

## *Life Plus 99 Years*

Nathan Leopold and Chicago Criminology

LAUREL DUCHOWNY  
*California Polytechnic State University*

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This article examines the construction of a narrative of self through the published autobiography of Nathan Leopold, of Leopold and Loeb fame, known for the 1924 killing of their young neighbor Bobby Franks. While in prison, Leopold had extensive contact with prominent sociologists from the University of Chicago. It is the author's contention that this contact made possible a narrative of self, in the form of autobiography, which is distinctly sociological in character. The author believes his use of a sociological framework allowed him to (a) be heard in the language of the parole board, then headed by a sociologist, thus minimizing his separation with the group in power (the parole board) and maximizing his separation from those he did not want to be identified with (the other inmates); and (b) separate himself from the moral implications of his crime, thus rendering practically inconsequential that which would otherwise have been a defining moment in the construction of the self.

**Keywords:** *convict criminology; Chicago School; history of sociology; self and society; parole prediction*

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**O**n January 8, 1953, Nathan F. Leopold, Jr. stood before the parole board of Stateville State Penitentiary and spoke on his own behalf.

At the time of the commission of the crime for which I was sentenced, I was a 19-year-old youth. Today I am a 48-year-old man. Nearly 65% of my life has been spent in prison . . . I feel that I have changed completely in personality and character. I've tried to be of help to my acquaintances and colleagues. I've tried to do my time properly and to be useful to all with whom I come in contact. I've learned my lesson. (Leopold, 1958, p. 361)

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The parole board hearing can be thought of as a classic autobiographical occasion (Zussman, 1996). It is a moment in time when an individual speaks for himself about his own life. The vocabulary used on this occasion, the style with which the story is told, is governed by the social situation for which the story is offered. The success of the outcome is dependent on the success of the narrative itself to conform to the standards of the particular social situation. In Nathan Leopold's case, the occasion brought about by his parole board hearing required that he speak of himself in a style that would demonstrate his respectfulness for the authority of his listeners, which would reflect his contrition for his act, and would confirm that he had changed and had become a more productive individual. A reading of his brief dialogue above would suggest that he had performed successfully, that his autobiography had conformed to the standards of the parole board, and that he would be set free. However, this was not the case. At this time, Nathan Leopold was unsuccessful in his bid for parole. What went wrong?

Kenneth Gergen (1989) suggests that in cases such as these, "given a range of competing constructions, and sufficient stakes in the outcomes, there may be brisk competition over whose voice is honored. Whose voice prevails in a sea of alternatives may be critical to the fate of the person. . . ." (p. 73). Leopold's speech may have conformed superficially to the norms of the occasion, but to the parole board, his words seemed rehearsed and insincere, and in their decision, they called him a con man (Higdon, 1975). His voice, rather than aligning him with the world in which he hoped to soon be a part, aligned him with the convict population of the prison, the cons. His was the voice of the convict; it could not compete with the voice of the chairman of the parole board, Northwestern University sociologist Joseph D. Lohman. Professor Lohman spoke the language of sociology.

For his next hearing, Leopold would not make the same mistake. He would also speak in the voice of the sociologist through a published autobiography: *Life Plus 99 Years* (1958). It was his hope that the autobiography would make his case and would ultimately provide the mechanism that would secure his release from prison (Higdon, 1975). The use of a sociological discourse would act as a "symbolic resource . . . for making claims in a sea of competing world constructions" (Gergen, 1989, p. 75). It is my intention to examine the autobiography of convicted murderer Nathan F. Leopold, Jr., written while incarcerated in Stateville, according to its sociological voice and the implications of this model for his own narrative of the self.

### THE TENSION BETWEEN THE TELLING AND THE TALE

The use of autobiography for sociological research has a long and hallowed tradition. Eminent Chicago sociologists such as W. I. Thomas, Edwin

Sutherland, and Clifford Shaw all used autobiography in some form for their most well-known works. Current sociological interest in the autobiography focuses on the way the self of the author is represented by the autobiographer through the language of autobiography. As Robert Zussman (1996) points out, from the perspective of a sociology of autobiography, "autobiographies are taken to be accounts of identity, narratives of the self" (p. 143). Inaccuracies or misrepresentations in the account are not considered as obstacles but rather as useful data, as illustrations of how the author wishes to be represented. For Zussman, it is the "tension between the telling and the tale" (p. 144) that is the most interesting aspect of autobiography, the distinction between the story and how the story is told. For current sociologists, this tension sheds light on the way the self is constructed through narrative, stressing the self as a processual construct.

The early Chicagoans mentioned above—Shaw, Thomas, and Sutherland—also emphasized the value of the subjective elements of autobiography; however, their main focus was not the self as an end result. For them, the self alone had no intrinsic value for sociological research but instead was useful as a factor in gaining a broader understanding of other social concerns such as criminality and other forms of social pathology. In *The Jack-Roller* (1931), Clifford Shaw explains the value of the use of the autobiography in understanding juvenile delinquency. Autobiographical materials are used in concert with other materials such as arrest and medical records in the creation of a case history used in research on the causes of criminality. He states, "It is extremely desirable to develop the 'own story' as an integral part of the total case history" (p. 2). Although the autobiographical materials are used and are in fact integral, they are not the only materials used. This leads to the supposition that the self, as represented in the autobiography, is only considered as one factor, albeit an important one, in leading to an understanding of delinquency. In 1928, W. I. Thomas discussed the use of autobiography in understanding behavior difficulty:

... the subject's view of the situation, how he regards it, may be the most important element for interpretation. For his immediate behavior is closely related to his definition of the situation, which may be in terms of objective reality, or in terms of subjective interpretation—"as if" it were so. Very often it is the wide discrepancy between the situation as it seems to others and the situation as it seems to the individual that brings about the overt behavior difficulty. (p. 571)

Thomas, similar to Shaw, used autobiography in terms of its use as a tool in understanding a social issue distinct from the self.

Although I share the perspective of current sociological analyses of autobiography, focusing on the tension between the telling and the tale in the life story of Nathan Leopold, the Chicago use of autobiography is also valuable to this examination as it was this sociological research method that shaped Leopold's understanding of sociology.

### A BRIEF BIOGRAPHY

Nathan Leopold was one half of the infamous duo Leopold and Loeb. Nathan Leopold and Richard Loeb became well known in the 1920s for committing "the crime of the century," the cold-blooded murder of 14-year-old Bobby Franks. Leopold was born in Chicago in 1904 to a wealthy Jewish family who owned a paper manufacturing company, Morris Paper Mills. Always a brilliant student, Leopold entered college at age 16 and graduated from the University of Chicago at the age of 18, one of the youngest graduates in the University's history. Six months after graduation in 1923, he entered the University of Chicago Law School, which he attended for one term, planning to transfer to Harvard Law School the following fall. Five days after his final law exams at the University of Chicago, at age 19, Nathan Leopold took part in the murder of Bobby Franks (Higdon, 1975).

Leopold and his close friend of 4 years, Richard Loeb, kidnapped the younger boy, stripped him, sexually assaulted him, then drove a chisel into his brain. When finished, they threw his body into a ditch and then attempted to ransom him to his parents. When Franks' body was discovered soon thereafter, Leopold and Loeb were forced to abandon their plans for ransom and simply went about their day-to-day lives. The police recovery of Leopold's glasses beneath the murdered boy's body led to the arrest of Leopold and later of Loeb. Both quickly confessed to participation in the crime but pointed fingers at each other regarding the final act, the driving of the chisel into Franks's brain (Higdon, 1975).

Leopold and Loeb were defended by Clarence Darrow in the renowned lawyer's most famous case. He successfully argued against execution, and the two young men were each sentenced to life imprisonment plus 99 years (Higdon, 1975).

Leopold was first incarcerated at Joliet State Penitentiary and was later transferred to Stateville State Penitentiary, both in the Chicago area. Loeb also served time in both prisons, but until 1930, the two were actively kept separated: While Leopold was housed in Joliet, Loeb was housed in Stateville, and when Leopold was in Stateville, Loeb was in Joliet. When the two were finally reunited, in 1930, they once again became inseparable.

Their friendship continued until Loeb was murdered by another inmate in 1936 (Leopold, 1958).

Leopold led a relatively busy life in prison, maintaining a varied work life. He worked in the prison library, the prison school, as secretary to the prison's chaplain, and many other assignments. Most notably for this analysis, he worked for the office of the sociologist-actuary, which attempted parole prediction (Leopold, 1958). Leopold was released from prison on parole in 1958.

### NATHAN LEOPOLD AND SOCIOLOGY

When I began reading *Life Plus 99 Years*, Leopold's autobiography, I expected to find a narrative of confession, a tale of repentance and redemption, the story of the life of a murderer defined by the single act of killing another. This was not what I found. What I found was a sociological narrative, much in the style of the great criminological studies of the time, *The Jack-Roller*, *The Professional Thief*, and *The Gang*. *Life Plus 99 Years* is the story of Leopold's life beginning the day after he had committed the crime for which he had become famous, the day he was first jailed. Curiously, the crime went almost completely unmentioned for the entire 381 pages of the book, and there were very few words of remorse or pleas for forgiveness. Susan Harding (1992) describes a similar reaction to a reading of an autobiographical tale of a priest who had, years before, accidentally killed his son. The tale was told in a curiously flat manner, mentioning the son's death abruptly and only in passing, without emotional details. She states,

The unregenerate listener interrogates [the priest's] story as if it were a system of verbal clues about something outside of itself—the tragic event, [the priest's] raw experience, the unmediated emotions of the moment, his subsequent effort to recover and reintegrate—and finds the story distinctly odd, choppy, suspiciously elusive. (Harding, 1992, p. 62)

A reading of Leopold's autobiography is similar in that the story we want, the story we bought the book to hear, is missing. We want to hear how the crime affected the criminal. We want to know that he is sorry, that he hurts inside as a result; we want the emotional details. But for Leopold and for the priest spoken of above, this is not the purpose of their narratives. Harding contends that the priest's story is a classic conversion narrative; he tries to actively convert her through the use of his story. What is important in this narrative is not his emotions, or the details, but rather the fact of the accident and how it showed him God's will (Harding, 1992).

Leopold's narrative is not unlike the priest's in that it has a parallel purpose. His is also a conversion narrative; he is also attempting to convert his readers. But he is not trying to convert his readers to religiosity. He is trying to convert us in our understanding and attitude toward his plea for parole. Although the book was published and meant for a large audience, for Leopold, the target was his parole board. As stated above, the chairman of his parole board was a sociologist. Consequently, it may be hypothesized that Leopold, hoping to associate himself with the parole board rather than the prison population, actively framed his narrative according to a sociological discourse. This was possible because Leopold, while in prison, had had a long association with sociology and sociologists.

Leopold first became acquainted with sociological thought while imprisoned in Joliet State Penitentiary in late 1930. This period was, of course, the hey-day of the use of autobiographical materials at the University of Chicago. Leopold describes his first encounter:

A young sociologist, a graduate student at the University of Chicago, was employed at the Mental Health Office [at Joliet] and made several trips a week to the prison. He called me over for interviews a number of times and we had stimulating discussions about various aspects of criminology. It was the time when much emphasis was being placed, at least at the University of Chicago, on the case-study approach to the problem. This young sociologist was working with the group headed by Clifford Shaw, the author of the area studies in Chicago. Shaw had written or edited at least two excellent case studies, *The Jack-Roller* and *The Natural History of the Delinquent Career*, in which he had traced the growth of the delinquent pattern in an exhaustive, day-by-day account of the life of his subjects. (1958, p. 191)

During this meeting, Leopold discovered that the sociologist was hoping to gather "authentic, first-hand source material . . . the authentic life story of a professional criminal" (p. 191). However, the sociologist is not confident that were he to interview such a person, that he would be honest with him. Leopold offered to take the life history for him, and the sociologist readily agreed. Leopold interviewed two inmates, acquaintances of his in prison, gathering 200 or 300 pages of notes on each case. A portion of one of these life histories was later published as a part of the *Report of the Wickersham Committee on the Causes of Crime* (Leopold, 1958).

This encounter is significant in that Leopold is introduced to the major sociological method of the time: the life-history document. He learns that such documents are used as tools by sociologists of crime in gaining a broader understanding of criminal behavior.

As a result of this experience, Leopold became interested in various aspects of the sociology of crime. He began extensive reading and theorizing in this area. In 1933, the governor of the state of Illinois, Henry Horner, introduced legislation that called for the establishment of the state office of sociologist-actuary. The office would have three stations, one at each of the three branches of the Illinois State Penitentiary. The departments of sociology of the three universities in the state—University of Chicago, Northwestern University, and the University of Illinois—were called on to appoint sociologists to each of the three stations.

According to Leopold (1958), the office of sociologist-actuary was created according to a study done in 1927 by Ernest Burgess of the University of Chicago, which looked at the possibility of predicting the success of parole according to individual factors such as prior convictions and marital status. It was presumed that the information collected by the sociologist-actuary would aid in parole board decisions. By 1933, Leopold had been transferred out of Joliet to the new state facility, Stateville Penitentiary. The sociologist Ferris F. Laune was appointed to the sociologist-actuary office in Stateville that same year. Although Leopold did not work in the office when it first opened, he had considerable contact with Laune, in which they “had many interesting discussions about sociology and criminology” (Leopold, 1958, p. 253) He was later formally assigned to work with Laune in the office of sociologist-actuary.

Leopold became interested in the problem for which the office of the sociologist-actuary had been created: the prediction of parole success. He, together with his coconspirator to murder, Richard Loeb, began their own extensive inquiry into the issue. They worked for 2 years on a research design, collecting data from fellow inmates from which they created a questionnaire. Prison officials became interested in their work and granted them a large, eight-person cell for office space and allowed three additional inmates to help with the work. They called their office the Sociological Research Office. Leopold claims that he published his findings, as a ghost-writer, along with some of the biggest names in criminology. In 1935, Leopold, with Ferris Laune, published an article describing his research methodology in *The Journal of Criminal Law and Criminology* “Technique for Developing Criteria of Paroleability.” This article was followed by another in the same year published with William F. Lanne (1935) titled “Parole Prediction as Science” also published in *The Journal of Criminal Law and Criminology*. In 1936, Leopold coauthored a book with Ferris Laune, *Predicting Criminality: Forecasting Behavior on Parole*, published as Number 1 of the series *Northwestern University Studies in the Social Sciences* and later to become one of the seminal works on parole prediction. In 1951, Lloyd Ohlin presented a