

“Let's Work out the Details”: Interrogation and Deception in Prime Time

By

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ABSTRACT

This essay is a literary and cultural examination of how practices of police interrogation have been adapted to prime-time American television, specifically on the police drama *N.Y.P.D. Blue*, co-produced by screenwriter David Milch and former N.Y.P.D. Detective Bill Clark. Whereas most scholarship focuses on the *Miranda* threshold and the presence of coercion in interrogation, my emphasis centers on police deception, and the creative process that produces its representation. Using the model provided by Pierre Bourdieu, I argue that the collaboration between Milch and Clark--the meeting of rival professional "posts" and "dispositions"--fashions a dramatic technique with a strikingly contemporary import. Rather than expressing a classically conservative ethos, I argue interrogation on *N.Y.P.D. Blue* helps construct the ideological coherence of a current sensibility more appropriately termed "post-liberal": a post-liberal realism, aesthetic and political, in which a self-image of cosmopolitan frankness, personal growth, and pluralistic tolerance has ostensibly been shaped by a new fatalism about the need for law enforcement.

INTRODUCTION

For the past few years, as a literary and cultural historian, I have been writing about what might be called the “contact zones” between the different forms of metropolitan policing and modern American cultural representation (C. Wilson, 2000). Or, as Stuart Hall and his Birmingham colleagues (1978) once put it, I have been exploring the mutual reciprocities and reinforcements between journalists, creative writers and filmmakers on the one hand, and police authorities on the other. In the United States, this tradition has a reasonably long history. It extends from political relationships between crime reporters like Lincoln Steffens and Police Commissioner Theodore Roosevelt in the Mulberry Street police station of the 1890s; through columnist Mark Hellinger's night in a police cruiser that became the basis for *The Naked City* (1948); to David Simon's year as a police intern that led to the making of the True Crime book *Homicide* (1991) and its N.B.C. television series; and, more recently, to the adaptation of Cold Case detective squads to literary nonfiction, television, and the Internet (C. Wilson, 2004). Of course, as Hall's comment suggests, these intersections have long been of interest to scholars across the disciplines. Therefore I was probably not alone when my interest was drawn to a book entitled *True Blue: The Real Stories Behind N.Y.P.D. Blue* (1995), co-authored by A.B.C. screenwriter David Milch and his chief collaborator on this series, former N.Y.P.D. homicide detective Bill Clark. Although at first blush merely a behind-the-scenes book for devoted fans, the text actually has a good deal of material for

those interested in the intersection of legal norms, law enforcement practices, and aesthetic rationales in the production of mass media. With Milch's voice appearing as the framing interlocutor of Clark's experience, the memoir claims to have rendered a faithful (true blue) picture of police work on prime-time TV through a deeply fraternal partnership. A partnership forged especially, or so *True Blue* tells us, by the sharing of secrets about police interrogation.

The topic was a particularly timely one. In the 1990s, as the legacy of *Miranda v. Arizona* (1966) once again came under public scrutiny, interrogation scenes seemed to become the centerpiece of police melodrama on prime time television. On *Homicide*, plots often pivoted on what the series called "The Box," a sterile, rectangular interrogation room with a spare metal table, two chairs, and the customary two-way mirror. On Dick Wolf's *Law & Order*, these rooms established a relay between police work and criminal prosecution--and, on the spin-off *Criminal Intent*, a performance zone for the perverse genius of chief interrogator Robert Goren (played by Vincent D'Onofrio). But it was arguably on Milch and Steven Bochco's *N.Y.P.D. Blue* where the dramatic possibilities of such a space first became so central. In the 1990s, *N.Y.P.D. Blue* also became a powerhouse in the 18-49 demographic, was celebrated repeatedly by the Emmys, and was often praised by police officers themselves.¹ Milch, for his part, brashly asserted that the heart of his show's success came from its focus on interrogation. The series "tries to point to a kind of dirty secret that is at the heart of our culture," he said in one interview. "What we want the police to do is make sure the criminal is put away by any means necessary but to lie to [people] about how the confession is obtained so [they] don't have to give up [their] illusions" (Eigen, 1996).

To many, of course, that *Miranda* is habitually circumvented on TV is hardly a secret. Even New York Police Commissioner William Bratton (2000) has voiced his concern over *N.Y.P.D. Blue*'s apparent indifference to due process. Like Constitutional experts and police analysts, media scholars have long been (and rightly) concerned about the presence of coercion in interrogations, and whether cop shows' indifference to these matters undermine public respect for law. Because these shows present due process rights as technicalities hampering police work, and show us officers with deeply moralistic approaches to crime, cop dramas usually seem, as one critic has put it, fully "resonant with conservative political ideology" (Crew, 1990, p. 32; see also Siegel, 2003). However, what I will argue here is that this traditional interpretation might also constrict our understanding of the current state of interrogation, and may misconstrue the ideological effects that result from its representation on TV.

We may also unintentionally flatten our rendering of the collaborative processes behind this representation. That is, it has often been easier to describe how *Miranda* is undermined by police melodramas--which it surely is--than to explain how doing so is consistent with the often-liberal outlook of these shows' creators. As a result, we may mistake the reasons behind the appeal of these shows to the young, cosmopolitan, often well-educated audiences they cultivate. Prime-time producers like Bochco, or Milch, or Wolf, after all, present themselves as opposed to the right wing and Moral Majority on behalf of free speech and greater sexual frankness (for instance, in the scandalous puns of its episode titles). They are often praised for their hip, seemingly pluralistic casts, and few shows seem more candid about everyday racism. As Robert Handt (1997) has argued, *N.Y.P.D. Blue*'s defense of free

speech has gone a long way towards establishing its liberal image in the public eye. Moreover, whatever we think of the brutality of these shows, the curious fact is that David Milch was singled out on three different occasions in the 1990s for awards from the Catholic Humanitas Foundation, while Dick Wolf ardently defended his resistance to censorship and underlined his support for the Brady Bill.² In the following, I mean to explore how we might understand these ideological claims to liberal affiliation rather than dismiss them out of hand.

My second objective, following the lead of legal scholars, is to demonstrate that the crucial dimension of *Miranda* violations these days is not physical coercion, though certainly a legitimate issue in its own right. Rather, I will focus on the prevalent practice of police deception: the battery of tricks and ruses police commonly use to conduct interrogations of criminal suspects. Despite the declaration of the U.S. Supreme Court in *Dickerson v. United States* (2000) that *Miranda* has become "part of our national culture" in part because of its pervasive recitation on TV, many scholars feel that *Miranda* has actually been circumvented by police routines and court decisions for some time now. More to the point, in everyday police interrogations, nearly 80% of suspects actually waive their *Miranda* rights after having them recited to them (Leo, 1992). Moreover, because deception often introduces a narrative dimension to interrogation, the difference has real consequences for understanding storytelling in prime time. After all, as Richard J. Ofshe and Richard Leo (1997) point out, a confession is not solely an admission of guilt (the "I did it") that closes a case. Rather, a confession is a narrative, one that takes ownership of and explains a crime, a retrospective tale that can be shaped by cues and prompts generated by police interrogators' deceptions. This element is precisely the dimension of police work, I will argue, that collaborations like the one recreated in *True Blue* began to adapt to television in the mid-1990s.

Obviously, we should not assume that *True Blue* provides anything like an unmediated account of the creative process it describes. On the contrary, my subject is the mediation, the negotiation that is both represented by *True Blue* and in the "telling occasion" (Stone, 1982, p. 154) of the book itself. My first section thus attempts to define my terms, and describe how consulting Pierre Bourdieu's theories of cultural production might help us explore the contact zone (or, in Bourdieu's terms, the "cultural field") recreated in *True Blue*. By examining the interaction between Milch and Clark--between a highly educated, Jewish American novelist and former Yale University writing instructor with a criminal episode in his background, and a taciturn, Irish Catholic, working class cop and Vietnam veteran--I mean to explore the common ideological ground they establish in creating a mutually satisfying representation. My second section then examines Milch and Clark's creation of interrogation scenes as such. While I discuss several episodes, here I look closely at a representative script from the 1998 season. In my final section, I elaborate on what it means to say that *N.Y.P.D. Blue* may have helped to construct not a classically conservative ethos, but a sensibility more appropriately termed post-liberal: a liberal realism in which a self-image of cosmopolitan frankness, personal growth, and pluralistic tolerance has ostensibly been chastened by a fatalism about the new necessities of law enforcement. I also conclude by suggesting the limitations of this sensibility.

TERMS AND DISPOSITIONS

Although I have intentionally given the phrase "post-liberal" a cultural inflection above, the term currently appears in a variety of critical contexts. In the social sciences, broadly speaking, it has often been applied as an historical term, referring to the decay or dismantling of the welfare state or social-service sectors in U.S. and European democracies in the aftermath of the Cold War, and the new prominence of crime or security-consciousness in social policy debates (see, for instance, Arditì, 2003; Davis, 1990; Ehrenreich, 2000). In the United States, the conventional historical markers have been the breakup of the Vietnam war, the migration of working-class voters away from the Democratic Party, the new visibility of deindustrialization and Rust belt cities in the 1970s, and the rollback of legal standards set by the Warren and Burger Supreme Courts (of which the whittling of *Miranda* rights is only one part). In law enforcement, the disintegration of a traditional liberal consensus was especially pronounced, as new inroads were made in the areas of order-maintenance or community policing, preventative surveillance and risk management, and greater reliance on mandatory-minimum sentencing and incarceration (Harcourt, 1998; Kelling & Coles 1996; C. Wilson, 2000; J.Q. Wilson, 1985). Citing the work of David Garland, Jonathan Simon, Richard Ericson and many others, Stuart Scheingold (1999) has offered perhaps the most succinct definition of the new post-liberal turn. He itemizes three features:

- Advanced capitalist societies are burdened by a variety of problems that marginalize increasingly large portions of the population and significantly restrict the state's capacity to govern.
- While effective governance is increasingly out of reach, states in advanced capitalist societies have developed diffuse, insistent, mutable, and, by some accounts, insidious iterations of disciplinary and punitive power. These capabilities are increasingly deployed as repressive surrogates for governance, that is, governing through crime control.
- Governing through crime control has dramatically transformed criminal processes in ways that transcend the familiar struggle between liberal and conservative policies--or, to use Herbert Packer's classic formulation: between the due process and the crime control models. . . . (Scheingold, 1999, p. 864).

While Scheingold's synopsis of the term post-liberal focuses necessarily on the integration of the private sphere into crime control, his emphasis on criminal procedure is, of course, highly relevant to interrogation techniques. As is, in turn, his understanding that the political mood of post-liberalism is defined by the ethos of "learning to live with crime" (p. 866). That is, of a fatalism so characteristic of television shows like David Milch's, that often have "Blue(s)" in their title.

Why not, however, rely instead on the more familiar term "conservative" to describe this recent ethos? In many political debates and law-enforcement situations, especially where enlisting citizen cooperation and vigilance is so vital, this rival term will indeed still be relevant. But in regard to crime control, the classical notion of a conservative as someone who wants to limit state authority increasingly seems inapt. As political theorists like Sheldon Wolin (1989, p. 185) have been arguing for some time, "the complexity of the current

situation lies in the paradox “that, in recent years, state power has often been enhanced by those who “publicly professed an abhorrence of [it].”

It is not only that signature experiments in public-private cooperation in crime control--prison privatization, the security zones known as Business Improvement Districts (see Kelling & Coles, 1996), or even community vigilance groups--often extend or enhance governmental authority while seeming to supplant it. Prominent order-maintenance policing theorists and practitioners, moreover, do not, in fact, always rely on classically conservative, moral principles for crime or punishment. Instead, they rely on pragmatic, actuarial, risk-assessment recipes.³ And finally, while the public rhetoric of back-to-basics moral rectitude and zero tolerance issues forth in many locales, law enforcement has in fact turned increasingly to secret and morally grey tactics like undercover work (Marx, 1995), to greater use of criminal informants (Curriden, 1991), and, again, to deception in interrogation (Brooks, 2000; Leo, 1992; Leo & White, 1999; Skolnick, 1982; Young, 1996).⁴ Any full account of these practices, therefore, must account not only for the ideological pronouncements of police officials or mayors, but for the outlook and temperament of the post-liberal citizenry that “learns to live” with these practices. To use Bourdieu's term (1992), we must account for that citizenry's “disposition.”

Bourdieu's formulations, in fact, provide a useful guide for understanding the outlook on criminal justice in *True Blue*. Packaged much like a fan's scrapbook, the memoir at first glance seems to offer little more than a quite familiar account in which a celebrated writer offers inside dope to justify his exploitation of a police-consultant's experience (cf. Sterne, 1998). David Milch, the framing voice of *True Blue*, indeed digresses into seemingly gratuitous and self-serving stories of race-track horses, or spats with actors and sponsors. At one point he even admits to having cut corners in order to establish the character (“Bobby Simone,” played by Jimmy Smits) abruptly brought in to replace original star David Caruso:

With nothing like the two years available we'd spent imagining [Caruso's character of] John Kelly,” [Milch confesses,] “. . . we tried to conceive of a character who would only permit himself to be known slowly and after shared experience had generated trust . . . whose life experience had left him emotionally foreclosed and inaccessible (Milch & Clark, 1995, p. 141).

In passages like these, Milch seems commercially-minded and cynical, almost indifferent to the task of capturing Clark's experience.

However, if we see the contact zone re-staged in *True Blue* as something akin to Bourdieu's field of cultural production, we might consider even this initial by-play as part of the creative negotiation. As Bourdieu might suggest, a collaboration like that between Milch and Clark is shaped neither by sheer commercialism nor by ideological unanimity. Rather, the cultural field of TV production partakes of the shaping influences of what Bourdieu calls “posts” or professional positions. For Milch, this influence means pressures from actors or sponsors or networks, and his own aesthetic demands. For Clark, it means influences from police commanders or crime victims and other civilians. Meanwhile, the collaboration also involves a negotiation of rival “dispositions”: not simply personalities or ideologies, but

professional sensibilities generated by religious training, or social upbringing, class experience, education, and so on. In Bourdieu's model, dispositions evolve because they are developed reciprocally with posts, and vice versa. Therefore, any given fund of knowledge (say, of interrogation) from a given professional field (like policing) is not simply mined as raw material (as, for instance, for screenwriting). Rather, a representation must often be developed through improvisation, and sometimes even unconsciously, during the creative process, in a way that is mutually satisfying to both partners. Because each thinks of his profession as a field with its own rewards, certification processes, and institutional capital, as well as a matter of internalized duty and satisfaction, cultural producers rely not on fixed ideological principles as much on a second sense or "feel for the game", which lends them a sense of autonomy and self-worth. In the contact zone recreated in *True Blue*, there is therefore, the simultaneous sense of gaining cultural legitimacy through collaboration, but also losing oneself in the game. This sense is a mixture of conscious strategizing, intuition, and also what Bourdieu calls "in-difference," a shutting out of the world outside the cultural field as such (Bourdieu & Wacquant, 1992).

For his part, then, the Bill Clark presented in the book offers much more than job expertise. Rather, he imports into the field a narrative of working-class dedication in the post-liberal moment. Principally a homicide investigator throughout his career, Clark was a Vietnam veteran who had risen quickly in the aftermath of the Knapp Commission hearings in the early 1970s. Following that Commission's revelations of police payoffs and vigilantism on the N.Y.P.D., central division cops had been promoted over more entrenched precinct officers in new anti-corruption policies. In many ways, that is, his career reflects the post-liberal turn in policing, in its reaffirmation of professional integrity, loyalty to one's partners, and the love of vigorous crime-busting, all of which reformers following the Knapp Commission Report (1972) had laid claim to (Lardner & Repetto, 2000; C. Wilson, in press). Public employment, in his mind, is in fact compared to military service: after trying more lucrative work in private security, Clark returned to his original calling with the help of fellow reservist Ray Kelly, at that time New York's Commissioner of Police. Aside from casting him as a blue-collar hero, *True Blue* works hard, in fact, to connect Clark's approach to policing to the aftermath of Vietnam, in a way that resonates with much of the institutional memory of metropolitan police in the last fifteen years. Today's police managers, of course, speak of restoring the cop to the community in the wake of a Vietnam-era paramilitary approach, or of taking us Beyond 911 (see Kelling & Coles, 1996; Walker, 1984; J. Q. Wilson, 1985). Appropriately, then, Clark's professional ethos is conveyed in *True Blue* through the retelling of a dark memory he has of fellow soldiers defacing the bodies of slain Vietcong. Clark instead gave such bodies a decent burial. "I found one guy's wallet and he had pictures of his family and so forth same as I would, and a library card," Clark says (Milch & Clark, 1995, p. 59).

This renewal of public service is not fueled simply, in Clark's case, by an ideological or even moral conservatism. Instead, *True Blue* presents us with matters of disposition to match the post described above: we encounter the deeply private, reticent awkwardness of Clark's outlook, a mixture of an Irish, taciturn wit, cop mistrust of outsiders, and what the text casts as working-class propensity for roundabout comparisons. His style is not, in other words, L.A.P.D.-style, brash and paramilitarism, but a more restrained and blue collar outlook. Thus, what originally seems a closed or inaccessible temperament offers, in fact,

subtle comparisons between everyday cop labor and the mundane dimensions of TV writing. For example, when Milch describes his problems with network censorship, Clark talks about "bosses" hard to work for, on "the job" (the slang term for police work). When Caruso creates problems on the set, Clark talks about similar frictions between detective partners and the nuances of not intruding on someone else's case. Some comparisons are more oblique. For instance, after Milch tells Clark about pinning his hopes on a racehorse, Clark tells a grim story about a sodomy-murder, and a child's body he has been forced to see. The victim's parents are irredeemably bereaved. Of the horse's promise, Clark can only say pessimistically, "Yeah, well, I hope it works out for you" (Milch & Clark, 1995, p. 25). Again, much of the fatalism Clark lends to these conversations reflects not a simple conservatism, but an artisanal outlook criminologists like Jerome Skolnick have long identified with police work, and is currently under revival. As Skolnick (1966) famously demonstrated, cops often demonstrate a desire to administer justice personally, drawing upon their experiential fund of guilt and innocence. They often speak not only of their recurrent exposure to human depravity, but of a fatalism derived from the feeling that they know someone is guilty but are often unable to prove it. The interrogation room, the place prior to court processing, is one of the sites a blue-collar policeman can momentarily assert control. Conversely, "lawyering up" (asking for a lawyer, a *Miranda* protection), not only connotes the intrusive presence of the law itself, but the arrival of its unwelcome white-collar representatives.

This law-and-order ethos might easily seem quite different from the sensibility that David Milch brings to the creative collaboration, that of a Yale-educated liberal, experienced in Hollywood, and in fact a former drug abuser. However, as Milch narrates his own life story, we can see that he uses the encounter with Clark as a way to modify and chasten his prior disposition and field knowledge to create a new post-liberal sensibility. Much as in other texts with an informant and an interpreter, the differences between Milch and Clark in *True Blue* only serve to set the stage for a subsequent ritual of initiation. Even potential class differences with Clark are adroitly turned into a way of affirming an emerging fraternal bond. Above all, echoing Clark's fatalistic, foreclosed and inaccessible disposition, Milch introduces the roots of his own, more recent philosophy: an ethos not of liberal excess or elitism, but of personal, silent endurance and work-centeredness he claims to have recovered from his father and from his college mentors.

This code bears significantly on an obviously-changed attitude towards crime. On the personal front, first of all, we discover that like Bill Clark, Milch's father had been a silent, hardworking man of immigrant roots: a Buffalo surgeon of Jewish descent who had escaped his family's ties to organized crime. Specifically, he recalls his family's ties to Meyer Lansky during the mob boss's rise in the years following Prohibition. Milch reveals family memories of pool halls, nightclubs, and race tracks, all of which recall Lansky's own economic diversification through crime (Fried, 1980). These seemingly trivial items acquire new significance. Together, as the interrogation scenes will ostensibly show, Milch and Clark claim to discover a shared understanding of a criminality, as they would put it, "gotten over" in their own backgrounds. Thus, though that father was also a former drug abuser and a lover of racehorses, Milch casts his father as an example of personal salvation through "the job," a lesson the son has followed. Just as we do on Clark's behalf, we hear several accolades from clients about the professional dedication of Milch's father, all of which serve to erase the prior

taint of criminality. A circle is closed through the son's posting in television: Milch buys a racehorse with his Humanitas prize money, admitting now that the role of lead *N.Y.P.D. Blue* detective Andy Sipowicz (Dennis Franz), a former alcoholic, is modeled on both his own father and Bill Clark himself.

These views of crime might seem to have little to do with the aesthetic knowledge Milch brings to the collaboration from his prior Yale posting. But this moment of conjunction is where Bourdieu's thinking becomes pertinent again. In the cultural contact zone, Milch integrates his appreciation of Clark into high cultural humanism: specifically, by relating Clark's ethos to the example of his former mentor, the novelist and critic Robert Penn Warren, and to that mentor's Romantic philosophy about the role of the imagination. Calling up Warren's ideas about the inevitable narrative conflict between a character's ability to learn through the passage of time, Milch says that the work of writing allowed "your spirit to grow. It's your bridge to humanity" (Milch & Clark, 1995, p. 144) and to transcending your own limitations. As Warren (1974, p. 21) had himself written, "the high function of technique" is "a growth in integrity, literally a unifying of the self, of the random or discrepant possibilities and temptations of experience." The importance of this credo for grasping police work becomes apparent when Milch is stung by accusations, after one of those Humanitas awards, that he could not understand the experience of his black character, precinct captain Arthur Fancy (James McDaniel). Milch disagrees:

My point was that a commitment to craft had allowed me to overcome any deficit of emotional commitment I might have to Fancy's character. I described how, as I was writing . . . I began to feel Fancy come alive in my imagination, to speak with the same sort of specificity and out of the same depth of passion as Sipowicz and other characters to whom I came more easily . . . I said that the opportunity to enlarge our spirits through pursuit of our craft was one of the blessings of our profession (Milch & Clark, 1995, p. 197).

"Fancy" is itself a Romantic keyword for imagination, but Milch gives his own approach a more somber, fatalistic mood. By these and other references to Warren, to Henry James, and even to George Santayana, that is, Milch writes that empathy and a commitment to craft allows one to address what he calls gaps or wounds in one's own experience. This belief is, we now gather, supposedly the philosophy the Humanitas prize recognized, an ethos of ethical self-cultivation and personal growth with, as David Lloyd and Paul Thomas (1998) point out, long associated with liberal ideals of citizenship. Still liberal, Milch is also chastened by his empathy for police blues, and for a homicide detective, we might recall, whom *True Blue* also cast less as a warrior than as a wound-dresser. As we shall see, Clark's particular memory of Vietnam will in fact resurface on the series itself.

THE MAKING OF INTERROGATION SCENES

The contact zone I have described above, between Milch and Clark, re-stages a political encounter in largely social, cultural, and dispositional terms. It suggests neither a simple capitulation to commercial demands nor a meeting ground of shared or simple conservatism; rather, *True Blue* charts the accommodation of a liberal-humanist sensibility,

metropolitan and professional, to a police ethic that is more precisely blue-collar, artisanal, and populist. Forged in a shared reverence for labor and a desire to "get over" on criminality, this shared disposition is seasoned by a historically-shaped need to redress the community distrust of police during the post-liberal moment, and yet also learning to live with crime. But threaded through this story is another one, about Milch's literary initiation into Clark's experience specifically in interrogation. In *True Blue*, the "bright line" of *Miranda* becomes like a threshold of naiveté that Milch himself, and by inference his audiences, must cross. Therefore, although he begins by expressing a concern about the presence of brute force in interrogation, it soon gives way to a fascination with the techniques of deception.

When he first meets Bill Clark in a diner, Milch already senses that the cop is an intensely devoted, private, even obsessive man, bringing what we later learn is a subtle threat of violence beneath the surface of his work. They begin by discussing the murder of one Kathleen Farley, brutally attacked by an addict and his brother in her own home. Clark soon initiates Milch into interrogation tactics by admitting that he withheld information about Farley's medical condition so as to convince the brothers, separately, that she would still be able to testify. Clark actually begins by allowing them to claim that this crime was "essentially a burglary that went wrong," and all the while "minimizing the seriousness of what these guys were looking at" (Milch & Clark, 1995, pp. 8-9). Here, Clark's use of the *N.Y.P.D. Blue* phrase "looking at" speaks not only to their prospects, but to his own suspicion, and what he is therefore allowing them to see. In short, the phrase signals Clark's quite adroit control of information in order to draft a confession.

It is not that *Miranda* warnings or coercion are irrelevant to this opening gambit. On the contrary, staging his liberal concern, Milch confronts Clark with news reports that the brothers' defense team had tried to exclude the confession from the trial on the grounds it had been coerced. Screenwriter and cop subsequently have a testy exchange about whether, generally or in this instance, a cop would use force. Clark says:

They did it [they were the killers]. Now, has it ever happened a cop laid hands on a guy to get him on record telling the truth? Where a guy is guilty and the cop knows it--he's got witnesses like this skel's brother who've told him what happened but who might not stand up in court or even be around, and the cop knows a confession is the only evidence that doesn't go away, or that some smart-ass lawyer can't turn upside down--has it ever happened a cop laid hands on a guy to get him to tell the truth? Yeah, that's happened.

Did I beat Richard Kolomick?" Bill looked me in the eye. "No," he said. "I didn't beat him" (Milch & Clark, 1995, pp. 10-11).

Clark confesses to the general practice while claiming that no use of force took place in *this* case. Or does he? Here is where *True Blue's* re-education actually begins. At first, it seems as if Clark is really just drawing a preliminary boundary with Milch, testing the screenwriter while being roundabout in the extreme. This initiation, in fact, was later recreated on *N.Y.P.D. Blue* itself, between cop partners Sipowicz and Simone in the 1994 episode "Simone Says."

Of course, the threat of force is always present, and sometimes used, but focusing on physical force alone is precisely what Milch must un-learn.

Discussing another case, Clark continues the re-education by describing an interrogation where he locked the door and said to the suspect that, if he failed to confess, "I'm going to beat you till you beg to die." Certainly there is no question about coercion, and Clark concludes by saying that, "with that, eventually the guy went." Milch, of course, seizes upon "eventually," and points out to us that this conflict was precisely "the subject that had stopped our conversation earlier." But now, he tells us, "Bill and I knew each other better" (Milch & Clark, 1995, p. 83). And so Clark explains:

Understand something [Clark says] ...a lot of these guys have stood beatings their whole lives. Your only goal is making the guy understand you're serious with what you're saying, and you're going to accomplish your purpose . . .

[There's] a crucial time for the interview, when you're coming to the truth. The five other robberies had no violence, so my guess was it actually was the driver's trying to protect himself that had moved this guy to kill him, the driver's grabbing for the weapon and so forth. So that's the point in the room the guy may come to feel, if he gives up what actually happened, for the first time since the interview started he won't need to be figuring angles anymore, plus getting to say he isn't a bad guy, he hadn't gone out that night to kill this driver. At that point you'd really want to reestablish in the guy's mind that's the way he should go. You reestablish your seriousness, with getting his attention, and emphasizing he should tell the truth.

"You might hit him then." [Milch says.]

Something, again, to bring home your position, your willingness to keep on with this lousy-feeling environment, [Clark responds.] Raising your voice might be enough (Milch & Clark, 1995, p. 84).

In this confession, the substance of which was written into the episode titled "Tempest in a C-Cup" in 1993, Clark now rather amorally considers beatings only in terms of their efficacy: they establish the basic parameters of a coercive environment a guilty man would want to escape (and, as many critics have legitimately pointed out, also an innocent one).

With this overall approach, deception is a key tool in acquiring leverage over the person in the "Box," as we often see on the show. In Episode #109 (1998), entitled "Seminal Thinking," Detective Greg Medavoy (Gordon Clapp), disgusted over a senseless rape of a homeless woman, constructs an elaborate set of lies about DNA evidence that forces a pimp to confess, while Sipowicz and Simone coach a hopelessly digressive witness to narrow his testimony to their needs, and eliminate his obviously self-protective lies. Interrogation deception often moves in several directions at once. In Episode #133 from 2000 (titled "Loogie Nights"), the detectives demonstratively usher a beat cop up the precinct stairwell, to

create the illusion he is about to testify against his partner in an alley beating. Once in the interrogation room, the beat cop is then maneuvered into hearing his partner implicated by another witness. It might well be argued here, indeed, that *Miranda* protections actually work both to make the threat of a beating into a deception itself (and a dramatic tension), or to make deception a necessary recourse, because beating is theoretically prohibited (Deborah Young [1996] has, in fact, argued that the *Miranda* decision itself enabled such a move by allowing courts to side-step the widespread countenancing of interrogation deception at the state level).

Nevertheless, there is an additional dimension here that Clark wants to emphasize beyond simple leverage. Traditionally, we might think that force or physical coercion is the sole weapon in Clark's interrogation arsenal. Once again, Milch stages this more classically-liberal anxiety for us. In the long passage above, however, it is not only that Clark actually says that raising his voice might just as easily do the trick. Moreover, it is his argument that the threat of force is more like an option or even a premise of the performance, something that can be used, among other things, to demonstrate the interrogator's own implacability. Moreover, the general thrust of the threat, he tells us, is to supplement the deception: the opening created by reassuring the suspect that "he isn't a bad guy", that the shooting was accidental, and that agreeing with the cop would be nearly tantamount to telling the truth, whether it would or would not. Moreover, the principle of deception controls the outcome (the confession narrative). In the Farley interrogation, Clark gets one brother to implicate the other. In the second case cited above, Clark hides the fact that he is a homicide officer, then builds up a link to the shooting through retracing a series of robberies. He feigns confusion over different stories about a crime; he lies about his own thinking; he creates imaginary legal outs for his suspect. He tells one suspect who has flunked a polygraph that "he'd better get in front," and go with the "robbery-went-wrong" story and "never meant the violence to happen" (p. 178). As Clark puts it so bluntly, but so deceptively, "I went with remorse" (Milch & Clark, 1995, pp. 178-9). However, perhaps the most misleading method, which Milch says he used in the thirty-first episode of *N.Y.P.D. Blue* (1995), is Clark's playing the role of the "thick-headed" white-ethnic cop. This pose is the exact opposite of what he is. Through *True Blue*, we see that he is replacing his own only-apparent reticence with very adroit story-telling.

To give a fuller sense of how this ethos is transposed to the show, we can focus more closely, among many possibilities, on the story idea by Milch and Clark that became the episode "Prostrate Before the Law" (1998; indeed, I have selected this episode only because it offers the fullest range of the interrogation deceptions the series routinely displays). In this episode, a badly burned male body with a bullet wound is found in a van on a parking garage roof. Four friends of the victim, a group of ex-marines who have been seen on that roof by a reluctant eyewitness, are all brought into the stationhouse. There, the *N.Y.P.D. Blue* squad splits the gang up into one-on-one interrogations, or what the show prefers to call "interviews." The suspects soon spout the Second and Fourth Amendments back at detectives; one even resists making a statement by citing the protections of *Miranda*. Yet far more tellingly, suspects are paired with detectives according to a preliminary scan of their own intolerance and personal weaknesses: the flirt with a female detective, an apparent racist with a nonwhite cop. The interviews quickly generate only smart-aleck rejoinders by each suspect, and we start to see that the group is actually a white supremacist cadre from outside the city.

That fact proves important to the dramatic structure of the show. By a careful foiling to the criminals, the police restate their commitment to a more cosmopolitan or metropolitan pluralism.⁵

Soon, however, the squad marshals a series of interrogation deceptions now all too familiar to legal experts: trapping the suspects in a lie, pressuring them with threats of acquiring police records the squad has actually already seen, letting the suspects huddle up and write statements so that the squad can acquire incriminating handwriting samples. But one ploy finally breaks the suspects' resistance:

SIMONE: I'm absolutely ready [if] this turns out some gang of black or Puerto Rican kids went up on you guys on the roof. Everybody runs but Neil [the victim]. And you guys leaving your friend to get killed, well that all fits the facts. But until we hear it coming from you, well we got to treat you guys like possible perpetrators.

SUSPECT #1: Yeah, that's it...that's how it happened . . . Detective here worked out all the rest in his head.

SUSPECT #2: That's eerie, man, chapter and verse.

SIMONE: Let's work out the details.

In truth, Simone's version is not what these criminals have done, which was to abandon the man they had killed and disfigured. Meanwhile, the cop is clearly playing to their own racism. Once the suspects' individual statements do not converge, the N.Y.P.D. squad rousts their hotel room, confirming that they are actually a white supremacist group that has executed one comrade as a security risk. The squad then gradually convinces individual suspects to inform on one other (one, by being misleadingly promised mitigating circumstances though he had pulled the trigger). Again, the collaborative, cross-ethnic partnerships of the police precinct are foiled to the cadre who has abandoned one of its own.

Interrogation, then, really is the linchpin of a quite complex performance within the precinct's larger fraternity. To be sure, this performance can create a farcical rendering of selfsame liberal objections we might voice to the scandalizing of *Miranda*. On *N.Y.P.D. Blue*, the interrogator sometimes sarcastically mimics a defense lawyer who has actually been excluded from the interrogation scene, thus offering a defense that, well, is really not a defense. Or the interrogator plays the friend who covers for you, or knows you have been betrayed, or takes your side. (In Episode 27, "Simone Says" [1994], one detective tells a child abuser he is a "family man" too, in order to make it seem, erroneously, as if, by confessing, the entire matter can be referred to counseling and not to the courts.) And perhaps most tellingly, like a mock therapist or social worker, the cop sometimes allows the suspect to say he has been pressured by his environment into the crime. In one double homicide, Clark deceptively sympathizes with a perpetrator who says he only had a gun because of how dangerous his neighborhood was ("I said I understood that," Clark intones [p. 173]). Repeatedly, the cop (like his screenwriter partner in *True Blue*) gets to project himself into, and then perform, the lax conscience, the rationalizations of the suspect himself, the permissive framework that supposedly told the criminal that what he did was not so bad.

On the other hand, these performances are precisely what allow us to see how consent is engineered, re-made in process, rather than constructed from a prior political position. Because it is improvisational, the interrogator's routine often ricochets out to any available target, and the dramatic results are not always so predictable in simple ideological terms. For example, the interrogator often serves up a morally conservative solution for the suspect (often "being a real man"), offering it as the suspect's only potential saving grace. Of course, it often proves to be the very thing that traps him, just as racism and selfishness trap the cadre on "Prostrate." At other moments, the Box becomes a stage for an improvisational routine for ethnic and class crossover, allowing a working-class citizen, through verbal adroitness, to "get over" on criminals and lawyers alike. At times, the sheer claustrophobia of the interrogation room reverberates back upon the investigators, who find themselves uncomfortably present to human despair, the pain of crime victims, wounds they are powerless to heal by their long day on the job. These are the "blues" of police work, a fatalism about how things "work out" in the fraternity of falsehoods into which the "perp" is only temporarily enlisted.

CONCLUSION: POST-LIBERALISM AND ITS LIMITS

Milch and Clark's obvious relish for the improvisational fictionalizing of police deception should be enough to remind us that neither their book nor Clark's accounts of real cases should be taken as the unvarnished truth. My own literary and cultural approach here is thus, necessarily, very partial. My attempt to update our understanding of *Miranda* on *N.Y.P.D. Blue*, by introducing the resurgent place of deception in interrogation, may not be enough to set aside the large body of criticism that emphasizes the essentially conservative bottom line to police drama generally. As many readers know, existing scholarship on these shows commonly insist that, whatever their liberal aspirations, Hollywood producers are nevertheless overwhelmed by the demands of advertisers, by recurrent moral panics over crime, or by the needs of melodrama itself (Quinn, 2002; Rapping, 1994). Despite its veneer of metropolitan *savoir faire* or contemporary realism, police drama is said to betray its roots in the genre of the Western, and, more generally, in anti-institutional, extralegal, and even vigilante philosophies that have long preferred brute force to the rule of law.

These arguments have a long lineage, and should be taken seriously. Nevertheless, *N.Y.P.D. Blue* actually draws more upon genre roots not in the Western, but in the police procedural, an urban, precinct-based idiom often intent upon humanizing the police officer (C. Wilson, 2000). As Larry Landrum (1994) once observed, this genre is more intent on assembling a cross-ethnic "city within the city" that counters the threat of an anarchic outside world. Thus the pluralism of this precinct house may have a more strategic, cosmopolitan ideological role, right now, that is traditionally attributed to it. As I have tried to suggest in my reading of "Prostrate Before the Law," the particular positioning of the *N.Y.P.D. Blue* precinct house--a cross-ethnic, egalitarian squad as defeating a militaristic white-supremacist cadre from outside the city--confirms a political subtext quite reassuring to its audience demographic. In the implicit connection to Bill Clark's own experiences with comrades mutilating bodies, *N.Y.P.D. Blue* works to un-write Vietnam, through what film historians call the foxhole pluralism of war movies, resurrected in many popular forms in recent decades (cf. Jeffords & Rabinovitz, 1994). Meanwhile, this demographic subtext might actually be best suggested by the practical realities behind Milch's crusade for the right to show partial nudity

on the series. On the one hand, the well-publicized fight works, as I have suggested, to establish both Milch's liberal credentials, just as the network can appear to assert its independence against a conservative watchdog group. But as even Milch admits in passing, one of the reasons the network finally surrenders to his demands is that broadcast television has been losing viewers to adult-oriented cable. In other words, what looks like a network defense of Milch's professional and liberal credentials actually allows the network to secure its diminishing market share.

Of course this post-liberal pluralism has identifiable limits. Women are rarely if ever granted the interrogator's powers I have sketched above; they can do so only by edging their way into the masculine bravado relished by Milch and Clark's mutual initiation. Nor is Milch's humanist insistence that he can transcend the boundaries of racial difference persuasive, as many of his critics have already said (Braxton, 1994; Edwards, 1994). The fact is that Milch can only pull off his account of the powers of interrogation by maintaining a silence or race-blindness about the races of the cop or the perpetrator to begin with. The cop becomes capable of narrating a perpetrator's own story for him.

But before we too quickly attach the label "conservative" to these ideological effects, we might do well to consider what William Ian Miller (1998) has suggested in a not-so-unrelated context: that some aspects of retributive justice imagined in popular forms are actually enacted in the name of the state, not in opposition to it. Here, echoing the accommodation Milch himself has learned, the state (the cop) is hardly a thickheaded agent of brute force or simple moral rectitude; nor does the Box dramatize a receding state so often deemed the goal of classical conservatism. On the contrary, as having learned from the liberalism that conservatives so often scandalize, the state is conceived as an intrusive force, itself akin to a writer of virtually unlimited imagination, able to see into criminality, mimic its rationalizations, and then enlist those self-deceptions in the criminal's own capture. Wolin's paradox is thus very much on point. To Milch and Clark, in fact, their own bond of empathy around "understanding" criminality informs the imaginative power their drama lends to the state. The cops and criminals had a mutual understanding that, Milch says in one interview, transcended the "bullshit" lawyers introduced into the confession process under *Miranda* rules. "A cop knows where the crime began," Milch said, "he knows what was in the guy's mind" (Schiff, 1997, p. 10). The direction in which such thinking might head, moreover, is suggested in what the supremacist cadre in "Prostrate Before the Law" has been planning: a terrorist bomb plot.

Milch or Clark's anticipation of the anxieties of our current security climate should not be overdrawn. Such a plot element may be little more than a flavoring of relevance drawn from the headlines of Oklahoma City or the World Trade Center bombing of 1993. Yet, in their fatalism about power and justice, in their relish in "getting over" on criminality and lawyers alike, and in their turning of *The Box* into dramatic domestic entertainment, Milch and Clark's partnership might ultimately be most true to our blue moment. Milch's confession, at least, is of a post-liberal politics that seems not to have been coerced.

NOTES

1. For police officers' support of the show, see Absher (2002); on critical views, Siegel (2003) and Sterne (1998).
2. Some twenty-five years in existence, the Humanitas prizes were launched by Catholic priest and producer of Paulist Productions, Father Ellwood Kieser (Wintz, 2001). The prize recognized TV shows that expressed the 'search for meaning . . . for freedom, for love, for human dignity, for unity with all our fellow human beings.' For his views on the Brady bill, see Wolf (1997).
3. The clearest example is James Q. Wilson's (1985) targeting of low-level repeat offenders and his emphasis on mandatory sentencing, on the possibility that "severity is the enemy of certainty and speed" (p. 135).
4. Simply for purposes of space, I am forced to refer readers to the extensive documentation on police acceptance of these tactics. A summary of the literature is provided by Slobogin (1997).
5. Police precincts on TV are commonly more diverse than in real life: contrast Landrum (1994) with Barron (1992).

ENDNOTE

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Interrogations are usually done in an accusatory, guilt presumptive process and not in an objective environment. So they begin with a definite bias – not like a court proceeding which operates with a presumption of innocence. It’s also vitally important that confessions to crimes be corroborated in some way that verifies their truthfulness.