



## THE OTHER LEOPOLD

SUSAN FOX ROGERS

“He loved birds. Leopold.”

“Aldo? He was a tree man. Not a bird man.”

“No, not Aldo. The other Leopold.”

For me, there is only one Leopold: Aldo, the Midwestern environmentalist who wrote *Sand County Almanac*.

“Nathan.”

“Nathan Leopold?” This does not make sense.

“He loved birds.”

“Leopold and Loeb? The murderer?”

“Yes, the murderer.”

In this way, on a quiet spring evening, I learned that Nathan Leopold, famous for teaming up with Richard Loeb to commit the crime of the century by murdering fourteen-year-old Bobby Franks, was a birder.

The voice on the other end of the phone was the president of the small college where I teach. Leon, as we all call him, knows nothing about birds.

“Why do you know this?”

Leon had just had dinner with the Nobel prize-winning scientist James Watson, who co-discovered the double helix structure of DNA. Now eighty-seven years old, Watson had just published his memoir, which is really a tribute to his father. His father was a birder. Who birded with Leopold.

“Read Watson’s memoir,” Leon urged, “you’ll find it interesting.”

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These bits of birdy information float toward me, spicing the day like the birds themselves. They add to the gifts of bird mugs and caps, owl-faced refrigerator magnets to make me feel like I've slipped on, like a perfect coat, a new identity: I am the bird woman. Fifty years old and for the first time in my life, I have the sense that who I am, who I think I am, and how people see me align. Like a juggler, I'm able to catch all three balls and send them back in a perfect arc into the air.

The transformation to bird woman happened so quickly in the past three years. Having my binoculars with me everywhere I go is surely the first clue that I'm always on the hunt. So on my morning walk, a neighbor stops me to ask what bird is killing the birds at her feeder (most likely a Cooper's hawk, I say), and a student sends me an email gushing about a bird sighting ("It was so shiny, speckled"; I refer her the European starling). But beyond the birds themselves, I get regular gifts by email or phone: Have you read Robert Frost's poem "Ovenbird"? Or Theodore Roethke's "The Far Field" (*For to come upon warblers in early May / Was to forget time and death*)? At a divisional party, a colleague is surprised I don't know the Mel Brooks movie *The Producers*. "I'll send you the link," she says, "you'll love it." In the film, Max Bialystock is looking for the "Kraut" Franz Liebkind. "He's up on the roof with his boids. He keeps boids. Dirty . . . disgusting . . . filthy . . . lice-ridden boids."

And then a golden birdy tidbit: Leon calling to tell me that Leopold, whose story I know of mostly through films like Hitchcock's *Rope* and the more recent *Swoon*, loved disgusting, filthy, lice-ridden boids.

James Watson Sr., just back from the front in World War I, was birding in Jackson Park in Chicago when he ran into Nathan Leopold. When birders meet in the field, we stop and share sightings, talk bird talk, beginning with, See anything good? Maybe Leopold bragged about his collection of birds—3,000 by the age of fifteen. From that first encounter, the two young men became regular birding partners.

Unless your birding partner is your spouse or your loved one, a birding partner is a particular relationship. You spend hours together, often in silence; you know what they eat, how often they pee; you know how they respond to luck, both bad and good, in finding a bird. You see their ability to focus, watch their memory in action as they identify a bird. You are witness





to their kindness toward the birds or their selfishness. You know your birding partner well and also not at all. Often you don't know what they do when they go home, how they make a living, how they vote, or whom they love. Did Watson, in those fresh days of scouring the ponds and woods of Chicago ever have a hint that bright and charming Leopold, half in love with his beautiful friend Richard Loeb, was capable of kidnapping Bobby Franks and bludgeoning the boy to death—arrogantly believing they could commit the perfect crime, were so smart that they were superior to the law?

Leopold was smart by many measures of smartness: he spoke nine languages, had an IQ of 200, graduated from the University of Chicago at age eighteen. I thought of birders as smart, as people with sharp minds who savored small details. Birders are not all articulate or well read and are often socially awkward, but all birders share one characteristic that I associate with intelligence: curiosity. Without curiosity there are no birds. In an endless loop, curiosity lures the birder out, and the birding in turn builds an even greater curiosity. Curiosity is a tonic, one that makes a person buoyant, light headed, happy.

I also saw that many (often the best) birders shared another characteristic with Leopold: a confidence that bordered on arrogance.

Leopold was not a casual birder but someone headed toward a life as an ornithologist. In 1920 Watson and Leopold, along with obsessive birder George Porter Lewis, published an eighteen-page pamphlet titled *Spring Migration Notes of the Chicago Area*. Leopold kept a keen eye on migration around Chicago. In 1922, at the age of eighteen, he published his first paper, "Reason and Instinct in Bird Migration," in the ornithological journal *The Auk*. In this article he looks at a few instances of accidental birds, like the Harris's sparrow, that then appear more frequently. If migration is controlled by generations of instinct, these changes in a bird's range come about through reason or learning, he concludes. Here was the brilliant young man arriving at conclusions that saw the birds as smart as well.

Leopold spent a brief stint of his college years at the University of Michigan, where he studied birds under Norman Asa Wood, famous for finding the first nest of a Kirtland's warbler. The Kirtland's is one of North America's rarest songbirds, with a very narrow range, breeding in the jack





pine region in just a few counties in Michigan, so that locals call them jack pine birds. It is a larger warbler, with a yellow chest, adorned with a black-striped breast band. Wood describes the birds as quick and restless, with a direct, slightly undulating flight. It is named for a renowned Ohio naturalist, Jared Kirtland, on whose farm the first specimen was shot in 1851.

Under Wood's guidance and with Watson at his side, Leopold embarked on a trip to find a Kirtland's nest. His first year, they traveled "well-nigh impassable roads" to the banks of the Au Sable River. In 1922 they found not one Kirtland's, probably because the trees in the region they searched were too tall; the Kirtland's is a bit fussy, preferring trees between five to twelve feet in height. In the spring of 1923 the young ornithologists journeyed out again. After fighting through several hundred yards of dense jack pine, they heard a bird sing. There it was, "every muscle in his body tense" as it let "out a burst of clear, bubbling song" that they could hear a quarter of a mile away. This was the fourth nest found of this secretive warbler.

The next day Leopold returned to observe the nest from 9:50 to 11:30, noting activity every few minutes, including the number of times the bird sang in a minute, how often it flew to the nest, and how agitated it was by his presence. His notes reveal his mind: careful, thorough, attentive to details.

To document this find, they wanted to photograph and film the birds. In order to have better light, they decided to cut down some of the surrounding jack pines. It's hard to believe any of them thought this a good idea, and it wasn't. Though the birds were "surprisingly tame," once the trees were down, the female became timid, hesitant to feed the young. When she did come in, a brown-headed cowbird baby, dwarfing the Kirtland's, snatched the food. So Leopold took things in hand, removing the brown-headed cowbird baby. Without knowing it, Leopold was initiating a conservation measure still used today to help the fragile Kirtland's warbler population: protecting the young from being victims of parasitism.

After a lunch break (this seems so civilized—food matters!), the young men returned for further observation of the nest. Alarmed by the fact the parents were not attentive to the young, they decided to feed the birds themselves. Lying near the nest, Leopold was able to feed the nestlings two horse flies. Soon, the adult Kirtland's grasped the pleasure of being hand fed and landed on Leopold's thigh and shoe. It was fed a total of seventeen flies. A black-and-white photo, taken from a moving film, shows Leopold





on his belly, his hand enormous as he pinches a fly between index finger and thumb in offering to the warbler.

Why am I so mesmerized by this image of a man who is capable of murdering another person gently feeding a bird? Why am I—the word I want to use is *thrilled*—to find this famous murderer in my birdy midst? Perhaps it is because it offers such stark evidence that we all hold within ourselves contradictions. Though most of us dawdle toward kindness, then inch in the direction of cruelty, Leopold vaults. Anyone with such conviction, I admire, even envy. *Commit!* Leopold did: to the birds, to this awful murder.

Leopold arrives at a few general notes on the bird, including that the nests are often found near roads, suggesting renaming the bird the road-side warbler; that the bird doesn't walk, as previously reported, but hops; and that its diet consists mostly of centipedes, worms, and caterpillars. This seems scant information given the hours of observation. Leopold's small contribution makes me marvel over the volumes of birdy detail available on eating, breeding, nesting, and flight. All of this must have taken lifetimes of observation by people capable of watching birds like monks in meditation.

According to Watson, Leopold collected a few of the Kirtland's, one sent to the Field Museum in Chicago and another to the Cranbrook Institute in Detroit. Watson was uncomfortable with the collecting, "fearing that the loss of only a few birds might tip this species toward total extinction." Leopold does not include information about collecting the birds in the article he published in 1924, "The Kirtland's Warbler in Its Summer Home," which he first delivered in person at the annual meeting of the American Ornithological Union.

What becomes clear in reading this article is that the qualities of a good birder or young ornithologist—keen careful observation and a steely patience—are the same qualities needed to plot a murder. Leopold and Loeb spent months working out the details of their almost perfect crime.

I calculated that it would take a well-timed spring trip to Michigan to see a Kirtland's warbler, the bird both rare and geographically limited. Unless, of course, a Kirtland's were to make a rare and unexpected appearance in Central Park, which it did in the spring of 2018. I happened to be in New





York City visiting a friend in the hospital. Sunday morning, I ventured to the park with little hope of seeing the bird. Still, I knew that I would enjoy the morning air, and the search would give me courage to shoulder the weight of hospital air.

The minute I entered the park, a dizzying number of glorious warblers—bay-breasted and Cape May—greeted me. Soon, a slight man, nondescript except for his binoculars, approached me and asked if I wanted to see the Kirtland's. I grinned like we had just made a drug deal.

"It just showed up," he said as he walked me back to a tree. There, he pointed at a bird hopping from branch to branch.

*Really?* I thought, as I put up my binoculars.

There it was, like a small yellow miracle, happily living where it didn't belong. Near me stood a gaggle of birders who had formed like a paramecium, tentacles of scopes and cameras all pointed toward the bird.

I would like to say that I lingered for hours, appreciating every feather, how the bird wore an elegant gray head scarf, wore white spectacles, and had black dashes like it had been scratched on its yellow breast. I would like to say that I savored this once-in-a-lifetime event, this bird that connected me to Nathan Leopold. But I was cold and hungry and anxious about my friend, who two weeks later would be dead. And what of the bird? Did it survive its detour through the East Coast?

In 1967 the Endangered Species Conservation Act listed the Kirtland's when evidence showed their populations had crashed from 1,000 to 400 birds. Later, with the Endangered Species Act of 1973, the Kirtland's Warbler Recovery Team formed to protect the jack pine habitat and to guard the nests from cowbirds. Their efforts have worked. In 2012 there were an estimated 4,000 Kirtland's warblers. Still, it is not a bird that will ever soar off of the endangered species list. It will forge forward only with the help of watchful scientists and environmentalists.

In his article, Leopold offers thoughts on why the Kirtland's is so extremely scarce, sounding an early warning that this was a fragile species. His observations are credited as leading to future conservation measures used to help save this rare warbler. What if we remembered Leopold as an early crusader for this special warbler and not for his sensationalized crime? Would it be possible to reverse the narrative of his life? Is this possible with anyone's life? Making such a shift would be like saying Nixon and thinking





first of the Clean Water Act and Clean Air Act rather than Watergate. Or maybe the point isn't to define a person's life by one part but allow the person to be the range of talents and failures that they are.

On May 17, 1924, Leopold with his friend George Lewis tried to bag some Wilson's phalaropes, which flew out of Wolf Lake, adjacent to Eggers Woods in Chicago. A Wilson's phalarope is a sandpiper-looking bird with a needle-like black bill. Like other phalaropes, it moves about in a nervous way, often spinning on a pond to stir food to the surface with its lobed toes.

Four days later, Eggers Wood would become famous not for phalaropes but for the body of Bobby Franks, found in a culvert by a man making a shortcut through the park. Leopold and Loeb had taken Bobby, who was a distant cousin of Loeb, into their car, killed him, then transported the body to the woods.

Leopold and Loeb were scrupulous, yet all it takes is one small slip. The central piece of evidence that led the police to Leopold's door was a pair of reading glasses found near the body in the woods. Only three such frames had been sold in the Chicago area: one to a woman, one to a man who was overseas at the time of the murder, and one to Nathan Leopold. "I told Captain Wolfe I'd been out there [Eggers Woods] recently. I had even tripped that day, not twenty feet from the place the body was found, when I tried to run in my rubber boots to get a shot at a Wilson's phalarope. . . . A Wilson's phalarope is rare enough in the Chicago area so you don't forget about it when you collect one." In his memoir, Leopold describes tripping in the police station to show how the glasses could have spilled out of his pocket. As I read that scene I found myself perversely rooting for Leopold to walk away, to get away with murder so that he could continue his bird-finding ways.

None other than Clarence Darrow, the best lawyer that money could buy—both families were splendidly wealthy—defended the two boys who pleaded guilty to both kidnapping and murder. Both crimes carried the death penalty. Leopold's father asked Watson to testify for his son. Watson refused, fearing for his job and worried about the repercussions if it became public knowledge that he was a long-time friend of the perpetrator of this brutal crime that had become a media sensation. And, really, what could he have added to the testimony? That Leopold was a good, sharp birder, that





he had tenderly fed Kirtland's warbler babies by hand? Would that have swayed the jury?

Darrow's stunning twelve-hour long closing defense convinced the jury not to hang Leopold, who was only nineteen, or Loeb, who was twenty. His defense altered the course of capital punishment in this country. Leopold and Loeb were sentenced to life, plus ninety-nine years.

Life plus ninety-nine years without birds?

Luckily, birds are never far away, not even in a prison. Open fields surrounded Stateville Prison, located near Joliet, Illinois. Horned larks and vesper sparrows nested in the field behind the prison, and in a marshy area, killdeer darted about, emitting their hysterical cry. From a back window of his prison cell, Leopold could hear the birds. He gazed out over the wall, watching the "gradual onset of the soft spring twilight. A robin perched on the wall and greeted the coming night with his joyous carol. To me the song of the robin has always been one of the most beautiful sounds in the world—and one of the most nostalgic. It brought back vividly many memories of long ago."

I am grateful for Leopold that he had these birdsongs. Part of my sympathy lies in the fact that I have taught in the prison program started at Bard College, once a week driving out in the evening to a maximum security prison to teach men who are incarcerated for much of their lives. In our short breaks and after class, they would approach me and ask for things: an article or book to help them write a paper, more supplies. They weren't asking for me to bring in contraband or a file to chisel their way out of prison, but the ask always had that desperate edge to it. I hesitated until I finally understood that, so deprived of books or birds, family or freedom, they wanted whatever they could get, finding perhaps some solace in these small items. I have no doubt that the birdsong brought Leopold that solace.

But really my sympathy for Leopold, in jail forever, emerges because

I think of him as a fellow birder, feeding those Kirtland's babies. And birders, whatever our many failings, are generous in one particular way: we want others to see and hear what we have seen and heard. We want to share the beauty and wonders of the world.

In learning that Leopold was not just a cold-blooded, arrogant murderer, the sort of beautiful, slimy guy in *Rope*, but a fellow birder, I had to expand who I imagined birders to be. And I sure wasn't arriving at a simple





birder profile. I had met or read about birder scientists and poets, musicians with their sharp ears, older women and young skinny men, artists who note color and eye rings, egomaniacs and social misfits, presidents, environmentalists, photographers, and murderers. This range appealed to me just as the range of the birds themselves did.

Leopold doesn't just listen to the birds. Another inmate, described as a "Mexican working in the Fiber Shop" picked up a fledgling horned lark and tamed it. It was grown and "looked like a regular bird instead of a powder puff on legs, the way the youngsters do. It was quite tame." Leopold buys this bird for ten sacks of tobacco. The bird would fly to him when he whistled and had the freedom of Leopold's cell in the evenings (though I admit that it's odd to read of a prison cell as freedom). In a prison, no bird is going to come to a good end, was my first thought. And sure enough, the bird, left in the stockroom, lets curiosity get the better of him; he pecks a piece of cheese on a mousetrap.

After this horned lark, Leopold acquired a few others as pets, one as a fledgling. He shows great determination with this baby bird as for the first few feedings he had to pry open the bird's beak. He also shows great tenderness: "When full of worms, he'll fluff out his feathers and cuddle up hard against your shoe. It's pretty easy to lose your heart to one of the soft little things." So Leopold did have a soft heart, giving it to the soft, little birds.

His favorite bird was a robin he named Bum, who flies about visiting the men, whom he refers to as "cons," in their cells. Bum came when Leopold whistled and loved his raisins. Then one day the bird was found in a brown paper sack with its neck broken. "If the fellows in E House could have got hold of the man who killed him, I think they might have wrung his neck." That seems about right in a prison.

Clarence Darrow was aware that Leopold might do more with his love of birds. On September 20, 1924, he writes to Leopold, "I am ambitious for you to write your bird book." Again, on March 9, 1928, "I am still anxious that you should have a chance to write a book about birds." Leopold claims in his memoir that he never wrote a book on birds. In fact, he did.

In 1958, after spending thirty-three years in prison, Leopold was paroled (Loeb was brutally killed in prison). This unexpected parole was granted because Leopold had volunteered for war-time malaria experiments.





He was also a model prisoner, offering language classes and developing the prison library.

One condition of his parole was that he live in a rural region of Puerto Rico where no one had heard of his crime of the century. At age fifty-seven, he found work as a medical X-ray technician, married Trudi Feldman Garcia de Quevedo, and wrote his bird book, the *Checklist of the Birds of Puerto Rico*.

