

"Pleading for the Future"

A play in one Act

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"Pleading for the Future"

"Pleading for the Future" is a play in one act based on the courtroom drama that took place in the 1924 Chicago murder trial of Richard Loeb and Nathan Leopold. The two were accused of killing a 14 year old neighbor, Bobby Franks. There are three primary characters and one secondary character and two optional characters.

(in order of appearance)

Ben Hecht – a newspaperman
Robert Crowe – the States Attorney
Clarence Darrow – the defense lawyer
Bailiff
Richard Loeb - optional character
Nathan Leopold - optional character

Loeb and Leopold do not have speaking parts. They are brought into the courtroom after the bailiff “calls” the case. They sit at counsel table and during the oral arguments of Robert Crowe, they laugh quietly, draw and make faces at one another. During Clarence Darrow's oral argument, they are serious and Loeb is seen to be on the verge of tears. At the conclusion of Darrow's argument, they are taken out of the "courtroom" by the Bailiff.

The play can perhaps be more effective without Loeb and Leopold present. Darrow can be seen talking to the empty chairs and gesturing to them.

Running time: Approximately 1:10

"Pleading for the Future" was originally written for a production at IIT Chicago-Kent College of Law (Chicago). The production featured the authors in the three title roles. Shortly thereafter, "Pleading for the Future" had a four performance run at St. Bonaventure Theater in Chicago. That production was co-sponsored by Holland & Knight LLP, Schiff Hardin LLP and the Saint Sebastian Players. That production was directed by Steve Walanka and Jonathan "Rocky" Hagloch; lights by Scott Rosengarden.

INTRODUCTION – BEN HECHT

(Enters. Two options: one - walks over to a corpse covered by a blanket – looks under the sheet as they take it out; two – no corpse. Enters and begins monologue)

My name is Ben Hecht ... and I'm a reporter with the Chicago Daily News – you may know me from a play called "Front Page" that I wrote about the early days of newspaper reporting in Chicago.

I'm standing in a marshland near Wolf Lake, Illinois ... just south of Chicago. Down there is a small culvert.

This morning ... May 22, 1924 ... a laborer walking through the area noticed something down in the culvert while crossing the railroad tracks. Looking closer, he saw two bare feet sticking out from the culvert pipe. Standing in knee-deep water, he pulled a limp body from the pipe. It was a young boy ... and he was dead. The boy was naked ... with his head smashed in. Next to the culvert the laborer spotted a pair of horn-rimmed glasses ... he picked them up and gave them to the police when they arrived.

Later that day, the dead boy was identified ... he was 14-year old Bobby Franks, son of a wealthy Hyde Park businessman. The boy had gone missing the day before ... on his way home from school. That night, Bobby Franks' parents got a call from an unknown person saying that their boy had been kidnapped, but was unharmed, and that they would soon receive a ransom note. They called the police.

On the morning of the 22nd, a Special Delivery letter arrived demanding \$10,000 in cash. The typewritten note directed Mr. Franks to take the money to a drugstore on the southside of Chicago where he would receive further instructions at 3:00pm. Just as he was leaving for the drugstore, the police called to ask him to come and take a look at the body of a young boy they had found that morning near Wolf Lake. Mr. Franks did so ... it was Bobby.

The police and States Attorney's Office launched a City-wide investigation ... and the press jumped into the case feet first as well. Chicago was transfixed by the murder ... it caught the Nation's attention as well.

At first, the police were baffled ... no eye witnesses ... no obvious motivation ... no clues ... except the eyeglasses ... and they seemed entirely ordinary. The lenses were a common prescription ... the frames equally common ... but the little metal hinges connecting the frame to the earpieces turned out to be a different story. The hinge was made by a New York company that had only one outlet in Chicago ... and that outlet had sold only three pairs of frames with that particular hinge: one belonged to an old lady; one was sold to an attorney who was traveling in Europe; and the third had been sold to a young man named Nathan Leopold.

Now, Nathan Leopold was truly a remarkable young man. The son of a multi-millionaire shipping magnate, Nathan had entered the University of Chicago as a Freshman when he was 15 years old ... three years later, in 1923, he graduated Phi Beta Kappa at age 18 ... that Fall he started taking classes at the U of C law school. In his spare time, he was well on his way to becoming one of the nation's leading authorities on certain species of marsh and prairie birds. He lived with his family in a mansion in Hyde Park, around the corner from the school that Bobby Franks attended. He was planning to start Harvard Law School in the Fall of 1924.

When picked up by the police and questioned, Leopold initially denied wearing glasses but then acknowledged that he had once had a pair but lost them while he was bird watching in the Wolf Lake area. He told police that he had spent the day of May 21st driving around with a friend of his, Dickie Loeb. So the States Attorney's Office brought Dickie Loeb in for an interview.

Loeb was another young brainiac. He had graduated from the Chicago Lab School when he was 13 years old and got his B.A. from the University of Michigan in June 1923. He was 17 years old. His father was the Senior Vice President of Sears, Roebuck and Company, and the Loeb's lived in a palatial mansion on Ellis Avenue in Hyde Park ... across the street from the home of the late Bobby Franks. He was planning to attend University of Chicago Law School that Fall.

When interviewed, his story matched Nathan Leopold's in every respect, and the cops were on the verge of releasing both of them ... when the power of the press intervened.

The cops and the States Attorney had spent a lot of time focusing on the typewritten ransom note sent to Mr. Franks on the morning of the 22nd. They executed search warrants at the homes of both Loeb and Leopold, looking for a typewriter whose keys might match that of the ransom note. They came up with exactly nothing ... they were at a dead end.

But then two of my esteemed colleagues at the Chicago Daily News followed up on a hunch. They went over to the University of Chicago law school and talked to some of Leopold's friends who participated in a study group together. One of the students produced some class notes that Nathan had typed up on one of the school's typewriters and shared with the study group. To the reporters, it looked like the typewriting was the same as that on the ransom note ... and the typewriter was now missing from the school.

Armed with this new ammunition, the States Attorney and his staff started grilling Loeb and Leopold again ... each in a separate room ... going over and over every minute of the days of May 21st and May 22nd. Soon more and more inconsistencies began to appear between the boys' stories and other evidence. When faced with the typewriting comparison, they cracked. On the night of May 30th, they confessed ... and the next day, States Attorney Crowe announced that the two mentally-gifted university students, sons of wealthy Hyde Park families, had confessed to the kidnapping and murder of 14-year-old Robert Franks "to the last detail of plot and execution."

Poor Bobby Franks ... dead at age 14 just because he was in the wrong place at the wrong time.

Here's the real story of what happened that May afternoon . . . Bobby had been walking home from school that May afternoon when one of his older acquaintances pulls up in a car. It was Dickie Loeb and his friend Nathan Leopold. They motioned Bobby over and invited him to come play tennis with them ... he got in the car . . . they drove off. Five minutes later, little Bobby Franks was dead ... strangled ... with his head smashed in. They drove south to Wolf Lake to an area that Leopold was familiar with from his birdwatching ... stripped Bobby's clothes off ... poured hydrochloric acid on his face to prevent identification ... and shoved him into the culvert . . . fully expecting that no one would ever find him.

And what was the cause of this brutal affair? Boredom, I guess.

Influenced in part by the ideas in the book “Beyond Good and Evil” by philosopher Frederick Nietzsche and in part by Dickie Loeb’s endless reading of popular detective fiction, the pampered geniuses Loeb and Leopold set out to commit “a perfect crime” ... without clues ... without a trace . . . purely for the thrill of getting away with it. By the way, it turned out that these boys were homosexual lovers ... bound to each other by the mutual attraction of their bodies as well as their brains.

For seven months before May 21, 1924, Loeb and Leopold plotted and schemed ... creating fake identities . . . renting hotel rooms under those names ... opening bank accounts in various cities under various names ... working out in elaborate detail the ransom plot. Then on “the big day,” they started looking for a victim. It didn’t much matter who it was as long as he or she had rich parents willing and able to pay a quick ransom. But the parents would never get their child back alive. It was essential to the plan of Loeb and Leopold that the kidnap victim be quickly killed in order not to be able to escape or identify the kidnappers.

So on the afternoon of May 21st, Loeb and Leopold drove around their home neighborhood of Hyde Park, looking for somebody to snatch. Then they saw Bobby Franks walking down the street ... and the rest came to be the substance of history and psychological debate.

For want of a nail, the shoe was lost ... for want of a shoe, the horse was lost ... for want of a horse, the battle was lost, says the Bard. For want of a pair of ordinary eyeglasses, the best laid plans of Loeb and Leopold came undone.

* * *

The trial of Loeb and Leopold began at the end of July 1924, just two months after the murder. It took place in the old Criminal Courts Building, up on LaSalle and Hubbard Street.

The trial lasted for a month but it wasn't about guilt or innocence . . . the boys pleaded guilty to the murder on the first day of trial . . . it was all about whether they would hang or be sentenced to life in prison.

I'm going to take you with me to the last day of that trial . . . August 22, 1924 . . . the day that States Attorney Crowe faced off against the great Clarence Darrow for the closing arguments in the case. The words that you will hear are the actual words that were spoken that day . . . not all of them of course . . . Darrow himself talked for 11 hours . . . but enough to get a feel for what happened that day.

That's States Attorney Crowe sitting over there (pointing) . . . and Clarence Darrow has just walked in ... Now they're bringing in the defendants . . .

(Hecht takes a seat within the "courtroom" so that he appears to be a spectator. During oral arguments, he may write an occasional note).

Bailiff

(The Bailiff enters with Loeb and Leopold and seats them at counsel table. The Bailiff raps the podium and brings the court to order).

All rise!

Here ye. Here ye. Hear ye. This branch of the Circuit Court of Cook County is now in session pursuant to adjournment. The Honorable John R. Caverly presiding. Please be seated and remain quiet.

(Calls case) People versus Loeb and Leopold (sits)

Closing Argument of Robert Crowe

(Rises and goes to podium) May it please the Court. Counsel.

We are here for closing arguments on the sentencing of Nathan Leopold and Richard Loeb. Mr. Darrow has -- I believe to the surprise of everyone -- pleaded these defendants guilty to two capital crimes (murder and kidnapping) and tendered to your Honor the question of whether to impose the death penalty or to place these two in the penitentiary for the remainder of their natural lives.

Before entering into a discussion of the case at the bar, I desire to express to your Honor our appreciation for the uniform courtesy and patience with which you have treated me and the representatives of my office.

(SARCASTIC) Before going into a discussion of the *merits* of the case, there is a matter that I would like to refer to. The distinguished gentleman whose profession it is to protect murder in Cook County, and concerning whose health thieves inquire before they go out to commit crime, has seen fit to abuse the State's Attorney's Office and my assistants, Mr. Marshall and Mr. Savage, for their *conduct* in this case.

(LOOK AT DARROW) He even objected to the State's Attorney referring to two self-confessed murderers, who have pleaded guilty to two capital offenses, as "criminals." He says that we ought not to refer to these two young men, the poor sons of multimillionaires, with any "coarse language." I suppose we should have come up here and tried them with kindness and consideration.

I can imagine when this case was called for trial and your Honor began to warn these two defendants that we might impose the death penalty that I should have rushed up and said "Now, Judge! Not so fast! We don't intend to be cruel or harsh in this case. We want to try these boys -- these kiddies -- with kindness and consideration." If I had done that, your Honor would have sent me off to a psychopathic hospital.

Let's be serious. (BEAT) Your Honor, we have our respective duties. When I had fastened this crime upon these defendants, then I had a duty to perform, a sworn duty -- as your Honor has.

I have a right to forgive those who trespass against me -- as I do -- in the hopes that I in the hereafter will be forgiven my trespasses. But your Honor (BEAT) has no right to forgive those who trespass against the State of Illinois. You have no right to forgive *anybody* who violates the law. And I submit, if Your Honor please, the crime at the bar is so revolting and so heinous that the criminals are not entitled to one particle of sympathy from any human being. The law, if Your Honor please, is made to protect the innocent and it *is made* to protect the innocent by punishing the guilty. In no other way can we protect the innocent or protect our society.

If it is the fate of these two *emotionless*, heartless killers that they must pay the penalty of this crime upon the gallows, when they realize it, you will find that they have emotions. Oh ho, they will have emotions. And you will find that they have fear. And you will find that these cowardly perverts will probably have to be carried to the gallows crying like babies. **That** is what I am asking for here. The gallows. Though it harvests no justice for the innocent boy who was viciously murdered, it satisfies the demands of the State. So with that understanding of our duties here, let me turn to the matter of this case.

Among the most dangerous of criminals, and especially among those prone to commit this particular kind of offense, there are some of a temper so fiendish -- so brutal -- as to be incompatible with any other than a brutish form of intelligence.

Are we dealing with a murder case which is the result of a drunken brawl, a murder committed in hot blood, a man shooting down another because he debauched his wife and ruined his home?? Is this a murder the result of impulse or passion??

No. This is a brutal, carefully-calculated murder of a boy committed by two superintellecs, coming from two respected families in Chicago. Every advantage that love, money, wealth and position could give them was theirs. And yet, Mr. Darrow says they should not hang. . . (LOOK AT DARROW)

The trouble with Mister Darrow (who would not be here but for the wage he receives from these sons of millionaires) is that he does not know all the facts in this case. He does not know all the evidence. Or perhaps he chooses to ignore them.

Was this killing done, as we have been led to believe by the defense, merely for the thrill, Your Honor, or for the excitement? What do Mister Darrow's East Coast "doctors" say about that? "The patient" (Loeb) "did not anticipate the actual killing with any pleasure." It was not for the thrill or the excitement. No. The original crime was the kidnapping for *money*. The *killing* was an afterthought, to prevent their identification and their subsequent apprehension and punishment.

So what was the motive? (LOOK AT KIDS) These two wanted to commit the perfect crime. The killing of little Bobby Franks apparently had no other significance than being an inevitable part of a perfect crime in covering one possible trace of identification. That is the motive for this murder: self-preservation; the same as a thief at night in your house, when suddenly surprised, will pull his gun and shoot to kill.

The desire to save their own worthless hides is the only thing that entered into their thoughts. Without emotion – and without feeling – and with cold calculation, they extinguished the small life of Bobby Franks with a three pound chisel. But Mr. Darrow says these murdering snakes are not of sound mind. . .

So Mr. Darrow had three "doctors" testify about how these poor boys were "insane." (BEAT) I wondered when I heard these doctors say that they could not complete an adequate examination in less than 20 to 30 days whether the fact that they were working on a per diem rate of \$250.00 a day did not enter into the matter. \$250.00 a day! If they were paid by the job, you can bet that they would have finished their work by lunchtime of the first day.

These learned doctors were probably instructed "Just make these two crazy enough so they won't hang, but don't make them crazy enough to make it necessary to put this up to twelve men because twelve men are not going to be fooled by your twaddle. Just make them insane enough so we can submit this whole thing to the Court."

So these three alienists came in lockstep before your Honor and testified that because Richard Loeb had no ambition in life (that he hadn't selected or thought of any profession) that this is an indication he is mentally unbalanced. And then they testified that because Leopold *had* a definite ambition in life, he is *also* mentally unbalanced.

This is indeed a happy philosophy of medicine, especially when you are testifying in a guilty case and you're trying to cheat the gallows. It is too bad that they have two defendants here. It would be so much easier to prove one insane, because anything you found in him could be taken as a bad sign. But when you have two defendants, and they are not exactly alike, when one has broken arches and the other has a high arch, how then can it be a bad sign in one *and* a bad sign in the other. And if one has to shave every day, that is a bad sign; and if the other does *not* have to shave but twice a week *that* is a bad sign.

So it was a bad sign that Richard Loeb did not have any definite aim or purpose in life. And it was also a bad sign because Nathan Leopold wanted to study law and ornithology.

So we have mitigation. Mitigation. (LOOK AT DARROW) Your Honor, I have heard so many big words and foreign words in this case that I sometimes think that we are letting error creep into the record. So many strange, foreign words have been used here by Mr. Darrow; and the Constitution provides that a trial must be conducted in the English language. I don't know. Maybe I have got aggravation and mitigation mixed up.

Mister Darrow says it is a *mitigating* circumstance, if Your Honor please, that when these cowardly perverts were outlining the plan of this conspiracy and murder, they wanted to take a little *girl*, the daughter of the rich and first rape her and *then* murder her, and *then* collect the ransom. If that evidence had been put in by the State, I would have thought it would be aggravation.

But those three wise men from the East, the three "doctors," with their distorted theories and tommy rot, were hired by the defense and put *that* evidence in. (BEAT) Clarence Darrow calls it a mitigating circumstance. Why, then when they murder a boy, ought they be treated with kindness and consideration? If they had taken a little tot, a little girl, debauched her and raped her and murdered her, I suppose we ought to give them each a medal and tell them to go

on their ways. My God - if one of them had a harelip, I suppose Darrow would want me to apologize for having him indicted.

They talk about what lawyers will do for money but I don't know any lawyer who would sit on the witness stand and say such things under oath.

I thank God that I am not a great pleader because I think sometimes when men are obsessed with the idea that when they open their mouths words of wisdom rush out, that all that becomes necessary in the trial of a case is to make a wonderful argument. A great many of them fail, in my judgment. Because they rely too much upon their oratory, they pay no attention whatsoever to the facts in the case. And, after all, I believe that courts and juries are influenced, not by oratory but by hard facts sworn to by witnesses. That is why I have paid more attention to the **preparation of the evidence** in this case than I have to writing a closing "speech."

At this point, if Your Honor please, I believe I have touched on three defenses set forth by Mr. Darrow, the "age," lack of motive and physical and mental condition of the Defendants.

When we get all through, Mr. Darrow says that Your Honor ought to be merciful and finally, and this is his concluding defense, he appeals to your heart and your sympathy and not to your mind or your conscience. He wants you to treat them with kindness and consideration. (SARCASM)

Kindness and consideration?? Call them "babes"? Call them "children"? Why from the evidence in this case, if your Honor please, they are as much entitled to sympathy and mercy as a couple of rattlesnakes flushed with venom, coiled and ready to strike. They are entitled to as much mercy at the hands of your Honor as two mad dogs are entitled to.

They are a disgrace to their honored families and they are a menace to this community. The only useful thing that remains is for them to go out of this life as quickly as possible under the law.

I submit, Your Honor, please, if we can take the flower of American manhood, take boys at 18 years of age and send them to their death in the front line trenches of France in *defense* of

our laws, we have an equal right to take men 19 years of age and *take their lives* for *violating* the laws that our boys gave up their lives to defend.

Your Honor knows -- Many a boy 18 years of age lies beneath the poppies in Flanders Field. Those boys died to ***defend*** the laws of this country. We had no compunction when we sent them off. So why should we have any compunction when we take the lives of two men 19 years of age who want to **tear down and destroy** the laws that our brave boys died to preserve?

When I listen to Mr. Darrow plead for sympathy for these two men who showed no sympathy, it reminds me of a story told by Abraham Lincoln. A young man about their age had parents who were wealthy. The young man murdered both of them. He was an only child and he did it so that he might inherit their **money**.

His crime was discovered just as this crime has been discovered, and the court asked him for any reason he might have why the sentence of death should not be passed upon him and he promptly replied, he hoped the court would be lenient to a "poor orphan."

Robert Franks had a right to live. He had a right to the society of his family and his friends and they had a right to *his* society.

(SARCASM) But these two young law students of superior intelligence, with more intelligence than they have heart, decided that he must die. Bobby Franks was only 14 years old.

(BEAT) I want to tell Your Honor that it would be much better if God had not caused this crime to be disclosed. It would be much better if it had gone unsolved and these men went unwhipped of justice. It would not do near the harm to this community that will be done if Your Honor, as Chief Justice of this great Court, puts your official seal of approval upon the doctrines of anarchy preached by Clarence Darrow as a defense in this case.

Society can endure and the law can endure, if criminals *escape*. But if a court such as *this* court should say that he believes in the doctrines of Clarence Darrow, that you ought not to hang when the law says you should, a greater blow will be struck to our institutions than by a hundred, aye, a thousand murders.

I submit that it is safer to follow the philosophy of Theodore Roosevelt who as President seemed only concerned with the *enforcement* of the law – than it is to follow the weird and uncanny philosophy of the paid advocate of the defense – whose business it is to make murderers safe in Cook County. I will tell you – the real defense in this case, your Honor. (BEAT) It is Clarence Darrow's dangerous philosophy of life.

You have listened with a great deal of patience and kindness and consideration to the State *and* the defense. I am not going to trespass unduly upon Your Honor's time, and I am going to close for the State.

I believe that the facts and circumstances proved in this case demonstrate that a crime has been committed by these two defendants and that no other punishment except the extreme penalty of the law of this great state will fit it. And I leave the case with you on behalf of the People of the State of Illinois and I ask Your Honor in the language of Holy Writ to "Execute justice and righteousness in the land."

Thank you. (Returns to seat)

Closing Argument of Clarence Darrow

(Rises and goes to podium) Your Honor, it has been almost three months since I assumed the great responsibility of this case -- three months of the greatest anxiety of my life. The defense of this case is a burden which I gladly would have avoided except for my feelings of affection toward some of the members of these unfortunate families.

My anxiety is due to the almost unheard-of publicity this case has received. When a case receives publicity of this sort, and to this extent, the public demands the ultimate punishment, no matter what the offense, great or small. The public thinks of only one punishment, and that is death.

The publicity announced that there were millions of dollars to be spent on the defense of this case. Here was to be an effort to save the lives of two boys by the use of money in fabulous amounts. But we have announced to the public that no excessive use of money will be made in this case. The defense attorneys, at their own request, have agreed to take only such fees as the officers of the Chicago Bar Association may think proper.

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 had. Had this been the case of two boys of these defendants' age, unconnected with families of great wealth, there is not a state's attorney in Illinois who would not have consented at once to an agreed plea of guilty and a punishment in the penitentiary for life.

We are here with the lives of two boys imperiled, with the public aroused, and only because the parents have money. Nothing else.

Since I took up the defense of this case, I have heard nothing but the cry for blood. I have heard from the state's attorney only ugly hate. I have now seen this court urged almost to the point of threats to hang two boys, in the face of psychology, 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.

As Your Honor knows, we have pled these boys guilty. We have said to the public and to this court that neither their parents, nor their friends, nor their attorneys would want these boys released. Those closest to them know perfectly well that they should not be released, and that they should be permanently isolated from society. We are asking this court to save their lives, which is the least and the most that Your Honor can do.

Yes, we did plead these boys guilty before Your Honor because we were afraid to submit their cause to a jury. And I will tell Your Honor why. I have found that years and experience with life tempers one's emotions and makes him more understanding of his fellowman. When Mr. Prosecutor is our age, he will read his address to this court with horror. I know that as one grows older he is less critical. He is not so sure. He is inclined to make some allowance for his fellowman. I am aware that an experienced judge has more experience, more judgment, and more kindness than a jury.

I am aware that I am placing a serious burden on Your Honor's shoulders. You and I are friends; I know that this was not an act of friendship. If we had taken this case to a jury, the responsibility would have been lifted from Your Honor's shoulders.

But, Your Honor, if these boys hang, you must do it. There can be no division of responsibility here. It must be by your deliberate, cool, premeditated act, with no shifting of responsibility. This is not a kindness to you. Your Honor will never thank me for unloading this responsibility upon you, but you know that I would have been untrue to my clients if I had not concluded to take this chance before Your Honor instead of submitting this case to a poisoned jury in the city of Chicago.

I did it knowing that it would be an unheard-of thing for any court in this or any city, in this or any state, anywhere, to sentence these boys to death.

Were the acts of these two boys cold-blooded? Yes. Why? Because they planned, and schemed. Yes. But here are the officers of justice, working with all the power of this state, working with all the influence of the media, working, and planning, and conniving, and scheming, to take these two boys lives. The state wants to stand these two boys on the trapdoor of a scaffold, and choke them to death, but that would be infinitely more cold-blooded than any act that these boys have committed or can commit. Let the state, who is so anxious to take these boys lives, set an example in consideration, and kindheartedness, and tenderness, before they call these two boys cold-blooded.

Your Honor, I admit that I hate the killing that happened in this case. There is no excuse for killing little Bobby Franks. 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.

This was a senseless, useless, purposeless, motiveless act of two boys. There was no purpose in it, no reason in it, and no motive for it at all.

In order to make this the most cruel crime ever committed, the prosecutors must have a motive. And what do they say was the motive?

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

These two boys, neither one of whom needed a cent, sons 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, Dickey Loeb had three thousand dollars in his checking account in the bank. Your Honor, I would be ashamed to talk about this except that in all apparent seriousness the prosecutors are asking to kill these two boys on the strength of this flimsy foolishness.

We brought Dickie's father's private secretary here, who swears that whenever Dickie asked for it, he got a check, without ever consulting his 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.

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. 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 graduated from 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 open 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?

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.

What did they do? They killed a little boy. Then they pull the dead boy into the back seat of their car, they 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, straight down The Midway through Jackson Park, Nathan Leopold driving this car, and Dick Loeb on the back seat, and the dead boy beside him.

They go down this thickly populated street through South Chicago, and then for three miles take the longest street to go through this city; one boy driving and the other boy on the back seat, with the corpse of little Bobby Franks, the blood streaming from him, wetting everything in the car. They get through South Chicago, continue down toward Hammond. They stop at a roadside diner, and leave little Bobby Franks, soaked with blood, in the car, and get their dinner, and eat it without an emotion or a qualm.

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 to-day, when they sit here awaiting their doom.

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 - -nature, 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 God 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 these boys to do with it? All of this was handed to them. – handed to them by the people around them, and handed to them by world events far beyond their control. Were these boys affected by the Great War? That war changed the world. For four long years the civilized world was engaged in killing men. We read of killing 100,000 men in a day. We read about it and we rejoiced in it--if it was the other fellows who were killed. We were fed on flesh and drank blood. 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. These boys were brought up on it. It will take 50 years to wipe this out of the human heart, if ever. I know this: after the Civil War in 1865, crimes of this sort increased marvelously. I know the war has influenced these boys so that life was not the same to them as it would have been if the world had not been made red with blood. Your Honor knows that in this very court crimes of violence have increased growing out of the war. Not necessarily by those who fought but by those who learn that blood was cheap, and human life is cheap, and if the State could take it lightly why not the boy?

I do not know how much salvage there is in these two boys. 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 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. But what have they to look forward to? Nothing. And I think here of the stanzas of Housman written during the Great War:

"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 to nourish and sustain any human being.

I want to 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 Bobby Franks 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? 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.

If these two boys die on the scaffold, will it make people better or make people worse? Will it make the human heart softer or will it make hearts harder? How many people will enjoy reading and hearing about the details? We cannot read or hear of human suffering without being affected for better or for worse. Those who enjoy it will be affected for the worse.

Hanging these two poor boys--I cannot call them poor, because that might be playing for sympathy, and I have no right to ask for sympathy in this world. We can only ask for justice, whatever that may be, and only State's Attorneys know.

Hanging these two boys would doubtless bring immense satisfaction to some people. It would bring satisfaction because it would be done in the name of justice. To hear the State's Attorney talk glibly of justice would make me smile if it did not make me sad. Who knows when it is? Does Mr. Crowe know? Do I know? Does your Honor know? Is there any process, any line of inquiry, any human machinery for finding it out? Is there any man can weigh me and say what I deserve? Can you Honor? Can you are Honor appraise yourself, and say what you deserve? Can you Honor appraise these two young men and say what they deserve? Justice must take account of infinite circumstances which human beings cannot understand. If there is such a thing as justice, it could only be administered by one who knows the innermost thoughts of the man to whom they were meting it out -- aye, by one who knew the father, the mother, the friends, the relations, and the infinite number of people back of him; who could tell how the emotions that sway the human being had affected that particular frail piece of clay.

But it means even more than that. It means that you must appraise every influence that moves them, the civilization where they live, and all society which entered into the making of these children. 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 can tell exactly 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 judgment.

And it is not very much mercy either, your Honor. I can hardly believe I am pleading to your Honor to visit mercy on two boys by shutting them in to a prison for life. For life! Where is the human heart that would not be satisfied with that? Where is the man or woman who understands his own life and who has a particle of feeling that could ask for more?

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 will cover every humane and intelligent person with its gloom. It will do no good.

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 would be 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 children -- these will join in no acclaim at the death of my clients. But, Your Honor, what they shall ask me 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 future and the past. 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. 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 judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man.

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 envision. 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."

ENDING - BEN HECHT

(When Darrow concludes his argument, Loeb and Leopold exit with the bailiff. Darrow is attentive to the two. He collects his papers and slowly walks over to Bob Crowe and offers his hand. Crowe rises and shakes Darrow's hand. They confer silently and exit. Ben Hecht steps back to center stage and a light spots on Hecht).

And so ended the argument of Clarence Darrow. When he finished, there was not a dry eye in the courtroom save for the dour State's Attorney Bob Crowe. Even the normally level-headed Judge Caverly had tears streaming down his face.

Two weeks later the Judge convened court and announced his decision. Hopes rose and fell as the Judge read each word. He called the murder "a crime of singular atrocity" . . . everyone whispered "it's the gallows" . . . but then his voice took on a different tone. It soon dawned on everyone that Judge Caverly had sided with Darrow and had chosen -- *life*. Instead of condemning Loeb and Leopold to hang, he sentenced Darrow's "boys" to life in the penitentiary.

Loeb and Leopold were transported to their new home -- Joliet Penitentiary within a few weeks. In 1936, Loeb was slashed to death in a prison fight with James Day, another inmate. Loeb allegedly had made sexual advances to Day in the shower. Leopold asked -- and was granted -- permission to wash and prepare the body of his friend for burial.

Leopold stayed intellectually active in prison. He mastered 27 foreign languages, worked as an x-ray technician, reorganized the prison library and developed a new system of prison education.

In 1958, 34 years after his confinement, Leopold was released from prison. Allegedly Robert Crowe (pointing) offered to write a letter in favor of Leopold's parole. Nathan Leopold moved to Puerto Rico where he worked in hospitals and church missions and wrote a book titled "The Birds of Puerto Rico." He also wrote a book "Life Plus 99 Years."

Despite saying in a 1960 interview that Dickie Loeb remained the love of his life, Leopold married a woman in 1962.

On August 30, 1971, Leopold died. His corneas were removed -- one given to a man, the other to a woman.

Today, the Loeb and Leopold mansions are gone. Only the home of the Franks family remains at 5052 South Ellis . . . the same house where little Bobby Franks walked out the very same door on that fateful day in 1924.

Take a drive down there sometime -- and listen -- you may hear the screen door slam and a young voice yell "See you, Mama. I'll be back after school" (turns to leave – beat – and turns back). "Love you too, Mama."

(CURTAIN)

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