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When Rights Conflict

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**FREE PRESS VS. FAIR TRIAL:
THE LINDBERGH BABY KIDNAPPING CASE**

Colonel **Charles A. Lindbergh** was a genuine American hero. In 1927, Lindbergh captured the public imagination by flying solo from New York to Paris in a **single-engine airplane**. This pioneering flight across the Atlantic instantly changed the character of global travel and made "the Lone Eagle" a world celebrity. Joined by his wife, author **Anne Morrow**, this soft-spoken adventurer traveled the world, using his celebrity status to advance the cause of aviation. Together, the Lindberghs came to symbolize a youthful and optimistic America and a newfound global communication.

On March 1, 1932, the Lindbergh's infant son, not yet two years old, was kidnapped. The trial of the alleged kidnapper developed into a sensational news story. Reporters, newspapers, radio networks and movie news producers took advantage of advances in radio and film technology to focus world-wide attention on the trial. The reaction of the public to this highly publicized crime, and the effects that modern publicity had on the jury, seriously challenged the **freedom of the press** in a new era that Lindbergh helped introduce. Sixty five years later, the controversies raised by the media coverage of the **Lindbergh kidnapping trial** still remain.

The Crime of the Century

The Lindbergh child was abducted on a rainy night from Highfields, the newly built Lindbergh mansion located in rural New Jersey. The kidnapper (there could have been more than one) used a home-made wooden ladder to enter the second floor nursery where young Charley lay asleep. No one saw the intruder. Charley's parents and a nursemaid were in other parts of the house when the break-in occurred. The kidnapper left a ransom note demanding \$50,000 for the baby's safe return.

News of the kidnapping sent floods of reporters and photographers to the Lindbergh estate. One group of photographers installed a portable darkroom in an ambulance, posed as medics, and drove onto the grounds. Sightseers trampled the area, possibly destroying clues and evidence.

In the weeks that followed, the Lindberghs received over a dozen letters from the kidnapper. Each letter was mailed from a different location in the New York City area. About a month after Charley disappeared, the Lindberghs finally received instructions on when and where to deliver the ransom money. What the kidnapper did not know was that the serial numbers of all the bills had been recorded. Also, many of the bills were in the form of gold certificates that were soon to be withdrawn from circulation, thus making them easier to trace.

Col. Lindbergh sent a go-between to deliver the \$50,000 to a masked man in a Bronx, New York, cemetery. But the baby was never returned. A few weeks later, word flashed around the country that the body of little Charley had been found in the woods not far from the Lindbergh home.

The body was in a state of advanced decomposition. Both hands, the right leg, and an arm were gone. Animals had eaten away the internal organs. Only the baby's face remained recognizable. A local medical examiner conducted an autopsy. He concluded that the Lindbergh child had died of a massive skull fracture, probably soon after he had been abducted. Exactly how the baby's skull was crushed was never determined.

In a macabre incident, two news photographers persuaded the medical examiner to allow them to take pictures of the remains. The photos were so grotesque that no newspaper at the time would publish them. But prints selling for \$5

apiece later showed up in a number of speakeasies (unlicensed saloons that sold **bootleg** liquor during the **Prohibition** era of 1919–1933).

The Suspect

Authorities searched for little Charley's kidnapper and murderer for more than two years. Finally, on September 20, 1934, they arrested **Bruno Richard Hauptmann** and charged him with the crime. The police traced Hauptmann after he had passed one of the distinctive \$20 gold certificates to a gas station attendant. Police found more than \$14,000, all in marked money, hidden in Hauptmann's garage. Resorting to methods common at the time, the police tied Hauptmann to a chair in his jail cell and beat him in order to get him to talk. Hauptmann, however, refused to confess.

Bruno Richard Hauptmann's life provided the police with little that might point to the crimes of kidnap and murder. A carpenter by trade, Hauptmann entered the country illegally in 1923 after stowing away aboard a ship sailing from Germany to New York. He easily found work on construction jobs, played the stock market, and got married. Investigators discovered that while Hauptmann had a clean record in the United States, he had been convicted of robbery in Germany.

Signs of the conflict between a free press and the criminal justice system began before the trial got underway. Hauptmann was represented by **Edward J. ("Big Ed") Reilly**, a famous defense lawyer. The **Hearst** newspaper chain paid Reilly's legal fees in return for the exclusive rights to interview Mrs. Hauptmann during the trial. Hauptmann challenged all the evidence against him as inconclusive or mistaken. He and his wife testified that they were together at home at the time of the kidnapping. As for the Lindbergh money found in his garage, Hauptmann claimed a friend had left it with him for safekeeping before leaving the country. This person died in Germany before Hauptmann was arrested.

The Trial of the Century

The trial of Bruno Richard Hauptmann took place in Flemington, New Jersey, in a small, 100 year-old county courthouse a few miles from the Lindbergh's home. The press promoted the event as "the trial of the century."

Weeks before the trial began, news organizations began to pour into the tiny town, anxious to install their latest and fastest communications equipment. Over 100 Western Union telegraph wires were strung into the attic of the old courthouse. The Associated Press installed four teletype machines to transmit trial transcripts to New York and Philadelphia newspapers.

By the opening day of the trial on January 2, 1935, about 200 journalists had crowded into Flemington with its single small hotel. Tens of thousands of onlookers clamored for trial tickets distributed by the county sheriff. Among the curious were movie stars, New York City socialites, and gangsters. The Lindbergh's celebrity status coupled with the vast improvement in global communications, was about to place "the trial of the century" in the spotlight for the entire world.

In the Public Eye

The jury was chosen quickly. It consisted of eight men and four women. **Thomas Trenchard**, the trial judge, instructed the jurors not to read the newspapers, listen to the radio, or talk to anyone about the trial. But each day the jurors had to walk back and forth between the courthouse and the Union Hotel where they were sequestered (isolated from the public). Jurors waded through the crowds where newsboys shouted the latest headlines, hawkers sold miniature "Lindbergh ladders," and people encouraged the jury to "Send Hauptmann to the chair!"

When the jurors ate their meals in the hotel dining room, they were separated from the other diners (mainly reporters) by only a thin cloth curtain. In their rooms at night, the jury members could hear radio reporters broadcast news of the trial from a temporary station one floor below.

Judge Trenchard tried his best to maintain an orderly courtroom. He banned typewriters, but scores of reporters continually sent handwritten news copy by messenger boys to the telegraph wire operators in the courthouse attic. More than once, Judge Trenchard had to warn courtroom spectators against laughing, giggling, and applauding.

Col. Lindbergh was one of the first to testify. As he spoke from the witness chair, photographers snapped his picture with flash cameras. This angered Judge Trenchard who had earlier ruled against any courtroom photography while the trial was in session.

Five newsreel companies covered the trial. By this time, newsreels had become a popular feature in movie theaters all over the nation. The newsreel outfits pooled their efforts and set up one camera enclosed in a box to deaden its noise and focused it permanently on the witness chair. The camera used special film that did not require additional lighting. A directional microphone was secretly strung behind the jury box. The whole apparatus was operated by remote control. In this way, newsreel companies captured the testimony of a number of witnesses including Col. Lindbergh and Hauptmann on sound movie film and distributed it to theaters all over the nation and the world.

Apparently, the county sheriff had agreed to the filming arrangements on condition that none of the footage would be shown in movie houses before the end of the trial. Judge Trenchard maintained that he was unaware any filming was taking place during the trial. In any event, the judge angrily closed down the operation two-thirds of the way through the trial when newsreels of testimony were shown in most of the country's first-run theaters.

"Kill Hauptmann!"

After the jury retired to discuss its verdict, the news organizations geared up to be the first to announce the decision to the world. Actually, almost everyone expected a guilty verdict. Only one question remained: would the jury recommend life in prison or death?

Reporters smuggled portable radio transmitters into the courtroom to instantly "flash" the verdict using a predetermined code. Outside, a crowd of 10,000 persons waited into the night. As the bright lights of the newsreel cameras played over the crowd, they shouted "Kill Hauptmann!" "Kill Hauptmann!". Someone hurled a rock through a courthouse window. At approximately 10 p.m. February 13, 1935, the courthouse bell signaled that the jury had reached its verdict. The crowd roared.

Before the verdict was announced in the courtroom, a reporter handling one of the portable radio sets accidentally sent a coded message that Hauptmann would get life in prison. Thanks to modern technology, this "news" was immediately broadcast across the nation. Moments later, the jury recommended the **death penalty**.

A messenger boy yelled the correct verdict from a second floor window of the courthouse to the crowd below. According to the **New York Times**, "A great shout went up from outside and the throng pressed closer to the court building."

Charles and Anne Lindbergh listened to the verdict on the radio. They could hear the jubilant howls of the crowd in the background. Charles disgustedly turned off the radio. "That was a **lynching** crowd," he said.

Hauptmann's conviction was upheld by the New Jersey appeals courts, and, on April 3, 1936, a little more than a year after the trial, he was executed in the electric chair. One newspaper headline read, "Hauptmann Dies in Chair, Remain Silent Until End."

As a result of the 1935 Lindbergh baby kidnapping trial, photographers and cameras were banned in all federal and most state courts. It would be impossible to determine exactly how the unruly crowds, ambitious reporters, and newsreel cameras may have influenced the 12 men and women who had to decide the fate of Bruno Richard Hauptmann. But the penetrating focus of modern communications on "the trial of the century" altered our notions of privacy, free speech, and a fair trial as surely as Charles Lindbergh's solo flight across the Atlantic changed the face of global transportation.

For Discussion and Writing

1. Make a list of all the methods the press used to cover the Lindbergh baby kidnapping case.
2. Do you think it likely that jury members were influenced by the sensational coverage of the crime and trial? Why or why not?
3. What additional measures do you think should have been taken to ensure a fair trial for Hauptmann?

CIVIC PARTICIPATION ACTIVITY

Should Live TV Be Permitted in the Courtroom?

One of the consequences of the 1935 Lindbergh baby kidnapping trial was that cameras were banned in all federal and most state courts. However, starting in the early 1970s, state courts began to allow more camera coverage of civil and criminal trials. Today, some 44 states allow cameras (including television) in the courtroom under varying conditions. On July 1, 1991, several federal district and appeals courts began a three-year experiment permitting TV coverage of civil trials. In the future, television may be allowed into federal criminal courts and perhaps even the U. S. Supreme Court. Live television seems ready to move into the courtroom. The major networks along with local TV already are covering many trials. In 1991, the Courtroom Television Network began broadcasting trials live all day.

Should live TV be permitted in the courtroom? All members of the class should individually or in groups gather arguments on both sides of this question by participating in at least one of the following activities:

- interview a lawyer, judge, or former juror
- interview a former trial witness or defendant
- observe a trial at a local courthouse
- watch live trial coverage on television
- research trials recently covered by live TV such as the William Kennedy Smith rape trial (1991), Jeffrey Dahmer mass murder trial (1992), Rodney King police beating trials (1992 and 1993) (1995), and O.J. Simpson murder trial
- review what happened over 60 years ago at the Lindbergh baby kidnapping trial

After getting as many pro and con arguments as possible, the class should:

1. list on the chalkboard and discuss each of the pro and con arguments the students have discovered;
2. meet in small groups to discuss whether or not live TV should be permitted in the courtroom, and, if so, under what conditions;
3. give oral reports on each group's conclusions;
4. draft letters to a local TV station, newspaper, judge, or elected representative expressing each group's views on the question of live TV in the courtroom (alternatively, the students may want to invite an attorney or judge to hear and react to the conclusions of the class).

Comments

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