

In a time before the open and watchful eye of technology, in an unknown part of the Midwest, in a town of a few hundred people, in the stillness of a cool and windless night, in four different rooms of a well-known farmhouse. In four blasts of a borrowed shotgun. In the Clutter family's house. Every life there was taken. In cold blood.

If you've read Truman Capote's most famous "non-fiction novel" of that very famous title, you have read what many consider to be a classic of American literature and the finest true-crime book ever written. It's a book that's not simply well written, it's a series of stories exceedingly well told. So, for my entry this month and for my next entry coming up in March, I want to look at 6 things Capote did that translate perfectly to storytelling in the courtroom and teaching storytelling in the classroom. It's something completely different, so I hope you'll permit my indulgence. I must warn the reader before going forward: I am going to try not spoil a whole lot for those who haven't read the book, but that might prove difficult.

### **Setting**

I tend to think that a student or young lawyer's chief struggles with setting are part of the much larger tension between the easy-to-do "what" of factual landscaping and the often-excluded "why?" Lawyers know facts. However, we aren't always purposeful in why we share them. Within a few pages of the book, you immediately get the sense Capote isn't sharing facts because he knows them, but because they are precious pieces that are part of a living framework. A poured-concrete foundation with the future of a terrible and approaching earthquake ahead of it. It's how I imagine hand-woven lace is made if someone plans out the intricacy and sublimity of it, but makes it intricate and sublime only for the sake of the greater horror of tearing it to shreds. Capote doesn't begin the book with the usual foreboding of "It was a dark and stormy night." He begins it by convincing you the town of Holcomb and the farmhouse of the Clutter family are too remote for evil to ever find and too pure for horror to ever touch. "Like the waters of the river, like the motorists on the highway, and like the yellow trains streaking down the Santa Fe tracks, drama, in the shape of exceptional happenings, had never stopped there."<sup>1</sup> I think we grow as storytellers when the setting we develop isn't simply a detached location in which something happens but, rather, a place where even the pebbles of the ground are shaken by what happens nearby. Capote gives the sense there isn't a single patch of ground in the tiny town of Holcomb that the victim's blood doesn't ultimately touch.

### **Slow Burn**

New storytellers often suffer from an unwitting urgency; a desire to keep their listeners engaged by blasts of electrical impulses. If the law student's story shows a detective finding a fingerprint or picking up tissue samples, the student's very next string of words reveals their respective owners. With that approach comes this unspoken assumption that the riders of a rollercoaster are only engaged with the experience on their way down the first big hill. Great storytelling, however, is more climb than fall. In the first 50 pages of the book, Capote writes in parallel climb between killers and victims—and we observe the parallel like the slow raising of a guillotine over its unobservant prisoner. He details the killers' drive west. We see them purchase their tools; gloves, masks, rope. They inch closer to Holcomb and stop again for another bit of preparation. We are left to wonder if the next stop is the

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<sup>1</sup> Truman Capote, *In Cold Blood* 5 (Vintage International ed. 2012).

Clutters' farm, as we know that stop *is* coming. In an alternating parallel to this narrative, we learn about the Clutter family and our attention to them becomes a banked investment into the lives that will be taken.

I'm fortunate enough that a few of the problem sets my school uses for Basic Trial Advocacy are particularly suited to this sort of parallel storytelling. Invariably, I have to teach it, and model it, as the straight lines of a linear story are far more intuitive to students and easier for them to execute. The growth of the student-storyteller occurs when they see that wherever there is a story of an injustice in the law, there will always be (at least) two stories to tell: the story of the ax as well as the story of the wood on the block. The stories of each have their own proper pacing—and it's always slower than the student-storyteller tells it in the first try. They have to learn that.

### **The Wait**

A technique related to the one immediately above is the willful resistance to spilling the part of the story the listener wants to hear the most; and then exercising the proper wisdom in how that part of story empties its contents. Capote reveals the mere fact of the murders of the Clutter family early on. He shows the aftermath just this side of page 60 as the first person on-scene enters the farmhouse to find a purse curiously laying on the kitchen floor. However, we don't hear about each murder—each terrible blast of the shotgun, each terrible plea of each victim—until very near the end of the book. At this point, Capote has already long before sown and grown within us the nagging questions of “What?” and “How?” and, the biggest of them all, “Why?” Why does a killer point a gun at the face of another human being and pull the trigger? And Capote doesn't just answer that in the narrator's objective language. We hear it from the killer's mouth and it's a kind of payoff for our investment in the story. As awful as that sounds, the killer's own story is the answer to our most nagging question.<sup>2</sup>

We move through a story and work toward the ending because we find we can't move on without answers. Well-formed, properly sown questions become the listener's momentum. I know you read this and you instantly recall students and lawyers *not* waiting to give key details or story segments. The stage lights have barely come on and they're already ripping the curtains back. I think it's because we fear that an answer that doesn't immediately follow a question will never take root—as if it won't become a part of the evidence of our case if we wait to reveal it. Our instincts as consumers of stories should shout at us in a strong rebuke. If the hair found at the murder scene carries the defendant's DNA, the jury *will* wait to hear it. Heck, they even know it's coming—which is *why* they'll wait. If I tell the jury the defendant sailed through a red light without braking, I can first tell the story of how the light was red. It's an important story that is the threshold to liability. I will prove it was red. I can take the jury to the fact of the defendant's very basic wrong: she went through the red light. The real question—how and why did the defendant miss a red light?—will hang in their minds like restless bats in the waning daylight. We can wait. Just hang on to it a little longer. We have shown them the footage of the intersection and the white Mercedes piercing its edge. But they can wait. They can hang out for a good, long think before we bring in the evidence of the defendant's keystrokes and the text message that was never sent.

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<sup>2</sup> For some further reading on why we're drawn to darker things, I've written a bit about the odd and unsettling wonder we humans experience with the morbid. Grant Rost *Campfires, Car Accidents, and the Cosmos: Persuasive Appeals to Jurors Through the Human Appetite for Wonder*. 4 Stetson J. Advoc. & L. 54 (2017)