

**Clarence Darrow's Summation  
Illinois v. Nathan Leopold and Richard Loeb, 1924**

**Your Honor, it has been almost three months since the great responsibility of this case was assumed by my associates and myself. I am willing to confess that it has been three months of great anxiety. A burden which I gladly would have been spared excepting for my feelings of affection toward some of the members of one of these unfortunate families. This responsibility is almost too great for any one to assume; but we lawyers can no more choose than the court can choose.**

**Our anxiety over this case has not been due to the facts that are connected with this most unfortunate affair, but to the almost unheard of publicity it has received; to the fact that newspapers all over this country have been giving it space such as they have almost never before given to any case. The fact is that day after day the people of Chicago have been regaled with stories of all sorts about it, until almost every person has formed an opinion.**

**And when the public is interested and demands a punishment, no matter what the offense, great or small, it thinks of only one punishment, and that is death.**

**"The motive was to get ten thousand dollars," say they.**

**These two boys, neither one of whom needed a cent, scions of wealthy people, killed this little inoffensive boy to get ten thousand dollars?**

**Did they need the money?**

**Why, at this very time, and a few months before, Dickie Loeb had three thousand dollars checking account in the bank. Your Honor, I would be ashamed to talk about this except that in all apparent seriousness they are asking to kill these two boys on the strength of this flimsy foolishness.**

**At that time Richard Loeb had a three thousand dollar checking account in the bank. He had three Liberty Bonds; one of which was past due, and the interest on each of them had not been collected for three years. I said, had not**

**been collected; not a penny's interest had been collected,--and the coupons were there for three years. And yet they would ask to hang him on the theory that he committed this murder because he needed money, and for money.**

**In addition to that we brought his father's private secretary here, who swears that whenever he asked for it, he got a check, without ever consulting the father. She had an open order to give him a check whenever he wanted it, and she had sent him a check in February, and he has lost it and had not cashed it. So he got another in March.**

**Your Honor, how far would this kind of an excuse go on the part of the defense? Anything is good enough to dump into a pot where the public are clamouring, and where the stage is set and where loud-voiced young attorneys are talking about the sanctity of the law, which means killing people; anything is enough to justify a demand for hanging.**

**How about Leopold?**

**Leopold was in regular receipt of one hundred and twenty-five dollars a month; he had an automobile; paid nothing for board and clothes, and expenses; he got money whenever he wanted it, and he had arranged to go to Europe and had bought his ticket and was going to leave about the time he was arrested in this case.**

**He passed his examination for the Harvard Law School, and was going to take a short trip to Europe before it was time for him to attend the fall term. His ticket had been bought, and his father was to give him three thousand dollars to make the trip.**

**In addition to that, these boys' families were extremely wealthy. The boys had been reared in luxury, they had never been denied anything; no want or desire left unsatisfied; no debts; no need of money; nothing.**

**And yet they murdered a little boy, against whom they had nothing in the world, without malice, without reason, to get five thousand dollars each.**

**All right. All right, your Honor, if the court believes it, if anyone believes it, I can't help it.**

**That is what this case rests on. It could not stand up a minute without motive. Without it, it was the senseless act of immature and diseased children, as it was; a senseless act of children, wandering around in the dark and moved by some emotion, that we still perhaps have not the knowledge or the insight into life to thoroughly understand.**

**Were these boys in their right minds? Here were two boys with good intellect, one eighteen and one nineteen. They had all the prospects that life could hold out for any of the young; one a graduate of Chicago and another of Ann Arbor; one who had passed his examination for the Harvard Law School and was about to take a trip in Europe,--another who had passed at Ann Arbor, the youngest in his class, with three thousand dollars in the bank. Boys who never knew what it was to want a dollar; boys who could reach any position that was to boys of that kind to reach; boys of distinguished and honorable families, families of wealth and position, with all the world before them. And they gave it all up for nothing, for nothing! They took a little companion of one of them, on a crowded street, and killed him, for nothing, and sacrificed everything that could be of value in human life upon the crazy scheme of a couple of immature lads.**

**Now, your Honor, you have been a boy; I have been a boy. And we have known other boys. The best way to understand somebody else is to put yourself in his place.**

**Is it within the realm of your imagination that a boy who was right, with all the prospects of life before him, who could choose what he wanted, without the slightest reason in the world would lure a young companion to his death, and take his place in the shadow of the gallows?**

**I do not care what Dr. Krohn may say; he is liable to say anything except to tell the truth, and he is not liable to do that. No one who has the process of reasoning could doubt that a boy who would do that is not right.**

**How insane they are I care not, whether medically or legally. They did not reason; they could not reason; they committed the most foolish, most unprovoked, most purposeless, most causeless act that any two boys ever committed, and they put themselves where the rope is dangling above their heads. . . .**

**Why did they kill little Bobby Franks?**

**Not for money, not for spite; not for hate. They killed him as they might kill a spider or a fly, for the experience. They killed him because they were made that way. Because somewhere in the infinite processes that go to the making up of the boy or the man something slipped, and those unfortunate lads sit here hated, despised, outcasts, with the community shouting for their blood.**

**They pull the dead boy into the back seat, and wrap him in a blanket, and this funeral car starts on its route.**

**If ever any death car went over the same route or the same kind of a route driven by sane people, I have never heard of it, and I fancy no one else has ever heard of it.**

**This car is driven for twenty miles. First down through thickly populated streets, where everyone knew the boys and their families, and had known them for years, till they come to The Midway Boulevard, and then take the main line of a street which is traveled more than any other street on the south side except in the loop, among automobiles that can scarcely go along on account of the number, straight down The Midway through the regular route of Jackson Park, Nathan Leopold driving this car, and Dick Loeb on the back seat, and the dead boy with him.**

**The slightest accident, the slightest misfortune, a bit of curiosity, an arrest for speeding, anything would bring destruction. They go down The Midway, through the park, meeting hundreds of machines, in sight of thousands of eyes, with this dead boy.**

**For what? For nothing! The mad acts of the fool in King Lear is the only thing I know of that compares with it. And yet doctors will swear that it is a sane act. They know better.**

**They go down a thickly populated street through South Chicago, and then for three miles take the longest street to go through this city; built solid with business buildings, filled with automobiles backed upon the street, with street cars on the track, with thousands of peering eyes; one boy driving and the other on the back seat, with the corpse of little Bobby Franks, the blood streaming from him, wetting everything in the car.**

**And yet they tell me that this is sanity; they tell me that the brains of these boys are not diseased. You need no experts, you need no X-rays; you need no study of the endocrines. Their conduct shows exactly what it was, and shows that this court has before him two young men who should be examined in a psychopathic hospital and treated kindly and with care. They get through South Chicago, and they take the regular automobile road down toward Hammond.**

**There is the same situation; hundreds of machines; any accident might encompass their ruin. They stop at the forks of the road, and leave little Bobby Franks, soaked with blood, in the machine, and get their dinner, and eat it without an emotion or a qualm.**

**Your Honor, we do not need to believe in miracles; we need not resort to that in order to get blood. If it were any other case, there could not be a moment's hesitancy as to what to do.**

**I repeat, you may search the annals of crime, and you can find no parallel. It is utterly at variance with every motive and every act and every part of conduct that influences normal people in the commission of crime. There is not a sane thing in all of this from the beginning to the end. There was not a normal act in any of it, from its inception in a diseased brain, until today, when they sit here awaiting their doom.**

**I know, Your Honor, that every atom of life in all this universe is bound up together. I know that a pebble cannot be thrown into the ocean without disturbing every drop of water in the sea. I know that every life is inextricably**

**mixed and woven with every other life. I know that every influence, conscious and unconscious, acts and reacts on every living organism, and that no one can fix the blame. I know that all life is a series of infinite chances, which sometimes result one way and sometimes another. I have not the infinite wisdom that can fathom it, neither has any other human brain. But I do know that in back of it is a power that made it, that power alone can tell, and if there is no power, then it is an infinite chance, which man cannot solve.**

**Why should this boy's life be bound up with Frederick Nietzsche, who died thirty years ago, insane, in Germany? I don't know.**

**I only know it is.**

**Before I would tie a noose around the neck of a boy I would try to call back into my mind the emotions of youth. I would try to remember what the world looked like to me when I was a child. I would try to remember how strong were these instinctive, persistent emotions that moved my life. I would try to remember how weak and inefficient was youth in the presence of the surging, controlling feelings of the child. One that honestly remembers and asks himself the question and tries to unlock the door that he thinks is closed, and calls back the boy, can understand the boy.**

**But, your Honor, that is not all there is to boyhood. Nature is strong and she is pitiless. She works in her own mysterious way, and we are her victims. We have not much to do with it ourselves. Nature takes this job in hand, and we play our parts. In the words of old Omar Khayyam, we are only "Impotent pieces in the game He plays Upon this checkerboard of nights and days, Hither and thither moves, and checks, and slays, And one by one back in the closet lays."**

**What had this boy to do with it? He was not his own father; he was not his own mother; he was not his own grandparents. All of this was handed to him. He did not surround himself with governesses and wealth. He did not make himself. And yet he is to be compelled to pay.**

**There was a time in England, running down as late as the beginning of the last century, when judges used to convene court and call juries to try a horse, a dog, a pig, for crime. I have in my library a story of a judge and jury and**

lawyer's trying and convicting an old sow for lying down on her ten pigs and killing them.

What does it mean? Animals were tried. Do you mean to tell me that Dickie Loeb had any more to do with his making than any other product of heredity that is born upon the earth? . . .

Your Honor, I am almost ashamed to talk about it. I can hardly imagine that we are in the 20th century. And yet there are men who seriously say that for what Nature has done, for what life has done, for what training has done, you should hang these boys.

But there are others to be considered. Here are these two families, who have led honest lives, who will bear the name that they bear, and future generations must carry it on. Here is Leopold's father,--and this boy was the pride of his life. He watched him, he cared for him, he worked for him; the boy was brilliant and accomplished, he educated him, and he thought that fame and position awaited him, as it should have awaited. It is a hard thing for a father to see his life's hopes crumble into dust.

Should he be considered? Should his brothers be considered? Will it do society any good or make your life safer, or any human being's life safer, if it should be handed down from generation to generation, that this boy, their kin, died upon the scaffold? And Loeb's, the same. Here is the faithful uncle and brother, who have watched here day by day, while Dickie's farther and his mother are too ill to stand this terrific strain, and shall be waiting for a message which means more to them than it can mean to you or me. Shall these be taken into account in this general bereavement? Have they any rights? Is there any reason, your Honor, why their proud names and all the future generations that bear them shall have this bar sinister written across them? How many boys and girls, how many unborn children will feel it? It is bad enough as it is, God knows. It is bad enough, however it is. But it's not yet death on the scaffold. It's not that. And I ask your Honor, in addition to all that I have said, to save two honorable families from a disgrace that never ends, and that could be of no avail to help any human being that lives. If there is such a thing as justice it could only be administered by one who knew the inmost thoughts of the man to whom they were meting it out. Aye, who knew the father and mother and the grandparents and the infinite

number of people back of him. Who knew the origin of every cell that went into the body, who could understand the structure, and how it acted. Who could tell how the emotions that sway the human being affected that particular frail piece of clay. It means more than that. It means that you must appraise every influence that moves them, the civilization where they live, and all society which enters into the making of the child or the man! If your Honor can do it--if you can do it you are wise and with wisdom goes mercy.

No one with wisdom and with understanding, no one who is honest with himself and with his own life whoever he may be, no one who has seen himself the prey and the sport and the plaything of the infinite forces that move man, no one who has tried and who has failed,--and we have all tried, and we have all failed,--no one can tell what justice is for someone else or for himself--and the more he tries and the more responsibility he takes the more he clings to mercy as being the one thing which he is sure should control his judgement of men.

It is not so much mercy either, your Honor. I can hardly understand myself pleading to a court to visit mercy on two boys by shutting them into a prison for life. As a rule, lawyers are not scientists. They have learned the doctrine of hate and fear, and they think that there is only one way to make men good, and that is to put them in such terror that they do not dare to be bad. They act unmindful of history and science, and all the experience of the past.

Still, we are making some progress. Courts give attention to some things that they did not give attention to before.

Once in England they hanged children seven years of age; not necessarily hanged them, because hanging was never meant for punishment; it was meant for an exhibition. If somebody committed crime, he would be hanged by the head or the heels, it didn't matter much which, at the four cross roads, so that everybody could look at him until his bones were bare, and so that people would be good because they had seen the gruesome result of crime and hate.

Hanging was not necessarily meant for punishment. The culprit might be killed in any other way, and then hanged--yes. Hanging was an exhibition. They were hanged on the highest hill, and hanged at the cross-ways, and hanged in public places, so that all men could see. If there is any virtue in hanging, that was

**the logical way, because you cannot awe men into goodness unless they know about the hanging. We have not grown better than the ancients. We have grown more squeamish; we do not like to look at it; that is all. They hanged them at seven years; they hanged them again at eleven and fourteen. We have raised the age of hanging. We have raised it by the humanity of courts, by the understanding of courts, by the progress in science which at last is reaching the law; and in ninety men hanged in Illinois from its beginning, not one single person under twenty-three was ever hanged upon a plea of guilty-not one. If your Honor should do this, you would violate every precedent that has been set in Illinois for almost a century. . . . Your Honor, if in this court a boy of eighteen and a boy of nineteen should be hanged on a plea of guilty, in violation of every precedent of the past, in violation of the policy of the law to take care of the young, in violation of all the progress that has ben made and of the humanity that has been shown in the case of the young; in violation of the law that places boys in reformatories instead of prisons,--if your Honor in violation of all that and in the face of all the past should stand here in Chicago alone to hang a boy on a plea of guilty, then we are turning our faces backward toward the barbarism which once possessed the world. If your Honor can hang a boy eighteen, some other judge can hang him at seventeen, or sixteen, or fourteen. Some day, if there is any such thing as progress in the world, if there is any spirit of humanity that is working in the hearts of men, some day men would look back upon this as a barbarous age which deliberately set itself in the way of progress, humanity and sympathy, and committed an unforgivable act. Cold-blooded? Why? Because they planned, and schemed.**

**Yes. But here are the officers of justice, so-called, with all the power of the State, with all the influence of the press, to fan this community into a frenzy of hate; with all of that, who for months have been planning and scheming, and contriving, and working to take these two boys' lives.**

**You may stand them up on the trap-door of the scaffold, and choke them to death, but that act will be infinitely more cold-blooded whether justified or not, than any act that these boys have committed or can commit.**

**Cold-blooded!**

Let the State, who is so anxious to take these boys' lives, set an example in consideration, kindheartedness and tenderness before they call my clients cold-blooded. I could say something about the death penalty that, for some mysterious reason, the state wants in this case. Why do they want it? To vindicate the law? Oh, no. The law can be vindicated without killing anyone else. It might shock the fine sensibilities of the state's counsel that this boy was put into a culvert and left after he was dead, but, your Honor, I can think of a scene that makes this pale into insignificance. I can think, and only think, your Honor, of taking two boys, one eighteen and the other nineteen, irresponsible, weak, diseased, penning them in a cell, checking off the days and the hours and the minutes, until they will be taken out and hanged. Wouldn't it be a glorious day for Chicago? Wouldn't it be a glorious triumph for the State's Attorney? Wouldn't it be a glorious triumph for justice in this land? Wouldn't it be a glorious illustration of Christianity and kindness and charity? I can picture them, wakened in the gray light of morning, furnished a suit of clothes by the state, led to the scaffold, their feet tied, black caps drawn over their heads, stood on a trap door, the hangman pressing a spring, so that it gives way under them; I can see them fall through space--and--stopped by the rope around their necks.

I do not know how much salvage there is in these two boys. I hate to say it in their presence, but what is there to look forward to? I do not know but what your Honor would be merciful if you tied a rope around their necks and let them die; merciful to them, but not merciful to civilization, and not merciful to those who would be left behind. To spend the balance of their days in prison is mighty little to look forward to, if anything. Is it anything? They may have the hope that as the years roll around they might be released. I do not know. I do not know. I will be honest with this court as I have tried to be from the beginning. I know that these boys are not fit to be at large. I believe they will not be until they pass through the next stage of life, at forty-five or fifty. Whether they will be then, I cannot tell. I am sure of this; that I will not be here to help them. So far as I am concerned, it is over.

I would not tell this court that I do not hope that some time, when life and age has changed their bodies, as it does, and has changed their emotions, as it does,--that they may once more return to life. I would be the last person on earth to close the door of hope to any human being that lives, and least of all to my

clients. But what have they to look forward to? Nothing. And I think here of the stanzas of Housman:

Now hollow fires burn out to black,/And  
lights are fluttering low: /Square your  
shoulders, lift your pack /And leave your  
friends and go. / O never fear, lads,  
naught's to dread, / Look not to left nor  
right: / In all the endless road you tread /  
There's nothing but the night.

I care not, your Honor, whether the march begins at the gallows or when the gates of Joliet close upon them, there is nothing but the night, and that is little for any human being to expect. Now, your Honor, I have been practicing law a good deal longer than I should have, anyhow, for forty-five or forty-six years, and during a part of that time I have tried a good many criminal cases, always defending. It does not mean that I am better. It probably means that I am more squeamish than the other fellows. It means neither that I am better nor worse. It means the way I am made. I can not help it.

I have never yet tried a case where the state's attorney did not say that it was the most cold-blooded, inexcusable, premeditated case that ever occurred. If it was murder, there never was such a murder. If it was robbery, thee never was such a robbery. If it was a conspiracy, it was the most terrible conspiracy that ever happened since the Star-Chamber passed into oblivion. If it was larceny, there never was such a larceny.

Now, I'm speaking moderately. All of them are the worst. Why? Well, it adds to the credit of the State's Attorney to be connected with a big case. That is one thing. They can say,--

"Well, I tried the most cold-blooded murder case that ever was tried, and I convicted them, and they are dead."

"I tried the worst forgery case that ever was tried, and I won that. I never did anything that was not big."

**Lawyers are apt to say that.**

**I suppose it may have some effect with the court; I do not know. Anyway, those are the chances we take when we do our best to save life and reputation.**

**"Here, your clients have pleaded guilty to the most cold-blooded murder that ever took place in the history of the world. And how does a judge dare to refuse to hang by the neck until dead two cowardly ruffians who committed the coldest-blooded murder in the history of the world?"**

**That is a good talking point.**

**I want to give some attention to this cold-blooded murder, your Honor.**

**Was it a cold-blooded murder?**

**Was it the most terrible murder that ever happened in the State of Illinois?**

**Was it the most dastardly act in the annals of crime?**

**No.**

**This nurse was with [Loeb] all the time, except when he stole out at night, from two to fourteen years of age, and it is instructive to read her letter to show her attitude. It speaks volumes; tells exactly the relation between these two people. He, scheming and planning as healthy boys would do, to get out from under her restraint. She, putting before him the best books, which children generally do not want; and he, when she was not looking, reading detective stories, which he devoured story after story, in his young life. Of all of this there can be no question. What is the result? Every story he read was a story of crime. We have a statute in this state, passed only last year, if I recall it, which forbids minors reading stories of crime. Why? There is only one reason. Because the legislature in its wisdom felt that it would produce criminal tendencies in the boys who read them. The legislature of this state has given its opinion, and forbidden boys to read these books. He read them day after day. He never stopped. While he was passing through college at Ann Arbor he was still reading**

them. When he was a senior he read them, and almost nothing else.

Now, these facts are beyond dispute. He early developed the tendency to mix with crime, to be a detective; as a little boy shadowing people on the street; as a little child going out with his phantasy of being the head of a band of criminals and directing them on the street. How did this grow and develop in him? Let us see. It seems to me as natural as the day following the night. Every detective story is a story of a sleuth getting the best of it; trailing some unfortunate individual through devious ways until his victim is finally landed in jail or stands on the gallows. They all show how smart the detective is, and where the criminal himself falls down.

This boy early in his life conceived the idea that there could be a perfect crime, one that nobody could ever detect; that there could be one where the detective did not land his game; a perfect crime.

What do we know about childhood? The brain of the child is the home of dreams, of castles, of visions, of illusions and of delusions. In fact, there could be no childhood without delusions, for delusions are always more alluring than facts. Delusions, dreams and hallucinations are a part of the warp and woof of childhood. You know it and I know it. I remember, when I was a child, the men seemed as tall as the trees, the trees as tall as the mountains. I can remember very well when, as a little boy, I swam the deepest spot in the river for the first time. I swam breathlessly, and landed with as much sense of glory and triumph as Julius Caesar felt when he led his army across the Rubicon. I have been back since, and I can almost step across the same place, but it seemed an ocean then. And those men whom I thought were so wonderful were dead and left nothing behind. I had lived in a dream. I had never known the real world which I met, to my discomfort and despair, and that dispelled the illusion of my youth.

The whole life of childhood is a dream and an illusion, and whether they take one shape or another shape depends not upon the dreamy boy but on what surrounds him. As well might I have dreamed of burglars and wished to be one as to dream of policemen and wished to be one. Perhaps I was lucky, too, that I had no money. We have grown to think that the misfortune is in not having it. The great misfortune in this terrible case is the money. That has destroyed their lives. That has fostered these illusions. That has promoted this mad act. And, if

**your honor shall doom them to die, it will be because they are the sons of the rich.**

**When [Dr. Krohn, prosecution psychiatrist] testified my mind carried me back to the time when I was a kid, which was some years ago, and we used to eat watermelons. I have seen little boys take a rind of watermelon and cover their whole faces with water, eat it, devour it, and have the time of their lives, up to their ears in watermelon. And when I heard Dr. Krohn testify in this case, to take the blood of these two boys, I could see his mouth water with the joy it gave him, and he showed all the delight and pleasure of myself and my young companions when we ate watermelon. . . .**

**I can never imagine a real physician who cared for life or who thought of anything excepting cash, gloating over his testimony, as Dr. Krohn did in this case. Kill them. Will that prevent other senseless boys or other vicious men or vicious women from killing? No!**

**It will simply call upon every weak minded person to as they have done. I know how easy it is to talk about mothers when you want to do something cruel. But I am thinking of the mothers, too. I know that any mother might be the mother of a little Bobby Franks, who left his home and went to his school, and who never came back. I know that any mother might be the mother of Richard Loeb and Nathan Leopold, just the same. The trouble is this, that if she is the mother of a Nathan Leopold or of a Richard Loeb, she has to ask herself the question,**

**"How came my children to be what they are? From what ancestry did they get this strain? How far removed was the poison that destroyed their lives? Was I the bearer of the seed that brings them to death?"**

**Any mother might be the mother of any of them. But these two are the**

victims. I remember a little poem that gives the soliloquy of a boy about to be hanged, a soliloquy such as these boys might make:

The night my father got me  
His mind was not on me;  
He did not plague his fancy  
To muse if I should be  
The son you see.  
The day my mother bore me  
She was a fool and glad,  
For all the pain I cost her,  
That she had borne the lad  
That borne she had.  
My father and my mother  
Out of the light they lie;  
The warrant would not find them,  
And here, 'tis only I shall hang so high.  
O let not man remember  
The soul that God forgot,  
But fetch the county sheriff  
And noose me in a knot,  
And I will rot.  
And so the game is ended,  
That should not have begun.  
My father and my mother  
They had a likely son,  
And I have none.

No one knows what will be the fate of the child he gets or the child she bears; the fate of the child is the last thing they consider. This weary old world goes on, begetting, with birth and with living and with death; and all of it is blind from the beginning to the end. I do not know what it was that made these boys do this mad act, but I do know there is a reason for it. I know they did not beget themselves. I know that any one of an infinite number of causes reaching back to the beginning might be working out in these boys' minds, whom you are asked to hang in malice and in hatred and injustice, because someone in the past has sinned against them. Now, your Honor, I have spoken about the war. I believed

**in it. I don't know whether I was crazy or not. Sometimes I think perhaps I was. I approved of it; I joined in the general cry of madness and despair. I urged men to fight. I was safe because I was too old to go. I was like the rest. What did they do? Right or wrong, justifiable or unjustifiable --which I need not discuss today-- it changed the world. For four long years the civilized world was engaged in killing men. Christian against Christian, barbarians uniting with Christians to kill Christians; anything to kill. It was taught in every school, aye in the Sunday schools. The little children played at war. The toddling children on the street.**

**Do you suppose this world has ever been the same since then? How long, your Honor, will it take for the world to get back the humane emotions that were daily growing before the war? How long will it take the calloused hearts of men before the scars of hatred and cruelty shall be removed?**

**We read of killing one hundred thousand men in a day. We read about it and rejoiced in it--if it was the other fellows who were killed. We were fed on flesh and drank blood. Even down to the prattling babe. I need not tell your honor this, because you know; I need not tell you how many upright, honorable young boys have come into this court charged with murder, some saved and some sent to their death, boys who fought in this war and learned to place a cheap value on human life. You know it and I know it. These boys were brought up in it. The tales of death were in their homes, their playgrounds, their schools; they were in the newspapers that they read; it was a part of the common frenzy--what was a life? It was nothing. It was the least sacred thing in existence and these boys were trained to this cruelty.**

**It will take fifty years to wipe it out of the human heart, if ever. I know this, that after the Civil War in 1865, crimes of this sort increased marvelously. If we fail in this defense it will not be for lack of money. It will be on account of money. Money has been the most serious handicap that we have met. There are times when poverty is fortunate.**

**I insist, your Honor, that had this been the case of two boys of these defendants' age, unconnected with families supposed to have great wealth, there is not a State's Attorney in Illinois who would not have consented at once to a plea of guilty and a punishment in the penitentiary for life. Not one.**

**No lawyer could have justified any other attitude. No prosecution could have justified it.**

**We could have come into this court without evidence, without argument, and this court would have given to us what every judge in the City of Chicago has given to every boy in the City of Chicago since the first capital case was tried. We would have had no contest.**

**We are here with the lives of two boys imperiled, with the public aroused. For what?**

**Because, unfortunately, the parents have money. Nothing else.**

**Babe is somewhat older than Dick, and is a boy of remarkable mind--away beyond his years. He is a sort of freak in this direction, as in others; a boy without emotions, a boy obsessed of philosophy, a boy obsessed of learning, busy every minute of his life. He went through school quickly; he went to college young; he could learn faster than almost everybody else. His emotional life was lacking, as every alienist and witness in this case excepting Dr. Krohn has told you. He was just a half boy, an intellect, an intellectual machine going without balance and without a governor, seeking to find out everything there was in life intellectually; seeking to solve every philosophy, but using his intellect only. . . . Babe took to philosophy. . . . He became enamoured of the philosophy of Nietzsche. Your Honor, I have read almost everything that Nietzsche ever wrote. He was a man of a wonderful intellect; the most original philosopher of the last century. A man who probably had made a deeper imprint on philosophy than any other man within a hundred years, whether right or wrong. More books have been written about him than probably all the rest of the philosophers in a hundred years. More college professors have talked about him. In a way he has reached more people, and still he has been a philosopher of what we might call the intellectual cult.**

**Nietzsche believed that some time the superman would be born, that evolution was working toward the superman. He wrote one book, "Beyond Good and Evil," which was a criticism of all moral codes as the world understands them; a treatise holding that the intelligent man is beyond good and evil; that the**

laws for good and the laws for evil do not apply to those who approach the superman.

At seventeen, at sixteen, at eighteen, while healthy boys were playing baseball or working on the farm, or doing odd jobs, he was reading Nietzsche, a boy who never should have seen it, at that early age. Babe was obsessed of it, and here are some of the things which Nietzsche taught: Become hard. To be obsessed by moral consideration presupposes a very low grade of intellect. We should substitute for morality the will to our own end, and consequently to the means to accomplish that. Nietzsche held a contemptuous, scornful attitude to all those things which the young are taught as important in life; a fixing of new values which are not the values by which any normal child has ever yet been reared--a philosophical dream, containing more or less truth, that was not meant by anyone to be applied to life. . . .

It was not a casual bit of philosophy with [Leopold]; it was his life. He believed in a superman. He and Dickie Loeb were the supermen. There might have been others, but they were two, and two chums. The ordinary commands of society were not for him. Many of us read this philosophy but know that it has no actual application to life; but not he. It became a part of his being. It was his philosophy. He lived it and practiced it; he thought it applied to him, and he could not have believed it excepting that it either caused a diseased mind or was the result of diseased mind. I suppose civilization will survive if your Honor hangs them. But it will be a terrible blow that you shall deal. Your Honor will be turning back over the long, long road we have traveled. You will be turning back from the protection of youth and infancy. Your Honor would be turning back from the treatment of children. Your Honor would be turning back to the barbarous days which Brother Marshall seems to love, when they burned people thirteen years of age.

And for what? Because the people are talking about it. Nothing else. It would not mean, your Honor, that your reason was convinced. It would mean in this land of ours, where talk is cheap, where newspapers are plenty, where the most immature expresses his opinion, and the more immature the stronger, that a court couldn't help feeling the great pressure of the public opinion which they say exists in this case. Lawyers stand here by the day and read cases from the Dark Ages, where Judges have said that if a man had a grain of sense left and a

**child if he was barely out of his cradle, could be handled because he knew the difference between right and wrong. Death sentences for eighteen, seventeen, sixteen and fourteen years have been cited.**

**I have heard in the last six weeks nothing but the cry for blood.**

**I have heard from the office of the State's Attorney only ugly hate.**

**I have heard precedents quoted which would be a disgrace to a savage race.**

**I have seen a court urged almost to the point of threats to hang two boys, in the face of science, in the face of philosophy, in the face of humanity, in the face of experience, in the face of all the better and more humane thought of the age. If these two boys die on the scaffold, which I can never bring myself to imagine,--if they do die on the scaffold, the details of this will be spread over the world. Every newspaper in the United States will carry a full account. Every newspaper of Chicago will be filled with the gruesome details. It will enter every home and every family.**

**Will it make men better or make men worse? I would like to put that to the intelligence of man, at least such intelligence as they have. I would like to appeal to the feelings of human beings so far as they have feelings,--would it make the human heart softer or would it make hearts harder? How many men would be colder and crueler for it? How many men would enjoy the details, and you cannot enjoy human suffering with out being affected for better or for worse; those who enjoyed it would be affected for the worse.**

**What influence would it have upon the millions of men who will read it? What influence would it have upon the millions of women who will read it, more sensitive, more impressionable, more imaginative than men. Would it help them if your Honor should do what the state begs you to do? What influence would it have upon the infinite number of children who will devour its details as Dicky Loeb has enjoyed reading detective stories? Would it make them better or would it make them worse? The question needs no answer. You can answer it from the human heart. What influence, let me ask you, will it have for the unborn babes still sleeping in their mother's womb? And what influence will it have on the**

**psychology of the fathers and mothers yet to come? Do I need to argue to your Honor that cruelty only breeds cruelty?--that hatred only causes hatred; that if there is any way to soften this human heart which is hard enough at its best, if there is any way to kill evil and hatred and all that goes with it, it is not through evil and hatred and cruelty; it is through charity, and love and understanding.**

**I have become obsessed with this deep feeling of hate and anger that has swept across this city and this land. I have been fighting it, battling with it, until it has fairly driven me mad, until I sometimes wonder whether every righteous human emotion has not gone down in the raging storm. I am not pleading so much for these boys as I am for the infinite number of others to follow, those who perhaps cannot be as well defended as these have been, those who may go down in the storm, and the tempest, without aid. It is of them I am thinking, and for them I am begging of this court not to turn backward toward the barbarous and cruel past.**

**The state itself in opening this case said that it was largely for experience and for a thrill, which it was. In the end the state switched it on to the foolish reason of getting cash .**

**Every fact in this case shows that cash had almost nothing to do with it, except as a factor in the perfect crime; and to commit the perfect crime there must be a kidnapping, and a kidnapping where they could get money, and that was all there was of it. Now, these are the two theories of this case, and I submit, your Honor, under the facts in this case, that there can be no question but that we are right.**

**What is this case?**

**This is a senseless, useless, purposeless, motiveless act of two boys. Now, let me see if I can prove it. There was not a particle of hate, there was not a grain of malice, there was no opportunity to be cruel except as death is cruel,--and death is cruel.**

**There was absolutely no purpose in it all, no reason in it all, and no motive in it all.**

**I have discussed somewhat in detail these two boys separately. Their coming together was the means of their undoing. Your Honor is familiar with the facts in reference to their association. They had a weird, almost impossible relationship. Leopold, with his obsession of the superman, had repeatedly said that Loeb was his idea of the superman. He had the attitude toward him that one has to his most devoted friend, or that a man has to a lover. Without the combination of these two, nothing of this sort probably could have happened. It is not necessary for us, your Honor, to rely upon words to prove the condition of these boys' minds, and to prove the effect of this strange and fatal relationship between these two boys.**

**It is mostly told in a letter which the state itself introduced in this case. . . .**

**They lived close together, only a few blocks from each other; saw each other every day; but Leopold wrote him this letter:**

**October 9, 1923.**

**Dear Dick:. . . .**

**Now, as to the third, last, and most important question. When you came to my home this afternoon I expected either to break friendship with you or attempt to kill you unless you told me why you acted as you did yesterday.... Now, Dick, I am going to make a request to which I have perhaps no right, and yet which I dare to make also for "Auld Lang Syne." Will you, if not too inconvenient, let me know your answer (before I leave tomorrow) on the last count? This, to which I have no right, would greatly help my peace of mind in the next few days when it is most necessary to me. You can if you will merely call up my home before 12 noon and leave a message saying, "Dick says yes," if you wish our relations to continue as before, and "Dick says no," if not. It is unnecessary to add that your decision will of course have no effect on my keeping to myself our confidences of the past, and that I regret the whole affair more than I can say. Hoping not to have caused you too much trouble in reading this, I am (for the present), as ever**

**"Babe"**

**Now, I undertake to say that under any interpretation of this case, taking into account all the things your Honor knows, that have not been made public, or leaving them out, nobody can interpret that letter excepting on the theory of**

**a diseased mind, and with it goes this strange document which was referred to in the letter.**

**"I, Nathan F. Leopold, Jr., being under no duress or compulsion, do hereby affirm and declare that on this, the 9th day of October, 1923, I for reasons of my own locked the door of the room in which I was with one Richard A. Loeb, with the intent of blocking his only feasible mode of egress, and that I further indicated my intention of applying physical force upon the person of the said Richard A. Loeb if necessary to carry out my design, to-wit, to block his only feasible "mode of egress."**

**There is nothing in this case, whether heard alone by the court or heard in public that can explain these documents, on the theory that the defendants were normal human beings.**

**Is Dickey Loeb to blame because out of the infinite forces that conspired to form him, the infinite forces that were at work producing him ages before he was born, that because out of these infinite combinations he was born with out it? If he is, then there should be a new definition for justice. Is he to blame for what he did not have and never had? Is he to blame that his machine is imperfect? Who is to blame? I do not know. I have never in my life been interested so much in fixing blame as I have in relieving people from blame. I am not wise enough to fix it. I know that somewhere in the past that entered into him something missed. It may be defective nerves. It may be a defective heart or liver. It may be defective endocrine glands. I know it is something. I know that nothing happens in this world without a cause.**

**I admit that I hate killing, and I hate it no matter how it is done,--whether you shoot a man through the heart, or cut his head off with an axe, or kill him with a chisel or tie a rope around his neck, I hate it. I always did. I always shall.**

**But there are degrees, and if I might be permitted to make my own rules I would say that if I were estimating what was the most cruel murder, I might first consider the sufferings of the victim.**

**Now, probably the State would not take that rule. They would say the one that had the most attention in the newspapers. In that way they have got me beaten at the start.**

**But I would say the first thing to consider is the degree of pain to the victim.**

**Poor little Bobby Franks suffered very little. There is no excuse for his killing. If to hang these two boys would bring him back to life, I would say let them go, and I believe their parents would say so, too. But:**

**The moving finger writes, and having writ,  
Moves on; nor all your piety nor wit  
Shall lure it back to cancel half a line,  
Nor all your tears wash out a word of it.**

**Robert Franks is dead, and we cannot call him back to life. It was all over in fifteen minutes after he got into the car, and he probably never knew it or thought of it. That does not justify it. It is the last thing I would do. I am sorry for the poor boy. I am sorry for his parents. But, it is done.**

**Now, Your Honor, I shall discuss that more in detail a little later, and I only say it now because my friend Mr. Savage--did you pick him for his name or his ability or his learning?--because my friend Mr. Savage, in as cruel a speech as he knew how to make, said to this court that we plead guilty because we were afraid to do anything else.**

**Your Honor, that is true.**

**We have said to the public and to this court that neither the parents, nor the friends, nor the attorneys would want these boys released. That they are as they are. Unfortunate though it be, it is true, and those the closest to them know perfectly well that they should not be released, and that they should be permanently isolated from society. We have said it and we mean it. We are asking this court to save their lives, which is the last and the most that a judge can do.**

**We did plead guilty before your honor because we were afraid to submit our cause to a jury. I would not for a moment deny to this court or to this community a realization of the serious danger we were in and how perplexed we were before we took this most unusual step.**

**I can tell your honor why.**

**I have found that years and experience with life tempers one's emotions and makes him more understanding of his fellow man.**

**When my friend Savage is my age, or even yours, he will read his address to this court with horror.**

**I am aware that as one grows older he is less critical. He is not so sure. He is inclined to make some allowance for his fellow man. I am aware that a court has more experience, more judgment and more kindness than a jury.**

**Your Honor, it may be hardly fair to the court, I am aware that I have helped to place a serious burden upon your shoulders. And at that, I have always meant to be your friend. But this was not an act of friendship.**

**I know perfectly well that where responsibility is divided by twelve, it is easy to say:**

**"Away with him."**

**But, your honor, if these boys hang, you must do it. There can be no division of responsibility here. You can never explain that the rest overpowered you. It must be by your deliberate, cool, premeditated act, without a chance to shift responsibility.**

**And I want to say this, that the death of poor little Bobby Franks should not be in vain. Would it mean anything if on account of that death, these two boys were taken out and a rope tied around their necks and they died felons? Would that show that Bobby Franks had a purpose in his life and a purpose in his death? No, your Honor, the unfortunate and tragic death of this weak young lad should be something. It should mean an appeal to the fathers and the mothers, an appeal to the teachers, to the religious guides, to society at large. It should mean an appeal to all of them to appraise children, to understand the emotions that control them, to understand the ideas that possess them, to teach them to avoid the pitfalls of life. Society, too, should assume its share of the**

**burdens of this case, and not make two more tragedies, but use this calamity as best it can to make life safer, to make childhood easier, and more secure, to do something to cure the cruelty, the hatred, the chance, and the willfulness of life.**

**Mr. Crowe . . . deserves a great deal of credit for the industry, the research and the thoroughness that he and his staff have used in detecting this terrible crime.**

**He worked with intelligence and rapidity. If here and there he trampled on the edges of the Constitution, I am not going to talk about it here. If he did it, he is not the first one in that office and probably will not be the last who will do it, so let that go. A great many people in this world believe the end justifies the means. I don't know but that I do myself. And that is the reason I never want to take the side of the prosecution, because I might harm an individual. I am sure the State will live anyhow.**

**I know that every step in the progress of humanity has been met and opposed by prosecutors, and many times by courts. I know that when poaching and petty larceny was punishable by death in England, juries refused to convict. They were too humane to obey the law; and judges refused to sentence. I know that when the delusion of witchcraft was spreading over Europe, claiming its victims by the millions, many a judge so shaped his cases that no crime of witchcraft could be punished in his court. I know that these trials were stopped in America because juries would no longer convict. I know that every step in the progress of the world in reference to crime has come from the humane feelings of man. It has come from that deep well of sympathy, that in spite of all our training and all our conventions and all our teaching, still lives in the human breast. Without it there could be no human life on this weary old world.**

**Many may say now that they want to hang these boys; but I know that giving the people blood is something like giving them their dinner. When they get it they go to sleep. They may for the time being have an emotion, but they will bitterly regret it. And I undertake to say that if these two boys are sentenced to death, and are hanged, on that day there will be a pall settle over the people of this land that will be dark and deep, and at least cover every humane and intelligent person with its gloom. I wonder if it will do good. I wonder if it will help the children--and there is an infinite number like these. I marveled when I**

heard Mr. Savage talk. I do not criticize him. He is young and enthusiastic. But has he ever read anything? Has he ever thought? Was there ever any man who had studied science, who has read anything of criminology or philosophy,--was there ever any man who knew himself who could speak with the assurance with which he speaks?

I can hardly understand myself pleading to a court to visit mercy on two boys by shutting them into a prison for life.

For life! Where is the human heart that would not be satisfied by that?

Where is the man or woman who understands his own life and who has a particle of feeling that could ask for more? Any cry for more roots back to the hyena; it roots back to the hissing serpent; it roots back to the beast and the jungle. It is not part of man....It is not part of all that promises any hope for the future and any justice for the present. And must I ask that these boys get mercy by spending the rest of their lives in prison, year following year, month following month, and day following day, with nothing to look forward to but hostile guards and stone walls? It ought not to be hard to get that much mercy in any court in the year 1924.

Now, I must say a word more and then I will leave this with you where I should have left it long ago. None of us are unmindful of the public; courts are not, and juries are not. We placed our fate in the hands of a trained court, thinking that he would be more mindful and considerate than a jury. I cannot say how people feel. I have stood here for three months as one might stand at the ocean trying to sweep back the tide. I hope the seas are subsiding and the wind is falling and I believe they are, but I wish to make no false pretense to this court. The easy thing and the popular thing to do is to hang my clients. I know it. Men and women who do not think will applaud. The cruel and the thoughtless will approve. It will be easy today; but in Chicago, and reaching out over the length and breadth of the land, more and more fathers and mothers, the humane, the kind and the hopeful, who are gaining an understanding and asking questions not only about these poor boys, but about their own,--these will join in no acclaim at the death of my clients. These would ask that the shedding of blood be stopped, and that the normal feelings of man resume their sway. And as the days and the months and the years go on, they will ask it more and more. But, your Honor,

what they shall ask may not count. I know the easy way.

I know your Honor stands between the future and the past. I know the future is with me, and what I stand for here; not merely for the lives of these two unfortunate lads, but for all boys and all girls; for all of the young, and as far as possible, for all of the old. I am pleading for life, understanding, charity, kindness, and the infinite mercy that considers all. I am pleading that we overcome cruelty with kindness and hatred with love.

I know the future is on my side. Your Honor stands between the past and the future. You may hang these boys; you may hang them by the neck until they are dead. But in doing it you will turn your face toward the past. In doing it you are making it harder for every other boy who in ignorance and darkness must grope his way through the mazes which only childhood knows. In doing it you will make it harder for unborn children. You may save them and make it easier for every child that some time may stand where these boys stand. You will make it easier for every human being with an aspiration and a vision and a hope and a fate. I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men. When we can learn by reason and judgement and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man.

I feel that I should apologize for the length of time I have taken. This case may not be as important as I think it is, and I am sure I do not need to tell this court, or to tell my friends that I would fight just as hard for the poor as for the rich. If I should succeed in saving these boys' lives and do nothing for the progress of the law, I should feel sad, indeed. If I can succeed, my greatest reward and my greatest hope will be that I have done something for the tens of thousands of other boys, for the countless unfortunates who must tread the same road in blind childhood that these poor boys have trod,--that I have done something to help human understanding, to temper justice with mercy, to overcome hate with love. I was reading last night of the aspiration of the old Persian poet, Omar Khayyam. It appealed to me as the highest that I can vision. I wish it was in my heart, and I wish it was in the hearts of all:

So I be written in the Book of Love  
I do not care about that Book above.

**Erase my name or write it as you will,  
So I be written in the book of Love.**