

# Meager Clues Build Prosecution's Case Against Carpenter

By B. L. LIVINGSTON

FLEMINGTON, N. J.—(AP)—To the extensive case history of American jurisprudence the Hauptmann trial has been added as a notable example of criminal prosecution.

Stranger than fiction, in many respects, were phases of the prosecution's case against Bruno Richard Hauptmann, the thin-faced German carpenter who lived as a nonentity until thrown into lonely relief before the world's eye by the calcium glare of the law's spotlight.

Bit by bit, word by word, the state of New Jersey drew upon circumstance and fact, the camera and the microscope, to construct a barrier of evidence between freedom and the man it charged with the crime of the century.

For months, years, the Lindbergh case was categorized among the most baffling to come before law enforcement authorities. Between the death of Charles Augustus Lindbergh, Jr., the baby mourned by millions, and Hauptmann's arrest, almost three years intervened.

Yet when David T. Wilentz, youthful appearing attorney general of New Jersey, called his first witness to the stand in the ancient Hunterdon county courtroom, as paucity of evidence was expected.

Mystery, science in case.

The story of the three-year hunt for the kidnaper of the Lindbergh baby, when it was placed precisely and implacably in the court records, constituted a real-life parallel to fictionary adventure. In many of its details, it surpassed the imagery of A. Conan Doyle. Its elements were raw mystery, human patience and ingenuity, and the science of modern criminology that almost always "gets its man."

Attorney General Wilentz built a case from a meager handful of clues to a circumstantial bludgeon overwhelming in its implications.

A packet of ransom notes, a questionable footprint, blurred and worthless fingerprints, a baby's thumbguard, the memory of a voice—these were the meager makings of the prosecution's case.

In the annals of criminal cases, there have been comparatively few instances of the drama, or ingenuity of human endeavor, unfolded in the story which, with such apparent implausibility, linked Hauptmann to the rickety ladder down which the kidnaper was supposed to have carried his frail burden.

Yet its dramatic climax to the trial did not stand alone. There were other instances—the stories of Anne Lindbergh, Col. Charles A. Lindbergh, Dr. John F. ("Jafie") Condon, which played on emotion and at the same time laid the foundation of fact by which the state backed its charge of murder.

Opened Case in Nursery.

Fittingly, perhaps, the prosecution opened its case in the nursery of the home which Colonel Lindbergh built in the remoteness of the Sourland hills.

Anne Morrow Lindbergh began the tale which was to be taken up by more than four score witnesses and bring before the jury in excess of 300 exhibits.

His hair was light-golden. It was curly. . . I went into the baby's room. I found it was empty.

That note, the state opened its fight on the life of Bruno Richard Hauptmann.

"Anne, they have taken our baby!" Stochally, like his wife, Colonel Lindbergh testified to the discovery of the kidnapping and the events leading up to it. He told of hearing, but regarding, a sound "like a star falling on an orange box," of snatching up a rifle when he discovered what had happened; of calling the police; of waiting helplessly, tutfully for the return of his son.

The First Identification.

Then came the state's first crushing blow. Colonel Lindbergh led the jury in narrative to St. Raymond's cemetery in the Bronx, where he had gone with "Jafie" to pay the ransom money and regain the baby.

In the darkness, Lindbergh testified, he heard a voice call:

"Hey, doctor!"

The voice was that of "John," the mysterious collector of \$50,000 ransom money paid for a hostage even then dead.

"Can you identify that voice?"

"It was the voice of Bruno Richard Hauptmann."

Then came Betty Gow, the dark haired nursemaid who was the last member of the household to see the baby alive that March night of 1932. She had returned from her native Glasgow, Scotland, to testify to the events leading up to her tragic discovery that the child's crib was empty.

The Crib Was Empty.

Fluttering, she identified a soiled little garment as a shirt cut from her flannel petticoat for the baby because it had suffered from a chest cold.

Near tears, she related how she had gone to the nursery around 10 p. m. for a last look into the crib, and how she found it empty. Hopefully, she asked Mrs. Lindbergh and Colonel Lindbergh if they had taken him out.

Then, she testified, a month later she picked up from the mid of the road the tiny metal thumbguard which she herself had thrust carefully to the baby's wrist.

In quick order followed New Jersey state troopers: Mrs. Ottilie Whately, widow of the Lindbergh butler; and Milton Gwello and Max Rosenbain, who accompanied Jafie to the state concluded the first phase of the case dealing with events leading up to and surrounding the night of the kidnapping.

The second phase raked the defense with the relentless fire of a machine gun.

Its ammunition was that of "John," himself, two definite identifica-

# ATTORNEY REILLY ATTACKS VERDICT OF FIRST DEGREE

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he lay back again, silent and depressed.

To Death House Saturday

Hauptmann will be taken to the death house at state prison in Trenton Saturday, Sheriff John H. Curtis said today.

Before the date set for execution, the week of March 18, his counsel, perfecting an appeal, will obtain a stay of execution and carry his case through the New Jersey appellate courts.

Mrs. Anna Hauptmann today was denied a visit to her husband.

"No more visiting," said Sheriff Curtis. "She'll have to make her arrangements with the state prison at Trenton from now on."

Sheriff Curtis said Hauptmann "is under regular state prison rules now and is going to abide by them."

"I'm not going to allow anybody in except possibly his attorney, if Hauptmann wants to see him," the sheriff added.

Wife Locks Doors

Mrs. Hauptmann's request for a visit to her husband, while she stayed behind locked doors and drawn blinds in her furnished room near the courtroom, was denied today.

Her last glimpse of her husband was when his guards took him from the courtroom after Justice W. Trenchard pronounced the death sentence. She made no attempt to visit him last night, but hurried to her room while Hauptmann wept in his cell.

Mrs. Hauptmann said she would move to another furnished room in Trenton, with her 14-month-old son, Manfred, to be near her husband.

Earlier today she came out on the second floor back porch of the house in which she lives with her infant son to hang some of his clothes out to dry. One garment was a white sleeping suit.

Mrs. Hauptmann lingered at the porch rail a moment, gazing out at the dreary rain which was falling steadily. She was bareheaded and wore the brown checked wool dress she was wearing last night when she heard her husband condemned to death.

Then she went in, to remain out of sight behind drawn shades.

By WILLIAM A. KINNEY (Copyright, 1935, by the Associated Press)

FLEMINGTON, N. J., Feb. 14.—(AP)—Death has been decreed for Bruno Richard Hauptmann, convicted of killing the Lindbergh baby, but his counsel drafted today a fight through high courts, which may last months.

Prison precedent combined with judge and jury to fix the night of March 22 as the tentative date for Hauptmann's execution.

He was sentenced to "suffer death" the week of March 18, and Friday is tomorrow in the death house at Trenton.

Appeal Planned.

While Hauptmann wept in his cell, Edward J. Reilly, chief of defense staff, said an appeal would be carried to the United States supreme court if necessary.

The first tribunal expected to hear the plea, the state court of errors and appeals, meets for its next term late in May. The court of pardons will not hear it before October.

The jurors who sentenced him showed more emotion than did Hauptmann as he stood before them at 10:45 p. m. yesterday.

With a look of affection, the 59-year-old prisoner turned to his faithful wife and said:

"It's all right, Annie."

Back in his cell, out of the gaze of the curious, Hauptmann burst into tears.

Women Favor Mercy.

The jurors required more than 11 hours to reach their verdict. They were closely guarded after the case ended, but a court house report was that two of the four women had held out for a recommendation of mercy. That would have meant a life sentence.

There was no mention of mercy when the jury was polled.

With stuttering words Foreman Charles Walton announced the verdict. He who had listened to the evidence for more than six weeks even twisted the defendant's name in his fight to remain calm.

"Guilty," he announced. "We find the defendant, Bruno Richard Hauptmann, guilty of murder in the first degree."

An insignificant piece of paper rustled in his trembling hands. He glanced at the paper with unseeing eyes in pretense of counting it.

Hauptmann glistened.

A few strides away stood Hauptmann, jaw set, face so pale and haggard it was ghastly in the electric light. Sharply erect, he tottered slightly as he heard the foreman's words:

A few minutes later Justice Thomas W. Trenchard quietly imposed sentence.

So ended the long Lindbergh kidnap trial. It began in Featherbed Lane, Hopewell, the night of March 1, 1932, when the wind was howling over the lonely Sourland mountain on which Col. Charles A. Lindbergh made his home. It ended in a prosaic, rural courtroom littered with papers and cigar stubs.

# CITRUS SHIPMENTS FROM RIO GRANDE ARE NEAR RECORD

BROWNSVILLE, Tex.—(AP)—The lower Rio Grande valley of Texas, dealt body blows by the record freeze of 1930 and the hurricane of 1933, this season is harvesting the second largest citrus crop in its history.

More than 7000 carloads of fruit, growers estimate, will be shipped out of the valley before the movement ends, compared with 6000 carloads in the peak season of 1929. At least half the current crop is going out by truck.

Both years, however, yielded crops far below that on the trees in the fall of 1933 when the disastrous windstorm struck. Between 18,000 and 20,000 carloads had been brought virtually to maturity when the wind came along from which the orchards have not yet fully recovered.

The bloom this season was described as light and spotted, and the crop particularly light on small trees.

Two new factors entered the marketing of citrus fruits in this section during the season: compulsory inspection and grading, adopted by the industry and enacted into state law; and promotion of fruit.

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# MINE ON WAGNER PRODUCES COIN

For a while it looked to Harley Sears, who has a remarkably ongoing gold mine near Wagner, Ark., as though Mother Nature had been pinch hitting for the government mint in the issuance of coin of the realm.

Recently while working his "alginate" mine, Sears threw a shovel full of "pay dirt" into his sluice box, and while washing the stuff noticed an unusually large piece of the bright yellow metal partially covered near the bottom.

Intentional showed him that his mine had presented him with a nugget, but an 1866 minted \$2.50 gold coin Sears pocketed the piece with the remark, while panning the mine fondly on the bank, "that's making things water, y' boy, of boy."

It is believed that the coin was dropped years ago by some prospector working in that vicinity. Gold coins were at one time the accepted medium of exchange in "them thar hills."

John Henry Lewis, geological Pacific coast light-hauler, is studying for the ministry.

# HIRAM MEADER RITES FRIDAY AFTERNOON

Funeral services for Hiram Meader, who passed away here Monday evening, will be conducted at Pearl Funeral Home Friday at 2:30, with Father E. S. Bartram officiating.

Medford Lodge No. 1188, B. P. O. E. will have charge of the services. Interment will be in Slakkyou Memorial park.

CLOTHESLINES INVITE STEALING IS WARNING

With a wave of clothes thefts sweeping over the city, Chief of Police Clatus McCredie today issued a warning to all housewives to keep their clothing locked, either in the house or on the porch.

Leaving clothes hanging on the line all night is inviting thieves to take it, McCredie stated, and he also pointed out that a latched screen door afforded very little protection, if any, inasmuch as the thieves will cut the screen with impunity. Seven-

teen times the death-dealing verdict was read on the thirteenth day of the month.

A jury polled.

After Walton had made known the decision, the court clerk asked: "Members of the jury, you have heard the verdict, that you find the defendant, Bruno Richard Hauptmann, guilty of murder in the first degree, and so say you all?"

"We do."

Shadows from photographers' flares outside danced weirdly on the windows. The shouts of the crowd intruded on the courtroom hush.

The clerk polled the jurors, asked each by name:

"What is your verdict?"

One after the other fell the answers:

"I find him guilty of murder in the first degree." "I find him guilty of murder in the first degree." "I find him guilty of murder in the first degree."

Sentence Imposed.

Justice Trenchard was the personification of judicial decorum. He bent a look on Hauptmann and asked: "The defendant may be seated."

Turning to Attorney General David T. Wilentz, he continued:

"It seems to the court that there is nothing remaining except to impose the sentences provided by the statute and I am now asking the jury general if it moves the sentence."

Wilentz, pale, moistened his lips.

"If your honor please, the state moves for the sentence of the defendant at this time."

Justice Trenchard asked for the indictment and it was handed to him.

"The statute requires apparently that the court shall fix a time within which the sentence is to be executed and within a certain week, which must begin not less than four weeks and not more than eight weeks after the issue of the (death) warrant," he observed.

"The court will therefore now proceed to impose the sentence."

"The defendant may stand."

Again Hauptmann got to his feet and faced the bench. "The handcuffs on his wrists—first time since the trial started January 2—glimped in the artificial light.

"Bruno Richard Hauptmann: You have been convicted of murder in the first degree."

His voice was kindly, fatherly.

"The sentence of the court is that you, the said Bruno Richard Hauptmann, suffer death at the time and place and in the manner provided by law, and the court will hand to the sheriff a warrant appointing the week beginning Monday, the 18th day of March, 1935, as the week within which sentence must be executed in the manner provided by law."

"You are now remanded to the custody of the sheriff."

Prisoner Shaken.

It was a shaken, restless Hauptmann who nervously paced his cell in the Hunterdon county jail today.

At the state prison in Trenton a cell in the death house was ready for him. He will be kept here until Friday night at least, and then he will be whisked quietly to the state capital.

Sheriff John H. Curtis, the man responsible for his safe delivery to the death house, said merely that there was no hurry.

Mrs. Hauptmann, frequent caller at the jail, must wait until he is in the penitentiary to see her husband again. Further, visitors at Flemington have been banned, but the guards who have kept Hauptmann under ceaseless watch since he was brought here may converse with him for the first time.

Daunting at her tears, Mrs. Hauptmann's last words as she left the courtroom through a rear door last night were:

"I'm not afraid. I still hope."

They were words which came hard. Only the reassurances of C. Lloyd Fisher, one of her husband's lawyers, made them possible.

"There is nothing left for me," she had said before Fisher, an arm around her shoulders, promised to "see this thing through."

"Be brave," he gently told the woman who has been Hauptmann's staunch ally, who took the stand as his chief alibi witness.

From the courthouse Mrs. Hauptmann returned to her temporary quarters where her year-old son, Manfred, awaited her.

Colonel Lindbergh did not hear the sentencing of the man convicted of killing his first born son. It was the only session of the trial he missed.

Nor would he comment. At the Morrow home in Englewood, whence he and Mrs. Lindbergh have been sheltering their second son, John, it was said the fier had "no statement nor comment on the case whatsoever."

Mrs. Dwight W. Morrow, mother of Anne Lindbergh, and other members of the family who had gathered at Englewood also declined to discuss the case.

Jafie Silent.

So did Dr. J. P. Condon, the "Jafie" who paid \$50,000 of Colonel Lindbergh's money to a man who promised to return the kidnapped infant. That man, Dr. Condon, testified, was Hauptmann.

Attorney General Wilentz praised the eight men and four women on the jury.

"The tremendous responsibility imposed on Hunterdon county was shouldered without flinching," said the dapper prosecution chief. "The nation is indebted to these courageous men and women."

Wilentz also paid tribute to the New Jersey state police and to New York and federal officers for weaving the net of evidence that bound Hauptmann.

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