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The Lindbergh Case Revisited:
George Waller's "Kidnap"

William L. Prosser*

"In England a man is presumed to be innocent till he's proved guilty an' thin they take it f'r granted he's guilty. In this country a man is presumed to be guilty ontil he's proved guilty an' aftre that he's presumed to be innocent."

Dunne, Mr. Dooley at His Best.

"This funeral stopped the further growth of one thing—the petition to the Governor for Injun Joe's pardon. The petition had been largely signed; many tearful and eloquent meetings had been held, and a committee of sappy women had been appointed to go into deep mourning and walk around the Governor, and implore him to be a merciful ass and trample his duty under foot. Injun Joe was believed to have killed five citizens of the Village, but what of that? If he had been Satan himself there would have been plenty of weaklings ready to scribble their names to a pardon petition, and drip a tear on it from their permanently impaired and leaky waterworks."

Mark Twain, The Adventures of Tom Sawyer.

Both quotations are sufficiently familiar to students of criminal cases. Both are supremely exemplified by the case of the murder of the Lindbergh baby, which has been called often enough the crime of the century. It always has had a certain nightmare quality, an extra turn of the screw, which somehow seems to set it apart from other American crimes, and invest it with a peculiar horror of its own. Mr. Waller, a free-lance writer and former magazine and newspaper editor, who was a student of journalism at near-by Temple University at the time of the case, has retold the story in considerable detail, and with an unbiased accuracy which has been sadly lacking in some previous accounts. He has recaptured a great deal of the atmosphere which surrounded the case; and what emerges has something of a new horror all its own. It is a horror that America was, and still is, like that.

The facts of the case are well known to any one over forty. On March 1, 1932, some five years after Charles Lindbergh had flown the Atlantic, and had become the object of a national idolatry which was harrowing to him in the extreme, his two-year old baby was put to bed in the evening in a new home in the country near

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Hopewell, New Jersey. Two hours later nurse Betty Gow tiptoed in to look at the child, and knew at once, even in the darkness, that the crib was empty. It was one of the grimmest moments of American crime. Outside of the window there were footprints, and a home-made ladder with a broken rung. On the radiator there was a note, crudely misspelled with a Teutonic accent, demanding $50,000 in ransom. It was signed with a curious device of interlocking circles with three square holes punched across them.

What followed can only be described as an orgy. Alerted to the fact that the police were called to the Lindbergh home, the press, with characteristic inhumanity to the parents and utter disregard for the safety of the child, proclaimed the kidnapping to the world. Curiosity-seekers by the hundreds swarmed to the scene, necessitating guards to keep them out, and getting in the way of the police. An avalanche of mail poured in upon the Lindberghs, offering false information, false clues, false leads. Thousands of people in no way qualified by position, education, intelligence, or the rudiments of sense, insisted upon trying to give unwanted and thoroughly obnoxious aid.

Human vermin crawled out of the woodwork and tried to make use of the crime for their own ends at the expense of the agonized parents. The late Al Capone, then languishing in a Chicago jail, announced that the kidnapping was the work of gangsters, and offered to see that the baby was returned if the United States would restore his freedom. A blight upon the human race named John Hughes Curtis, of Norfolk, Virginia, pretended to be in touch with the criminals, and led Lindbergh on a wild goose chase all over a fair part of the Atlantic seaboard, for a rendezvous that never took place. Another reptile named Gaston B. Means succeeded in extracting a hundred thousand dollars in purported ransom money from Evalyn Walsh McLean, a lady with far more money and goodness of heart than judgment. More typical of most of the intruders was a tall, handsome, dignified crackpot who succeeded in talking his way in to see the distracted mother with a “message” which could be delivered to no one else, and upon confronting her struck an attitude and proceeded to recite Hamlet’s soliloquy.

One of the most futile, well-intentioned and wool-gathering of the volunteers was a retired New York schoolteacher named John F. Condon, who wrote to the *Bronx Home News* offering his life’s savings in exchange for the child. Amazingly he received a reply, full of Teutonic misspelling, and signed with the overlapping circles with the three square holes. It asked him to serve as inter-
mediary for the payment of the ransom. Protracted negotiations followed, at the end of which Condon and Lindbergh met a young German immigrant who called himself "John," and paid over to him $50,000 in bills which, thanks to the cautious insistence of the Treasury, were largely gold certificates, whose numbers had been recorded. They received in return a note directing them, with the ultimate refinement of cruelty, to the whereabouts of the baby on a mythical boat; and there was another heart-rending wild goose chase, which slowly petered out and ended in nothing. Five weeks later a truck driver, answering a call of nature in the woods near the highway five miles from the Lindbergh home, stumbled upon the partially buried and long decomposed body of the child.

It has been said that society is at the mercy of a murderer who is utterly without scruple, who takes no accomplices, and who keeps his head. It was very nearly true in the Lindbergh case. The state police of New Jersey, who were in charge, tried hard, but they were woefully inexperienced with this kind of crime, jealously unwilling to share information with other law enforcement agencies, and sadly handicapped by all of the egregious fools who continued to badger and mislead them. More than two years elapsed in slow motion before the crime was solved. Behind the scenes, however, there was some painstaking, methodical, and even brilliant detective work, particularly on the part of the New York City police, who centered the appearance of the ransom money in a particular area of the Bronx, and of Arthur Koehler, a Wisconsin wood expert, who traced the lumber used in the ladder back to a factory in South Carolina, and from there to a lumberyard in the same part of the Bronx. One Franklin D. Roosevelt helped a great deal by taking the United States off of the gold standard, which made gold certificates scarce and remarkable. The break finally came when a Manhattan filling station attendant noted down the license number of a customer who tendered such a note; and a German-born Bronx carpenter named Bruno Richard Hauptmann was promptly arrested, and charged with the murder of the Lindbergh baby.

The trial which followed was a seven weeks' sensation, with the little New Jersey courthouse bursting at the seams, the press everywhere under foot, and curiosity-seekers, celebrities, and other undesirables creating disturbances in court and getting their pictures in the public prints. Thousands of sob-sister words deluged the nation, which hung avidly on the outcome. The trial itself was a sloppy, inexpert affair, with the prosecution in the hands of Attorney-General David Wilentz, a young man trying his first criminal
case without other qualification than political ambition; and the defense headed by a broken-down alcoholic New York shyster named Edward J. Reilly, who was devoid of all legal knowledge and skill except the sort of low animal cunning which is acquired through years of defending the guilty. What little dignity and excellence there was, was contributed by the decent old judge, Trenchard of the New Jersey Court of Errors and Appeals, who was meticulously fair and intelligent in his rulings, and in spite of everything succeeded in maintaining some reasonable degree of order in the courtroom.

Badly as the case was tried, Bruno Richard Hauptmann was unquestionably proved guilty of the kidnapping and murder beyond any ghost of a reasonable doubt. By far the weakest part of the case against him were the seven positive and emphatic identifications by individuals who had met him face to face at some point in connection with the crime, together with Lindberg's definite recognition of his voice. In his garage was found $14,600 of the numbered ransom money, and stock transactions with his broker accounted for all but a few dollars of the rest. In explanation he told a preposterous tale, easily riddled on cross-examination, of being left a shoe-box, in complete ignorance of its contents, by a casual acquaintance named Isidor Fisch, who had returned to Germany and conveniently died there, of tuberculosis and in abject indigence, shortly after the crime. The handwriting, as well as the spelling, of the ransom notes was proved to be that of Hauptmann by experts whose judgment, and whose photographic demonstration to the jury, was beyond all challenge, including Albert Osborn, who wrote a book about the case that carries its own conviction. Most damning of all was the evidence of Arthur Koehler, that one rail of the kidnap ladder was in fact half of a board from the flooring of Hauptmann's attic. Upon all this overwhelming evidence the jury came to the unavoidable conclusion, and Hauptmann was sentenced to death. One of the striking moments in the case came afterward, when he was heard to whisper in his cell, "Little men, little pieces of wood, little scraps of paper."

After this, imbecility really broke loose on the woolly horse. The man had murdered a child, from motives of avarice. He was an extortioner, and an inhuman brute who had inflicted the cruellest of all possible mental tortures upon two helpless parents over a period of months. Of his guilt there never had been any doubt at all. Therefore it became a cardinal objective, and an article of faith, of the collective perverse fools of the nation, that he must be set free. Some of them were political agitators, of the kind that
we have always with us, who were concerned only with discrediting anything connected with the administration of justice. Most of them were only two legged jackasses who really and sincerely believed that by reason of superior intelligence, private information, divine guidance, sheer clairvoyance, lucky hunch or no reason at all, they knew more about the case than the police who had investigated it, the judge who had tried it, the appellate court which was to read the record, the witnesses who had testified, and the jury who had heard the evidence. Such idiots arose by the thousands; and one of the most potent arguments against capital punishment is the regularity with which any death sentence calls them forth.

The crime was the work of agents of Russia. It was the work of commercial rivals of Lindbergh. It was the work of the Capone gang of Chicago, of the Purple Gang of Detroit, or of any other gang of any other city and any other hue. It was the work of gypsies. It was committed by John Hughes Curtis, by Gaston B. Means, by the mysterious and non-existent characters with whom they had purported to be in contact. It was committed by the Lindbergh servants, or by the young men with whom they associated. It was committed by Isidor Fisch. The Lindberghs had stolen and murdered their own baby; the child was feeble-minded anyway, and this was a convenient device to get rid of it. The body which was found was not even that of the Lindbergh child; the parents did not know their own baby, or at least not as well as the ass braying at the time; and the woods of New Jersey were presumably full of the corpses of slaughtered infants. All of the evidence against Hauptmann was framed by the state police, who were interested only in protecting the real criminal, for reasons of course unutterably corrupt. Anyone and everyone was guilty, except the one man to whom incontrovertible evidence inexorably pointed, and who had been convicted by the jury whose business it was, and no other's, to hear and weigh the case.

All this was due in no small part to defense counsel Reilly, who, with a guilty client and no defense, resorted to the ancient and dishonorable tactics of trying everyone except the defendant, and with a fine impartial hand threw mud at every head that was lifted. The amazing thing is the extent to which the mud stuck, so that intelligent people can be found even today to mutter darkly that Hauptmann was really innocent as a babe unborn, and that the real murderer, whoever he was, escaped his just deserts. Throughout all of it letters of hate, of calumny, of vituperation and accusation, and of threatened violence against their second
baby, poured in upon the Lindberghs, until fear for the child's safety, coupled with the intolerable persecution of the press, drove them to move to England—where, in a decent country, decent people at last let them alone.

Morons by the thousands, assembled in mass meetings, contributed funds to finance the appeal of the "victim" of this outrageous miscarriage of justice. Mr. Reilly, whose personal ethics would have nauseated a hyena, appeared at the meetings proclaiming the innocence of his client, and then impounded the money in the hands of Hauptmann's frantic wife, to cover his fee for his past heroic services at the trial. The appeal, finally taken in forma pauperis, failed; Justice Trenchard had made no mistakes. The Governor of New Jersey, who had an itch to be Vice-President of the United States, scented political capital in the case, and a chance to score off of a potential rival in prosecutor Wilentz. He stayed the execution pending an investigation of his own—with the inevitable resulting clamor that Hauptmann must not now be executed, because of the delay which had given him another chance. In the course of the investigation some one tampered with the nail holes in Hauptmann's attic which coincided with the board in the kidnap ladder. Whether it was the Governor or his minions, or defense counsel, or merely some friend of justice seeking to free a murderer who had somehow obtained access to the place, remains to this day uncertain. But the tampering was exposed, the investigation discredited, and the Governor's fingers badly burned. He prudently decided against another stay. Hauptmann went at last to the electric chair, maintaining his innocence to the end, while a mob of two thousand surrounded the prison, placarding and shouting whatever asininities seemed to them appropriate. All that was lacking was for some one to blow up an American consulate in Lower Slobbovia by way of protest. It may have happened; Mr. Waller does not mention it. But let it be said, to the eternal honor of the British press, that no one in all England so much as telephoned the Lindberghs to ask how they felt about the execution.

Much of the agitation on behalf of Hauptmann consisted of insistence that he could not have carried out such a crime alone, and he must have had accomplices. This was not out of any desire to bring any other guilty man to justice. Far from it. It was due entirely to the peculiar quirk in New Jersey law under which, if the crime were the result of a conspiracy, the state would have had no jurisdiction to try Hauptmann unless the others were joined with him, or it were shown that he had himself struck the blow which killed the child. In other words, any accomplice meant that the con-
viction must be quashed, and as a matter of double jeopardy Hauptmann would go scot free. It was for this reason that the mud volcano of Mr. Reilly had been as much concerned with suggesting accomplices as with anything else. And again the mud stuck.

Outside of New Jersey, the question is perhaps academic at this late date, since under any normal and sensible rule of law Hauptmann, at least, was clearly guilty of felony murder. There are, however, bits and pieces of fact in the case which suggest that perhaps he was not alone. Unless he was informed by some one inside of the house, it is not easy to see how he could have known that the baby would be at Hopewell on that particular night, when the decision was made late in the day because the child had a cold; and if he chose the right night by pure coincidence, it was certainly an amazing bit of luck. Little more than an hour after the kidnapping the room was gone over by a qualified expert on fingerprints, and he found nothing but smudges. It was a room in which a two-year old boy had spent the day with the sniffles; and few parents would have to be told to expect prints fully visible to the naked eye. One of the Lindbergh servants, Violet Sharpe, committed suicide when the police investigation reached the verge of disclosure of embarrassing but irrelevant facts about her personal morals. Dr. Condon, who was certainly a muddlehead, and to be counted on for confusing items at all stages, told the police that he had heard an Italian voice joining in the conversation while he was talking to Hauptmann on the telephone. One of the ransom bills was deposited in a bank by some one who filled in a slip in an unknown hand in the name of J. J. Faulkner. The ransom notes all talked of "we." And unless Hauptmann intended from the start to kill the child as soon as he got his hands on it, where did he intend to keep it until the ransom was paid?

The trouble is that none of this points anywhere in particular. The Lindbergh servants were the first to be suspected; and they were given a clean bill of health after a prolonged and exhaustive inquiry, which simply could not have failed to turn up anything that was wrong, and did so in fact in the case of Violet Sharpe. The rest of it bites on thin air. The best indication that Hauptmann had no accomplices is the man himself. If ever there was a lone wolf, this was one. Sullen, secretive, furtive, an old machine-gunner from the German army, on broken parole after conviction of four armed robberies in Germany, he did not tell even his own wife anything at all about the kidnapping or the ransom money. The convincing bit is that Hauptmann, offered a chance of his life if he would tell the whole truth and name his accomplices, rejected
it, and stuck to his incredible story that he was entirely innocent. This was not the man to be deterred from saving his own skin by any misguided loyalty to a confederate. The best guess, from this distance, is that he was quite alone in the crime, and that the unexplained bits are only the loose ends which are always to be found in any major criminal case.

It was always inevitable that sooner or later the psychologists would get into the act. Mr. Waller, who is really old enough to know better, appears to have been unduly impressed by one of them, Dr. Dudley D. Schoenfeld, who wrote a book about the case. It was his theory that Hauptmann was really suffering from dementia praecox, and was acting under a form of "compulsion," so that he was not responsible for his acts. As an indication of this he relied, along with other weighty matters, upon the name Mannfried given to Hauptmann's own son, who was born about a year after the crime. Dr. Schoenfeld actually believed that this was a manifestation of a subconscious exultation over "man freed," which is to say, freed from danger, from detection, from arrest, for so many months during which he had evaded the police; or else that it hailed the triumph of the mental image of the German war ace, Manfred von Richthofen, over the American flyer Lindbergh. It is interesting to speculate as to what the good doctor would have done with any other name that might have been given to the child. Otto obviously suggests "ought to," and so clearly cries aloud of compulsion, and in addition salutes the work of Bismarck in creating the greater Germany. Wilhelm manifestly celebrates a victory of the late Kaiser over his American enemies, and Friedrich that of an earlier Hohenzollern over everyone else. Karl recalls Charlemagne, and Adolf, even in 1933, surely speaks for itself. And as for Ludwig, was there not a German king of that name who was crazier than a barn owl, and would not such a choice clearly indicate—but enough. This is of course wonderful fun, but passing silly. Given the original postulate of "compulsion," there is virtually no name at all that could not somehow be warped around to support it.

Hauptmann was examined by a good many purported experts, and all of them agreed that he was legally sane, and knew perfectly well what he was doing. It would seem that somewhere along the line some one might just once have suggested that he acted as he did merely because he was just naturally one of the meanest and vilest bastards that ever polluted the planet; because he wanted $50,000 of another man's money; and because he had the colossal greed, the colossal vanity, the colossal selfishness, and the colossal
inhumanity, to murder a little child and crucify its parents for months, in order to get it. In other words, what used to be called instigation of the devil. If this be compulsion, make the most of it.

Nearly thirty years after the event, the Lindbergh case still arouses indignation. There was one final incident. After the trial was over, little Betty Gow, the baby’s nurse, went back to Scotland. As she approached the gangplank of the steamer, a woman in the mob of onlookers seized her and swung her rudely around, saying, “Let’s have a look at you.” Betty Gow slapped her face. She slapped it good and hard. This is, in retrospect, the one really pleasing thing about the Lindbergh case. It is only to be regretted that that resounding slap could not somehow have landed flat-heeled across the mouth of a few thousand other intermeddlers with the law.

*O si sic semper omnes!*