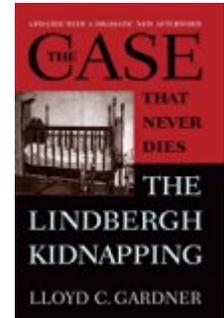


Lloyd C. Gardner. *The Case That Never Dies: The Lindbergh Kidnapping.* New Brunswick: Rutgers University Press, 2004. xi + 480 pp. \$29.95, cloth, ISBN 978-0-8135-3385-8.



Reviewed by Marc Mappen

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In January 1935, Bruno Richard Hauptmann, a German immigrant carpenter, went on trial in the Hunterdon County courthouse in Flemington, New Jersey for the kidnap and murder of the infant son of the hero aviator Charles Lindbergh and his wife Anne. The jury found Hauptmann guilty and, after his legal appeals were exhausted, he was executed in Trenton State Prison on April 3, 1936.

In the seven decades since there have been a vast number of studies of this well-known New Jersey criminal case, including books, articles, documentaries, plays, web sites, movies, and TV documentaries. A large proportion of these works focus on the guilt or innocence of Hauptmann. Indeed, a Google search on the term "Hauptmann guilty?" produces nearly 30,000 results. At one end of the spectrum are those books, like Ludovic Kennedy's *The Airman and the Carpenter* (1985) that depict Hauptman as the innocent victim of a frame-up. At the other end are books such as Jim Fischer's *The Lindbergh Case* (1987) that stoutly support the prosecution's argument that Hauptman was guilty as charged.

In this book Lloyd Gardner, a professor of history at Rutgers University, detours from his area of scholarly expertise, American foreign policy, to reexamine the case. Gardner takes an agnostic position about whether or not Hauptmann actually committed the crime. Instead, he considers whether the death sentence was justified by the evidence presented by the prosecution. His answer is an emphatic no.

Like a good defense attorney, Gardner does not see it as his job to present a single alternative explanation of the crime, but rather to raise doubts in the mind of the jurors (or in this instance his readers) by discrediting the state's witnesses, questioning the physical evidence, and raising a host of tantalizing hints about other possible culprits. In this Gardner reminds one of the star criminal lawyer Johnny Cochran, famous for his remark at the O.J. Simpson case, "If the glove doesn't fit, you must acquit." Gardner is scornful of the lead defense attorney at the Hauptmann trial, Edward Reilly, for his failure to exploit weaknesses in the prosecution case presented by New Jersey Attorney General David Wilentz.

Gardner is covering well-ploughed ground, and students of the case will be familiar with the contentious debates that have gone before. The key issues are these: Was the handmade ladder found at the scene of the crime constructed by Hauptmann, using wood from his attic? Did Hauptmann's handwriting match the ransom notes? Who was more credible--the eyewitnesses who testified for the prosecution, or those for the defense? How did a portion of the ransom money wind up hidden in Hauptmann's garage? The defense argument was that Hauptmann had been given the money for safekeeping by a friend, and was entirely ignorant of the fact that it came from the ransom payment. Were there others involved in the crime, such as the servants who worked for Charles and Anne Lindbergh or for Anne's parents? Were law enforcement authorities so eager to solve this shocking crime that they were willing to frame an innocent man?

Gardner provides no breakthrough information or startling revelations regarding these debates. But his main contribution, and one he does well, is to bring into the spotlight leads that emerged early in the investigation, but which the prosecution chose not to pursue once Hauptmann was arrested because to do so might have cast doubt on their case. For example, there was much evidence that came to the attention of lawmen that more than one person was involved in the kidnapping, but at the trial the prosecution resolutely depicted Hauptmann as the sole perpetrator.

Gardner is by no means blind to contrary evidence. As a conscientious historian, he discusses telling points made by the prosecution. For example, he concedes that the scientific work done to link wood from Hauptmann's attic to the kidnap ladder was "the most suggestive circumstantial evidence that Hauptmann committed the actual kidnapping" (p. 405).

But for the most part, Gardner's book will provide support to the reader who believes

Hauptmann was innocent or only tangentially involved in the kidnapping. The reader who believes Hauptmann was the primary or sole kidnapper will have to confront the points raised by Gardner, but will probably continue to believe that the overwhelming weight of the evidence implicates Hauptmann.

The reader who has not made up his or her mind and hungers for a breakthrough, final, definitive answer to the question of Hauptmann's guilt will not find it in Gardner's book. But alas, it is unlikely such a book can ever be written.

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