

Capote Classic 'In Cold Blood' Tainted by Long-Lost Files

By **KEVIN HELLIKER** | *The Wall Street Journal*
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GARDEN CITY, Kan.—Truman Capote's masterwork of murder, "In Cold Blood," cemented two reputations when first published almost five decades ago: his own, as a literary innovator, and detective Alvin Dewey Jr.'s as the most famous Kansas lawman since Wyatt Earp.

But new evidence undermines Mr. Capote's claim that his best seller was an "immaculately factual" recounting of the bloody slaughter of the Clutter family in their Kansas farmhouse. It also calls into question the image of Mr. Dewey as the brilliant, haunted hero.

A long-forgotten cache of Kansas Bureau of Investigation documents from the investigation into the deaths suggests that the events described in two crucial chapters of the 1966 book differ significantly from what actually happened. Separately, a contract reviewed and authenticated by The Wall Street Journal shows that Mr. Capote in 1965 required Columbia Pictures to offer Mr. Dewey's wife a job as a consultant to the film version of his book for a fee far greater than the U.S. median family income that year.

In researching "In Cold Blood," Truman Capote received first-class service from the KBI and Mr. Dewey, its lead detective on the case. Mr. Dewey gave the author access to the diary of 16-year-old Nancy Clutter—her final entry logged only moments before two strangers invaded her home in late 1959 and murdered her, her brother and her parents. Mr. Dewey opened the KBI's case file to Mr. Capote. He

pressured press-shy locals to cooperate with the author and granted him extraordinary access to the killers. Mr. Dewey even helped Mr. Capote, a New Yorker with no home in Kansas, obtain a Kansas driver's license.

And Mr. Capote's book painted Mr. Dewey as the investigator who led the KBI's brilliant cracking of the case, and the KBI as a model agency.

But at a key moment in the 1959 investigation, when 19 days of utter bafflement ended with an informant stepping forward and naming the killers, the KBI didn't snap to action, according to the new documents. It didn't, as Mr. Capote's book says, dispatch an agent that very night to the Kansas farmhouse where one of the suspects had been living with his parents.

Instead, the KBI waited five days to visit that farmhouse, according to the KBI documents.

The details are to be found in papers from the Clutter case that a now-deceased KBI agent, Harold Nye, carried home with him years ago. Those documents, reviewed in August by the Journal, are the subject of litigation between the adult son of Mr. Nye, who hopes to publish or sell them, and the KBI, which claims to own the material.

Today, the KBI declines to explain the five-day delay in visiting the suspect's farmhouse or to answer other questions delivered via email as well as by hand to a receptionist at its Topeka headquarters.

Duane West says the delay is no mystery to him. Mr. West, 81 years old, is the prosecutor who ultimately won convictions and death sentences against the killers, Perry Smith and Richard Hickock.

Mr. West says he remembers well the first time he heard the two suspects' names. It was in the county sheriff's office here, where investigators convened each morning to brainstorm under Mr. Dewey's

leadership. On Dec. 5, 1959, when news came that an incarcerated former employee of the Clutter farm had fingered Mr. Hickock, Mr. Dewey delivered a line that his “In Cold Blood” character never spoke.

“Dewey said it wasn’t them,” Mr. West recalls. “Dewey was convinced it was somebody local who had a grudge against Herb Clutter.”

Over the decades, literary sleuths have turned up numerous journalistic sins in “In Cold Blood,” ranging from minor inaccuracies to outright fabrication. The latest revelations, though, are particularly damaging because they undermine one of the longest-standing defenses of the book: that the KBI hailed it as true. Mr. Dewey many times called the book accurate.

Mr. Capote’s defenders note that the rules of non-fiction-book writing, including the footnoting of source material, hardened only after Mr. Capote helped pioneer the genre. A similar defense can be made for the KBI, which in 1959 had no protocol for how to handle celebrity writers from New York promising not to publish a word until long after the case had been resolved—a vow Mr. Capote kept.

“In this day and age, we can’t even recreate the proper context for these events,” says Larry Welch, a longtime KBI director who retired in 2007. “Alvin Dewey was a friend of mine,” Mr. Welch says. “He was very professional in everything he did.”

In state court in Topeka, the Kansas attorney general has obtained a temporary restraining order against Ron Nye, the son of the late detective, and Gary McAvoy, owner of Vintage Memorabilia in Seattle, prohibiting them from publishing or selling Clutter-related documents brought home years ago by the deceased KBI sleuth. The attorney general contends, among other things, that the documents belong to the state and that their dissemination would violate the privacy of surviving Clutter family members.

Messrs. Nye and McAvoy counter that the agency's primary purpose is to suppress unflattering truths about the agency. The KBI documents at issue "directly contradict portions of *In Cold Blood*," the men asserted in a Feb. 1 court filing. "Because of that disconnect," the filing says, "current KBI management—hoping to keep that material from the public—has embarked on an intimidation and suppression campaign."

The surviving members of the Clutter family, breaking a 50-year policy of silence about the case, last year spoke out in opposition to the sale of crime-scene photographs of the murder and other KBI evidence.

"I cannot describe for you the pain and anguish it would cause the family if these items were actually allowed to become public information," Topeka attorney Michael Clutter, a relative of the murdered family, wrote in an Aug. 15 letter to Mr. McAvoy.

To be sure, the KBI's hesitation in pursuing Messrs. Smith and Hickock was brief, resulting in no delay of justice. Within five months of killing the Clutters, Messrs. Smith and Hickock were caught, convicted and sentenced to death. Both men confessed. They were hanged in 1965.

The agency's assistance to Mr. Capote contributed heavily to the success of a book that became an instant classic, earning its author millions of dollars and acclaim for having created what was hailed as a new literary genre, the nonfiction novel.

The book also remains a point of pride at the KBI. Visitors to the agency's headquarters are shown a glass-encased copy of the book along with evidence such as the shotgun used to kill the victims.

The agency has long played down its role in the creation of "*In Cold Blood*," saying Mr. Capote received no favors or access beyond that granted other journalists. "I never treated Truman any differently

than I did any of the other news media,” Mr. Dewey said before his death in 1987, in an interview with George Plimpton. “As far as showing him any favoritism or giving him any information, absolutely not. He went out on his own and dug it up.”

A substantial body of evidence contradicts Mr. Dewey. In the Capote archives at the New York Public Library, handwritten letters from the author to Mr. Dewey—whom he often called “Foxy”—express gratitude for information and documents received from the agent, along with specific requests for more.

“Alvin, something VERY important! Nancy’s diary had entries for the last four years. I need the entries for Sat. Nov 14th in 1958, 1957, 1956. Urgent!” Mr. Capote wrote in a postcard to the Deweys on May 3, 1960.

Two weeks later, a Capote letter to the Deweys begins, “Dearhearts...Bless you for sending the diary entries.”

The notes show that when Mr. Capote and his assistant, novelist Harper Lee, traveled to Garden City in the winter of 1960, Mr. Dewey gave them exclusive access to the Clutter files for a week. Mr. Dewey also granted them private interviews with the arrested killers after he had told the media that no such interviews would be granted, according to Charles J. Shields, who studied the Capote archives for his 2006 biography of Miss Lee, “Mockingbird.”

Through her attorney, Miss Lee declined to comment.

In an interview shortly before his 2003 death, Mr. Nye, the former KBI detective, told Mr. Shields that he, too, granted special interviews to Miss Lee.

In one of Mr. Nye’s recently resurfaced notebooks is an inscription that says: “For Harold Nye, in affectionate admiration. Nelle Harper Lee. January 15, 1960.”

Mr. Nye also told Mr. Shields that Mr. Dewey gave

Mr. Capote and Ms. Lee “a full set of the reports. That was like committing the largest sin there was,” according to Mr. Shields’ book.

Despite researching and writing “In Cold Blood” for five years, Mr. Capote spent relatively little time in Kansas, relying on mail and telephone calls. His letters to the Deweys suggest that the author also relied on Mr. Dewey to persuade reluctant Garden Citians to talk.

For instance when Mr. West, the prosecutor, proved uncooperative, Mr. Capote asked Mr. Dewey to coax the assistant prosecutor, Logan Green, into talking. “Dear Foxy,” began a 1960 Capote letter to Mr. Dewey, “Bless you for your help with Logan Green; the result was excellent.”

Also uninterested in talking was 17-year-old Bobby Rupp, Nancy’s boyfriend. As the last person to see the Clutters alive—he had visited Nancy at the Clutter home the night of the killings—Mr. Rupp became an early suspect. In a recent interview, Mr. Rupp, today a farmer outside Garden City, said he had no interest in talking with Mr. Capote or Ms. Lee. “I only did it because Al Dewey advised me to,” he said.

Mr. Dewey helped obtain a Kansas driver’s license for Mr. Capote, who had no Kansas address. According to a 1962 letter at the New York library, from Mr. Capote to the Deweys, the license gave the author’s address as a Garden City post-office box belonging to the KBI agent. In search of the license, the Journal found that it now resides in the wallet of Joseph Petrocik, a friend of the late author. “It’s a treasured memento,” says Mr. Petrocik.

Only upon the recent death of a Hollywood memorabilia collector did it emerge that Mr. Capote required Columbia Pictures to offer Mr. Dewey’s wife, Marie, a job as a consultant to the making of the 1967 film version of “In Cold Blood.” The contract, which landed with Los Angeles dealer George Houle, states

that Columbia Pictures will “pay her as compensation for her services the sum of \$10,000.”

Mrs. Dewey died in 2002. A person close to Columbia Pictures confirms that she was paid as a consultant to the film.

In letters composed while writing “In Cold Blood,” Mr. Capote expressly articulated his intention to make Mr. Dewey the hero of the book.

By virtue of being stationed in Garden City, Mr. Dewey took charge of the other agents who came to town following the killings. Tall, dark and “JUST PLAIN HANDSOME”—as Harper Lee wrote in her notes—Mr. Dewey exuded a grim determination that helped reassure a community terrified by the massacre.

As day after day after day passed without a break in the case, the laconic lawman endured a private agony apparent only to his wife, according to Mr. Capote’s telling. Too haunted by the murders to eat much or sleep, he started smoking 60 cigarettes a day, his mind obsessed with theories about who might have bound, gagged and fired a shotgun to the heads of Herb and Bonnie Clutter and their teenage son and daughter.

Nineteen days passed before a prison inmate, Floyd Wells, offered an answer. Mr. Wells, a former employee on the Clutter farm, came forward to announce that one of his former cellmates, Mr. Hickock, had told him he intended to rob and kill the Clutters with the help of Mr. Smith, another ex-convict.

In Mr. Capote’s telling, that very evening the KBI dispatched Mr. Nye to the farmhouse of Mr. Hickock’s parents. Finding only the parents home, Mr. Nye sits down to coffee with them.

Making no mention of murder, Mr. Nye pretends to be seeking Mr. Hickock only for parole violation and hot-check writing. That tactic induces Eunice and

Walter Hickock inadvertently to disclose all manner of incriminating information about their son, including that he recently bought a 12-gauge shotgun, leaning right there against a wall—the same gauge used to kill the Clutters.

“Nye shut his notebook and put his pen in his pocket, and both his hands as well, for his hands were shaking from excitement,” Mr. Capote wrote. Within a few hours of receiving the Wells tip, in Mr. Capote’s telling, the KBI had essentially confirmed it.

But according to the KBI documents, this isn’t how it happened. The documents show that the agency waited five full days after Mr. Wells’ statement to visit the Hickock farm, the last known whereabouts of Richard Hickock. When the visit did occur, the documents show, it didn’t involve a lone agent venturing in the dark of night to the farm, and being served coffee.

The documents show that four lawmen—three KBI agents and a local sheriff’s deputy—converged midday on the farm. They found only the suspect’s mother at home. They made no pretense of pursuing a parole violation. Executing a search, they found the shotgun, took it outside and fired it to collect the empty casing for ballistic purposes. They also confiscated clothing that appeared to be smattered with blood.

Shortly before his death, Mr. Nye penned an account of the investigation that supported Mr. Capote’s telling. And conceivably, KBI documents not in the Nye cache could contradict those that are. But in both his official report on the investigation and his daily steno notebooks on the case, Mr. Nye cites his first visit to the Hickock farm as taking place on Dec. 9.

Moreover, in contrast to Mr. Dewey, Mr. Nye many times called the book a work of fiction. “I was under the impression that the book was going to be factual, and it was not; it was a fiction book,” Mr. Nye

said in Mr. Plimpton's 1997 book, "Truman Capote."

The KBI documents appear to support what Mr. West, the former prosecutor, has been saying for years: that the KBI didn't act immediately on the Wells tip because Mr. Dewey didn't believe it. "Alvin Dewey pooh-poohed the Wells tip," says Mr. West. "He said Wells was a no-good criminal who had made the whole thing up."

Mr. West, a longtime critic of "In Cold Blood," personifies something that Mr. Dewey said shortly before his death. In an interview with the Garden City Telegram, Mr. Dewey said that the treatment people received in Mr. Capote's book depended on whether he liked them. "I was the luckiest," Mr. Dewey said.

Mr. West, not so much. An unapologetic booster of Garden City—he went on to become its mayor and compose a musical about one of its founders, Buffalo Jones—Mr. West says he found distasteful the awe that the arrival of a famous writer inspired in townspeople, particularly the Deweys.

As lead prosecutor, Mr. West says he treated Mr. Capote as no more important than any other journalist. Mr. Capote, meanwhile, expressed contempt for Mr. West in notes and letters written at the time and now at the New York library. In the book, Mr. Capote mischaracterized Mr. West as an underling to Logan Green, the assistant prosecutor who cooperated with the author. Mr. Capote described Mr. West as a "portly young man of twenty-eight who looks forty and sometimes fifty."

Although the recently surfaced KBI documents support Mr. West's argument that "In Cold Blood" exaggerates the role of the KBI, he nevertheless supports the agency's legal battle to keep the documents from being sold or published. "The victims in the case are the Clutters," he says. "It's time to let them rest in peace."