

#6

Statement of: Robert H. Thayer.
Residence : 124 East 84th Street, New York City.
Age : 30 years.

Statement made to Lieutenant Keaten, New Jersey State Police, concerning the kidnaping and murder of Charles A. Lindbergh, Jr., in Hopewell, N. J., sometime between 8 and 10 P. M. on March 1st, 1932.

On the morning of March 2nd, I read in the newspaper the account of the kidnaping of the Lindbergh baby. I was at that time employed in the office of Donovan and Richley, 41 Broad Street, Attorneys, and this firm had been retained by Colonel Henry Breckinridge, Colonel Lindbergh's attorney, to prepare a case in the Mineola Court. I had done a certain amount of preliminary work on this case. When I went to the office that morning I spoke to Colonel Donovan about the kidnaping and the name of Morris Rosner came up. Rosner had done some investigation work for the office in connection with a first degree murder indictment against a man by the name of Howard Brigetts and a second degree assault charge against a man by the name of John Ward. Rosner had professed to know a great deal about the underworld and on various occasions had taken me to underworld hangouts and pointed out various members of different gangs to me. The only name of any gangster that he introduced me to that I can remember was Legs Diamond. I was interested in criminal law at the time and used to discuss criminals quite often with Rosner and he had often made the statement to me that if any friends of mine were ever involved in a kidnaping case he would be able to help them out considerably because he had assisted various gangs to recover their members that had been kidnaped by other gangs. In discussing the possibility of Rosner being of some service to the Lindbergh's in this case, the question of his general character and honesty came up and both Colonel Donovan and I agreed that we were not sure that Rosner was a man to be trusted and that this should be made very clear to Colonel Lindbergh if his name was suggested to him. Colonel Donovan said he would keep the matter under advisement for a while and in the meantime I got in touch with Rosner who was at this time a plaintiff in a suit in the Central Jury Court. I met Rosner and asked him if he thought he could be of any service in this case and he said he was certain that he could and begged me to arrange to have him employed. I told him that Colonel Donovan was thinking the matter over of whether or not he should suggest him to Colonel Lindbergh and that I would let him know later what developed. This was about 11 o'clock in the morning. I went back to my office and from then until 6 o'clock in the evening Rosner called me about once every hour urging me to do something about getting him the job. On his first call he told me that before he could take the job he would require \$2500.00 and the use of a car and it should be clearly understood that the police or the secret service should not be permitted to follow him in any way. He stated that the \$2500.00 would be used in the following manner: His plan was to make contact with all the big gangs throughout the country including Chicago, Detroit, Philadelphia, Newark, Atlantic City and New York. It would be necessary to establish this contact by sending emissaries to each of these gangs and he told me that no emissary could ever be sent to a gang without a payment of at least \$250.00 and that it would probably cost \$500.00 besides expenses to contact the gangs in Chicago because he would have to send two men out there. On this first call he also stated, that pending Colonel Donovan's decision, he would get in touch with the New York underworld and find out if he could get any definite leads about the case. At about 3 o'clock in the afternoon he called me and said that he thought he had a pretty definite lead. He was not very explicit as to what this was but I gathered that there was a certain underworld character who had disappeared mysteriously and had been away for the last couple of months and no one could explain way or where he had gone. The next time he called he was

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even more insistent about this definite lead and I went to Colonel Donovan and told him about what Rosner had said. Colonel Donovan decided that since Colonel Lindbergh was more or less a client of the office it would be only fair to at least state the facts about Rosner to him and let him decide whether or not he would want to employ him. He called Colonel Breckinridge and briefly explained the matter and then said that I would call Colonel Breckinridge later and give him a more detailed account. I called Colonel Breckinridge and explained to him the situation about Rosner and stated to him that Colonel Donovan was not in a position to vouch for him in any way, that Colonel Donovan was fairly certain that Rosner could get Colonel Lindbergh in contact with the underworld but that he was not sure of Rosner's honesty, although he was pretty well convinced that Rosner was not a dangerous enough man to endanger the case. Colonel Breckinridge said that he was interested and that I would hear from him later.

Colonel Breckinridge arrived at my house about 3 o'clock on the morning of March 3rd and I again stated to him, without Rosner being present, exactly what the situation was, explaining how the \$2500.00 was to be used, explaining Colonel Donovan's feelings about Rosner's character and suggested that before deciding to engage Rosner that he talk to Rosner personally and also call Colonel Donovan on the wire and talk to him. Colonel Breckinridge talked to Rosner and Rosner told him in my presence that before he could take on the job three conditions would have to be performed. He needed \$2500.00 for the purposes I have stated, he must be given a free hand and not required to report to anyone except Colonel Breckinridge or myself and no Secret Service men or police should be permitted to follow him or any of the people he contacted at any time. He was also very insistent that the U. S. Secret Service should not be called into the case on the ground that the underworld in general are very much afraid of the Secret Service and if they knew it was called in the child might be killed. Colonel Breckinridge called up Colonel Donovan and talked to him on the telephone and decided to employ Rosner. Captain William Galvin had \$2500.00 in cash with him and he gave it to me and I gave it to Rosner in Colonel Breckinridge's presence. Rosner went to telephone and made a call and about 20 minutes later two men came to the house and went into a back room. As soon as they came in Rosner took out the \$2500.00 and peeled off approximately \$500. worth of bills, split them in half, stuck them in each of his trousers pockets and then walked into the back room where the two men were waiting. Rosner later told me that one of these men was one of Capone's Lieutenants, although he had not introduced me to either of them at this time. About three quarters of an hour later another man came in and Rosner talked to him, but whether or not he received any money, I don't know. Rosner told me that this man came from Long Island but he did not introduce him to me.

Colonel Breckinridge gave us a brief outline of the case, describing how and when the baby was taken and he showed us a copy of the first ransom note which somebody had made for him. This copy contained a replica of the original signature.

Colonel Breckinridge, Rosner and I then went out to Hopewell. My purpose in going to Hopewell with Rosner was in order to watch carefully everything that he did and as far as possible prevent anything that might be injurious to the case. There Rosner and I examined Ollie Wheatley and his wife and Betty Gow, questioning them particularly concerning the trades people and others who came to the house. The reason for our doing this was at Rosner's suggestion in order that he might be able to give to the underworld as many of the facts as possible. In talking to Colonel Breckinridge, Rosner had stated that he was positive that if the underworld had taken the child they would return it within 24 hours if approached in the right manner. He stated that his services would be important in establishing, through the underworld, a contact with the kidnapers, that it would be difficult in view of the great publicity.

While Rosner and I were standing down stairs in the hall between the kitchen and the garage, talking to Mrs. Breckinridge, Rosner made some remark about whether or not it would be possible for him to see the original note. Mrs. Breckinridge went and got the note from someone and brought it to us. Rosner gave it to me and told me to make an absolutely exact copy of it, imitating the handwriting as closely as possible and also the signature. I went up to Colonel Lindbergh's room and made with pencil on a long yellow sheet of paper as exact a copy as I could of the note, attempting wherever possible to make the letters in my copy look like the letters in the original, and in copying the signature I indicated with an arrow the portion that was in colors and where the holes were. I did not trace any part of the note but the copy that I made was a free hand copy. I gave this copy to Rosner and I have not seen it since the day that I gave it to him.

About 12 o'clock on March 3rd, Rosner and I went to town and I went with him to the apartment of his attorney, #1 Christopher Street and dictated a memorandum concerning everything that had happened to date. I left him about 5:30 P. M. and went to my home and later met him there about 9 o'clock in the evening. He told me that he had attempted to contact Owney Madden but was told to get out by one of his Lieutenants on the ground that they suspected him of being a Government Agent. He asked me to call Colonel Breckinridge and tell him to call off the Secret Service, if possible, since the general impression in the underworld was that the Secret Service was operating and they would not come in and give any help in the case until they were called off. I called Colonel Breckinridge and he said he would do what he could.

At about 12 o'clock the night of March 3rd, I went with Rosner to the apartment of his attorney, #1 Christopher Street to wait for a telephone call from Owney Madden. At 1 o'clock Owney Madden called up and asked to see Rosner. Rosner and I and Paul Hennessey went to 47th Street and Broadway where Rosner got out and went up to see Madden; Hennessey and I waiting in the car. He came back after about an hour in great excitement, ran up to the car and said to me, "Get Colonel Donovan", and I told him that Donovan was in Albany and could not be reached, so he said that we must telephone Breckinridge right away. We went to the Pennsylvania Station and on the way Rosner implied to me that Owney Madden knew all about the kidnaping and that he had to get to Colonel Breckinridge right away because there were certain conditions that had to be fulfilled before Owney would proceed with negotiations. I called Colonel Breckinridge. He met us at the Baltimore Lunch in Princeton about 4 o'clock in the morning of March 4th. Rosner told Colonel Breckinridge that he was convinced that Madden knew something of the kidnaping and that Madden had refused to have anything to do with the case unless the Lindbergh's published a signed statement in the newspapers stating that they wished to get into personal contact with the kidnapers and that they were willing to deal with them and would see that they came to no harm if the child was safely returned. He also stated that he must have a private wire, not tapped by anyone, in order to keep in contact with Madden. We came to the house and talked the matter over with Colonel Lindbergh and Colonel Schwarzkopf and it was finally agreed that that procedure would be followed.

Rosner, Hennessey and I went into the living room where a telephone wire was prepared and remained there until the morning of Saturday, March 5th, answering calls and Rosner would telephone once an hour to Madden. On the morning of Saturday, March 5th, I was standing in the dining room while the mail was being opened and saw the second ransom note being opened by Trooper Kelly of the New Jersey State Police. I read the note over his shoulder and later Captain Lamb came into the room and read it with a magnifying glass. Colonel Lindbergh brought the note into the living room and showed it to Rosner who the minute he read it said, "Get me two Troopers, I must take this note to town

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at once". He left with the note in his pocket. I did not see this note again until about 10 days later when Colonel Lindbergh brought it into the living room and showed it to Captain Galvin and myself.

I remained in the living room answering telephone calls and interviewing people who insisted upon seeing Colonel Lindbergh for the next two weeks.

On Saturday, March 5th about 12 o'clock in the evening, I was introduced to Salvatore Spitalo and Irving Bitz who came out with Rosner and Colonel Breckinridge. I was not present when the note was shown to them but was present when Spitalo spoke on the telephone to Owney Madden. So far as I can remember he said, "Hello boy, this is a hell of a mess and we better clean it up in a hurry because it is raising hell with our business."

On Sunday, March 6th, I listened in on a telephone conversation between Rosner and Owney Madden in which Rosner was asked to explain how Spitalo and Bitz were brought into the situation. Madden stated that he was doing everything that he could to get in contact with the mob that had taken the child and he said that he thought that probably Colonel Lindbergh would hear from the kidnapers in a few days.

On Tuesday morning, March 8th, Rosner went to town with Colonel Breckinridge and every day that week he would leave with Colonel Breckinridge in the morning and return late at night.

At about 12 o'clock on the night of March 10th I was answering the telephone and a voice on the telephone stated that he was Doctor John Condon of the Bronx and that he had received a letter addressed to him containing a letter addressed to Colonel Lindbergh. He said that he did not know if there was anything to it that it might be just a crank but that he had put an advertisement in the Bronx News offering a \$1000.00 reward to anyone who returned the baby safely and possibly this was in answer to the advertisement. We had just been discussing the question of the difficulty of the kidnapers communicating with Colonel Lindbergh and Colonel Breckinridge due to the great publicity in the case and the activity of the press and we had been discussing the possibility of the kidnapers sending letters to Colonel Lindbergh through a third party. For that reason my curiosity was particularly aroused and I asked Doctor Condon how the letter to him was signed. He stated that it was signed with the sign of the Mafia. I then asked him to open and read the letter addressed to Colonel Lindbergh. I took this letter down on pencil and paper as he read it to me and it was apparent to me from the first few words that this letter was from the same people that had left the ransom note. This was confirmed when I asked him to give me a vague idea of the signature. I also took down on pencil and paper the letter addressed to him from the same people. I then told him to get into a car as quickly as he could and come down to Hopewell bringing the letter with him. I gave the copies of the letters that I had made to Colonel Lindbergh and I have not seen them since.

About 2½ hours later Doctor Condon arrived in company with two men, one an Italian and the other a Jew whom I was introduced to. Colonel Breckinridge and Colonel Lindbergh took Doctor Condon upstairs and I remained in the kitchen talking to these two men. They told me that Doctor Condon had been in the habit of stopping into a restaurant, of which the Jew was the proprietor, and that on that same night he had stopped in and shown them the letter that he had received. They had advised him to call up Hopewell at once and he had done so. About an hour later Condon came down stairs and sent the two men home and he spent the night in the nursery.

Shortly before Doctor Condon arrived that night, Rosner returned but I

mentioned nothing of Doctor Condon at the specific request of Colonel Breckinridge. The next morning at the request of Colonel Breckinridge I told Rosner that there were certain things from now on which would be impossible for Colonel Breckinridge to tell him since Colonel Breckinridge was bound by a promise not to say anything. Rosner was introduced to Doctor Condon as Doctor Steis and a friend of the family. Rosner came to me and told me that he was sure that Doctor Steis was no friend of the family and asked me to check up on him and find out who he was. I later told Rosner that I had attempted to check up on him but had not been able to find out anything about him. Rosner went to town that day and at about 5 o'clock that evening the Press began calling up on the telephone and stating that the Associated Press was carrying a story that Rosner had made the statement that the baby was alive and well and would be returned shortly to its parents. At about 8 o'clock Rosner called me on the telephone and I asked him for an explanation for this press report and he gave me the following story. He stated, that he had gone to his home at about 3 o'clock that afternoon and had found the place besieged by reporters. He got up to his room and locked the door and after a few minutes the manager came up and said that unless Rosner could do something about getting the reporters away he would have to call the police. The telephone rang and Rosner answered it and a man who said that his name was Watson asked if he could come up to see Rosner in his room. Rosner thought that this man was a personal friend of his and that if he permitted him to come to his room he would be able to assist him in getting rid of the reporters so he told him to come up. Upon opening the door, however, he discovered that it was not the Watson that he knew but a man from the Associated Press. He told the man that he could make no statement of any kind whatsoever, but the man told him that he did not want him to make any statement about the case, but merely to give him some information about himself. Rosner saw no harm in doing this and so he began telling him about his connection with the underworld and his experience with gangsters. At the end of the interview the reporter suddenly shot this question to him, "Do you think the baby is alive". Rosner stated that he was caught by surprise and burst forth with the remark, without thinking, "Of course we hope that the baby is alive and that he would be returned".

The morning papers on that day had carried long accounts of Rosner's connection with the case and Rosner had told me that he had given these stories to the press and had posed for photographs at the suggestion of Colonel Breckinridge. Owney Madden had told Colonel Breckinridge that this would be a good idea in order that the kidnapers would familiarize themselves with Rosner in case they wanted to choose him as an intermediary.

When Rosner came home that night I again demanded an explanation of the newspaper story and told him that I could not understand how he could give any interview to the press in view of the agreement existing between Colonel Lindbergh and the press that no statement would be made except through Trenton. We had considerable argument in which I frankly told Rosner that I thought that the case had gone to his head and that he was trying to jockey himself into a position so that if the baby was returned he could claim a good share of the credit. I told him that he had been employed in the case for one purpose only and that was to make contact between Colonel Lindbergh and the underworld and that since this contact had been established and nothing had yet been produced through the underworld, it seemed to me as if his job was over. I did not suggest that he leave the case because I thought it would be unwise to have him get out of the case altogether because of what he knew of the ransom notes, but I tried to show him that he had carried out his job successfully in that contact had been established with the underworld and that he would be given credit enough for that, but that if he tried anything funny he would ruin himself and get himself into very serious trouble.

On the following morning I was called into town by Colonel Donovan who had been approached by a man who claimed to have contact with the kidnapers. I remained in town working on this matter until about March 16th when I returned. On the night of March 19th, Captain Galvin called me up and told me that Colonel Breckinridge wanted me to go with Rosner on a detail concerning a woman by the name of Elsie. At 11 o'clock on the morning of March 20th I met Rosner in the barber shop of the Pennsylvania Hotel. We proceeded in my car to the Hotel Robert Treat in Newark and on the way Rosner explained to me what the detail was. He told me that we were going to Newark and meet a certain woman by the name of Elsie who had called him up at Hopewell and with whom he had talked. This woman had previously been questioned by investigators working out of Hopewell and they had told Rosner that she was a "Wheel" that there was nothing to her story. However, after she had left Hopewell she sent him a telegram and also telephoned him to say that she had purposely told the investigators that there was nothing to her story because she was afraid to deal with the police but her story was really true and she wanted to see him about it. We arrived at the Robert Treat Hotel and shortly after we entered the lobby Rosner was paged on the telephone. He came out of the telephone booth and told me that Elsie was on the wire and said to him "I told you to come alone and you have another man with you". Rosner persuaded her that I could be trusted and she told him to meet her at Child's Restaurant next door. Rosner went to Child's Restaurant and I went with him and sat at a table with my chauffeur while he had lunch with her at a nearby table. He called me over and introduced me to her and stated in her presence that she could speak freely with me. I suggested that she come back to my home in New York and that we would talk there. We arrived at my home but she seemed very nervous and unwilling to talk. Finally I took Rosner aside and told him that I would myself make the suggestion that she talk to him alone first and I would come back and make her repeat her story in front of me. I did so and she said she thought it would be a good idea so I went out. About an hour later Rosner called me out and told me over the telephone that he was convinced there was nothing to her story. I told him to keep her there until I got back but when I returned she had already gone. On the way from the Robert Treat Hotel to my home Elsie told me that Lieutenant Sweeney had told her that she had a pretty good story and ought to be able to sell it to the newspapers and somebody else had referred to Rosner as a small town gangster and pimp.

Rosner told me that she had admitted that a good part of her story that she had told him before was untrue but she insisted that she had been taking care of the Lindbergh baby. I asked Rosner if he had asked her for any identification marks and he said "Yes" that she had said that the baby had calouses on its thumbs. I asked him what she had said about whether or not the child was circumcized and Rosner told me that her reply had been that she could not tell and that it was sometimes very hard to tell on a young baby whether it had been circumcized or not. He told me that she said that if Rosner would give her the price of a ticket that would take her three thousand miles away she would take him to the house where she had been taking care of the baby. Rosner stated that that was enough for him and he had kicked her out of the house as soon as she had made that suggestion. A day or so later Colonel Breckinridge called me and I told him that Rosner had told me in his opinion Elsie was a phoney and Colonel Breckinridge seemed surprised and said that Rosner had told him an entirely different story about his conversation with her after the meeting at the Robert Treat Hotel. The next time I saw Rosner I had another argument with him and asked him to explain his statement that he was really in contact with the kidnapers through Elsie. Rosner had told me when he first came in that he had just been with Owney Madden and that Madden had the real thing this time and there was only one thing to do and that was to call Schwarzkopf and the police off and ~~start~~ ^{stop} the Jafsie advertisements.

He gave me a decided impression that this was a message from the kidnapers

through Owney. I was convinced that he was lying and had an argument with him for about three hours at which time I again accused him of trying to get himself into position by ~~making~~ false statements that would enable him when the baby was finally returned to claim credit for the return. I again told him that if he kept on in this line of action and do anything that would hurt the case that he would get himself into serious trouble. By questioning him I finally got him to admit that the suggestion that Schwarzkopf and the police should go and that the Jafsie advertisements should start, was not a message from the kidnapers through Owney Madden but was merely an idea of his own. I told him that what was going on in the case now was none of his or my business and that he had no right to make any suggestions to anyone and he said that he agreed that he would not make the suggestions to Colonel Breckinridge.

About the 20th of March I returned to Hopewell where I remained until the 3rd of May, answering telephone calls and interviewing various people who ~~next~~ claimed to have contact with kidnapers and to have information of value to the case and acting as Colonel Lindbergh's personal representative in cases where he was unwilling to appear personally. I made occasional trips to town and while there interviewed various other individuals who claimed to have contact with the kidnapers. In none of these cases did the contact ever amount to anything, it being obvious that they were established here for the purpose of publicity or in order to obtain money from Colonel Lindbergh or from some friend of his. *During this time Rosner was in town and I did not see him or speak to him. R.H.T.*

The only ransom notes that I saw at any time or that I have seen to date were the first two and the only copy that I made was a copy of the first note referred to above. From the 3rd of May until the night of May 12th I was in New York attending to various odds and ends in the case and also more or less beginning to resume the practice of law. At about 5 o'clock of the evening of May 12th, I returned home from my office and was told that the various newspaper reporters had called up. Shortly after I arrived a reporter called up from the Graphic and told me that Colonel Schwarzkopf had asked all reporters to report at Hopewell. I told him that I knew nothing whatsoever about it and I called up Hopewell and Lieut. Dunn who answered the phone told me that he was unable to tell me anything. I then called up Mrs. Morrow's home in Englewood and Elizabeth Morrow answered the phone and told me the news. I went immediately to Colonel Breckinridge and shortly afterwards he arrived and I motored him and Mrs. Breckinridge out to Hopewell. After my arrival I got in touch with Rosner and suggested that he come down to Hopewell and I sent my car in to meet him.

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