Files Show Hoover Continued To Believe Hauptmann Guilty

The New York Times

Bruno Richard Hauptmann

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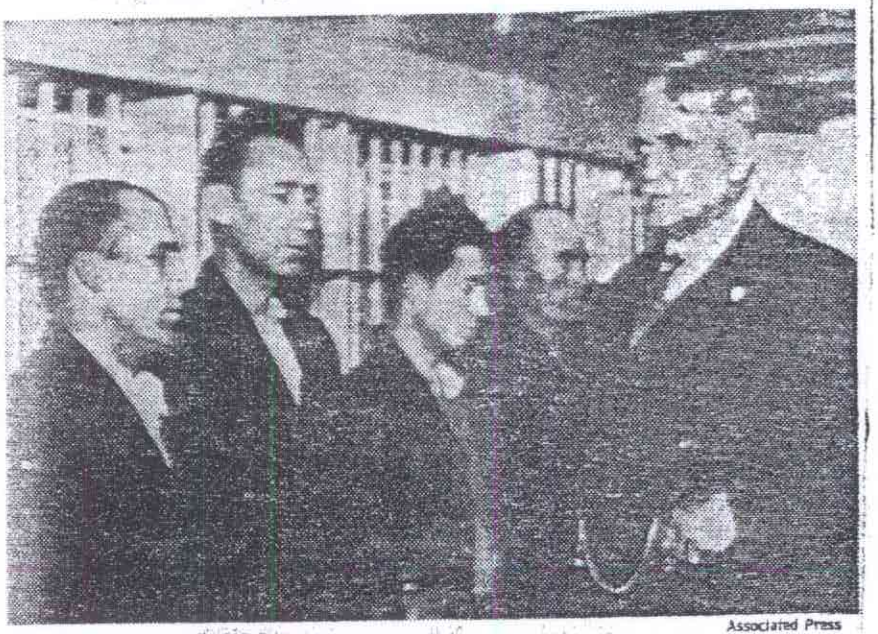
J. Edgar Hoover



Associated Press

Dr. John F. Condon, left, studying one of several police lineups in 1932

By PETER KIHSS
Special to The New York Times

WASHINGTON, Oct. 20—Newly released Federal Bureau of Investigation files on the kidnap-murder of Charles A. Lindbergh Jr. show that J. Edgar Hoover, the late F. B. I. director, expressed certainty that Bruno Richard Hauptmann was guilty decades after Mr. Hauptmann's electrocution—despite doubts raised by critics over the years.

The files show that Mr. Hoover specifically repudiated a view that Mr. Hauptmann might only have been involved in extortion, a suggestion growing out of ransom money having been found in the home of Mr. Hauptmann who died denying any involvement in the crime.

The documents disclose that the Federal Bureau of Investigation's chief agent in the inquiry, Thomas H. Sisk, argued after Mr. Hauptmann's arrest for a "theory that there are others connected with this case."

Theory About Ladder

Mr. Sisk suggested that the ladder used in the kidnap—made in three sections—"was too short to be handled by one person," and that Mr. Hauptmann, then weighing 180 pounds, "would have had difficulty in going through the window." He also cited indications that there was another man "giving signals at each of the cemeteries" during ransom negotiations.

Further, Mr. Sisk contended that Mr. Hauptmann "had a lot of help in the passing of the money," and "there is also some indication that someone in the vicinity of Hopewell (New Jersey home of the Lindbergh family) may have been involved with him."

The prosecution's star witness, Dr. John F. Condon, 72 years old at the time of the 1932 kidnapping, identified Mr. Hauptmann, a Bronx carpenter, during

the 1935 trial as the "John" to whom he handed over $50,000 ransom.

But in a Sept. 21, 1934, memorandum, an F. B. I. agent, Leon G. Turrou, said Dr. Condon told him "the real John" was Mr. Hauptmann's "brother."

"He asserted," Mr. Turrou reported after Dr. Condon first looked at Mr. Hauptmann in police custody, "that the real John was killed long ago and that the money was taken away from him by his confederates. He intimated that the real men who are responsible for the kidnapping and murder of the Lindbergh child are now somewhere in Long Island around Bay Shore."

Hoover Memorandum

Mr. Hoover himself in a Sept. 22, 1934, memorandum, write that "it is entirely possible that two men were involved" and that "possibly Fisch was involved with Hauptmann in the outside work."

Isidore Fisch was a onetime furrier described by Mr. Hauptmann as the source of ransom money found in the Hauptmann home. The Hoover memorandum discussed a suggestion that a furrier's hammer with needle-like points, used in branding, might be hunted as an instrument that made perforations for a symbol on the ransom notes.

Nevertheless, when the F. B. I. withdrew from the investigation Oct. 10, 1934, three weeks after Mr. Hauptmann's arrest, Agent Hugh H. Clegg summarized agents' views that "there are logical reasons which would point to the presence of someone else but there are an equal number of logical reasons why there is only one person."

Mr. Hauptmann was electrocuted April 3, 1936, for murder of the 20-month-old son of the solo trans-Atlantic flyer. Twenty-two years later, Mr. Hoover wrote in a letter April 14, 1958, that "there is no question in my mind as to the guilt of Bruno Richard Hauptmann."

Hoover Makes Denial

A Nov. 21, 1966, memorandum reported that Mr. Hoover "strongly" denied an alleged 1936 remark that he had "doubts of Hauptmann's guilt in the kidnapping, though convinced of his guilt in extortion, and that Hauptmann was executed before a complete investigation was made of his guilt or innocence."

The F.B.I. has released 33,991 pages of its Lindbergh kidnapping files, grouped in 142 volumes stacked in seven letter-size cabinet drawers. The action under the Freedom of Information Act followed requests by The New York Times and others after a 1976 book by Anthony Scaduto argued that Mr. Hauptmann had been innocent.

The files show bitter F.B.I. hostility toward other investigative agencies. Mr. Hoover wrote Oct. 11, 1934, that "the real work was done by agents" of the bureau, and predicted that New Jersey police and prosecutors "will probably find a situation which they cannot handle."

In repeated memorandums, he insisted his bureau broke the case because it received a bank teller's telephone call about a gold-certificate ransom bill. This turned out to bear an automobile license number written down by a filling-station operator, and so led to Mr. Hauptmann.

But one F.B.I. memorandum, dated Sept. 21, 1934, recorded after Mr. Hauptmann's arrest that "Mr. Hoover said that at New York everything was against the division [F.B.I.] 100 percent," and if he had not gone to New York the division would not even have been mentioned."

After Harold G. Hoffman became Governor, Mr. Hoover said in a March 28, 1936, memorandum, that he had told Governor Hoffman that New Jersey state police had ordered his agents away from the Hauptmann attic while state troopers were working there with a Federal Forestry Service expert.

The expert, Arthur Koehler, later testified that one piece of the kidnap ladder wood came from the Hauptmann attic floor. An F.B.I. memorandum dated May 26, 1936, criticized a post-execution speech by Mr. Koehler as "not consistent with the evidence."

Identification of the ladder wood as "identical" with Hauptmann attic wood, the memorandum said, came after the F.B.I. withdrew from the investigation "and occurred after the New Jersey state police had rented the Hauptmann residence."

The memorandum said Hauptmann defense lawyers were expected during the 1935 trial to subpoena F.B.I. records to prove this identification was "fabricated by the joint efforts of the New Jersey state police and the New Jersey prosecutor's office in cooperation with Arthur Koehler; however, this request was not received by the bureau from the defense attorneys."

Statement After Lineup

Agent Turrou's Sept. 21, 1934, memorandum said Dr. Condon, after a police lineup, told him that Mr. Hauptmann "appears to be much heavier, has different eyes, different hair, etc., and that he must be a brother of John," the ransom collector.

In an Oct. 5, 1934, memorandum, Agent Turrou said that Dr. Condon complained that the police had attacked "his character, and particularly so since the time he failed to positively identify Hauptmann when confronted with him at the time of his arrest."

"Dr. Condon," Mr. Turrou went on, "further advised the writer that he studied the photograph of Isidore Fisch which appeared in the newspapers and that it is his belief now that when on March 12, 1932, he went to meet 'John' at the Woodlawn Cemetery he saw a party strongly resembling the features and description of Isidore Fisch pass the car in which he and Al Reich were sitting."

Mr. Fisch died in Germany on March 29, 1934. Mr. Hauptmann contended that he later found gold certificates in a box Mr. Fisch left with him and started spending the money in August, 1934—not knowing it was Lindbergh ransom bills—because Mr. Fisch had owed him money.

A Sept. 23, 1934, F.B.I. report said Mr. Fisch had been so poor he was evicted from his furnished room in the spring of 1933, and thereafter sometimes slept on benches in Grand Central Terminal.

The files report that F.B.I. handwriting examinations by C. A. Appel showed Mr. Hauptmann wrote the ransom notes and Mr. Fisch did not. But on Sept. 25, 1934, a Hoover memorandum said that Hauptmann fingerprints could not be identified with "the latent impressions developed on the ransom notes and the ransom money."

Analysis of F. B. I.

An F.B.I. analysis of how ransom gold certificates showed up before August, 1934, said "it appears that the bills were being retained by the kidnappers, or at least by those who collected the ransom money, in the same original container and that they were being expended in sequence as they appeared in these original packages."

A major F.B.I. effort was an analysis by Joseph A. Genau, accountant-agent, of bank and brokerage accounts of Mr. Hauptmann and his wife. In an Oct. 10, 1934, memorandum, Mr. Hoover said this showed that since the $50,000 ransom had been paid April 2, 1932, there had been $26,016 deposited although Mr. Hauptmann was unemployed.