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Lindbergh Baby Kidnapping; and Nebbia v. New York

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The Thirties in America

■ Lindbergh baby kidnapping

The Event Abduction for ransom of the two-year-old son of celebrated aviator Charles A. Lindbergh

Date Child abducted on March 1, 1932

Charles A. Lindbergh, Jr., the infant son of famous aviator Charles A. Lindbergh, was kidnapped from his crib for ransom and killed, to the outrage of the nation. Bruno Richard Hauptmann was convicted and executed for committing what was dubbed the “crime of the century.”

The kidnapping of baby Lindbergh was labeled the crime of the century because of the fame of the child’s parents, the audacity of the crime, and the heartlessness of the kidnapper. In 1927, Lindbergh had successfully completed the first nonstop, solo air flight across the Atlantic. Showered with wealth and fame, he married Anne Morrow Lindbergh in 1927, and they had their first child, Charles Lindbergh, Jr., in 1930. In 1932, the Lindbergh family was spending weekends in their newly built mansion in Hopewell, New Jersey. At about 9:30 P.M. on

March 1, 1932, twenty-month-old Charles Lindbergh, Jr., was surreptitiously kidnapped from his second-floor nursery. Shortly thereafter, the baby’s empty crib was discovered by the baby’s nurse, along with a ransom note and a homemade ladder used by the kidnapper.

The Ransom and Manhunt The ransom note demanded fifty thousand dollars. On March 9, John Condon, a Bronx resident who had offered his services as intermediary in a local newspaper, was contacted by the kidnapper, who arranged for a meeting in the Woodlawn cemetery in the Bronx. Using the pseudonym “Jafsie,” Condon met with the kidnapper twice, the second time on April 2, 1932, with Lindbergh in the distance, to pay fifty thousand dollars in gold certificate currency in exchange for directions to the baby’s whereabouts. However, the Lindbergh baby was not located. In fact, the kidnapper had murdered the baby on the night of the crime, disposing of the body in nearby woods, where it was found on May 12, 1932, by a passerby.

A massive manhunt was launched for the murderer, aided by passage of the “Lindbergh Law” on June 22, 1932, making kidnapping a federal crime. The search met with little success except that by executive order of President Franklin D. Roosevelt, all gold certificate currency was required to be exchanged by May 1, 1933. Thus, the ransomed gold certificates became conspicuous, and by their pre-recorded serial numbers, the police were able to trace their expenditures to a radius of the Lexington Avenue subway running through the Bronx. The big break in the case came on September 15, 1934, when a gas-station attendant recorded the automobile license number of a man who paid with a ransomed gold certificate. The automobile was registered to Hauptmann, a Bronx carpenter, who was arrested four days later. The police found nearly fifteen thousand dollars in ransomed gold certificates concealed in Hauptmann’s garage.

The Trial of Hauptmann Hauptmann’s trial began on January 2, 1935, in the Flemington, New Jersey, courthouse. The trial was covered by newspaper, teletype, radio, and film, with media stars reporting from the courthouse, which attracted worldwide publicity. The trial lasted thirty-two days, during which 162 witnesses presented more than one million words of testimony. The weight of the evidence against Hauptmann at the trial was incontrovertible.

He was found in possession of the ransom money. The homemade ladder used in the kidnapping was linked to him: A sketch of the ladder was found in his notebook, and wood expert Arthur Koehler demonstrated that unique marks on the ladder were made by Hauptmann's carpentry tools and that "rail sixteen" of the ladder had actually been made from a missing floorboard in Hauptmann's attic. Eight of the world's leading handwriting experts testified that Hauptmann wrote the ransom notes. In his native Germany, Hauptmann had been convicted of numerous crimes, including burglarizing the house of a mayor with a two-story ladder. He did not work on the day of the kidnapping. The contact information for Jafsie was hidden in Hauptmann's closet. After Jafsie handed over the ransom money to the man in the cemetery, Hauptmann stopped working altogether, to live a life of ease as a Wall Street speculator. Hauptmann's account books showed that he spent thirty-five thousand dollars over the course of two years, the amount of the missing ransom money. Finally, Hauptmann was identified at trial by Condon and Lindbergh as the man in the cemetery and by other eyewitnesses to various events relating to the crime.

On February 13, 1935, Hauptmann was convicted of murder. After his appeals to various New Jersey and federal courts and to New Jersey governor Harold G. Hoffman were exhausted, Hauptmann was executed on April 3, 1936. In the meantime, the Lindberghs, traumatized by the tragedy and publicity, relocated to Europe.

Impact The crime of the century riveted the entire nation and world. It resulted in legislation to make kidnapping a federal offense, under the jurisdiction of the Federal Bureau of Investigation (FBI). With circumstantial evidence meticulously assembled by the New Jersey State Police, and the central role of handwriting, nail, and wood experts in proving Hauptmann's guilt, the trial demonstrated the reliability and importance of modern forensic techniques and evidence.

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Further Reading

Berg, Scott. *Lindbergh*. New York: Berkeley, 1999. Pulitzer Prize-winning biography, with extensive treatment of the kidnapping.

Fensch, Thomas, ed. *Files on the Lindbergh Baby Kidnapping*. Woodlands, Tex.: New Century Books:

2001. Publication of early FBI files and reports on the case as well as New Jersey State Police photographs and an annotated bibliography.

Fisher, Jim. *The Ghosts of Hopewell: Setting the Record Straight in the Lindbergh Case*. Carbondale: Southern Illinois University Press, 1999. An authority on the case refutes efforts to exonerate Hauptmann.

_____. *The Lindbergh Case*. New Brunswick, N.J.: Rutgers University Press, 1998. Straightforward, compelling account that demonstrates Hauptmann's guilt beyond question.

Gardner, Lloyd. *The Case That Never Dies: The Lindbergh Kidnapping*. New Brunswick, N.J.: Rutgers University Press, 2004. A neutral retelling of the kidnapping, arrest, and trial, emphasizing the significance of the case in American history.

Kennedy, Ludovic. *The Airman and the Carpenter: The Lindbergh Kidnapping and the Framing of Richard Hauptmann*. New York: Viking Press, 1985. By the narrator of a 1982 pro-Hauptmann television documentary; blames Hauptmann's conviction on a conspiracy by law-enforcement personnel.

Scaduto, Anthony. *Scapegoat: The Lonesome Death of Bruno Hauptmann*. New York: G. P. Putnam's Sons, 1976. The first of several modern books that claim Hauptmann's innocence, theorizing that the prosecution evidence was perjured and the physical evidence fabricated.

See also Crimes and scandals; Lindbergh, Anne Morrow; Newspapers, U.S.; Organized crime.

■ ***Nebbia v. New York***

The Case U.S. Supreme Court ruling on constitutionality of New York price controls

Date Decided on March 5, 1934

Deferring to legislative findings on the condition of New York's milk industry, the Supreme Court held that reasonable regulation of the economy by the government cannot be overturned by the courts.

In 1932, the price of milk in New York declined to below the cost of its production. In response, the New York legislature established a Milk Control Board in 1933 to regulate milk prices. Leo Nebbia, a Rochester grocer, sold two quarts of milk below the minimum price of nine cents a quart set by the board. He was arrested and fined five dollars; his conviction was affirmed by a county court and the highest New York court. In 1934, the U.S. Supreme Court decided his appeal on the question of whether price regulation violated the due process clause of the Fourteenth Amendment of the U.S. Constitution.

In the historic case of *Lochner v. New York*, 198 U.S. 45 (1905), the Supreme Court had invalidated previous employment regulation as violating the liberty right to contract—what became known as “substantive due process.” In his opinion in *Nebbia v. New York* (1934), Justice Owen J. Roberts did not explicitly overturn *Lochner*. He did, however, defer to the extensive empirical evidence compiled by the legislature as to conditions of the milk industry to find that regulation of milk prices was a legitimate exercise of New York’s authority to legislate in the public interest. Over the dissent of the justices known as the “Four Horsemen,” Roberts stated that neither property nor contract rights are absolute and cannot be used by courts to invalidate reasonable regulations of the economy.

Impact Reflecting a turn away from judicial hostility to government intervention, the *Nebbia* decision was cited by the historic case of *West Coast Hotel Co. v. Parrish* (1937) to uphold regulation of the use of private property and the making of private contracts, if neither arbitrary nor discriminatory, thereby protecting New Deal-era government regulation from judicial review.

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Further Reading

Hall, Kermit, and Peter Karsten. *The Magic Mirror: Law in American History*. 2d ed. New York: Oxford University Press, 2008.

Kahn, Paul. *Legitimacy and History. Self-Government in American Constitutional Theory*. New Haven, Conn.: Yale University Press, 1993.

Philips, Michael. *The Lochner Court, Myth and Reality: Substantive Due Process from the 1890s to the 1930s*. Westport, Conn.: Praeger, 2001.

See also Business and the economy in the United States; Four Horsemen vs. Three Musketeers; Great Depression in the United States; Nonpartisan League; Roberts, Owen J.; *Schechter Poultry Corp. v. United States*; Supreme Court, U.S.; *United States v. Carolene Products Co.*; *West Coast Hotel Co. v. Parrish*.