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Criminal: journalistic rigour, gothic tales and philosophical heft

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Abstract

Like many of the shows in PRX's Radiotopia catalogue of podcasts, *Criminal's* sensibility and sound partake of the US public radio formula made famous by *This American Life*: journalistic rigour and gothic yarns. The show tells "stories of people who've done wrong, been wronged, or got caught somewhere in the middle". But it's moved beyond mere crime journalism to something that aspires to a bit more philosophical heft. Most of the stories unspool through the elegant co-narration between host Phoebe Judge and each episode's central protagonist. The effect is almost always seamless, thanks to the expert mixing of Rob Byers, and the painstaking interviewing and editing process necessary to produce a coherent and tonally appropriate narrative. While we get the *who-what-where* details upfront, the *when* is not as clear, a key distinction between the daily crime beat of a journalist and the story-first imperative of non-fiction narrative podcasting.

This review focuses on the first eight episodes to air after the milestone 50th landed in 2016, listening for signs of how the show is evolving as it matures and moves into its next fifty.

Keywords

crime; non-fiction narrative podcasting; gothic yarn; public radio; audio storytelling; Phoebe Judge

Criminal, a podcast series from the Radiotopia network (www.radiotopia.fm) and PRX (Public Radio Exchange)

Host: Phoebe Judge

Produced at WUNC North Carolina Radio, USA

Audio and information: <http://thisiscriminal.com>

Criminal: journalistic rigour, gothic yarns and philosophical heft

Review by Jason Loviglio

At the end of 2016, *Criminal* closed in on a milestone: 50 episodes. Like many of the shows in PRX's Radiotopia catalogue of podcasts, *Criminal's* sensibility and sound partake of the US public radio formula made famous by *This American Life*: journalistic rigour and gothic yarns. Which is not to say that *Criminal* is a knock-off. Its approach to crime reporting is relentless in an entirely different way than *This American Life* spinoff, *Serial's* was. Instead of pursuing a single case for an entire season, *Criminal* tells the story of a different crime in each episode. More precisely, the show tells "stories of people who've done wrong, been wronged, or got caught somewhere in the middle". That's casting a wide net and co-founders and producers Lauren Spohrer and Phoebe Judge (and recently hired producer Nadia Wilson) take advantage of that breadth. In the process, they've moved beyond mere crime journalism to something that aspires to a bit more philosophical heft. Original artwork by Julienne Alexander adds distinctive nuance.

Criminal favours the cold-open, which plunges listeners right into the story with a recorded actuality featuring the untutored voice of a witness, a victim, or a criminal. Phoebe Judge, the show's host, cuts in with exposition and context. A minute in, after you're hooked, she intones in her hushed, insistent way: "This is *Criminal*." The effect is not dissimilar from the aural palate-cleansing "doink doink" sound effect used by *Law & Order* to evoke the clanging of a jail cell door. Judge's training as a public radio journalist lends a sense of objectivity, if not immediacy, to the description of the crime. While we get the *who-what-where* details upfront, the *when* is not as clear, a key distinction between the daily crime beat of a journalist and the story-first imperative of non-fiction narrative podcasting.

Most of the stories unspool through the elegant co-narration between Judge and each episode's central protagonist. The effect is almost always seamless, thanks to the expert mixing of Rob Byers, and the painstaking interviewing and editing process necessary to produce a coherent and tonally appropriate narrative. Jessica Abel's graphic 'documentary comic' work, *Out on The Wire*, features Ira Glass describing the exhausting and repetitive and sometimes manipulative nature of the work necessary to produce the actuality needed to tell a story.¹ For those of us habituated to what I have called the US "public radio

¹ *Out on the Wire: the Storytelling Secrets of the New Masters of Radio* by Jessica Abel, 2015. <http://jessicaabel.com/out-on-the-wire/>

structure of feeling,”² Judge might seem inaccessible, even opaque. Unlike narrative non-fiction audio hosts like Glass and *Serial*'s Sarah Koenig, and *Radiolab*'s garrulous duo of Jad Abumrad and Robert Krulwich, Judge's on-air persona is subordinate to, rather than intimately mixed with, the subject matter itself. What Judge lacks in affect, she makes up for in steady plotting and unflappable competence, which may be more valuable companions for a show that traffics in tragedies.

For this review, I focused on the first eight episodes to air after the 50th, listening for signs of how the show is evolving as it matures and moves into its next fifty. This batch brings some innovations, like a pair of two-part episodes, which suggest more ambitious reporting, deeper investigations. They also allow for just a bit more of the allusive, meandering storylines that prize serendipity over the formal predictability and procedural plotting we expect from crime journalism. These two-parters require listeners to listen in the proper order, a break from the non-serial modularity that characterises so many of the shows in the Radiotopia catalogue (an exception is *Strangers*, which features occasional autobiographical mini-series by Lea Thau and which counts on listeners to remember the protagonists of previous episodes in occasional reunion shows.). Another notable feature of these two-part episodes is that they stray from the show's focus on a crime, to follow a pair of remarkably unflappable women through years-long journeys in which they investigate and overcome a series of traumas. In these episodes, crimes serve as the stage upon which these women, amateur sleuths both, solve the problem of their lives.

The first set of paired episodes, *The Money Tree* and *The Checklist*, feature Axton Betz-Hamilton, a woman who discovers when she's in college that her deceased mother had led a bizarre double life for decades, which she financed by stealing Axton's money, credit, and identity, and those of her father and uncle. In a cold open, she describes an idyllic Mid-Western childhood on a farm, a narrative promise of horrors to follow. Axton speaks in the clear, matter-of-fact address of someone well-trained in helping navigate listeners through a tangle of personal and legal details. We discover by the end of "The Money Tree" that her pursuit of this financial and family mystery led her to a dissertation on child victims of parental identity theft and an academic career. As Judge puts it, she "made identity theft her life".

With such an articulate protagonist and such a bizarre family crime, Judge's decision to keep mostly quiet, except to suture together the narration with bits of context and sequencing, seems a winning strategy. In the space of that narrative quiet, I couldn't help but ventriloquise what I imagined would be Glass' philosophical generalisations about "family mysteries" or some such. Or Krulwich's reflexive skepticism and deferral to an "expert" external to the tale to science it up. Or Koenig's introspection. *Criminal* represents a salutary trend in US public-radio style podcasts away from self-conscious narration without going so far as to imitate the bland frosty competence of the BBC presenter of old. Judge has wisely exported her distinctive sensibility to an online advice column, *Phoebe, Judge Me*, which crackles with dry wit and occasional snark. The website is conveniently hosted by Radiotopia sponsor SquareSpace.³

The Checklist follows Betz-Hamilton into her academic career, which is inextricably tied to her attempt to understand her mother's crimes, double life, and most astounding of all, her

² "Public Radio in Crisis." *Radio's New Wave: Global Sound in the Digital Era*, Jason Loviglio and Michele Hilmes, eds. (New York: Routledge, 2013).

³ <http://phoebejudgeme.squarespace.com/>

lack of remorse on her deathbed. She settles on psychopathy as an explanation, which takes Judge into the realm of psychology and inner states of being, the well-trod territory of the public radio structure of feeling. She enlists author Jon Ronson, who has already talked about the diagnostic survey for identifying psychopathy on *This American Life*, to weigh in. In what is likely to reassure a significant portion of *Criminal's* audience, Ronson argues that “anxiety is the neurological opposite of psychopathy”. It is precisely this insight which reassures Betz-Hamilton that she, while remarkably analytical and unemotional in recounting—and studying—her own mother’s crimes, is no psychopath. She is an admirable and interesting protagonist, but the connection to her story and the deep-dive into the intractable, untreatable problem of psychopathy begins to feel forced as Ronson takes over the episode. He recounts the story of a failed therapy, involving a roomful of naked psychopaths tied together and under the influence of LSD. Unsurprisingly, this treatment proves unsuccessful, though it does give some psychopaths the ability to more successfully “fake empathy” in later criminal activities. This ironic coda, with its pessimistic take on human nature and whimsical send-up of earnest do-gooders, is straight out of the *This American Life* playbook.

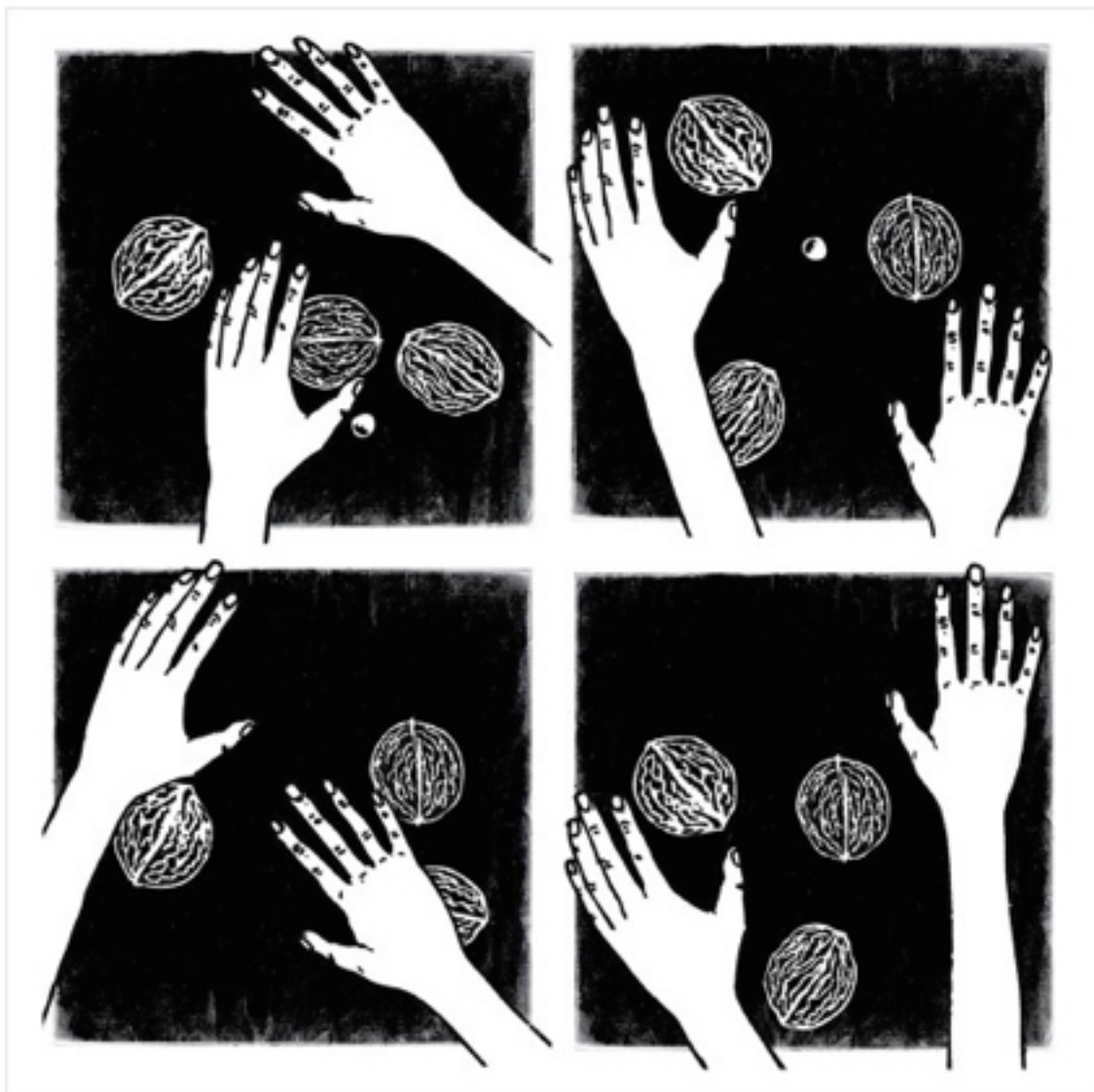
The next pair of episodes, *Melinda and Judy* and *Melinda and Clarence* work a bit better together. They follow the journey of Melinda Dawson, a woman remarkable for her courage and determination in the face of family trauma and for her guileless narrative style. Once again, her talent for storytelling is also, I suspect, a testament to the virtuoso reporting, interviewing, and editing of Judge and Spohrer. There is also something shaggy and unformed about these stories that testify to the chaotic nature of real life, rather than to the gem-like coherence of so many non-fictional podcast narratives. What begins as Melinda’s search for her biological mother, a likely victim of an unscrupulous baby mill, turns into a bone-chilling murder and a dogged and improbable search for justice. Children separated from families at birth, switched babies, missing fathers, and other unsolvable family mysteries are themes plied over and over again on other podcasts and in other media, so it was both a relief and a shock when the story lurched down a darker path. That may sound harsh, but early on, I began to worry that the story was veering into the exploitative and maudlin terrain made popular on US television by the likes of Maury Povich. Just as that thought formed in my head, Judge played a clip of Melinda and her mom interviewed years earlier on *The Maury Povich Show* and my heart sank. But I soon realized that the *Maury* clip functions as a pivot point for the episode, when a predictable story and mode of storytelling gives way to something else.

In *Melinda and Clarence*, we begin to see the remarkable resourcefulness with which Melinda is able to unravel a murder mystery and single-handedly reconstruct her family. Her amateur sleuthing is remarkably sophisticated and cinematically gripping. (There has been talk of a movie in the works). The story ends with Melinda turning her attention back to her search for her biological mother, a needle-in-the-haystack challenge that I am convinced Melinda could actually pull off. I’ve rarely met as remarkable a character in a non-fiction audio documentary. By the end of this second two-part story, I began to understand what had lured *Criminal* into this break with format and telling these longer character-driven stories. Axton and Melinda, like Judge and Spohrer, are detectives of the hard-boiled variety. They get shit done.

With “The Shell Game,” *Criminal* turns away from the gothic family mystery towards the quirky feature, a welcome change of pace that demonstrates the flexibility of the crime theme in these producers’ hands. Exploring the origins of the sidewalk con known as the “shell game” (a variant is “Three-Card Monty”) takes Judge to the Magic Castle in Hollywood, a fifty-year old private social club for magicians housed in a century-old

Victorian mansion. Portraits of great magicians from history lining the walls, nightly seances calling forth the shade of Harry Houdini, and tributes to Jefferson Randolph “Soapy” Smith, legendary master of the shell game, evoke an otherworldly, elegiac feel. Once again, Judge has found a reliable co-narrator and tour guide, Pop Hayden, who she describes as “one of the best shell game players in the world.” Once again, she keeps her reactions muted as they explore the elegant *demi-monde* of the Magic Castle and its ageing *habitués*. While I am usually a sucker for historical context, the interview with Catherine Spude, an anthropologist and historian who wrote a book about Soapy Smith, moves the story out of the Victorian romance of the Castle without providing a compelling explanation for his enduring mystique. She suggests, for instance, that Soapy’s notoriety had a lot to do with his choice of growing a beard at a time when they weren’t in style. Pop’s closing bit on the enduring appeal of the magician as a trickster, and the joy of outsmarting a stronger opponent, scored with a reassuring tinkling banjo underneath, links the story of the shell game to something more enduring.

Episode 55: The Shell Game



“Don’t Let Me See You in *The Whirl*” is another story that demonstrates the show’s impressive breadth. *The Evening Whirl* is a seventy-eight year-old, African-American-owned weekly newspaper based in St Louis, Missouri, that serves a largely African-American audience. It mostly covers crime and is unabashedly pro-police. The editorial policy assumes the guilt of the accused and features playful alliterative headlines that make light of violent crimes and due process alike. It traffics in sensationalism and scandal but seems to have been motivated, when it launched in 1938, by the notion of public shaming as a means of social control: “There’s power in naming and power in shaming” reads the legend on the cover of each edition. Judge discovers that there is an odd kind of pride among many who find their names in *The Whirl*, a neat irony that hints at larger tensions and contradictions in the institutions of the news media, the justice system, and the lived experience of many racial minorities in St. Louis. Again, Judge opts for straight reporting here and for alternating between her own narration and the actualities of her interview with *The Whirl*’s editor. We don’t learn much about what makes the man tick, nor do we get to dwell for very long on how the racial politics of *The Whirl* bump up against the politics of the Black Lives Matter movement in St. Louis.

“Everyday Genius” features two slight and unrelated stories, an attempt at light-hearted fare to mark the end of a tumultuous year. The first story, told by comedian Dave Holmes is an amusing and satisfying encounter with phone scammers. But it doesn’t have much in common tonally with anything else on *Criminal*. Holmes has the polished delivery of a standup comic and it’s clear he has told this story many times. The second piece features Caroline, an octogenarian retired lawyer recalling the time ten years earlier, when she had to borrow a stranger’s bra to be allowed entrance into Angola, the notorious maximum security prison in Louisiana, to visit a man convicted of an unusually violent sexual assault. Caroline has the potential to be yet another extraordinary and flinty heroine but Judge is never quite able to crack her open. She is diffident and vague when Judge tries to get her to explain her empathy for this particular convict. And at the end of the story, when Judge offers that she might not have wanted to get her bra back had she lent it to someone, Caroline observes tartly, “Not everyone thinks the way you do”. It’s a funny place to end the program, and it serves as bracing corrective to the easy intimacy we’ve come to expect from myriad non-fiction podcasts whose quarry is the once-elusive human heart.

“Walnut Grove” is a classic of the muckraker tradition. It explores and exposes a hidden world in which evil and injustice are aided by the fact that they are hidden from public view. This is journalism’s most important function and it is well-served here. Walnut Grove, a private prison in Mississippi for juvenile offenders, is a hellscape of violence, sexual coercion, unaccountable guards, and a feckless and corrupt administration. The program takes a multidimensional look at the institution and its many stakeholders, including the small businessmen and women in the town, whose fortunes rise and fall with the prison’s. The lack of the voices of inmates stood out, though Michael McIntosh, the father of a savagely beaten teenaged inmate, tells his story in a very affecting cold open. Judge’s expertise in trading off which parts of the story to tell and which parts to let the interviewee tell, serves her incredibly well here. Her reticence to put herself in the story to cue the audience about how to feel at any given moment is also effective. McIntosh’s account of a weeks-long search for his son before tracking him down by prisoner number rather than by name, in a hospital, is infuriating all on its own.

Judge lets Jody Owens, of the Southern Poverty Law Center, tell the story of the eventual investigation with its horrific findings, subsequent lawsuit, and the ultimate federal sanctions that lead to the closure of the prison and the end of the government’s contract with GeoGroup, the corporation that was paid by the state to operate the facility. Owens

also lays out the racial imbalance of Mississippi's prison population, an important context often underplayed in audio non-fiction aiming for "universal" appeal. Judge knows when to speak up too and she does so in the closing moments of the episode. In full gadfly mode, she points out the limited nature of the victory. She stands in the eerie quiet in the centre of town with Jeremy Belk, a former Walnut Grove employee, after the prison has closed, as he describes the toll on the economy of losing its biggest employer. She visits with McIntosh again to learn that his son is still recovering from his injuries and struggles with memory loss. And she reminds us that Geo Group and CCA, another private prison operator, are publically traded companies whose stocks we might well own in our mutual funds. Judge tempers the optimism that greeted the Obama administration decision to move away from private management of federal prisons with the news that stocks for these two corporations skyrocketed the day after the presidential election thanks to candidate Trump's statement that "privatization seems to work". I want to hear more of these types of stories in *Criminal's* next 50 episodes as there will be more muck to rake and more of us caught "somewhere in the middle" of the high crimes and misdemeanours to come.

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