

# Crimes of the Century: From Leopold and Loeb to O.J. Simpson

by Gilbert Geis and Leigh B. Bienen, Northeastern University Press, Boston, 1998, 216 pp, index 217–227 pp, acknowledgments 228–230 pp.

**Elise Neilson** BA (Qld), LLB Student, TC Beirne School of Law, The University of Queensland.

In *Crimes of the Century*, Gilbert Geis and Leigh B. Bienen give us a lesson in history and social studies as much as a lesson in criminal law. The book describes five of the United States' most infamous criminal trials and the legal, historical and social issues associated with them. Each crime and resultant trial is dealt with separately. However, through the use of an introduction, conclusion and some loose cross-referencing, the authors endeavour to identify and follow common themes throughout the book. These themes (for example racial prejudice, wealth, the media and courtroom tactics) will be familiar to anyone who has taken an interest in any genre of discourse on American society, particularly in the context of the legal system.

Each of the five case studies is chosen not only because of its interesting facts, but also because it provides some insight to the time in which it occurred. The authors endeavour to capture the public mood through use of news media extracts and the views of other commentators contemporaneous with the crimes. Geis and Bienen quote journalist Ralph Frammolino on this point:

A crime truly becomes historic when, like an eclipse, its timing brings into alignment many profound and often troubling questions about society. Acting as a prism the macabre crime has the power to show the spectrum of various ongoing struggles in the culture.<sup>1</sup>

Chapter one covers the 1924 case of Leopold and Loeb — two highly intelligent and extremely privileged college students who pleaded guilty to the brutal murder of 14-year-old Bobby Franks, a victim chosen at random from a Chicago schoolyard. The commentary accompanying this crime focuses on criminology, exploring the accused youths' possible motives for this crime. Leopold and Loeb were spared the death penalty thanks to the talents of their accomplished attorney, Clarence Darrow. This raises the issue of whether, in the adversarial system, money can buy lenience. That theme is revisited in later case studies.

The next crime covered is 'Scottsboro' — in which nine black hoboos were accused and convicted of raping two white women on a train. The trials, which were held in Alabama in 1931, are today universally considered to be a pertinent example of racial injustice. Geis and Bienen paint a picture of a court room in which even the judge is openly racist and in which the accused men had no hope of a fair trial.<sup>2</sup> The issue of quality of legal counsel was again raised — the Scottsboro boys' original attorney was described as ineffectual and totally inadequate.<sup>3</sup> The case sparked rivalry between the northern US states and the south, when the New York-based American Communist Party intervened, providing the accused men with a very well respected attorney. This was as part of the Communist push for a Negro support base during the early 1930s. This intervention only served to increase the existing prejudice against the defendants. The defendants were all convicted in 'a blatant triumph of racial prejudice over legal norms'.<sup>4</sup>

In 1932 the American public were outraged by the kidnap-murder of Charles

1 Geis G and Bienen LB, *Crimes of the Century*, Northeastern University Press, Boston, 1998 at 6.

2 Note 1 at 64.

3 Note 1 at 50.

4 Note 1 at 205.

Lindbergh's baby. Lindbergh, an aviator, was regarded as a national hero and the infant's kidnap won high priority newspaper coverage. This raises the issue of the propriety of close media scrutiny of such crimes. Many blame the media for the child's death, claiming the spotlight caused the kidnapper to panic and murder the infant before the ransom was due. The case also raised the issue of racial prejudice in light of the fact that, since his being put to death for the crime, it appears Richard Hauptmann may have been a scapegoat. Hauptmann was coincidentally the ideal person to accuse, being an illegal German immigrant in the lead up to World War Two when the despised Hitler regime threatened world peace.

The perjury trial of Alger Hiss was played out against the backdrop of the fear of communist (especially Soviet) infiltration. Hiss was a US government figure accused of passing on top secret documents to the Soviets by a former communist, Whittaker Chambers. One of the personalities involved in this trial was Richard Nixon, well before he was elected president. As a prominent member of the House Un-American Activities Committee, Nixon spearheaded an obsessive witch hunt against Hiss, largely to reach his own political ends.

The final chapter is on the comparatively recent trial of OJ Simpson. This provides an ideal closure to the case studies because it raises a number of the issues from earlier case studies in the modern context. These include the question of whether money can buy, this time not only leniency, but an acquittal. The intrusion of the media — both in the form of news reports and the in court cameras — forms a substantial part of the commentary as does the issue of jury selection and police practices. A significant aspect of the trial, as identified by Geis and Bienen, was the exposure to the public by Johnnie Cochran of the widespread and often accepted police practice of 'testilying'. This sparked public debate about police investigation methods.<sup>5</sup> This term describes the practice by which police will happily invent certain facts for bolstering evidence when they are confident that they have identified the criminal. Interestingly, Geis and Bienen point to a comparison of the OJ Simpson and Scottsboro cases which indicates a 'racial revolution' in the courtroom. Whereas the impoverished Scottsboro boys were more than likely innocent of raping the white women, they were convicted by a white jury. On the other hand, while wealthy OJ Simpson was more than likely guilty of killing his white ex-wife, he was acquitted by a predominantly black jury.<sup>6</sup>

The written style of *Crimes of the Century* is reasonably colourful, which is essential because of the detail in which the crimes and trials are described. The employment of such thoroughness means the authors run the risk of their readers becoming bogged down. However in each chapter this is (sometimes narrowly) avoided and the discussion of related issues begins just when the reader begins to feel overwhelmed. These well-thought-out discussions put the detail about the trials in context and allow it to be digested with some food for thought.

As well as providing an entertaining overview of the most well-known US criminal trials of the century, this work would prove useful for those attempting to research any of the crimes contained in the book individually. The text is rich in detail and at the end of each chapter is a list of further readings which goes beyond a mere bibliography, providing comprehensive surveys of the available literature accompanied by helpful tips about each of the references.

Geis and Bienen do not shy away from making clear their thoughts about the innocence or guilt of the accused men in the cases discussed. For example, they intimate to their readers that they feel Richard Hauptmann was wrongly convicted and sent to the electric

5 Note 1 at 194–7.

6 Note 1 at 7.

chair for the kidnapping of the Lindbergh baby and that OJ Simpson was guilty of killing Nicole Simpson and Ron Goldman.

It would be wrong to suggest that *Crimes of the Century* was an absolutely necessary addition to the existing works on these particular crimes — the 'Further reading' sections illustrate the broad range of literature dedicated to each case. However, Geis and Bienen do try something new in attempting to run selected themes through the entire book and draw some generalised conclusions about these twentieth century trials as a complete set. Although this aim should be commended, it is submitted that the authors do not completely succeed in their endeavour. *Crimes of the Century* focuses too much on its comprehensively detailed accounts of the crimes, trials and characters involved. Granted, this does make for interesting reading, but these details have no doubt been collected and published in books many times before. Geis and Bienen would have been better to concentrate on the commentary about the various themes and socio-legal issues they raise from time to time. As has been mentioned, the introduction and conclusion go part of the way to achieving this end but any conclusions that are drawn are loose and only mentioned in passing. The authors do not analyse and explore their observations deeply enough, nor do they draw as many solid conclusions as they could.

In conclusion *Crimes of the Century* is a thorough and well-written account of five of America's most infamous crimes and their highly-publicised trials. Although it is argued Geis and Bienen do not take their observations and musings about the associated legal, historical and social issues far enough, they do raise many interesting issues of this ilk, providing a sound starting point for readers who wish to draw some of their own conclusions from the material presented.