

Washington Law Review

Volume 41 | Number 4

8-1-1966

***In Cold Blood—A True Account of Multiple Murder and Its Consequences*, by Truman Capote (1966)**

Norval Morris

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the [Criminal Law Commons](#)

Recommended Citation

Norval Morris, Book Review, *In Cold Blood—A True Account of Multiple Murder and Its Consequences*, by Truman Capote (1966), 41 Wash. L. Rev. 920 (1966).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol41/iss4/14>

This Book Review is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact cnyberg@uw.edu.

BOOKS

IN COLD BLOOD—A TRUE ACCOUNT OF A MULTIPLE MURDER AND ITS CONSEQUENCES. By Truman Capote. New York: Random House, 1966. Pp. 343. \$5.95.

A reviewer of Truman Capote's *In Cold Blood* in a law review is not expected to analyze the book's literary merits; at all events, there can be little enough doubt on that score. No one can read the skillfully described confluence of the lives of the idealized Clutter family and of their Caliban-like murderers, Richard Hickock and Perry Smith, without being entrapped by Capote's economical yet strongly emotive prose. I do, however, doubt that he has, as his publishers claim, made a contribution towards establishing a new literary form, the "non-fiction novel." Rebecca West, Meyer Levin, and a long company of English and American crime journalists of the late nineteenth and twentieth centuries are clearly his predecessors; but certainly Capote does contribute to this tradition with Dostoevsky-like skill for the first two hundred pages, up to the capture of the killers. Thereafter the cinema-like alternate vignettes become less compelling.

Literary issues apart, has *In Cold Blood* lessons for the lawyer or for those interested in the prevention and treatment of crime? Not many, and such as are to be found are trivial. The brutal crime, which is the focal point and reason of the story, was the product of the rambling and faulty recollection of Floyd Wells, imprisoned in Lansing, whose garrulity operated on the determined gullibility of Richard Hickock and the whining brutality of Perry Smith. The safe, the object of the slaughter, never existed. Floyd Wells both precipitated the crime and solved it. Sheriff Alvin Dewey, floundering in uncertainty, was given the names of the killers by Wells. In that both were convicts with long prison and criminal records, identification and, ultimately, their capture presented no challenge to scientific or imaginative crime detection, particularly since Smith and Hickock facilitated their own capture by returning to the state of the murder to pursue a round of that highly detectable crime, a "paper hanging spree"—bad checks. Their interrogation, when arrested, certainly

did not follow patterns which would now be required by the Supreme Court; but it is most unlikely, had more constitutionally approved investigative procedures been followed, that they would have made any difference whatsoever to the convictions. The evidence against them, even without their confessions, was overwhelming; Floyd Wells' story gave the lead which the most unskilled detective could hardly miss.

Floyd Wells remembered his many discussions with Richard Hickock about the Clutter family. He had told Hickock of:

a sort of cabinet, or safe, or *something*, right behind the desk in the room Mr. Clutter used as an office. Next thing I knew, Dick was talking about killing Mr. Clutter. Said him and Perry was gonna go out there and rob the place, and they was gonna kill all witnesses—the Clutters, and anybody else who happened to be around. He described to me a dozen times how he was gonna do it, how him and Perry was going to tie them people up and gun them down. I told him, 'Dick, you'll never get by with it,' but I can't honestly say I tried to persuade him different. Because I never for a minute believed he meant to carry it out. I thought it was just talk. Like you hear plenty of it in Lansing. That's about all you *do* hear: what a fella's gonna do when he gets out—the hold-ups and robberies and so forth.¹

And Wells was a persuasive witness since he had indeed worked for the Clutters, knew the farm, and was manifestly speaking truth when he related his prison conversations with Hickock.

Floyd Wells' presentation of an imagined financial opportunity to Hickock was the criminologic catalyst to the personalities and adverse social backgrounds of the two murderers. If that satisfies you as an aetiological statement, anything would! And Capote will give you no more insight than that. He describes Smith and Hickock in almost Lombrosian terms, stressing their physical stigmata, that they were "put together unevenly," that they both suffered substantial accidents including severe head injuries, the whole blended with most of the pangs and sufferings of miserable and tumultuous family backgrounds. If we were searching for more precise aetiological understanding of the crime, we would want more knowledge of the early life of Perry Smith. All that Capote tells us is of his early beating for enuresis by the nuns at a Californian orphanage; more than this surely was to be found in the Californian child welfare files. But even if we had this information, I doubt that we would easily per-

¹ Pp. 161-62.

ceive a way in which this crime could have been prevented. For this reason, it is a relatively uninteresting crime to the criminologist; it bears the mark of the Beast, not the mark of Cain. The latter we gradually better comprehend and may better prevent; the former bewilders us by its wild irrationality.

It is conceivable, though unlikely, that different treatment of these two criminals during the period that they were held at different times by state authority in correctional and welfare institutions might have prevented their killing the Clutters. It seems more likely that had we exercised all our present correctional skills on them, these two fell within the group which makes a certain level of murder endemic in every society.

By this, I am not, of course, suggesting that there would not be capacity in a better developed correctional system to minimize the number of subsequent killings by those who have been treated by it; I am merely affirming my belief that even applying our present level of knowledge, which we nowhere do, it is likely that we would have many failures, and that horrors like that described by Truman Capote are likely in practice to remain with us for many decades. Their avoidance at present would involve, in practice, a correctional tyranny, a refusal to take any risk with many thousands of offenders, which would only marginally reduce the murder rate and would create a social and political structure that none of us would desire or tolerate.²

Defense counsel was appointed suitably late in the proceedings so that they should not in any way interfere with the prosecution's case. The entire case for the defense, for both accused, was presented in ninety minutes. The state had successfully opposed a defense motion for a careful psychiatric diagnosis of the killers at the state mental hospital in Larned, Kansas, a hundred miles east of Garden City where the trial was held. This was the nearest mental hospital to Garden City. The Larned hospital authorities had agreed to perform the diagnoses and had advised defense counsel that they would take from four to eight weeks. Instead, Judge Tate appointed a commission of three Garden City doctors and directed them to pronounce a verdict on the mental capacities of the prisoners—none was a psychiatrist. Dr. W. Mitchell Jones did come from Topeka, Kansas, to give evidence at the trial but he was rigidly confined by the M'Naughten Rules

² On the atypicality of the Clutter killing, see WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* (1958). Most killings involve a relationship between killer and victim that was totally lacking in the Clutter murder.

which, in Judge Tate's hands, became, as they so easily can become, instruments for excluding relevant psychiatric testimony. And Dr. Mitchell Jones had little enough evidence of Hickock's or Smith's mental condition at the time of the killing. He had interviewed Hickock and Smith, briefly, without payment, shortly before their trial, and had based his psychiatric judgment on these interviews, and on autobiographical statements, which they were involved in writing, at least in part, during the actual presentation of the prosecution's case. Dr. Mitchell Jones was understandably cautious in his evidence.

The psychiatric condition of Hickock and Smith will never be known; the research data is interred unstudied in Kansas. Dr. Joseph Satten of the Meninger Clinic has suggested, from discussions with Dr. Mitchell Jones and from a consideration of the objective facts of his behavior, that Perry Smith had the personality structure of a paranoid schizophrenic reaction. It may well be so; but I place no confidence in such distant diagnoses, nor I hope does Dr. Satten.

The tale thus becomes a narrative of brutal irrationality unencumbered by any lessons for social action.

Writing in *The Observer*, Kenneth Tynan suggested that the coldest cold blood in the entire narrative is that demonstrated by Truman Capote. On the proposition that "No piece of prose, however deathless, is worth a human life" he bases a severe moral condemnation of Capote. He argues that Capote was possessed of information which might well have influenced the appellate courts and if not, the executive, not to execute Smith and Hickock. He notes that between the trial and the final appeal there was ample opportunity for further psychiatric assessment of the two killers and implies that had Truman Capote turned his energies, influence, and literary skill to the task, he might well have saved these two from the gallows. Had he done so, it would have had to be a different book that Capote wrote. Had he done so, it is unlikely indeed that it would have been a best-seller.

Kenneth Tynan draws his indictment in harsh terms. He stresses the difference between the fifty dollars each that Truman Capote paid Smith and Hickock for his first interview with them (and this was the only payment he made) and the two or three million dollars which the book is likely to make for Truman Capote. Is Tynan's indictment just? I think not. Let it be admitted that it takes a peculiar allegiance to literature to remain for over five years the close and detailed observer of such a human crisis and to avoid any

active participation in it; one may marvel at such self-control, but one should not condemn another for it. Can there be observers—mere observers and narrators—of such social dramas? It seems to me entirely within the writer's craft to take this role to himself and to fulfill it as honestly as he can without meriting the type of criticism that Kenneth Tynan has offered. Indeed, only in one way can I see any argument that Capote's intervention in the lives of Smith and Hickock at all related to their final demise. It might be argued that others in Kansas, acquainted with the case, would know, as they must have, of Capote's close interest in and knowledge of these two killers. And knowing also of his reputation, influence and literary capacity, they might have concluded that had there been anything worthwhile to be said on behalf of the killers, more than had been said, Capote would have said it. One might, in effect, set up an argument of reliance by others on Capote in a role other than that which he saw himself as fulfilling. From such an argument it might be possible to develop a contention that Capote therefore had, knowing of this reliance, an obligation not to fail the two main subjects of his narrative even if that should frustrate his entire literary purpose; that he had a duty to become a participant observer, not merely an observer. Well, the argument can be made, but there is little to support it. One may not empathize with Capote's passivity, but one can hardly properly criticize it.

So, with what are we left? A literary *tour de force* on the subject of a meaningless and lessonless slaughter. No character insights of consequence. Speed and movement rather than depth and understanding; a seductive survey of the brutal and inconsequential. Capote's feat is like that of the juggler, of consummate skill; but, one wonders, why do it?

NORVAL MORRIS*

*Julius Kreeger Professor of Law and Criminology and Director, Center for Studies in Criminal Justice, University of Chicago. LL.B. 1946, LL.M. 1947, Melbourne, Ph.D. 1949, London. Barrister in Victoria, South Australia. Member, United Nations Advisory Committee on Experts on Prevention of Crime and Treatment of Offenders. Author of *THE HABITUAL CRIMINAL* (1950); *REPORT OF THE ROYAL COMMISSION ON CAPITAL PUNISHMENT, CEYLON* (1959); *STUDIES IN CRIMINAL LAW* (1964).