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## True Crime as a Literature of Advocacy

Leslie Rowen

Bellarmino University, lrowen01@bellarmine.edu

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True Crime as a Literature of Advocacy

Leslie Rowen

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Directed by Dr. Jon Blandford

### Acknowledgements

At the beginning of my research, I was excited and overwhelmed by where this work might take me. I was also scared I wouldn't be able to complete this successfully. Thankfully, those worries did not come to fruition, and throughout this past year I have learned of the type of work I'm capable—though this could not have been possible without the incredible support system provided by Bellarmine University. My thesis director, Dr. Jon Blandford, was particularly instrumental in the completion of this honors thesis. His genuine passion for this research and belief in my academic abilities established in me a drive to work harder and write better every week. The amount of time and effort he put into draft revisions, brainstorming, and championing this work made this experience incredibly rewarding. My two readers, Drs. Jennifer Barker and Annette Powell, offered an outsider's perspective and gave me invaluable guidance regarding the direction of my thesis. I'd also like to thank the W. L. Lyons Library on Bellarmine's campus, as well as all the excellent librarians there—especially John Boyd, who helped me track down some of the texts I studied here. Finally, I'd like to extend a huge thank you to everyone—friends, family—who listened, read, and discussed my thesis with me throughout this past year. Your support has meant everything to me.

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*"To hear the authorities talk today, Heinrich was a master criminal, nearly impossible to catch. They described him as a man who kept to himself and covered his tracks remarkably well. But few people he associated with were ever contacted by Wetterling investigators. That meant no one ever checked out a shallow depression on a property just outside Paynesville. The property, near a gravel pit right off a main road into town, was well-known to Heinrich's friends as a party spot. This was the property, it turned out, where Heinrich said he sexually assaulted and killed Wetterling and buried his body. Not far away was the place where he reburied the remains a year later and where, when investigators looked, they found Jacob's red jacket sticking out of the sod for anyone to see. Danny Heinrich was not a master criminal. He was simply lucky to have committed his crimes in a county where the Sheriff's Office made wrong move after wrong move. There are no perfect crimes, only failed investigations."*

-Madelein Baran, *In the Dark*, "Episode 9: The Truth"

This passage, taken from the final episode of podcast *In The Dark*'s first season, reflects one of the many major errors made by the police investigating Jacob Wetterling's disappearance in 1989. Madeleine Baran and American Public Media intended to look closer at this case which had been unsolved for twenty five years, but when Wetterling's murderer confessed to the crime shortly before the podcast's release, the scope of the work shifted into an investigation of the faulty investigation of Wetterling's disappearance. Danny Heinrich's confession only came in an attempt to lower his sentence for another, unrelated crime. Baran's investigation into the police and Heinrich resulted in a disturbing narrative of "wrong move after wrong move" which resulted in the failure to solve this crime for two and a half decades.

*In the Dark's* investigative bent, paired with its pessimistic assessment of the justice system, reflects the spirit of most contemporary true crime. Baran's reporting on the police's failure to answer for a missing boy shed light on systemic issues while advocating for reform. The 2015 Netflix series *Making a Murderer* revealed the corrupt county stacked against Steven Avery in Manitowac, Wisconsin, just as the 2014 NPR podcast *Serial* questioned and investigated a high school murder case from 1999, bringing to light issues of race and police interrogation tactics. The 2015 HBO-produced series *The Jinx* considered how wealthy heir Robert Durst managed to escape conviction for the three murders of which he is suspected. These works owe their notoriety and success thanks to both the appeal they have to fans of crime literature, as well as the unique media environment online which allows discussions and investigations to continue beyond the scope of these narratives.

Baran's statement that "There are no perfect crimes, only imperfect investigations," reflects the shift in the conventional message imparted by true crime. The genre is historically conservative in its views of police and crime, with clear depictions of good and evil. Crime and criminality is presented as a deviation from the societal norm, while the justice system is proven to be a corrective, positive force, returning normality by removing the abnormal. Contemporary true crime rejects this message, instead focusing on those things which are too complex and ambiguous to be defined. Rather than recounting crimes which have been solved, it reopens cases, investigates investigations, and relies on uncertainty rather than certainty to share a compelling narrative. There is no certainty, for example, that Steven Avery or Adnan Syed (of *Serial*) is innocent. There is only certainty that their treatment by the justice system was unfair and often corrupt. Though examples of this counter tradition are abundant in the contemporary era, these unconventional works have existed throughout the genre's history. I would argue that

enough of these texts exist to create an alternative genealogy for the genre, one which splits off from conservative, formulaic pieces, and by calling attention to injustice, often has a social and legal impact on the cases which they cover.

That said, examples of these texts only stand out because they are far outnumbered by works that subscribe to convention. The puritan execution sermon is one example of a work which contributed to the establishment of true crime's conservative interest in making sense of criminality. Published as confessions of criminals about to be executed (though the veracity of this confession is questionable, given the formulaic nature of the piece) the execution sermon is intended to explain criminality in terms of faith and repentance, almost always concluding in salvation. These texts, popular from the late seventeenth century to the early nineteenth century, especially emphasized a "universal depravity" held by all of humankind, something which would hopefully both restore the public's faith in God while instilling in them a fear of sin (Halttunen, 35). In the eighteenth century, the genre left behind concepts of universal sin and didactic themes in favor of prurient, sensational descriptions of crimes. In *Murder Most Foul*, Karen Halttunen describes this as a fixation with a "Gothic sense of horror," where criminals were not universal sinners but outsiders (35). This allowed crime writers to occupy two planes in their work: one which luridly described the crimes and their perpetrators and another that condemned them as "other," a neat way to explain and contain the violence of their actions as an aberration of normal human behavior.

The highly publicized murder of Mary Rogers in the 1830s is one example of hyper-conservatism coexisting with sensational, sexual narrative. Reports of her crime inevitably included descriptions of her body and speculation regarding her sexual activity, topics generally

“beyond the purview of public discourses,” but acceptable when discussing people on the periphery of society who were more likely to be subjects of criminal reports. Furthermore, the fixation on her sex life was excused by the intent to make her an example for all young women. Her life and death were evidence (at least according to the press) of the dangers of “non-procreative sex, sexuality,” the city, and the independent woman (Srebnick 11). The private details which piqued the public’s interest were also used to reinforce concepts of feminine roles and feminine sexuality. Thus, the narrative of her life as an atypical woman was used to contain popular anxieties regarding female independence, reinforcing notions of domestic womanhood.

According to Halttunen, the popular concept of murderer as “other” helped to maintain the widely held belief in the “rational Enlightenment social order.” This way, murder and criminality did not *need* to be explained, only written off as the result of an “unnatural perversion” (48). This applied to victims as much as perpetrators. As I examine in the first chapter, female victims are especially vulnerable to posthumous judgment. Catharine Williams’ 1833 text *Fall River: An Authentic Narrative* examines the case of young mill worker Sarah Maria Cornell, who was murdered after being impregnated by her minister. Williams’ assessment of the case questions the acquittal of Reverend Ephraim Avery, who despite substantial evidence was not convicted for Cornell’s killing. The reports of her murder and subsequent trial focused more on Cornell’s status as a single, Methodist, and employed woman, and less on Avery’s history of harassment and aggression towards women, something which Williams’ text addresses explicitly.

This defense offered for Cornell is remarkable for the era, but *Fall River* occupies space on both sides of true crime—it adheres to much of the genre’s convention. For this reason, in my



first chapter I cite Catharine Williams' *Fall River: An Authentic Narrative* as a transitional work of true crime which both subscribes to a familiar sense of morality while subverting the common dialogue regarding crimes like this one, instead using the text as an opportunity to re-try Avery "before the bar of public opinion" (Williams 99). Williams acts at times as defense attorney and others as concerned maternal figure, and in her passionate declarations of Avery's guilt, anticipates a subgenre of true crime which grounds itself in advocacy, not sensationalism, in action, not passivity.

In the century between *Fall River* and the work I focus on in my second chapter, sensationalized narratives of violent crime continued to captivate the public. One of these crimes was captured in a new way by Edmund Lester Pearson, who wrote one of the earliest examples of modern true crime. His 1924 book *Borden Case*, which examines the crime and trial of Lizzie Borden, "crafted a new response to murder," writes Jean Murley, author of *The Rise of True Crime: 20<sup>th</sup> Century Murder and American Politic* (48). Leaving the fascination with the Gothic monster behind, Pearson wrote about murder within its social context, eliminating "any notion of murder as an isolated, romanticized gothic evil, instead offering a cynical view of homicide as a snappy and efficient way to solve a problem" (49). Though this pessimism is closer in spirit to contemporary works of true crime, it was still largely directed at criminals, rather than the justice system. Murley addresses the modern literature more generally in her introduction:

True crime is a way of making sense of the senseless, but it has also become a worldview, an outlook, and a perspective on contemporary American life, one that is suspicious and cynical, narrowly focused on the worst kinds of crimes, and preoccupied with safety, order, and justice. (2)

This perspective is supported by much of the genre, especially the works of 1940s true crime I focus on in the second chapter. The texts found in true crime magazines like *True Detective* are formulaic and conservative, focusing on crimes that were solved neatly by a smart police force and a fair justice system. The crime in these pages is contained by justice, morality, and goodness. In this way, it makes sense of something unfathomable, answering a question for which we worried there wasn't an answer.

The second chapter examines a work that is uninterested in neat explanations and easy answers. It implies ambiguity, asks questions, and appeals to the reader for support. Erle Stanley Gardner's *Court of Last Resort*, a 1948 true crime serial that was published in monthly editions of the men's magazine *Argosy*, though written in much of the same style as other true crime from the era, balances this with its atypical content. Though Gardner's work subscribes to conventional concepts of masculinity, justice, and the police, it maintains these tropes in order to break away from overt conservatism without raising eyebrows or losing the reader's interest. In contrast to the majority of true crime in this era, which reported on closed cases from the past, Gardner intended to investigate wrongful conviction cases, a task inherently subversive to a genre "preoccupied with safety, order, and justice." Just the mere suggestion that someone was wrongfully incarcerated implicated the police and the courts in, at the very least, a failure in their objectives, and at the worst, being representative of an uncaring and corrupt criminal justice system. Though Gardner's arguments against the justice system are miniscule in comparison with the bold suggestions of contemporary true crime, the implication that the public cannot trust the justice system radically separated *The Court of Last Resort* from other texts at the time. His appeals to readers for their support (both financially and logistically), anticipate the culture of armchair sleuthing brought forth in the internet age. This work, too, manages to make a

difference for the convict in question, further laying the foundation for a subgenre interested in a new type of justice.

Errol Morris' 1988 film *The Thin Blue Line* marks the shift into the contemporary era of advocacy true crime towards which the previous works have been building. According to Murley, the film "introduced a strong critical and investigative impulse into true crime filmmaking and altered the stylistic direction of the genre" (99). Morris brought to film the work which Williams and Gardner were doing decades earlier, as his documentary about a wrongful conviction successfully exonerated its subject, Randall Adams. This work marks a shift into the contemporary era of true crime, where among the conventional examples of the genre there are numerous works which push back against conservative views of the justice system. The third chapter explores a major work from this era. The impact of the *Serial* podcast, as well as the surrounding media which it inspired, on the case of Adnan Syed, who was incarcerated for the murder of his high school girlfriend, Hae Min Lee. My third chapter explores contemporary pieces with similar objectives: Sarah Koenig's *Serial* podcast, which investigates the possible wrongful conviction of Adnan Syed for the murder of his high school girlfriend. The viral response to this podcast recalls the public outrage that followed the revelation of injustice presented by *Fall River*, while Koenig's democratic appeals to the audience is reminiscent of Gardner's "we're all in this together" tone in *The Court of Last Resort*. The popularity and size of the audience consuming these works is significant for their ability to continue investigations and advocacy past the series' finales.

*Serial* builds upon the style and conventions of this alternate tradition in true crime, establishing a body of literature with legal and social impact. Whereas most of the literature is

concerned with order, containment, and an explainable mode of evil and criminality, these works are less interested in neat convention and more invested in pursuing difficult questions regarding the justice system, prisons, and faulty investigations. Jean Murley's suggestion that true crime "makes sense of the senseless" does not apply to this line of true crime literature, which exists to show that reality and truth offer more questions than answers, more ambiguity than security. It unravels the "sense" made by authorities—the courts, the police, the government—instead showing the "senselessness" of their actions, whether they acquit the crook or incarcerate the wrong person. In doing this, the narrative shifts from one focused on how the story ends to one invested in changing the end of the story.

Catharine Williams published her 1833 text *Fall River: An Authentic Narrative* following the surprising and troubling acquittal of Ephraim K. Avery, a minister accused of murdering a pregnant mill worker Sarah Maria Cornell after her body was discovered hanging in a staged-suicide (Williams 3, 32). Though this piece could not convict Avery, Williams' research and writing resulted in a public ire so strong that Avery fled the region altogether. While Williams questions certain societal conventions in her assessment of the case, she maintains several others, even lamenting Cornell's independent lifestyle as one inherently more dangerous and less preferable to marriage. While this account of a "true crime" cannot deliver the truth regarding the crime in question, the work proves to be a valuable reflection on the anxieties about women's independence and their place in 1830s American society, as Williams' analysis of the trial, victim, and alleged murderer both subvert and complicate conflicting views of women's independence and sexuality in this new industrial society. The juxtaposition of Williams' defense of Cornell while also bemoaning her lifestyle marks this text as a transitional one, but perhaps as a calculated one, too. After all, a text which argued that Avery was guilty of Cornell's murder *and* that Cornell's independence was irrelevant to her death could be too shocking. By pairing conventional ideas regarding womanhood with allegations against the local courts' decision regarding Avery's guilt, Williams' text complicates the typically straightforward notions which define true crime.

Williams was one of several authors who published responses to Avery's trial, though it is worth mentioning that hers was the only one that focused on the victim, rather than the assailant. The others, not unlike her text, were "from the very beginning, partisan," accounts written from pro-prosecution perspectives as well as those trying to defend Methodism, which was under great scrutiny at the time (Kasserman, 255). Each of these texts promised a full

account in its title from (*A Correct Report of the Examination of the Rev. Ephraim K. Avery to The Trial of the Rev. Mr. Avery: A Full Report*), though the bias was obvious (Kasserman 256). This is sufficient evidence that Williams is in great company when it comes to interest in the Fall River murder and the discontent that followed Avery's acquittal. *Fall River* goes beyond the crime and the court drama for its compelling narrative, however, as Williams uses fictionalized passages recounting real events, court transcripts, and her own interviews to defend Cornell and question the court's verdict.

Though Williams' initiative in investigating the case anticipates the true crime works that would follow, it falls back on conventions of earlier crime literature, an effect which balances radical suggestion and questioning with familiar codes of morality. Daniel A. Cohen's text *Pillars of Salt, Monuments of Grace*, which explores crime literature from this era, asserts that topics including "issues of gender, courtship, illicit sex, and sexual violence" were preoccupations of the crime literature of the day, both in fiction and nonfiction (26). Writing about these topics, especially through the lens of crime, reflects the complicated anxieties shared by many in regards to the new woman who was developing out of the Industrial Revolution, and recalls the didactic and moral messages of the puritan execution sermons from the eighteenth century (Caldwell 81). While works of true crime from Williams' era are not as explicitly moral as these sermons, the general theme of these works suggests that station, lifestyle, and sexuality could justify crimes against women. The work, typically a "confession" of the soon-to-be-executed, served to uphold the authority of the law and church by explaining a criminal's heinous acts as the result of poor upbringings, bad company, and above all, a lack of religion. Each account includes a brief biography of the life and crimes of the convict, concluding with the criminal's desire for their salvation, and a hope that others will learn from their mistakes.

Those who attended the sermon or purchased the broadside aimed to learn from the “exemplary sinners” so that they could “imitate their spiritual progress” (Halttunen 26). There is plenty of scrutiny surrounding the true authors of these works, as their formulaic nature and suspiciously positive assessment of the justice system indicates that the messages of these sermons were more important than the actual last words of the convicts.

One such execution sermon is *The Declaration and Confession of Esther Rodgers*, published in 1701. Executed at the age of twenty-one for double infanticide, her story demonstrates not only the formula of the execution sermon, but provides a window into the restrictive society that led a woman to murder her own children (Rogers 405-6). The piece begins with a description of her execution, and remarking on her “Radiant Countenance, unconcerned with the business of death...showing what Grace can do, and for the Weaker Sex...all of which is to be Ascribed, Firstly, To the Infinitely Rich, and Free Grace of God; but Ministerially, and Instrumentally to the Labours, Prayers, and Endeavours of the Reverend Elders of the Church of Ipswich...” (405). Whether or not Rodgers did face her death with such composure, the sermon remembers her this way--a statement to the public that no matter how far one falls, the grace of religion is strong enough to bring someone (even a member of the “weaker sex”) back to his or her feet. In her confession, Rodgers describes the deaths of her children. Born out of an illicit relationship with an African-American employed in the same home, she kept both pregnancies secret and killed the infants soon after their birth. When she realizes she is again with child, she recalls, “meditating on how to prevent coming to Publick Shame” which is the greatest concern for her, and the motive for the murder (405). The societal reaction to having a child out of marriage, especially an interracial one, terrifies Rodgers enough that *killing* her child is preferable to that level of humiliation. During her time in prison, she states that there “it pleased

the Great and Gracious God to work upon [her] heart” so that she could “Repent [her] so great sins against so Good a God,” and “hope to have [her] Soul washed and cleansed in the Blood of Jesus Christ” (406-7). Typical for an execution sermon, she finds God’s forgiveness in the final hour. The last part, “taken word for word from her own mouth” is Rodgers’ account of her visit from Reverend John Rogers Jr. in prison, who collected her confession and told her of the “odiousness of sin” (406). The sermon links her criminal behavior to her lack of faith, as she describes her neglect of God as resulting in his punishment through “Lust, and ways of Wickedness” (405). The lesson to those attending her execution is the importance of paying God the appropriate respect and attention, lest one be punished in their carelessness, be tempted into sin, and murder their own children. Rodgers’ short life highlights the difficulties faced by women, especially of a lower status, in that time. To think that her life as a servant, without family, was preferable to the possibility of being shut out of society with her mixed-race children, is a testament to the premium placed on chastity in this era, something that would remain in the coming decades.

In Sarah Maria Cornell’s era, the mills of the Northeast promised opportunity for women beyond farm labor and marriage, at least until factories enforced stricter hours and conditions following the economic problems of 1837 (Lauter 1566). At the time of Cornell’s murder, the Massachusetts town of Fall River had exploded with factories in the wake of the Industrial Revolution, changing the landscape of the town faster than the city could adapt. Technology changed, and life changed with it, but societal norms were often slow to catch up. The “traditional stable community life was giving way in 1833 to the innovative, risk-taking, mobile, individualist life of the modern era,” in Fall River and cities like it, and these changes produced great anxiety about their new individual, mobile inhabitants (McLoughlin 83). Catharine



Williams writes that since the first mill was built in 1812, twelve more appeared in the span of little more than 20 years, establishing Fall River as a burgeoning site of manufacturing and commerce (8). In those two decades, the population of the town increased from around 100 people to a little over 4,000 as of the 1830 census (US Census Bureau). Such an increase in job opportunity attracted young women to the town, who often migrated from rural areas to work in cities, opening their lives up to a greater variety of people and ideas.

Beyond domestic changes, women became involved politically, through reform movements like abolition and temperance (Dublin). Political involvement further complicated traditional notions of womanhood, something exacerbated by the Second Great Awakening, which at its height brought “three in four Americans into some relationship with one or another of the evangelical Protestant churches” (Lauter 1548). The near universal impact of this movement, which peaked in the 1830s, is exemplified in its appeal to the ordinary citizen, selling itself as just as democratic as the young nation. The new evangelical offshoots of Protestantism, especially Methodism, upset the known order of class, patriarchy, and race, and thus were appealing to those members of society without a voice, including young women like Cornell. At the time of Avery’s trial, Fall River had seven different churches, cause for even more public anxiety regarding the fanatical new religions.

One example of these concerning new practices was the Methodist camp meeting. Camp meetings, like those attended by Cornell, offered opportunities for spiritual rebirth and controversial displays of equality for the time. Meetings would occur in open pastures and lasted for several days, and because they were religious in nature, presented themselves as “one of the few places young women might go unchaperoned” (McLoughlin 77). Meetings included singing, dancing, clapping, shouting, speaking in tongues, and writhing. Attractive and youthful preachers

appealed to the female youth in attendance so much that gatherings garnered a reputation for resulting in “camp meeting babies” (McLoughlin 78). In *Fall River's* appendix, Williams, aghast, describes her experience attending a camp meeting, where she saw “men and women promiscuously chatting and laughing,” what “appeared to be...people of all descriptions,” and is later taken aback at the sight of a female preacher (150, 153, 159). Members of the older generation and those of higher classes, were generally horrified by the practice of camp meetings, as they subverted the rigid and moral structure of their Congregationalist sermons.

Cornell's employment in factories, though leading to a nomadic lifestyle, contributed to the structure and social connections of her life, as mills often housed young women together, offering religious services like those that she attended. In a letter to her sister, Cornell remarks, “I have enjoyed some precious seasons since I have been in this place. Though destitute of any natural friends, God has raised up many christian friends of different orders--all united heart and hand, bound to one home,” a passage which speaks to the strong community she built for herself (Williams 109). This excerpt shows the ability for Cornell to reach contentment outside of marriage, a controversial reality. Catharine Beecher advocated for completely separate spheres for man and woman, arguing that a “woman's duty was to sustain and teach domestic female values” (Lauter 1560). Less than twenty years after Cornell's murder, women's rights conventions across the Northeast espoused ideas brought forth by the founding fathers regarding equality and independence. These inherently opposed views of womanhood are at the heart of Catharine Williams' text, as she subverts and reaffirms them through her description of Sarah Maria Cornell's life and death.

Figures like Helen Jewett and Mary Rogers experienced much more widespread publicity than Cornell. The New York City murders of Jewett, a prostitute, and Rogers, a cigar girl, were

so publicized that their murders contributed to the creation of the tabloid newspapers, where at times lewd descriptions of the female corpse were printed along with the commentary on the case. Like Cornell, these women existed on the fringes of society, and enjoyed independence that threatened the accepted domestic role women occupied at the time. Jewett's outright sexuality (which doubled as her meal ticket) immediately heightened the profile of the case, and served as a strong warning to young women about the dangers of sexual liberation, something which the Mary Rogers case would further emphasize, as she died during a botched abortion. Like Avery's trial, the trial of Richard P. Robinson, Helen Jewett's alleged murderer, was controversial for its acquittal of the defendant--the judge even directed the jury to distrust the testimony given by fellow prostitutes who were at the crime scene, on the grounds that because of their lifestyle, the veracity of their statements was "very doubtful" (Cohen 356).

Such obvious injustices are unfortunately common to early works of true crime. Just as Jewett's and Cornell's murders answered to fears the public shared regarding the sexual liberation of women, the coverage of Mary Rogers' murder attributed her death to her independent, working class lifestyle. Rogers serves as an example for any number of frightening new frontiers in the time--what happens to sexually liberated women, what happens to women who work or court independently or even live in the city. Rogers' and Jewett's murders occurred in New York, in a time when the city symbolized less prosperity, and more the seamy, immoral underbelly of America, both "dangerous and sexual" as described in literature of the time (Srebnick 8). To Rogers and likely to Jewett, too, the city represented a possible escape from the restrictive cultures they knew in the respective New England states from which they hailed. Moving to the city meant the opportunity to create a new identity (indeed, Jewett took several different names throughout her life) through the promise of anonymity from the life left behind

(Srebnick 8). The opportunity to find one's own identity, to become independent, and even become sexually liberated, were the very dangers of the city, and the reason their respective murders became parables about the danger of foregoing the normal path of house and husband.

Williams bridges the gap between two crime genres in her treatment of Cornell's murder. Elements of the execution sermon are present, such as when Williams suggests that "perhaps the providence of God, which sometimes ordains partial evils to promote some universal good" chose to have Cornell murdered for some larger plan (75). This excerpt, like the many religious references made in the text, attributes much of the events of the crime and trial to a higher power. Instead of highlighting Cornell and Avery as exemplary figures, however, they were made to seem exceptional (McLoughlin 77). Rather than turning the facts of the case into a liturgy on fallen women and the importance of chastity, Williams frames it by addressing the motives and backgrounds of the victim and defendant. This marks a significant departure from the execution sermon, to a literature interested in the causes of violent crime, rather than accepting its existence as evidence of sin. Williams confronts questions about evil, criminality, and justice because the courts and religion failed Cornell. Facing these obstacles, she presents her case "before the bar of public opinion," where Avery will "receive such judgements" and in doing this acknowledges the power of a public to deliver justice when there was none (Williams 99). She expresses the most effective way to condemn him, suggesting that "silent contempt and utter neglect would do more towards putting down such persons [Avery] than clamor" though ironically, her text does incite the clamor she warns against (Williams 140). These ideas of taking law and order into the citizen's hands resonated with the young American society—after all, this is the type of situation the Declaration of Independence was concerned with roughly fifty years earlier. When a government fails its citizenry, it is the *responsibility* for those affected to *alter or abolish it*. The

injustice of the trial was enough to spur locals to protest, something that Williams witnessed during the trial. Following a meeting a few days after Cornell's death, a large group of Fall River townspeople traveled 16 miles to surround Avery's house, shouting "Murderer!" Williams addresses this in her text, understanding the intense response her work might bring upon publication (McLoughlin 79).

Rather than strictly reporting the facts of the trial, Williams advocates on behalf of Cornell, who, as a woman of low status, would likely not been given a significant voice at trial even had she survived Avery's attempted murder. Williams felt compelled to offer Cornell the chance at a proper defense, and intends to discover the truth of the crime despite the fact that "she [Cornell] cannot tell, and he [Avery] won't tell" (Williams 77). Williams advocates to give Cornell the voice she was denied at trial. Of course, this is arguably not different than the ventriloquism which occurred in the courtroom, where the story of Cornell was warped to suit the defense and the prosecution, who depicted her as both harlot and fallen woman. Williams is really acting as lawyer in *Fall River*, offering her own narrative, timeline, and evidence meant to exonerate the victim of a crime for which she somehow became responsible. In this way, true crime gives authors interpretive powers that award them the authority to present the facts the way they see them. In doing so, she offers commentary on the trial, promising "to give a summary of the evidence, though in a very brief and perhaps superficial manner; without going into the whole revolting particulars" and saving the reader from doing this work on their own (Williams 44). This is another technique anticipating a new convention in the true crime genre—the synthesis of many different documents, styles, and pieces of evidence into one digestible narrative.

Williams begins with a summary of the trial, tracing the evolution of the trial from a focus moving from “the murderer, whoever he may be, to the person murdered” (53). Indeed, though even the judges, upon hearing the testimony of the physician who examined her body, wept at the description, by the time character witnesses were called and Cornell’s life dissected by the public, Williams quotes overhearing someone remark that “he did not think such a drab worth having a trial about!” (44, 53). Williams describes her frustration with the defense’s unfair characterization of the deceased, and speculates that someone could easily have exclaimed ““No matter who killed her—such a person were better out of the world than in it—they have certainly done society a good service—whatever the motives of the slayer, he has certainly conferred a public benefit”” (53). Though the quotation is fictitious, it allows Williams to show the reader what the atmosphere was like, rather than strictly reciting the trial transcript. It is one instance where fictionalizing an event is done to demonstrate an overall truth, in this case, the general opinion of Cornell based on the defense’s evidence.

After her summary of the trial, she submits her reasons why the proceedings were unjust, primarily citing issues with the manner witnesses were or were not called to the stand. She is able to do this only because she has also thoroughly researched those involved in the trial and Cornell’s life. “By what stranger oversight this witness was not interrogated we cannot tell,” she writes of a key witness, who could have proven Avery’s nefarious motives but was not asked to testify, “why after an answer that promised to them so much light on the subject, it was pressed no further is beyond conjecture” (49). The defense brought forth 128 witnesses to the stand (double the prosecution), and as Williams sees it, this was done mostly to confuse and distract a jury from the focus of the case (53). For example, a group of physicians spends an inordinate amount of time discussing in gruesome detail the probability that Cornell was pregnant by a man

other than Avery, based on the rate at which her pregnancy was progressing at the time of her death. In a footnote, Williams inserts her own knowledge that one of these physicians was overheard saying that he was in fact, positive that only Avery could have been the father “not more than three weeks after the trial” (51-52).

Perhaps her most radical claim for the 1830s audience is that character witnesses brought forth to sully Cornell’s character with “village gossip” should not have been heard not only because the testimony was hearsay, but because even if it was true, it did not matter:

But to what purpose it may be asked was all this directed? What possible bearing upon the case could such evidence have? It was not to prove the deceased good, but the prisoner bad, that the process was instituted. It was not supposed that an immaculate, incorruptible being would have fallen victim to the clumsy courtship and bungling attempts of a fellow who by testimony of his own letters does not appear to have understood even the language he preached in, and a married man too. Why then this innumerable company of witnesses to blacken her character? (52-53)

Williams breaks the narrative of the trial here to advocate for Cornell, using only logic and law as her guide. Though she does appeal to emotion and social structures in other parts of the text, here she writes the strongest indictment of the justice system which failed the late mill worker. In the text’s final chapter, Williams wonders again how the jury bought such an excessive testimony, especially when Cornell “*could not answer them back again,*” emphasizing how voiceless Cornell was in the trial of her own murder (136).

Later, Williams submits character witnesses in her own “retrial,” refuting the damning evidence that was presented by the defense. Her assessment of the case is a complicated one, however. Though she argues in the previous passage that Cornell’s behavior and life is irrelevant to the trial of her assailant, in other passages it’s clear that Cornell’s sexuality and independence *is* pertinent to Williams’ view of the case. If she really does believe Cornell’s character to be unimportant to the outcome of the trial, it seems contradictory that she refers to her loss of chastity as “her crime” and speaks of its “consequences,” when her chastity is not the subject of a criminal trial. Examples of Williams’ anxieties on how to treat her subject are plentiful. As a Congregationalist and a mother, she likely struggled with the concept of the new, independent woman. Still, she was divorced and supporting herself through writing, so the contradictory statements both accepting Cornell’s sexuality (or at least disregarding it) and upholding her chastity might be deeply linked to Williams’ own insecurities in her own independence (Caldwell 89). No matter the motive, Williams’ lamenting at Cornell’s life likely resonated and reflected the perspective of her audience, and earning their sympathy would make her argument for Avery’s guilt more persuasive.

Despite the title’s promise of an *authentic narrative*, Williams’ account of the crime and trial is partial and driven by her personal values. One example of this is her uneasiness with Cornell’s near constant relocating. Factory work lent itself to an itinerant lifestyle, and employees relocated frequently to follow job opportunities. Cornell writes in her letters that she has twice lost a job when a factory burnt down, and she had to move somewhere else for her living (119). While her mobility was not uncommon at the time, it was enough (sixteen times in twelve years) that Williams laments that it contributed to an unpredictable and unstable life (Kasserman 31-65). In this passage, Williams’ attachment to Cornell is clear:



The deceased it appeared, had been a moving planet, which she accounted for in one of her letters to her friends, by saying, “she belonged to a people who did not believe in staying long in a place.” She seemed to have adopted for her motto, the text, that “here we have no continuing city;” and she adhered to it in the spirit and the letter. Poor unfortunate being! she did not realize the danger of changing neighborhoods so often, nor know that it was safest for people to stay where they are best known...(41)

Williams’ argues that had Cornell known this transient life was “dangerous” then she might still be alive. She again quotes scripture, a passage from Hebrews that reads “For here we do not have a permanent city, but we are looking for the city that is to come.” According to Williams, Cornell died before finding that “city,” and the course of her life proves the danger of not settling down. This commentary seems a little naïve coming from Williams, a woman who was able to support herself through a small inheritance and her own writing, and who *divorced* her husband, something uncommon for the time. Of course Cornell did not have it so easy—her father abandoned her family when she was young, and she was separated from her mother and sister at age ten. Williams does not seem to understand that Cornell’s mobility was not so much a personal choice as it was necessity—she had to move in order to support herself. This argument reveals Williams’ own anxieties about women’s increasing independence, something that would likely be shared by many of her readers. Interestingly, the accused Avery would have had an itinerant lifestyle similar to Cornell’s—Methodist preachers moved frequently between congregations and camp meetings, though this allowed Avery to escape various scrapes with the law for new towns, where his reputation would not immediately catch up to him. Williams’ condemnation of the new woman’s lifestyle continues throughout the text:

How different her fate would have been could she have settled in life and tied to the duties of wife and mother, we cannot now say, but the probability is she would have made a very respectable figure in society, and a much better wife than ordinary, owing to the natural docility of her disposition, her perfect habitual good nature, and forbearance and forgiveness. (75)

Williams argues that had Cornell only married, she could have avoided her premature death, essentially enforcing an idea that subverting the domestic role is potentially physically dangerous for young women. Though she criticizes the trial for defaming Cornell for the sake of making Avery look better, she cannot separate Cornell's morality from Avery's murder, and these passages hint that Williams did view Cornell as somewhat complicit in her death. Her character, whatever that may be, *matters* a great deal to Williams, which is precisely the reason she feels compelled to write about her in the first place. The concept of a good-natured, docile, and forgiving woman is one Williams' (and the majority of her contemporaries) believes women should strive for, though ironically, (at least as she comes across in the text), Williams herself is anything *but* docile and forgiving. Such an outspoken text, written by a woman, in defense of a woman, seems an unlikely place for the standards of the domestic sphere to be upheld, but this might speak to the depth of public anxiety regarding female independence at the time of publication, and explain why it competed with her frustration at Avery's acquittal.

Perhaps Williams appeals to these pathetic descriptions of Cornell as helpless and naïve to appeal to the public and their sympathy. Her early claims that Cornell's character has no relevance to Avery's guilt might have been too radical for the time, so sentimentalism and familiar stereotypes might have guaranteed a better response. Her mostly-fictionalized chapter recounting a conversation between Cornell and a doctor might support this idea. Though

Williams quotes witness interviews throughout the text, this is only place where she fictionalizes them:

...and great was the doctor's astonishment indeed when she named a preacher of the gospel as her betrayer—a Methodist minister!

“Monstrous!” said the appalled physician, “and does he preach now?” “Yes sir, in Bristol, next town to this.”

“But how, where, which way, could a minister of the gospel contrive to insult one of his flock? Where young woman, I must ask, has your interview taken place?”

“Our *interview*, sir, was at the late Camp Meeting in Thompson, Con. It was unsought by me for any such purpose, but I trusted myself with him in a lonely place, and he acted a treacherous part.”

“Amazing,” exclaimed the doctor, “under the mask of religion too!” (19)

Clearly, Williams cannot know their precise dialogue, and can only rely on the doctor's account of their conversation. She uses this technique to introduce the particulars of the case, and to Cornell herself—who she writes about as if she had known her in real life, which Williams did not. By doing this, she takes control of the reader's perception of the events endured by Cornell, dictated by the doctor's reaction to her situation. His reaction acts as an example for the reader; this is how Williams desires the public to react, too, not with disgust or disdain but with sympathy and disbelief. Controlling the narrative gives Williams ownership of these events—true or not—and how the public perceives them. She is aware of how a woman in Cornell's station and situation looks, and accounts for this in her depiction of the doctor. Like a fictional

character, we know his thoughts, and after meeting Cornell he reflects on his impression of her as “one of the most unfortunate of women,” but that he “could not despise her as he might have done in other circumstances” (22). His reflection gives the public permission to view Cornell in this way, and sets the tone for the rest of the text—one which recalls the morally driven execution sermon while anticipating true crime which confronted a more ambiguous reality.

*Fall River* anticipates the complex works of true crime to come in the following century. Whether intentional or not, Williams’ concerns with Cornell’s feminine independence reflects the anxieties of her readers in such a way that her assessment of Avery’s guilt and the court’s failure to convict him are more palatable and convincing. This complex balance between popular conservatism and morality with court criticism will be seen again in the next chapter’s treatment of post-war true crime. Though Williams cannot convict Avery for murdering Cornell, her work attempts to prove his guilt by examining the evidence, his character, and mistakes made during his trial. In the end, a legal conviction does not matter, because she still succeeds in punishing him for his alleged crimes against the victim; the citizens of Fall River are so incensed by her text that he is chased out of town. Beyond this, her work is capable of capturing a moment in time when the public’s perception of womanhood was in transition. Though her text is inseparable from the ideals of domestic femininity, their respect for the subject shines in comparison with the treatments of figures like Helen Jewett and Mary Rodgers, who received sensational and often pornographic descriptions in the press, and rarely the type of advocacy that Williams offers Cornell, imperfect though it may be.

Perhaps the most important element of *Fall River* as a true crime text are Williams’ references to the public as the final body of justice. She remarks in the final chapter that “...the inhabitants of Fall River, as a body, are not at fault in this case; they have only sought to do their

duty towards a helpless stranger who perished by lawless violence within their precincts” (142). This concept of a communal duty to serve justice even when the justice system has failed is one that anticipates a subgenre advocating for those on the outside of society who have been failed by the justice system. It is an idea that recognizes a system stacked against certain people, in this case, a woman of low station, and attempts to make up for it by delivering a conviction where there was none. Despite Williams’ inconsistencies in her feelings about Cornell’s independence and morality, her work anticipates a genre that speaks for people on the margins, the voiceless, those who are most often victims of a justice system that failed to serve them. Her text upset a court decision and rejected Avery’s acquittal, championing a young mill worker whose narrative remains as a testament to the power of true crime as a work of advocacy.

In his memoir *The Court of Last Resort*, *Perry Mason* creator Erle Stanley Gardner describes the setting which inspired his true crime column of the same name. It was the stark wilderness of Baja, California which brought forth questions of natural freedom. Gardner recalls this camping trip, which he took with Harry Steeger, editor of *Argosy* magazine, where “unknown terrain instinctively translated into terms of danger...so it was natural that during these long evenings, while we exhausted most of the subjects of conversation, we should find ourselves dwelling on the predicament of men who had been wrongfully imprisoned” (16-17). He remembers that the “environment of extreme freedom” where they found themselves contrasted with “the life of a man condemned to life behind barred doors, within gray walls,” and soon “became a persistent nightmare which colored even our waking hours” (18). Following this experience, the pair felt compelled to explore this topic in Steeger’s magazine, in a column that would study crime beyond the typical true crime magazines—investigating a conviction, rather than a suspect. The column resulted in more than a decade of investigative reporting of wrongful conviction cases and the exoneration of seven men (Helfman 785-786). It was a work which balanced compelling narrative with impressive legal outcomes.

Despite Gardner’s romantic reflections on the California desert, he changed the narrative for an address published by *The Journal of Criminal Law, Criminology, and Police Science* in 1959, when he spoke to a class at Northwestern University’s School of Law about criminal justice reform. At this point, he was only consulting on *The Court of Last Resort*, which was entering its tenth year of publication. He stated, “There is a widespread erroneous idea as to the purpose of the so-called ‘Court of Last Resort.’ The underlying purpose was not to get innocent persons out of prison, but rather to arouse interest in the field of criminal law.” This statement contradicts his earlier desert-daydreams of freeing the wrongfully convicted from prison, and

undermines the remarkable legal success of the publication. It's evidence of the ambiguity which characterizes *The Court of Last Resort*, one which recalls the carefully balanced ethics of *Fall River*. How could he interest the readers of *Argosy* in botched criminal cases without framing it as a noble, democratic endeavor? His frank assertion that his true motive was to "arouse interest in the field of criminal law" suits the audience of law students, who did not need convincing that the subject was worthy of attention. Nevertheless, the tension between these two explanations, for two different audiences, persists, though which version of the story is correct is less important than acknowledging the difference. It shows Gardner's ability to adapt narratives to specific audiences, a technique clearly important to the success of *The Court of Last Resort*.

True crime from the era was interested in covering crimes which had been neatly solved by a police force, so a column that muddied the image of government institutions might be too subversive for the post-war, working-class, mostly male true crime readers. Gardner knew that the success of *The Court of Last Resort* depended on subscribing to that view of the world—framing the piece as an opportunity for readers to participate in the democratic process and support the government was the best chance for success. It's one of several calculated decisions made by Gardner in order to make the series palatable to *Argosy's* subscribers. His omissions of police ineptitudes and scandal, alongside entreaties to the readers that *they* are the "court of last resort," show proof of his strategy, especially when compared to his memoir (where, years later and to a different audience, he describes the scandals and behind the scenes drama involved in these investigations), and his address to *Northwestern*, where his audience is already knowledgeable in the subject of law and several years removed from the conservatism that marked true crime in the thirties and forties.

There was another challenge for Gardner to overcome in writing *The Court of Last Resort*. True crime from the era reported on crimes that were in the past, sharing the details of successful investigations that resulted in conviction, but Gardner was not looking to report on closed cases--instead he was going to re-open them, take the investigation into his own hands, and share his discoveries with the readers of *Argosy*. Though the details of the crime were still important, *The Court of Last Resort* introduced the investigation as an important and fluid piece of the text. Rather than reporting the static facts of an investigation, there would be a continually evolving narrative that re-opened the case, providing just as much background, new insights, and previously unpublished information. In his memoir, Gardner reflected on deciding how to best present this concept:

It was a problem we discussed at length. We felt that we were on the right track if we could once find the proper approach; but the proper approach required that the public should understand the facts, should correlate them, and should then want to take action. We knew that most magazine readers like detective stories. How about letting the readers study the case of John Doe, fact by fact, until they reached an intelligent opinion? That would mean investigators in whom the readers would have confidence, and who could unearth those facts. It would mean that reader interest must be kept alive (22).

Based on this passage, it is clear that framing the column like a detective series could maintain a wide subscription base of interested readers, and could reconcile the column's unique focus on the investigation with the conventional style of true crime. Regardless of the column's success in this balancing act, by publishing the piece in *Argosy*, it had the advantage which all true crime has--the "potential to exert more effect on public perceptions and policy debates than the entire



social science literature on wrongful conviction” (Leo 212). Speaking to a law class at Northwestern University might reach one hundred people. *Argosy* could reach thousands.

Whether he dreamed of setting innocent men free or simply wanted to interest readers of *Argosy* in criminal law, Gardner produced a complex and ambivalent true crime text that conforms to the genre as much as it subverts it. Though his subject, miscarriages of justice, and intent, undoing those injustices, are at odds with the conservative nature of true crime, he manages to maintain unwavering support for the institutions that let an innocent man go to prison. *The Court of Last Resort* is unique in its focus on real-time progression of the narrative and inclusion of the readers within the investigation, and especially for its ability to re-write the unfortunate endings for so many men who were wrongfully convicted. Though it is more hesitant in its callouts of the investigation than *Fall River*, the style and focus of the column anticipates both the serial nature of the documentaries and podcasts which are wildly successful today.

The first case investigated by Gardner’s *Court of Last Resort* was the murder of Moritz Peterson, who was bludgeoned to death in his Washington home. Clarence Boggie was convicted for the crime based on questionable witness testimony, claims made by a convict in another prison, and the possession of a jacket that belonged to Peterson. Once Gardner and his team began investigating Boggie’s claims of innocence, it became clear that his conviction was, at best, the result of poor policing and, at worst, evidence of court corruption. *The Court of Last Resort* was published in an important transitional moment in American culture. The war years produced articles focused on patriotism and nationalism, stories involving foreign espionage, and instances where criminals took advantage of the war situation. In a 1944 issue of *True Detective*, J. Edgar Hoover wrote a piece titled "Betrayal of the Faithful," which cautioned the reader to be wary of con artists preying on women while their husbands were at war (Murley 30). *True*

*Detective Mysteries* was the first magazine of this genre to be published in 1924, and, alongside *Master Detective*, would remain one of the most popular true crime magazines throughout their heyday, between the 1930s and 1960s (Murley 15-16). *True Detective* editor Bernarr Macfadden, the unofficial father of true crime magazines, wrote in the first issue that the magazine is “based on the principle that truth is stranger than fiction,” and that exploration of truth was something he took seriously (22). Jean Murley writes in *The Rise of True Crime*:

He wanted to show the truth of human behavior, good and bad, noble and corrupt, beautiful and ugly--and he discovered that great numbers of people wanted to read about the truth as he found it. His moral vision is most visible in the pronounced emphasis on the efficacy of law enforcement and the swift and sure apprehension and punishment of criminals in the pages of *TDM*. That magazine rarely printed a story unless the perpetrator had been caught, and the publication was strongly pro-law enforcement...in early depictions from the 1920s and into the 1950s, murder in the pages of true-crime magazines, although lurid and gruesome, was placed into a context of containment and order (22).

Given this conservatism, the racy covers and pornographic descriptions of crimes seem at odds with Macfadden’s intent. This ambivalence characterizes the genre, because though its focus might be on containment and order, true crime texts are inherently voyeuristic and morally suspect. Reading true crime results in an ethical dilemma, as the desire to make public the private events of a criminal, victim, and investigation conflicts with the morality and conservatism that Macfadden wanted to impose on readers. Though concepts of crime in this era were more complicated than the morality preached in Puritan execution sermons, those ideals still persisted. John G. Cawelti cites this as “especially strong...where one could find a traditionally religious

and moralistic movement like Prohibition existing cheek by jowl with a romanticizing of the bootleggers who evaded the same law...these divergent reactions suggest that that public wanted at once to condemn the criminal, to admire him, and understand and eliminate the causes of his criminality” (58). Macfadden was able to take advantage of the public’s fascination with crime while attempting to redeem the lurid content by maintaining moralistic themes.

One representative example is a story titled “Killer—Second from the Right,” which Macfadden published in the April 1943 edition of *True Detective*. Writer Curtis Bird describes the 1942 murder of Hellen Cullen, a woman killed by a member of the Auxiliary Police Force in Quincy, Massachusetts. The story is remarkable for its entirely typical use of genre tropes (description of place, the discovery of the female body) and the ability to nullify the subversive nature of a police officer-murderer. This makes it a great case study as a true crime text, because, like *The Court of Last Resort*, it manages to establish the “containment and order” which Macfadden desired in spite of the problematic institution at its focus. In contrast with Gardner’s text, however, the narrator of this piece is removed from the action; the third person perspective distances the reader from the action of the piece, which focuses on the discovery of Hellen Cullen’s body in a quarry and the subsequent apprehension of her assailant. The presence of the war within the text reflects the focus of literature and the reading public at the time. Bird describes the exhaustiveness of the investigation, stating that while they were working to identify Cullen’s body, the local police force worked with the FBI, Army, and the Navy to determine if she was “anyone in whom the government might be interested,” implying that Cullen could have been working against the United States (172). Behind this statement is the promise to readers that even in small-town murders, the US government is interested in seeking answers and justice. Characters serving their country in some way receive positive, heroic descriptions, like Captain

Aaron Hobart, Jr, of the Quincy Auxiliary Police, who was “more than willing to do his share in the war effort, and had joined the auxiliary police and given much of time and money to further its growth. He was always where there was action and danger” (185). Hobart exemplifies the “good American,” serving his country and thinking of his fellow citizens. On the other hand, the perpetrator in this story is characterized by his treatment of the establishment, such as when he responds to an officer’s assertion of his guilt with, “You dumb clucks haven’t enough brains to solve the case and now you’re trying to frame a guy who tried to help” (187). This statement villainizes the perpetrator by specifically painting him as anti-establishment. His betrayal of the Auxiliary Police, a note of corruption which conflicted with the era’s interest in showing the strength of government institutions, is left without deeper analysis, and instead Bird assures the reader that “The Quincy Auxiliary Police, one of the most efficient in the State, proved their ability to cope with any emergency which might arise—even if it concerned a member of their own organization” (190). Order is restored with the knowledge that this police force is so interested in protecting the public that they are willing to send members of their organization to jail. This story’s interest in describing the victim’s “titian hair” rather than a corrupt cop neatly depicts the true crime in this era—highly sexualized and concerned with containing chaos, where the good guys always come out on top. Gardner manages a similar feat, as he leaves readers with a positive image of local institutions despite their various failures in Clarence Boggie’s case. Though the *Court of Last Resort* is highlighting failures of the government institutions venerated by true crime in this era, both texts manage to mitigate the subversive and complicated elements of their narratives using the same conservative language.

In contrast with *True Detective* and similar magazines from the era, *Argosy* published a variety of true stories, and had undergone several transformations in its already long history

when *True Detective* came to market. It was first published in 1882 by Frank Munsey as *The Golden Argosy*, a boy's adventure magazine, and was revamped in 1896 as a fiction magazine. Munsey is credited as the first publisher to print his magazine on inexpensive paper to keep the cost of his magazines low, and therefore could market to middle class audiences. As Munsey put it, "The story is worth more than the paper it's printed on." This decision made him one of the pioneers of the pulp fiction genre, and *Argosy* boasted writers like Upton Sinclair, Horatio Alger, Edgar Rice Burroughs (it published his first *Tarzan* story in 1912), and of course, Erle Stanley Gardner. By 1907 the magazine had the second highest circulation in America (Sumner 21-23). Harry Steeger, owner of Popular Publications, bought the magazine in 1942, and ushered *Argosy* into its golden era. The magazine switched from pulp to slick paper in 1943, and rebranded itself as a men's magazine during the war era--no longer restricted to fiction, *Argosy* now published true stories of war combat, adventure, and soon, crime. More than a little of the boost in sales was due to the popularity of Gardner's column, *The Court of Last Resort*, which suited the magazine's focus on heroism, patriotism, and adventure. The serial's focus on the democratic process and the potential for every citizen to make a difference by participating in Gardner's investigations appealed to readers who could now participate in the stories actively, rather than passively consuming stories of war and adventure. The column expanded the possibilities for what true crime could *do* by building upon the style and formula established by Bernarr Macfadden's highly moralistic and contained works of true crime. Gardner wrote *The Court of Last Resort* for the same audience that loved *True Detective*, but with a fresh take that separated itself from the passive descriptions of old crimes and criminals.

Unfortunately, it's difficult to discern the demographics of true crime magazine readers. This is in part due to the reputation the genre had for producing works of questionable merit, and

because they were read for “entertainment, or worse, titillation,” the audience was not valued nor seriously studied (Murley 17). Because of this, magazine advertisements are the most reliable way to study the audience, as they “give clues about what the magazine editors imagined their readers to be, and it is true that if an ad didn’t work, it didn’t last” (17). Magazines from the 1920s show a range of ads directed towards men and women, something which complicates the common assumption that readers of true crime were male and working class. That being said, in the 1930s *True Detective* ceased printing ads directed towards females, perhaps as editor Bernarr MacFadden became more familiar with his new magazine’s readership (18). By the 1940s, the magazine appeared to market towards low-income young white men, though it remains unclear whether their core readership was not more diverse (29). *Argosy’s* ads lean in the same direction, and each issue of *The Court of Last Resort* is sprinkled with comic strips clearly aimed towards men--a father ignoring his daughter to watch baseball or a gag between two men drinking a beer. There are two exceptions, however. In one issue, *The Court of Last Resort* is printed alongside *Gripe Department*, where the magazine published reader complaints. In the November 1948 issue, they printed a young woman’s response to an article describing the average American male. She writes, “I like to lay it on the line--and since you’re serving the male population, I’d like to let them know just what this red-blooded female has come to believe: really good big bad men don’t exist. They’re developing into, not a generation of wholesome vipers, but of overrated outragers.” Though the writer, Tee Rose, acknowledges the predominately male audience, her response suggests that this might be off the mark. In the final installment of Clarence Boggie’s series in *The Court of Last Resort*, a picture of Boggie and his new fiancée are printed with the caption “Beatrice Nichols read of Boggie in Argosy articles. Correspondence led to engagement.”

Writing a column that would satisfy the audience while attempting to redress a wrongful conviction proved challenging. Unlike other true crime narratives from this time, which focused on stories that had been resolved in the past, Gardner started the serial before the affair had concluded, and before Clarence Boggie was exonerated. Though this decision risked the unsatisfying ending of finding that Boggie was not actually innocent, reporting on a story as it unfolded made the audience feel as if they really were involved in the investigation. Gardner writes much of *The Court of Last Resort* using plural personal pronouns to give the feeling that “we” are all in this together, in contrast to the distant, third-person perspective of other true crime pieces. Though of course, Gardner’s work on the column began months before the first issue was published, there is still a feeling that readers are experiencing the twists and turns of the case alongside Gardner. The fourth issue, for example, is cut short by a telegram from the attorney general of Washington, asking Gardner to halt publication of the story so that it did not corrupt the new investigation of Boggie’s innocence. Though this could have backfired on Gardner (risking that in the interim the public would lose interest in the case), he sold it as an exciting development in the fight for Boggie’s freedom. He even printed the entire telegram in the column, including a large, bold arrow pointing to the telegram and emblazoned with “The telegram that stopped our presses!” (Gardner, “Argosy Uncovers Trail” 36). Following this, Gardner includes the preliminary details of another case that *The Court of Last Resort* is investigating. Like actual detectives, Gardner is almost “promoting” the audience, adding another crime to their caseload.

Most crucial to his argument was the importance he placed on the readers as participants in the court. Gardner’s desire to call out miscarriages of justice risked dividing the public sentiment rather than bringing them together, so he framed the voice of *The Court of Last Resort*

to mirror the system he was indicting. Just like the court of the United States, the court of last resort belongs to the people, and the future of that court was in their hands. The preface to the first issue declares that it's "trying to arouse citizens to the fact that if we want to preserve our way of life, all of us must take a lively, personal interest in those occasional grave miscarriages of justice which, too long ignored, might endanger our entire social system" (Gardner, "Is Clarence Boggie Innocent?" 14). Here he opens the series by explaining the stakes before readers, so they feel the gravity of the situation as well as understand their role within it. Gardner ends the first article with a plea to the readers, with "we" alluded to throughout:

Let's have some court where the unfortunate doesn't need to unravel a lot of red tape. We can only hope to handle a few cases. We'll try to pick worthy ones. Many times we'll guess wrong. But some of the time we'll uncover evidence which will show there has been a miscarriage of justice. When we do, it's up to you readers. If you want this undertaking to be a success, get your own shoulders to the wheel. The power of an aroused public sentiment can sweep everything before it. When the public is apathetic there's nothing anyone can do (109).

The excerpt is important for a number of reasons, but primarily because it demonstrates a shift in the form of the genre from the true crime magazines with which it was competing. Whereas other stories were procedural treatments of closed cases, this column was going to develop over time, react to its audience, and because the outcome was unknown, remain ambiguous. True crime is historically formulaic; execution sermons followed a consistent pattern, sensational and pornographic criminal tabloids rehashed the same imagery and story, and these magazines depicted the same, never-failing and effective policemen triumphing over the common criminal.



*The Court of Last Resort* could not tell this story in the same way for the simple fact that the case was ongoing, a real-life detective story which was not yet finished.

Writing this as a detective story allowed Gardner to trade one formula in for another, though, detective fiction, like true crime from the era, was still deeply conservative. *The Court of Last Resort*, while not the first to do this, draws from hard-boiled detective fiction, establishing a troubling focus on masculinity, appearing like pulp in one passage, but then distancing itself from fiction in the next. Hard-boiled detectives were hyper-masculine and threatened by women, homosexuality, minorities, and the government. Gardner, for the most part, maintains the hyper-masculinity in his column, perhaps as a way to mitigate the subversive-ness of his argument regarding the justice system--by establishing a familiar dominant order, his text is authoritative rather than threatening. The women in this case are described stereotypically. Mrs. Charlotte G. McAllister, who saw the murderer escape Moritz Peterson's home following his murder, is described as a "typical young American mother--well-groomed, good-looking, forceful. The courageous type which represents the best of American motherhood." Later, Gardner reflects that she is "just about the highest possible type of witness; fair, intelligent, alert and good-looking" (Gardner, "Is Clarence Boggie Innocent?" 106-7). Like the description of Hellen Cullen in relation to her "titian hair," the women of *The Court of Last Resort* are valued for their appearance first. References to minorities are limited to a couple mentions by witnesses that Boggie was "lighter in complexion" than the man witnesses saw fleeing the crime, a tentative allusion to race common to true crime in this era, when "publishers apparently imagined an all-white world" (Gardner, "Is Clarence Boggie Innocent?" 107; Murley 17). Gardner omits complicated facts about Boggie's life, and his descriptions in *The Court of Last Resort* are limited to epithets like "penniless prisoner" and "big hearted convict" (Gardner, "Is Clarence

Boggie Innocent?” 14; “Incredible Case” 21). The audience does not know much about Boggie beyond the fact that he is a working class man, a lumberjack. In his memoir, Gardner recalls how he strategically left out more damning traits, like how Boggie was “emotionally unstable, given to sudden spells of crying, particularly if someone would mention his mother,” something he attributed to his multiple incarcerations. Peculiarities like these would have made him a less sympathetic subject for audiences at the time, because celebrating the cause of what in that period would be seen as an emasculated man would have been extremely subversive.

Troubling though this imagined landscape is, reinforcing the institution of masculinity made it possible for Gardner to question the institution of justice. It should be noted that the team of investigators formed by Gardner is composed of white men whom he wanted to “command confidence on the part of the public, carry sufficient prestige to impress state officials, and at the same time be composed of men who were well established financially so that there was no need of personal publicity” (Gardner 78). The formation of his team is alluded to in the first issue, when Gardner writes that if his editor allows him to write the story (another strategy which frames the narrative as if it is happening in real time), he will “try to get Raymond Schindler, the famous detective, Dr. LeMoyne Snyder, the medicolegal expert...and Leonarde Keeler, who has won so much fame with his Polygraphs” (Gardner, “Is Clarence Boggie Innocent?” 104). Though this reinforces a notion of male superiority, these men were not facing the same struggles as most hard-boiled detectives, who often represented the working-class individual who existed between the world of privilege and the world below. Instead, they were respected, wealthy, and experts in their fields--though Gardner frames this so that it feels that “we” the readers have assembled the best team of investigators possible. Instead of appealing to its working-class audience with a working-class team, it appeals to their desire to be connected and

among greatness, making it clear how fortunate the reader is that these people are working with them.

Presenting the case with hard-boiled elements is crucial to Gardner's technique. By using a familiar style that maintained well-known conventions, he was able to rally together readers who may have been upset by the provocative implications made by *The Court of Last Resort*. That said, this notion of reaching the audience seems to develop over time, as he gauges the public's reaction. The language speaking against the original investigation of Boggie's case is much stronger and more prevalent in the first two issues, and is virtually non-existent by the end. The first issue presents the facts of the case eagerly, citing trial testimony, introducing the parallel narratives of crime and investigation, and establishing an urgent and suspenseful tone. Here, Gardner writes about a witness who chased Moritz Peterson's murderer the day of the crime:

Mrs. McAllister chased the murderer, was right behind him, saw him more clearly than anyone else. She never did see his face. NO ONE DID. She did see a side of his cheek. She could tell more about his clothes, his complexion, than anyone. The description she gave police of this murderer DID NOT MATCH THE DESCRIPTION OF BOGGIE!

So what happened?

When Boggie was arrested, she was not even taken to the jail to see if she could identify him. She first saw him in court at the time of the trial. And she says Boggie was not the man she chased that day. He was lighter in complexion, taller, more slender in build. He was twenty pounds lighter than the man she saw running away.

AND THE PROSECUTION NEVER ASKED HER AT THE TIME OF THE BOGGIE'S TRIAL TO IDENTIFY HIM ("Is Clarence Boggie Innocent?" 106).

Gardner uses all caps to communicate anger, frustration, and importance in this passage, which is also one of the only passages where he writes in this way. This witness' story is explained in simple terms so that Gardner may point out how obvious the right course of action should have been for the police and prosecution, implicitly arguing that their errors in the early stages of the investigation cost an innocent man his freedom. In the memoir *The Court of Last Resort*, Gardner calls out the prosecution further, stating his belief that the decision *not* to ask Mrs. McAllister to point out Boggie was made to ensure a win for the prosecution. Then he recalls the deputy prosecutor on the case attempting to bribe this witness' twelve year old son to identify Boggie in court, a claim which Gardner admits is uncorroborated, but considers probable, as the deputy prosecutor was later imprisoned for "cutting one corner too many" (Gardner 61-63). This anecdote never reached the *Argosy* audience, nor did the story of the police response to Peterson's murder. In his memoir, Gardner explains that the first officer to arrive on the scene "decided that his duties were along other lines and in other fields" and left Peterson, who at this time was critically injured but not yet dead (40-41). When two more policemen showed up, witnesses told them they saw the murderer flee into the brush just up the street, "so the officers valiantly permitted themselves to be guided to the spot where the murderer had disappeared, at which time they suddenly discovered they had 'forgotten their guns'" and returned to the station to retrieve them (41). The police lost crucial time in the investigation by making these mistakes, and these stories certainly depict a corrupt and clueless system.

But they were not included in the *Argosy* version of the story. Instead, Gardner included the passage above, which mentions the avoidance of Boggie's identification during his trial, but

does not mention that the prosecutor tried to pay off a juvenile witness. It expresses a clear frustration with the handling of this part of the investigation, but does not mention that an *unarmed* witness chased Peterson's assailant while police left to retrieve their forgotten guns. Perhaps he wanted to show the background of the investigation in simple, impartial terms, without influencing an audience to feel strongly against or for either side of the investigation, although writing a column about wrongful conviction only really works if there is some belief that the convicted person might be innocent. How can he leave these crucial stories out, then, when they so clearly show an institution which has failed this man? Gardner does not mention that Boggie had been wrongfully convicted (and pardoned) *twice* before this conviction, a fact which further proves the system might be stacked against him, or even everyone (Gardner 31). All of this raises the question of what Gardner is really trying to do in *The Court of Last Resort*. He claims he is not solely interested in overturning convictions, but in making the public more interested in the justice system. For what purpose? His hesitance to call out or even admit the various injustices which have occurred in Boggie's life undermine what could be the strongest part of his case against Boggie's conviction.

Other examples show Gardner's hesitant criticisms of the original investigation, but usually without deep analysis about why it went so badly. In the second issue, he highlights the weak links in the prosecution's case against Boggie, stating,

There are, of course, a lot of details. But, essentially, that is the case against Boggie, a case of identification which doesn't identify, a case of purported convict confessions which won't stand up when subjected to detailed scrutiny, and a question of an overcoat which even if it had been Peterson's, the murderer simply couldn't have taken away with him when he ran from the scene of the crime.

It is a peculiar case. The chain of evidence has three links, yet whenever strain is put upon any one of those links, it falls apart.

And Boggie is serving a life sentence in the Washington penitentiary at Walla Walla. He's been there over twelve years now (88).

Though he is comfortable describing the issues with the evidence upon which Boggie was convicted, he makes no attempt to question why it was admissible at all. The closest he comes to critique is calling the case “peculiar,” a word which does not denote intent but rather chance, as if the conviction of Boggie using circumstantial evidence was entirely accidental. His reminder of what is at stake—a man who has been in prison for over a decade—is missing an accusation against the court that put him there. For the column to be successful, those claims cannot be present, because they would dilute the message championing the democratic process upon which these institutions are built. Instead, Gardner again relies only on fact, without opinion, an interesting and difficult choice for a column which inherently takes a stance. Even though the *Court of Last Resort* is interested in exonerating innocent men from prison, it will achieve it without attempting to resolve the issues that placed the man there in the first place. In the final issue of the series covering Clarence Boggie's case, Gardner relies on the benefit of the doubt to explain these inconsistencies in the original investigation, wondering if the clues uncovered by his team “were simply overlooked in the first place” (Gardner, “Incredible Case,” 18).

Rather than simply avoiding the topic of these institutional failures, he makes a move *far* into the opposite direction by idolizing the government officials involved in this case. Most of these references occur in the third issue and after, perhaps as a result of the traction the team was gaining in the case. In the third issue, Gardner visits Ed Lehan, an employee in Washington state's attorney general's office, at his lake home. In this section, he reflects that “what this Court

of Last Resort has done for me is to give me even greater faith in our democratic form of government,” and shown him “how many people there are who are really and truly ‘public servants...’ who naturally take an interest in the work we are doing” (Gardner, “Battle for a Man’s Life, 73). In contrast with implications of statements made in pieces like *Serial* and *Making a Murderer*, Gardner’s analysis of Boggie’s conviction could not be more disinterested in the source of his wrongful incarceration. Gardner even reports that Lehan is friends with the prosecutor that convicted Boggie:

He assures us of his absolute integrity, his conscientious zeal and ability. It is all too evident from the record that this prosecutor was a skillful, adroit trial lawyer. He was called upon to present the case on behalf of the State. The case was developed by the police. He had only the facts the police had given him. He presented those facts well—all too well, so far as Clarence Boggie is concerned (78).

This passage disregards Gardner’s earlier assessment of the prosecution’s case, and even defends the prosecution for presenting the facts that would “fall apart” under pressure, blaming the police instead. This is the same prosecutor that attempted to bribe a twelve year old witness into stating that Boggie was the man he saw running from Peterson’s house on the day of the murder. Yet Gardner espouses his integrity, even when he fails to test his cases for weak evidence or investigations. As a former defense-attorney, Gardner is certainly not pre-disposed to side with the prosecution.

This issue then takes a bizarre, long-winded turn into idolatry of the state’s governor, Monrad Wallgren, with whom Gardner visits to discuss the case:

He's tall, well-groomed, neatly tailored. His shoulders have the symmetrical lines of a young man, but his hair has already been touched with frost. His eyes are twinkling, searching, light eyes that hold steady, with deep-black pupils His brow is that of a fighter, but his mouth is delicate, sensitive, smiling and whimsical. His hands have the sentient grace which one would expect to find only in the hands of a great surgeon or a famous painter. It wasn't until later I learned more about those hands. They had won him the national championship as an amateur billiard player (Gardner, "Battle for a Man's Life" 74).

This is one of several passages where the text reads like fiction. Gardner frequently writes detailed descriptions that personify a "character" based on their physical traits. Governor Wallgren's shoulders and hair signify a youthful exuberance, his eyes demonstrate his focus, and the "sentient grace of his hands" show his dexterity and skill. What follows, comprising three full pages of text, is more description of the Governor and his office, as Gardner elaborates on his goals for the state's burgeoning tourism business, its economy, and its people. He alludes to Governor Wallgren's service alongside President Truman, a war story which makes him look even more appealing to the readers of *Argosy*. Later, Gardner explains that "the Governor trusts the common man. He's suspicious of those whom the politicians are accustomed to call the 'princes of privilege'" (Gardner, "Battle for a Man's Life" 76). Gardner only alludes to governmental corruption to make a distinction that Governor Wallgren is different. Similar to his omissions in Boggie's case, Gardner does not report that he could be considered one of these "princes of privilege," since he had recently allocated over \$100,000 to outfit a government-owned yacht, a luxury he enjoyed with war-chum President Truman. This scandal became a contentious issue in his campaign for reelection, which he eventually lost. Perhaps not so



coincidentally, Gardner's appraisal of Governor Wallgren was published in October 1948, a month before elections. Though Gardner's brownnosing distracts from the central issue of Boggie's innocence, it creates a space where an unusual work of true crime can exist—not entirely subversive, but not completely conservative, either. While this is similar to *Fall River*, placing this work in a conservative environment is more calculated here. It draws readers in by promising a compelling story without the controversial politics of criticizing the justice system. It's a strong example of advocacy true crime, which is complex and ambiguous. Gardner's take on wrongful conviction is tentative, but his legal impact is incredible. These works do not have to be radical to make a difference, they only need to stand for something outside of the conventional literature. Subverting expectations by focusing on an investigation, not a closed case, and building the narrative over time, in pieces, show Gardner's willingness to stretch the genre into new territory, while the hard-boiled dialogue and democratic ethos ground the piece in audience beliefs, creating a piece which is palatable and successful, both financially and in terms of exoneration.

The final issue in this series includes photos and descriptions of Boggie's release and reunion with his parents. The issue revisits the most fascinating twists in the case, and ends on a highly conservative note, describing not only the re-containment of order by releasing Boggie and absolving the justice system of its error, but by describing his return to religion, stating "Boggie turned increasingly towards religion, and it was through religion that he was saved" (Gardner, "Incredible Case," 108). Following this is a description of the story's other hero, Tom Smith, the kindly warden of the prison where Boggie was incarcerated. He is also described as "a man of peace, truly religious, devout, and sincere" (108). Ending the series in this way reaffirms a few things—the morality of the narrative's characters, the return to something familiar and

good, and the reminder that it is only through these things that Boggie's exoneration was possible. In only one place does Gardner hint that *The Court of Last Resort* uncovered something more sinister, when he writes that we are "beginning to learn that law is something to be respected, a two-edged sword, not just a one-edged blade," a statement that implies a justice more complicated than the shining public servants described in the column.

*The Court of Last Resort* depended on establishing a dedicated readership in order to carry out its investigations. The first issue concludes with Gardner imploring *Argosy* subscribers for their financial support, writing, “No magazine budget can stand the expense of investigating cases the way we’re trying to unravel them, unless the readers get behind the movement. If you’ll back the magazine up, there’s actually no limit to what can be accomplished” (“Is Clarence Boggie Innocent?” 109). While there is evidence that *The Court of Last Resort* did boost *Argosy* sales, it’s difficult to find examples of reader involvement in the case of Clarence Boggie’s exoneration (Schulz 2). This is likely due to the limited methods of communication available to fans of the column in 1948, when writers could not be tweeted and fan discussions were limited by geography. This is not to say that readers of *The Court of Last Resort* did not write letters (and one reader even wrote to Boggie, eventually becoming his fiancée) but that the limited means of these interactions pales in comparison to the opportunities contemporary fans of true crime have to respond and contribute to investigations. A reader’s ability to do their own investigation into Boggie’s case required immense dedication and geographic proximity to the location where the crime took place. Because of this, the evidence, narrative, and direction of *The Court of Last Resort* remained in Gardner’s control.

I point all of this out to show how contemporary works of true crime, notably the *Serial* podcast, owe much of their success to the new media which make a different kind of audience participation possible. The public outrage brought on by *Fall River* and the popularity of *The Court of Last Resort* are testaments to the ability of works of true crime literature to successfully advocate for their causes, but never have those causes been as accessible as they are today. *Fall River*’s response was geographically limited to the New England region where the crime occurred; *Argosy* boasted national circulation, but was targeted primarily to working-class males.

The network provided by internet resources can reach nearly all demographics, in all locations. In some cases, even family members of victims or criminals contribute to online discussions, which shows how the proximity in relationships between reader and author, and reader and the crime are being reconfigured. The popularity and success of the *Serial* podcast comes down to this decrease in distance between producer and consumer; the show's format and style cultivate what feels like a personal connection to Sarah Koenig and her investigation.

The *Serial* podcast premiered in October of 2014, releasing weekly episodes until late December of that year. The show set a record as the fastest podcast to reach five million downloads, and when the final episode aired, had been downloaded more than forty million times (Roberts). Pew Research even cited "the Serial Effect" in a study regarding podcasting habits, citing *Serial's* role in the increasing popularity of the medium. The show, which is a spin-off of NPR's *This American Life*, examines a fifteen-year old case which Sarah Koenig describes as a "Shakespearean mashup" ("The Alibi"). Koenig was contacted by Rabia Chaudry, an immigration lawyer and friend of Adnan Syed's family, after she read some articles Koenig wrote about a local defense attorney during her time at *The Baltimore Sun*. Chaudry believes Syed was wrongfully convicted, and asked if Koenig would take a look at the case. Though Koenig is never fully convinced of Syed's guilt or innocence, her investigation of the murder of Syed's high school girlfriend, Hae Min Lee, brought to light numerous inconsistencies and missteps taken in the course of the investigation and trial. Listeners to the podcast follow along with Koenig as she unravels the details of the case; everything from the existence of a payphone outside of a Best Buy store to a two-minute call dialed from Syed's phone the day of the murder are up for scrutiny. Syed was arrested following a confession made by friend Jay Wilds, who claimed that Syed showed him Lee's body and demanded help disposing of the corpse. The

prosecution's case relied on Wilds' convoluted and often nonsensical testimony, cell tower records from that day, and a narrative of Syed as a controlling brooding boyfriend. Chaudry believes that Syed's attorney, Cristina Gutierrez, did not effectively defend her client, and possibly threw the case to make money from the appeals process. While this is speculation, Koenig's investigation reveals major holes in Gutierrez' defense, namely the fact that she did not include testimony from an alibi witness, a student who was with Syed at a library when Lee was being murdered. The narrative of the crime runs parallel with the narrative of the investigation, in much the same way that readers followed along with Gardner to put together the facts of Boggie's case.

A study of *Serial's* success conducted by British criminologists attributes the podcast's popularity to a few factors: an increase in public distrust of institutions, the accessible young romance that is at the center, and the titillating spectacle of prison phone calls and criminal evidence (Yardley 4). Though these elements undoubtedly contribute to the popularity of the podcast, they could apply to any number of works of true crime, and so fail to explain the unique viral response to *Serial*. Why was *this* the podcast to reach five million downloads faster than any other? What makes this true crime story more compelling and accessible than others? *This* success can be attributed to a combination of medium, format, and narrator which reaches listeners on an individual level, reimagining the relationship of author and audience as a personal conversation.

*Serial* is full of contradictions. Though the podcast medium was less than a decade old when it was released, it was produced in the spirit of radio crime docudramas from the first half of the twentieth century, so much so that it was named for the popular serial format of those productions (Berry 171). *Serial* recalls the history of crime radio, a form so popular that by 1945

there was ninety minutes of crime programming every day, listened to by five million people (MacDonald 155). These programs reflected much of the literature covered in the second chapter; in fact, the first true crime radio series was *True Detective Mysteries*, which dramatized stories from the magazine of the same name (Battles 34). Others drew inspiration from hard-boiled detectives and the classic Sherlock Holmes-type narratives. One show, *20,000 Years in Sing Sing*, focused on stories from Sing Sing Prison, and profits from the program went towards improving prison amenities (MacDonald 166). Audience participation was common, too, with various shows running contests to solve fictional crimes or even reward listeners for calling in tips regarding actual criminals, a system which *True Detective Mysteries* creator Bernarr MacFadden claims apprehended three criminals (165). Similar to the experience of *Serial* listeners, these programs “made Americans feel a part of the process of law enforcement,” reaching a mostly middle class audience and reflecting their values (2, 171). In this sense, radio’s accessibility meant that “the airwaves belonged to the people,” a sentiment which anticipated National Public Radio’s claim to belong to its listeners (30).

In his history of radio, *Don’t Touch That Dial*, J. Fred MacDonald writes that these programs “entertained audiences and sold commercial products, but they also championed the simple pattern of Good over Evil, Truth over Lie, and Civilization over Anarchy” (193). While the *Serial* podcast undoubtedly entertained and sold subscriptions to their sponsors’ emailing service (the service, Mail Chimp, became the focus of its own internet meme thanks to the podcast), these simple patterns are not so obvious within the format. In *Serial*, notions of good and evil are complicated by Sarah Koenig’s personal perspective of the figures in the case as well as her reporting of them. It is clear, for example, from her friendly conversations with Adnan Syed in prison, that she likes him, and on more than one occasion ponders how his kind

demeanor complicates the notion of Syed being a killer. Even Jay Wilds and Cristina Gutiérrez, who became the focus of much ire from fans of the podcast for their villain status in the podcast, are too complex to pin down as “good” or “bad.” The truth is even more elusive, as Koenig and her producers circle around the most inane, seemingly easily verifiable facts--did this two-minute call to Syed’s phone on the day of the crime go to voicemail, for example--even this cannot be fully known by the end of the podcast. In the same manner that Gardner and Williams wrote narratives of crime which were more complicated than their counterparts, Koenig’s take on Hae Min Lee’s murder is just as ambiguous, showing an investigation which was not as neatly tied up as the majority of crimes in these radio programs were.

*Serial* also contradicts classic radio in terms of consumption. Listening to the radio, from the 1920s until the onset of television and the invention of the portable radio and car radio, was a shared experience (Barfield 13). Programs were built into family routine and the radio occupied the common spaces of homes--living rooms and kitchens (40). In Ray Barfield’s *Listening to Radio, 1920-1950*, one listener even recalled gathering with his fraternity brothers on Sunday nights to listen to the latest installment of crime show *The Shadow* (164). The community of listening to radio lent itself to a different experience than listeners of the *Serial* podcast, who most often consumed the podcast on their own. The word *podcast* combines the words “iPod” with “broadcast,” expressing the solitary experience of listening to the radio by oneself, as a “pod” (Bottomley 166). The reinvention of radio as podcast meets the listener wherever they are, making it convenient and relevant again. In the case of *Serial* especially, concepts of “public” and “private” are upended. Radio invites public voices into our living room, and now, podcasts invite that voice everywhere--on a morning jog, in the bedroom, in the shower, on the way to

work. As people get dressed and fix their hair, Koenig's voice reads passages from Hae Min Lee's diary on the bathroom counter, a public voice sharing a private artifact in a private space.

In terms of reaching an audience, it is hard to imagine a medium more accessible and inclusive; though it does require internet access, beyond that, podcasts are largely free and available for download at any time. *Serial* did not require subscription or payment, so when it became viral there was nothing stopping listeners from accessing the latest episodes. The positive effect of this is clear in comparison to other, less accessible true crime programs. Andrew Jarecki's HBO docu-series *The Jinx*, which focuses on multi-millionaire Robert Durst and the murders with which he is connected, is well-regarded, but did not become as popular and viral as *Serial*. Because it was released through a paid subscription service, there were more barriers between consumer and content. Therefore, the online reaction from consumers (on discussion-based platforms like Reddit, for example) was stagnant. Even *The Court of Last Resort* was only available to those with a paid subscription, making *Serial* more democratic in terms of availability. Indeed, a team of criminologists in the United Kingdom studied *Serial*'s impact as a viral work of true crime, examining the impact of internet discussions surrounding the podcast. They concluded that though "the notion of the armchair detective is nothing new," the onset of the internet has led to a "blurring of the lines between producers and consumers," which often results in a loss of authority in the narrative of a crime, as writers compete with the theories and evidence produced by anyone with internet access and the desire to pick up where they left off (Yardley 3, 16). It's no coincidence that the content which most often goes viral--whether they are internet memes, YouTube videos, or podcasts--are free and accessible. This comes back to the importance of authority, or lack thereof, in modern pieces like *Serial*. Gardner held all the cards in Boggie's case, and didn't have to take into account his readers' access to the



case or investigation, an advantage that is ironically at odds with the column's supposedly-democratic goals. Meanwhile, *Serial's* evidence (and more) are available almost entirely online, where listeners can read full court transcripts, look at photos of the major figures, and even visit the locations significant to the case. These artifacts are not available at Koenig's discretion, but easily located through simple online searches. Because the material of the case is so accessible, the perhaps lackluster finale is not so disappointing after all. To put it another way, because listeners and Koenig have (to a large extent) access to the same information regarding the case, the show's lack of definitive answers is a reflection of the online debates fomented by the very same evidence.

Beyond the accessibility of the medium, *Serial* owed much of its success to its format. The release of each episode compounded its popularity, so that each week brought new listeners and more notoriety until each episode averaged an unprecedented three million downloads (Garner). The show benefitted from the week-long anticipation between episodes, as the wait between episodes sparked endless online discussions of the case. The culture of fan discussion and shared impatience between episodes is not unlike the experience of watching a popular TV show every week, then agonizing with friends during the interim before a new episode airs. *Serial* too could build "plot" over time, as evidenced by Koenig's occasional teaser at things to come. In this episode, Koenig and her co-producer Dana Chavis go over the prosecution's timeline of the case, paying special attention to Syed's cell phone records and their correlation to the events leading up to Lee's murder:

Jay also mentions another call around this time. This call is incredibly important and I will talk more about it in another episode, I swear. But for right now, what you need to know is, in his second interview, when the cops show him the list of

calls, Jay says, “Adnan spoke to some girl in Silver Spring.” Her name was Nisha.

It was that girl Adnan had been flirting with (“Route Talk”).

What Koenig does here heightens suspense in two ways--she piques interest by remarking that the call is “incredibly important,” and then maintains her audience’s attention by promising to discuss it further in another episode. This recognizes the desire listeners have for *all* of the information, but also shows an acknowledgement and understanding of what the audience needs in this particular moment, as she says “for right now, all you need to know is....” The call, referred to as “the Nisha call” throughout the podcast, becomes one of several storylines to which Koenig returns throughout the series, developing it further each time. This simple statement is akin to prefacing a story told to a friend with “I promise it will be worth it by the time I’m finished.”

Seriality provides other benefits to Koenig’s reporting. Though she had been investigating the case for about a year when the first episode was released, the show was very much in-production during the two-month period in which it aired. In an interview on NPR’s *Fresh Air* with host Terry Gross, Koenig reflected on the advantages and disadvantages of this model, citing the “big public response” as making her feel vulnerable about her reporting, but also making her determined to produce a fair and factual report on this case. Most significant is the way in which this method allowed Koenig to be responsive to new information, a benefit she says outweighed the disadvantages. In one case, new information reaches Koenig *because* of the podcast’s success. As she is working on the final episode, she receives a phone call from Don, who was Lee’s boyfriend at the time of her death. He didn’t want Koenig to use his last name on *Serial*, or even record his voice, and had initially refused all requests for interviews made by Koenig. Though she doesn’t explain what made Don change his mind about being interviewed, it

seems plausible that the success and quality of the podcast convinced him it would be worthwhile to share his perspective. He even tells Koenig that there was a lot he didn't know about the case before listening to the podcast, like how crucial Wilds' testimony was to the prosecution's narrative. Whatever the reason, *Serial's* production schedule allowed for Don's side of the story to be heard, and this versatility resulted in a suspenseful tension. The podcast would have also lost the accounts of Wilds' character as told by one of his coworkers, whom Koenig calls Josh. Josh reached out to Koenig just *days* before the finale aired, after hearing about the podcast for the first time.

From Koenig's perspective as a reporter, this responsive, dynamic orientation to the subject is familiar. But as a work of true crime, there isn't much company. *The Court of Last Resort*, because it too is serial, is able to react to developments in the case, such as when Gardner is ordered by the governor of Washington to withhold details while Boggie's wrongful conviction case progressed. Other contemporary works of advocacy true crime, however, are more likely to be produced well ahead of time, without the opportunity to respond and change as a case progresses. Errol Morris, director of the 1988 true crime documentary *The Thin Blue Line*, a film which led to death-row inmate Randall Adams' exoneration, spent years working on the movie (Butler). Though this time allowed Morris to incorporate new information and evidence, these revisions were made before the audience was privy to the narrative. Netflix' *Making a Murderer* did not achieve the same level of prolonged notoriety as *Serial*. Though it too was episodic, all ten episodes were released at once, which lost it the advantage of anticipation that so allowed *Serial* to grow. The experience of binge-watching a true crime documentary dramatically changes the experience of the viewer and the reaction. Because all of the information is available at once, there is no in-between episode speculation and discussion

among fans. Though the podcast is a uniquely solitary endeavor, *Serial* ironically also brought the masses together to discuss its content. Viewers of *Making a Murderer* did have an online discussion, but rather than ten weeks of ideas and reactions and disbelief, there were only conversations about the series as a whole, rather than in parts. The conversation surrounding *Serial* lasted as long as the show and even beyond, but *Making a Murderer* had no opportunity to develop over time. This meant that producers Moira Demos and Laura Ricciardi could not react to the public before their documentary was released on Netflix, something which ultimately hurt them when the series came under fire for “dodging inconvenient facts” regarding the case in question (Schulz). Producing *Serial* so that it could change and react to the case made the podcast seem *vital* and *fresh*, because the information and analysis were being updated within hours of each episode’s release.

The proximity between production and release perhaps explains how Koenig manages to convey her personal interest and stake in the case. Because each episode was written and recorded practically in real time, her voice captures the weight of what her investigation has uncovered that week. At the most basic level, Koenig’s actual voice and tone are casual and more personal than the “broadcast” voice taken on by journalists normally. Dwight Garner, critic for *The New York Times*, remarks that her voice is “an intoxicating one to have in your head.” Sarah Koenig’s narration is down-to-earth and personal. This sense of vitality contributes to this reconfiguration of author and audience relationship. In the final episode of *Serial*, Koenig shares how often her opinion of Syed’s innocence changes:

In case you haven’t noticed, my thoughts about Adnan’s case, about who is lying and why, have not been fixed over the course of this story. Several times, I have landed on a decision, I’ve made up my mind and stayed there, with relief and then

inevitably, I learn something I didn't know before and I'm up-ended. Sometimes the reversal takes a few weeks, sometimes it happens within hours. And what's been astonishing to me is how the back and forth hasn't let up, after all of this time. Even into this very week and I kid you not, into this very day that I'm writing this ("What We Know").

It's this side of Koenig that makes her so likable and so relatable, because each listener has experienced the very same thing throughout the podcast. This passage reflects the discussions between listeners online and in real life who feel certain of Syed's guilt in one moment and are unsure the next. Her voice here sounds like any exasperated listener, an element that contributes to the notion that Koenig is not an authority on this case, just the person who happened to report on it. It reconstructs the plane between author and audience from a vertical to horizontal relationship. Similar to Erle Stanley Gardner, Koenig's narration makes her another figure in the narrative. Their attachment to their cases, as audiences experience the investigation from their perspective, makes them personal, especially in comparison with the detached narratives typical of true crime literature. But where Gardner is never shy about mentioning his experience as a criminal defense attorney, Koenig offers up her inexperience in the first episode, stating, "I'm not a detective or a private investigator. I'm not even a crime reporter" ("The Alibi"). This statement democratizes the subsequent narrative more than Gardner ever could--in his case, his appeals to readers are not for their expertise, but for their support, usually financial. By opening the series with a declaration of her own inexperience, Koenig suggests that she is just like any member of the audience who is casually fascinated with stories like this one. It lessens the divide between author and audience, implying that with enough fortitude and time, anyone could have investigated Syed's case. It creates a mentality that Koenig and the audience are in this together,

a tone she maintains by frequently jogging listeners' memories in regards to some of the minute details of the case, as if they are in a personal conversation with one another:

If you look at that call log from January 13, there are thirty-four calls that day. Obviously, the first thing they had to do was figure out who all the phone numbers belong to. Home, cell, and pager numbers. Once they do, they realize, "wait a minute. One person was called six times that day. *Much* more often than anyone else." That person is an eighteen-year-old girl named Jennifer Pusateri. Jenn is not a friend of Adnan's. She's a friend of Jay's. Remember, Jay had Adnan's car that day and his new cell phone ("Inconsistencies").

Much of this case includes confusing accounts of call logs, car rides, and narratives provided by Wilds of the night that Lee disappeared. They also contribute to the audience's feeling that Koenig is speaking directly to them, not to millions of listeners across the world. This is what makes the medium special, the "broadcaster-solo listener relationship," something which increases in size (number of listeners) as the relationship deepens, too (McMurty 7). In the first episode, she describes Syed as having "*giant brown eyes like a dairy cow. That's what prompts my most idiotic lines of inquiry. Could someone who looks like that really strangle his girlfriend? Idiotic, I know*" ("The Alibi"). If Koenig, who has spent most of her career as a reporter, had written about this case in a typical journalistic style, a description of a convicted murderer would not likely include his "dairy cow brown eyes." It's irrelevant to the facts, except that in the case of *Serial*, Koenig isn't sure what the facts are, at least concretely, so these observations, errant and subjective as they may be, reflect her experience investigating this case.

There are plenty of instances where Koenig sheds journalistic style in order to reach her listeners, like when she introduces the subject of cell phone records by assuring the listener that

she's "trying very hard not to bore you" ("Route Talk"). Her tone concedes that not every part of this investigation is thrilling, but that does not mean it's unimportant. It's a removal of the fourth wall that reminds listeners that Koenig, like any of us, is susceptible to dozing off while examining the duller pieces of evidence. Koenig's use of first names in lieu of the more typical reporting style of using last names also contributes to this feeling of familiarity, and somewhat removes listeners from the reality of the case, making the main figures in Lee's murder seem like fictional characters. She speaks of Adnan, Jay, Hae, and others related to the case as if she and the listeners are all friends with these people. She is able to turn their statements into captivating audio drama, like at the conclusion of the first episode, when Koenig introduces Asia McClain as a possible alibi witness of Syed, something his attorney ignored during his trial. McClain's cooperation in this podcast is perhaps the most significant testimony discovered by *Serial*, and a little over a year after the trial, McClain testified to being with Syed at the time Lee was murdered. Finding McClain is the first major win for Koenig, an opportunity to reveal something new, to get to the bottom of Lee's murder and Syed's conviction:

A few days after I spoke to Asia, she wrote me an email. "I've been thinking a lot about Adnan," she wrote. "All this time I thought the courts proved it was Adnan that killed her. I thought he was where he deserved to be. Now I'm not so sure. Hae was our friend, too. And it sucks feeling like you don't know who really killed your friend. Hae was the sweetest person ever. If he didn't kill Hae, we owe it to him to try to make that clear. And if he did kill her, then we need to put this to rest. I just hope that Adnan isn't some sick bastard just trying to manipulate his way out of jail." I wrote back, "Believe me, I'm on exactly the same page" ("The Alibi").

Koenig shares McClain's email to effectively recap the stakes of this case, something she could have done herself, but is more affecting coming from someone so involved and key to Syed's possible exoneration. Using McClain's perspective also democratizes the scope of the podcast, as Koenig publishes the views of someone other than herself, a person who is just like any of the listeners. Her agreement with McClain regarding the possibility that Syed really did commit the crime, and is wasting everyone's--Koenig's, the listener's--time, is also introduced, as if Koenig is letting the audience know that there may not be a satisfying conclusion to this story.

All of these elements contributed to *Serial's* accessibility, making this story not only interesting, but *important*, as every episode raised the stakes of Syed's innocence or guilt. The podcast's impact on a legal and cultural level can be measured beyond data regarding number of weekly downloads, however. The intervention of people, whether they are related to the case, the cause, or simply fans, exemplifies the advantage new media has over traditional media in terms of spreading viral material. The largest example of this is without a doubt the podcast's Reddit page, [r/serialpodcast](#). Reddit, one of the top ten sites in the United States, is an online forum where users can post links, personal posts, and comment on all kinds of content, from news to memes to podcasts (Yardley 6). The community, created after the first episode of *Serial* aired in October 2014, has over 50,000 subscribers as of 2017, and is home to discussions of the podcast and the case on every level and from every perspective--posts range from personal theories regarding Lee's murder, discussions of specific episodes, news updates related to Syed's appeals, humorous reactions to case details, and even evidence uncovered by fans, not by Koenig. Though much of the theorizing and discussion surrounding Syed's case could be similar to conversations between readers of *Fall River* and *The Court of Last Resort*, there is no comparison in scale or geographic and demographic reach. Beyond scope, these discussions are



*published*, something which further diminishes Koenig's ownership over this narrative; the conversations on Reddit are just as accessible, and contribute to the narrative of *Serial* in a very real way.

The proliferation of secondary media related to the podcast further deconstructs the typical role of author. Though Koenig may have been the one to share the story with the world, thousands of others have picked up the narrative thread in her place. In some cases, this is evident on the r/serialpodcast subreddit, which studied the court transcripts in their entirety, going beyond the scope of Koenig's report. In other cases, the thread is picked up through different means. Rabia Chaudry, who brought the case to Koenig's attention in the first place, started the podcast *Undisclosed*, which investigates wrongful conviction cases in the US. The first season focused on Syed, and this podcast continued to reveal new evidence after Koenig had finished the first season of *Serial*. Several other spin-offs have popped up, primarily to discuss and respond to new episodes. Chaudry and Asia McClain have published books reflecting on their experiences with the case and the podcast, capitalizing on their unique perspectives and experiences with the crime. Following the end of the first season, *Intercept* reporter Natasha Vargas-Cooper managed to interview Jay Wilds and prosecutor Kevin Urick, both of whom refused to participate in *Serial's* reporting. Every one of these texts takes some ownership of the case, whether other reporters and podcasters share their case theories, those theories are discussed by redditors, or figures related to the case share their valuable points of view.

Though the accessibility of information on the web fosters widespread conversations regarding the case, these discussions often become desensitized to the tragedy at the core of this story. This is one negative implication of the changing dynamic between reader and author and reader and the crime; less sensitive opinions and theorizing are published where anyone can read

them, even family members of those involved in the case. True crime's tendency to blur the line between fact and fiction only makes such desensitization easier. For many, *Serial* might as well have been any other crime drama (Yardley 6). This issue came to the forefront when Lee's brother posted on the *Serial* subreddit:

I won't be answering any questions because... TO ME ITS [SIC] REAL LIFE. To you listeners, it's another murder mystery, crime drama, another episode of CSI. You weren't there to see your mom crying every night, having a heart attack when she got the news that the body was found, and going to court every day for almost a year seeing your mom weeping, crying, and fainting. You don't know what we went through. Especially to those who are demanding our family respond and having a meetup...you guys are disgusting. Shame on you. I pray that you don't have to go through what we went through and have your story blasted to 5mil listeners.

Young Lee posted this on the Reddit page shortly before the final episode aired, and his post exemplifies a few remarkable things regarding this podcast and contemporary true crime more generally. First, his ability to publish his point of view online is representative of the reconfiguration of the audience's relationship to true crime material and true crime authors. In some ways, it takes back ownership of the case and the narrative from the thousands that have been discussing it online and the millions that have downloaded the podcast. Lee gets to the heart of the matter when he exclaims that "TO ME ITS REAL LIFE," which recalls the prurient, voyeuristic element of true crime, the reason why the literature has often been overlooked by scholars. Finally, his post addresses the contentious issue of having complete access (or feeling entitled to complete access) of information. He refers to the people demanding answers from the

Lee family, who did not consent to this story and did not participate in the reporting. But the viral spread of this case and related evidence allowed listeners of the podcast to feel entitled to this information. It's a disrespectful act that doesn't register the lives of those related to the tragedy, or even the tragedy at all.

On the opposite side of the case, Syed's brother also joined the conversation on Reddit. His contributions came in the form of comments on others' posts in the subreddit, mostly to correct facts and add more information, such as when he recalls watching as "Leonard Redmond of Redmond, Burgin, and Gutierrez--shook my family down for tens of thousands of dollars as the trial went on with threats of quitting mid case" (tanveers). Here, his perspective offers an explanation for why Syed's lawyer could have thrown the case. In other comments, he participates in the community theorizing alongside everyone else:

Maybe I've watched too many movies or police crime dramas, but why didn't Detectives McGillivray and Detective Ritz just put a wire on Jay and ask him to go talk to Adnan about Hae's death...If Adnan was guilty, and had the police done this--their case would be iron clad and a slam dunk for the State's Attorney's Office.

What's remarkable here is that Tanveer, Syed's brother, cites crime drama as influencing his view of the evidence, especially in light of Young Lee's condemnation of listeners confusing the podcast for fiction. Beyond this, Tanveer's comments show yet another possible implication of sharing these thoughts online--his participation in the speculation with other Redditors (regarding the details of the case, because he maintains his brother's innocence) weakens his position and the value of his authority as someone affected by this case. These interactions between fans of the podcast and secondary victims of the crime on which it focuses are

representative of the remarkably permeable boundary between audience and subject, as well as audience and author.

When Terry Gross asked Koenig about her perspective on *Serial's* success, she remarked that she was in no way prepared for the huge response it received, especially from demographics outside of NPR's typical audience:

Then just the larger fact that a public radio podcast would intersect with that world, with that Internet world of armchair sleuths and people who throw out accusations. Never in our wildest — it's not the usual combination. It was worrisome. I fretted a lot about it, about this stuff flying around. ... At the end of the day, we couldn't control it. It was silly to think we could control it, but we certainly tried, and even up to last week, we were still trying when we saw stuff out there to just say, "Please, can you respect this and that."

Though the participation and interest of the public is crucial and the very core of these advocacy works of true crime, the actual "Court of Last Resort," in the contemporary era is armed with more power than ever before. Koenig's eventual resignation towards letting the "armchair sleuths" go reflects the futility of trying to control any content on the internet. That said, there are examples of established ethics on these platforms. A largely unspoken community agreement on *Serial's* subreddit prohibits the discussion and posting of Hae Min Lee's diary and her autopsy photos, out of respect for her memory. In the scope of the vast amounts of evidence available to them, this may seem small, but it's an important acknowledgement of the real human life at the center of their discussions. Ironically, excerpts from the diary are read in the podcast, and Lee's body is described, although without the lurid detail often found in true crime. These two artifacts are true crime conventions--Williams describes Sarah Maria Cornell's body in *Fall*

*River* and even publishes her letters. Members of the Reddit community also started a memorial scholarship for Lee's high school, showing that audience involvement can take many forms. Still, the subreddit requires monitoring by moderators to delete posts that share personal information of those involved with the case or still others making unfounded and harmful accusations. Even though these posts and comments are removed quickly, the process is not foolproof, and this puts people at risk. In her book *Confessions of a Serial Alibi*, Asia McClain, now Asia McClain Chapman, reflects on the internet ridicule she suffered because of the podcast, writing, "It's bizarre to know that millions of people that I don't know and have never met have such strong opinions about my character, my intelligence and my motives. That they are all either praising or judging me" (147). Now audiences like those on Reddit have the ability to ruin people's lives. Harassing Jay Wilds, for example, because they believe he is lying, or reaching out to Lee's family against their wishes. These actions, because they aren't governed by a court of law, are subject only to the code of ethics determined by the people themselves. While the removal of the red tape which can complicate and sometimes confiscate evidence allows other evidence (such as Robert Durst's inadvertent confession on *The Jinx*) to be exhibited in the courtroom of the people, these revelations nevertheless complicated the manner in which criminals are or are not prosecuted. In terms of public advocacy, true crime's most effective role is as information disseminator. Though *Fall River* resulted in a justice carried out by the town's citizens, the notoriety from *The Court of Last Resort* and *Serial* resulted in legal action, so that these works of true crime combined forces between the public and the justice system. By bringing these cases to light, the literature reveals injustice and demands that the system be held accountable.

In June of 2016, one and a half years after the podcast ended, Adnan Syed was granted a new trial by a Maryland judge. The hearings which lead to this decision covered the same evidence Koenig brought to light in the podcast--McClain's testimony, the incompetent defense given by Gutierrez, and the shaky cell tower evidence. Koenig even covered the appeal hearings in three short installments of *Serial*, which were just recordings of her phone calls to fellow producer Dana Chivis following the days in the court. In one, she talks about the podcast's involvement, saying, "*the star witness of the day was Asia McClain. It was, I have to say it was kind of intense in the courtroom when she was testifying. I don't even know totally how to talk about it but Serial was a part of her testimony, so it was all just a very strange, a little bit of a surreal moment*" ("Day 01, Adnan Syed's Hearing"). Syed's current attorney, Justin Brown, commented at a press conference following the news that it's unlikely Syed would have been granted a retrial without the podcast (Bromwich). Despite Koenig's own trepidation regarding the success of *Serial*, the subreddit's 50,000 subscribers indicate there are 50,000 more people invested in Syed's case than before it was released. Though true crime's literary value is often overlooked, Koenig reinvented a classic medium that meets listeners where they are. In spite of the public unease with finding entertainment in violent crime, the podcast reopened an investigation and focused attention on an injustice that would have otherwise gone unregistered by the public.

*“Just then the physician reached the yard, and hastily lifting the profusion of dark locks that had fallen entirely over her face, he dis-covered with grief and astonishment the countenance of his late interesting patient. Horror struck, he endeavored to loosen the cord from her neck; it was nearly half an inch imbedded in the flesh. But alas! there was nothing in the usual remedies to produce resuscitation that would have availed any thing here, for the young woman appeared to have been there all night and was frozen stiff. And is this the end of thy sorrows, poor unfortunate! thought the kind physician, as bending over the hapless victim of unhallowed passion. He gazed upon that altered countenance—altered it was indeed—it was livid pale,—her tongue protruded through her teeth—pushed out her under lip, that was very much swollen as though it had received some hard blow, or been severely bit in anguish, gave a dreadful expression of agony, while a deep indentation on the cheek looked as though that too must have been pressed by some hard substance; but whatever he thought at that time respecting the means by which she came to her death, he wisely forbore to utter it, and the jury of inquest was summoned in immediately.”*

-Catharine Williams *Fall River: An Authentic Narrative*, 24-25

This passage from *Fall River* describes the gruesome discovery of Cornell’s body. The discovery of a corpse is true crime convention found across the genre, a moment present in narratives from *Law and Order* to Capote’s *In Cold Blood* (Srebnick 8). The description of the corpse confronts many of the troubling elements of true crime—voyeurism, making private matters public, and sexualizing the body in gruesome detail. It’s a titillating scene, and the morbid interest it inspires is at the heart of true crime’s prurient, low-art reputation. The merits of true crime upon which I’ve focused--its ability to shed light on injustice, hold the system and criminals accountable for their actions, and ultimately advocate for justice on its own terms--have existed as long as the genre. Catharine Williams helped to convince the townspeople of Fall River that Reverend Ephraim K. Avery was guilty of Sarah Maria Cornell’s murder following the publication of her book. As a result, citizens of Fall River chased Avery out of town. In *Argosy* column *The Court of Last Resort*, Erle Stanley Gardner worked with government institutions to exonerate wrongfully convicted Clarence Boggie. His ability to write a narrative which was both compelling and legally productive shows the ability of the genre to entertain and advocate simultaneously. Finally, Sarah Koenig’s work on *Serial* appeared in Asia

McClain's testimony at Adnan Syed's post-conviction relief hearing, as she explained how the creation of the podcast brought her back into Syed's case. He was granted a new trial in the summer of 2016. All three of these works managed to re-write the story as it was established by the court system, but they all share another trait too--their wide success and appeal.

The success of a work of true crime is a sensitive topic to approach. There is of course success measured in sales, scope, and public reaction, but at the center of each narrative is a real tragedy. Catharine Williams, who wrote to support herself, profited from her take on Cornell's murder. People in New England were not necessarily interested in being convinced of Avery's guilt; rather, they picked up *Fall River: An Authentic Narrative* out of a desire for all of the details of the unlikely murder of a mill girl. The book may have been read with a desire for justice, but it was likely in equal measure enjoyed for the shock factor--Williams' exclusive information, plus the publication of Cornell's letters, gave her account an edge over similar works. The description of Cornell's body from her doctor's perspective is another example, of titillating content which likely increased sales of the book. Still, justice *was* reached, at least in some form, as Avery was chased out of town with such ire that he relocated to Ohio. The near-universal prurient desire to read about a young woman's murder made *Fall River* successful; the readers' consequential interest in Avery's punishment made *Fall River* impactful. *Fall River* exemplifies the type of advocacy literature which is so common contemporarily, while highlighting the less savory elements of the genre which nevertheless contribute to its popularity.

The same can be said for Gardner's work on *The Court of Last Resort*. *Argosy* had existed for nearly seventy years when the column began, and had survived several iterations--from children's magazine to men's magazine, from fiction to non-fiction. The magazine's owner and editors knew the success of *Argosy* depended on a bottom line, and Gardner's proposal for a



true crime column would not be risky, considering the success of the genre in other magazines at the time. Gardner is frank about finances throughout the series, reminding readers that their experiment working with the justice system to investigate wrongful conviction cases relied on the financial support of its fans. The advertisements adjacent to the column are mostly distance learning detective and law courses, capitalizing on the reader's interest in crime. Still, at the center of this column was an innocent person imprisoned; Clarence Boggie was wrongfully incarcerated three times, and at the time of the column, had been in prison for fifteen years of his latest stint. What drew readers in was the promise of involvement, something which offered readers a false-proximity to the focus of the column, giving *Argosy* an edge over the competition.

The false-proximity of *The Court of Last Resort* gave way to an actual reconfiguration of relationship between audience and subject in the podcast *Serial*, something which brings up issues regarding ownership of narratives. Koenig fielded not invalid critiques that all contemporary true crime writers endure--they are profiting from a dead person's life story, specifically the story of their death. It's difficult to pinpoint how long one must wait after a murder to read the victim's diary on a podcast, but there doesn't seem to be an appropriate statute of limitations regarding the publication of private details following a death. In fact, the victim's almost immediate loss of privacy following their death can make true crime writers seem like vultures, feeding on the loss. Koenig's privilege, as described here by critic Benjamin Wallace-Wells, is in her access to the narrative. She forms the story of the crime, framing the truth from her perspective and then disseminating the story to the world. This gives her a purchase on a truth which looks different to everyone. Wallace-Wells further remarks on the dangers of making these judgments:

It has to do instead with the psychological tourism that comes in the aftermath of a crime, the license that everyone (Koenig, her audience, but also the cops and prosecutors and judges and Hae and Adnan's classmates) feels to gaze into the lives of both victims and the accused and to wonder about the extent of what people are capable. There's insight to be won there. But there is also a very basic risk, that the journalist and the judge alike will wind up making drive-by assessments of other people's real lives, that they won't be too different than the gaping yuppies tooling through a suburb and throwing adjectives out the window: shady, creepy, guilty, good.

Wallace-Wells' assessment is fair, and all three authors here--Williams, Gardner, and Koenig--are guilty of taking advantage of this license. Williams fictionalizes entire scenes from Cornell's life, and Gardner characterizes every player in *The Court of Last Resort* in the era's hard-boiled jargon. Koenig's assessment of the figures in Syed's case are blunt--Syed has "dairy cow brown eyes" for example. These quick, often witty descriptions from Koenig make her likable, relatable, ultimately contributing to the podcast's success. The case of Hae Min Lee's murder is undeniably intriguing to the passerby--high school drama, romance, and violence, combined with a possibly unsolved case piqued the interest of millions of listeners.

And yet, despite the complicated relationships which color these works, they are representative works of advocacy. As true crime, they are sometimes prurient and voyeuristic, and as advocacy they subvert the overt conservatism which characterizes true crime. My interest in this more positive, justice-seeking side of true crime stemmed from the uneasiness I felt enjoying a genre that turned real-life horrors into entertainment. These works *are* fascinating, in their ability to challenge conventions, create new ones, make social and political statements, and

of course, advocate for justice. But they are still guilty of sensationalizing crime, of leaning on their audience's desire to know all of the gritty, macabre details. Being entertaining, titillating, thrilling, suspenseful--these are the reasons why true crime has ever been able to make a difference in the courts at all. If these works were only stale reports on crime and injustice, there would be no interest. Without interest, success, profit, there is no greater awareness of these issues--wrongful conviction, court prejudices, social privileges--and no real way to hold the system accountable for their actions. Going "viral" might be a fleeting experience for an NPR podcast, but the impact it could have on Adnan Syed's case because so many people listened, discussed, and acknowledged the miscarriage of justice cannot be measured.

Jean Murley's assertion that true crime "is a way of making sense of the senseless...a worldview, an outlook, and a perspective on contemporary American life, one that is suspicious and cynical, narrowly focused on the worst kinds of crimes and preoccupied with safety, order and justice," describes the typically conservative, pro-establishment true crime literature. That said, it can be re-oriented to suit the contemporary interests of advocacy in true crime. Murley's assessment relies on the perspective that views all crime and criminals with cynicism and suspicion, and true crime as an opportunity to assert dominance and order over the chaos threatening societal safety. In the scope of modern true crime, however, it's the justice system which is viewed with cynicism and suspicion, as contemporary narratives try to make sense of the senseless injustices committed by the establishment every day. Murley is not incorrect, but acknowledging the works of true crime which push back against conventional pro-establishment themes provides a more complete view of the genre's landscape. The alternate genealogy has existed and developed alongside more familiar examples of true crime, and has succeeded in its various causes because it adapts typical genre conventions while pushing back at the same time.

The result is literature that is as hyper-conventional and formulaic as any true crime text, but with one key difference--the ending is never predictable.

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