

# Fifty Reasons Why Lindbergh Did It.

The case against Bruno Richard Hauptmann was entirely circumstantial.<sup>1</sup>

No one saw Hauptmann in or near the Lindbergh estate at the time of the abduction. There was no smoking gun. There was no deathbed confession. There was, unlike many of today's crimes committed in a public area, no videotape of the commission of the crime. And despite what the cable television commentators might say about the latest famous case *de jour*, there is nothing wrong with making a case entirely through circumstantial evidence; such is often much more powerful and reliable than a case made by direct evidence.

Likewise, the following case against Lindbergh is entirely circumstantial. Each numbered fact, in and of itself, is hardly sufficient to make the case. But criminal prosecutions are constructed on building blocks – no one block can hold up the structure, but when cemented together, are able to construct a solid structure.

Do we know for certain that Lindbergh was involved in the abduction of his own child? Of course not. But there are dozens of troubling facts that could lead an examine to reach the conclusion to the fact that it was Lindbergh who decided to play yet another of his “practical jokes” on his family and household staff to obtain a perverse sense of joy in pulling one over. His “joke”? He planned to engage in a cruel hoax by spiriting the baby away through the use of the ladder, but that upon descent, the weight of both Lindbergh and the baby combined to crack one of its rungs, causing Lindbergh to lose control of the baby, whereupon it fell to the ground with a thud that cracked its skull, killing it instantly.

From that point on, everything Lindbergh engaged in was a cover-up. He could have hardly have presented his wife with a dead baby in his arms and admit he was responsible for a stupid prank gone awry. His reputation as an American Hero, of

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<sup>1</sup> Circumstantial evidence and direct evidence are defined in the Appendix which contains the jury instructions Massachusetts judges use in instructing the jury on the law at the end of a case before they deliberate.

which he was vainglorious, would have denigrated instantly to American Fool, a development he could not abide due to a monstrous ego.

Do all of these factors present a case that would have survived the standard of proof in a criminal case, that of proving a case beyond a reasonable doubt. Probably not. But these facts are troubling; and in the world of public opinion, where the case now rests, all of the facts, taken together, are deeply disturbing.

The fact is that we will never know the true story because the police never investigated the one person with motive, opportunity and means. Instead, Lindbergh sent them on “fools’ errands” to divert attention from himself.<sup>2</sup>

There is no question that Hauptmann was involved in the extortion plot to obtain money from Lindbergh. His apartment had ransom money secreted throughout it. But whether he was involved in the abduction and murder is another question altogether. What did Hauptmann have in common with the Lindbergh’s? Did he hate Lindbergh? Could he even easily find Lindbergh’s house in rural, central New Jersey ?

Sometimes, before the press gets involved with a case and twists and turns the plot for financial gain, we need remember that the simplest explanation of how a crime occurred is often the most accurate.

## **A. Lindbergh the Person.**

### **1. This was likely not Lindbergh’s first kidnapping hoax.**

In April 1929, a month before Charles and Anne Lindbergh were married, Charles Lindbergh surreptitiously threatened

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<sup>2</sup> All facts stated in this memorandum to which a source is not readily apparent may be attributed to the work of authors Gregory Ahlgren and Stephen Monier in their well-written book, “*Crimes of the Century: The Lindbergh Kidnapping Hoax.*”

to kidnap Constance Morrow, the 15-year-old younger sister of his wife, Anne.

Most of the Morrow family were out of the country. Dwight Morrow, his future father-in law, was on post in Mexico City as the American Ambassador. His wife, oldest daughter Elizabeth and Anne were with him; they would return shortly by train to New York.

Lindbergh was on the east coast. The only Morrow family member in the country was 15-year-old Constance, a student at Milton Academy. Constance embodied every aspect of the victim to whom Lindbergh liked to direct his “practical jokes.” And at the time, Constance was alone and cut off from her family.

On April 24, 1929, Constance received an envelope containing a ransom demand, threatening her with kidnapping and death unless her father paid a ransom.<sup>3</sup> She was to tell no one. Once she had the money, she was to await further instructions. The amount of the ransom? \$50,000 - which was oddly coincidental to the precise ransom demand in the later Lindbergh baby kidnapping note.

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<sup>3</sup> Why did the letter specifically call upon the young woman’s *father* to pay the ransom? This bespeaks of someone who was familiar with the Morrow family.

The ransom letter also ominously referred to a young woman who had disappeared from Smith College the year before and whose body was later found in the Connecticut River. The young woman had been a classmate of Constance's eldest sister, Elizabeth. The ransom note stated that the Smith College student had received a similar extortion threat but had gone to the police, and implied that she had been killed for it.<sup>4</sup>

That the author of the ransom letter to Constance Morrow who was then living in Milton, Massachusetts, would invoke the name of a Smith College classmate of her eldest sister, Elizabeth, living in western Massachusetts, is curious at best.

In the 1930's, the seven sister schools were an exclusive club.

Charles Lindbergh knew Elizabeth Morrow, his future wife's older sister at Smith College. In fact, Elizabeth had hoped to marry Charles, and when that did not occur, she believed that her sister Anne had stolen Charles away from her. That the author of the ransom letter to Constance Morrow invoked the death of the Smith College classmate of her older sister Elizabeth was bizarre; although admittedly

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<sup>4</sup>In no way is this recitation of facts meant to imply in any way that Lindbergh was involved in the murder of the Smith College student; rather, it instructs us that Lindbergh's knowledge of the kidnapping and death of the college student was employed to intimidate Constance Morrow and trigger her family to pay the ransom.

speculative, common kidnappers – especially in the stratified society of the 1930’s - are not usually attuned to the events about students of an elite, private college like Smith, nor would they likely invoke the name of her eldest sister Elizabeth’s dead classmate.<sup>5</sup>

Two weeks later, a second letter arrived for Constance. It instructed her to put the money in a box and place it in the wall behind an estate in Westwood, Massachusetts.

By this time, the police were alerted.

Police employed an actress to place an empty box in the wall and police detectives staked it out. Only three people knew about the switch – **one of whom was Lindbergh**. No one picked up the box and the matter was soon forgotten.

Was the Constance Morrow kidnap threat the product of Charles Lindbergh’s sick mind? The case is too old, the clues too muddied, and the information too sketchy to answer the question definitely. But it had all the earmarks of a Lindbergh “practical joke.”

Moreover, the similarities between this incident the 1932 baby kidnapping are striking: 1.) a note was used as the means of communication; 2.) the ransom amount demanded was the same to the exact penny; 3.) neither note indicated what was to be done with the money, but instead

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<sup>5</sup> The death of the Smith College student, given his relationship with Elizabeth Morrow, would likely have been a fact known to Lindbergh.

told the recipient to await instructions from another note; 4.) both notes ordered that the ransom money be placed in a box. The 1932 note goes so far as to describe the exact dimensions of the box. Moreover, what did it matter if the money was placed in a bag, envelope, satchel, or simply bundled together?

Finally, the reference by the would-be kidnapper to a dead Smith College classmate of Constance's oldest sister was highly suspicious.

**2. This was not Lindbergh's first kidnapping hoax about his own baby.**

Several months before the Lindbergh baby disappeared, he took the baby from its crib and hid him in a closet. The family and servants were thrown into a panic; the mother was frantic, searching the house for her baby, to no avail. They believed that the baby had been kidnapped.

Lindbergh let the ruse continue for 20 minutes before he revealed where the baby was, and howled with glee at his wife's anguish.

**3. Lindbergh had a history of directing very sick and cruel behavior directed toward others.**

Lindbergh's supporters referred to his penchant for "practical jokes", but there was nothing practical or joking about them.

- a. When one of his fellow pilots returned from an evening drinking, he drank thirstily from a jug of what was supposed to be water. Lindbergh had replaced the water with kerosene. The man was rushed to the hospital, suffered serious throat, stomach and intestinal burns, and nearly died from the poisoning.
- b. Knowing a cadet was deathly afraid of snakes, Lindbergh placed a venomous snake in his bed.
- c. Lindbergh, offended by a sergeant in the military who snored loudly, placed a skunk in his pillow case.  

The stench was so overwhelming that the soldiers in the entire barracks had to sleep outside for two weeks.
- d. Offended by four military cadets, Lindbergh laced their underwear with itching powder.
- e. Disturbed by another soldier's telephone talk to his girlfriend, Lindbergh placed lizards, frogs and snakes in the man's bed.

- f. If a soldier did not wake up immediately when the alarm sounded, Lindbergh would rip back the covers and throw a bucket of ice water on him.
- g. When entertaining fellow aviator Amelia Earhart and her soon-to-be husband in Hollywood, Lindbergh disliked the intense political discussion Earhart was having with his wife Ann about women equality. Lindbergh stood behind his wife and streamed water down onto his wife's silk dress, ruining it.

Earhart later pronounced Lindberg, “an odd character.”

- h. Lindbergh insisted that his wife, then seven months' pregnant, accompany him on a flight to set a speed record. A storm system quickly gathered over the Rockies, and Lindbergh was forced to climb high over them. They had no oxygen. The lack of oxygen endangered the fetus. Anne Morrow became so sick that upon landing, she was rushed to a nearby hospital. When asked by the press about his wife's illness, Lindbergh adamantly denied it.<sup>6</sup>

#### **4. Lindbergh was a eugenicist who believed in racial superiority; his baby was not perfect.**

Although always described in the press as “normal and healthy”, the Lindbergh baby was developmentally disabled,

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<sup>6</sup> Some might argue this conduct was simply sophomoric; perhaps so. But perhaps it was also symptomatic of a sinister pathology.



and born with a “Rickets-like” condition in which some of his bones never fused and his left foot was deformed.

## **5. Lindbergh was a duplicitous person who led a double life.**

Lindbergh had three secret families aside from that with his wife, Anne Morrow.

Lindbergh had an affair with Brigitte Hesshaimer, a 31-year-old hat maker in Munich. Their affair ended only ended with his death in 1974. They kept their relationship a secret, even from their children.

At the same time, Lindbergh was also involved in a secret long-term relationship with Hesshaimer’s sister, Marietta, and a third woman, Valeska, Lindbergh’s German translator and private secretary. Lindbergh had two children with each of these women and again kept the identity of his fatherhood a secret.

Ten days before his death, Lindbergh wrote letters to his three mistresses, asking them to continue “utmost secrecy”, which they did until one of Brigitte’s children confronted her mother in the 1990’s. Even then, the daughter was sworn to secrecy and kept that secret until her mother’s death in 2001.

The many offspring of Lindbergh as a result of his secret life<sup>7</sup> are listed below:

**Children with Anne Morrow Lindbergh:**

- Charles Augustus Lindbergh Jr. (1930-1932)
- Jon Lindbergh (b. 1932)
- Land Morrow Lindbergh (b. 1937)
- Anne Spencer Lindbergh (Perrin) (1940-1993)
- Scott Lindbergh (b. 1942)
- Reeve Lindbergh (b. 1945)

**Children with Brigitte Hesshaimer:**

- Dyrk Hesshaimer
- Astrid Hesshaimer Bouteuil
- David Hesshaimer

**Children with Marietta Hesshaimer:**

- Vago Hesshaimer
- Christoph Hesshaimer

**Children with Valeska (surname unknown):**

- a son (name unknown)
- a daughter (name unknown)

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<sup>7</sup> **Source:** The Minnesota Historical Society. Charles Lindbergh House and Museum. See <https://www.mnhs.org/lindbergh/learn/family>.

As one of his children later wrote:

“...I think my father had made his life so complicated that he had to keep each part separate from the other parts...I don't know why he lived this way...but what it means to me is that **every intimate human connection my father had during his later years was fractured by secrecy.**” (Emphasis added.)

## 6. Lindbergh's childhood was unusual.

As background, Charles Lindbergh's grandfather, Ole Mansson, was born in Sweden. Through hard work, he became a land owner and was elected to the Swedish Parliament. Soon thereafter, however, he developed so many political enemies that he was forced to immigrate to the United States. He changed the family name to Lindbergh when he arrived in Minnesota.

Charles Lindbergh's father was a United States Congressman who shuttled between Washington and Minnesota for ten years. At one point, he and his wife separated, and Charles, Jr. began a life of constant migration. He attended eleven different schools and did well in none of them. He developed no close friendships. His half-sisters were significantly older and living

on their own when he was a boy. His only constant companion was his mother.

His mother was considered aloof, pretentious and patronizing by the local townspeople, so much so that someone once shot at her while she was riding horseback. The shot was allegedly aimed to frighten, not harm.

Incidents such as these prevented anyone from attempting to develop a friendship with Charles, Jr. His mother discouraged him from developing relationships with anyone but herself and quickly expressed disapproval if he began to do so with children his own age.

Discouraged or prevented from peer relationships, Lindbergh became fixated on machines. He invariably played alone on his Minnesota farm. He also developed a natural proclivity to construct items from wood.

During his one year in college, Lindbergh made few friends.

## B. LINDBERGH'S PRE-KIDNAPPING CONDUCT

7. It is puzzling, for reasons explained below, that Lindbergh “missed” a New York University Alumni Dinner at the Waldorf Astoria in New York on the evening of the kidnapping.

This event was big. Lindbergh’s attendance at it had been well-publicized. He was also a man, who, despite his assertions to the contrary, thrived on the accolades he received from an adoring public and never missed an opportunity to bask in their adulation. He was also a man who demanded punctuality and exactitude and was intolerant of its absence in others.

Yet Lindbergh never showed. He later told police that he had gotten “mixed up” as to the date of his speaking engagement.

For a man who prided himself on his meticulous attention to detail and accuracy, his conduct during the early evening of March 1, 1932 was anything but.

“Accuracy”, Lindbergh once wrote, “means something to me. It’s vital to my sense of values. I’ve learned not to trust people who are inaccurate. Every aviator knows that if mechanics are inaccurate, aircraft crash. If pilots are inaccurate, they get lost – sometimes killed. **In my**

profession[,] life itself depends on accuracy.” (Emphasis added.)

Lindbergh’s explanation that he had mixed up the dates was never questioned or doubted by the police; but it does not ring true. Charles Lindbergh was many things, but forgetful was not one of them.

Of course, we all forget dates and obligations. But in Lindbergh’s case, given his obsessive commitment to punctuality and detail, the question remains as to whether this was simply an innocent lapse of memory or something more sinister.

**8. Lindbergh called his wife that evening to tell her that he would be a little late.**

He would not be very late as would be expected if he were attending a dinner party, but a little late.

No one ever asked Lindbergh why he was late, where he had been for that period of time, or who could corroborate a later-than-usual-departure from New York. And Lindbergh never volunteered an explanation.

He could well have left New York at his usual hour, driven to Hopewell, parked, taken the child, and all the while not be missed. If so, he would have had sufficient time to go to the correct window by a ladder, taken the baby out of the window, accidentally drop the baby onto the granite ledge below, realize the baby was dead from the massive head trauma, concocted a

story, drove three miles to a wooded area with which he was familiar, to leave the body in the woods, and drive home.

**9. When Lindbergh finally arrived home, he honked his horn in the driveway.**

Why would a man honk his horn upon arriving home? Arguably, he did it for the same reason anyone honks their horn, to draw attention to himself, to say, “I am here, notice me.” Lindbergh wanted it noticed that he was arriving home at that time.

**10. The “snapping sound” that no one heard – excerpt Lindbergh.**

After dinner, Lindbergh and his wife went into the library for about five minutes. At about 9:15 pm, he claims to have remarked to Anne that he heard a snapping sound coming from outside. Yet he didn’t investigate it. They lived in a secluded area; there were no neighbors within a half mile; no one was expected to visit. It might have been consistent with his character to pick up his rifle and charge outside to investigate.

But no one else heard the snapping sound. Betty Gow didn’t hear it; the Whatelys didn’t hear it; and Anne, who was seated in the same room as Charles, did not hear it. “We heard nothing”, Anne wrote in a letter to her mother-in-law two days later.

And apparently, the dog never heard it because he never barked, even though he barked at the slightest noise. Only Lindbergh heard it. The reason? Because there was no “snapping sound” at 9:15 pm.

Why might this be significant? Because the story about the noise was invented by Lindbergh to support his later story that a kidnapper had broken a rung in his descent from the baby’s nursery.

11. How did the kidnapper know that the Lindberghs would be staying at their Hopewell residence that Tuesday evening, which they had never before done? Only the family members (and Lindbergh) and servants knew.
12. It was Lindbergh who ordered his wife to remain in Hopewell with the baby during the evening of the abduction.
13. It was Lindbergh who ordered that the baby not be disturbed in the nursery between the hours of 6 pm and 10 pm. His proffered reason was that he did not want the child “spoiled”, but there was no evidence that the child was being spoiled, or that any corrective action was necessary.

Lindbergh’s command ensured that once the child was put to bed, no one in the household would dare venture into the



room, and provided Lindbergh with his own window of opportunity.

14. **The child was in Hopewell that fateful evening only because Lindbergh had ordered the baby to be there, a fact never explored by the police.** Lindbergh told the police that he ordered this because the child had a cold and he did not want the child to make the trip from Hopewell to Englewood, his mother-in-law's estate.

What Lindbergh never explained (because no one had ever asked him) was why not? The child had had a cold for a while and was in fact improving. Lindbergh had not prevented the child from traveling in the rain the previous Friday from Englewood to Hopewell when his cold was much worse, so why prevent a return trip now that the child was better.

Second, what was the risk in the trip? The Lindberghs had a heated car and servants to bundle and cover the baby to and from the car.

15. Given his own upbringing<sup>8</sup>, Lindbergh was not the type of person who really expressed concern for his children's health.

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<sup>8</sup> Lindbergh wanted to make his children tough, as perhaps his father had made him.

As a child, he and his father occasionally hunted or swam in the Mississippi River. During one such excursion, while playing on a riverbank at a spot where the current was especially swift, young Charles fell in. In order to teach him to be tough, the elder Lindbergh refused any help to his son, thereby forcing him to learn to swim in

He himself engaged in many extremely risky pursuits.<sup>9</sup> He never pampered his children; he wanted to make them tough. His biographies are replete with stories of how he cruelly treated his children to “toughen” them up.

That Lindbergh was concerned about a cold the baby had is incongruous with his lack of interest in his children’s health.

**16. When Lindbergh returned home that evening, curiously, he never checked on his son.**

Lindbergh had been away on business from Monday morning through Tuesday evening. Upon return to the Hopewell home, after having been away for a day and a half, Lindbergh never went to see or check on his son. He went upstairs to wash up for dinner; the bathroom was located next to the nursery. Yet, despite the fact that he had not been home in two days and had not seen his only child in that time, he did not peek in on him.

Isn’t it reasonable to expect that a parent who comes home after his child is in bed would peek in on him? Yet Lindbergh did not do so. Is it possible he did not do so because he knew there was no child in the nursery and he did not want to be the

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order to avoid being swept downstream. When he refused to pull a young Lindbergh from the swirling waters of the Mississippi River, Lindbergh almost drowned.

<sup>9</sup> Lindbergh had made a career of wing walking and hanging from airplanes by his teeth.

one who raised the alarm? Let someone else discover it. He was not going to draw attention to himself.

## C. Lindbergh's Post-Kidnapping Behavior

17. In the minutes immediately after the Lindbergh baby was discovered to be missing, the baby's nursemaid Betty Gow believed that Lindbergh had taken the child as a sick joke.

**Source:** Letter from Anne Morrow to her mother-in-law dated March 2, 1932: “[Betty] thought C. [Colonel Lindbergh, as he was then referred to] had taken him for a joke.”

18. In the minutes after the Lindbergh baby was discovered to be missing, Anne Morrow Lindbergh, too, believed that her husband had taken the baby as a sick joke.

**Source:** Letter from Anne Morrow to her mother-in-law dated March 2, 1932: “[Betty] thought C. [Colonel Lindbergh, as he was then referred to] had taken him for a joke. I did , [too], until I saw his face.” (Emphasis added.)

19. When the child was discovered missing, nursemaid Nancy Gow saw no ransom note.

20. When Anne Morrow Lindbergh entered the nursery and discovered that her child was missing, she saw no ransom note.
21. After Gow and his wife left the nursery, Lindbergh re-entered the nursery alone. It was only then that Lindbergh discovered the ransom note.
22. Instead of picking up the ransom note, Lindbergh called for Gow to come upstairs to show her the location of the note - arguably, to have a witness to its discovery.
23. **There were no fingerprints of any kind found anywhere in the nursery - not the nursemaid's, Anne's, Lindbergh's or any other house staff member.** The police were stunned that not one fingerprint was in the entire room. As one state trooper said at the time, "I'm damned if I don't think somebody washed everything in that nursery before the print men got there."
24. Five adults, two males and three females occupied the Lindbergh home at the time of the abduction. No one went to bed early. The kidnapping occurred shortly after 9 pm, when all members of the family and the household staff were awake and the lights were on throughout the house.

Why would the kidnapper not wait until the middle of the night when everyone was asleep to avoid detection and get a head-start on an escape?

25. Are we to believe that a kidnapper walked up to a well-lit house in the early evening, placed a heavy ladder against the side, climbed up, forced a window, tumbled into the room and removed the baby, rather than wait a few hours until the conditions for success would have been immeasurably greater?
26. How did the kidnapper know where the Lindbergh's baby room was? Only the family members (including Lindbergh) and servants knew its location.
27. How did the kidnapper know to access the baby's room through the only window whose latch was broken? Only the family members (including Lindbergh) and servants knew where it was.
28. Why did the Lindbergh's dog, a high-strung terrier, never bark during the evening of the abduction?

All of the household members - except for one (Lindbergh) - told police that the dog barked at the slightest provocation. For example, nursemaid Betty Gow was asked if the dog generally barked when strangers were around; she responded, "Yes, I remember that he did." Elsie Whately, the butler's wife, was

asked if the terrier was a “barking dog or a quiet dog”, to which she responded, “Well[,] I always thought he was sharp; if he heard a noise[,] he would bark....” And finally, in Anne Lindbergh’s book, *Hour of Gold, Hour of Lead*, she noted in a letter to her mother-in-law written two days after the abduction that the dog had not barked that evening, but troublingly added, “He has been barking ever since.”

After the kidnapping, the dog routinely barked at the many police officers and others who entered the Lindbergh home.

Is it possible – indeed, probable – that the dog never barked on the fateful evening because Lindbergh had been the person who entered his son’s nursery? This supports the theory that a household member, as opposed to a stranger, had entered the nursery.

**29. After his baby went missing, Lindbergh called his personal attorney first, and only then did he call the state police.<sup>10</sup>**

After the discovery that his baby was missing, Lindbergh made two telephone calls. The **second** one was to the New Jersey State police to inform them of his son’s kidnapping, The **first** one was to his New York lawyer, Henry Breckenridge.

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<sup>10</sup> **Source:** Signed statement made by Lindbergh on March 11, 1932 to the Newark Police Department.

Imagine yourself in the position of a father who has just discovered his baby kidnapped. Who do you call first? Wouldn't it be logical to call the police to enlist their assistance? Why did Lindbergh call his personal lawyer? What need did he have, or think he had, at that time, of a lawyer? A lawyer protects his client's legal interest. What legal interest did Lindbergh fear might be in such jeopardy that he would call him before calling the state police to inform them that his child was missing.<sup>11</sup>

Breckenridge immediately dropped whatever he was doing in New York and rushed to Lindbergh's side where he remained throughout the kidnapping ordeal, the ransom demands, the negotiations, the ransom payoff and the discovery of the child's body. Breckenridge advised Lindbergh at every turn and supported him in Lindbergh's many overbearing exercises of power in thwarting and vetoing many police investigative steps.

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<sup>11</sup> Lindbergh's preference in who he called first is disturbing.

Did Lindbergh fully confide in Breckenridge? Did he tell him that he had made a colossal blunder, that he had inadvertently killed his child in a moment of foolhardiness, and now, to cover up such a blunder from media and public ridicule, had concocted a kidnapping hoax? Did he enlist Breckenridge's help in this scheme as personal advisor and lawyer?

We will obviously never know the answers to these questions because both principals are dead, and even if the police had tried to interrogate each person while they were alive, they would have invoked the attorney-client privilege, shielding them from answering any of these nagging questions.

Would Breckenridge, a high-powered lawyer, devote so much attention if Lindbergh was merely a victim? Breckenridge was there to protect his client, but only Breckenridge and Lindbergh knew why he needed protection.

People who need to protect their own interests first call their attorney *before* they call the police to report their kidnapped son.

30. **When the police arrived, all members of the Lindbergh household were agitated, except for one: Lindbergh.** For a man who hated the press and spoke bluntly and viciously about their intrusions into his personal life, he now began to act out of character.

As each reporter arrived, Lindbergh met him personally at the door, invited him in, escorted him to the living room, and made certain that Whately made sandwiches for everyone, ensured that they all had enough to eat, and thanked each one for their concern and for coming out on such a night. He was courteous, deferential and solicitous - behavior completely at odds with his personality.

31. **From the beginning, Lindbergh assumed total control over the investigation of the case.**

The police were instructed what to do and when. New Jersey State Police Colonel Schwarzkopf was a recent gubernatorial



appointee, without a real law enforcement background. He was sufficiently politically savvy to realize that if he balked at Lindbergh's directions, the famous aviator would simply go over his head and he (Schwarzkopf) could possibly lose his new job. (He had previously been a store detective in a New York department store.)

**32. Lindbergh threatened that he would personally shoot any police officer who made a move without his fore-knowledge and approval.**

**33. When the police initially arrived on the scene and began their investigation, they immediately suspected that the crime "was an inside job."**

34. If this was a real kidnapping, what are the chances that the kidnapper had no intelligence at all about the family, but instead blindly drove to Hopewell, found the house on a day when the Lindberghs just happened to be there, knew which room was the child's, and more disturbingly, which shutter did not latch.

35. Lindbergh's began his investigation by enlisting New York underworld figures to act on behalf of his family in negotiating with the kidnappers, a plan which made no sense whatsoever, and was likely a diversion because:

- a.) the crime was so publicly detestable that the underworld would not likely have been involved; and
- b.) there was nothing in the note or the circumstances of the child's disappearance to support the proposition that the perpetrators were from New York.

**36. Lindbergh was openly hostile to the FBI and utterly failed to cooperate with it.**

The FBI Special Agent assigned to the case reported to J. Edgar Hoover that that it was obvious Lindbergh was hiding things from him. Why would the supposed victim/parent, concerned about his son, refuse help from the one agency in the United States which, at the time, had the experience and training to solve the crime.

Lindbergh entertained help from an untold number of cranks, kooks, tipsters, clairvoyants and assorted underworld hustlers. Did he oppose help from the FBI because it was the one agency with the experience and training to solve the crime?

Did the prospect of FBI involvement frighten Lindbergh?

**37. Lindbergh directed two simultaneous courses of action:**

a.) he systematically blocked every logical police procedure that might have led to the discovery of helpful information; and

b.) at the same time, he replaced good and solid police procedure with his own amateurish methods, which served no purpose other than to obscure the trail and create as many false leads as possible.

38. Lindbergh engaged an eccentric, self-promoting blowhard to conduct all contact with the alleged kidnappers about the return of the baby. Many of this fellow's statements turned out to be false, self-aggrandizing and unhelpful to the case.

39. **Lindbergh directed that the police not stake out the site where the ransom money was to be paid** and further, ordered that the kidnapper was not be followed – even after the ransom money was paid and the baby safely returned.

40. Lindbergh directed that the police not write down the serial numbers of the ransom money so that it could be detected. Fortunately, he eventually relented.

41. Lindbergh alone directed the negotiations with the alleged kidnapper through a hand-picked intermediary (see 38 above), spurning all police advice and recommendations.

42. When a second ransom note arrived, police determined it had been mailed from Brooklyn.

New York Police Commissioner Mulrooney (over whom Lindbergh had no jurisdiction, and they both knew it) recommended that all mailboxes in Brooklyn (there were not as many as there are today) be surveilled and equipped with a device to hold each mailed letter just inside the slot. After each letter was deposited and the sender had departed, a detective would retrieve the letter. If the letter was addressed to Lindbergh or his family, the mailer would be followed and his identity quickly determined.

Upon being briefed of this plan, Lindbergh flew into a rage and immediately vetoed it.

Commissioner Mulrooney repeatedly explained that the plan was safe. Lindbergh would not budge. He finally told the Commissioner that if he went ahead with the plan, he, Colonel Lindbergh, would use every ounce of his political power to see that Mulrooney was broken. Mulrooney backed down.

43. Lindbergh, given his prominence, wealth, power, and imposing will, was never viewed as a suspect by the police or interrogated. However, all other members of the household staff were; indeed, one nursemaid was interrogated three times

so roughly by the police that on the eve of the morning of the fourth scheduled interrogation, she committed suicide by drinking cyanide.

**44. If the investigation of a missing child case were conducted today, the parents would be at the top of the suspect list.**

The files of welfare agencies, the police and criminal courts are filled with instances where parents have abused, maimed and even killed their children, either with intent or through neglect, and then manufactured a story to the police which sought to blame some other anonymous party.

**45. If Hauptmann was truly the killer, the location where the Lindbergh baby's body was discovered made little sense.**

If the kidnapper truly was from the Bronx, which is north of the Lindbergh house, why then was the body found south of that home. If Hauptman kidnapped the baby, dropped him, and in a panic decided to dump the body, why would he drive south, away from his ultimate destination. Driving north would have afforded Hauptmann many secluded areas to dump the body.

Why would Hauptmann proceed south and then be forced to double back to return to the Bronx?

**46. The body was dumped relatively close, about 3 to 4 miles away, to the Lindbergh house.**

This is consistent with the child having been killed unexpectedly, and then quickly dumped nearby by a person who did not have the time to travel far.

**47. Why was the Lindbergh baby immediately cremated upon its discovery?**

Lindbergh ordered the baby's body cremated within an hour of its discovery, depriving law enforcement authorities of the benefits of a full autopsy, and pathological and toxicology tests to determine the cause of death or the approximate date of death. Such evidence would have been of incalculable assistance to the police.

**48. Despite rough treatment during interrogation by the police, resulting in several broken ribs, Hauptman never confessed to the kidnapping or admitted complicity in it.**

**49. Even at the end, when Hauptmann was offered the chance to save himself from the electric chair if he would just "tell the truth", he maintained his innocence.**

**50. Lindbergh's autobiography devotes a mere 13 paragraphs, among 423 pages, to the kidnapping and its aftermath. Is this**

not curious in and of itself, instead devoting 421 pages to self-adulation?

## Final Observations

If it were only Lindbergh's behavior immediately before and on the night of the kidnapping which was atypical, we might attribute this to a coincidental series of events.

Perhaps Lindbergh just happened to order that the baby not be disturbed.

He might have just "forgotten" his speaking engagement on the same night.

Perhaps sudden whimsy led to honking his horn as he drove up the driveway.

Maybe he was just too tired to look in on his son in the hour and a half between his arrival and the discovery of the empty crib.

Perhaps Lindbergh had exceptionally sharp hearing and thus, was the only one who heard a snapping sound.

Perhaps Lindbergh had other pressing business to discuss with his lawyer, rather than notifying the police about the kidnapping.

When the police arrived, the members of the household were in an agitated state. They found only one calm and collected individual - Lindbergh.

However, as detailed above, Lindbergh's behavior in the days following the kidnapping adhered much more closely to his true personality. In fact, his actions were more consistent with that of a criminal trying to hide his involvement, rather than a victim's behavior.

Lindbergh wanted to control the investigation, not because of some noble, manly effort to come to the rescue of his family, but because he wanted to accomplish one goal: thwart all law enforcement efforts that might lead to his detection and apprehension.

What criminal would not want to head the investigation of his own crime?



# APPENDIX

# DIRECT AND CIRCUMSTANTIAL EVIDENCE<sup>12</sup>

There are two types of evidence which you may use to determine the facts of a case: direct evidence and circumstantial evidence.

You have direct evidence where a witness testifies directly about the fact that is to be proved, based on what he claims to have seen or heard or felt with his own senses, and the only question is whether you believe the witness.

You have circumstantial evidence where the witness cannot testify directly about the fact that is to be proved, but you are presented with evidence of other facts and you are then asked to draw reasonable inferences from them about the fact which is to be proved.

**Optional example:** Let me give you an example. Your daughter might tell you one morning that she sees the mailman at your mailbox. That is direct evidence that the mailman has been to your house. On the other hand, she might tell you only that she sees mail in the mailbox. That is circumstantial evidence that the mailman has been there; no one has seen him, but you can reasonably infer that he has been there since there is mail in the box.

The law allows either type of proof in a criminal trial.

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<sup>12</sup> Source: Massachusetts Criminal Practice Jury Instructions. (This book is used by Massachusetts judges to instruct the jury in the law before they deliberate.)

There are two things to keep in mind about circumstantial evidence: The first one is that you may draw inferences and conclusions only from facts that have been proved to you. The second rule is that any inferences or conclusions which you draw must be reasonable and natural, based on your common sense and experience of life. In a chain of circumstantial evidence, it is not required that every one of your inferences and conclusions be inevitable, but it is required that each of them be reasonable, that they all be consistent with one another, and that together they establish the defendant's guilt beyond a reasonable doubt.

If the Commonwealth's case is based solely on circumstantial evidence, you may find the defendant guilty only if those circumstances are conclusive enough to leave you with a moral certainty, a clear and settled belief, that the defendant is guilty and that there is no other reasonable explanation of the facts as proven. The evidence must not only be consistent with the defendant's guilt, it must be inconsistent with his (her) innocence.

Whether the evidence is direct or circumstantial, the Commonwealth must prove the defendant's guilt beyond a reasonable doubt from all the evidence in the case.

**Notes:**

There is no difference in probative value between direct and circumstantial evidence. *Commonwealth v. Corriveau*, 396 Mass. 319, 339, 486 N.E.2d 29, 43 (1986). Circumstantial evidence is competent to establish guilt beyond a reasonable doubt.

Commonwealth v. Nadworny, 396 Mass. 342, 354, 486 N.E.2d 675, 682 (1985); Commonwealth v. Anderson, 396 Mass. 306, 311, 486 N.E.2d 19, 22 (1985); Commonwealth v. McGahee, 393 Mass. 743, 750, 473 N.E.2d 1077, 1082 (1985). Physical evidence may be valid circumstantial evidence if it is authenticated. Commonwealth v. Drayton, 386 Mass. 39, 48, 434 N.E.2d 997, 1005 (1982). The language of the model instruction defining direct and circumstantial evidence and requiring inferences to be consistent with each other is a paraphrase of the charges in Commonwealth v. Tucker, 189 Mass. 457, 461 (1905), and Commonwealth v. Webster, 5 Cush. 295, 310-320 (1878). The language that “any inferences or conclusions which you draw must be reasonable and natural, based on your common sense and experience of life” was affirmed in Commonwealth v. Cordle, 412 Mass. 172, 178, 587 N.E.2d 1372, 1376 (1992). The language that individual inferences in a circumstantial web need not be necessary ones is based on Commonwealth v. Best, 381 Mass. 472, 473, 411 N.E.2d 442, 449 (1980), and Commonwealth v. Walter, 10 Mass. App. Ct. 255, 257, 406 N.E.2d 1304, 1306 (1980), and Commonwealth v. Mezzanotti, 25 Mass. App. Ct. 522, 525-526, 529 N.E.2d 1351, 1354 (1988). The first sentence of the penultimate paragraph of the model instruction is a paraphrase of Commonwealth v. Russ, 232 Mass. 58, 68, 122 N.E. 176, 180 (1919). See also Commonwealth v. Helfant, 398 Mass. 214, 226 n.9, 496 N.E.2d 433, 442 n.9 (1986), and Commonwealth v. Hicks, 377 Mass. 1, 8-9, 384 N.E.2d 1206, 1211-1212 (1979). For another example illustrating circumstantial evidence, see Commonwealth v.

Shea, 398 Mass. 264, 270 n.3, 496 N.E.2d 631, 635 n.3 (1986). See generally *Commonwealth v. Medeiros*, 354 Mass. 193, 197, 235 N.E.2d 642, 644 (1968), cert. denied sub nom. *Bernier v. Mass.*, 393 U.S. 1058 (1969); *Commonwealth v. Croft*, 345 Mass. 143, 144-145, 186 N.E.2d 468, 468-469 (1962); *Commonwealth v. Shea*, 324 Mass. 710, 713, 88 N.E.2d 645, 647 (1949).

The advantage of direct evidence is that, if it is accurate, it deals directly and specifically with the fact to be proved. Its disadvantage is that its value depends entirely on whether that witness is truthful and accurate or whether that item of physical evidence is authentic. Circumstantial evidence — whether it is in the form of testimony or physical evidence — may have an advantage because it comes from several different sources, which can be used as a check on each other. Its disadvantage is that it is indirect: you must piece it all together and then determine whether or not it leads to a reasonable conclusion about the fact which is to be proved. *Webster*, 5 Cush. at 311-312.