

491 Harold Wislitz

(473)

Crime Reporter, in New Book, Contends Hauptman Was Not Guilty

By PETER KIHSS

Drawing in part on hitherto unavailable law enforcement documents, a long-time crime reporter contends that Bruno Richard Hauptmann was innocent of the 1932 kidnaping-murder of Charles A. Lindbergh Jr. Hauptmann was electrocuted on April 3, 1936.

In a new book, Anthony Scaduto, a reporter for the New York Post from 1954 to 1970, charges that evidence was "suppressed" or "perjured."

He contends his data support Hauptmann's initial claims to have been at work in Manhattan on March 1, 1932, and April 2, 1932. The filer's baby was abducted on March 1 in Hopewell, N.J., and a \$50,000 ransom was paid on April 2. A body identified as the baby's was found on May 12, 1932.

Publication Due Nov. 30

Mr. Scaduto says his findings uphold Hauptmann's contention that he only discovered a cache of Lindbergh ransom gold certificates in August 1934 and started using it—not knowing it was ransom money—in the belief that it belonged to Isidor Fisch. Mr. Fisch had died in Germany allegedly owing Hauptmann money from fur and stock market deals.

The 512-page book, "Scapegoat: The

Lonesome Death of Bruno Richard Hauptmann," is to be published Nov. 30 by G. P. Putnam's Sons. Hauptmann's 78-year-old widow is quoted as still maintaining her husband's innocence.

In Perth Amboy, N.J., David T. Wilentz, who as New Jersey Attorney General, prosecuted Hauptmann, said in an interview that he had talked with Mr. Scaduto. But Mr. Wilentz held that the evidence had been overwhelming, and he knew of nothing to indicate that the verdict had not been just.

Mr. Scaduto's book cited documents he found in files of the Bronx District Attorney and others obtained for him from New York City Police Department files. The Federal Bureau of Investigation, he says, barred access to its more than 41,000 pages unless he paid more than \$10,000 for a search and transcripts.

He quotes New Jersey's deputy superintendent of state police, Major George Quinn, as saying his agency still considers the case "open because there's a feeling that others were involved" and much of the ransom money was never recovered.

On Hauptmann's alibi that he was at work on a construction job during the day of the kidnaping, Mr. Scaduto reports finding a receipt by Inspector Harry A. Walsh of the Jersey City police. Dated

Oct. 29, 1934, this acknowledges that the Bronx prosecutor had turned over carbon copies of a construction payroll for periods ended Feb. 29 and March 15, 1932.

After Hauptmann's arrest in the Bronx on Sept. 19, 1934, a project agent testified in an extradition hearing that such payroll records for the first half of March did not exist.

Newspapers at the time reported that a construction superintendent, Joseph M. Furcht, first gave a defense affidavit on Oct. 18 that Hauptmann had worked as a carpenter on March 1, 1932, until 5 P.M. The kidnaping—three hours' drive away—occurred about 9:15 P.M.

'Not Positive'

But on Oct. 24, Mr. Furcht retracted his statement, saying another worker had sworn that Hauptmann had started later than March 1.

Mr. Scaduto reports finding Mr. Furcht's entire second affidavit in which he said he was "not positive" about the crucial day, but added "there was a bi-monthly time book" that recorded when a man worked and if he put in a full day.

Files of The New York Times record that District Attorney Samuel J. Foley of the Bronx "believed the employment records showed that Hauptmann quit work at 1 P.M." on March 1. The story quoted Mr. Wilentz as saying that "the

police know definitely that Hauptmann did not work those hours, nor did he put in a full day of work on March 1 because they have the time-card record."

On his arrest, Hauptmann contended he worked all day March 1, his first day on the job, and had gone to a lunchroom where his wife worked late, driving home with her at 9 P.M.

Mr. Scaduto offers a variety of challenges to identification of Hauptmann handwriting on ransom notes. He questions the prosecution's "one wolf" theory, and publishes a three-column chart he believes was made by the F.B.I. that includes descriptions by Lindbergh and two other men of a possible second man present in the ransom negotiations.

Police laboratory reports and an Aug. 7, 1934, Justice Department analysis, Mr. Scaduto says, indicate that the first 300 to 400 ransom certificates were passed by somebody other than Hauptmann and that their flow stopped early in 1934.

In all, Mr. Scaduto says a dozen or so witnesses lied "individually and for their own peculiar motives" rather than in collusion. He says that on the day before the electrocution, Hauptmann wrote his wife that people "want my death in order to solve a case in the wrong manner," but that he believed God "will slay with me whatever may come."