

History on Trial
Episode 11: The Crime of the Century
Illinois v. Nathan Leopold & Nathan Loeb
Researched & Written by Mira Hayward

PROLOGUE

Jacob and Flora Franks didn't start to worry until Bobby missed dinner. Their youngest son was a responsible boy, who usually called home if he was going to be late. But May 21st, 1924 had been a beautiful spring day, the kind of day where you can lose track of time, especially if you're a fourteen year old boy playing baseball with your friends. That's what the Franks figured Bobby was doing – he and his classmates liked to get a game going after school. Bobby was small for his age, but he was a sports fanatic, and always found a way to join in. He would be home soon, the Franks thought.¹

But when the dinner plates were cleared, with still no sign of Bobby, the couple became concerned. They called around to Bobby's friends, who confirmed that yes, they had played baseball after school. Bobby had served as umpire. But the game had ended at 5, hours earlier. After, Bobby had headed towards home, a journey of only a few blocks. No one had seen him since.

Increasingly fearful, Jacob Franks enlisted a friend to help him search for Bobby. The men went to check if the boy had somehow gotten locked in his school building. Flora Franks stayed home. At about 10:30pm, as Flora waited for news, the phone rang. The caller asked for her husband - when Flora said he was not at home, but that she was Mrs. Franks, the caller said "Your son has been kidnapped. He is all right. Further news in the morning."

"Who is it?" Flora asked, horrified.

"George Johnson," the caller said, and hung up.

When Jacob Franks got back, he was shocked by Flora's news. After several tense hours, he decided to report the kidnapping to the police, who agreed to investigate the matter quietly, so as not to alert the kidnappers.

At 9AM the next day, the ransom note arrived in the morning mail. "Dear Sir," it began, "As you no doubt know by this time your son has been kidnapped. Allow us to assure

¹ Details of the disappearance of Bobby Franks, unless otherwise noted, come from Greg King and Penny Wilson, *Nothing But The Night: Leopold & Loeb and the Truth Behind the Murder that Rocked 1920s America* (New York: St. Martin's Press, 2022), "Part I: The Missing Boy."

you that he is at present well and safe.” It continued on in this same formal, stilted language, commanding Jacob Franks to withdraw \$10,000 and then await further instructions. It warned Jacob that if he disobeyed the instructions in any way, Bobby’s, “death will be the penalty.”² Jacob hurried to the bank to make the withdrawal, then came home to wait by the telephone.

The kidnapers did not call until after 3pm. Jacob Franks answered the phone and a voice on the other end, once again calling himself George Johnson, described how Jacob would take a taxi to a drugstore where he would receive further directions.

Jacob listened – but inside, his heart was breaking. Because only minutes before, he had received another phone call, one that changed everything. From it, he had learned that Bobby’s body had been found.

Earlier that morning, the body of a boy was found in a concrete culvert in the nature preserve surrounding Wolf Lake, some twenty miles southeast of the Franks’ house in Chicago. A pair of glasses had been found near the body, and the officer who arrived at the scene assumed they were the boy’s and placed them on his face.

The Franks family heard about the discovery, but believed the boy couldn’t be Bobby - Bobby didn’t wear glasses. But as the day wore on, they thought it would be good to know for sure, and so Bobby’s uncle traveled to view the body. When the uncle walked in, he removed the glasses from the boy’s still, cold face, and gazed down at it. Then he looked at the boy’s teeth - Bobby had marks on his teeth from a childhood illness. So did this boy. Bobby’s uncle did not have to look any longer - he knew this was his nephew. He called home and told the Franks the news only minutes before the kidnapper called to give Jacob Franks his instructions.

So Jacob had had to sit at the phone, and listen as the kidnapper spoke of his son as if he was still alive. Jacob’s plan now was to follow the ransom instructions and hope they led to the killer. But in his shock, Jacob did not retain the name of the drugstore he was supposed to go to. The trail went cold.

For more than a week, the appalled public wondered who could have committed such a crime. Bobby had been beaten and suffocated, and then had acid poured on his face after death. It was a senseless, awful killing. People could only speculate on what kind of monster the killer must be.

² Nathan Leopold and Richard Loeb, “Ransom Note,” via Northwestern University.
<https://www.northwestern.edu/magazine/spring2012/feature/full-of-drama-sidebar/ransom-note.html>

But when the police announced that they had obtained confessions for the crime, the culprits were not at all what the public had expected. The killers, for there were two of them, were the clean cut, brilliant, teenaged scions of prominent families. Their names were Nathan Leopold and Richard Loeb.

Leopold and Loeb's names are infamous. The killing of Bobby Franks was called the "crime of the century." As the twisted tale of the crime unfolded, people struggled to make sense of how the two young men could do what they had done. Everyone awaited the trial, certain that the pair would be sentenced to death. But the killers' families had hired one of the most famous attorneys in American history, Clarence Darrow, and what happened in the courtroom in that hot summer of 1924 has to be heard to be believed. Because the Leopold & Loeb trial, one of the most well known trials of all time – was not really a trial at all.

Welcome to History on Trial. I'm your host, Mira Hayward. This week, *Illinois v. Nathan Leopold and Richard Loeb*.

ACT 1

Leopold and Loeb's lives ran like trains on parallel tracks, until, fatefully, their paths converged. Both boys were born to wealthy families: Nathan Freudenthal Leopold Junior on November 19th, 1904, to Florence and Nathan Leopold, and Richard Albert Loeb on June 11th, 1905, to Albert and Anna Loeb. Both boys had nicknames: everyone called Nathan "Babe," everyone called Richard "Dickie." Both boys grew up in Kenwood, an affluent, predominantly Jewish neighborhood on Chicago's South Side. Both boys were precocious, skipping multiple grades and racing through their school years in record time. And both boys were impacted by disturbed nannies. Nathan was allegedly sexually abused by a nanny, while Richard was allegedly emotionally abused by his domineering and obsessive nanny.³

But the boys had differences too. They attended different schools, had different interests, and very different personalities.

Nathan was aloof and egotistical. He had trouble connecting to his peers. His classmates at the Harvard School for Boys nicknamed him "Flea," because he was small and annoying.⁴ He was obsessed with birds. He shot and taxidermied thousands of the

³ Details of Leopold and Loeb's early lives, unless otherwise cited, come from King & Wilson, *Nothing But the Night*, "Part II: Unlikely Killers," and Nina Barrett, *The Leopold and Loeb Files: An Intimate Look at One of America's Most Infamous Crimes* (Midway Books, 2018), "Part II: Confessions and Other Statements of Leopold and Loeb," and "Part III: The Hulbert-Bowman Report."

⁴ King and Wilson, 85. N.B. that the version used was digital; page numbers may vary by user settings.

animals, placing them around the Leopold home until it looked like a natural history museum.⁵

Richard, on the other hand, was popular and outgoing. He could easily fit into every social situation, charming classmates and adults alike. But he sometimes seemed to be playing a role, and when people tried to get close to him, he would not let them in. He moved on from friendships quickly. No one quite had a grasp on who the real Richard was. His defining adolescent interest was not birds, but books: detective fiction, to be specific, which he consumed voraciously.

Since the two boys had grown up so close together, and in such similar circles, they likely met once or twice in their childhood. But it would not be until 1920 that they would truly connect, with deadly consequences. That fall, Nathan enrolled at the University of Chicago, where Richard was beginning his sophomore year. Both boys were only 15 years old. They each had different approaches to college. Richard went a little wild - drinking, gambling, and losing his virginity at a brothel. Nathan, by contrast, maintained his standoffish, superior attitude. Richard was stylish and handsome, Nathan gawky and awkward. Over the course of the winter, though, the two began to get closer. They played cards and stayed up late, drinking and talking.

In February, 1921, Richard took Nathan on a trip to his family's estate in Charlevoix, Michigan. Albert Loeb had built an enormous working farm there, and the Loeb family loved to escape Chicago for the peace of the lakeside retreat. Now, Richard invited his new friend to visit. The train trip from Chicago took 12 hours, and the pair shared a private train car. Over the course of the long journey, Richard and Nathan opened up to each other, sharing their feelings of loneliness, their desire to fit in. They also shared secrets: Richard told Nathan about thefts he'd committed, inspired by his love of crime fiction. In return, Nathan told Richard that he was gay.

Nathan had known he was gay since childhood. Richard's sexuality is more ambiguous.⁶ He had sex with women, and liked to maintain a playboy image. However, he would later tell psychiatrists, quote, "The actual sex act is rather unimportant to me" and "I could get along easily without it."⁷

On that train ride, though, perhaps fueled by an intoxicating sense of closeness and shared vulnerability, Richard and Nathan began a sexual relationship.

⁵ King and Wilson, 78

⁶ Erik Rebain, "The 'Alleged' Relationship Between Leopold and Loeb," *Loeb and Leopold*, June 1, 2024. <https://loebandleopold.wordpress.com/2024/06/01/the-alleged-relationship-between-leopold-and-loeb/>

⁷ Karl M. Bowman and H.S. Hulbert, "Richard Examination: Report of Preliminary neuro-psychiatric examination," ed. Lingyu Kong and Jeannie, 26. Via *Loeb and Leopold*. https://drive.google.com/file/d/10yFbPnoNRG7Roz_VVCRss7tpfvghIS1f/view

In many ways, this was a normal teenage fling. However, it had to be conducted in strict secrecy - homosexuality was deeply stigmatized at the time. The secret nature of their relationship seems to have brought the pair even closer together - as did their second secret. In the spring, shortly after their train trip, Richard and Nathan began committing crimes together. They stole cars and went for joyrides, tossed bricks through the windshields of parked cars, and vandalized businesses.

The relationship seems to have fulfilled both Richard and Nathan's childhood fantasies. For Nathan, the handsome, suave Richard provided him social cachet and sexual gratification. For Richard, the brilliant, fearless Nathan was the perfect partner in crime. Both struggled to make genuine connections with others; with each other, it seemed, they could finally be themselves and be accepted.

But that summer, things nearly fell apart. A fellow University of Chicago student, Hamlin Buchman, was working at the Loeb farm at Charlevoix when Richard and Nathan came for a visit. The three spent the evening drinking together and then fell asleep. During the night, Buchman saw Richard go into Nathan's bed. Richard and Nathan, realizing that their secret was out, decided to take drastic action: they attempted to kill Buchman. They took Buchman out on a boat, and, believing that he could not swim, tipped the boat over. Buchman managed to make it out of the lake. In shock, he immediately ran to Richard's brother Allan, and told him about Richard and Nathan's relationship.

The Loeb family did not believe Buchman, and fired him from the farm. Buchman traveled back to Chicago and immediately told classmates what he'd seen. When Richard and Nathan returned to campus, gossip about them raged like wildfire. That fall, in part due to the rumors, and in part due to a sense of restlessness, Richard decided to transfer to the University of Michigan.

Nathan decided to transfer with him. But soon after the school year started, Nathan learned that his mother, Florence, was dying. He managed to make it home in time to be with her when she died on October 17, 1921. It was a devastating loss.

When Nathan returned to Michigan, he found that Richard had made new friends. These friends, along with many other Michigan students, did not like Nathan. They thought he was cold and pretentious. Rumors about the two boys' sexual relationship had also reached campus. Nathan and Richard decided to quash the rumors by spending less time together.⁸

⁸ Erik Rebain, "The Myth of Leopold and Loeb's ZBT Break Up," *Loeb and Leopold*, June 15, 2023. <https://loebandleopold.wordpress.com/2023/06/15/the-myth-of-leopold-and-loebs-zbt-break-up/>

At the end of the year, Nathan transferred back to the University of Chicago. Richard stayed on at Michigan, where he pledged a fraternity, drank heavily, worked minimally, and read detective novels. At Chicago, Nathan favored the intellectual life, studying comparative language and becoming obsessed with the German philosopher Friedrich Nietzsche. Nathan loved Nietzsche's conception of the *ubermensch*, which he interpreted to be, quote, "[a] superman [who] on account of certain superior qualities inherent in him [is] exempted from the ordinary laws which govern ordinary men. He is not liable for anything he may do"⁹ Philosophers might disagree with Nathan's definition of this concept, but it is an interpretation that reveals Nathan's desire to transcend conventional definitions of morality.

Over the next year, Richard and Nathan did not keep in close touch. In the summer of 1923, however, they found themselves reunited in Chicago. Both had graduated that spring at age 18, the youngest graduates in the history of their respective colleges. At loose ends, they reconnected – and resumed their life of crime. They cheated at cards, planned break-ins, and set fires. Nathan even managed to acquire guns, which they carried with them on their nighttime expeditions.

However, the friendship was a fraught one. The pair argued constantly. Nathan was jealous of the time Richard spent with other friends, Richard was tired of Nathan's constant bragging about his intelligence. In October, they had a falling out, and almost ended their relationship. Nathan confessed in a letter to Richard that he had thought about killing him. He also threatened to "expose" Richard, either for their sexual relationship or for their crimes.¹⁰ For some reason, even after all of this, the friendship continued.

In November, while Richard and Nathan were both enrolled in graduate classes at the University of Chicago, they decided to commit their most daring crime yet. On Saturday the 10th, they drove up to Ann Arbor to rob Richard's old fraternity house. They brought guns, masks, flashlights, and a chisel with them. It wasn't a very complicated crime: upon arrival, they walked through the unlocked front door, and stole items they found lying around: loose change, a pen and pencil, a knife, and, notably, a portable Underwood typewriter. They had agreed earlier in the night to break into two fraternities, but after pulling off the first heist, Richard wanted to go home. Nathan demanded that they follow through on the plan. They went into another house and stole a camera, but when Richard heard someone snoring he panicked and ran.

⁹ King and Wilson, 122.

¹⁰ King and Wilson, 132.

On the drive home, Nathan was furious. He called Richard a coward and questioned their connection. The argument built and built and the two nearly ended things right there. But ultimately, they didn't, instead deciding to once again double down on their toxic bond. The pair created a pact. The terms of the pact, which they determined would last until Nathan left for Europe the following summer, were this: Nathan agreed to participate in any crime that Richard asked him to, unless he thought it would put him or his family in danger. In exchange, Richard agreed to have sex with Nathan three times every two months. Lastly, the two agreed to embark on a new project, one that they believed would strengthen their relationship: Leopold and Loeb decided to kidnap someone.

ACT II

Progress was slow on the kidnapping plan. In March, 1924, Nathan and Richard had another fight, and re-negotiated the pact: now, Richard agreed to have sex with Nathan every time they committed a crime. They also began planning the kidnapping in earnest.

Richard had long been obsessed with committing the perfect crime. Nathan had long been obsessed with outsmarting others. Their obsessions combined, with tragic consequences, that spring. They were determined to execute a flawless kidnapping. They plotted out an elaborate ransom plan, which involved multiple stops, phone calls, and a money drop off a moving train. They even rehearsed the money drop, throwing a bundle of newspapers from the train to see where it landed.¹¹

The pair also decided that they would have to kill their victim, to avoid being identified. They discussed different methods of murder, and settled on either strangulation or drugging with ether. They chose a location to dump the body: Nathan suggested the area around Wolf Lake, where he often led birding trips.

The only thing that the two could not decide on was a victim. They eventually decided that it would be best to take a young boy from a wealthy family who would pay the ransom. There were many such boys at the Harvard School for Boys, Nathan's alma mater.

Richard and Nathan spent the month of May getting the final details in place. They constructed a fake identity, Morton Ballard, which they used to open a bank account and

¹¹ Details of the planning and committing of the crime, unless otherwise cited, come from Erik Reban, "Dailies," "Planning," and "Crime," *Loeb and Leopold*, <https://loebandleopold.wordpress.com/crime-and-hearing/>, and King & Wilson, *Nothing But the Night*, "Part II: Unlikely Killers."

rent a car. They bought a chisel, rope, and hydrochloric acid. They typed up a ransom letter and scripts to use for their calls. By May 21st, they were ready.

That morning, they rented a dark blue car, ate lunch, and drove to the Harvard School. They lurked around the area, using a pair of Nathan's birding binoculars to spy on the boys for several hours. A little after 5pm, they spotted Bobby Franks walking down Ellis Avenue.

Bobby Franks was Richard Loeb's second cousin. Their families lived across the street from each other. Bobby had played tennis with Richard the day before. He had no reason to be suspicious when Nathan and Richard pulled up alongside him and offered him a ride home. Bobby declined, though - his home was only two blocks away. Richard tried again, saying he wanted to ask Bobby about his tennis racket. Bobby agreed and hopped in the car.

Within minutes, the attack began. Richard and Nathan never agreed on who had done the actual killing, each blaming the other. One of them, though, began to beat Bobby with the chisel, then shoved an ether-soaked rag down his throat. Unconscious, Bobby lay bleeding on the floor of the car as it sped out of Chicago.

Around six, Richard and Nathan stopped for dinner. They ate hot dogs and drank root beer at a picnic table while Bobby suffocated to death in the car. Once it got dark, they drove to Wolf Lake, and dumped Bobby's body in a culvert, first pouring acid on his face, genitals, and on a scar on his abdomen, in an effort to prevent identification. On the drive home, Nathan stopped and called the Franks and told Flora that her son had been kidnapped.

Nathan and Richard's so-called perfect crime fell apart quickly. Bobby's body was discovered sooner than they had expected, and Jacob Franks could not remember the complicated ransom instructions. However, no one had any idea who had committed the crime. It was the talk of Chicago - and Richard himself couldn't help but bring up the subject. He even involved himself in the investigation, taking reporters on an expedition to discover which drugstore Jacob Franks was supposed to have gone to. On this trip, the reporters asked Richard about Bobby, hoping to get family details for their story. Richard, to their horror, told them, quote "If I were going to murder anyone, I would murder just such a cocky little son of a bitch as Bobby Franks."¹²

On May 25th, the Franks family held Bobby's funeral at their home. A distraught Flora Franks, who refused to believe that her son was dead, ran her hands over the faces of his

¹² King and Wilson, 43.

classmates.¹³ Jacob Franks told the *Chicago Tribune* “I try to put things out of my mind, but they come back. My wife keeps showing me pictures of him. And I lay awake until dawn thinking about it all, thinking about that baby.”¹⁴ Meanwhile, Richard and Nathan continued their normal lives - attending dinners, taking girls out on dates, drinking and dancing the nights away.

But, unbeknownst to them, the police were circling.¹⁵ Ultimately, it was a pair of glasses that proved to be the killers’ undoing. The glasses had been found by Bobby’s body - the first officer on the scene had assumed they were the boy’s, but after learning that they were not, investigators wondered if the killer had dropped them. They spent all week tracing the glasses - and caught a huge break. The frames had a distinctive hinge, only manufactured by one company in Brooklyn, and only sold by one optometrist in Chicago, Almer & Coe. The company searched its records, and discovered that it had sold three pairs of the glasses: one to a man who was now in Europe, one to a woman who still had her glasses, and one to Nathan Leopold.

Nathan had in fact been brought in by the police already, but for unrelated reasons. A game warden at Wolf Lake had identified him to police as someone who frequented the area for birding trips, and the police had questioned him on May 25th, the day of Bobby’s funeral. Nathan was not a suspect at this point - the police simply wanted to know when he was last in the area. Nathan said he had last been there the weekend before Bobby’s murder, and the police released him.

But with the glasses revelation, everything changed. Now, the police focused their energy on Nathan. On May 29th, state’s attorney Robert Crowe, who was leading the investigation and would soon lead the prosecution, sent detectives to question Nathan. When Nathan could not produce his glasses, the detectives decided to bring him in for questioning.

Under questioning, Nathan claimed that his glasses must have fallen out of his pocket while bird watching at Wolf Lake. However, when given his glasses and asked to recreate the fall, Nathan could not dislodge the glasses from his jacket pocket. He denied owning a portable typewriter, the kind of typewriter used to make the ransom note, and he claimed that on the day of the kidnapping he had been out driving, drinking, and picking up girls with Richard Loeb. The detectives then searched his house again, uncovering bottles of poisons and drugs – including ether – and two unlicensed handguns.

¹³ Barrett, 16.

¹⁴ King and Wilson, 49.

¹⁵ Details of the police investigation, unless otherwise cited, from King & Wilson, *Nothing But the Night*, Chapter 4 and Erik Rebain, “Confessions,” *Loeb and Leopold*, <https://loebandleopold.wordpress.com/confessions/>.

Detectives arrived at Richard's house the next day, Friday, May 30th. Richard claimed not to remember what he had done on the day of the murder, but later – after receiving a message from Nathan that he should, quote, “remember what happened,” he told the police the same story about driving around in Nathan's car.¹⁶

Robert Crowe and the police were convinced they had their men - and two events on Friday solidified their case. First, a typewriter expert matched the type in Nathan's study group notes to the type in the ransom note. Though Nathan had denied having a portable typewriter, Robert Crowe brought in members of his study group, who all stated that he had once used a portable typewriter. It would later emerge that the typewriter used was the Underwood portable typewriter that Nathan and Richard had stolen from the Michigan fraternity.

The final nail in the coffin came from the Leopold family chauffeur, Sven Englund. Englund had believed that his information would help exonerate Nathan: according to his statement, Englund had been working on the brakes on Nathan's car on May 21st, so Nathan could not have used his car to kidnap anyone. But Englund didn't know that Nathan claimed to have driven around in his car that day. Inadvertently, Englund had broken Nathan's alibi. Englund also told police that he saw Nathan and Richard cleaning stains out of a dark colored car on the 22nd. Bobby Franks was last seen in the vicinity of a dark colored car. And a dark colored car had been spotted near Wolf Lake around the time the killers had dumped Bobby's body.

With these four pieces of evidence: the broken alibi, the matching glasses, the matching typewriter, and Leopold and Loeb's possession of a dark colored car, Robert Crowe believed he had enough to get a confession. He decided to confront Richard first.

When Crowe told Richard about Englund's evidence, Richard responded that the man must be lying or mistaken. But then assistant state's attorney Joseph Sbarbaro confronted Richard with *all* the evidence.

“My God, my God,” Richard cried, “This is terrible.”¹⁷ He burst into tears. Then he started to talk. He gave Crowe and Sbarbaro a detailed confession of the kidnapping and murder of Bobby Franks.

With one confession obtained, Crowe turned his attention to Nathan. Even after hours of questioning, Nathan was self-assured. When Crowe walked into his room that evening, Nathan wanted to ask the attorney what he called a “hypothetical question”:

¹⁶ King and Wilson, 62.

¹⁷ King and Wilson, 68.

quote “Supposing John Doe had committed this murder, and John Doe’s family was as wealthy and influential as mine is and could hire able lawyers and get a friendly judge and bribe the jury—don’t you think he could beat it?”

“Well Nathan,” said Crowe, “I will let you try to find out.”

“What do you mean?” asked Nathan.

“I’m going to charge you with murder.”¹⁸

Nathan was incredulous. Even when Crowe told him that Richard had confessed, Nathan did not believe it – until Crowe began to recite details of the crime that only Richard could have known. For a moment, Nathan paused. Then he lit a cigarette and said to Crowe: “Well, if Loeb is talking, I will tell you the real truth.”¹⁹

Over the next two days, Crowe took Nathan and Richard on an evidence-gathering tour, stopping at the businesses they had used to prepare for their crime. They visited the car rental agency, the hardware store where they’d bought the rope, the drugstore where they’d bought the hydrochloric acid. Everywhere they went, shopkeepers identified them. So much for committing a “perfect crime.”

Still, the peril of their situation seemed not to have sunk in. Nathan joked with reporters and repeatedly stated that he had no remorse for the crime. Richard told a reporter that a few years in jail would be good for him – quote “I’ll be released and come out to a new life. I’ll go to work and I’ll work hard, and I’ll amount to something, have a career.” A nearby police captain, astonished, told Richard: “You have taken a life. You’ve killed a boy. The best you could possibly expect would be a life sentence to an insane asylum.” Richard was stunned.²⁰

Robert Crowe was determined to make sure that Leopold & Loeb did *not* go to an insane asylum. He brought in a number of psychiatrists to examine the pair, all of whom concluded that they were not legally insane: they had both understood that their actions were wrong.

On June 1st, Robert Crowe held a press conference. He had already announced the identity and confessions of the killers. Now, Crowe declared his intentions: “I have,” he told reporters, “a hanging case.”²¹ Most people agreed.

¹⁸ King and Wilson, 68.

¹⁹ King and Wilson, 69.

²⁰ King and Wilson, 186.

²¹ King and Wilson, 196.

But Crowe had not reckoned with the wealth and desperation of the Leopold and Loeb families. They were about to throw an unexpected factor into the trial: the most famous defense attorney in America. Enter Clarence Darrow.

ACT III

Clarence Darrow made a name for himself as a labor lawyer. Representing unions and political activists, Darrow had honed a folksy, effective style. Journalist Ben Hecht once described Darrow in court: quote, “The great barrister artfully gotten up in baggy pants, frayed linen and string tie, and ‘playing dumb’ for the jury as if he were no lawyer at all but a cracker-barrel philosopher groping for a bit of human truth.”²²

Darrow was sixty-seven in 1924, and was tired and often unwell. When Jacob Loeb, Richard’s uncle, came to his Chicago apartment on the night of May 31st, begging Darrow to take on his nephew’s defense, the lawyer hesitated. Jacob Loeb pleaded with Darrow: quote, “Save their lives. Get them a life sentence instead of a death sentence. That’s all we ask of you. Money’s no object. We’ll pay you anything you ask. Only for God’s sake, don’t let them be hung.”²³ Jacob Loeb’s plea resonated with Darrow for two reasons. The first was one of principal: Darrow was strongly opposed to the death penalty. The second was more prosaic: he really needed the money. He told Jacob Loeb he would take the case. He would be joined in the defense by two Chicago lawyers, brothers named Benjamin and Walter Bachrach, who the Leopold family hired. The Bachrachs also happened to be Richard Loeb’s cousins.²⁴

The defense was certainly facing an uphill battle. This was before the advent of the Miranda warning, and both Richard and Nathan had freely confessed to the police, and had even helped them gather evidence. The case against the pair was watertight. Public sentiment was also against the killers: people were horrified by their callous attitudes, as exemplified by Nathan describing the crime to a reporter as, quote, “an experiment” and “an exemplary and commendable thing.”²⁵

People were also angry at Darrow for taking the case. Darrow had made his reputation defending the poor and oppressed; now, he was defending the privileged. People worried that the wealth of the families would allow them to escape punishment. The Leopold and Loeb families responded publicly to this claim, saying in a statement: quote

²² King and Wilson, 203.

²³ King and Wilson, 201.

²⁴ Details of the trial preparations, unless otherwise cited, come from King & Wilson, *Nothing But the Night*, “Part III: Enter the Experts.”

²⁵ King and Wilson, 189-190.

“In no event will the families of the accused boys use money in any attempt to defeat justice.”²⁶

On July 11th, Richard and Nathan were arraigned. Thousands of people showed up, and so many of them tried to push into the courtroom that they tore the doors off their hinges. Richard and Nathan both pled not guilty to the charges of murder and kidnapping. The trial date was set for August 4th.

The defense team began to prepare for trial. They had decided to pursue an insanity defense. Walter Bachrach went to the American Psychiatric Association’s annual convention to recruit experts to testify for the defense. He found four doctors willing to do so. These doctors each spoke to Nathan and Richard, but also relied on a comprehensive report prepared by two additional doctors, Karl Bowman and Harold Hulbert. Bowman and Hulbert spent a week interviewing the defendants. Based on these interviews, Hulbert and Bowman compiled a large report, focusing on all aspects of the defendants’ upbringing, moral views, and mental and physical health.²⁷

Robert Crowe heard the rumors about the defense’s plan, but was unconcerned. He had had his own team of psychiatrists examine Richard and Nathan, and all these experts were prepared to testify that the defendants were not legally insane. The state of Illinois used the M’Naghten rule to determine insanity. The M’Naghten rule is covered in more detail in our episode on Charles Guiteau, but the basics are this: a defendant can only be found not guilty by reason of insanity if they both did not understand the nature of their crime, and also could not distinguish right from wrong at the time they committed the crime.²⁸

Crowe was confident he could beat Darrow in an insanity trial. But Darrow was about to change the game. On July 21st, the lawyers, defendants, and hundreds of spectators assembled in Judge John Caverley’s courtroom at the Criminal Courts Building. No one expected anything dramatic – this was simply the first day that either side could present motions to the judge. But then Clarence Darrow stood and began to speak: quote, “After long reflection and thorough discussion...we have determined to make a motion in this court ...to withdraw a plea of not guilty and enter a plea of guilty.”²⁹ A stunned silence filled the courtroom.

²⁶ King and Wilson, 207.

²⁷ Copies of the Hulbert-Bowman reports can be found at Erik Rebain, “Case Documents,” *Loeb and Leopold*, <https://loebandleopold.wordpress.com/case-documents/>.

²⁸ Samuel Strom and Melissa Bender, “The M’Naghten Rule,” *FindLaw*, last reviewed November 30, 2023, <https://www.findlaw.com/criminal/criminal-procedure/the-m-naghten-rule.html>.

²⁹ Barrett, 150.

Darrow's change of tactics came as a complete surprise – which was just how he wanted it. He had made the decision to plead the defendants guilty weeks earlier, but had kept his intentions secret from almost everyone, including Richard and Nathan, who only learned of the plan on the morning of the 21st.

Darrow believed that a guilty plea was his only chance to save the defendant's lives. He did not believe that a jury would buy an insanity plea. By pleading guilty, the trial would become a sentencing hearing, and Darrow would only have to convince one man, the judge, that his clients did not deserve death. He believed that he could so convince Judge Caverly, who had never before condemned anyone to death.³⁰

In his motion to change the plea, Darrow also asked that the defense be allowed to offer information to mitigate the punishment - in other words, to provide information that might contextualize the defendants' actions. He specifically asked to be allowed to introduce evidence on the defendants' mental conditions.

Robert Crowe objected. He argued that allowing the defense to introduce such evidence was subverting the law: if they wanted to introduce this evidence, he said, they should have pled not guilty by reason of insanity.³¹

Judge Caverly wanted time to decide. He told Darrow that he was shocked by the guilty plea, saying, "You have unloaded a big responsibility upon me. It was totally unexpected."³² He then declared that the sentencing hearing would begin two days hence, on Wednesday, July 23rd.

July 23rd was a hot day – all the days of the sentencing hearing would be, turning the courtroom into a steam room.³³ At 10AM, the hearing began. Although this was no longer a trial, per se, both the prosecution and defense intended to present full cases, including opening statements. Robert Crowe began. He did not pull his punches: "The state will show," he said, "that these men are guilty of the most cruel, cowardly, dastardly murder ever committed in the annals of American jurisprudence. The state will demonstrate their guilt here so conclusively that there is not an avenue for them to escape...We are going to demand the death penalty for both of these cold-blood, cruel, and vicious murderers."³⁴

Darrow pushed back on Crowe's characterization, saying that this was not the worst crime ever committed. When Crowe objected to this, Darrow reframed, arguing instead

³⁰ King and Wilson, 256.

³¹ King and Wilson, 260.

³² King and Wilson, 259.

³³ King and Wilson, 260.

³⁴ Barrett, 152.

that, quote “terrible as this is,[...] terrible as any killing is, it would be without precedent if two boys of this age should be hanged by the neck until dead, and it would in no way bring back Robert Franks or add to the peace and security of this community.”³⁵ He emphasized the defendants’ youth, describing them as “boys,” a term he and the defense lawyers and experts would use throughout the trial. At the time of the crime, Nathan had been 19, and Richard 18.

Robert Crowe now presented his case. As Nina Barratt notes in her book, *The Leopold and Loeb Files*, Judge Caverly had a, quote, “liberal attitude toward hearing any and all evidence that might help him weigh the terms of justice in his own mind,” and Crowe was determined to paint a comprehensive picture of both the killers’ guilt and of their lack of remorse.³⁶ Over the course of the next week, he would present 81 witnesses.

He introduced Bobby’s parents, Jacob and Flora, whose grief seemed to overwhelm them. He brought on coroner Dr. Joseph Springer, who described Bobby’s injuries, and how he had slowly suffocated on the ether-soaked rag. He brought on the various shopkeepers who had all identified Nathan and Richard.³⁷

At this point, Darrow objected to Crowe’s case, saying that given the guilty plea, such a recitation of evidence was unnecessary. Crowe responded that he wanted to demonstrate that the defendants had only confessed because of the, quote, “mountain of evidence” against them, not out of any sense of remorse.³⁸ Judge Caverly told Crowe to proceed.

Crowe next called the experts and investigators who had helped gather the evidence against the pair: the typewriter expert who had matched the ransom note to Nathan’s study notes, the optometrist who had prescribed Nathan’s glasses, the doctor who had found bloodstains on the pair’s clothes and in their rental car.

Throughout this presentation, Nathan and Richard’s behavior shocked observers. They whispered to one another, laughed, made faces, fidgeted in their chairs. They did not seem to be taking anything seriously - and they certainly showed no respect for the victim’s family nor remorse for their crimes. When a reporter asked Richard to explain his behavior, he responded “What do they want me to do? I sit in the courtroom and watch the play as it progresses.”³⁹

³⁵ Barrett, 153-154.

³⁶ Barrett, 155.

³⁷ Summary of the trial, unless otherwise cited, drawn from King & Wilson, *Nothing But the Night*, “Part IV: Before the Bar of Justice,” and Barrett, *The Leopold and Loeb Files*, “Part IV: The Court Transcript.”

³⁸ King and Wilson, 266.

³⁹ King and Wilson, 270.

On July 30th, after the defendants' police interviews and confessions were read into the record, Robert Crowe concluded his case. It was now time for the defense to begin.

The first defense witness was Dr. William White, president of the American Psychiatric Association. Crowe objected to this testimony using the same argument he'd made on July 21st: the defense, he believed, should not be allowed to introduce evidence of insanity since they had pled guilty. The arguments over this issue continued for three days. Finally, Judge Caverley decided to allow the evidence, but added that if any of the defense witnesses made a claim about insanity - as opposed to providing context for the defendants' mental health - he would call a jury and begin a jury trial.⁴⁰

With this matter resolved, Dr. White began his testimony. He delved into the psychology of the defendants, claiming that Richard – who he, and all the other defense experts, referred to by his nickname of “Dickie” – had a fantasy of being a master criminal, a fantasy so compelling that it prevented him from understanding the real world. About Nathan - who he, again using his nickname, called “Babe” – Dr. White said that he had developed a hardened shell of superiority and coldness as a way of protecting himself. He discussed the troubled childhoods of both defendants - the abuse of their governesses and the unexpected costs of privilege. He described the defendants as emotionally disturbed young men who, while sane, did not have the same capacity for understanding right and wrong that a normal person would.⁴¹

On cross examination, Crowe tried to trigger a jury trial. He asked White to show his initial psychiatric report. To Crowe, it seemed suspicious that White would diagnose the defendants with so many psychological issues without also labeling them insane. Under discovery rules, Crowe was entitled to see White's report. But the defense objected. After some back and forth, Judge Caverley asked White to produce his report. White responded that he had given his report to defense lawyer Walter Bachrach and no longer had it. Bachrach, in turn, refused to produce it. Crowe pushed, saying “If I can prove that this man has changed his conclusions, that at one time he was willing to swear for [pay] to one thing and on another occasion he is willing to swear to a different set of facts for [pay], I think I have destroyed the value of his testimony.”⁴² But then, for some reason, he gave up, saying that if the defense would not produce the report, he would let the issue rest.

Crowe had come very near to exploding Clarence Darrow's plan. In July 2017, Northwestern University managed to obtain the initial psychiatric reports made by the defense experts – and found that three of them, including that of Dr. White, had indeed

⁴⁰ King and Wilson, 274-278.

⁴¹ King and Wilson, 278-281.

⁴² King and Wilson, 283.

initially declared the defendants insane. They had changed their testimony when the defendants changed their plea. Darrow suppressed these reports in order to ensure that the doctors' testimony would not trigger a jury trial. This had long been rumored, but the discovery of the reports confirmed it - and revealed the extremely ethically dubious actions of Darrow and these experts.⁴³

But back in 1921, the defense proceeded with its case. The next witness, Dr. William Healy, also discussed the defendants' mental instability. The most important part of his testimony was his discussion of the pact between Nathan and Richard - including the fact that the terms had included sex. Nathan and Richard's homosexual relationship had been rumored and hinted at, but Healy's testimony confirmed it.⁴⁴

After Healy, the defense called two more psychiatrists, Dr. Bernard Glueck and Dr. Harold Hulbert. Then they presented a series of character witnesses - classmates and friends who discussed Richard's immaturity and Leopold's obsession with Nietzsche.⁴⁵ With that, the defense concluded their case.

For his rebuttal case, Robert Crowe presented his own series of psychiatrists, all of whom believed that Nathan and Richard were not mentally ill. None of the psychological evidence either way was particularly compelling, but the defense experts did provide the public with a new picture of the defendants: instead of being monstrous murderers, they were traumatized children lashing out at a world that had hurt them.

After the testimony concluded, the closing arguments began. Assistant state's attorney Thomas Marshall kicked things off, saying that the precedent in cases like this was the death penalty. ASA Joseph Savage continued the prosecution's argument. In a moving, powerful speech, Savage detailed the crime, and pushed back on how Darrow had constantly described Richard and Nathan as boys, saying "[Darrow] asks your honor for mercy, and he tells your honor that they are both youths, boys...What mercy did they show that boy?"⁴⁶ Savage's closing brought the courtroom to tears. Even Nathan was affected, in his own way, asking his brother, "My God,[...] do you think we'll swing after that?"⁴⁷

It was now the defense's turn. Walter Bachrach gave a brief speech. He recapped the testimony of their psychiatric experts, and returned to the theme of the defendants'

⁴³ Nina Barrett, "Revising the Crime of the Century," Interview with Nina Barrett by Dean Jobb, *Chicago Review of Books*, August 28, 2018.

<https://chireviewofbooks.com/2018/08/28/leopold-and-loeb-files-nina-barrett-interview/>

⁴⁴ King and Wilson, 284-289.

⁴⁵ King and Wilson, 293-297.

⁴⁶ King and Wilson, 307.

⁴⁷ King and Wilson, 309.

youth, saying, quote: “Your Honor stands in relationship of a father to these defendants.”⁴⁸

Once Bachrach concluded, on the afternoon of August 22nd, Clarence Darrow rose. He would deliver a defense for the ages - a eight hour tour de force that is one of the most famous closing arguments in legal history. He discussed the lack of legal precedent for a death sentence in such a case, noting that only three people in Chicago had ever been hanged after pleading guilty. He described the evolution of the application of the death penalty, stating that it had been used more and more selectively over the years, and called for judicial progressiveness. He also focused on moral objections to the death penalty, saying, “Do you think you can cure the hatreds and the mal-adjustments of the world by hanging them? You may here and there cure hatred with love and understanding, but you can only add fuel to the flames by hating in return.”⁴⁹ He made the stakes of Judge Caverley’s decision stark, saying of the concept of justice, quote, “who knows what it is?...Does Crowe know? Do I know? Does your Honor know? Is there any human machinery for finding it?...Can your Honor appraise these two young men and say what they deserve?...It means that you must appraise every influence that moves them, the civilization where they live, their living, their society, all society which enters into the making of a child. If your honor can do it—if you can do it you are wise, and with wisdom goes mercy.”⁵⁰

For all its eloquence and humanity, Darrow’s closing could also be callous and inaccurate. He said that, quote, “Poor little Bobby Franks suffered very little,” and died quickly, which was not true. He said that perhaps it was Bobby’s fate to die young, and implied that he might not have done anything with his life: “Perhaps the boy who died at fourteen did as much as if he had died at seventy.” He said of Richard and Nathan: “These two are the victims.”⁵¹

But Darrow ended on a powerful note, saying “I am pleading for life, understanding, charity and kindness, and the infinite mercy that forgives all. I am pleading that we overcome cruelty with kindness and hatred with love...I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men.”⁵² At the end of his closing – as at the end of Savage’s – many in the courtroom were in tears.⁵³

Defense attorney Benjamin Bachrach now gave a brief statement in which he again outlined the evidence of the defendants’ mental instability.

⁴⁸ King and Wilson, 310-311.

⁴⁹ Barrett, 220.

⁵⁰ Barrett, 223-224.

⁵¹ King and Wilson, 315, 320.

⁵² King and Wilson, 322.

⁵³ Barrett, 221.

Robert Crowe would have the final word in the trial. Crowe was angry - frustrated by Darrow's characterization of the defendants as boys who could not control their actions, upset by the defense's attempt to make the crime seem less brutal than it had been – and his fury showed in his closing arguments. He spoke loudly and shook his fists and stamped his feet for emphasis. He also introduced a new theory - the idea that Bobby Franks was molested before he was murdered. The defense objected, but Caverly allowed the evidence – although he ordered all women to leave the courtroom first. There was not conclusive evidence one way or another about this claim - the medical evidence was ambiguous.

The next day, Crowe continued his argument. He attacked the defense psychiatrists, the defense attorneys, and the defendants. “We ought to... treat them with kindness and consideration?” he asked incredulously. “Why, from the evidence in this case they are as much entitled to the sympathy and mercy of this court as a couple of rattlesnakes...They are a disgrace to their honored families and they are a menace to this community. The only useful thing that remains for them now in life is to go out of life and go out of it as quickly as possible under the law.”⁵⁴

Crowe's forceful words seemed to be effective in undermining Darrow's arguments. But then the prosecutor made a misstep. He brought up Nathan Leopold's statement during interrogation that a quote, “friendly judge” would let them off. Crowe had meant to illustrate the defendants' smugness and lack of remorse. But Judge Caverly interpreted this as an attack on his integrity, believing that Crowe was implying that he had been bribed. He rebuked Crowe, and ordered that the words be stricken from the record, as they were a quote “cowardly and dastardly assault upon the integrity of this court.”⁵⁵ Uncomfortable, Crowe tried to explain that that had not been his intent, but Caverly was furious.

On this awkward note, on the afternoon of August 28th, the sentencing hearing ended after 32 days. Judge Caverly stated that he would announce his decision on September 10th, and said that anyone who bothered him during his deliberations would be, quote, “sent to jail instantly.”⁵⁶ Despite this warning, Judge Caverly and his wife received multiple death threats and someone threatened to bomb the courthouse if he did not sentence Nathan and Richard to death.⁵⁷

⁵⁴ King and Wilson, 326.

⁵⁵ Barrett, 243-245.

⁵⁶ King and Wilson, 339-340.

⁵⁷ King and Wilson, 339.

At 9:30am on Wednesday, September 10th, Judge Caverley called the court to order. He said that, given the interest the country had in the case, he wished to explain his decision. He said that the psychiatric testimony did not impact his decision, because he believed that, quote, “similar analyses made of other persons accused of crime will probably reveal similar or different abnormalities,” and thus were not necessarily mitigating factors. He described the crime as having been premeditated and planned, and executed with quote “callousness and cruelty.” But, he said, he could not ignore the youth of the defendants. Given their age, and, quote “in accordance with the progress of criminal law... with the dictates of enlightened humanity...[and] the precedents hitherto observed in this state,” he would be sentencing Nathan Leopold and Richard Loeb to LIFE IN PRISON.⁵⁸

ACT IV

The decision to sentence Leopold & Loeb to prison – specifically, a life sentence for the murder plus a 99 year sentence for the kidnapping - came as a surprise to many. But people also seemed to understand and accept the sentence. Public reaction to the sentence reflected evolving perceptions of the crime itself. When the identities of the killers had first been announced – and when Nathan Leopold and Richard Loeb gave shocking interviews in which they could not explain their motives and expressed no remorse – the crime had seemed beyond understanding to many people. But the trial - or, more specifically, the press coverage of the trial - had changed that view. As the historian Paula Fass says in her article, “Making and Remaking an Event: The Leopold and Loeb Case in American Culture,” “the killers became anything but the Nietzschean supermen whom they claimed to be and whose self-sufficiency initially alarmed the public. Instead they became children, precocious and wounded certainly, but children who could provide lessons about how to normalize childhood.”⁵⁹

This last point was an especially important one. People wanted to find a lesson from the crime, and they found several: lessons about how society should change, for example. What had initially been understood as an unfathomable thrill killing was now seen as a representation of the era’s troubles. People saw Leopold and Loeb as the culmination of all the trends of the twenties: “Were they jaded by the jazz life of gin and girls, so that they needed so terrible a thing as murder to give them new thrills?” asked the *Chicago Daily Tribune*. This same article asked, quote “Were they bored by a life which left them

⁵⁸ Barrett, 248-251.

⁵⁹ Paula S. Fass, “Making and Remaking an Event: The Leopold and Loeb Case in American Culture,” *The Journal of American History*, Vol. 80, No. 3 (December 1993), 938.
<https://www.jstor.org/stable/2080409>

nothing to be desired, no obstacles to overcome, no goal to attain?”⁶⁰ The idea that the pair’s wealth had negatively influenced them had been a key part of the defense’s case.⁶¹

There are echoes, in this defense, and in the public discussion of this trial, of the 2016 case of Ethan Couch, a sixteen-year-old who killed four people while drunk driving. Like Leopold and Loeb, Couch pleaded guilty. At his sentencing hearing, defense psychologist Gary Miller stated, quote “He never learned that sometimes you don’t get your way. He had the cars and he had the money. He had freedoms that no young man would be able to handle.”⁶² Though prosecutors had asked for a twenty-year prison sentence, Couch was instead handed ten years of probation.⁶³ Speaking about the sentence, Eric Boyles, whose wife and daughter had been killed by Couch, said “Had he not had money to have the defense there, to also have the experts testify, and also offer to pay for the treatment, I think the results would have been different.”⁶⁴

Whether or not you buy the so-called “affluenza” defense, it’s hard to deny the influence of money on both Couch and Leopold & Loeb’s case. The Leopold and Loeb families’ wealth allowed them to pay a top defense lawyer - and Darrow’s shrewd work on the case, particularly his closing argument, certainly influenced the verdict. As the *Chicago Daily Tribune* recorded, quote, “It was the opinion in legal circles that...Mr. Crowe’s ‘mountain high evidence’ [had] been displaced by Clarence S. Darrow’s sage philosophizing.”⁶⁵ Had Leopold and Loeb not been able to afford talented defense attorneys, their outcome would likely have been different.

The Franks family responded to the verdict with grace. Flora Franks told newspapers that she had not wanted the death penalty – in large part because of Bobby’s view on the subject. In a school debate several weeks before his murder, Bobby had spoken against the death penalty, saying “Punishment should be reformatory, never vindictive.”⁶⁶ Jacob Franks said he was just happy that it was over. “There can be no more torture by seeing

⁶⁰ Maurine Watkins, *Chicago Sunday Tribune*, June 1, 1924, via Barrett, *The Leopold and Loeb Files*, 65.

⁶¹ King and Wilson, 310.

⁶² Max Ehrenfreund, “Texas boy avoids jail in deaths of four after psychologist testifies wealth spoiled him,” *The Washington Post*, December 12, 2013.
https://www.washingtonpost.com/national/texas-boy-avoids-jail-in-deaths-of-four-after-psychologist-testifies-wealth-spoiled-him/2013/12/12/3710eab0-6352-11e3-91b3-f2bb96304e34_story.html

⁶³ Matt Howerton, “10 years ago, ‘affluenza’ teen Ethan Couch killed four and injured several others in drunk-driving crash,” *WFAA*, June 16, 2023.
<https://www.wfaa.com/article/news/local/ethan-couch-affluenza-10-years-since-deadly-drunk-driving-crash/287-a8ea72a1-592e-49dd-a097-fd1bb80e237e>

⁶⁴ Martha Neil, “‘Affluenza’ teen on probation for fatal crash is sent to pricey rehab.” *ABA Journal*, February 6, 2014.
https://www.abajournal.com/news/article/affluenza_teen_on_10-year_probation_for_crash_that_killed_4_i_s_sent_to_pric#google_vignette

⁶⁵ *Chicago Daily Tribune*, September 11, 1924. Find in Barrett,

⁶⁶ King and Wilson, 21.

this thing spread over the front pages of newspapers. It will be easier for Mrs. Franks and for me to be relieved of the terrible strain of all this publicity.”⁶⁷

The publicity had indeed been relentless for the Franks family. During the trial, thousands of curious people had flocked to the Franks home in Kenwood, looking through their windows and invading their privacy. In late September, Jacob Franks decided to sell the family home and move to a different part of Chicago. They auctioned off everything in their home - and twelve hundred people showed up just to see Bobby Franks’s room.⁶⁸ Jacob Franks died in 1928 – a newspaper article announcing his death said he was, quote “never able to recover from his grief.”⁶⁹ Flora died in 1937.

Within five years of the trial, Richard’s father Albert and Nathan’s father Nathan Sr. were also dead. And then, on January 28th, 1936, Richard Loeb was stabbed to death in prison by another inmate.

That left only Nathan Leopold – and he was determined that he would not spend the rest of his life in prison. Though his first years in prison had been defined by rule-breaking and trouble-making, he began to settle down, and volunteered around the jail. In 1953, he had his first parole hearing. When asked about the motives for his crime, Nathan refused to answer, saying only “I don’t know why I did it. I’m a different man now. I was a smart-aleck kid.”⁷⁰ Being a “smart-aleck kid” did not impress the parole board as justification for murder. Nathan’s lack of remorse also troubled the board. They denied his parole request.

Over the next five years, Nathan promoted his reformed image heavily, participating in interviews that promoted his volunteer work and distanced him from the crime. In a *Saturday Evening Post Profile*, Nathan described the murder as something he’d only, quote “been present at.”⁷¹ He also insisted that he was no longer gay. In 1957, he published a memoir called *Life Plus 99 Years*, in which Nathan portrayed himself as deeply remorseful, while also claiming that he only did the crime because Richard Loeb forced him to.⁷²

In February 1958, Nathan had another parole board hearing. He continued his denial of responsibility, repeating the claim that he was forced into the crime by Richard Loeb, and said “I had no wish to do this dreadful thing.” However, he also said he was overwhelmed by remorse, and said “It is not easy to live with murder on your

⁶⁷ Barrett, 253.

⁶⁸ King and Wilson, 351.

⁶⁹ Barrett, 255.

⁷⁰ King and Wilson, 382.

⁷¹ King and Wilson, 384.

⁷² King and Wilson, 395-396.

conscience. The fact that you didn't do the actual killing yourself does not make it any easier."⁷³

Despite this shifting of blame, the parole board was more receptive to Nathan this time around, and granted him parole on February 20th. He moved to Puerto Rico where he took a job in a hospital and married a woman. In 1971, he visited Chicago, and went on a trip to the area around Wolf Lake, where he had dumped Bobby Frank's body nearly fifty years earlier. The area, once a wildland, had been built over. In a letter to his attorney, Nathan described the area only as, quote, "where I used to go birding."⁷⁴ Soon after this trip, Nathan, already in poor health, fell ill. On August 29th, 1971, Nathan Leopold died.

The Leopold and Loeb case has achieved mythical status in the annals of true crime. It seems to have all the elements of a fictional story: the remorseless, eccentric killers; the impassioned defense attorney; the debates over society and morals and justice. It can be hard to remember that at the heart of this story is a fourteen-year-old boy, who thought he was stepping into a relative's car to talk about tennis rackets, and then was brutally killed. There is a human reality to this case – for all its drama, it is a sad, sordid tale. But as one of Nathan's parole board members said, "The story is already a legend."⁷⁵

That's the story of *Illinois v. Leopold and Loeb*. Stay with me after the break to learn about the press's surprising role in the case.

EPILOGUE

Like many so-called "crimes of the century," the press were all over the Leopold & Loeb case. But the press also played an unusual role in this story: two reporters, James Mulroy and Alvin Goldstein, were instrumental to solving the crime.

On May 22nd, Mulroy, a reporter for the *Chicago Daily News*, received a tip that Bobby Franks had been kidnapped. He got in touch with the Franks' family friend, Samuel Ettelson, who confirmed the story in exchange for Mulroy promising not to publish anything yet. Mulroy agreed, and traveled over to the Franks house to see what more he could learn.⁷⁶

Meanwhile, Mulroy's colleague, Alvin Goldstein, had been sent to write up the discovery of a boy's body in Indiana. When Mulroy's editor told him about the body, Mulroy

⁷³ King and Wilson, 387-388.

⁷⁴ Barrett, 290.

⁷⁵ Fass, 54.

⁷⁶ King and Wilson, 29, 32.

connected the dots and suggested that it might be Bobby Franks. This information was the reason the Franks sent Bobby's uncle to look at the body - and identify it.⁷⁷

On May 23rd, Mulroy and Goldstein stopped for lunch at the Zeta Beta Tau fraternity house at the University of Chicago. Richard Loeb happened to be there, chatting with another reporter named Howard Mayer about the Franks case. Loeb suggested to the reporters that they could find out which drugstore Jacob Franks was supposed to have gone to for the ransom. The four men traveled to 63rd street and were able to discover the drugstore, which the journalists then reported to the police.⁷⁸

Mulroy and Goldstein had their biggest break on May 31st. They had been talking to Nathan's classmates, and discovered that Nathan was the note taker for his study group. One student told the reporters that while Nathan usually used a Hammond typewriter, he had once seen Nathan use a portable typewriter instead. The student gave Mulroy and Goldstein copies of the group's notes, which they took to the typewriter expert who had examined the ransom note for the police. Upon examining the study notes, the expert was sure that one set of them - the set that differed from all the rest - was typed by the same typewriter that had produced the ransom note. Mulroy and Goldstein took this information to Robert Crowe, who proceeded to call in the study group members, and question them. This would be one of the final pieces of evidence that sealed the case against Leopold & Loeb.⁷⁹

For their dogged reporting, and, for, quote "their service toward the solution of the murder of Robert Franks [...], in Chicago on May 21, 1924, and the bringing to justice of Nathan F. Leopold and Richard Loeb," James Mulroy and Alvin Goldstein were awarded the 1925 Pulitzer Prize in Reporting.⁸⁰

Thank you for listening to History on Trial. My main sources for this episode were Nina Barrett's book *The Leopold and Loeb Files: An Intimate Look at One of America's Most Infamous Crimes*, Erik Reban's website loebandleopold.com, Greg King and Penny Wilson's book *Nothing But The Night: Leopold & Loeb and the Truth Behind the Murder that Rocked 1920s America*, and Paula Fass's article "Making and Remaking an Event: The Leopold and Loeb Case in American Culture." For a full bibliography as well as a transcript of this episode with citations, please visit our website, historyontrialpodcast.com.

⁷⁷ King and Wilson, 32-33.

⁷⁸ King and Wilson, 42-44.

⁷⁹ King and Wilson, 63-64.

⁸⁰ The Pulitzer Prizes, "The 1925 Pulitzer Prize Winner in Reporting: James W. Mulroy and Alvin H. Goldstein of *Chicago Daily News*." <https://www.pulitzer.org/winners/james-w-mulroy-and-alvin-h-goldstein>

