The Journalist and the Murderer Study Guide

The Journalist and the Murderer by Janet Malcolm

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Contents

Summary

Jeffrey MacDonald contacted Joe McGinniss during his murder trial to offer McGinniss the opportunity to write a book about him. Assuming McGinniss would find him innocent and write his book in support of this idea, MacDonald allowed McGinniss to become a part of his defense team and become a part of his everyday life. MacDonald and McGinniss were always in each other's company during the trial, talking and drinking or going for their morning runs on the beach. The two became friends, or so MacDonald thought, until the release of McGinniss's book, Fatal Vision. With the release of this book, MacDonald realized that McGinniss thought he was guilty and had been lying to him for several years. McGinniss had been presenting himself as MacDonald's buddy throughout the trial and during his incarceration. He communicated with MacDonald through letters for four years and not once during that time did he ever suggest that he thought MacDonald was anything other than innocent. In fact, McGinniss's letters expressed his distress and regret at MacDonald's sentence in emotional and forceful terms.

After the publication of Fatal Vision, MacDonald sued McGinniss for compromising the "essential integrity" of his life through his book. MacDonald and McGinniss eventually settled because a mistrial was declared. However, if it hadn't been for one holdout juror, MacDonald would have won. Malcolm's interest was piqued by the fact that a man convicted for a horrendous crime, the brutal slaughtering of his wife and children, was able to sue a journalist for essentially compromising his identity and dignity. So Malcolm decided to investigate the people and events involved in the two trials and she discovered many things about human nature. She is open about the morally unstable relationship between a journalist and his subject but she reveals McGinniss went far beyond the necessary role of sympathetic listener. She reveals McGinniss took every opportunity to deceive MacDonald and pretend to be his best friend. Thus, it is far more understandable the jury was going to side with MacDonald. Malcolm asserts that although he was convicted of a brutal crime, the jury in his lawsuit against McGinniss ignored that fact because he was punished for his crime. Instead, they focused on the fact McGinniss had won MacDonald's trust and then betrayed his confidence. McGinniss had been a false friend and in the jury's eyes, this was a heinous crime that could not be justified by MacDonald's status as a murderer.

The Journalist and the Murderer examines the concepts of truth and fiction and right and wrong within the framework of Malcolm's investigation into these two people and trials. Malcolm also examines the relationship between the subject and the writer. While she asserts the relationship is inherently imbalanced, with the journalist having the majority of the power, she maintains the journalist has an ethical obligation to a subject. The subject is psychologically predisposed to tell his story to whomever will listen. He sees the journalist as an authority figure and someone who is interested in him and so he feels a kind of comfort that may sometimes lead him to reveal too much. Because of his power, the journalist should be extremely careful never to present himself in a false light or mislead his subject, especially because a close relationship can easily develop

between a journalist and a subject during the interview process. The journalist must always be careful to maintain a professional distance.

The conclusion of Malcolm's investigation makes it clear there is a very fine line between presenting yourself as a sympathetic listener and pretending to be a friend. Malcolm never provides any conclusive proof or opinion regarding the guilt or innocence of Jeffrey MacDonald. The opinions and assertions of the people Malcolm interviews are never supported or finally proven. The only absolute she does assert at the end of the narrative is the absolute of ethical journalism. Malcolm provides no clear definition of ethics, but she does hold the ethics of journalism cannot be situational or gratuitous. Journalists are given a great amount of power, they provide the news and shape the world's understanding of itself, and it is extremely important they hold to a certain code of ethics regardless of their subjects or circumstances.

Pages 1-20

Summary

Malcolm opens her narrative with an examination of the “morally indefensible” relationship between a journalist and his or her subject. She compares the realization of a subject upon the release of an article with the experience of the subject of the Milgram experiment. The subject of this experiment was asked to push a button that would send an electric shock to an individual every time he or she answered a test question incorrectly in order to see if this method would improve learning ability. The actual goal of the experiment was to see if a person caved to the pressure of authority and would inflict pain on another human being. Most subjects continued giving shocks although they knew the other person was in pain, and it was not until after the experiment they learned they were performing in situations comparable to those of the German citizens who participated in the destruction of Jewish populations throughout Europe. According to Malcolm, the horror and mortification of these subjects after realizing the actual purpose of the experiment is roughly comparable to the feelings of a journalistic subject upon the publication of his or her article.

Malcolm introduces the details of the lawsuit of Joe McGinniss by Jeffrey Malcolm, which began in the summer of 1984. Malcolm receives a letter from McGinniss’s lawyer, Daniel Kornstein, after the end of the trial saying the suit threatens journalistic freedoms and lawsuits of this kind would open the door for writers to be sued for writing “truthful but unflattering articles should they ever have acted in a fashion that indicated a sympathetic attitude toward their interview subject” (7). After receiving Kornstein’s letter, Malcolm decides to go interview Joe McGinniss. After a five-hour interview, where McGinniss provides nothing more than rehearsed answers, Malcolm receives a call from McGinniss the next morning saying he doesn’t want to continue with the interviews because he wants to put the memories behind him.

Malcolm provides a background on McGinniss’s work, including a book he wrote entitled The Selling of the President, in which he gives the background on the television campaign of Richard Nixon. McGinniss was able to penetrate the inner circle of Nixon’s advertising team and although he never revealed his exact stance on their techniques, the Nixon team was surprised by the sinister and malevolent depiction of their actions in McGinniss’s book. However, no one attempted to sue. This book brought McGinniss acclaim in many circles but his next few books fell flat. In his book Heroes, McGinniss tells a story about his time as a guest in the home of author William Styron. One night Styron told McGinniss about a rare crabmeat he had imported from Georgia at great expense. Awakening one morning before Styron after a night of heavy drinking, McGinniss decided to take Styron’s last can of crabmeat and create his own original recipe of crabmeat pie. He successfully completed his culinary creation before Styron woke up and Styron was dismayed to discover that McGinniss had ruined his last can. However, the pie turned out to be delicious and things end happily.

Malcolm narrates the meeting of McGinniss and MacDonald in 1979 in Huntington Beach, California. McGinniss learned about the details of the case in which MacDonald had been accused of murdering his wife, Colette, his five- and two-year-old daughters, Kimberly and Kristen, and his unborn child. He was accused of brutally bludgeoning and stabbing his family. At the time, MacDonald was serving as a doctor in a Green Beret unit and was cleared of the crime by an Army tribunal. However, the case was reopened and MacDonald approached McGinniss to ask if he would like to write a book about the trial from the perspective of the defense team. McGinniss was allowed to have total access on the condition he sign a contract to share the profits of the book with MacDonald, as MacDonald's lawyer, Bernard Segal, needed money to pay for MacDonald's defense.

According to Malcolm, the main concern of any journalist is that his or her subject will suddenly decide to cut off all further interviews and that his or her time, effort, and creative abilities will then have been wasted. The main concern of the journalistic subject is to keep the writer listening and interested. Ultimately, according to Malcolm, the writer generally "tires of the subject's self-serving story, and substitutes a story of his own" (20).

Analysis

When Malcolm approaches McGinniss for an interview, she anticipates an equal exchange of facts and ideas between colleagues. She and McGinniss are both journalists and so she has no reason to believe the moral ambiguity generally present in the relationship between a journalist and his or her subject will be present in this case. However, she is surprised to discover McGinniss seems determined to fall into the traditional role of a journalistic subject. Just because he is a journalist does not mean Joe McGinniss is immune to the psychological imperatives of all journalistic subjects. He feels compelled to participate in the masochism of confession and fully open himself up to Malcolm knowing she may portray him in any way she likes. She is surprised to discover he reveals his true feelings and presents himself as a defensive, self-righteous, and scared individual. McGinniss is unable to stop from throwing himself into the role of used and abused confessional subject. He has been badly shaken by the events of the trial and the unsuccessful outcome. He has also been badly shaken by the interrogation of Gary Bostwick, MacDonald's lawyer. His abused ego and trauma due to these events require an utterly sympathetic listener.

McGinniss's actions in the home of William Styron are interesting because they reveal a lack of conscience. He was a guest in Styron's home and yet he felt no compunction in stealing one of his most precious possessions. The crabmeat imported from Georgia was rare, expensive, and also the last can Styron was able to have for that season. McGinniss knew Styron had been saving it for a special occasion, but he decided to do what he wanted with the crabmeat and totally disregarded Styron's feelings or rights of possession. Styron was at first shocked and then angry because McGinniss had knowingly breached the terms of hospitality, stolen from him, and corrupted the delicate flavor of the crabmeat.

Malcolm notes McGinniss writes about the incident in his book with a callous sense of sarcasm and lack of concern. He mockingly says Styron reacts as if he has just caught him making love to his wife. McGinniss is clearly unable to empathize with Styron and realize the event is not just about the crabmeat but about friendship and trust. McGinniss's actions foreshadow his later betrayal of MacDonald and underscore his proclivity towards devious behavior. This incident reveals his willingness to steal and violate in order to create something to serve his own purposes. It reveals his lack of concern for the feelings of others and his total lack of remorse for his transgressions.

Vocabulary

indefensible, vanity, credulous, treachery, comparable, docile, peripeteia, perfidy, obligated, impelled, staunchest, malevolent, juxtapose, opaque, deliberations, libel, tangible, latter, riveted

Pages 20-41

Summary

MacDonald's lawyer, Segal, added a proviso to the contract between McGinniss and his client that released McGinnis from all threat of prosecution providing the "essential integrity" of MacDonald's life story was maintained. The papers were signed and MacDonald and McGinniss seemed to become fast friends. Michael Malley, MacDonald's friend from college and a lawyer for his defense, was alone in his dislike of McGinniss's presence. While he didn't dislike McGinniss personally, he felt his presence violated the attorney-client privilege. Segal solved this problem by having McGinnis sign an employment agreement to become a member of the defense team. However, on August 29, MacDonald was convicted of the slaughter of his wife and three children. McGinniss and MacDonald began a four-year correspondence. Two months before the publication of Fatal Vision, McGinniss appeared on a talk show and said he felt conflicted in his friendship with MacDonald because he had known him to be guilty almost from the beginning of their acquaintance. When asked if he had betrayed MacDonald, McGinniss replied his obligation was always to the truth.

MacDonald was sent to the Terminal Island Federal Correctional Institution near Long Beach, California. McGinniss had not yet begun to interview MacDonald regarding his life before the murder of his family. When MacDonald was sent to prison, he began making tapes narrating his biography and sent them through his mother to McGinniss. It was agreed McGinniss would stay in MacDonald's empty condominium for a week and go through all of MacDonald's papers and files. McGinniss arrived at the conclusion that Eskatrol, a diet pill that MacDonald was taking at the time of his family's murder, induced a state of psychosis in MacDonald, which led him to brutally murder his family. McGinniss decided MacDonald's repressed rage against the female sex broke out when his wife Colette started taking night classes in psychology and threatened his masculine authority in the house. McGinniss also discovered a letter from fellow writer Joseph Wambaugh to MacDonald saying any book he wrote about his trial would be his story and he would have no responsibility to portray MacDonald in any certain way. But McGinniss, for almost four years, continued to con MacDonald into thinking he believed he was innocent and the book he was writing supported this view.

MacDonald did not discover his mistake until an interview on 60 Minutes, during which he was read excerpts of the book in which he was depicted as a psychopathic killer. Malcolm provides an excerpt of a letter from McGinniss to MacDonald in which McGinniss assured MacDonald of his good faith, bemoaned his incarceration, and apprised him of the progress of their book. He also warned him against other writers and publishing houses. Several more letters followed in the same vein as McGinniss continued to manipulate and lie to MacDonald up to the day of publication.

Analysis

Segal's addendum at the end of MacDonald's contract with McGinniss's publisher left the door open for MacDonald to sue McGinniss if he felt his book did not maintain the "essential integrity" of his life story. McGinniss left himself open to lawsuit on several occasions during the production and publication of his book. By entering a business relationship with MacDonald, he essentially gave MacDonald part ownership of the book. MacDonald, also being the subject of the book, should have then had far more control over the development of the book than he was allowed. However, as Malcolm explains, MacDonald's tale failed to hold McGinniss's interest and he created a story and character of his own. This would have been bad enough, but he also continued to assure MacDonald falsely of his sympathy and friendship up until the day of publication. He also lied to him in order to prevent him from talking to any other writers and also prevented any alternative narratives of MacDonald and the murders of getting to the public. This proviso for maintenance of the "essential integrity" of MacDonald's life allowed him to claim a kind of soul murder and sue McGinniss for violation of the stipulations of their contract.

However, even after he had been duped and embarrassed by journalists again and again, MacDonald still continued to do interviews with journalists. He still continued to be almost overeager, inundating journalists with documents and facts regarding his life and trial. Malcolm claims this tendency is universal. When someone is approached by a journalist, a childish trust takes over and he or she reveals every aspect of his or her life. People yearn for sympathetic listeners who will understand their difficulties and explain them to others while defending their actions. And there is an unquenchable hope in people that the sympathetic journalist will do just that. Journalists must appear sympathetic or at least unprejudiced in order to get anyone to talk to them. If they contradict their subject or express opinions that are the opposite of their subject's opinions, then they might not have anyone to talk to. And because journalists appear sympathetic, the subjects are lulled into false senses of total security. They are also afraid their listeners will find them uninteresting and so they impetuously reveal everything about themselves.

McGinniss excused his deceitful behavior by saying he genuinely felt sorry for MacDonald and that he didn't feel comfortable replying to his hope that they were still friends by saying he was an objective observer who couldn't be friends with a journalistic subject. McGinniss was applying societal rules of interaction to a professional relationship. His problems began when he actually became friends, or acted as if was a friend, with MacDonald. He didn't maintain any kind of writer-subject distance during or after MacDonald's trial. He became a character in his own book and so he was unable to claim the authority of authorship with the publication of his book. He wouldn't have been forced to lie and pretend to be MacDonald's friend through the process of publication if he had never become his friend in the first place. McGinniss's problem was a personal and professional failing, not a universal deceit required of all journalists to do their jobs.

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Vocabulary

ambiguous, mantle, fundamental, infiltrator, alternating, savage, repressing, permit, narcissist, exploitative, haughty, deficient, prerogative, conceive, extrapolating, regressive, commiserate

Pages 42-65

Summary

Malcolm introduces Gary Bostwick, MacDonald's lawyer in his suit against McGinniss. Bostwick was a man of average, kindly appearance and good humor and juries loved him. While Kornstein, McGinniss's lawyer, abused his junior associate and came off as snarky and elitist, Bostwick was convincing in his goodness and confidence in the intelligence of the jurors. Kornstein constantly reminded the jurors of MacDonald's murder conviction, a side issue to the present case, causing jurors to think he was attempting to distract or dupe them. Bostwick focused on McGinniss's continued deceit and false promises of friendship. His angle of the moral and personal failure of McGinniss won the jury over. Bostwick made sure MacDonald appeared well-dressed and well-groomed in court so jurors would regard MacDonald's crime and punishment as a thing of the past. Malcolm notes this posturing and presentation of false appearances bears a striking resemblance to the methods of journalists in getting stories out of their subjects, and McGinniss was impaled by his own loquacious letters to MacDonald just as subjects are often destroyed by the writers of their stories.

Bostwick quoted from multiple letters McGinniss wrote to MacDonald, making sure the jury had a complete understanding of his duplicity and status as a false friend. While McGinnis protested Bostwick was oversimplifying matters, Bostwick positioned him as a heartless journalist who used the person and story of Jeffrey MacDonald for his own selfish ends. McGinniss claimed he was just doing his job and Kornstein gathered several members of the writing community to testify to the veracity of this claim. William F. Buckley, Jr. and Joseph Wambaugh both testified the priority of the interview and writing process is truth and any actions taken in the attempt to discover that truth are immune from condemnation or punishment. Wambaugh attempted to create a definitive difference between a lie and an untruth. Their blunt explanations and admittance of the duplicity of journalists simply supported Bostwick's case and made the jury despise all journalists. Bostwick noted Nixon claimed the same defense that lying was a necessity in the pursuit of truth.

The agreement to settle was reached three months after the end of the trial on November 23, 1987. Malcolm questions her failed writer-subject relationship with McGinniss and concludes she was not sympathetic enough. Malcolm is able to cultivate a good relationship with Bostwick so she can look at the files on the case and get the information she needs for her book. She is able to do so because she adopts the persona of a tough, totally truthful journalist who always speaks her mind. She notes that she, Bostwick, and his legal team are aware of this posturing. She also notes McGinniss's confession of this "doubleness" was his undoing but that it is an accurate depiction of the journalistic profession. Malcolm has dinner with Bostwick and his wife on the night of the settlement and Bostwick jubilantly celebrates the methods of his success. Bostwick claims the judicial process is not a search for the truth but a cathartic process of argument.

Analysis

Malcolm notes that more than their trust in Bostwick, the jury was convinced MacDonald was in the right because of their innate need to forgive transgressors. She claims society has a need to punish the transgressor and then forgive the same transgressor. The transgressor represents each individual in society; he does things other people have dreamed about but generally not actually done. Their punishment and forgiveness of the transgressor allows them to punish and forgive themselves and move on. While they generally have not actually committed the crime they have imagined committing, they still feel the need for forgiveness. By pardoning a criminal who has committed the very crime they have imagined committing they are pardoning themselves.

Bostwick won the trial because he presented McGinniss as the true psychopath. He presented him as someone totally incapable of sympathy or empathy. The jurors had already excused MacDonald for his crime because he had been punished, but they could all identity with the idea of a false friend. Everyone has been betrayed by someone they cared about and Bostwick's argument made the case personal. They all wanted to punish McGinniss because he represented all the false friends they have met just as MacDonald represents the punished and redeemed version of themselves.

The jurors resented Kornstein's repetition of MacDonald's crimes because they felt he was insulting their intelligence. They knew MacDonald's conviction had no bearing on the current case and they resented Kornstein's attempt to derail their attention. What they did not realize was Bostwick's claims of the false friend and his attempts to prey on their sentiment were no better than Kornstein's methods. While they were more effective and subtle, they were not better. Bostwick made the jury believe his side of the case through posturing and deceit in the same way that a journalist gains the trust of his subject in order to get a story out of them. Bostwick's jubilation at his dinner with Malcolm is proof of this fact. He retains a certain degree of anger towards McGinniss because he has to see the circumstances in black and white terms. He has to see things in a strictly right and wrong framework in order to make the jurors see it that way. It is only after the case that he can admit doubt and uncertainty. Bostwick even asserts the judicial process is not about right and wrong or truth and lies but about arguing convincingly and effectively. It is about creating the most convincing image or presentation of reality, creating the most convincing lie. He even ironically admits he would never trust anyone claiming to have absolute certainty.

Vocabulary

exceptional, impeccable, innocuous, corollary, preternatural, subdued, persona, epistolary, opportunism, cynicism, cornerstone, misleading, fallibility, discourse, emerge, discomfort

Pages 65-81

Summary

Malcolm meets with MacDonald at Terminal Island and is struck by his grace and composure even though he is handcuffed and held in a cell that is five feet by nine. MacDonald brings sheaves of papers to the interview and talks relentlessly, although he pauses and listens closely to what Malcolm has to say. Malcolm notes his story is prepared and heavily rehearsed. She notices an odd difference between his magnetic physical presence and the "dead, flat, clichéd, unnuanced" nature of his discourse. He uses words like "great," "neat," and "tons."

A few months later, Malcolm is having lunch with MacDonald's Princeton roommate, Michael Malley, and she brings up the oddness of MacDonald's language. Malley admits to MacDonald's failing and cites this issue with his linguistic skills as one of the reasons MacDonald lost his criminal trial. According to Malley, language makes people human and provides an insight into the characters of other people. MacDonald's inability to properly communicate his feelings makes him seem almost inhuman. Malcolm writes to MacDonald asking him about this failing and his fourteen-page reply states he doesn't agree that he has a problem but if she sensed a hesitation it is because every word and gesture of his has been examined, dissected, and misconstrued. He also says he feels inherent that her question is a defense of McGinniss's portrayal of him.

Malcolm comes across testimony from the psychiatrist Michael Stone that makes her regret questioning MacDonald about his speech. Stone claimed MacDonald suffered from pathological narcissism. He had never met MacDonald but after reading the transcripts of MacDonald's tape recordings for McGinniss, he was convinced. He cited MacDonald's speech as disingenuous and fake. There was no feeling or emotion in his speech. However, as Malcolm states, the real aberration lies in MacDonald's normalcy and dullness. While the crime for which he has been convicted is horrendous in the extreme, MacDonald's own narrative is painfully dull and pedestrian. His lack of imagination and interest is difficult for McGinniss, as a writer, as well as Stone, as a psychiatrist, to understand or accept. McGinniss was drawn to this subject because of the heinous nature of the crime, because he would be able to be "inside" on the case, and because MacDonald wanted to be written about. It was not until he began really interviewing MacDonald when he realized he was dealing with a person who was unsuitable for a literary character. So he did what he had to do to make him more interesting.

McGinniss used Hervey Cleckley's The Mask of Sanity in order to support his case. Cleckley developed the concept of a psychopath who suffers from grave mental illness but adopts normal human behaviors through observation. Malcolm looks on this as a simple restatement of the fact people who do bad things don't seem bad. The definition of a psychopath is simply a name for something that is still a mystery. Nothing has been fixed or solved.

Malcolm calls Dr. Stone, who is eager to talk to her. She recalls he had all but agreed to testify MacDonald was a psychopath before even looking at the transcripts. Stone admits he had read Fatal Vision several years before and had formed his opinion of Jeffrey MacDonald from his reading of the book. He tells Malcolm he had his students read randomly selected portions of the transcripts and diagnose the speaker. He says everyone picked up on the fact he was narcissistic. He says diagnosing someone with a personality disorder is often easier if you haven't met them because they haven't had a chance to lie to you. Malcolm argues his experiment was hardly conclusive since it had no controls. Stone argues he could have used interviews with other people or other personality disorders but his study would never have been admitted in court by the defense because they knew it would prove McGinniss right. Malcolm points out the MacDonald Stone knows is a character in a book, but Stone argues this doesn't change his diagnosis. Malcolm asks Stone about the factt MacDonald might have been abused as a child so he was predisposed to violence as an adult. Stone admits the possibility but says he has no sympathy for MacDonald because he is a liar. He says if MacDonald admitted his crime he would at least respect his honesty. Stone ends by saying a psychopath cannot be rehabilitated because "He is a lost soul" (81).

Analysis

MacDonald's explanation for his speech issues seems simultaneously inadequate and sufficient. Like most decisions on morality and truth in this narrative, the issue is murky. Having been examined and cross-examined, interviewed and interrogated, MacDonald would certainly choose his words carefully. If there is a hesitation in his speech this explanation is certainly satisfactory. Any guardedness of manner would also be explained by his ordeal. However, as Malley notes, this deficiency with language has been with MacDonald for as long as he has known him. His inability to convey or express emotion is not a new development. However, this inability does not characterize him as a psychopath and could certainly, as Malley notes, have been one of the main causes of MacDonald's conviction.

Malcolm notes every villain conceals their evil actions and motivations. Every villain attempts to appear good. By Cleckley's definition, anyone and everyone could be a psychopath. Cleckley's definition could also support the opinion MacDonald is not a psychopath. If he was, he would probably do a better job of concealing the fact. He would be far more eloquent and convincing and do a better job of mimicking human emotions in order to conceal his own deficiency. Malcolm suggests McGinniss's depiction of MacDonald as a psychopathic murderer have more to do with McGinniss's desperation to create a good story, make some money, and gain some prestige than with the actual facts of MacDonald's personality.

Cleckley and Stone's definition of a psychopath who mimics human emotion, who lies and cheats in order to achieve his or her goals regardless of the effects on others, sounds more like McGinniss than MacDonald. McGinniss is the one who presented himself as a friend to MacDonald while believing him to be a murderer. McGinniss is the one who said he was going to write a book supporting MacDonald's innocence while

developing a narrative which created a theory of MacDonald's guilt. Cleckley and Stone's definition could be applied to almost everyone involved in the narrative of The Journalist and the Murderer because almost all of the people involved are so self-involved they are more concerned with proving their own theories than considering the facts. They are more concerned with their own reputations than the heinous crime of a murdered family and the conviction of a possibly innocent man.

Vocabulary

poise, sheaf, patter, intensity, interlocutor, relapse, subtleties, traits, peevish, propensity, thwarted, exhibitionist, obscured, ornate, amass, aggrandizement, hearsay, disinclination, ontological

Pages 81-100

Summary

Malcolm meets with Jeffrey Elliot, a writer and professor of African American literature, who was preparing a book about the MacDonald case and had appeared at the McGinniss-MacDonald trial to testify against McGinniss's ethics as a writer. Elliot is totally opposed to the "ruthless expediency" of writers like McGinniss, Buckley, and Wambaugh. He testified this method of interview lacks integrity and professionalism. When cross-examined about an interview he did with Fidel Castro, Elliot admitted he would avoid telling someone like Castro he was wholly opposed to everything he stood for but would not refrain from asking questions or being confrontational just for the sake of the interview. Malcolm remarks it is rare to meet someone as restrained as Elliot is. She notes he presents no gestures of affability and refrains from all friendly overtures. However, due to his profession and his own race, Elliot is sensitive to the abuse of power and was drawn to the MacDonald case after seeing a film version of Fatal Vision on television. While Elliot refuses to admit definitively MacDonald is innocent, he does believe the very least he deserves a retrial. He cites the evidence that was suppressed during the trial as the reason for a retrial. He says one of the reasons he wants to write a book about MacDonald is because of the letter McGinniss wrote to him while he was in prison. Elliot states he does not believe in situational ethics and these letters, at the very least, reveal a horrendous lack of ethical conscience on the part of McGinniss. Elliot says he does not personally like or dislike MacDonald, he simply wants to present the truth of his character and the crime of which he has been accused.

Elliot cites MacDonald's appearance on the Dick Cavett show shortly after he had been cleared by the Army as one of the reasons for his later conviction. During the interview he talked and laughed and seemed to be using the tragedy of his family's murder as a vehicle for celebrity. He also abused the Army tribunal so they were provoked into reopening the case. Elliot explains MacDonald's behavior as a lack of polish and sophistication. He says MacDonald was his own worst enemy on the show, in hiring McGinniss, in trusting McGinniss so completely, and in making him a part of the defense team. Elliot says it cannot be concluded MacDonald is a murderer simply because he is an unlikable person.

Malcolm goes to see Bob Keeler who says he had planned on creating an evenhanded narrative of the events of the MacDonald family murder and Jeffrey MacDonald's character. However, he was unable to get his book published and so he gave his notes and research to McGinniss. He believed MacDonald was guilty and when he discovered McGinniss was writing a book from that angle he decided to give him his notes. When he discovered McGinniss was telling MacDonald not to talk to him and working to keep his book from being published, he felt betrayed. Keeler says McGinniss went way beyond most what most journalists would do in concealing his true feelings from MacDonald. He tells Malcolm he covered the case for ten years and he is proud to say in all that time he doesn't think MacDonald ever knew whether he thought he was guilty

or not. He says a journalist should never volunteer their feelings. Malcolm compares the relationship between MacDonald and McGinniss with her relationship with McGinniss. She concludes in both cases the writer had adopted the point of view of the adversaries rather than their subject. Like McGinniss, she had been drawn to a subject she disliked and had difficulty creating it into a literary character.

According to Malcolm, the writer's affection for his or her subject is paramount for the transformation from life to literature. Malcolm is at first affronted when Keeler presents her with his interview notes, but after reading them she realizes the replies the various subjects give to Keeler are exactly the same as the replies they gave to her. Malcolm concludes while MacDonald is not necessarily a murderer or the psychopathic killer McGinniss made him out to be, there are aspects of the Fatal Vision MacDonald are real. McGinniss did not invent his character out of thin air.

Analysis

Elliot's ability to get an interview with Fidel Castro while not completely avoiding confrontation supports his assertion that McGinniss's behavior was both unethical and unnecessary. There was no argument against or doubt of Castro's madness and yet Elliot did not have to manipulate or pander to Castro in order to get him to speak to him. As Elliot states, he does not believe in situational ethics and although he is not unnecessarily confrontational with his writing subjects, he does not avoid confrontation when it is necessary. This is the happy medium between manipulation and deceit in order to gain an interview and brutal honesty that scares a subject away. Malcolm's own lack of obvious sympathy for McGinniss led him to the decision to stop all interviews. So she altered her approach and adopted the persona of extreme truthfulness when she was dealing with Bostwick. Malcolm's experience proves it is sometimes necessary for a journalist to seem more sympathetic than he or she is but it is totally unnecessary for a journalist to go out of his or her way to lie to a subject or express feelings in complete opposition to the reality of a situation.

The fact that Keeler's subjects answer his questions with the same explanations they gave to Malcolm supports her earlier assertion people simply want to talk about themselves. They are so wrapped up in their own lives, ideas, and stories their audience is totally inconsequential. While the audience might change, the stories and characters of the story teller do not. This explains Malcolm's reluctant conclusion that McGinniss did not entirely fabricate the Jeffrey MacDonald character in Fatal Vision. MacDonald's appearance on the Dick Cavett show and Malcolm's observations of his characteristics foreshadows her realization that parts of the MacDonald character from Fatal Vision exist in the real human being. While MacDonald may not be a killer or a psychopath, he does contain elements of McGinniss's character. McGinniss's inability to like and identify with MacDonald is the source of the fictitious elements of his characterization.

Vocabulary

emblem, ruthless, expediency, irregular, credibility, austerity, flawless, deluged, suppress, calculated, relish, accoutrements, vacuous, decadence, implications, unpolished, illumination, stoicism, vapid

Pages 100-120

Summary

Malcolm goes to visit Daniel Kornstein even though he is not pleased to see her and asks why he sent her and other journalists the letter that began her investigation. Kornstein totally evades her questioning saying he's sorry but he can't answer her. She asks to see his files on the trial and he agrees to consider the idea. Suddenly he asks if she knows anything about him and then goes on to list his professional accomplishments. When Malcolm simply responds by asking him to let her know about the court documents, Kornstein presents her with two books he authored and she never hears from him again.

Malcolm goes to talk to Wambaugh, who talks incessantly about the unfairness of the trial and the threat the case presented to the first amendment rights of journalists. He asserts that Bostwick took the case on contingency and doesn't give Malcolm the chance to correct him. He complains a writer could consult every lawyer known to man and draw up an airtight contract only to find themselves in court because with any amount of imagination or resourcefulness, any lawyer can think of a case for lawsuit. Wambaugh restates his definitions of a lie and an untruth and says that, as a cop, of course he would lie to a sociopath and a murderer in order to get the truth out of them. There is no other way because they won't speak to anyone who doesn't seem to understand them. Although Wambaugh says he draws the line at outright lies, he doesn't seem to notice McGinniss fed MacDonald outright lies in his letters. He blames McGinniss's loss of the suit on the fact that none of the jurors were educated or had ever read a book. He says none of them could possibly understand the kind of contortions required of a person conversing with a psychopath. Wambaugh asserts a book is a living thing and it is the duty of the author to protect the life of that living thing and to do whatever is necessary to preserve that life. Wambaugh says he is not an intellectual, he writes from his guts.

On September 18, 1987, McGinniss appears on Buckley's television talk show with a libel lawyer and expert on the First Amendment. Malcolm is amazed by McGinniss's transformation into a relaxed, excited participant in the broader events of the world. She recognizes this McGinniss from his bragging letters to MacDonald. After McGinniss's easy, eloquent presentation of his case, the libel lawyer wonders how a murderer was able to curry the sympathy of the jurors. They marvel at the jury's ability to separate the facts of the case from MacDonald's conviction and conclude the threat of being deceived holds more weight with ordinary people, who are easily deceived, than their dislike of a murderer.

The jurors themselves explain the mistrial with a different story. Their problem arose because of Lucille Dillon, a juror who refused to deliberate. Dillon was an animal-rights activist who wasn't able to interest the other jurors in her cause. She felt out of step with the others and isolated herself even as they considered her the odd man out. When

they voted in favor of MacDonald she voted for McGinniss and then refused to take any part in deliberations. Malcolm meets Dillon, who explains she liked everyone and thought everyone was a good man but she simply had to side with McGinniss because he was on the side of the First Amendment. While Dillon admits she has never read the entire Constitution, she says what she has read was beautiful and wonderful. She says she doesn't agree with income tax because it is unconstitutional. She also tells Malcolm her current marriage is a financial arrangement so her children won't have to take care of her in her old age.

Malcolm meets Bernie Segal and he tells her about his idea to have a writer working with the defense team because he thought Jeff MacDonald was a sympathetic, caring, decent human being. He goes on to bemoan the unfairness of the judge in ruling out psychiatric evidence. He says he had evaluations from several psychiatrists at the time of the murder and at the time of the criminal trial who declared MacDonald perfectly sane. Malcolm says Bostwick's challenge of McGinniss's book also challenged the fairness of the criminal trial. She honed on to say a Dr. Brussels was supposed to testify for the prosecution but his testimony was ruled out by the judge because he was senile. However, McGinniss quoted at length from Brussels in his book to support his assertion of MacDonald's insanity. It was later discovered through the Freedom of Information Act he was a forensic psychiatrist who had assisted the government in building their case against MacDonald. As Segal tells Malcolm, "Jeff could in fact be guilty, but when a man is convicted at a ruthless, unfair trial, the system is violated, and everyone is less safe" (p 120).

Analysis

Once again appearances play a large role in the perception of truth and reality. Malcolm was ready to see things from MacDonald's side after her encounter with McGinniss because he was rude, nervous, and unprepossessing. He nervously and despairingly repeated his arguments from the trial with no charisma or confidence. However, on his television interview he transformed himself into an assured, confident individual who eloquently argued for his own case. Because he had the appearance of success and confidence, it seemed logical to the other people on the show that he was right and some other element must have interfered with the jury's decision. Gathered together, their feelings of elitism and clannishness have developed to the point that they view the jurors as the Others. The jurors have become the less educated, ordinary citizens who are easily confused and make judgments based on emotions rather than facts. In Abrams words, the jurors were "ordinary citizens--non-lawyers, non-journalists" who don't have the sense to understand the facts of the case from an intellectual perspective. Rather they feel threatened by the possibility of manipulation performed by a more intelligent, highly educated individual. Their fear of manipulation through their own ignorance leads them to judge deceit as more serious than murder. This view of things lends these ordinary citizens an almost animalistic aspect.

Ironically, the only person who voted in favor of McGinnis was also the only person to openly say she voted on instinct. Through Malcolm's narration of the events that

occurred during jury deliberation, it is clear Dillon's decision was based on social interactions rather than a consideration of the facts of the case. She thought McGinniss's goodness just showed, the lawyers were both good men because of a look in their eyes, and the judge was a very nice man. She completely ignored all the facts of the case and based her evaluation of the arguments on the appearances of the individuals. She was rejected and ostracized by her fellow jurors and so she refused to agree with them or allow them the opportunity to change her mind. In order to avoid feeling badly about herself, she decided they were below her and therefore unworthy of any kind of rhetorical exchange. She thought the Constitution was wonderful although she never read it in its entirety and still feels informed enough to argue certain things are unconstitutional. She admits to Malcolm none of the evidence presented in the case persuaded her one way or the other. The information simply continued to confirm her original opinion. She admits she couldn't change her mind.

Vocabulary

weary, advocated, pious, resourceful, malice, obligation, defensive, exuding, constrained, recount, disarm, perforce, relinquish, outset, startled, ferocious

Pages 120-145

Summary

In February of 1988, Malcolm returns to Terminal Island to visit MacDonald. She asks him about a letter from McGinniss he viciously destroyed. She says he methodically crossed out each line as if “striking blows at the defenseless words on the page” (121). For Malcolm, it was the first time she had ever sensed something in MacDonald’s character that resembled McGinniss’s depiction of him. In the letter, McGinniss attempts to break through MacDonald’s reserve by asking him detailed and provoking questions about his sexual relations with his wife. He used the example of his own philandering and failed marriage to gain a sympathetic connection with MacDonald. According to Malcolm, when McGinniss said he was trying to get MacDonald to start talking like a real person, he meant he was trying to make MacDonald into a more interesting character appropriate for a novel. According to Malcolm, literary characters are more universal and generic and the vivid reality of their character is derived from their unambiguous definitions. People are less interesting because they are more complex and unpredictable. The danger of authors like McGinniss and their “nonfiction” books is they make people confuse reality with fiction. MacDonald tells Malcolm about a disturbing letter he received from a couple on vacation in Hawaii condemning him for the murder of his family and the perverted motivations for the murder suggested by McGinniss in his book. As Malcolm goes through the documents related to MacDonald’s case, she realizes “If you start out with a presumption of guilt, you read the documents one way, and another way if you presume his innocence” (127). There is no definitive answer in the material itself. The “reading” of MacDonald himself offers the same results. However, Malcolm notes, anyone who finds both scenarios imaginable usually gives MacDonald the benefit of the doubt. Listening to MacDonald’s recorded tapes, one of the jurors said they began to see things in a new way. There was hesitancy in his voice and a lack of emotion that lead this juror to believe he was guilty. Malcolm also discovers the jurors were assigned to read Fatal Vision by the judge and most of them were left in no doubt of MacDonald’s guilt after reading the book.

In his attempts to develop an interesting story around the banal character of Jeffrey MacDonald, McGinniss seemed to hit the jackpot when he discovered a story that seemed to support his characterization of MacDonald as a man with a temper, a man prone to violence. The story is after MacDonald was exonerated by the Army hearing, a friend of his mother’s came for a visit with her young son. As McGinniss tells it, MacDonald began an affair with his mother’s friend, but the affair was terminated when MacDonald threatened the woman’s son. According to McGinniss, MacDonald became angry with the boy and dangled him by his feet at the edge of the dock, threatening to drop him in. The second encounter was when they were on a boat and the boy annoyed MacDonald who then yelled at the boy and threatened to “crush his skull against the dock” (131). McGinniss tracked down the boy who said he still remembered how scared he was, how he thought MacDonald might kill him, and how he knew at that moment MacDonald was guilty because of the maniacal, hateful look in his eye when he

threatened him. However the boy's mother says she doesn't remember the events happening that way and she simply thought they should leave like any houseguest would when they feel they have outstayed their welcome. She remains friends with MacDonald.

Malcolm has dinner with Michael Malley in the spring of 1988 at MacDonald's urging. Malcolm recalls Malley wrote a review of Fatal Vision in which he recognized McGinniss's dislike of MacDonald as a person and difficulty making him into a character. Like Malcolm, he concludes McGinniss wrote his book as he did in order to create a more interesting story. However, he says, ironically McGinniss cites the reason for MacDonald's murderous rampage as one of the most pedestrian motives possible: an overdose of diet pills. Malley concludes to Malcolm there are no clear facts in the case that support one side of the other. That MacDonald is the only eyewitness and he believes him when he claims he is innocent. Malley talks regretfully about how MacDonald has become a prisoner of his case, his image, and his publicity. He says he has become reserved and cautious. Nothing like he used to be. He can't have real friendships because he can't do anything for himself. He requires some kind of assistance from everyone he comes into contact with. Malley says he doesn't think McGinniss intended to betray MacDonald for money or fame, but McGinniss doesn't know how to be anything but ingratiating. Looking at her correspondence with MacDonald, Malcolm realizes her tone is just as pompous as McGinniss's was. She realizes the point of correspondence is your own reply, not the messages from the other person. Just as MacDonald cannot have a real friend because he has nothing to offer, so the subject cannot have a real friendship with the writer because he needs the writer. However, the entire point and vitality of journalism is the tension between the naive self-absorption of the subject and skepticism of the writer.

Analysis

Ultimately, all the facts of the two separate court cases are murky and the rulings based on ambiguously determined conclusions. The sound of MacDonald's voice and his inability to convey emotion verbally puts him in jail for the brutal murders of his wife and children. The likability of Bostwick contrasts with Kornstein's rudeness to his junior associate in the minds of the jurors and they judge in favor of Bostwick. Malcolm set out to discover the truth of the two cases and the truth of MacDonald's guilt, but she soon realized there is no definite truth. MacDonald is the only eyewitness to the murder of his family and he will be believed or disbelieved based on the preconceived notions of his audience. If they are inclined to believe MacDonald due to sympathy, identification, friendship, or understanding, then they will believe him. If they are inclined to distrust his story because of dislike, lack of understanding, or the inability to identify with him, then they will not believe him. The cases are determined based on who is able to present the best argument regardless of truth. MacDonald was found guilty because the prosecution recognized the inadequacy of his linguistic abilities and what this inadequacy would imply to the jurors. MacDonald lost because his lawyer felt sure no one would ever see him as unappealing or unlikable. MacDonald would have won his suit against McGinniss

because his lawyer was more likable and because the jurors were able to identify with and sympathize with him.

McGinniss's account of the day on the boat conflicts with the memory of the mother. But the mother's recollection conflicts with her son's memory. However, the mother is still friends with MacDonald. As Malcolm concludes, it is almost impossible to discover the truth about anything in either of these cases. Presentation, appearance, and performance have supplanted facts as the most important elements in the construction of a conclusion. It seems as if everyone is, by the definitions of Stone and Cleckley, psychotic. Hardly anyone expresses their true feelings; they merely pantomime the human emotions they believe will make them most sympathetic and believable for their audience. MacDonald's inability to pantomime is what dooms him. Subjects are convinced they are so interesting and their story is so interesting they are always willing to speak to journalists even though they understand the probability they will not like their own literary reflection. Journalists are more interested in their story than the human sources of their stories. Subjects are so convinced of their own wonderfulness they are convinced no journalist could ever write anything bad about them.

Vocabulary

savage, superficial, enigma, dull, consistency, ambiguous, unmediated, idiosyncrasy, callous, chauvinistic, latent, corroborate, ineffective, susceptible, vehement, repudiate, disconcerting

Afterward

Summary

Malcolm notes that writers actually appreciate libel suits because they are a civilized mechanism that prevents displeased subjects from murdering them. She says the rhetoric of advocacy law and its attendant documents provide clients with a sense of total vindication and affirmation. Lawyers argue for their clients with an eloquence and thoroughness a client could never achieve on their own. Malcolm mentions her own experience with a lawsuit in which she read only the documents written in her defense. She notes it is impossible to see another person's view of things in a lawsuit. The world of the lawsuit is the ideal world of good and bad. There are no ambiguous facts or compromises. She notes being sued by a character you have written in a book means you know your opponent intimately because you have studied them and because you have put something of yourself into their characterization.

Malcolm addresses the belief of some that she wrote The Journalist and the Murderer as an expression of a guilty conscience after her own lawsuit at the hands of one of her nonfiction characters. She recalls picking up the newspaper to read she admitted to libeling him. In her words, "It is an unnerving experience to pick up the venerable newspaper you have read all your adult life, whose veracity you have never had reason to doubt, and read something about yourself that you know to be untrue" (151). She says the stain of the libel never truly goes away.

She notes the writer of fiction has more privileges than the writer of nonfiction because the writer of fiction has created original characters and worlds he can do with as he wishes. However, the writer of nonfiction merely rents his characters and has no authority to alter them or use creative license in his depiction of them. Of course there is no such thing as a completely unbiased, factual work of literature or anything else. Writers are artists and they will take liberties with reality in order to create a compelling story whether it is fiction or nonfiction. The very practices of editing, of selecting which information to share, of creating characters and gathering information insure there can be no absolutely objective work of literature. However, fidelity to the basic essence of a speech, a character, or an event is absolutely necessary for any writer, but especially a writer of nonfiction.

Journalists are not supposed to become too involved in the lives of their subjects. They are supposed to be "participant observers." They should be involved only to the point of careful observation and understanding. The relationship between a writer and subject is "inescapably lopsided" because the subject relies on the writer to do something for him. Although subjects may try to manipulate a journalist, that does not give the journalist license to manipulate the character of the subject in his or her writing.

Analysis

We are only interested in facts, documents, and people who corroborate or substantiate our already formed opinions. We read books, listen to music, watch movies, talk to people, and support politicians who agree with our way of thinking. We find it comforting to be agreed with because we like to think there are some definite truths in the world. If the majority of people think something is true, then it must be. We do not like the insecurity of a world that is ambiguous, uncertain, and complicated. Malcolm says literary characters are more interesting because they are not complicated or unpredictable. We enjoy reading about their lives because they are comfortingly predictable.

This is why McGinniss, struggling to create a successful, compelling book decided to make his own character out of Jeffrey MacDonald. He decided to create a predictably evil villain so he could develop reassuring definitions of his evil nature. Like everyone else, McGinniss enjoys clarity and well-defined terms. He wanted to create a story with villains and heroes. Jeffrey MacDonald was a villain because he was a psychopath and this reassures the rest of society because they are not psychopaths. What is ironic about McGinniss's manipulation is that it made him into just as much of a psychopath as his presentation of MacDonald. He played with the life, character, and fate of a human being through his careless words. His only interest was in his own success and monetary gain. Kornstein's method of constantly and irrelevantly reminding everyone of MacDonald's conviction only served to highlight both his and McGinniss's psychopathic inability to feel compassion for MacDonald. As Bostwick says, "Two wrongs don't make a right." Just because MacDonald wanted something from MacDonald and attempted to manipulate him into giving it to him does not give MacDonald permission to tamper with his life or use artistic license in the presentation of his character.

Vocabulary

Not available.

Important People

Janet Malcolm

The author and narrator of The Journalist and the Murderer, Janet Malcolm relates the events leading up to and following the lawsuit of Joe McGinniss by Jeffrey MacDonald, which supposedly threatened the concept of the freedom of the press.

Joe McGinniss

Joe McGinniss is the journalist who wrote Fatal Vision, a book detailing the life of Jeffrey MacDonald and his brutal murder of his wife and children. MacDonald sued McGinniss after the publication of the book, claiming that McGinniss falsely assured him that he would be presented as an innocent man through the novel's narrative.

Jeffrey MacDonald

Convicted of the brutal murder of his wife and children, Jeffrey MacDonald maintained his innocence and sued McGinniss for presenting him as guilty in the book about his life and trial. MacDonald sued McGinniss for lying to him and pretending that he would be presented as a sympathetic innocent man in the book.

Daniel Kornstein

Daniel Kornstein is Joe McGinniss's lawyer who attempted to drum up interest in his case by claiming it threatened established journalistic freedoms. According to Malcolm's research, Kornstein lost the case essentially because he was unlikable.

Gary Bostwick

Gary Bostwick is Jeffrey MacDonald's lawyer who presented the suit as a case of false friendship and was able to present journalists as conniving, heartless, liars who will do anything to get their story. Bostwick won because his angle on the case proved more compelling than Kornstein and the jury found him far more likable.

William F. Buckley, Jr. and Joseph Wambaugh

William F. Buckley, Jr. and Joseph Wambaugh are writers who testified for the defense in the McGinniss-MacDonald trial. Both writers supported McGinniss's assertion that it was acceptable to do anything or tell any lie in the pursuit of truth.

Jeffrey Elliot

A Jewish professor of African American literature, Jeffrey Elliot appeared at the McGinniss-MacDonald trial as a rebuttal witness to the testimonies of Buckley and Wambaugh in order to argue the ethics of journalism. Elliot is writing a book about the MacDonald case.

Bob Keeler

Bob Keeler is a journalist who interviewed McGinniss after the publication of his book. This interview is where McGinniss revealed he thought MacDonald was guilty almost from the first moment of their acquaintance. Keeler considered doing a book about MacDonald but was prevented by McGinniss's warnings to MacDonald that Keeler thought he was guilty.

Michael Stone

Michael Stone is a psychologist used by McGinniss's lawyer in the McGinniss-MacDonald trial to support his argument that McGinniss's treatment of MacDonald was irrelevant because he was a murderer. Stone testified MacDonald was a psychopath and a narcissist.

Bernard Segal

Bernard Segal was Jeffrey MacDonald's lawyer during his trial for the murder of his wife and children. It was Segal's idea to allow a writer into the defense team so that they could use the money from book sales to pay for MacDonald's defense.

Michael Malley

Michael Malley is a lawyer who had been MacDonald's roommate at Princeton and represented him at his Army hearing. Malley also joined MacDonald's legal defense team when his case was reopened in 1979.

Lucille Dillon

Lucille Dillon is the juror who refused to deliberate in the McGinniss-MacDonald case as a result of her social difficulties with the other jurors. Because she refused to deliberate, the case was declared a mistrial.

Objects/Places

Obedience to Authority

Obedience to Authority is the book by Stanley Milgram detailing his experiment with ordinary people and shock therapy in which subjects pushed a button that sent an electric shock to another person every time they answered a test question incorrectly. Only after the experiment did the subjects realize they were being tested and their behavior was comparable to German citizens who participated in the destruction of the Jewish population in Europe.

Long Beach, California

Long Beach, California, was where Jeffrey MacDonald began a new life and medical practice after the brutal murders of his family. MacDonald was living in Long Beach when his case was reopened and the final location of his incarceration was also near Long Beach.

Williamstown, Massachusetts

Williamstown, Massachusetts is the home of Joe McGinniss and where Janet Malcolm conducted her brief but illuminating interview.

The Selling of the President

McGinniss's book, The Selling of the President, described the sinister and malevolent techniques of Nixon's advertising team to make him "appear less awful" on television during his presidential campaign in 1968.

Crabmeat

When McGinniss used Styron's prized crabmeat to create his own concoction, he revealed his willingness to act dishonorably, disregard the common rules of decency, and disregard the feelings of others in order to achieve his own goals.

Fatal Vision

Fatal Vision is McGinniss's book about Jeffrey MacDonald's life and his murder of his wife and three children. MacDonald sued McGinniss for his publication of the book, claiming McGinniss had led him to believe he would be depicted as an innocent man in the work.

Eskatrol

Eskatrol is the diet pill that Jeffrey MacDonald was taking at the time of his family's murder. McGinniss blamed MacDonald's murder of his family on this pill because it was capable of inducing psychosis when taken in high enough doses.

Terminal Island

Terminal Island is the name of the prison where Jeffrey MacDonald was kept in solitary confinement and where he was interviewed by Janet Malcolm.

The Mask of Sanity

The Mask of Sanity is a book by Hervey Cleckley used by Joe McGinniss to support his depiction of Jeffrey MacDonald as a psychopath. Cleckley categorized a psychopath as someone who appears totally normal but suffers from extreme mental illness.

The McGinniss Letters

McGinniss wrote letters written to MacDonald while MacDonald was in prison, assuring him that the book would present a case for his innocence. McGinniss's deceitful presentation of himself as MacDonald's friend in these letters and his later contradictory statements in interviews ultimately bring about his downfall.

Themes

Ethics

Malcolm's book is an attempt to create some definition of journalistic ethics in a world of ambiguous facts and subjective assertions. McGinniss violated journalistic ethics by taking license with his depiction of MacDonald's character and creating a statically evil character that would sell books. Elliot speaks for Malcolm and all ethical journalists when he says "situational ethics" are unacceptable. The world of journalism requires a certain amount of gray area around the concept of ethics. Journalists generally have to attempt to conceal their true opinions and feelings in order to get an interview and write a story. However, McGinniss took this concept much further by actually lying to his subject and presenting false emotions and beliefs. For Elliot, Malcolm, and many others, this is totally unprofessional, unacceptable, and unnecessary. While the book never develops a clear definition of journalistic ethics, the conclusion of Malcolm's research is that ethical journalists must be extremely careful to preserve the essential personality of their subjects and the factual reality of events.

Language

Much of Malcolm's narrative is about the inadequacy of language and the multiplicity of meaning. MacDonald's conviction of the crime of brutally murdering his family develops as a direct result of his inability to express his emotions verbally. When the jurors on his trial hear his recorded statements about the events that occurred the night of his family's murder, they conclude anyone that composed and detached must be guilty. The ambiguous clause MacDonald's lawyer adds to his contract with McGinniss provides MacDonald with the means to sue McGinniss later because he failed to maintain the "essential integrity" of his life in his book. The lawyers in the novel win cases through their effective use of language, regardless of the truth of their arguments. Just as there is no definite, conclusive assertion about the guilt or innocence of MacDonald, there is no definite truth in the arguments of the lawyers. They all simply adopt what they believe to be the most effective persona and angle. The linguistic meanings of the novel are as illusive and ambiguous as the truth of what happened the night the MacDonald family was murdered.

Writer-Subject Relationship

Malcolm asserts the writer-subject relationship is intrinsically imbalanced. The subject needs the writer to tell his story and make his opinions or beliefs known. The subject needs the writer for his cathartic process of confession. Because of this need the subject is willing to enter the relationship with full faith in the writer's ethics and journalistic integrity. But the writer does need the subject. Without the subject the writer would be out of a job. Therefore the writer may, at times, pretend to be more

sympathetic or interested in the subject and their story than he actually is. The writer must maintain the subject as a source in order to complete their assignment or their project. However, there is no question the writer is in control of the relationship and the subject is at the writer's mercy. However, this control does not give the writer license to write whatever he or she pleases or to alter people and events in any major way. Writers have some artistic license in the composition of their work and the even in the transfer of quotations from natural speech to written speech, but they cannot compromise or alter the essential identity of a person or facts of an event.

Styles

Structure

There are divisions between certain parts of the text in the form of spaces and paragraphs, but there are no chapter or part separations. This allows Malcolm to create a flow of information and discovery that develops for the reader as it did for her. Just as one interview followed another, one conflicting opinion, conclusion, or voice followed another for Malcolm, so they flow for the reader. The lack of separation or division also allows the reader to see the work as a whole. For the reader to understand Malcolm's message that the processes of law and journalism, writing and characterization, discovery and understanding are all an ambiguous, subjective whole.

Perspective

Tone

Quotes

Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people's vanity, ignorance, or loneliness, gaining their trust and betraying them without remorse.

The disparity between what seems to be the intention of an interview as it is taking place and what it actually turns out to have been in aid of always comes as a shock to the subject.

The subject becomes a kind of child of the writer, regarding him as a permissive, all-accepting, all-forgiving mother, and expecting that the book will be written by her. Of course, the book is written by the strict, all-noticing, unforgiving father.

What he did not articulate to the jurors but what a reader of the transcript cannot help noting is the (in this case) ironic parallel between the methods of trial lawyers and of journalists. The devastating narrative that Bostwick spun out of McGinnis's heedless epistolary chatter was like the narrative that a journalist spins out of a subject's careless talk during an interview.

Hypocrisy is the grease that keeps society functioning in an agreeable way, by allowing for human fallibility and reconciling the seemingly irreconcilable human needs for order and pleasure.

From Keeler's blue book I learned the same truth about subjects that the analyst learns about patients: they will tell their story to anyone who will listen to it, and the story will not be affected by the behavior or personality of the listener.

The subject, like the patient, dominates the relationship and calls the shots. The journalist cannot create his subjects any more than the analyst can create his patients.

A book is a living this. When you get to the point where you have this entire investment in it, then this book is as much alive as anyone you've ever known--sometimes more so--and you have a moral obligation to protect that life, to not let it die aborning. If I have to tell an untruth to a sociopathic criminal to protect this living thing, to let it be born, then that's where my moral obligation lies.

Patients in analysis sometimes say they feel they are being driven crazy by the treatment. It is the denovelization of their lives, and their glimpse into the abyss of unmediated individuality and idiosyncrasy that is the Freudian unconscious, which causes them to feel this way.

Unlike other relationships that have a purpose beyond themselves and are clearly delineated as such (dentist-patient, lawyer-client, teacher-student), the writer-subject

relationship seems to depend for its life on a kind of fuzziness and murkiness, if not utter covertness, of purpose.

Topics for Discussion

Topic for Discussion 1

Do you believe that what McGinniss did was wrong? What do you think about Malcolm's assertion that the relationship between journalist and subject is always "morally indefensible"? Do you agree?

Topic for Discussion 2

Social interaction plays a big part in the jury process in the narrative; do you agree that this is always the case? If so, does this make the jury process seem more reliable or less reliable? Do you agree with Wambaugh that McGinniss didn't have a jury of his peers?

Topic for Discussion 3

Why did Wambaugh seem to change his concept of his own profession between his letter to MacDonald and his testimony at McGinniss's trial? Was he correct in either case? Do you think the writer-subject relationship can ever be straightforward? Is there any happy medium between scaring away the subject and deceit?

Topic for Discussion 4

What does Wambaugh mean when he calls a book "a living thing" (page 106)? Do you agree with him? Does Malcolm seem to agree with him? What reasons does she give for agreeing/disagreeing with him?

Topic for Discussion 5

What does Malcolm mean by the "denovelization" of people's lives (page 123)? Do you agree with her definitions of novel characters and real people? Do you agree that real people are less interesting than characters in novels? What does this mean for nonfiction? What does this mean for the McGinnis-MacDonald case?

Topic for Discussion 6

Malcolm spends a great deal of time examining the psychological aspects of the writer-subject relationship, but she doesn't seem to have a great deal of respect for psychology as a science. Why do you think this is? Does she explain this possible

contradiction? What does she say about the study of psychology? What does she say about the psychological realities of life?

Topic for Discussion 7

If someone has been convicted of murder, does it matter whether or not he or she is defamed? Does MacDonald's lawsuit threaten the freedom of the press?

Topic for Discussion 8

Is physical or verbal communication more important in the narrative of the novel? Is language ever reliable or capable of expressing the true essence of a feeling or thought? Who is to blame if language is misunderstood for true expression, the listener or the speaker? What assertions does the narrative make about communication?