

LT in
Flemington.
Jan. 28,
1935.

GOOD EVENING, EVERYBODY:

Here at Flemington in the courtroom this morning events began with a sardonic incident - a funny story, with a bitter barb. The tall, and stately defense attorney - he is stately - tells it with a grim sense of humor. He told us that before court opened, a woman in a handsome fur coat came to him and presented a letter. The missive was from one of New York's most prominent criminal lawyers. It began, "Dear Ed", introduced the lady as a friend of the writer, and asked that she be given a place in the courtroom. Attorney Reilly acceded to the request of his brother lawyer and found the lady a good seat. And that's an achievement. She beamed with thanks.

"It is so kind of you, Mr. Reilly", she gushed. "I brought along a present for you." And from beneath her coat she drew a quart of Jersey Lightning, and gave it to him. "You'll need it before the day is over", she smiled blandly. Yes, the defense attorney tells it as an ironic story. The question arises with a dramatic pertinence: Did he need it before the day was over? The answer is - the story of the day's proceedings.

LINDBERGH

Hauptmann as a witness is a man carrying on under the
What handicap? A
gravest of handicaps. - [^]~~a~~[^] story that does not sound plausible.
has
That [^]~~has~~[^] been obvious from the beginning - his account of how the
bundles of banknotes of ransom money ~~xx~~ were left with him in a
shoe box by the dead man Fisch. And in ^{more than} ~~one~~ detail ^{today} ~~after another~~
his explanations sound ^{ed} far-fetched. Yet he must stick to that
tale of many improbabilities, if he is to save his life. He must
make his difficult narrative sound persuasive. ^{Hence} ~~and~~ he needs all that
dogged defensive composure of his. ^Π This was illustrated vividly
in the early cross-questioning, ^{this morning.} ~~today~~ Attorney Wilentz kept
hammering at that book, Hauptmann's notebook. Hauptmann had to
admit the small volume was his, the writing in it - his.

And the Attorney General confronted him with some sketches
~~on~~ ^{on} one page, scrawl drawings of a ladder and a window. And of
course in every mind flashed the pitiful thought of Baby Lindbergh
taken out of the bedroom window and down the kidnap ladder. Many
a witness might have had his nerves shattered by the damning
implication. But Hauptmann, with his heavy ~~plucky directness~~

plugging directness, denied he had drawn the window-and-ladder
pictures. He explained that a small child on a visit to his home
had scribbled in his notebook, and made the sketches.

LINDBERGH

The straying hand of a child had drawn those two sinister things - window and ladder. What do you think of a co-incidence like that?

Another dilemma confronted Hauptmann -- Jafsie's address and telephone number written on a closet door - sash of his home in the Bronx. The Attorney General confronted him with the piece of board, the Jafsie address and telephone number written plainly there. This was a telling bit of evidence against Hauptmann as the ransom receiver. But the Bronx carpenter ~~mx~~ jolted his prosecutor with an unexpected reply. After long and involved question and answer he admitted that some of the numbers looked like his. But he said:- "That's not my handwriting." Wilentz could have made the obvious retort, by asking -- if it wasn't his handwriting, whose was it? Who could have marked down the Jafsie data on the wall of the Hauptmann home? The police, a frameup, the Defense is prepared to intimate. But the Attorney General's retort was even more telling than that. He showed that in the extradition proceedings which brought the defendant from New York to New Jersey, proceedings before Supreme Court Justice Hammer -- Hauptmann had admitted that the handwriting was his. Hauptmann's reply today was that in those Supreme Court proceedings the questions came so thick

and fast, and he was so excited and confused -- that he didn't know what he was saying then.

This exasperated the Attorney General. But Hauptmann stuck to his guns. He stared straight into the Prosecutor's eyes and spoke his denials unflinchingly, a slight smile curling his lips.

But the Attorney General twisted him up badly in a duel of words. He made Hauptmann admit that when he said the handwriting on the board was his, he was telling an untruth, and followed it up with the jibe -- "So you lied? It ~~is~~ was all a pack of lies what you told the Supreme Court, wasn't it?"

Hauptmann snapped back: "No, I was not lying." He was obviously rattled by the fine difference between not telling the truth and lying. He seemed to be confusedly trying to tell how he was confused in New York!

The Attorney General satirically charged him with stalling, sparring for time, evading. And Hauptmann was picking his way warily, like a man walking among pitfalls. But in many instances it was clear that his poor command of English left him at a loss, that he couldn't fully understand some of the questions and big words, that he was hesitating in fumbling - attempts to find words.

There was an argument between counsel over the Attorney General's accusation of stalling. But the judge declined to rule out the remark. In fact the Judge sat upon Defense objections a number of times.

To me Hauptmann's poor, halting command of English seemed as if it might lead him to say almost anything. And that would be all the more so in the case of a duff fellow who thinks he's a wise guy. I mentioned this to a couple of federal agents in the ante room during a recess and one of them said that Hauptmann had given the same impression of confusion and evasion when questioned in German - through an interpreter.

77 On previous days the defense in its examination of prosecution witnesses tried to stir up a bit of scandal. Today it was the Attorney General ~~who~~ pried into private matters. And this was one occasion ~~today~~ when Hauptmann abandoned his cold defiance and burst forth with ~~hot~~ anger. It began when Willettz wrung an unwilling admission from Hauptmann -- he had kept a large sum of money, several thousand dollars in a trunk. And his wife didn't know anything about that money.

"Do you consider that fair?" demanded the prosecution.

"Would your wife conceal money from you?" Hauptmann replied heavily:- "Well, we all have our secrets," *with that same smile.*

52
The flare-up came afterward ~~with~~ when the Attorney General continued on the theme of -- family. For a moment it looked as though Hauptmann was about to spring at the cross-examiner's throat -- when Willentz demanded:- "When your wife was in Europe didn't you tell people you and she did not get along? Didn't you say you and Anna were not going to live together anymore?" Hauptmann's sunken eyes glared as he shouted:- "You know what you're talking about? You're talking

about my wife und me."

But, ^{this} ~~in the~~ afternoon he kept his self-possession, ^{why} ~~although~~ one turn of the Attorney General's questions insinuated -- family scandal. He asked many questions about Hauptmann's acquaintance with a certain Mrs. Henkel. Hauptmann denied everything, denied anything more than mere friendship with Mrs. Henkel, denied that his wife had objected to his association with the lady in question.

With all of this air of a man in a corner - a man at bay, the thing in Hauptmann's face that interested me most was that smile of his. A slight, thin-lipped smile - not cynical - self-confident! It seemed rather weird to me - an accused kidnapper and murderer, in the shadow of the chair, smiling like that.

And it was the smile that led to the ^{the big} real flare-up, fireworks, reminding one of the great Jafsie

reverberations, came in the middle of the afternoon. The Attorney General, switching his questions along a new line, started with a smile. It was a mild, genial beginning ^{with} ~~what~~ what followed? Wilentz turned ~~smilingly~~ to Hauptmann and said - ^{bantering:-} ~~but-battering~~ "Having a lot of fun with me today, aren't you? I suppose its all very amusing to you."

Hauptmann, as usual, denied the allegation.

Wilentz was working himself up to sarcasm. "You think you're a big shot, don't you? The man with the big will power." Hauptmann denied it. And then Wilentz, flaming to anger, let loose a machine gun fire of questions, accusations really, never waiting for an answer. The common theme of every exclamation was: "You lied, you lied!" The prosecutor waved both arms in the air and almost jumped up and down: "You lied when you said this, you lied when you said that."

Hauptmann reached out with one hand and tried to interrupt, "now you stop that, stop that." But Wilentz kept slashing at him with sneers about ^{his smile,} his self-control, his will power. That started Hauptmann shouting: "I know

I'm innocent, that's what keeps me going", he cried.

At one point he yelled at Wilentz: "You lied too". The angry prosecutor was taken aback: "I, where did I lie?" Hauptmann retorted in a rage: "Here in this court."

In a way, the most important person in court today, was not the Bronx carpenter - he was Juror Number Eleven. By way of coincidence, he is a carpenter too - Linsom Case. He's the juror who has had a heart attack, and he is under the most careful medical treatment. When the jurors filed out for lunch ~~xx~~ today, they numbered eleven, not twelve. Juror Case was not among them. They ~~xxx~~ were afraid to submit him to the ordeal of going up and down stairs on the trip to lunch. So he ate his midday meal in the Judge's chamber.

If anything were to happen to Juror Number Eleven, it would cost the State of New Jersey and the United States Two hundred thousand dollars, the money laid out in preparing and prosecuting the case. The trial would be off, a new one necessary.

~~And then we have another important figure in the case.~~

H All the drama is not inside of the courtroom. There is Mrs. Hauptmann, with her baby Manfred. She ^{has} not been allowed to take the child into the courtroom for an emotional effect on the jury. She wheels little Manfred in a baby carriage along the street when the jurors emerge from ~~xxx the courtroom~~ the courthouse.

Yesterday, she passed with the baby before their eyes, while in the idleness of Sunday they got a bit of air on the balcony of the hotel.

The townspeople and the newspaper folk are talking about a mysterious woman in black. They say she walks at night, passing and repassing the jail where Hauptmann is kept - dressed in the deepest black, with a black veil concealing her face. People are wondering who she is. Some think she is Mrs. Hauptmann, on mournful vigils at night, passing the street beside the jail - and praying.

And one more strange note of dark phantasy. At one part of the cross-examination Wilentz pointedly asked Hauptmann if he knew the name of Germany's great war ace. Hauptmann said "Yes, von Richthofen." And his first name retorted Wilentz. "Manfried." Hauptmann has been reading the life of Manfried von Richtofen. His baby is named Manfried. Lindbergh is America's Ace of aviation. And Hauptmann was gambling in aviation stocks. Singular, brooding inferences.

Attacks on the President's social security plan have been sounding here, there, and the next place -- a large volume of them from the Townsend Plan advocates. Now comes a criticism from a source that seems the most formidable of all -- the American Federation of Labor.

Today the A. F. of L. is on record as declaring that the Presidential Unemployment and Old Age Insurance is all right, as far as it goes -- only it ought to go a good deal farther.

President William Green appeared before the Senate Finance Committee to record his objections. He points ^{to} ~~out that~~ the three percent ~~tax~~ the securities plan proposes to levy on payrolls -- and demands that it be a five percent tax. Instead of thirty dollars a month for the aged, he proposes fifty. And thirty-five dollars a week for the unemployed, instead of fifteen. Organized labor, speaking through its president, wants to boost the figures all along the line. And that's in key with most of the criticism of the Social Security program -- a demand for ~~gib~~ bigger money for the aged and unemployed.

STRIKE

We have not had any strike news for some time, but now along it comes -- in a big way. In New York twenty-two thousand truckmen walked out today, and they say that's only the beginning. Tomorrow fifty thousand longshoremen and checkers are scheduled to follow suit. What's the wage question in dispute - what argument about working hours? None at all. The strike concerns a court decision. The Truckmen's Union and the stevedore Unions ^{have} ~~had~~ an alliance, ~~worked~~^a work-together tie-up. This agreement was taken to the courts and now a court order commands the two unions to dissolve their mutual league. The truckmen went on strike today in protest, ^{as} ~~and~~ the stevedores and checkers are scheduled to do tomorrow. They are threatening a general strike, unless the court decision is reversed.

Today's walkout has caused a wholesale tie-up of trucking, after that other big truck tie-up of last week, when the blizzard for a couple of days stopped thousands of wheels, including the wheels of progress. ^{And} the mention of the blizzard reminds us that today was the coldest day of the year, in New York, in the east generally, and here in Flemington. Of course we don't need to be reminded about it - the zero temperature and the icy breezes take care of that.

HAT

At Gagetown, Michigan, a want-ad in a local newspaper reveals a forty-five year old burden of conscience - a derby hat weighing down a human soul. In eighteen ninety, a man in a sleigh drove by the farm of Mrs. John R. McDonald - a nattily dressed man who wore a nifty black derby hat. A sudden gust of wind, and the derby went whirling through the air, on to Mrs. McDonald's property. The owner looked vainly for it, and at length drove on bareheaded. Mrs. McDonald retrieved the derby, and for years the hat was worn by members of her family, until it wore out.

Now she is advertising for the owner of the hat, because she says: "It has been on my ~~xxxx~~ conscience ever since eighteen ninety." Yes, the derby on the lady's conscience, and on the heads of the members of her family, and that puts the derby on my head, as I run to catch the famous Leighigh Flyer, the Black Diamond and,

SO LONG UNTIL TOMORROW.