

WILENTZ CLOSES, DEMANDING DEATH

Fiery Summation Interrupted by Shout of Minister Another Confessed.

(Copyright, 1935, by the Associated Press) FLEMINGTON, N. J., February 13.—An angry demand for Bruno Richard Hauptmann's death sealed New Jersey's case against him yesterday for the murder of Baby Lindbergh.

His voice raised in scorn and fury, Attorney General David T. Wilentz cried out in his all-day summation for a jury mandate which will put Hauptmann in the electric chair, but as he finished he was interrupted and the court room thrown into confusion by a spectator-clerk's shout.

From his perch on a window sill of the jammed court room, Rev. Vincent G. Burns, a North Jersey pastor, interrupted the summation to cry: "A man confessed that crime to me in my church." He later said the man was not Hauptmann.

Struggling, he was hauled down and taken away. Later Justice Thomas W. Trencard ordered him released, after instructing the jury to disregard the incident. The preacher had told his story before to both prosecution and defense, but neither called him as a witness.

Hauptmann sat tight-lipped throughout Wilentz's fiery all-day summation, as the prosecutor swung his fist and called him "the lowest form of animal," a pariah who "contaminates the air."

Anna Hauptmann was statue-like in her chair, but the jurors, by slight gestures and fleeting expressions, frequently betrayed their feelings.

Hits Mercy Recommendation. Savagely Wilentz demanded that Hauptmann be put to death like a dangerous beast, and told the jury that a verdict of conviction with a recommendation of mercy would be "wishy-washy."

Only the electric chair, he cried, would "throw out" Hauptmann's cold-blooded, cold, yes, but he will be thrown out when he hears the switch."

At times the prosecutor's passionate bursts of oratory all but left him exhausted.

He shouted that the murder of the Lindbergh baby would be "insignificant" compared to the "crime" of freeing Hauptmann, that "every woman in her home would shudder again."

Bitterly, Wilentz exclaimed of "perjury" in the phone defense, "Perjury is a joke in this case," he cried. "They would swear to anything, anything to save Hauptmann."

Defends Others. His phrases dripped with scorn as he arraigned the "assassination" of Dr. James F. "Jafie" Condon, the man who paid the \$50,000 ransom; Nurse Betty Gow, Ollie Whately, the dead Lindbergh's nurse; Violet Sharpe, the nurse maid, and others.

"Nothing too mean, nothing too disgraceful, to plant some little germ of doubt in the mind of one juror, that's all I want," he exclaimed.

He rebuked the defense contention that Col. Lindbergh could not have remembered the voice of the ransom man—the voice he swore was Hauptmann's.

"Could you ever forget it?" Wilentz cried. "Would anybody ever forget it? His hope!"

Dr. Condon's identification of Hauptmann as the ransom "John" was the first time in the trial that the center of first-degree murder, Wilentz contended.

Sees Gain in Loss. The attorney general concluded his plea with: "If this jury will do its duty, we can translate Col. Lindbergh's loss and sorrow into some gain for civilization. To show that whether we catch a man walking into the room or not, we can crush them, we can crush these snakes, we can crush these criminals; that society isn't so weak that we can't do it. That's the job that you can do."

The court room was thrown into confusion by the cry of the minister from his window-sill perch.

The court stenographer, the lawyers and Justice Trencard had no more to say than his words: "If your honor please—"

Those near him said he hollered: "A man confessed that crime to me in my church."

An officer pulled Burns down from the sill, clapped a hand over his mouth and hustled him out.

The justice rapped for order as the excited crowd milled in the court room after the jury had retired, ordered the deputies to clear the room and summoned counsel for a conference in his chambers.

It was decided to let the clergyman go.

Burns first told his story at Fort Lee, N. J., November 23, 1934, it was recalled yesterday.

He announced then that a man had come to his church on Palm Sunday of 1932 and "confided to me his part in a kidnapping crime."

Asked why he had not turned the man over to police, Burns said: "That was out of the question; he came to my church for protection."

Wilentz charged that Hauptmann's defense against the charge he kidnapped and murdered Baby Lindbergh was financed by "idiots, cranks and fools"; pleaded that no mercy be shown, and dubbed him "public enemy No. 1 of this world."

He defended with the circumstantial evidence on which the State depends for conviction, and enumerated that part of the case which he said was not circumstantial.

About circumstantial evidence he said: "When it starts to scream all the lip evidence in the world can't overcome it."

As to circumstantial evidence, he listed: The identification of Hauptmann by Condon and Joseph A. Perrone, taxi driver, who said Hauptmann paid him a dollar to deliver a ransom note to Condon.

Closest Board Cited. The board in the closet of Hauptmann—Dr. Condon's telephone number and address—as admitted by Hauptmann in the Bronx.

The identification of Hauptmann by Amandus Hochmuth, Millard Whited and Ben Luchka as a man seen lurking near the Lindbergh home before the crime.

Col. Lindbergh's identification of Hauptmann's voice as that of the man he heard say "hey, doctor," in the Bronx cemetery rendezvous.

"The brokerage accounts, the sleeping garments and the \$15,000 in gold in the garage is not circumstantial," he said. "And any one of these things is sufficient."

Picking up one of the ransom notes and pointing to the mystic symbol for signature, he said:

"And he (Hauptmann) put his signature on there. There it is: The blue circle, the red center and the hole; B in blue for Bruno, R in red for Richard, H in blue for Hauptmann. 'Our signature.' Nobody could reproduce that except Bruno Richard Hauptmann."

He pointed to Hauptmann's habit of placing the dollar sign (\$) after

Dramatic Moments in Closing of Famous Trial



At left: Attorney General David T. Wilentz in his car as he left the court house at Flemington after summing up the case against Bruno Hauptmann.

At right: Dramatic photo shows officers evicting Rev. Vincent Burns from the court room after he had shouted that another man had confessed the Lindbergh kidnapping to him.

HAUPTMANN FATE IN HANDS OF JURY

Group Retires After Judge's Charge—Court Review Is Praised by Both Sides.

(Continued From First Page.)

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All of the principals sat quiet and most of them showed the strain of the long trial. Hauptmann was gray-faced as usual. His wife, a few seats away, appeared haggard. Col. Lindbergh watched the judge intently, his face serious.

The judge told the jury it must be guided by the principles of law which he would set forth. He added that they were the sole judges of evidence, however.

"You must not consider what I shall say concerning the evidence as being accurate, but you must depend upon your own recollection. You must not only consider the evidence to which I shall refer, but you must consider all of the evidence in the case."

Explains Legal Points. He explained the point of law which required the defendant to prove guilty beyond a reasonable doubt before a conviction can be found.

"If there be reasonable doubt whether the defendant be guilty he is to be declared not guilty. The evidence must establish the truth of the fact to a moral certainty, a certainty that convinces and directs the understanding and satisfies the reason and judgment of those who are bound to act conscientiously upon it."

Reviewing the State's evidence, the court remarked:

"The fact of death seems to be proved and admitted."

"There is evidence from which you may conclude, if you see fit, that the person who carried away the child, entered the nursery or child's bedroom through the southeast window of the nursery room by means of a ladder placed against the side of the house, under or near the window, and that occurred shortly after 9 o'clock at night."

Judge Trencard reminded the jury of the scene about the Lindbergh house when the baby was stolen on the night of March 1, 1932. He recalled that Col. Lindbergh testified he heard a crash that sounded like wood on wood and that thereafter a broken ladder was found.

Recalls Servants' Stories. "Miss (Betty) Gow and Mrs. (Ollie) Whately testified that later, about April 1, 1932, the court went on, they found the thumbprint, which Miss Gow had secured to the wrist of the child's sleeping suit when she put him to bed; that they found this thumbprint in the road leading from the Lindbergh home and on the Lindbergh property, with the knot still untied, from which you may possibly conclude that the sleeping suit was stripped off of the child at that place."

The jury was instructed that it may conclude from the evidence that the baby was stolen by someone who entered the nursery of the Lindbergh home through the window by means of a ladder.

The defense had contended the baby was carried down the stairs of the home by someone on the "inside" and that the ladder was a plant.

Sleeping Suit Cited. The court also charged the jury that it may conclude the baby's sleeping

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One by one, Wilentz told the six persons whose character Reilly had attacked and whom, by insinuation, he had tried to connect with the crime—Betty Gow, Violet Sharpe, Ollie Whately, Henry "Red" Johnson, Isadore Fisch and Dr. Condon.

"So far as Hauptmann is concerned, he could have had 50 help him; if he participated in this murder that's all you have got to deal with," Wilentz said. "He (Reilly) can bring in Violet Sharpe's corpse and body and lay it right alongside of him if he wants; he can bring Isadore Fisch's grave from Germany and put it alongside of him. That doesn't help this defendant in this case a bit."

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fact and determine their credibility as affected thereby."

His remark on circumstantial evidence was:

"When the case against the defendant is made up wholly of a chain of circumstances and there is reasonable doubt as to any fact the existence of which is essential to establish guilt, the defendant should be acquitted."

"It is not sufficient that the circumstances prove, coincide with, account for and therefore render probable the hypothesis that is sought to be established by the prosecution. They must exclude to a moral certainty every other hypothesis, but the single one of guilt."

Jury Listens Intently. The jurors seemed oblivious to the court room scene. They had eyes only for the justice as he leaned slightly forward toward them and talked. Juror No. 3, Mrs. Verna Snyder, was the only one in the box who occasionally took her glance from Justice Trencard. Once she stared at Hauptmann, and then dropped her eyes meditatively to look at the jury rail before her. Then she returned to the juror's box.

All the while Justice Trencard's charge continued the lawyers at the defense table attended studiously, occasionally making notes on some point. The prosecution attorneys listened in various attitudes of attention and few notes were taken at their table.

Hauptmann Seans Jury. Then abruptly it was all over. The lawyers arose as the jurors, carrying coats and hats, filed soberly from the jury box, past the prosecution table, past Hauptmann and his wife, past the defense table and out of court to the bare, virtually unadorned room in the back of the court house where they will deliberate.

Hauptmann gave each face one last searching look and then settled back a little in his chair. Mrs. Hauptmann had words of encouragement to say to him, but he listened absently, glancing once toward the door through which the jurors had quietly departed.

The jury returned to the court house this morning under a guard, heavy and formidable enough to be worthy of a President.

But the crowds of yesterday, the throngs that jammed Main street from curb to curb, flowing across the sidewalks and up to the porch of the Union Hotel, were missing.

Shortly before court opened there were only a few hundred persons around the court house.

But the State police were everywhere in evidence, men in bright powder-blue tunics, guarding the doors of the court house, stationed on the steps under the old Ionic facade and across the broad sidewalk.

Clusters of people were on the Union Hotel porch, on the sidewalks and in the streets, watching sound motion picture men setting up their machines, watching photographers at work.

At 10 o'clock drew near a feeling of tenseness became noticeable everywhere. The jury had breakfasted, as they had dined last night, under a guard of six State troopers in addition to the deputy sheriffs who have been on duty throughout the trial.

All night the troopers had stood on duty in the hotel, lest some one try to get near the eight men and four women who will decide Hauptmann's fate.

"The defendant says that these ransom bills, money, were left with him by one Isadore Fisch, a man now dead. Do you believe that?"

He told the jury it might also consider the evidence that shortly after the delivery of the ransom, Hauptmann began to purchase stock in a much larger way and to spend more freely. Then he asked: "Do you believe his testimony that the money was left with him in a shoe box, and that it rested on the top shelf in his closet for several months?"

"His wife, as I recall it, said she never saw the box and I do not recall that any witness, excepting the defendant, testified that they ever saw the shoe box there."

On the State's important later evidence, the court asked the jurors: "Does not the evidence satisfy you that at least a part of the wood from which the ladder was built came out of the flooring of the attic of the defendant?"

"If you find that the murder was committed by the defendant in perpetrating a burglary it is murder in the first degree, and you may, if you see fit, by your verdict and as a part thereof recommend imprisonment at hard labor for life."

Referring to the testimony of Arthur Koehler, wood expert, on the ladder, the court said:

"You should consider the marks upon the wood and give the evidence in respect thereto such weight as you think it entitled to after a consideration of the credibility of the witness."

As to Hauptmann's own testimony: "His interest in the result may be taken into consideration on the question of whether he is telling the truth. His previous convictions of crime may be considered only as affecting his credit as a witness."

Of Amandus Hochmuth, the aged man who said he saw Hauptmann with a ladder in a car near the Lindbergh home on the day of the crime:

"This testimony, if true, is highly significant. Do you think that there is any reason, upon the whole, to doubt the truth of the old man's testimony? May he not have well and easily remembered the circumstance, in view of the fact that that very night the child was carried away?"

As to Hauptmann's alibi witnesses, the judge told the jury:

"You should consider the fact, where it is the fact, that several of the witnesses have been convicted of crime and determined whether or not their credibility has been affected thereby. And where it appears that witnesses have made contradictory statements you should consider that

BRUNO MAY ASK FEDERAL RULING

Constitutionality of Jersey Law Involved in Case Doubt by Defense.

By the Associated Press.

FLEMINGTON, N. J., February 13.—The New Jersey statute under which Bruno Richard Hauptmann may be convicted of murdering the Lindbergh baby may be taken to the United States Supreme Court for a test of its constitutionality.

Although defense counsel said they were confident the jury would acquit, a member of the defense staff expressed the opinion a Federal question was involved.

The indictment against Hauptmann was drawn, almost word for word, from an act, passed about 1895, which provided that a culprit could be charged with first-degree murder if a killing occurred during the commission of a high misdemeanor, such as burglary.

A member of the defense staff pointed out that a conviction for first-degree murder, carrying the death penalty, could not be returned by the jury unless they were convinced the killing occurred during the commission of the underlying crime, burglary.

The prosecution contended the burglary continued as long as the kidnaper was in flight and consequently, with the death of the baby occurring at the foot of the kidnapping ladder, a murder conviction was legal.

The defense counsel pointed out, however, that the criterion of flight had not been ruled on by the United States Supreme Court.

Publicity Held Unnecessary. Bacon says this is unnecessary, holding that the revenue law supersedes the N. I. R. A.

Taxes are the subject of more proposed legislation in the form of a bill by Representative Fish, Republican of New York, to require the Treasury to supply the House with a list of holders of tax-exempt securities with the amount of tax thus avoided. The bill is opposed by Secretary Morgenthau.

Speaker Byrns and other House leaders have refrained from comment on the repeal proposals, but some influential majority members have expressed privately their opposition to publication of income tax information.

BRICK 2,134 YEARS OLD Relic From Wall of China Presented Illinois by Sailor.

BLOOMINGTON, Ill., February 13 (AP)—If T. B. Correll feels like doing any brick-tossing, he can heave a missile 2,134 years old.

The brick, once a part of the Great Wall of China, was given to Correll by his grandson, who is a member of the crew of the U. S. S. Chaumont.

Annual Reunions to Be Talked By Bruno Jurors After Trial

By the Associated Press.

FLEMINGTON, N. J., February 13.—A plan for a permanent organization of the Hauptmann jury in order to hold a reunion party once a year will be discussed when the trial ends, Oden Bagstrom, chief jury constable, said today.

"I think they'll be in favor of it," said Bagstrom, "an organization with a president and secretary, to hold an annual affair and re-enact old times."

We had dinner in the Union Hotel dining room again, behind screens, but with no State troopers."

Bagstrom said maybe the "affair" would be a birthday party "just like we had for Mrs. Ethel Stockton and Constable Sue Dilts, with victrola music and dancing afterward."

"We'd shake the roof celebrating."

The oldest juror, Philip Hockenbury, said Bagstrom.

The permanent organization idea was Bagstrom's. He watched the final spirit flower as the jury took its Saturday spins in his school bus and walked briskly on the second-floor veranda of the hotel.

"This spirit should be preserved," said Bagstrom.

The idea that has been suggested is to organize the jurors' 22 children as a subsidiary.

PUBLICITY ON TAX RETURNS FOUGHT

Income Filing Date Next Month Brings Bill—Crime Aid Cited.

By the Associated Press.

With the approach of another income tax filing date next month, a drive is being pushed in Congress to stop publicity about taxpayers' returns.

Complaining that it is "the greatest scientific aid ever given to criminals," Representative Bell, Democrat of Missouri, introduced a bill yesterday to repeal the section in the 1934 revenue act which makes portions of the returns available for public inspection.

His was the second step toward this end at the present session.