

THE morning after his talk with Attorney General Wilentz, Governor Hoffman went to see Mrs. Hauptmann, whose husband was expecting to be put to death next day. He told her that if Hauptmann's life was to be spared, she must now go and get him to tell the whole truth. Should he do so, the Attorney General, if convinced, would join with the Governor in asking to have the sentence changed to life imprisonment. Mrs. Hauptmann indignantly refused. To her mind, her Richard was "innocent," as he had said. But she agreed to go and ask him if he would answer any questions put to him by the Attorney General and the Governor. Later she telephoned that he would, but his story would be "just the same." When Wilentz learned that this was Hauptmann's attitude, he refused to take part in questioning him. That afternoon the Governor announced that he was granting a thirty-day reprieve, that there might be time for further investigation.

Justice Trenchard set the week of March 30 for the execution, and Colonel Kimberling set the night of March 31. Meanwhile Samuel Liebowitz called on the Governor. He had interviewed Hauptmann in his cell. "I can make this fellow tell the truth," he said; "but I need your help."

PART SIX—LIEBOWITZ, WENDEL, PARKER

WELL, Mr. Liebowitz," was my reply to the man who had been known as the Great Defender, "if you have a plan to get the truth, I'm one hundred per cent for it. That's the thing I've been searching for, but I'm still a long way from it—and so is everybody else!"

Then the noted Brooklyn lawyer unfolded his plan.

My amazement deepened.

Long before the verdict in the Flemington trial—even before the defendant had taken the witness chair—Liebowitz had declared, writing for the New York Evening Journal, that Bruno Richard Hauptmann was guilty. He had reiterated it, I understood, in his radio broadcasts. And yet this man, standing before me in my home—now, God save the mark! a member of the "defense counsel"—was once more expressing his opinion that Hauptmann was guilty and requesting my co-operation in a plan to get his confession.

Subsequently Sidney B. Whipple, in one of the great number of books dumped upon the market to convince the public of Hauptmann's guilt and the fairness of the trial, was to say: "The Governor succeeded in interesting a noted New York criminal attorney, Samuel Liebowitz, in the case." This was not the most glaring in a series of inaccuracies in Mr. Whipple's book, for this prolific writer on crime, whenever the necessity appeared for furnishing a missing link in the chain of literary evidence against the German carpenter, apparently drew heavily upon his imagination. But at this point, for the information of the public, it seems to be necessary to supplant fiction with facts.

I had no part in getting Mr. Liebowitz interested in this case. I was, as previously stated, in Mercer Hospi-

first learned of Mr. Liebowitz' entrance in the matter. I never saw nor had I communicated with the attorney until after he had visited Hauptmann in the State Prison.

To Mrs. Hauptmann, the distracted wife of the man who was shortly to walk to his death, it had been represented that Liebowitz could and would save her husband from the electric chair. Preyed upon by nearly every one with a theory or a plan, the frantic woman had visited the prison and had prevailed upon her husband to name the Brooklyn man as a member of the defense counsel—for only in that way, under the New Jersey law, could Liebowitz have obtained access to the prison and to cell 9, which held the doomed prisoner.

On February 11 Hauptmann wrote to Colonel Mark Kimberling, "I do not care to see Lloyd Fisher or any of my other attorneys until I notify you personally in writing at a near future date. I wish to thank you in advance for your co-operation in this matter and further trust it meets with your approval. For your information I am very desirous of seeing Mr. Samuel Liebowitz [this name had been inserted in handwriting other than Hauptmann's]. It is my definite understanding that all arrangements have been made by my wife for such an interview." The newspapers carried the information that Hicks had prevailed upon Mrs. Hauptmann to use Liebowitz as a member of the defense counsel.

Before seeing me Liebowitz had twice seen the prisoner; once with Mrs. Hauptmann and again with Pastor Matthiesen. He had gotten nowhere. He admitted that to me, although to the press he continued to express his belief that Hauptmann was guilty. Never once in these conversations—and this was verified by prison guards who had been in attendance at the interviews—had Hauptmann made the slightest admission, nor had he been trapped during the grueling cross fire of the lawyer's questions. Liebowitz' visit to me, his plea for my help, was further proof that he had not accomplished what was apparently his mission.

I listened attentively to his plan.

"Governor," said Liebowitz, "this fellow is guilty—guilty as hell—but he won't admit it."

"But, Mr. Liebowitz," I said, "you have been saying for many weeks that he was guilty. You said long ago [New York Evening Journal, January 29, 1935: Bruno, Seeing Chair, Will Name Accomplices] that Hauptmann was guilty and that when he was convicted and sentenced he would name his accomplices or the principals to whom he was an accomplice."

"Yes," said the lawyer; "and he will still do it, when I get at him."

"But you have been at him," I replied, "and yet he hasn't named any one."

"The reason for that," was Liebowitz' retort, "is that Lloyd Fisher keeps continually telling him that he is innocent, and that he will save him—that you will save him. Now, what I want you to do is ask Fisher to go with me to the prison and tell Hauptmann in my presence that he believes he is guilty—that you will no longer help him. There isn't a guilty man in the world that I can't break down—I'll have him crying for help if you'll get Fisher to do that."

first wanted nothing to do with Liebowitz. "He came into the case without my knowledge," he said. "He and Hicks worked on poor Mrs. Hauptmann and she convinced Richard that Liebowitz was going to save his life. They pushed me out of the case."

I finally obtained Fisher's consent to see the Brooklyn lawyer, but he insisted that I accompany him. Once more I became a party to a plan suggested as a "sure-thing" way to obtain Hauptmann's confession. But if it would aid in getting the truth it was a worth-while venture. Here was a man with a reputation as one of the greatest criminal lawyers in the nation bubbling over with confidence in his own ability to make Hauptmann

go to the prison to have Richard sign a letter removing Liebowitz from the case and advising the warden to deny him access to the prison. Fisher refused, saying that the barring of the lawyer-journalist would be accepted as indicating that Hauptmann was afraid of being questioned. He knew that the prisoner then, as always, had invited questioning. "Let Liebowitz play out his string," was his advice.

But Liebowitz, not discouraged by his two futile attempts to make Hauptmann break down, called me to arrange a visit with Fisher. He called Fisher directly. Fisher and I agreed to meet Liebowitz at the Hotel Towers, in Brooklyn, that night. We met at the Hotel New Yorker and

London, Feb. 11, 1936.

Ol. Frank P. Liebowitz

I do not care to see Hauptmann in any of my other attorney's visits. I will see you personally in writing at a near future date. I must be frank with you in advance for your respect in this matter and further that it must be with your approval.

For your information I am very desirous of seeing Mr. Samuel S. Liebowitz. It is my definite understanding that all arrangements have been made by my wife for such a visit.

Samuel S. Liebowitz



Hauptmann's request to see Liebowitz (at right), with the lawyer's name inserted in another hand.

"crack." That "cracking" of the convicted man might remove the doubt, might supply the missing information demanded by the thousands upon thousands of people who insisted that the doubt be removed before a human life was taken by my state.

After Liebowitz' second visit to the prison he had issued press statements indicating that he still believed Hauptmann guilty. The distraught wife and her adviser, Lieutenant Hicks, realizing their mistake, implored Fisher to come back into the case. Hicks called Fisher at Flemington at three o'clock the following morning, stating that he was on the way to the Clinton House, at Clinton, and wanted Fisher to join them to discuss the Liebowitz situation. Fisher replied that they had created the situation; that he would not go to Clinton at that time in the morning; that there was nothing to do but allow Liebowitz to continue his visits.

The young defense lawyer, however, did go to Clinton later in the morning, and found a bitter woman and a contrite "criminologist" imploring his aid. They urged him to

went to the Brooklyn hotel by cab. Although Liebowitz had assured us of the utmost secrecy, reporters quickly made their appearance in the hotel lobby and followed us to the rooms the lawyer had engaged. Photographers were there, too, and we insisted upon privacy for our talk. The manager of the hotel placed his suite, on an upper floor, at our disposal, and there Liebowitz, Fisher, and I had our conference. John Terry, Liebowitz' assistant, came in during part of the session.

The fiery Fisher let Liebowitz know in no unmistakable terms that he resented his intrusion into the case under the representation that he was a member of the defense counsel; that he considered it unethical to gain admission to Hauptmann's cell and, after lengthy questioning that produced no results to warrant such a declaration, to state publicly later that his client was guilty.

"But," said Liebowitz, "the important thing is to get the truth." I assented to that; restated my burning desire to get the truth, whether that truth indicated that Hauptmann was

the lone criminal, whether he was innocent, or whether there were others involved.

To Fisher Liebowitz said: "This fellow would have confessed long ago but for you. You are his 'prop'—his 'crutch.' He is leaning on you to save his life. Instead of telling him that he is guilty, you are bolstering up his courage by your belief that he is innocent."

"He is innocent," angrily retorted Fisher, "and you know it, too. But you have said and written that he is guilty and that he will name his accomplices. And you don't want the world to know that the great Liebowitz could make a mistake!"

I succeeded in getting Fisher calmed down. "How, Mr. Liebowitz, do you think you can get a confession?"

"By Lloyd going with me to the prison tomorrow and, in my presence, telling Hauptmann not that he is innocent but that he is guilty. I want him to tell Bruno that the jig is up; that you do not have the power—and you haven't—to save his life. If Fisher will do that, Hauptmann is sure to break. We'll get the truth!"

"Suppose you don't," interposed Fisher. "Will you then tell the world that he is innocent?"

"Yes," agreed Liebowitz. "But don't worry about that." He smiled complacently. "When I get through with him you'll find out that he is guilty. He'll be crying for mercy."

Fisher went through with his bargain. In the interim he did not see Hauptmann. The day following the Hotel Towers interview he went with Liebowitz to the prison—the longest, and one of the strangest, prison interviews on record. But Liebowitz forgot his part of the bargain. Emerging from the prison disheveled and tired, he said, "My opinion as to Hauptmann's guilt, which I had after close study of the evidence in the case, has not been changed one bit by the three intensive and exhaustive conferences at the death house."

THE Great Defender forgot that part of that early "opinion" was that the convicted Bruno had several accomplices that he would name them when he was

within sight of the electric chair. Announcing that he was "withdrawing" from the case, Liebowitz, baffled in his efforts to secure a confession, admitted that Fisher had helped in every way possible. "Lloyd Fisher today has been more than co-operative," he said.

But let Lloyd Fisher tell the story of that prison visit:

"Without any word of warning to Hauptmann, we went to the death house for what turned out to be the weirdest death-cell interview ever held. We were there for four hours and twenty minutes—from two o'clock until six twenty. Liebowitz, in the most brutal language possible, pointed out to Hauptmann that the chair was inevitable; that there wasn't a chance in the world to escape. He drew mental pictures of the chair; talked about the smell of burning flesh. He pointed to the death chamber just a few feet away.

"He went into lengthy theories, asking Hauptmann, too, his opinion as to how the crime had been committed—and what not. He started playing with figures in connection with the handwriting, and finally had it worked out to a point where it was 670 to 1 that Hauptmann didn't write the ransom notes. As Liebowitz would make what he considered to be a telling point he would look at me and ask, 'Isn't that so, Lloyd?' and in line with the arrangement, whether or not the statement was true, I would agree with him. After four hours Liebowitz reached a point where he could stand little more. He was perspiring and bedraggled and he had broken a small vein in his eye. Every single argument he had advanced had been met, freely and frankly, by Hauptmann. Finally Liebowitz announced that he was ready to leave."

A grim sense of humor was shown by the prisoner at that time. "As we took our departure," said Fisher, "Hauptmann, through the bars, said, 'Come back, Mr. Liebowitz, if you have any more questions to ask.' Then he added: 'You know, I have lots of time.'"

Liebowitz' association, in the public mind, with the defense counsel and the reaffirmance of his belief in Hauptmann's guilt after three long prison interviews was accepted widely as further proof that Bruno was the sole perpetrator of the Lindbergh kidnap. Yet, according

to those who accompanied the lawyer to the cell and who heard the merciless grilling, there had not been the slightest break from Hauptmann's oft-repeated protestations of innocence nor a perceptible swerve from the story he had told at Flemington.

This was one more publicly announced "desertion" from the defense. Back in the days of the Hunterdon County trial the weak array of handwriting "experts" for Hauptmann, and the explanation of the Attorney General that the engaged experts had hurriedly deserted the defense, were gleefully accepted by the press as further evidence of the German's guilt. After comparing the ransom notes with Hauptmann's handwriting, they solemnly an-

nounced, the similarity in writing was so obvious that the experts did not have the nerve to testify. Then, too, the press carried the announcement that Egbert Rosecrans, one of the defense counsel staff, had told State House reporters that Hauptmann was guilty.

Now Liebowitz, defense counsel, after three long interviews with Hauptmann in prison, had emerged with the statement that Hauptmann was guilty and simultaneously had "withdrawn" from the case.

The fact that there was a far different reason for the nonappearance of defense handwriting "experts" at Flemington (which I shall subsequently show—and prove); that Rosecrans denied admitting that his client was guilty (see newspaper front pages for Rosecrans' "admission"—and look among the classified ads for his denial); and that Liebowitz was seeking a "confession"

after being admitted to the prison upon a misunderstanding by the bewildered wife of Hauptmann, made no difference. That ephemeral and fickle thing known as "public opinion" needed bolstering, too, in those confusing days, and willing props were found to accomplish that strengthening.

I had made every effort to find the truth. I had visited Hauptmann's former home in the Bronx. I had examined the ladder; I had climbed up into the attic and looked at the disputed flooring. I had visited St. Raymond's Cemetery, paced off the distance from where "John" had made known his presence to "Jafsie" Condon, and the spot, in front of Bergen's greenhouse, where Colonel

Lindbergh had heard the voice that he remembered—and identified—after two and one half years had elapsed.

I had seen some interesting exhibits, witnessed some important tests—the results of which will find their way into succeeding chapters of this story.

On every hand I had been blocked, buffeted, and ridiculed—as had every one else, down to this day, who had dared to challenge the lone-wolf theory or who had displayed the temerity to publicly ask for facts. The courts had spoken, Hauptmann had had a fair trial (*sic*), and everything had resolved to a point where Hauptmann was to burn up, everybody else was to shut up.

Strange characters continued to weave in and out of my daily life. News writers, editorial writers, and radio commentators, many of whom made no visible effort to obtain the

facts, continued to announce that Governor Hoffman was following this or that fantastic theory. They pursued their course—not all but a great majority—of ascribing to me deeds I had never thought of; words I had never spoken. I had neither the time nor the opportunity to deny many of these untruths. There were things I believed but which, as a member of the Court of Pardons again to hear Hauptmann's application for commutation, I could not say. During this period, when I was in many respects "gagged" by the rules of the court, an incorrect picture of my position was built up for the public. When I did have the time and the inclination to deny some of these outlandish statements, the news of my denial would be invariably submerged in a newer, and wilder, report of my "scandalous" actions.

Through all the relentlessly marching days in the long parade of the machinery of the law, such investigations as I could make, with volunteer help and official hindrance, with no money, were going forward. On March 30 the Court of Pardons was again to hear Hauptmann's plea for commutation of sentence. In an atmosphere of confusion and hysteria, with other burdens of state pressing upon me, with renewed threats of impeachment, and with the inexorable hand of death moving toward Hauptmann, I was trying to sift the improbable and the imaginary from the sound and the reasonable and truthful. Radio and press joined in condemnation of my actions; I had no right, as governor, to ask questions or to seek the answers to questions raised by others. They agreed that I was wrong, definitely wrong.

Well, I might have been wrong, but I refuse to concede it. Time may make a final determination as to who was right, and who was wrong, in the Lindbergh-Hauptmann case. Individuals are often wrong, but there are times when *mobs are wrong, too.*

THE confusion of the period preceding the session of the Court of Pardons and the date set for the execution, March 31, was intensified by the outcropping of the Wendel affair. The Labor News, a Trenton weekly newspaper, carried the story that Paul H. Wendel, whom I had known as Parker's suspect, had confessed to the commission of the Lindbergh crime. It became known that Wendel was somewhere in Parker's custody. Excitedly Attorney General Wilentz directed Colonel Schwarzkopf to demand the production of Wendel. Schwarzkopf wired Parker to produce Wendel, and the Burlington County detective delivered him up to James Kirkham, a detective serving under the staff of Prosecutor Irwin Marshall of Mercer County. Kirkham promptly lodged Wendel in the Mercer County Jail and charged him (Kirkham subsequently told me that this was done upon orders of the prosecutor) with murder.

The night Wendel was lodged in the jail the Attorney General and several members of the State Police force were at the Stacy Trent Hotel, and upon being informed that this man was incarcerated, Wilentz, Schwarzkopf, and others visited Wendel in his cell, and emerged after their conference with the statement that the "confession" was false and that it had been obtained under physical duress. It was announced, nevertheless, that the Mercer County Grand Jury would conduct a hearing.

The Court of Pardons met on March 30, and the Wendel "confession" added to the confusion before that body considered, and refused, Hauptmann's application for commutation to life in prison. In his application, which was presented by Lloyd Fisher and Fred Pope (his request to appear in person had been denied), Hauptmann attacked the testimony of the identification witnesses Whited, Hochmuth, Alexander, Rossiter, Condon, Barr, and Perrone, and cited reasons for disbelief in their evidence. The petition requested the Court of Pardons "to pass on these facts and matters with cool and calm deliberation—with deliberation that is not incited by the cry of the mob, nor by an overwhelming desire on the part of police officials to clear from their records a matter which has been baffling and embarrassing."

But Hauptmann once more maintained that he was completely innocent of the crime. Even though he had been given assurance that such a statement might entitle him to leniency at the hands of this court of mercy, he

steadfastly refused to say that he had had a hand in the kidnap and murder of the infant Lindbergh.

It was at the Court of Pardons that I saw for the first time, Messrs. Whipple and associates to the contrary notwithstanding, the purported Wendel confession. Parker had given copies of the confession to Judge Harold Wells of this court. Judge Wells had turned these copies over to the Chancellor, who, in turn, gave them to the Attorney General. Chancellor Campbell gave me one of the copies.

The Court of Pardons gave deaf ear to Hauptmann's plea. Mrs. Hauptmann, seizing what appeared to be the last straw to save her husband's life, made a charge of murder against Wendel in Hunterdon County. The Mercer County Grand Jury proceeded with its investigation. Parker, members of the Wendel family, Attorney General Wilentz, and many others were summoned before it.

"HERE was a feeling of intense bitterness and a myriad of flying rumors as the hour set for Hauptmann's death approached. On the evening of March 31, as the witnesses were gathering in the death house, I was sitting in my hotel suite at the Mildebrecht, with three or four of my associates, when a telephone call came from Colonel Kimberling, the warden, announcing that he had postponed the execution upon the request of the Mercer County Grand Jury, transmitted through the foreman, Major Allyn Freeman.

I was once more charged with giving the prisoner a fresh lease upon life, although as a matter of fact I had no intimation, prior to the Kimberling call, that there was to be a postponement. Justice Trenchard had ordered the warden to execute Hauptmann during the week of March 30. Colonel Kimberling was with complete authority to postpone the death until, and including, Saturday night of that week, and he exercised it.

On the following day, upon the foreman's request, I appeared before the Grand Jury and told what I knew about the Wendel affair. The courtroom was jammed. There were more flying rumors. Assistant Attorney General Richard Stockton and Sergeant Ritchie, Colonel Schwarzkopf's chauffeur, occupied a room adjacent to the Grand Jury room, apparently interested in Wendel's defense.

Many witnesses were called. Doctor Condon was requested to appear, and declined. It was a mad, exciting period.

Colonel Kimberling announced that Hauptmann would be executed on the night of April 3.

The hours leading up to that night were filled chiefly with rumors concerning Wendel—and Parker. It was said that Wendel would be indicted for murder; that a majority of the members of the Grand Jury held that there was strong evidence against him—and it was said, too, that there would be no bill; that Wendel had con-

vinced the jury, supported by Wilentz and others, that he had been kidnaped and tortured into giving a confession of participation in the crime. Wendel was not indicted; the vote, I understand, was close.

I had had no contacts with the Parkers in the weeks immediately preceding the date set for the execution of Hauptmann. But I did know this much about the Parker-Wendel matter: that the Burlington County detective had, since a few days after the kidnap of the Lindbergh baby, a burning conviction that Wendel was one of the participants—he still retains that belief. I never shared that belief, but I gave to Parker, as I had given to many others who were intent upon solving the mystery, tolerant and friendly co-operation.

Parker was not an interloper in the Lindbergh investigation. As previously pointed out, he had been requested by A. Harry Moore, then Governor, to interest himself in the matter. He had been consulted by Colonel A. J. McNab, Jr., who had been military attaché to the late Dwight Morrow when the grandfather of the kidnaped child had been ambassador to Mexico. In a letter shown me by Parker, written on March 9, Colonel McNab had said: "I have conferred with Colonel Lindbergh and I know that there is nothing in his attitude in conflict with the views expressed by you in your statement to the press."

The statement referred to was one issued by Parker in which the detective had expressed the belief that the police should be withdrawn from the Lindbergh home so that a contact might be made directly with the parents by the kidnapers; that the important thing was the safe return of the child, rather than the punishment of the criminals. That statement was issued by Parker, he told me, in the belief that it might lead to a contact. That contact was made, said Parker.

ALMOST as soon as it appeared he received a phone call from a man who represented that he was speaking for the persons in possession of the child. It was followed by other telephone calls. Parker, tracing them, was amazed to find that they came from Wendel, whom he had known.

Wendel was a former Trenton attorney, once disbarred and then reinstated. Later, under fire again for unethical transactions, he had resigned from the bar. He had been a druggist, with a knowledge of chemistry that was to fit into a theory that Parker was later to entertain in connection with the finding of the baby's body. There were seven indictments then standing against him in Mercer County, charging him with embezzlement, false pretenses, uttering worthless checks, and fraud as an executor. He had jumped bail and was a fugitive from justice.

Subsequently, in the story of his "torture" revelations written for Liberty, Wendel said: "Here was I, a simple, law-abiding citizen, snatched

from the peaceful routine of my daily life." It is my opinion that Wendel deserves no sympathy. Undeniably he communicated with Parker, representing that he was in a position to return the child. Those representations exist in his own handwriting; for there followed a long series of communications, some of them written in code, from all parts of the country, to Parker and Anna Bading.

Parker had devoted his life to the cause of law and order. Books and magazine articles had been written about his successful exploits in crime detection. His fame as a detective was legendary in New Jersey; he had solved over three hundred crimes of violence there and in other states.

Suppose he did make a mistake in suspecting Wendel. Wendel had given Parker every reason to suspect him. And Parker is not the only one who might have followed a mistaken clue. The police had spent months and thousands of dollars of public funds in following Fleischer and members of the Purple Gang; Capone's associates had been suspected and trailed; Phyllis Liepold, daughter of Carl Oswin Geissler, the man who had been suspected by the police to be the mysterious "J. J. Faulkner," had been "tailed" on a trip to Canada and searched for the ransom money; Lindbergh and the police "fell" for the Curtis story, various newspapers had spent unbelievable sums of money in following leads given them by persons ranging from Harry Sitner, the diamond thief, down to obscure spiritualists and fortunetellers. The records indicate that Hauptmann was brutally beaten by the police; Curtis and others claim to have been subjected to third-degree methods; there are many strange stories told of questionable tactics employed by those engaged in the Lindbergh investigation.

IN a world topsy-turvy with excitement, men were stirred by the call, "Find the Lindbergh baby!" and many unquestionably overstepped the bounds of legal technicalities. There were overzealous police officials; Parker may have been one of them. But to me it hardly seems fair that this one man, his past record as an enforcement officer forgotten, should be singled out for punishment. Parker was given no co-operation, although he was officially investigating the case. Schwarzkopf refused to let him examine the ransom notes; Condon was advised by the State Police that he should give no information to Parker.

In view of the approaching death of Hauptmann, whom Parker believed to be innocent, and of his firm belief in the guilt of Wendel, inspired by Wendel himself, the old detective and his son, a clean-cut young man of hitherto unquestioned reputation, should not be too severely condemned because their minds were less upon technicalities and more upon substantial justice.

Shortly after the Lindbergh kidnaping in 1932. Garrett Schenck, a

Hopewell fish dealer suspected by private detectives of being a participant in the Lindbergh crime, was seized in New Jersey, carried to Pennsylvania, and held there for seventy-six days. His stories of "kidnap" were laughed at by the State Police, although subsequently proved to be true.

Now here was a man who, with the exception of one charge for a minor liquor violation, had a record as a law-abiding citizen. He was seized by private detectives, spirited to another state, and held captive for a long period of time while an effort was being made to force a confession of involvement in the crime. The men who entered into the conspiracy to kidnap had never been officially invited to enter the case, as had Ellis Parker. His case was fully reported to the New Jersey State Police, to the prosecutor of the county in which it occurred.

Director Hoover placed the facts in the hands of Colonel Schwarzkopf on September 1, 1932, and on October 5, 1934, Schenck received from Hoover a letter stating:

"Please be advised that the facts in your case did not constitute a violation of the Federal Kidnaping Statute for the reason that the latter statute was not enacted until after the kidnaping of yourself, namely, on June 22, 1934. Furthermore, under that Statute, as then enacted, it was essential that *the kidnaped individual be held for ransom or reward.*"

Schenck did finally succeed in interesting some of the Pennsylvania authorities. Eight men were convicted of entering a conspiracy to kidnap, and their sole punishment consisted of two fines of \$500 each and six of \$200 each.

Yet Ellis Parker, noted detective, with forty-five years of distinguished service in prosecuting crime, who had been asked to investigate the case by a governor, has been convicted of perpetrating a similar crime upon a notorious character, and has been sentenced to six years in a federal penitentiary. He spent his own money. There was no charge that he sought ransom or reward. His son, Ellis Jr., has been sentenced to three years' confinement. With eagerness both federal and state authorities joined in the persecution and prosecution of the Parkers. The Parkers dared to believe that Hauptmann was innocent; that the Lindbergh crime was not a one-man job.

Accused of inspiring the Parkers to torture Wendel into giving a "phony" confession for the purpose of saving Hauptmann's life; accused—although the father of three children—of being the "friend" and "protector" of the kidnaper and murderer of the Lindbergh baby; neckled by reporters, hounded by cranks, I awaited with mingled emotions the moment when, in response to a demand for eye-for-an-eye and tooth-for-a-tooth justice, a human life would be taken by my state.

That afternoon, behind closed

doors, I had been in an hour's conference with Dave Wilentz. He reaffirmed his belief in Hauptmann's guilt. He called my attention to the constitutional provision limiting the power of the Governor to the granting of reprieves not exceeding ninety days after conviction, but he said that if I cared to violate that provision he would not institute action against me or against the prison warden for failure to carry out the mandate of the law. Wilentz would not agree that there had been any development to warrant a further stay of execution.

I had said, on January 16, that there would be but one reprieve unless some situation should arise in which the Attorney General and I would agree that Hauptmann's death should be halted. The fundamental law of my state—and the promise I had given—left me no alternative but to pursue a course that was repugnant



A. Harry Moore, who as Governor had asked Parker to look into the case.

to my convictions and to my sense of justice.

Radio microphones were being installed; the police were already on duty to keep back the morbidly curious near the State Prison; there was a head being shaved, a trouser leg being slit. Elliott, the gaunt executioner, was testing the current. It was getting dark.

After Wilentz left I sat alone for a few minutes in my office. Then I opened the door and walked out into the reception room, where the reporters had gathered. Curiously enough, it was not sympathy that moved me as I swallowed hard and said:

"There will be no further reprieve—Hauptmann will die tonight."

I was thinking of a figure, blindfolded, holding a sword in one hand and in the other a set of scales—scales supposed to be evenly balanced.

How Hauptmann died, the things that happened before and after the execution, and the beginning of a review of the crime and the case—with startling information never before presented—will form part of Governor Hoffman's graphic story of the "other side" of the Lindbergh-Hauptmann drama in next week's issue of Liberty.