

PLENARY SESSION: THE LINDBERGH KIDNAPPING REVISITED: FORENSIC SCIENCES THEN AND NOW

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Introduction

REFERENCE: Baden, M. M., "Introduction to Plenary Session on the Lindbergh Kidnapping Revisited: Forensic Sciences Then and Now," *Journal of Forensic Sciences*, JFSCA, Vol. 28, No. 4, Oct. 1983, pp. 1035-1037.

ABSTRACT: The kidnapping and death of the Lindbergh baby in 1932 were called "The Crime of the Century." The subsequent investigation and trial proved a watershed for scientific crime detection in this country and for courtroom presentation of scientific and demonstrative evidence. Review of the evidence 50 years later—particularly the questioned document, physical, and psychiatric evidence—shows that the conclusions reached then are valid even by today's standards and that they were arrived at in a highly professional manner. Only the autopsy findings are found wanting.

KEYWORDS: plenary session, Lindbergh kidnapping case, questioned documents, "Crime of the Century," scientific crime detection, demonstrative evidence

It is difficult for us to appreciate today, when we recognize few heroes, how much of a hero Charles Augustus Lindbergh was 50 years ago. The "Lone Eagle" had become an immediate international idol in 1927 upon completion of the first nonstop solo trans-Atlantic crossing in "The Spirit of St. Louis." The country then applauded when this very modest young man of humble origin married the aristocratic, wealthy, and beautiful Anne Morrow. Suddenly, the world was shocked to learn on 1 March 1932, of the kidnapping of their 20-month-old son through a second floor window of their just built home in Hopewell, NJ. When the baby was found dead ten weeks later, this became "The Crime of the Century."

The ensuing investigation and trial of Bruno Richard Hauptmann, which resulted in his conviction and execution on the basis of circumstantial scientific evidence, created landmarks in scientific crime detection, in the utilization of forensic scientists, and in courtroom presentation of scientific and demonstrative evidence. Less positively, the circus atmosphere at the trial, created in great measure by media intrusions, especially by courtroom movie cameras, has left a strong legacy of feelings against introduction of television cameras into the courtroom today.

Presented at the Plenary Session, 35th Annual Meeting of the American Academy of Forensic Sciences, Cincinnati, OH, 15-19 Feb. 1983. The opinions or assertions contained in this Plenary Session are the private views of the authors.

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In the following papers, the various forensic sciences used in the Lindbergh investigation are re-examined and re-evaluated. For the most part, they are found not to have been wanting.

The examination of the 14 ransom notes proved a milestone in establishing the importance of questioned document expertise in criminal investigations. Albert S. Osborn was one of the prosecution's principal witnesses. It is appropriate that his son and colleague, Paul A. Osborn, and his grandson, John P. Osborn, discuss the questioned document evidence as presented at trial and respond to recently raised criticisms of this evidence.

The physical evidence proved critical to the successful prosecution. Most important were comparisons of woods and of milling and hand plane tool marks, that elegantly and convincingly connected a floorboard from Hauptmann's attic with the homemade wooden ladder left at the kidnap scene. Examination of cloth and thread from the baby's handmade nightshirt proved important in identification of the decomposed remains. Criminalist Lucien Haag reports on his recent re-evaluation of the physical evidence. Unfortunately, as in most investigations, some evidence may be overlooked, and in this instance, footprint evidence was not properly examined nor preserved.

The autopsy itself left much to be desired. It was performed by the local funeral director-coroner and the Mercer County Physician, who was not a pathologist. The cause of death, listed as "fractured skull," remains open to challenge, as does the coroner's and prosecutor's assumption that the death was inadvertent when the baby fell from the ladder which broke while Hauptmann descended, rather than intentional. Forensic pathology experts, such as Dr. Harrison S. Martland, medical examiner of nearby Newark, and Dr. Charles Norris in New York City, were not asked to assist. Criticisms of this must be tempered by experience in another "Crime of the Century" 30 years later when President John F. Kennedy was murdered: no forensic pathologist with the experience of having performed autopsies upon victims of gunshot or rifle wounds was asked to assist at that autopsy nor to appear before the Warren Commission which reviewed the autopsy findings.* Indeed, still today in this country, most autopsies of victims of homicide are performed by physicians not qualified to do those autopsies.

The forensic psychiatry contributions to the 1932 investigation have not been accorded as much recognition as they deserve. Dr. Emanuel Tanay shows in his paper that psychiatrist Dudley Shoenfeld was able to brilliantly conclude very early in the investigation, on the basis of the circumstances of the kidnapping and the contents of the initial ransom notes, that the baby was dead very soon after the kidnapping; and that the baby had been taken by a lone man, not by a group of conspirators as was initially widely believed. Indeed, this same ancient and common belief that a single ordinary man cannot harm a hero also probably helped stimulate thoughts of conspiracy when President Kennedy was killed.

Professor Starrs raises concern, in his evaluation, of legal procedures and theories produced by the prosecutor which enabled him to convert a then noncapital kidnapping offense into a capital crime on the basis that the taking of the nightclothing that the baby was wearing constituted an additional chargeable offense. It was aftercoming legislation in the form of the Lindbergh kidnapping law that elevated kidnapping to a capital offense.

Perhaps the most significant and enduring lesson to be learned on review of the Lindbergh material is that there is no substitute for patience and persistent hard work—then and now—in criminal investigation. Hauptmann was not identified as a suspect until two-and-one-half years after the kidnapping, and then only because an alert investigator noted that

*EDITOR'S COMMENT: Pierre A. Finck, M.D., Diplomate of the American Board of Pathology in Anatomic Pathology and Forensic Pathology and member of the American Academy of Forensic Sciences was present at the autopsy and he is cited in *The President's Commission on the Assassination of President John F. Kennedy*, Chief Justice Earl Warren, Chairman, p. 86, U.S. Government Printing Office, Washington, DC, 1964.

the license plate number of his car had been written in the margin of a ten-dollar gold bill, used to pay for gasoline, that was part of the ransom money, the serial numbers of which had been sent to all banks. Jim Horan, in his paper, points out that the multiple murderer Son of Sam was also identified through a parking ticket by tedious attention to detail. Surely, all of our burgeoning, magnificent, modern technologies are of little value if initial identification of evidence is not made by the trained and prepared mind.

I would especially like to thank Colonel Clinton L. Pagano, Superintendent of the New Jersey State Police; Detective Cornel D. Plebani, the New Jersey State Police expert on Lindbergh matters; and Robert Goode, M.D., New Jersey State Medical Examiner, who cooperated as fully as possible with the American Academy of Forensic Sciences in developing this Plenary Session consistent with restraints imposed by pending litigation brought by Mrs. Hauptmann against the State of New Jersey. The speakers were permitted to examine the mass of original evidence that has been excellently preserved by the State of New Jersey these 50 years. I would also like to thank Anthony Longhetti for suggesting this topic and for his assistance in development of this Plenary Session.

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