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The Lindbergh Kidnapping—A Psychiatric View

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ABSTRACT: The Lindbergh kidnapping provides an illustration of the need of the public to see certain crimes as the result of conspiracy even when evidence points to a lone operator explanation. The Lindbergh kidnapping, like the assassination of President Kennedy and the killing of Jack Ruby, gave rise to conspiratorial theories. Responsible, political leaders and law enforcement officials have been induced by the emotional need to see these crimes as conspiracies to act in a less than professional manner. The Lindbergh kidnapping showed that forensic psychiatry can be of great value in crime investigations. The Lindbergh trial remains to this day an example of excellence in terms of scientific, forensic testimony.

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Kidnapping is a form of criminal extortion using the safety and welfare of one human being as an inducement for action by others. The kidnapper says it is within my power to harm someone dear to you and I will do so unless you, the concerned one, will act in accordance with my wishes. The kidnapper presumes the existence of a love relationship between the object of kidnapping and the target of extortion. The primary targets of kidnapping are children, wives, and political and business leaders. One can generalize that the object of kidnapping is someone who is loved or valued.

Kidnapping strikes at the very core of our sense of security as a community. It exposes our vulnerability, it undermines our faith in fellow human beings, it threatens one and all with a loss. There must be a less provocative means of criminal extortion available to individuals who wish to procure money. It is generally known that criminals avoid actions that are likely to mobilize police and the law-abiding citizens into vigorous anti-crime activity. Thus, killing policemen or judges is avoided. Kidnapping seems to violate the principle of criminal parsimony.

Professional criminals choose their targets rationally and carefully. A small child is a rather unsuitable object of kidnapping. It is easier to hide, transport, and manipulate adults than small children. Experiences during the Holocaust have shown that attempts to silence a small child in periods of danger often required killing it. An adult, on the other hand, can be easily silenced or controlled by mere display of a gun or a knife. Adults are much more easily managed and cared for than small children. It would appear, therefore, that small children are chosen for reasons other than criminal expediency. Kidnapping a child, like blowing up a church or bombing a hospital, secures a great deal of emotional impact with relatively modest means. Kidnapping a child of a national hero would be a particularly unsuitable method for achieving financial success through extortion. It seems reasonable to assume that the kidnap-

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per to the Lindbergh child was motivated by factors other than mere desire to procure money by criminal means.

When Colonel Lindbergh discovered that the baby was not in the crib, he yelled to his wife, "Anne, they have stolen our baby." Neither the victim of the crime nor the public could conceive that such a deed could be the act of a solitary man.

It is hard to understand why there was so much speculation regarding the manner in which the crime was carried out. The most complex scenarios were explored, while the obvious was ignored. Serious consideration was given to a variety of groups being responsible for the kidnapping. First, organized crime was suspected. Next, members of the staff of the two families were suspected. International aspects were added by speculation that the Soviets had a hand in it.

From the day of the kidnapping on 1 March 1932 to the day the body of the child was found on 12 May 1932, little thought was given to the "lone man theory."

Conspired crimes, such as the killing of Jimmy Hoffa or the various "terminations without prejudice" by governmental agencies rarely, if ever, produce evidence adequate for a criminal trial.

The notion that some criminal or political organization was behind the Lindbergh kidnapping, or the homicides committed by Lee Harvey Oswald and Jack Ruby is unreasonable. All these criminal acts were inept work of solitary amateurs.

Think of it. What is so remarkable about an individual using a ladder to enter a secondary bedroom in a desolate, unguarded area? Thousands of people do it every day by themselves and are more skilled about it than Bruno Hauptmann was. What is so remarkable about being able to spend \$12.95 to acquire a rifle with a scope and go up to the seventh floor of a deserted building and kill a man sitting in an open automobile moving at only a few miles per hour? Countless men are shot from ambush without the assistance of a powerful government. Then, when Oswald was shot by Ruby, again the outcry was "conspiracy."

Abducting a child from a home or shooting another man is technically not very difficult. The skills for this task are widespread and the equipment readily available.

It may seem self-evident that the "why" of the Lindbergh kidnapping was the ransom money and the "how" was the big mystery. Retrospectively, the opposite holds true.

Let us consider the methods of the Lindbergh kidnapping in terms of the conspiracy everyone seemed to suspect. A criminal gang has the capacity to extort or rob significant amounts of money without mobilizing the entire country. Furthermore, the object of the kidnapping could have been someone equally or even more wealthy, but less capable of arousing public opinion.

One man who did not go for the conspiracy theories was Dr. Dudley Shoenfeld, a New York psychiatrist and a pioneer in psychiatric investigation of crime. Dr. Shoenfeld assisted in the investigation of the Lindbergh kidnapping conducted by the New York police. His ideas were also respected by the New Jersey State Police and Colonel Lindbergh.

From the very beginning Dr. Shoenfeld discounted the gang theory which was dominating all police work on the case. Dr. Shoenfeld writes that in the 1920s and early 1930s there were three kinds of kidnappings. There were kidnappings of gangsters as part of the intergang warfare, there were kidnappings perpetrated by gangs against wealthy citizens to extort money, and then there were kidnappings that were stimulated by the nature of the personality of the victim and the perpetrator. Lindbergh became the target because of unique features within him. Although Dr. Shoenfeld does not use this term, one could speak of a transference kidnapping.

One is reminded in this context of the assassination of President Kennedy by Oswald. Kennedy, like Lindbergh, captured the imagination of the nation and the world. Oswald, the very opposite of Kennedy, killed him for reasons rooted in both their personalities. There was something about Kennedy that triggered in Oswald the need to kill him. It was Dr. Shoenfeld's thesis that there was something in Lindbergh that made him the object of the at-

tack by the perpetrator of the kidnapping. In the Kennedy killing the public had difficulty accepting the lone man theory and looked for a "gang explanation." Similarly, the man who killed Oswald, Jack Ruby, was also presumed to be part of a conspiracy. My examination of Ruby left little doubt in my mind that he operated on his own.

Dr. Shoenfeld was the chairman of the Committee on Medical Jurisprudence of the New York Academy of Medicine. In this capacity in April 1932, he was interviewed by the Science Editor of the International News Service, Mr. Leight Mattson. Mr. Mattson fully accepted Dr. Shoenfeld's theory of the "lone man." Mattson did seek Dr. Shoenfeld out because it was his belief that an insane man committed the crime.

By using the psychoanalytic approach, Dr. Shoenfeld early in the investigation believed the child to be dead. He noted that the ransom notes contained no threats; on the contrary, there were repeated reassurances that the kidnapers wished the safe return of the child. The kidnapers chose Dr. Condon, a retired educator, as the negotiator. Dr. Condon met with a man who called himself John and presented himself as a representative of the gang who supposedly had kidnapped the Lindbergh baby. John had a foreign accent and identified himself as a Scandinavian. During one such meeting, John without any apparent relevancy made a comment, "I might even burn." When the surprised Condon asked for an explanation John responded, "What if the baby is dead, would I burn if the baby is dead?" Dr. Shoenfeld interpreted this statement as an indication by John that as of that time the child was dead [1, p. 48]. "This question of his, taken in connection with the absence of threats and the ransom notes, and with my original premise of the motivating factors in the commission of the crime, brought me now definitely to the conclusion that the child was dead" [1, p. 49].

Dr. Shoenfeld inferred from the conduct of John that he could not be a member of a gang. "I was firmly convinced that no organized gang committed the crime of kidnapping Charles A. Lindbergh, Jr., and that the baby was dead" [1, p. 49]. Dr. Shoenfeld was handicapped by the fact that neither he nor the New York police did have access to the study of ransom notes as such.

From the copies of the ransom notes, Dr. Shoenfeld deduced that the writer was German. He recognized that the phraseology was literal translation from German, "We are forced to the conclusion that he is German" wrote Dr. Shoenfeld in a memorandum on 10 Nov. 1932 addressed to the New York Police Department. Dr. Shoenfeld correctly inferred not only the nationality, but also the general area of residence, the occupation, and the age of the perpetrator. He described his mental and physical characteristics.

I consider him to be a German, not very long in the United States, who still thought in his native tongue, his age would be approximately older than Col. Lindbergh and the physical characteristics would be somewhat similar. He would be poor, unmarried or if married, he would be tyrannical and possibly childless; although he perhaps could number many women among his friends, his social life would revolve to a greater extent around men; he would be very methodical and extremely cautious with full confidence in himself but no real confidence in those close to him; and this caution would make it very difficult to apprehend him, considering everybody has an "enemy," he would be constantly on guard. [1, p. 72].

Dr. Shoenfeld was instrumental in devising the strategy that led to the arrest of Hauptmann. He also collaborated in the method of arrest; he recommended that the kidnapper be arrested away from home which would insure that at least one ransom bill would be found on his person. One of the arresting officers, Detective Finn, recalled that at the moment of the arrest he remembered Dr. Shoenfeld's prediction.

The cast of characters in the Hauptmann trial was remarkable. Colonel Lindbergh was the young national hero who rose to worldwide prominence from modest circumstances through his courage and skill. His wife exemplified American aristocracy and wealth.

Mr. Reilly, the defense counsel, was a legend in his own time, his skills as a trial lawyer and his innumerable acquittals left little doubt that the prosecution would have a hard time with

the jury, regardless of the evidence. The prosecutor was the Attorney General for the State of New Jersey, Mr. Wilentz.

Bruno Hauptmann was the only person who lacked distinction. An illegal immigrant who had been twice deported from the United States, he had a criminal history in Germany including attempt of abduction of a child at gunpoint. In the United States he worked as a dishwasher and then became a carpenter.

To have Lindbergh the victim of such a lowly character was an insult to the hero's image.

Bruno Hauptmann received a fair trial. He was convicted upon overwhelming evidence.

It is the tradition of the defense bar to raise doubts about incriminating testimony based even upon the remote possibility that it could be interpreted in a different manner. Some people assume that testimony has to be of absolute certainty to be considered beyond reasonable doubt. Since there is no absolute certainty, every conviction and every acquittal leave some degree of doubt.

There is no doubt that Hauptmann had the ransom money in his possession. He was observed repeatedly trying to dispose of various ransom notes. When arrested he had lied about the ransom money and when taken to his home, his furtive looks led the detectives to the garage where he had hidden it.

It is well proven that the ladder came in part from his attic and that it was built with his tools. There was eyewitness testimony about his presence around Hopewell. His story about Fish was most unpersuasive and often labeled to have been fishy. Hauptmann lied repeatedly on the witness stand about a variety of items, including his criminal involvement in Germany.

Eight leading experts in handwriting offered persuasive testimony and showed demonstrative evidence linking the ransom notes with Hauptmann. The defense listed fourteen handwriting experts but only one testified merely stating that it was possible for the prosecution experts to be in error.

Critics of the Hauptmann trial state that the evidence was "merely circumstantial." These critics should be asked what other evidence would be of greater value. It is well known that eyewitness testimony is often inaccurate and scientific testimony is merely opinion and, therefore, questionable. Confessions have often turned out to be false.

The scientific testimony given at the trial by Arthur Koehler, an expert on wood, was most remarkable. Mr. Koehler should be given a posthumous award as an outstanding pioneer in forensic science expert testimony.

His investigations of the ladder used in the kidnapping are outstanding for their thoroughness and simplicity. His courtroom testimony and presentation of demonstrative evidence was excellent.

The cross-examination of Mr. Koehler by the defense, even though legally unavoidable, was counterproductive to the aims of the defense. The argument that there was "no such science" was like trying to preclude Issac Newton from giving testimony on the grounds that there was no such science as mechanics. There may have been no science of wood, but there certainly was no doubt that Mr. Koehler was providing scientific evidence.

Mr. Reilly, the defense lawyer, attempted to show that the ladder had not been used at all. He seemed to say that it was just a ruse. The footprints inside the nursery and in the mud outside? Red herrings deliberately put there. In short, there was nothing to the State's contention that Hauptmann had broken into the house and carried off the child alone and unaided. Mr. Reilly portrayed the kidnapping as an inside job with outside help. It was his job to raise doubts even if he had no evidence to support it.

A journalist writes,

Reilly's picture showed Betty Gow, not Hauptmann, taking the baby from the crib and handing him to Oliver Whateley or was it Oliver's wife, Elsie, it wasn't clear, but that was only part of Reilly's purpose. Then the picture showed Oliver-or-Elsie slipping down the servant's stairway to the garage and giving the child to a confederate waiting outside the garage doors. [*I*, p. 183].

Throughout the trial, Reilly's defense of Hauptmann was that the crime could not have been committed by a single person, and certainly not single-handedly by Hauptmann, the inept man seated in the courtroom.

Reading the detailed account of the trial, one is impressed with the competence of the participants and the civility of the courtroom atmosphere.

When Hauptmann was turned over for cross-examination to the prosecutor Attorney General of the State of New Jersey, Mr. Wilentz, the following episode took place.

Before the Attorney General could ask a question, the witness surprised everyone with his calm and respectful request: "Mr. General, may I go back to my financial, on my financial transaction." Wilentz graciously exceeded (sic) to his request, and the witness explained that all his testimony on his financial transactions with Fish had been given from memory because they kept no records. [1, p. 275].

When the theory of conspiracy could not be proven, there developed an effort to endow the defendant with qualities appropriate to a confrontation with a hero. Bruno Hauptmann, the insignificant, illegal immigrant was transformed into a powerful figure befitting the role of an anti-hero. His psychopathic detachment was described by some as "fortitude under pressure." His repeated attempts to tell barefaced lies were attributed to being confused by the slick Attorney General, who, in reality, treated Hauptmann with a great deal of professionalism.

Despite the conviction, the anti-hero worship continued. Six days after the conviction, Anna Hauptmann stood on the stage of a large hall, nodding and smiling to the ovation from an audience of 2500 who had burst into cheers at the sight of her figure, familiar to all of them from the newspapers. The activities, designed to exonerate Hauptmann, did not lead to theoretical discussions. New Jersey Governor, Harold G. Hoffman, announced that he was not satisfied with the Hauptmann verdict and openly doubted that the convicted kidnapper was guilty.

After all appeals to state and federal courts, including Supreme Courts, were exhausted, Governor Hoffman granted a reprieve to Hauptmann for three months. He was severely criticized for this action and his impeachment was called for. He responded to his critics in part by saying,

I do wonder what part passion and prejudice played in the conviction of a man who was previously tried and convicted in the columns of many of our newspapers. I do, on the basis of evidence that is in my hands, question the truthfulness and mental competency of some of the chief witnesses of the State; I do doubt that this crime could have been committed by any one man, and I am worried about the eagerness of some of our law enforcement agencies to bring about the death of this one man so that the books can be closed with the thought that another great crime mystery has been successfully solved [2, p. 528].

George Waller, in his book *Kidnap* comments upon Governor Hoffman's actions as follows: "Harold Hoffman's statement failed to calm his critics, but it was given a sympathetic reception by those who agreed with the Governor in finding it hard to believe that one man, of ordinary intelligence, had perpetrated 'the crime of the century'—and baffled some of the countries top notch detective brains for the next two and a half years" [2, p. 529].

Mayor Frank Pese "claimed in a 44 page pamphlet that the kidnap/murder was an act of venegence executed by GPU, the Soviet Secret Police, against Dwight W. Merrill, and that Hauptmann had been only one of the agents who had carried it out. The fact that Merrill had died the summer before the crime had not deterred the Reds from revenging themselves on his family, Pese explained" [2, p. 529].

The prominent author, editor and critic, H. L. Mencken wrote to Mayor Pese the following letter:

My Dear Mayor Pese:

Your theory is at least plausible and deserves to be heard. My own belief, like yours, is that Hauptmann is undoubtedly guilty, but that it is impossible to imagine him committing the crime

alone. And I share your confidence in Parker, the New Jersey detective. Sincerely yours, H. L. Mencken. [2, p. 530].

A group which called itself "The Committee of Witnesses" charged that the crime was an act of reprisal against Lindbergh by Japanese and German business interests. Lindbergh was instrumental in granting of contracts to American Airlines as opposed to the German Lufthansa.

At State Police Headquarters, Colonel Schwarzkopf received a letter and a brief from the Governor. The letter directed him to renew his investigation of the kidnap/murder of Charles Augustus Lindbergh, Jr., and make "a thorough and impartial search for the detection and apprehension of *every person*" (emphasis added) connected with it. He was not satisfied, Governor Hoffman wrote, "... that the execution of Bruno Richard Hauptmann would be full punishment for the crime; there was too much evidence that others had participated in it, and allowing them to go scot-free would be a grave offense against justice as would be the execution of an innocent man" [2, p. 533].

The Governor in his brief pointed out that earlier statements by Charles Lindbergh expressed the opinion that the crime was the work of a gang and it was his belief that Condon had been in touch with the gang.

Mrs. Evelyn Walsh McLean, the wealthy lady who already spent \$104 000 in the attempt to recover the Lindbergh baby now entered the stage to assist Governor Hoffman. Governor Hoffman's activities seemed to her courageous and commendable, "surely Bruno Richard Hauptmann was not solely guilty!—and surely the other 'unnamed criminals' should be run to the end of the earth and punished" [2, p. 536]. Through her financial help, the services of the famous criminal lawyer, Sam Leibowitz have been secured. Leibowitz felt that the trial's conclusion, that one man was responsible for the kidnap/murder was "nonsense." Leibowitz was convinced that Hauptmann did not tell the whole truth, spent hours trying to persuade him to confess. Hauptmann insisted that he told the whole truth.

The Governor's involvement in the Hauptmann case is indeed remarkable. It appears as if the Governor devoted all of his time and energies to prove that Hauptmann was unjustly convicted because there were others working with him who were not convicted. The Governor did not claim that Hauptmann was not involved in the kidnapping, but he insisted that there were others who escaped unpunished. Governor Hoffman enlisted the help of Ellis Parker, who was considered America's greatest detective. He was the chief of detectives of Burlington County in New Jersey. He had conducted 20 000 criminal investigations and failed to win convictions in only 10 cases. Paul Wendell, a close friend of Ellis Parker, was a disbarred attorney who worked with Ellis on the Lindbergh case.

On Friday, 27 March 1935, Walter Hatfield of Plainfield, NJ, a member of the State Court of Pardons, found an envelope in his mail containing a 25-page confession signed by Paul H. Wendell. The confession was made to Ellis H. Parker, Chief of Detectives of Burlington County, New Jersey. Wendell stated, under oath, that he, and he alone, had kidnapped Charles Augustus Lindbergh, Jr. Hatfield made some telephone calls and discovered that all members of the Court of Pardons had received a copy of this confession.

Inquiries about Wendell directed to Parker were unanswered. Ultimately what emerged is more bizarre than the Lindbergh kidnapping itself. It turned out that Wendell was kidnapped from his hotel in Manhattan on 14 Feb., placed into a cellar, bound hand and foot with chains, subjected to abuse, and ultimately made to confess the kidnapping of the Lindbergh baby.

As the result of Wendell's "confession" the scheduled execution of Hauptmann was delayed in the last minute, twice. Wendell was officially charged with the murder of the Lindbergh baby by a grand jury, even though all people in authority considered the "confession" worthless. Judge Trenchard, when presented with it, rejected it as a fabrication. The Chairman of the Grand Jury investigating the Wendell confession was a close friend of the Governor. He dismissed the prosecutor and conducted a secret grand jury hearing. A murder charge in the first degree against Wendell was returned.

In April 1936, five men were indicted for kidnapping Paul H. Wendell. The Governor tried to protect Ellis Parker and his son by refusing to grant extradition to New York. In 1937 Ellis Parker and his son were tried before a federal court in Newark. The case took seven weeks. The Parkers were convicted under the Lindbergh Kidnap Law. Ellis Parker was given six years and his son three years in a federal penitentiary. Ellis Parker died on 4 Feb. 1940 in a prison hospital as the result of a brain tumor.

Governor Hoffman and his associates were so zealous in their cause that they did not hesitate to employ rather unorthodox methods to save Hauptmann from the electric chair. It is of interest that the Attorney General was opposed to the death penalty and was willing to cooperate with all the measures leading to commutation of the sentence from death to life imprisonment. He was, however, unwilling to have the careers of police officers who assisted in the investigation ruined and other witnesses harassed and abused.

Governor Hoffman, on the other hand, was a strong proponent of the death penalty and said that if he believed that Hauptmann was responsible for the death of the child, he himself would pull the switch.

It is apparent that to a significant minority, Hauptmann did become a cause célèbre and maybe even a hero.

The Hauptmann story is a powerful argument against the death penalty. In the face of execution, slightest doubts become magnified to major issues. The deadline of execution precludes deliberate and dispassionate review of new evidence.

Dr. Shoenfeld, Attorney General Wilentz, and Governor Hoffman were united for different reasons in a desire to transform the death penalty in the Hauptmann case into life imprisonment. Dr. Shoenfeld wanted time to study Hauptmann. He even collected a sufficient amount of money for Hauptmann's psychoanalysis during his imprisonment. Wilentz was simply fighting the death penalty. Hoffman wanted information that would lead to the conviction of other participants in this kidnapping. All three men found themselves powerless to stop the chain of events which ultimately did lead to Hauptmann's execution.

For nearly 50 years the controversy surrounding the trial has lingered. It is difficult to accept that the perpetrator of the Lindbergh kidnapping was Bruno Hauptmann; that an uneducated, illegal immigrant who was no more than a small-time crook could perpetrate a tragedy which shook the world.

It is offensive to see a priceless Leonardo DaVinci painting in a dimestore frame. Heroes of the caliber of Colonel Charles Lindbergh or John F. Kennedy should not fall victim to insignificant individuals. It is more acceptable to see the kidnapping of the Lindbergh baby as the work of a powerful criminal gang than that of an inept carpenter. It would have been more acceptable if Fidel Castro or the Soviet Secret Police had been responsible for the assassination of President Kennedy than to accept the evidence that a lone, inadequate character committed the dreadful deed.

A hero should die at the hands of another hero.

Banality of evil is offensive. The need for a conspiratorial explanation is based upon our overevaluation of a hero. Had Lindbergh been merely rich and his baby kidnapped for \$50 000 ransom demand, there would be little resistance to accept Hauptmann as the perpetrator of the crime.

References

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