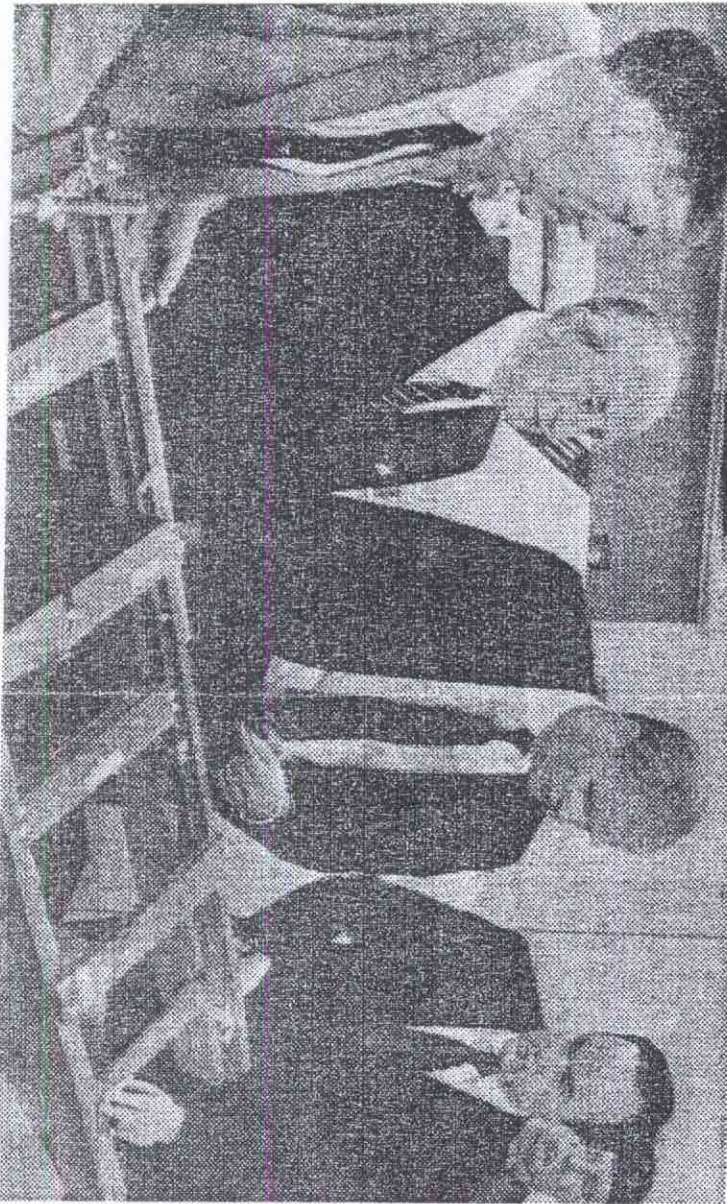


Byrne to Release Lindbergh Files, 49 Years After the Kidnapping

By JOSEPH F. SULLIVAN
Special to The New York Times



Governor Byrne examining ladder said to have been used in the Lindbergh kidnaping. With him were, from left: Clinton L. Pagano, state police chief; David T. Wilentz, who prosecuted case; Attorney General James R. Zarzali.

TRENTON, Oct. 6 — Governor Byrne said today that he would issue an executive order making 90,000 documents and pieces of evidence in the kidnaping-murder of the infant son of Charles A. Lindbergh available to scholars and other "interested parties."

The move came after the widow of the man convicted of the crime, Bruno Richard Hauptmann, filed suit for the documents with the idea of proving that her husband was innocent of the crime 49 years ago. Hauptmann was found guilty in a sensational trial four years later and electrocuted.

Mr. Byrne said he was not concerned that his order would give Hauptmann's widow, Anna, an opportunity to prove her husband's innocence and that if she was successful, to sue the state for damages. He said the state would "have a moral responsibility to respond" to Mrs. Hauptmann's suit if she succeeded.

However, he expressed confidence that any objective review of the material would confirm that state's actions in the case were correct and that the jury verdict was just.

He also said he hoped the opening of the file would insure that the questions

surrounding the case "will not be kicked around for years and years to come." Mrs. Hauptmann's court papers questioning the opening of the file were filed to assist one of two men who claim to be Lindbergh's son and to open the door for the first time to scholars and other "interested parties."

David T. Wilentz, the former State Attorney General who successfully prosecuted the case, walked into a conference room at New Jersey State Police Headquarters today and saw a crude three piece ladder standing in the corner. Photographs of the infant's clothing in an easel and the original ransom note lying on a table.

"This is the first time I've seen since the trial," the 86-year-old lawyer said of the evidence.

Mr. Wilentz said he had no objection to the executive order, but he characterized as "ridiculous and absurd" recent allegations in the court papers filed by Mrs. Hauptmann that "exculpatory evidence" had been withheld during the trial.

"Nothing I know of could possibly su-

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port an allegation that anything was suppressed," Mr. Wilentz said.

He said he had had no hand in collecting the evidence, noting that the bulk of the case came from New York.

"I tried the case," he said. "I presented whatever evidence the state police and the F. B. I. had. I did what you would expect someone who was the prosecutor would do."

He then gave the following description of some of the key evidence:

"The man who possessed the ransom money gave one of the bills to a gas station attendant who was awake and who alerted the police.

"They went to Hauptmann's home in the Bronx and found a lot of the ransom money in the house. He had it all the time. Handwriting experts said there was no doubt he wrote the ransom notes. An expert from California said part of the ladder came from Hauptmann's attic."

Among the photographic evidence on display was a picture of Hauptmann's bedroom closet door where he was supposed to have written the address and telephone number of Dr. John F. Condon of New York, who had acted as the go-between for the ransom payment.

Under the picture is a caption that contains the explanation given by Hauptmann at his trial — "I was interested in the case and jotted the address and phone number down on the inside of the bedroom closet."

Mr. Wilentz said he knew nothing about an offer by Hauptmann to take a lie-detector test.

"I never heard of it," he said.

At that point, Col. Clinton L. Pagano, the Superintendent of State Police, interrupted to say, "I think he had one at that time." Mr. Byrne agreed.

Colonel Pagano said that a recent re-examination of some of the evidence using modern tools, such as an electron microscope, confirmed that the clothing found on the decomposed body of the infant that was judged to be the Lindbergh baby matched clothing found in the nursery in the Hopewell mansion occupied by the Lindberghs.

In addition, thread used to sew a poultice to the nightclothes matched a spool of thread in the nursery used by a nurse to sew the poultices to the infant's garments.