

Capote: In Cold Blood

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the analysis of the Commission's investigation and findings as presented by Mr. Epstein, that this taste will whet the appetite and encourage all to read *Inquest*.

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In Cold Blood. BY TRUMAN CAPOTE. New York: Random House Publishers, Inc. 1966. Pp. 343. \$5.95.

At this stage of the game, no reviewer of *In Cold Blood* need worry about revealing too much of the plot. After the book was initially serialized in the *New Yorker* last fall, it was published in full-length form and was extensively reviewed. *Newsweek* devoted a cover story to it, as did *Life* a lengthy illustrated article. A paper-back release is planned, fifteen translations are being made, and the movie rights have already been sold. The *New York Times* estimates that the author will glean upwards of \$2,000,000 for his efforts.

The story opens one Saturday in November of 1959, when the Clutter family of Holcomb, Kansas,—a typical family in a typical small farm town—were brutally murdered by two sadistic young parolees. There was no motive for the murders and almost no clues. Shortly thereafter Truman Capote arrived on the scene to cover the story for the *New Yorker* and painstakingly began collecting every scrap of information about the Clutter family that he could elicit from the shocked townspeople. Seven weeks thereafter the killers were apprehended, and Capote extended his in-depth coverage to them and continued taking what would eventually amount to 6,000 pages of notes. By the time the two killers were executed some five years and five months later, he had spent hundreds of hours in their company and had talked to just about every living person who had ever been closely connected with them or their victims.

Capote skillfully draws in-depth character portraits of the main protagonists: Herbert William Clutter, the little loved though most respected citizen, a pious Methodist and prominent Republican who had little regard for those of other beliefs; his wife Bonnie, a semi-invalid subject to nervous depression; their fifteen-year-old son Kenyon, a quiet but intelligent youngster; their seventeen-year-old daughter Nancy, charming, enthusiastic, innocent, everyone's favorite; Richard Hickock, a resentful petty criminal, bright but emotionally twisted and sadistic; and Perry Smith, whose arrest record began when he was only eight, with a deformed body, an almost unbelievably miserable childhood, and a desire to "make somebody pay"—all are unforgettably etched in the reader's memory. Capote also traces the killers' month of aimless wanderings, in stolen cars or hitchhiked rides, to Mexico, Florida, and Las Vegas, a trail of cheap hotels, bad checks, and sexual fantasies. Equally well done are those whom the killers meet—a seventy-year-old blonde in high-heeled gold leather sandals in a rundown Las Vegas motel, a twelve-year-old boy who is walking through the South with his dying grandfather, a traveling salesman whom they casually plan to kill but who is spared by chance. Some scenes are indelible, such as Richard Hickock swerving out of his way to

run over a stray dog because he liked hearing the *splat*, or the two killers roaring with laughters as they clean their blood-stained clothes. Other scenes have a certain poignant realism, such as the description of the Clutter house itself and the community in which it stands. Sometimes, but not often, the art becomes artful, and Capote plays for pathos. But it is his achievement that he elevates this sordid tragedy to an artistic level. One thing is certain, and that is that the book has impact. The reconstructed private conversations of the killers ring chillingly true, as do the direct quotations: "I thought he was a very nice man. Soft-spoken. I thought so right up to the moment I cut his throat." The documentary style of accumulating objective detail adds much to a sense of personal presence that surpasses realism. For this is no mere collection of newspaper stories and biographical sketches. Capote is a skillful storyteller who uses time sequence arranging to heighten and maintain the atmosphere of suspense by flashbacks and by switching from the uneventful work of the Clutters or the routine of the police investigation to the terrible fantasy world of the killers.

Much has been written about *In Cold Blood*, and most of it has been laudatory. However, some critics question the author's integrity and motive regarding his presentation of the various stages of the process of criminal justice from the commission of the offense through the investigation to sentencing and execution. The ability and competency of the criminal defense at trial and post trial proceedings has also been questioned and defended.¹ Whatever merit this criticism holds it is not competent to the work itself, except for impressions created in the mind of the reader. The author has contributed to the growing controversy stemming from the *Escobedo*² and *Miranda*³ cases; the decisions' assailers, including Mr. Capote in his testimony before the Senate Judiciary Committee, contend that the book portends a graphic example of the necessity of confessions for effective law enforcement (no matter how obtained?). Proponents of these decisions argue that the Clutter family murders would have eventually been solved by the process of elimination and tenacious investigation.

My personal opinion is that the book is a masterpiece, and reading it is a profoundly moving experience, although not a particularly enjoyable one. The single word that perhaps best describes the book is "disturbing," in the same sense as is applicable to an obvious parallel, *Crime and Punishment*, a work of similar intensity and sadness. In his *Commonweal* review of the book, Bernard McCabe expresses his opinion that the whole effect is voyeur and that Capote, very efficiently, makes us part of the gaping crowd. There may be much truth in this analysis. The opening scenes describes in detail the pink-and-white bedroom in which teenage Nancy will die, begging for mercy, a morbid and pitiful scene. When the mother of one of the killers (whose husband is dying of cancer) is led weeping from the courtroom in which her son is soon to be condemned, a reporter digs out the poor woman's excruciatingly painful childhood memories, which also are reported in detail. One

¹ See: Jenkins, *The Hickock and Smith Case: Was Justice Done*, 4 A.M. CRIM. LAW Q. 180 (1966).

² *Escobedo v. Illinois*, 378 U.S. 478 (1963).

³ *Miranda v. Arizona*, 384 U.S. 436 (1966).

is reminded of those photographs of the Nazi death-camp atrocities—they are sickening, yet they have a strange, somewhat frightening fascination. The book can be a totally unnerving vicarious experience for the squeamish.

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How to Avoid Probate. BY NORMAN F. DACEY. New York: Crown Publishers, Inc., 1965. Pp. 341. \$4.95.

Reference to the "legal racket" and other similar disparaging remarks fail to increase Mr. Dacey's stature as an author or an estate planner. The vast majority of lawyers, doctors, teachers and other professionals are highly competent and respected although there may be a few who fail to maintain the professional and ethical standards expected of them. Confronted with unsatisfactory medical advice from one doctor, most people would visit another. Any suggestion that they read a medical book to diagnose and cure their own illness would be met with doubt and derision. Yet, Norman F. Dacey advocates that his elementary notebook of forms and inadequate explanations provides a sufficient basis from which to plan an estate for the care of one's family and the protection of assets accumulated over a lifetime.

The omissions and inadequacies of this book are frightening. Dacey is primarily concerned with avoiding probate costs and his publication is only secondarily concerned with the devolution of property or the security of one's family. Although an ill-conceived estate plan can be the cause of unnecessary federal estate tax payments far in excess of the most outrageous probate charges, there is virtually no tax guidance in this chronicle.

Probate has a purpose. It gives creditors the opportunity to collect their debts. Heirs are assured of receiving their rightful legacy. The estate assets are protected from improper use of investment. Dacey's trusts will not eliminate all or even most of the necessary costs involved in the post-death administration of an estate. Taxes must still be computed and paid, disputes must be resolved, creditors must be paid, titles must be cleared, and assets must be traced. These "probate-type expenses" will not be erased by merely drafting a trust document.

A basic estate planning tool is the use of marital deduction and residuary trusts to protect the heirs and reduce estate taxes. Yet, Dacey virtually skips over the marital deduction. Only a small minority of the myriad of trusts he would have one create make use of this elementary tax saving device. Although Dacey claims that his notebook is not particularly concerned with taxes, he lists probate fees for estates ranging from \$50,000 to \$10,000,000. Tax planning should be part of estate planning for any married person with a net estate in excess of \$120,000.

Assume a man leaves \$200,000 to his wife in a living trust and at the time of her death, the same \$200,000 is passed on to her children. The failure to use a properly constructed marital deduction and residuary trust could cost this family over \$27,000 in unnecessary estate tax payments while in Illinois the total estimated probate costs for these two estates would be approximately