

AT forty-one Harold G. Hoffman, Walter Pitkin to the contrary notwithstanding, can look back upon an interesting career.

He was born in the little city of South Amboy, New Jersey, where he still lives, in 1896. At the age of twelve he was writing a column for a weekly newspaper and was suburban reporter for six daily newspapers. Finishing high school in 1913, he became a police reporter on the Perth Amboy Evening News and later sports editor of that paper.

At the outbreak of the war he enlisted as a private, went overseas with New Jersey troops, and, after successive promotions in camp and on the field during the stubborn engagements north of Verdun, returned to the United States as a captain of infantry, commanding Headquarters Company, 114th U. S. Infantry.

He engaged for a while in banking, and entering politics became successively a city treasurer, mayor of his home city, a member of the New Jersey Legislature, secretary to the president of the state Senate, a member of Congress for two successive terms; Commissioner of Motor Vehicles of New Jersey for five years, in which he established himself as one of the nation's experts upon street and highway safety. He was elected governor in 1934, the year in which the Democratic landslide carried nearly every Republican governor or candidate down to defeat.

Hoffman loves politics and has selected government as a career, but in matters involving human life and the welfare of people he has been outstanding in his scorn of political expediency.

Told once by an intimate friend that the action he was about to take in a certain matter would mean the loss of much political support, he answered characteristically, "I'm right! The hell with the votes; they can take care of themselves."

The Governor has been the author of a number of magazine articles, chiefly upon safety: Death After Dark, which appeared in Liberty, Hell on the Highway, Mile a Minute Men, Getting Away with Murder, and others. He has an interesting ancestral background. The first Hoffmans of his line settled in Hunterdon County, where the Lindbergh crime was committed over two centuries later, and their grandsons fought in the Revolutionary War. The Governor's maternal grandfather, James Crawford Thom, was a distinguished American artist, while his great-grandfather James Thom, a stonecutter born in Ayrshire, Scotland, became known as one of the world's greatest sculptors in sandstone. Replicas of his Tam o' Shanter and Souter Johnny, made for the Burns monument in Scotland, stand today at several places in America. Thom did much of the sculptural

PART ONE—"JERSEY JUSTICE"

OH, there may be some questions that you can't answer, but there sits the man who can answer them—"

A jury listens eagerly in the tense, crowded little courtroom at Flemington, New Jersey. David Wilentz, the young clever attorney general of a great state, levels his index finger at an obscure German carpenter pitchforked by fate into the center of the human stage as the most hated man in the universe, and shrieks:

"He will be thawed out. Yes, he is cold, but he will be thawed out when he hears that switch! That's the time he will talk."

But Hauptmann didn't talk.

Months passed—impossible and incredible months, months in which passion and prejudice seemed to take the place of reason, and wild confusion took command of what are usually the orderly processes of law.

On the grim night of April 3, 1936, I sat alone in the New Jersey State House at Trenton, and heard the final abrupt words of Gabriel Heatter, radio newscaster:

"Bruno Richard Hauptmann is dead! Good night!"

I looked at the letter before me, my last message from the man who had just been jolted to eternity: "I assure your Excellence that I am not guilty of this crime. . . . Dr. Condon . . . In a short time I will stand before a higher Judge but you will live a little longer. . . . Believe at least a dying man. . . . This case is not solvet, it only adds another dead to the Lindbergh case."

Another dead to the Lindbergh case! The curly-haired Eaglet, whose pathetic little body—what was left of it—was found in a hastily scooped grave beside a once lonely road, within sight of the tragic Hopewell home; Olive Whateley, the shadowy butler, who died in a Princeton hospital; his wife, the housekeeper, who died in Wales months before the announcement was made in this country; Isidor Fisch, crying for Hauptmann as he was dying in Germany; Violet Sharpe, the mysterious maid in the Morrow household who swallowed poison as she was about to be questioned—and now Hauptmann!

Less than a half hour later I sat behind a desk in a little room in the Hotel Hildebrecht. A pale young man crying, sat slumped in an armchair.

I broke the silence: "Lloyd, what did he say?"

"Just 'Good-by'—that's all. My God!"

Lloyd Fisher, once one of the country's ranking tennis players, fighting to the end for his client, bewildered a times by the tactics of his associates in the legal defense

widow by the State of New Jersey, confirmed the statement that had been given to me by Colonel Mark O. Kimberling over the telephone: Hauptmann didn't talk!

If the almost friendless alien who became the focal point in one of the world's bitterest controversies had a ghastly secret that would have led to the complete solution of one of America's most atrocious crimes, he carried it to the electric chair.

Will the world ever learn that secret? Possibly not; but then again—

I still insist that, from the standpoint of crime detection and prosecution, weeks—yes, even years—of patient effort would have been justified in obtaining it. Hauptmann, convicted largely on evidence that was circumstantial—and, in my opinion, largely doubtful—could not have harmed society from behind the gray prison walls of the Trenton State Prison even if he were as "guilty as hell." Even if this Bronx carpenter, pictured at times by the prosecution as a brilliant criminal and at times as an incredibly stupid fool, had been the monstrous "lone wolf" perpetrator of the crime that for over two years baffled the high command and the brainiest sleuths in the country, it would have been worth while to get the complete story and to find how such a crime could have been planned and executed by one man.

If Hauptmann did not have a secret, if, as he insisted to the last, he had told "everything" he knew, it would be of great value to the public to know something about police machinations, manufactured evidence, and the flaws in a so-called system of justice that would send a man innocent of the crime for which he was convicted to his death. I am not saying that in this case justice erred—but there have been cases, many of them, in which justice has erred in this nation.

Finally—and this seems to me to be most important—if Hauptmann was guilty but had associates in the crime, these associates should be brought to the bar of justice. Hauptmann, alive, might be necessary to convict them. I insist, and I believe that there are hundreds of thousands of people in this country who share my opinion, that the kidnap and murder of the Lindbergh baby could not possibly have been a "one-man job." There were confederates, either on the inside or the outside; and no child is safe tonight as long as there is alive a single person who had a hand in this crime and who is being permitted to "get away with it."

I do not question the sincerity of Attorney General Wilentz. I have known him since boyhood. We have been friends; we are friends today. I do not think he has ever correctly understood my position in this case; perhaps I do not correctly understand his. Dave Wilentz—and I have talked to him many times in the distressing aftermath of the trial—sincerely believes that Hauptmann was guilty. But Wilentz has never told me that he believed Hauptmann *alone* was guilty. I am sure that I understand his position, legally, to this extent: that, as attorney general, he was obliged to proceed only upon the evidence and the facts that were before him. Without convincing proof incriminating any one else, he could not prosecute. He did not have that proof.

J. Edgar Hoover has never said, to the best of my knowledge, that the Lindbergh crime was a one-man job.

Colonel Schwarzkopf, who during two years of my administration as governor was superintendent of the State Police, has never told me that, in his opinion, Hauptmann, and Hauptmann alone, was the perpetrator of the abduction and brutal slaying of Baby Lindy.

What about the mysterious J. J. Faulkner, who deposited \$2,980 of the ransom money in the Federal Reserve Bank? What about the Italian voice Dr. Condon heard saying "*Statti citto!*" ("Shut up!") as "John" talked with him over the phone? What about the woman who gave Dr. Condon the message from the kidnapers as he was selling old violins at a bazaar? What about Colonel Lindbergh's "stoop-shouldered man" who gave signals to the ransom negotiator in the graveyard?

Why, then, should the search be dropped? Why, then, should any one trying to completely solve the crime be blocked or persecuted by the very agencies that should still be searching for the criminals who are at large?

Crime is public business. No crime can be made a private affair, even of the victim's family. Crime, particularly the crime of kidnaping, is an attack against all of us. No individual or family or group has any legal right to conceal evidence or to impede justice. No publication has any moral right to employ the circumstances of a crime for the making of a private or corporate profit at the expense of the public safety—or at the expense of public dignity.

Yes! Crime is public business—but it isn't public entertainment. In the Lindbergh case it became just that.

It was said that I was casting reflections upon "Jersey justice." I deny that! I wanted "Jersey justice" to become just what the name implies; I did not want it to become "Jersey injustice."

With the life of a human being at stake, with perhaps the lives and safety of children throughout the world dependent upon the final correct and complete solution of the Lindbergh crime, I wanted to *make sure*. So long as there remained in any considerable number of reasonable minds any doubt of the complete and final justice of the verdict, the Lindbergh case would not be closed. There would still be the fear that somewhere in the world there was some one—or perhaps more than one—who had participated in that crime, who had escaped detection and punishment, and by that escape would be encouraged to try that same crime again. Even though Hauptmann were killed, criminals who believed that the real perpetrators of the crime had "gotten by" would be tempted to follow the pattern of what to them would seem a successfully executed crime. (Subsequently that pattern was used almost precisely in the tragic Mattson case.)

I was accused of "defying the courts." I didn't defy the courts. I was myself a member of the Court of Pardons, the court that was finally to serve the last thin thread of hope for Hauptmann's continuance of life. I was the only person serving upon that court who had not reviewed the testimony in the trial when Hauptmann's appeal was before the Court of Errors and Appeals. What I had heard about that trial worried me. I thought we should be sure of the facts before we killed a man, no matter how much we disliked him. I wanted, and still want, to be sure that all the participants in the crime are punished with equal vigor. I am not yet satisfied that we have done this.

NEVER have I expressed the opinion that Hauptmann was innocent—nor have I voiced the opinion that he was guilty. The twelve men and women in the jury box at Flemington decided that he was guilty—they were the keepers of their own consciences, as I am the keeper of mine.

I do have a theory, but it is only a theory, unsupported by convincing evidence, and made up of irregular little pieces of fact, testimony, and conjecture fitted into sort of an incomplete mental jigsaw puzzle. I would not dare to display that incomplete picture to the public.

Perhaps I am entitled to have a theory. Thousands of people have theories in the Lindbergh case. The prosecution had a theory; inference was piled upon inference. There are plenty of blank spaces in the picture that was presented to the Hunterdon County Jury. It was "supposed" that Hauptmann had built the ladder; it was "supposed" that he had worn gloves and coverings upon his feet so that there would be no telltale fingerprints or footprints; it was "supposed" that he knew the room that was utilized as the nursery in the Hopewell home; it was "supposed" that he knew that the window was unlocked and the shutters unfastened; it was "supposed" that he climbed the ladder and entered the nursery; it was "supposed" that he had smothered the sleeping child, or had killed it with a chisel, or had crushed its little skull by striking it against the house as the ladder broke, or by dropping the baby to the ground. No one saw Hauptmann do these things. You couldn't expect, of course, to "get a motion picture" of the commission of a crime. So inference upon inference went to build up the picture for the dozen men and women, tried and true, in the modest little courtroom at Flemington.

(Continued from page 8) I wish that there had been fewer inferences; that the proof of guilt had been more conclusively convincing than it was before the condemned man was jolted to eternity.

I felt that, as Governor of New Jersey, it was my obligation to seek the truth, whether I found it or not. What that search might do to me was of little importance.

To oft-repeated charges of "politics" I reply to the world that this was no matter of political expediency. On fifteen different occasions I have submitted my candidacy to the people; I have never been defeated. I may be forgiven for suggesting that I know a little about this thing that we call "politics." In the quest for votes one never deliberately *lines himself up* with a minority. Political expediency demanded, in the Lindbergh case, that I accept the verdict, stifle my own questions, ignore the questions of others, and let the law take its determined course. From the standpoint of political materialism, it would have been better for me if I had done that—but I couldn't and didn't.

When it became evident that my course was misunderstood and misrepresented, I was unable to see that carping criticism, misstatements, whispered rumors, or even threats against my life supplied sound reasons for any change in that course. It was my job, my heart, and my conscience, and I followed the dictates of my own judgment. *I would follow that same course today!* If the Constitution and laws of New Jersey had vested the governor with the requisite power, Hauptmann, behind prison walls, would be alive now.

Just why I elected to take action in the Lindbergh case is my story. I am entitled to tell that story and I propose to do it. Fragmentary bits have been made public now and then in the news columns of the daily press, rewritten and often distorted by subsequent editorial interpretation—or misrepresentation.

It was charged that I was a "seeker for publicity." I shall disprove that in the course of my story.

Some of the larger newspapers held, editorially, that the "courts had spoken"; that the case was closed; that the Governor of the State of New Jersey had no right to investigate. At the same time, many of these same newspapers were spending thousands of dollars in investigations to determine the real solution of the Lindbergh case. *Some of them are still seeking to get the truth.*

The American Bar Association, at its annual convention in Los Angeles in 1935, appointed a special committee to investigate the conduct of the Hauptmann trial. I was fortunate in being able to secure a photographic copy of that report before it was altered to meet the desires of some New Jersey gentlemen.

The alteration included the insertion of several pages which condemned my "interference" with the course of justice and "deplored" my "search for publicity."

In making this late alteration the special gentlemen of the Bar Association did themselves what they always protest against when it is done by any one else: they undertook to look into my mind and read what they thought they found there.

ASIDE from this interpolation, the report of the Bar Association was almost a textbook for the conduct of my investigation. That report condemned the trial and the conduct of the trial. It described the Flemington proceedings as a madhouse of publicity. It told of the shouting of reporters and telegraph messengers which drowned the voices of witnesses. It told of the peddling of subpoenas among stars of the stage and screen and society—subpoenas issued only for the purpose of securing for the recipients front-row seats in the courtroom. The report told how the judge and the sheriff repeatedly protested against the issuance of these subpoenas, without effect.

The committee stated as their conclusion the belief that a fair trial under such conditions was impossible.

At the annual meeting of the American Bar Association held last September, a Special Committee on Cooperation Between Press, Radio, and Bar, as to Publicity Interfering with Fair Trial, consisting of Paul Bellamy, Stuart Perry, and the late Newton D. Baker, submitted a report that contained this statement:

"Your committee has considered with great care recommendations which close the so-called 'Hallam Report.' They deal in great detail with the particular problems suggested by the trial of Bruno Richard Hauptmann, which exhibited, perhaps, the most spectacular and depressing example of improper publicity and professional misconduct ever presented to the people of the United States in a criminal trial."

The Bellamy-Perry-Baker report closed with the paragraph: "The committee recognizes the inadvisability of a harsh use of the power to punish for contempt of courts, but at the same time appreciates that power, inherent in every court, must be used as far as is necessary to protect the fairness of the proceedings, and that it may also be used sympathetically to protect the part of the Press which respects the real object of judicial proceedings, against the unfair competition of agencies of publicity which recklessly disregard that object and seek to capture customers of their competitors by publications of a sensational, scandalous, and inflammatory kind." As a Methodist may I add a vociferous "Amen!"

I WAS not the Governor of the State of New Jersey when the trial of Hauptmann started in Flemington; it was in progress as I solemnly took the oath of office in Trenton. But before that I had been called upon to act in the case. When I was still Commissioner of Motor Vehicles I did several things that may be cited in refutation of the charge that I tried to obstruct justice and interfered with the prosecution. I aided the prosecution!

Attorney General Wilentz called upon me within two weeks after I had been elected, but before I had assumed office. He said that the state wanted Justice Trenchard to try the case; that the term of Justice Trenchard expired on January 20 following. He explained that if Justice Trenchard should not be reappointed after starting to hear the case, or even if there should be an interval of one day in his reappointment, the trial would have to be started anew.

"You may tell Justice Trenchard that I will reappoint him, Dave."

My first official act as the Governor of New Jersey was to reappoint Justice Thomas Trenchard.

In line with tradition in New Jersey, which holds that a governor-elect shall be consulted on important legislation, Wilentz asked for my approval upon a bill that he was about to submit to the legislature, under which witnesses important to the state might be forced to come to Flemington from New York. I gave my assent to the retention of former Judge George Large to aid the state in drawing the Hunterdon County Jury. I subsequently approved the bill of Judge Large. I approved the bills of the sheriff of Hunterdon County. I aided the attorney general in every move to obtain adequate money to prosecute that case and for its collateral expenditures. As Commissioner of Motor Vehicles I had turned over the entire facilities of my department in checking thousands upon thousands of license numbers for the police.

Before I proceed with the record of my action in the Hauptmann case, I should explain my situation as a member of the Court of Pardons—a situation that is quite generally misunderstood, particularly in states where the governor has the power of pardon.

New Jersey is a common-law state. The right to pardon had been in England, the country from which we so largely derive our law and practice, one of the powerful prerogatives of the King. But in New Jersey there was written into the Constitution a provision that "The Governor, or person administering the government, the Chancellor and the six Judges of the Court of Errors and Appeals, or a major part of them, of whom the Governor shall be one, may . . . grant pardons."

Those words "of whom the Governor shall be one" laid the great responsibility upon the Chief Executive of New Jersey in the matter of pardons. In the case of a man condemned to die, even if the seven other members of the court voted for a commutation of sentence or a pardon, the governor, by his vote, could block their will and send an applicant to the electric chair. But, on the other hand, if four members of the court voted against commutation and against pardon, the governor

by his vote, would be powerless to stop the execution. The Constitution further granted to the Governor of New Jersey the power "to grant reprieves, to extend until the expiration of a time *not exceeding ninety days after conviction.*"

I cannot agree with the viewpoint that the Hauptmann case, having been decided in the courts, was "none of my business." The most unpleasant feature of serving in the office of Governor of New Jersey is the requirement that the Chief Executive must sit as a member of the Court of Pardons and must eventually, in that court of mercy, make decisions that affect the lives of human beings. I followed, in the Hauptmann appeal to that court, the same policy that I have followed consistently in every death-sentence case before or since.

Any mother, father, child, brother, or sister who desired to see me to make a final plea for the life of a loved one has been granted that request. I have never denied to counsel for a death-cell prisoner access to my office.

In granting a reprieve I exercised a legal right in just the same manner that it has been exercised by nearly every other governor who has preceded me. A reprieve indicates no belief on the part of a governor that the applicant is innocent—it is a stay of execution for the purpose of further investigation.

Much has been said, and much more whispered, about racial or religious influences dictating the decision to grant a reprieve to Hauptmann. Nothing could be further from the truth.

At almost the identical time that I granted the Hauptmann reprieve I granted a reprieve, upon the request of Rabbi Holtzberg of Trenton and Jewish welfare associations of Philadelphia, to Charles Zeid, convicted of killing a Camden police officer. Why? Because these responsible people had asked for more time. There had been whispers of a "frame-up"—they wanted to investigate. There was no criticism of the Zeid reprieve.

I did not protect Hauptmann from the decision of the court that tried him. I gave him one reprieve of thirty days. It is almost a tradition to give any man sentenced to death in New Jersey that much chance to prove that he has a right to live.

In opening a trial before a jury the prosecution makes what is termed "a statement of the case." The prosecuting attorney tells the judge and jury just what he intends to prove as evidence of the commission of crime by the accused.

This was hardly done in the Hauptmann trial. In his opening, among other things, the attorney general said, referring to the defendant: "As he went out that window and down that ladder of his, the ladder broke. He had more weight going down than he had when he was coming up. And down he went with this child. In the commission of that burglary, that child was instantaneously killed when it received that first blow."

But in the summation by the state, at various times: "He smothered and choked that child right into insensibility." "The pins are still left in the bed sheets. Yanked, and its [the child's] head hit up against that board—must have been hit." "Did he use the chisel to crush the skull at the time or to knock it into insensibility? . . . What else was the chisel there for?" "Whether the child hit the concrete wall of the house or hit anything, the child's skull was crushed."

In this first article I have tried to make, consistently, my "statement of the case," and I intend to narrate my story of that hectic, almost unbelievable period, from the time that the German of New Jersey, with this

mysterious case upon my desk, until April 3, 1936, when Bruno Richard Hauptmann, convicted of having "willfully, maliciously, and with malice aforethought killed and murdered Charles A. Lindbergh, Jr.," was strapped in the electric chair, took a half-defiant, half-startled look at the witnesses, and grimly shut forever those lips that had so often insisted "I am innocent!"

Had he opened them but a few days before to say "I am guilty!" he could have saved his life and made his family a sizable fortune. Instead he said, "I haf told all I know." But that is another story.

So, too, is the account of my much discussed visit to the Hauptmann death cell on the night of October 16 in 1935. There have been many stories circulated about this visit, publicized as "stealthy," "nocturnal," and "surreptitious."

One of these choice bits of gossip was built around a party attended by the Governor, champagne or Scotch, a mysterious blonde—or a brunette. Tongues loosened by the sparkling vintage of France or of domestic distilleries—according to the mood of the relator—started to discuss "shoes and ships and sealing wax," politics, and finally Bruno Hauptmann. The "certain" woman is supposed to have evinced interest in the case, and in the

very best big-shot manner the Governor allegedly suggested: "Say, do you really want a thrill? Come with me. We'll drive to the prison right away and I'll let you talk to Hauptmann."

This chronicle was given wide circulation by the editor of a great "family newspaper"—not in the columns of his publication but in what was probably a more effective and libel-escaping way. His favorite method was to back prominent people into a corner at public and purely social gatherings, while whispering, in effect, "Do you want the real low-down on Governor Hoffman's interest in the Hauptmann case? Well—drinking . . . a woman . . . an automobile . . . after midnight . . . the prison—"

It is not necessary, perhaps, to dignify this semi-salacious story with a denial. I do,

however, feel that I have a definite obligation to tell the public every detail—as I recall those details—of my visit to the doomed man.

As a matter of fact, a woman *did* accompany me. And as a matter of fact, she did wear a becoming evening gown, donned for a far different kind of party.

Who she was, why she was there, the name of the distinguished statesman who called me from Washington urging me to look further into the case before I permitted Hauptmann to die, what Hauptmann told me—word for word as they are stamped indelibly in my mind—will be told in their sequential place in this story.

The facts, differing widely from both the whispered rumors and the heretofore printed record, are to be given for the first time. Of this much I may assure you: that, as I stood on that October night at an opened iron door in the death house and peered across a dimly lighted corridor to cell 9, housing the hated ex-German machine gunner, I had full knowledge that I was in pursuit of a duty that was mine. I did not have, though, the trace of an idea that my visit and subsequent happenings would open up a long trail of misunderstandings and bitterness that approached fury. If I had entertained such an idea it would not have deterred me. I am glad that I went.

This long-awaited revelation of the truth about the Governor's visit to the Hauptmann death cell is but one of the electrifying disclosures that are coming in next week's and later installments of his own story.



Governor Hoffman leaving Hauptmann's Bronx home.