

L.T. SUNOCO - January 8, 1935, *Tuesday*

*Canon
7-100*

Good Evening, Everybody:-

The court battle at Flemington came inevitably today to that one feature so often of the utmost significance in criminal trials. Yes, ~~there~~ ^{and} it was certain all along that the case of Bruno Hauptmann would hit high spots when the time came for -- identification.

There were two today. Two men put the accusing finger on Hauptmann, saying: "He's the man." And with that the whole familiar legal problem of identification ^{comes into} ~~is~~ ^{the} ~~case~~ ^{the} case with a bang.

Today's The proceedings ^{began} ~~were involved~~ with legal technicalities about admitting the famous ladder as evidence -- it has not been admitted as yet. -- ~~Then~~ the first sensation was sprung. The mere fact of the prosecution bringing forward a witness who took the stand and swore that he saw Hauptmann in the vicinity of the Lindbergh house the day before the kidnapping -- that alone would have been exciting enough. But it was complicated by

certain national feelings. Hauptmann is a German, a former machine gunner in the Kaiser's army. And Germany is a land right now that is surrounded by the strongest hostilities and loyalties. German feelings tend to sympathize with Hauptmann and presume his innocence.

That's what ^{put} ~~the~~ moody drama into the fact that ~~the~~ old man who ^{this morning} identified Hauptmann is not merely a German by origin, but is a former soldier of the Prussian army. ~~This was not put into the evidence.~~ Amandus Hochmuth, eighty-seven years old, took the stand ~~with a~~ white mustache and goatee, ^{typical} ~~all the~~ ~~appearance~~ of a veteran of the armies of fifty years ago; ~~and~~ one of ~~the~~ first questions that Attorney General Wilentz put to him was: "Did you serve in the Prussian army?"

Defense Attorney Reilly immediately jumped to his feet: "I object." And in the face of the objection the Attorney General did not press the question.

But there was the fact that the old Prussian soldier, Amandus Hochmuth, was confronting ^{young} Bruno Richard Hauptmann, ^{young} a world war machine gunner in the Kaiser's army. The old man

picked Hauptmann out and declared he had seen him driving the car, with a face like a ghost, on the day before the kidnapping. And he had a ladder in the car -- always that telltale ladder.

How did Hauptmann take it when the finger was pointed at him? He shook his head violently, as if to say -- "It isn't true."

A veteran of Prussia against the Kaiser's machine gunner, -- and then the drama became tangled with reasonings and counter-reasonings of the cross-examination. Yes, the old technical problem of identifications popped up right there. The eighty-seven year old witness said he had seen Hauptmann on ^{that} ~~one~~ particular day ^{nearly} three years ago. Reilly's cross-examination soon developed that he couldn't remember other days so well.

How can you place one day of several years back so clearly? That is so often the perplexing question. Of course there's the reasoning that the event of the kidnapping might place the-day-before most precisely. But as it was, the accute defense lawyer hit hard to make it appear that a man of eighty-seven ^{surely} couldn't remember the day well enough to place it so accurately. [^] It was not such air-tight, iron-clad identification!

The first ^{episode} ~~identification~~ of the day was designed to

connect Hauptmann with the actual ~~in~~ kidnapping and murder.

The second connected him with the receiving of the ransom money.

It will be recalled that the ransom episode began when a Bronx taxi driver was given a note, by a man, to deliver to Dr. John F.

Condon, "Jafsie." It's been apparent all along that this taxi driver might be an important witness. Could he identify the man who gave him the note?

His name is Joseph Perrone. He was a Bronx taxi driver in 1932. Now he is a government relief worker. He's a nondescript sort of fellow, very quiet and very nervous. He spoke so quietly it was hard to hear him. Later on, under the heavy attack of the Defense lawyer, he was so timid and shy that he looked like a mouse hunting a hole to crawl into. ~~But~~ ~~when~~ the ~~mild~~ mild man identified Hauptmann, there was no lack of the sheer power of precision. He walked up to the prisoner, touched him on the shoulder ~~for~~ and said: "This is the man." A thrill ran through the courtroom. Men exclaimed, women jumped to their feet, shuddering with excitement. The spectators had to be cautioned

by a court attendant. ^R And Hauptmann -- what did he do? When the previous identifying witness had pointed him out, he had merely shaken his head. But when the taxi driver's finger ~~ex~~ touched him, he started, and blurted a violent phrase. Most people didn't hear what he said. It turned out later that Hauptmann exclaimed: "You're a liar!"

The Defense Attorney wanted to put Hauptmann's denial into the record. But the Judge refused. He ruled it might be introduced into the testimony later.

10
Then the Defense Attorney started hammering away at Joe Perrone, the taxi driver. Reilly has a way of pacing back and forth which reminds you of a tiger making a turn in its cage. Then he pounces on the witness. And he certainly did pounce on Perrone, attacking his story from every angle. He took ~~ex~~ the witness up and down the Bronx. He gave the court and jury lectures on geography of that part of New York, trying to prove that the taxi driver could not possibly have seen the face of the man who gave him the note, because there are no street lights on Gun Hill Road where the incident occurred. The witness

didn't like it. He writhed and squirmed. But he left the witness stand with his identification of Hauptmann relatively unshaken.

Yes, these events have an obvious and sinister bearing on the life and happiness of Richard Bruno Hauptmann. There was a grim tenseness in the episodes of identification. The remainder of the court session was tuned in a lighter key, because things turned swiftly to a for-shadowing of Jafsie, a prelude to the much heralded appearance of the interesting educator, Dr. John F. Condon. There was reference to a Bronx restaurant, from which Jafsie started out on his first visit to the Lindbergh home. One of the witnesses was the owner of the restaurant, Mr. Rosenhain, known as "Rosie." The Attorney General asked Rosie: "Is yours a good restaurant?" and Rosie replied in a loud, cheerful voice: "The best in the world."

Later the Attorney General asked: "Does Dr. Condon come often to your restaurant?". "Yes" grinned Rosie, "that's why he looks so well."

Defense attorney Reilly asked Rosie whether his restaurant had a branch. Rosie replied: "No, but after this

trial I hope to open one here."

The lighter mood was continued as the court proceedings moved still closer to Jafsie - with the appearance on the witness stand of his so-called bodyguard, Al Reich, the former prize-fighter, *and now a leading referee.* Reich, used to be known as the Adonis of the prize ring, and he is still a handsome fellow, save for a slightly battered nose, a legacy of his ~~prize ring~~ ^{pug} days. As a witness, he aroused the approval of the ladies in the court. "He can guard me any time he wants to" feminine voices were heard to mutter. His testimony though was not so startlingly important.

The proceedings ended with the prospect of ~~Jafsie~~ Jafsie himself ~~testifying~~ being called to the stand tomorrow. It's almost like cunningly staged grand entrances of characters in a play. The scene has been set, for a sensational appearance tomorrow by Dr. John F. Condon. He was in court today, a pleasant looking old chap. He wears grey bangs on his forehead and has a clipped grey mustache. If you met him on the street, you'd guess he was a retired school master, which is what he is. Today he was rather a public hero in Flemington. Everybody wanted a look at Jafsie. When he finally appeared in court, there was a titter and mumbling of interest.

JAFSEY

For many a year, six feet of brawn, energy and vivacity, the aged "Jafsey" has been a figure of some renown in the Bronx. He was a great athlete in his day, ^{a famous baseball star. Later he} loved to organize games and athletic events for school children. He drilled a fife and drum corps. He became a school teacher and kept at his class-room duties for nearly fifty years. He went in for military discipline with his classes. He organized boxing clubs for boys and walking clubs for girls.

Jafsey was always much concerned about public questions. He was one of the people who write letters to the editors. He wrote frequently to the Bronx Home News, a local paper, discussing issues that perplexed him. And issues were always perplexing Jafsey.

So it was only natural that he was perplexed by the Lindbergh kidnaping and that he should follow his old habit and write a letter to the editor. The letter ^{was} printed in the Bronx Home News. It was signed:- "J. F. C." -- hence the nickname "Jafsey". In this epistle he discussed the kidnaping, suggested ways for getting the child back, and offered a reward of one thousand dollars of his own money if the kidnappers would return Baby Lindbergh. This began a series of

NEWS

events that led to the tossing of Colonel Lindbergh's fifty thousand

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dollars over the cemetery wall, a series of events that will climax
their relation to the trial at Flemington. Perhaps it was
Jafsey's appearance on the witness stand tomorrow.

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that emboldened the robbers at Garfield, New Jersey. Five men
with seven machine guns held up the Garfield Trust Company this
morning. They got away with a bundle of cash.

It was the usual story. The swift, unexpected entry
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BANK

There are a whole series of events in the news that have their relation to the trial at Flemington. Perhaps it was ~~because~~ the concentration of state troopers in the little town, that emboldened the robbers at Garfield, New Jersey. Five men with seven machine guns held up the Garfield Trust Company this morning. They got away with a bundle of cash.

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BRUNO

While Bruno Hauptmann is on trial at Flemington, New Jersey, another Bruno is facing the court at Pottsville, Pennsylvania.

This is that almost incredible case of election shooting at the mining town of Kelaires, where on the night before election, bullets from the house of a Republican leader mowed down the marchers in a Democratic parade. ~~There~~ And five were killed. The man from whose house the bullets spurted is Joseph J. Bruno. And today he was the defendant in a courtroom packed with miners and politicians. It was a wrangle of jury picking. In addition to the more usual questions asked of prospective jurors, there is a keen interest in whether they are Republicans or Democrats.

INSULL

And still another court event. Samuel Insull is going to face the Cook County courts on January twenty-eighth. He was found "not guilty" of Federal charges of embezzlement, and now the State charges are made. The court proceedings are bound to bring forth pretty much the same evidence as was displayed in the trial on the Federal charges. So, I don't suppose there will be anything new or sensational, -- in that trial which will begin twenty days from today.

cases of those Alabama Negroes accused of attacking two white girls. And this is the second time for that rash and bitterly debated case to come before the highest tribunal.

Our mention of courts leads right on up to the Supreme Court of the United States, which has something to say on two widely different topics. Yes, topics as far apart as the Scottsboro Negroes and the oil code.

Once more there's a delay in that Scottsboro case -- a delay for further legal fighting. The death sentences which were to be executed early next month will be put off again. This is because the Supreme Court of the United States has again agreed to review the cases of those Alabama Negroes accused of attacking two white girls. And this is the second time for that much and bitterly debated case to come before the highest tribunal.

As to the nature of the decision itself-- The Supreme Court did not express itself on the merits of the Oil Code as a whole. The high justices saw up their minds on one point only - the power which Congress gave to the President to stop interstate oil shipments, such shipments as were in excess of the quotas allowed to the various states. The Court held that Congress had no right to give this power to the President, because the power was so indefinite. Congress,

OIL

There are some things to keep in mind when we contemplate that momentous decision of the Supreme Court relating to oil. (The highest tribunal ~~in~~ of the land declares the N.R.A. Oil Code to be illegal. It pronounces the oil control provisions of the National Industrial Recovery Act to be invalid.

The first and most sententious point is - that this is the first Supreme Court decision that goes against a major issue of President Roosevelt's New Deal. We've had occasion to note at various times that the present session of the Supreme Court would be momentous because of the vital phases of government policy that would come up for decision. The Supreme Court ^{of the Land} has handed down several verdicts in favor of the Administration- but now one against.

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in granting power to the executive, should make it more specific, should define it more narrowly. The political philosophy is that Congress should keep in its own hands those broad and sweeping powers and in delegating any part of them to the President should confine them to specified limits, stating the particular things the President is privileged to do. ^{The United States Supreme} ~~The~~ Court considered that the Oil Code gave the President powers too vague and vast, over the oil industry.

This oil decision sharpens and dramatizes the interests in the next decision the Supreme Court is scheduled to hand down. Within a few days it will pass on the legality of the Administration Gold Policy. The taking over of all the nation's gold by the federal government.

They are certainly using political labels in a peculiar way when they are calling those Mexican red-shirts "Fascists" and also "Kl. Kluxers." They are revolutionary radicals staging a violent anti-religious campaign. ^{And} The latest clash has the religious situation in Mexico in a state of more bitter agitation than ever -- the clash when the anti-religious red-shirts had a battle with five thousand students, who were supporting the church. The red-shirts started shooting at once. Five students were shot. Then the students stormed the red-shirt headquarters, wrecked the place, and were only dispersed when the police arrived with the fire hose.

Three cents for Home Owners Aid. Two cents for miscellaneous purposes and One cent for tax refunds.

These figures show that fifty-eight cents out of every tax dollar go for relief in one form or another - unemployment, public works, loans, veterans and home loans.

And now I'm going to do something for your relief. I'm going to say out loud...

TAX DOLLAR

The financial wiseacres have been busy dopping out the meanings of the Eight and a half billion dollar Budget. One always illuminating angle is - the way the taxpayer's dollar is split up into various expenditures.

1/2 So here's the way, Mr. Taxpayer: Of your dollar, twenty-five cents goes to Unemployment Relief. Fifteen cents is for running expenses of the government. Twelve cents is aid to agriculture. Eleven cents pays interest on the public debt. Nine cents for Public Works. Eight cents for Veterans' benefits. Eight cents for the Reconstruction Finance Corporation. Five cents for the retirement of the public debt. Three cents for Home Owners aid. Two cents for miscellaneous expenses and One cent for tax refunds.

These figures show that fifty-eight cents out of every tax dollar go for relief in one form or another - unemployment, public works, farm, veterans and home loans.

1/2 And now I'm going to do something for your relief. I'm going to say a-l-u-t-m.