mr. Wilentz: I don't object to it provided, your Honor please, he will also ask him his belief now.

Mr. Reilly: I think that has been testified to.

Mr. Wilentz: Let him give us both.

Mr. Reilly: He testified that on direct. 20

The Court: Let Colonel Lindbergh answer it.

Mr. Wilentz: Go ahead, Colonel.

A. May I have the question read, please?

Mr. Wilentz: As I understand it, we want the Colonel's beliefs then and now as to who he thought had the child. 30

Will you please answer that, Colonel?

The Witness: Pardon me. I was asking for the question to be reread.

Mr. Wilentz: As I understand it, it is modified now so that you give your belief 40

Charles Lindbergh—Cross

then and now, what you believed then and what you believe now.

Mr. Reilly: That was the suggestion of his learned Honor.

The Court: Yes.

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Q. Colonel, I will ask you, as suggested by the Court, and I assume that your answer will be that the defendant, you believe now, is guilty of the kidnapping; is that correct?

The Witness (to the Court): Shall I answer?

20

The Court: Yes.

A. I do.

Q. Now, Colonel, at the time of the Curtis trial was it not your belief that a group of persons were responsible for the kidnapping of your child and that Curtis was in contact with them, either directly or indirectly, and didn't you so testify at the Curtis trial?

30

Mr. Wilentz: If your Honor please, may I ask counsel if he won't ask the question that he seems to be referring to in the manner that it is usually asked?

Mr. Reilly: I can't ask that until he contradicts himself.

40

Mr. Wilentz: I think Mr. Reilly is probably correct about that.

Charles Lindbergh—Cross

The Court: What is the question?

Q. (Pending question read by the reporter.)

Mr. Wilentz: As to that part of it, if your Honor please, "And didn't you so testify?" I object. I think if there is going to be any question directed as to his testimony, that the proper and legal way is to ask the Colonel: "Weren't you asked the specific question and wasn't this your answer?"

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The Court: I think that is the proper court procedure.

Mr. Reilly: May I withdraw the question until we get this straightened out.

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By Mr. Reilly:

Q. Colonel, irrespective of the Curtis trial, did you ever have the belief that Curtis was connected directly or indirectly with the group of persons who had kidnapped your child? A. I did with reservations.

Q. Did you testify at the Curtis trial in answer to this question, page 47:

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"Q. Colonel, the last date you mentioned at Norfolk was May 6th. What happened after you came in the last time when you could not make any contact?

"A. The question came up at that time as to what course to pursue. I could offer no distinct reason for believing that Mr. Curtis had not been in contact with these people and according to the information he had given me in my mind, he certainly was either in contact directly or indirectly

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Charles Lindbergh—Cross

with the people who had been in possession of our child. I felt that it was essential to devote every effort to find out who these people were and if possible to bring about a return of the baby, and if not, bring about their apprehension". A. Yes, but I found out later he was not telling me the truth.

10 Q. Did you testify that way? A. As you have read there?

Q. Yes. A. Yes.

Q. Now you say, do you not, or do you say that you also believed at some time that the Purple Gang of Detroit were in possession either directly or indirectly of your child? A. No, I never believed that.

20 Q. Colonel, did you ever have \$50,000 placed at or near a plane ready to be sent to Detroit, to contact the Purple Gang? A. No, I had \$50,000 available, but I never came anywhere near the point of sending that to Detroit or anywhere else, except where it went.

30 Q. Was that a second \$50,000? A. I am not clear on that. There were two packages at one time for purposes of quick movement which I had arranged to have available. As I say, with the exception of the actual payment, there was no question of sending any anywhere else, that is, no question that came anywhere near to action.

Q. Colonel, were you in the Morrow home shortly before the suicide of Violet Sharpe? A. Yes.

Q. Had she been questioned by the police before that? A. I understand she had.

Q. Did you know that she and the butler had been very friendly? A. No, but being in the home, I suppose that is probably true.

40 Q. Did you know that they were friendly outside of the home, but I would be surprised if they were.

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Q. Did you suspect Violet Sharpe of any connection with this case? A. I did not.

Q. Well, is it not a fact that she had been questioned by the State Police that they subsequently came back to ask her some more questions and that she went upstairs after their presence was announced to her, and committed suicide? A. She committed suicide. I do not know whether it was prior to being questioned or not. 10

Q. Weren't they in the lower hall and didn't they ask that she be brought downstairs for re-questioning, and when that message was sent upstairs to her, didn't she drain a glass of poison? A. Well, she took poison.

Q. Isn't it a fact—

Mr. Wilentz: Just a moment.— Go ahead. 20

Mr. Reilly: Pardon me. I won't interrupt.

A. She took poison; she had been questioned by others at Englewood and Hopewell by the police, she probably would be questioned again, it may be she was notified she would be questioned again, I am not clear on that.

Q. Well, one of the servants in the Morrow home was known as Johnson? A. No. 30

Q. And afterward identified as Red Johnson? A. No.

Q. Well, was he a visitor there, so far as you know, in servants' quarters? A. I understand he had visited.

Q. Do you know whether or not he was friendly with Violet Sharpe to the extent of taking her out? A. No, I don't know that.

Q. You do know, however, that he was appre- 40

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handed by the United States authorities, do you not, because he was illegally in this country? A. That is my understanding.

Q. And you know that that warrant was withdrawn, do you not, by orders of Washington, and he was permitted to leave the country voluntarily and he is now in Denmark, or Sweden? A. Well, 10 I understood that he went abroad; I did not know or I do not recall being told that the order for his deportation was ever withdrawn.

Q. Betty Gow was not in this country at the time of the arrest of Hauptmann, was she? A. No.

Q. She has been brought back here. A. She has come back.

Q. Do you know of any effort that has been made by the State to bring back Red Johnson? A. 20 As far as I know the question never came up.

Q. Well, do you know of any effort to bring him back? A. No. I have never heard of him before.

Q. His name was mentioned, he was questioned, wasn't he, many times? A. Oh, yes.

Q. In fact, he was questioned about a trip to Bridgeport and about a milk bottle in his car, covering March 1st, isn't that correct? A. As I recall, that is correct.

Q. You have seen the report of his examination where he said he was used to drinking milk at night and that is why the bottle of milk was in the car. A. I have probably read that report. I don't recall that part.

Q. Just a moment, please.

Mr. Reilly: Mr. Attorney General, I have finished with your witness.

Mr. Wilentz: You are finished, sir. 40 Thank you. Just a few questions.

Charles Lindbergh—Redirect

Redirect Examination by Mr. Wilentz:

Q. Referring to almost the last question, particularly as to Red Johnson and your understanding about him --

The Court: Excuse me a moment. One of the jurors has asked to retire for a moment. I think we had better take a recess for five minutes. The jurors may retire. 10

(The jury retired at 3:00 p. m.)

(At 3:05 p. m., during recess, the following occurred:)

The Court: Is that gentleman up there in the gallery preparing to take a picture? 20 Are you preparing to take a picture here now?

A Voice: During recess; yes, sir.

The Court: I will ask you not to do that. This is practically a session of the court. We will have to get along without pictures during such recesses as these. 20

Is the jury ready?

(The jury returned to the courtroom at 3:08 p. m.)

The Court: The Clerk may poll the jury.

(The jury was polled and all answered present.) 40

Charles E. Williamson—Direct

The Court: Colonel Lindbergh will resume the witness stand.

Mr. Wilents: If your Honor please, we decided not to further harass the witness and we will ask Officer Williamson to take the stand.

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CHARLES E. WILLIAMSON, called as a witness in behalf of the State, being duly sworn, testified as follows:

Direct Examination by Mr. Wilents:

Q. Mr. Williamson, where do you live? A. Hopewell.

20 Q. And where did you live on the 1st of March, 1932? A. Hopewell.

Q. Did you serve in any police capacity at all at that time in that county? A. Yes, sir.

Q. By the way, what county is Hopewell in, the Hopewell that you are referring to? A. Hopewell is in Mercer County.

Q. And how far away is it from the Lindbergh home? A. Approximately three and a half miles.

30 Q. What is it, a township or a borough? A. Hopewell Borough.

Q. Is it the nearest borough that has police officers to the Lindbergh home? A. It is.

Q. And on the night of March 1, 1932, did you receive word from the Lindbergh home that they wanted police? A. I did.

Q. Did you receive it from the home directly or did you get it through Chief Wolf—is Wolf the Chief? A. Yes.

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Charles E. Williamson—Direct

Q. I see. That is of the Hopewell police? A. Yes.

Q. Did you receive it from Wolf or did you get it yourself over the telephone? A. I received it from the Lindbergh home myself at my home.

Q. I see. And having received that telephone call did you communicate with Chief Wolf? A. I did.

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Q. And thereupon did both of you go up to the Lindbergh home? A. We did.

Q. And when you got there about what time was it? A. Around 10:25 or 10:30.

Q. As soon as you got to that home, whom did you meet? A. Colonel Lindbergh.

Q. Where was he? A. At the front door of his home.

Q. Did he have a rifle with him at the time? A. He did.

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Q. He met you at the door, then, with a rifle? A. He did.

Q. And did he take you up to the room? A. He did.

Q. Who went up to the room, then? A. Colonel Lindbergh, Chief Wolf and myself.

Q. What did you see in that room at that time? A. I saw the crib that was empty. I saw the note in the window. I saw dirt tracks or mud tracks leading from the window towards the crib.

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Q. How many impressions of mud or dirt did you see? Well, I will withdraw that. Did they lead right to the crib? A. Yes.

Q. Right from the window all to the crib, as I understand it? A. Correct.

Q. Can you tell us anything about that mud or dirt? A. Well, it was of a clay substance.

Q. And what do you mean when you say it led from the window all to the crib? A. Well, it went direct from 'neath the window towards the crib.

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