

Reilly Tells Jurors Case Must Be Decided on Law Declares Hauptmann Is Innocent of Crime and Says Indictment Is Pattern Which Must Be Followed for Verdict.

(Continued From First Page.)

he went on, his voice louder, but a steady, serious tone maintained.

"It is the rule you must follow as you would in playing a game. It is the pattern for this crime, as a pattern for a dress. You can use no other."

"That is the pattern," he added, "that must follow in proving guilt."

The State's case to support a conviction must have shown, he pointed out, that the baby died instantly.

Reilly's voice had risen to an oratorical pitch. His face grew redder as he warned to his task. Hauptmann watched Reilly's broad back and blinked occasionally as the chief counsel's big hand smacked the table to emphasize a point. Lindbergh, too, fixed his gaze on Reilly.

He reminded the attentive jurors that a man is presumed to be innocent until proven guilty.

"In this case it is very apparent that since the defendant was arrested the burden of proving his innocence shifted to him."

His fist smote the table.

"This is the crime of the century. You'll have that howled into your ears by the gentlemen who will reply to my words."

"There is no doubt it was the crime of the century. I'm not here to fool you."

Come Down to Question of Horse Sense.

"It's come down to horse sense. We'll take the witnesses one by one and weigh their words with common sense against the testimony of a lot of technicians and experts working for so much a day," he said.

"This is the crime of the century," he went on, "the worst crime, the lowest crime that the books hold. But the defendant is not guilty."

Reilly said he admired and sympathized with Col. Lindbergh and his family. He said he was impressed with the colonel's trans-Atlantic flight.

"But," he shouted, "they cannot be swayed off our feet when there is no evidence."

Reilly pointed to the diagrams of the Lindbergh home, "built for his wife and baby."

Bruno Hauptmann never drove a nail in that house, a half talking to Dr. Condon with his face exposed."

"They would have you believe," Reilly went on, "that Hauptmann was a Sunday school teacher, a man of peace and good will, in one breath, and in the next that he was the worst fool in the world."

"They want you to believe he wore gloves when making the ladder and then sat for an hour and a half talking to Dr. Condon with his face exposed."

As the recital continued, Hauptmann's eyes blinked rapidly and he brushed a finger to a cheek as though raising anger to a tear.

Col. Lindbergh listens With Set Face.

Col. Lindbergh sat listening with interest, his face set. Col. Schwarzkopf and Col. Breckinridge listened, chins resting on hands.

Reilly mentioned Charles B. Rossiter, the man who said he saw Hauptmann near the Princeton airport Saturday before the kidnapping.

"Shifted," Reilly snapped, as he spoke of Rossiter on the stand. "He left this court without me knowing him, without you knowing him."

He said Rossiter was a typical character for "this wonderful scenario."

"This wonderful scenario," he repeated loudly, "but it's not founded on honest facts."

"I don't believe," Rossiter, any more than I believe Whitely, because Hauptmann was never near Hopewell."

He permitted his voice to drop slightly.

There are certain concrete facts in this case which stand out like sore thumbs.

"One of the first things you must ask yourself when you enter the jury room is:

How in God's name did Hauptmann in the Bronx know anything about the Lindbergh house?"

"Col. Lindbergh was stabbed in the back by those who worked for him," Reilly declared.

First Time Family Stayed Over Tuesday Night.

"No one could get into that house unless some one inside aided."

"It's in the evidence that the family was staying over for the first time on a Tuesday night."

"One outside the household knew that."

"No one but Col. Lindbergh, his family, the Morrow household, the nurse, Betty Gow, the Morrow servants and 'Red' Johnson knew that."

Betty Gow knew that the Lindberghs were staying a night longer, he pointed out.

"Col. Lindbergh," he added, "can have all the confidence in the world in Betty Gow."

"I have none. She came from Scotland when they gave her \$700, otherwise she wouldn't have come."

"I say this to you: Nobody in God's world knew that baby was going to be there that Tuesday night, except the Gow girl," he shouted.

Lindbergh's expression never changed as Reilly denounced the baby's nurse. He kept his eyes on Reilly, and they twinkled occasionally as if the attack on "his disloyal servant" amused him.

Reilly then turned his guns on the ghost of Ollie Whiteley, the Lindbergh butler who died a year after the kidnapping.

"There was one agency in that house that would respond only to its master, and that was the fox terrier," Reilly said.

"Who controlled that dog's movements that night the butler? A dog which could smell any stranger who stepped on the grounds."

Reilly declared he didn't know much about these people—the servants—but there was evidence pointing to "their guilt."

Betty Gow, he declared, said she "loved this little baby," but while it was ill she remained away from it that night from 8 o'clock until 10.

Must Place Bruno In Lindbergh Nursery.

"Keep before you these particular important bits of evidence before you consider the other matters that have been dragged into the case, the handwriting, the fingerprints, the board of the nursery, the kidnapping, the ransom, the death of the child, the fact that the baby was killed that night."

"The State says he was in that room. Let's see if he was."

He then launched into a study of the nursery on the kidnapping night, recalling how Betty Gow and Mrs. Lindbergh went around closing the windows and shutters.

Reilly inquired rhetorically how the shutters of the nursery window, the only one unlocked, became warped.

The shutters were closed. He pointed out as far as they would go.

After the crime they were closed again, he declared, and the window was down.

"Hauptmann," he asserted, "would have had to know a great deal about the house to have committed the crime."

"Hauptmann is not going to be drawn to his death through the squares of Flemington because you are influenced by the prominence of people in the case."

Reilly reiterated that Hauptmann could not have been in the house without knowledge of its interior and of who was in it.

Scenario Does Not Ring True to Common Sense.

"This is a scenario they have written," he charged once more, "but it doesn't ring true to common sense."

He turned then to the kidnap ladder, and told the jurors the State expected them to believe that the ladder was placed against the wall, its top-most rung reaching a point about 30 inches below the nursery window sill.

"Of course," he commented, "they get around that. They say Col. Lindbergh heard something falling. It might very well have been a limb of a tree snapping, for there was a howling gale that night."

"The colonel didn't think enough of that sound to investigate. It was a tree limb cracking."

"The ladder," said Reilly, walking slowly back and forth between the ladder and the jury box, "was stuck in the mud. They would have you believe Hauptmann put up two sections and climbed up. The top of the second section was 30 inches below the window sill."

Reilly described the ladder climbing procedure as though it were an impossibility.

He said the State wanted the jury to believe that the kidnaper reached from the top of the ladder, opened the shutters and window, reaching five feet higher.

The State's theory, he said, considered it possible for a stranger to climb in, not knock over the beer stein on the table, pick up the child, who gave no outcry and go out.

"The person who picked that child," Reilly declared in loud and emphatic tones, "of its crib knew the child and the child knew that person."

"He goes back with a 30-pound child in his arms, swings himself out of the window in the darkness, and is able to find the top of that rickety old ladder, three feet below the window."

"They'd have you believe he climbed down to the dower pin and the dower pin broke. That's what they say, but what they say is not evidence."

Reilly picked up a photograph of the ground beneath the window showing the ladder holes.

Reilly Declares Ladder Was a Plant.

"That ladder was a plant," he asserted. "No one climbed that ladder. When it fell, if it did, it would have dug up mounds of earth beside those holes. Do you see any mounds?"

He showed the photograph to the jury and pointed out that the holes were undisturbed.

There was nothing else to show a man had fallen, he argued.

"I say that points out very strongly that no one went up that ladder," Reilly went on. "Only one footprint. They would have you believe that the kidnaper walked through the night to the house, saw the sailors say, by dead reckoning, but they found no footprints but that one."

"I say that ladder was a plant, I say it was never up against the house that night." Again the fist pounded the table.

Reilly stalked over to the kidnap ladder. He took it and smashed it against the wall with a resounding bang.

He was demonstrating that the ladder would have hit the house wall when it broke, and have left a great scratch on the house wall as it scraped down under the weight of the kidnaper and the child.

"Their guess work," he sneered at the State's theory that the kidnaper was used and splintered under the kidnaper's weight.

The State wanted the jury to believe, he went on, that the man and the baby fell, but left no impressions in the mud.

Reilly sought to show the difficulty a kidnaper would have in carrying the ladder and the baby.

"Lifting it up nicely," he went on, "putting it up a bush and leaving it some place else."

Some one who knew the baby took it, he reiterated. Col. Lindbergh and his wife were having dinner out of sight of the door, he argued, and the first floor was deserted.

He pointed his accusations again at the servants and Betty Gow's friend, "Red" Johnson.

Know Only That Johnson Was Betty Gow's Pal.

"A telephone call," Betty Gow, Reilly asserted, "two hours after that night only 'from Red' Johnson that he had left him to go to Hopewell."

He poked his finger at Mrs. Stockton, juror No. 5.

"What do you know about 'Red' Johnson?"

"What do I know about 'Red' Johnson?"

"We know nothing of him except that he was Betty Gow's pal."

"The State of New Jersey spent thousands of dollars, your money, to bring the Fishes to this country for the trial and only put one of them on the stand."

"But the State never raised a finger to bring 'Red' Johnson back."

His face flushed and his voice was raised to a shout.

"Who's hiding things here?" he demanded.

"Who's hiding the truth?"

Reilly swung back to the signal he said was given from the Lindbergh house on the kidnapping night.

"They got the signal: The coast is clear."

"Then that child came down one of those two stairways in the arms of some person the little child had confidence in and trusted."

"That's why the baby did not cry out or scream."

"That's the first point you've got to hurdle. You've got to place Hauptmann in that room," he said.

The big red-faced attorney, a finger raised, turned to the cause and time of death of the child.

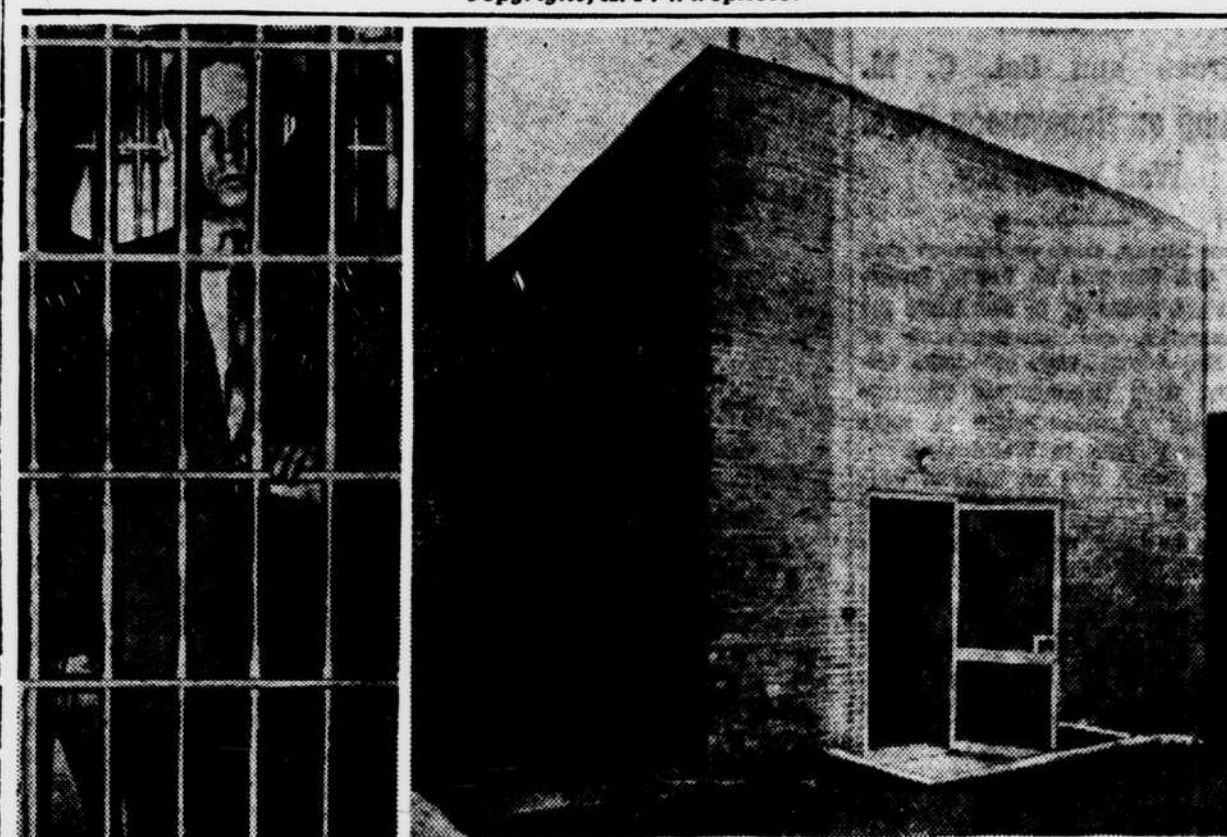
He said the State's "theory" was that the skull fracture occurred by the fall from the ladder.

"Direct Evidence," Necessary, Reilly Says.

Theories, he asserted, were not enough. "Direct evidence" was necessary.

Where Will Bruno's Footsteps Lead?

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At left: Bruno Hauptmann behind the bars of a Bronx County, N. Y., cell before he was extradited to New Jersey to stand trial in the Lindbergh kidnapping. If acquitted, he will be returned to the Bronx to face charges of extortion in receiving the Lindbergh ransom.

At right: The death cell at Trenton, where New Jersey executes its murderers.

Justice Trenchard ordered adjournment at 12:25 p.m. until 1:45 p.m.

As the jury filed out, Wilentz turned and smiled at Col. Lindbergh, who shook his head dubiously.

Reilly, after asking for the luncheon recess, sat down at the defense counsel table and conferred with Pope on the course of his summation. He nodded his head as Pope talked.

At the noon recess, Wilentz, commenting on Reilly's summation said: "Mr. Reilly is a delightful gentleman, but he hasn't begun to talk about the Lindbergh case yet."

Ransom Note Charts To Be Used by Defense.

When the jury returned from luncheon, it found one wall near the box covered with large photographic charts showing the ransom note writing side by side with Hauptmann writing for comparison. These were the charts of State experts, but Reilly apparently intended to use this evidence in his summation in an effort to confute the testimony against Hauptmann.

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Born in Illinois, Not U. S., Woman Says in D.C. Court

Assistant United States Attorney John W. Fitchley was prosecuting prospective members of the special P. W. A. grand jury today.

He asked one woman: "Were you born in the United States?"

"No, Illinois," she replied.

he pleases of Dr. Condon, but I don't share that opinion.

Condon Stands Behind Something Unholy.

"Condon," he shouted, "stands behind something in the case that is unholy. I'll bear it out. I believe, by his testimony and his actions here in this court."

He expressed his skepticism of Dr. Condon's entrance into the case.

Paul Davis, the society secretary and a noted Lincoln scholar, said he was one of four extant letters written by Willie during the brief period he spent in the White House.

He did not need heretofore published, he said.

Dated May 3, 1861, during Lincoln's first year as President, the letter was written to Henry Remann, a Springfield and with whom Willie played before the Lincoln family moved to Washington.

Reilly searched through a newspaper report of the transcript.

He read Condon's statement that he entered the case because suspicion pointed to "one poor sailor, Henry Johnson."

Dr. Condon testified, Reilly read on, that he always tried to help "the under dog."

Dr. Condon "found out that Johnson was not the kind of a fellow," Reilly read further.

"Building up an alibi for a man," Reilly declared, "who was never brought back for this trial."

Continuing to pound away at Condon, Reilly read from the intermediary's testimony that he "knew the night of the kidnapping" that Johnson had phoned Betty Gow.

"Caught off his guard," Reilly declared, "he quickly questioned."

Dr. Condon corrected his testimony, explaining he knew later that the call had been made.

Reilly Expresses Doubt of Condon Ad.

"Now, doesn't he figure in this band, this band that robbed Col. Lindbergh of his child?" Reilly demanded as he finished his recital.

He spoke the next of Condon's advertisement in the Bronx Home News which brought his designation as intermediary.

"I don't believe there ever was such an advertisement," he shot at the jury.

"No one saw that letter. They didn't see it to introduce it here. Another thing that's been kept out of the case."

The 34-page letter in the Bronx paper was a signal, Reilly shouted.

"It was the same kind of a signal that passed between Betty Gow and 'Red' Johnson at 8 o'clock that night. When Dr. Condon put a small ad in an obscure paper, instantly from Brooklyn comes a reply for Dr. Condon."

ADAMS SCHOOL AGAIN TO BE USED FOR PUPILS

Condemned 26 Years Ago, Old Building Must Relieve Crowded Conditions.

Old Adams School, ordered abandoned by the Board of Education back in 1908, soon will house classes again in the District school system.

The old building, badly damaged by fire, recently was condemned for school purposes 26 years ago and with poor heating and plumbing systems, will have to undergo some modernization before the classes start.

The board recently ruled that because of crowded conditions children again must attend school there.

FARMERS NUMEROUS IN IOWA LEGISLATURE

DES MOINES, Iowa (P)—Iowa's House of Representatives lists 44 farmers in its membership, while 15 members of the Senate have rural addresses.

Attorneys have the next largest representation, with 13 in the House and 11 in the Senate.

Other professions include insurance men, pharmacists, bankers, doctors and business men. There are five newspaper editors in the forty-sixth General Assembly.

Shop Closed by Marriages.

NURNBERG, Germany (AP)—Nurnberg's largest photographic shop shut down for two days. It was mostly cupid's fault, with some assistance from the state. The entire firm, 15 of them, decided to accept a government offer of \$250 loans for newlyweds. They married the same day in the same church and set out on a composite honeymoon in a touring car.

"Things Look Dark" to Bruno, His Special Guard Declares

Defendant Is More Worried Now Than Ever Before, Says Deputy Who Is "Somewhat Attached" to Him.

By the Associated Press.

FLEMINGTON, N. J., February 11.—McVey Low, the special deputy who has spent more time with Bruno Hauptmann than any other guard, said today, "I believe he thinks things look very dark."

"For the first time, he asked me what I thought the outcome would be," Low said.

"I replied, 'Richard, that's in the lap of the gods.' He said, 'I am innocent,' and I answered, 'don't worry.'"

Low said he had seen many changes in Hauptmann's demeanor "in the two months I've been with him for six hours a day."

"He is more worried now than he ever has been before."

"He brought up," he said, "over what he feels is a rift between his attorneys. He thinks Lloyd Fisher wants to do things Reilly won't let him do." Fisher is a Flemington attorney and Edward J. Reilly is chief of defense counsel.

Still an Enigma.

"After all these weeks," Low said, "Hauptmann's still an enigma to me. There is a question in my mind whether he understands himself."

The deputy's eyes were grave behind his glasses.

"Watching Hauptmann hasn't been a pleasure," he said, "it has been a unique experience and I'll never forget it."

get it. I've never been in close contact with such a situation before, and it's given me a new slant