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### Mr. District Attorney: The Prosecutor During the Golden Age of Radio

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# MR. DISTRICT ATTORNEY THE PROSECUTOR DURING THE GOLDEN AGE OF RADIO

David Ray Papke

THE signature lines of popular radio and television series resemble the written signatures of individuals. Both types of signature symbolize something larger and fuller, and both attempt to suggest positive and appealing characteristics of the source of the signature. A forceful, masculine voice delivered the signature line of *Mr. District Attorney*, the most popular drama concerning a prosecutor from the "Golden Age of Radio." "Mr. District Attorney," the voice said and millions of listeners mentally echoed, "Champion of the people, defender of truth, guardian of our fundamental rights—life, liberty and the pursuit of happiness."

What was the series symbolized by this signature line? What was the image of the prosecutor it proffered? After surveying a range of prosecutor portrayals in American popular culture of the inter-war years, this article will introduce the medium of radio in which *Mr. District Attorney* aired. The article will then discuss and interpret the show's form, audio techniques, and characterization, all with an eye to recapturing the series and explaining its great popular success. Might the cultural handwriting expert discover meanings beyond those suggested by the show's famous signature line? How might a consideration of *Mr. District Attorney* help us critique other more recent pop cultural works featuring portrayals of the prosecutor?

## I. POP CULTURAL PROSECUTORS OF THE INTER-WAR YEARS

Historians often point to the widespread commercialization of American life and the development of a consumer culture during the 1920s.<sup>1</sup> American industry of the period increasingly turned toward the production of consumer goods, and ubiquitous advertising urged the population to spend their expendable income on these goods. Popular culture constituted a major variety of consumer goods, and not even the economic deprivation of the Great Depression was enough to turn Americans away from the consumption of popular culture.<sup>2</sup>

In the earlier periods of American history, prosecutions had routinely been pursued by private parties who felt themselves to have been victims of crime, but in the course of the nineteenth century, especially in the larger cities, public prosecutors assumed responsibility for initiating criminal cases.<sup>3</sup> As Steinberg

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1. DANIEL HOROWITZ, *THE MORALITY OF SPENDING: ATTITUDES TOWARD THE CONSUMER SOCIETY IN AMERICA 1875-1940*, at 135 (1985).

2. See JIM CULLEN, *THE ART OF DEMOCRACY: A CONCISE HISTORY OF POPULAR CULTURE IN THE UNITED STATES* 152 (1996).

3. SAMUEL WALKER, *POPULAR JUSTICE: A HISTORY OF AMERICAN CRIMINAL JUSTICE* 70 (2d ed. 1998).

points out in the preceding article in this symposium, urban prosecutors' offices then acquired increased power and respectability during the early decades of the century, as individual prosecutors attracted public support with their ostensible crime-busting activities.<sup>4</sup> The producers of popular culture, not surprisingly, recognized the prosecutor as a figure who could be central in their pop cultural products and who could capture the attention and interest of consumers.

However, the portrayal of the pop cultural prosecutor was hardly uniform. In some pop cultural works the prosecutor was lionized, while in others he was vilified. In some works conniving criminal defense lawyers saw the light and became prosecutors, while in other works unduly aggressive prosecutors saw a different light and became defense attorneys. Various portrayals of pop cultural prosecutors merit brief mention, if only to suggest the range within what Corcos calls "The Pop Cultural Prosecutors' Bar Association."<sup>5</sup>

In popular fiction, the era's two most successful lawyer-authors were Arthur Train and Erle Stanley Gardner. Train's dozens of tales regarding the fictional New York City practitioner Ephraim Tutt appeared in both periodicals and book-length collections and delighted thousands of readers.<sup>6</sup> Before finding success as a writer, Train worked for seven years in New York City as an assistant district attorney, finding in the district attorney's office "an atmosphere of suspicion and inertia, engendered by conscious incompetence."<sup>7</sup> In a good number of his subsequent Tutt stories Train went on to pit Tutt against pig-headed and duplicitous prosecutors. In one story, in fact, Train offered an unsolicited word of warning for those who might want to be prosecutors:

The danger to a young lawyer, who out of a desire for public service seeks an appointment as an assistant district attorney, is that in the passion of the chase the conviction and punishment of some—to him—obviously guilty criminal may seem more important at the moment than the strict preservation of his own integrity or the unwavering tenants of the principles of justice.<sup>8</sup>

Erle Stanley Gardner, meanwhile, wrote about many fictional characters for many publications, but his most popular stories involved the heroic Los Angeles attorney Perry Mason.<sup>9</sup> All told, Gardner wrote 82 Perry Mason novels, the first of which were published during the 1930s. Many were subsequently adapted for popular radio dramas, Hollywood movies, and—in the 1950s and '60s—a prime-time television series. Like the fictional Ephraim Tutt, Mason frequently locks horns

4. Allen Steinberg, *The "Lawman" in New York: William Travers Jerome and the Origins of the Modern District Attorney in Turn-of-the-Century New York*, 34 U. TOLEDO L. REV. 753 (2003).

5. Christine Corcos, *Prosecutors, Prejudices and Justice: Observations on Presuming Innocence in Popular Culture and Law*, 34 U. TOLEDO L. REV. 793 (2003).

6. Francis M. Nevins, *Mr. Tutt's Jurisprudential Journey*, *The Stories of Arthur Train*, 19 LEGAL STUD. F. 57-94 (1995).

7. ARTHUR TRAIN, *MY DAY IN COURT* 13 (1939).

8. Arthur Train, *The Bloodhound*, in *TUT, TUT! MR. TUTT* 1, 6 (1923).

9. Francis M. Nevins, *Samurai at Law: The World of Erle Stanley Gardner*, 24 LEGAL STUD. F. 43, 43 (2000).

with a fictional prosecutor. His most common adversary is prosecutor Hamilton Burger, whom Mason invariably outwits and leaves fuming in the courtroom.

Popular journalism of the era became particularly intrigued with district attorneys when they joined with law enforcement in widely publicized campaigns against organized crime. The most famous crusading district attorney of the time was New York's Thomas E. Dewey, who was appointed special prosecutor in New York City by Governor Herbert Lehman in 1935. Dewey's prosecutions of Lucky Luciano and other mobsters ultimately led to his own election as Governor and several runs for the White House. According to Stolberg, the manner in which Dewey's work as a prosecutor led to campaigns for national office demonstrates "the degree to which crime and those who battled it had taken the center stage in the national consciousness."<sup>10</sup> In the late 1930s newsreels featured Dewey's crime-busting prosecutions, and lengthy articles about him appeared in most of the nation's leading journals of news and politics—*Atlantic Monthly*, *Nation*, *New Republic*, *Newsweek*, and *Time*. *Reader's Digest* and *Literary Digest* also ran articles, as did even *Woman's Home Companion*.

Perhaps the most widely read of these reports was a five-part series which appeared in the *Saturday Evening Post* between October 16, 1937 and January 15, 1938. The *Post* could trace its lineage to Philadelphia in the 1820s, and a century later in time it was far and away the nation's most popular periodical. During the 1920s the length of a weekly issue grew to over 200 pages, and circulation averaged 2.4 million annually.<sup>11</sup> The start of the Great Depression initially reduced the *Post's* length and circulation, but by 1937 the magazine had regained its prior length and raised its circulation to over 3 million.<sup>12</sup> Actual purchasers and subscribers shared the magazine with friends and family members, and readers could also flip through the *Post* in waiting rooms, hotel lobbies, and trains. One observer said, "The magazine was simply unavoidable—as much an American staple as wheat."<sup>13</sup>

The *Post's* articles on Dewey were written by Forrest Davis and heavily illustrated. Davis cast Dewey as "St. George" confronting the "racketeering dragon in New York City"<sup>14</sup> Installments in the series chronicled Dewey's dismantling of the poultry racket and the Broadway theater racket. The *Post* literally pictured Dewey not only as special prosecutor but also as a boy growing up in Michigan. In one particularly telling montage, an earnest Dewey ties his young son's shoes on the left while sinister mug shots of Lucky Luciano and other underworld figures line up on the right. What was the key to Dewey's success? The special prosecutor, Davis tells us, "makes his own breaks."<sup>15</sup>

10. MARY M. STOLBERG, *FIGHTING ORGANIZED CRIME: POLITICS, JUSTICE, AND THE LEGACY OF THOMAS E. DEWEY* 4 (1995).

11. FRANK LUTHER MOTT, *A HISTORY OF AMERICAN MAGAZINES* 696 (2d ed. 1957).

12. THEODORE PETERSON, *MAGAZINES IN THE TWENTIETH CENTURY* 61 (2d ed. 1964).

13. RONALD WEBER, *HIRED PENS: PROFESSIONAL WRITERS IN AMERICA'S GOLDEN AGE OF PRINT* 218 (1997).

14. Forrest Davis, *Smashing the Rackets—Thomas E. Dewey's Story*, *SATURDAY EVENING POST*, Oct. 26, 1937, at 5.

15. Forrest Davis, *The Toughest Underworld Trust—Thomas E. Dewey's Story of Smashing the Rackets*, *SATURDAY EVENING POST*, Dec. 4, 1937, at 14.

Dewey turned down offers to play himself in Hollywood movies,<sup>16</sup> but the movie industry nevertheless found many prominent roles for prosecutors. Sometimes the nefarious prosecutor was just a foil for the resourceful defense counsel, as in the fascinating *A Free Soul* (1931), in which an aging, alcoholic lawyer played by Lionel Barrymore successfully defends his daughter's suitor in a murder trial and then drops dead in the courtroom. In other Hollywood movies, meanwhile, prosecutors are determined and courageous heroes. In *State s Attorney* (1932), for example, John Barrymore stars as district attorney who overcomes his reform school youth and prosecutes a dangerous mobster. In *Manhattan Melodrama* (1934) a prosecutor played by William Powell obtains a conviction of a boyhood friend played by Clark Gable, gets elected as governor, and in the latter position refuses to commute the sentence. In *I Am the Law* (1938) law professor John Lindsay, played by Edward G. Robinson, accepts the call to clean up local criminal activity but is dismissed by the district attorney. Lindsay then uses his students to continue his investigation and in the end not only brings down the mob but also shows the district attorney himself was in cahoots with the criminal interests.

Overall, the variable presence of prosecutors in many types of inter-war popular culture suggests the social stress of the era. Actual prosecutors' offices had assumed a degree of sophistication and importance, and this predictably created possibilities for pop cultural representation. More generally and importantly, stories of crime and law enforcement were engaging for a society seeking to find its bearings. Villainous and/or heroic prosecutors were vehicles which consumers of popular culture could recognize and use to construct meanings. Prosecutors found a home in popular fiction, journalism and film, and, as will be emphasized, radio was also a medium which found a place for the prosecutor.

## II. THE GOLDEN AGE OF AMERICAN RADIO

Radio-listening of the present is quite different from what it was during the 1930s—the so-called “Golden Age of Radio.”<sup>17</sup> For most contemporary listeners radio is a “distracted” or “secondary” medium. We listen to radio while doing other things—taking a shower, preparing dinner, or driving to work. This experience tends to be individualized and private, and we think nothing of clicking off the radio when the dinner is ready or the car is parked. In the 1930s, by contrast, the experience was radically different. In the evenings whole families might gather around the living-room Zenith or Philco, an important possession and one often enclosed in a large well-crafted, wooden case. Instead of merely having the radio playing in the background, people tuned into specific, scheduled programs. Of course some listeners dozed or tried to read while listening, but more frequently people were attentive. Some preferred to listen in the dark or with their eyes closed so that the radio could even more effectively transport the listener and the listener's imagination to another place.

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16. STOLBERG, *supra* note 10, at 4.

17. EDWARD J. WHETMORE, *THE MAGIC MEDIUM: AN INTRODUCTION TO RADIO IN AMERICA* 28 (1981).

The seeds of this surprisingly intense and winning cultural experience were planted in the first decades of the twentieth century, when engineers perfected the technology of broadcast radio. The first systematic radio programming began in the United States in 1920 when KDKA in Pittsburgh and WWJ in Detroit began broadcasting. Both stations were successful, and during subsequent years other stations popped up in other parts of the country. By 1926, enough stations existed for the National Broadcasting Company (NBC) to link over 60 of them together into the first radio network. Within the same year NBC linked a second comparably-sized group of stations into a second network, dubbing them the "Red" and "Blue" networks. In 1927 the Columbia Broadcasting Network (CBS) created its network and quickly became the spirited commercial rival of NBC.<sup>18</sup>

During the 1930s the number of both radio stations and of radios themselves grew strikingly. The overall number of stations increased from approximately 600 in 1935 to 1900 in 1941. While there had been 3 million radio sets in 1924, the number grew to 50 million by 1940.<sup>19</sup> As of 1938, an estimated 91 percent of urban homes and 70 percent of rural homes contained at least one radio.<sup>20</sup> These figures did not include the growing number of automobile radios. Half of all radios in the world were in the United States, and radios had become more common than electric irons, vacuum cleaners, and telephones.<sup>21</sup>

Some of the programming heard on radio during the 1930s would not surprise the modern-day listener. There were live broadcasts of vaudeville sketches and variety programs with likes of Jack Benny and Bob Hope. The now-infamous *Amos and Andy* comedy started with two whites speaking with purportedly African American accents and attracted millions of listeners in various formats.<sup>22</sup> Radio included resounding symphony performances, some by large NBC and CBS orchestras, and early "disk jockeys" played phonograph recordings of popular music. Sports announcers described boxing matches, football games, and baseball games. Some of these announcers, including but not limited to the young Ronald Reagan on WHO in Des Moines, Iowa, did not witness the games on which they reported. Relying on telegraph reports, Reagan and the others imagined plays and gave listeners colorful reports of how those plays looked in their imaginations.<sup>23</sup>

What may surprise the modern-day listener is that radio broadcasting also included large amounts of radio drama. General Electric's WGY in Schenectady broadcast dramatic series as early as 1922, and corny yet still intriguing photographs survive of radio engineers supposedly disguising a microphone as a lamp in order

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18. Henry B. Aldridge, *Radio Drama*, in THE GUIDE TO UNITED STATES POPULAR CULTURE 660 (Ray B. Browne & Pat Browne eds., 2001).

19. DAVID HOLBROOK CULBERT, NEWS FOR EVERYMAN: RADIO AND FOREIGN AFFAIRS IN THIRTIES AMERICA 15 (1976).

20. CHRISTOPHER H. STERLING, STAY TUNED: A CONCISE HISTORY OF AMERICAN BROADCASTING 182 (3d ed. 2002).

21. ROBERT J. BROWN, MANIPULATING THE ETHER: THE POWER OF BROADCAST RADIO IN THIRTIES AMERICA 2 (1998).

22. JON D. SWARTZ & ROBERT C. REINEHR, HANDBOOK OF OLD-TIME RADIO: A COMPREHENSIVE GUIDE TO GOLDEN AGE RADIO LISTENING AND COLLECTING 61 (1993).

23. BROWN, *supra* note 21, at 197-98.

to reduce the nervousness of the dramatic readers.<sup>24</sup> In 1923 *Radio Digest*, sort of an early *TV Guide* for radio listeners, even coined the term “radario” for radio drama.<sup>25</sup>

The term never caught on, but the previously mentioned formation of networks greatly contributed to the growth of radio drama. More so than the isolated local producers of radio drama, NBC Red, NBC Blue, CBS, and, as of 1934, the Mutual Broadcasting System’s network were of course much larger financial operations than the local stations. The networks could and did marshal the writers, directors, musicians, and actors for successful dramatic productions.

Even more fundamentally, the radio networks appreciated that effective and engaging radio drama was a genre all its own. It was different than the simple broadcasting of a live dramatic performance or the reading of a play. The site for radio drama was not a theater. Listeners did not dress in evening clothes and then travel to a particular building where they gave their attention and respect to players on a stage. Listeners simply turned on the radios in their homes or automobiles at the appropriate hour. Radio drama could not utilize sets, lighting, the blocking of actors, and costumes. Actors’ appearances, their mannerisms, gestures, and facial expressions were also irrelevant. Action had to be continuous and largely verbalized, and the genre had to be understood and mastered on its own terms.

The range of dramatic productions was in itself noteworthy. Children’s adventure shows such *The Lone Ranger* and *Sergeant Preston of the Yukon* filled the airwaves in late afternoon and on Saturday morning. Daytime radio featured serial “soap operas,” so named because the sponsor was usually a Proctor and Gamble soap product such as Boraxo, Ivory, Lux, Oxydol, and Tide.<sup>26</sup> As of 1941, listeners had 54 network soap operas among which to choose between 9:00 A.M. and 5:00 P.M.<sup>27</sup> During the evening hours comedy, action, and adventure series could be found from one end of the radio band to the other, and highly respected drama anthology programs such as *The Campbell Playhouse* and *Lux Radio Theater* also aired. One scholar has estimated that radio drama constituted as much as 40 percent of all network broadcasting.<sup>28</sup>

The power of radio drama is suggested by the way listeners sometimes had trouble remembering it was fictional. Devotees of the daytime soap operas occasionally became so concerned about their favorite characters that they sent them advice. In 1938 Orson Welles and the Mercury Theater caused a minor panic with their radio performance of the science fiction classic *War of the Worlds*. Over one million Americans mistook the broadcast to be an actual news report.<sup>29</sup>

Many of the action and adventure shows which aired during the evening hours were law or crime-related. The various series included classic mystery “whodunnits,” private detective stories, and police procedurals. One of the most-remembered shows is *The Shadow*. Each episode opened with the question, “Who

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24. GEORGE H. DOUGLAS, *THE EARLY DAYS OF RADIO BROADCASTING* 24 (1987).

25. TIM CROOK, *RADIO DRAMA. THEORY AND PRACTICE* 5 (1999).

26. BROWN, *supra* note 21, at 3-4.

27. George A. Willey, *The Soap Operas and the War* 7 J. OF BROADCASTING 339, 339 (1963).

28. Aldridge, *supra* note 18, at 660.

29. BROWN, *supra* note 21, at 197

knows what evil lurks in the hearts of men?" and closed with the signature line, "The weed of crime bears bitter fruit, the Shadow knows." Radio detectives included not only the venerable Sherlock Holmes but also Nick Carter, Hercule Poirot, Ellery Queen, Sam Spade, and Nero Wolfe. *Gangbusters*, one of the earliest police procedurals, featured an opening so distinctively noisy and tumultuous that it spawned a saying still used today: "Coming on like *Gangbusters*."<sup>30</sup>

Closing one's eyes to better enjoy one of the law or crime-related dramatic radio shows of the 1930s meant plunging into a netherworld of intrigue and violence. But listeners to these shows also knew heroic crime-stoppers were standing by, ready and able to master whatever lurked. Law and crime-related radio drama, an important part of the Golden Age of Radio, effectively drew on both its audience's fears and its needs for reassurance.

### III. MR. DISTRICT ATTORNEY

One place into which the imagination of a radio drama listener could journey was a stylized, crime-laden New York City, where, fortunately for one and all, Mr. District Attorney was in office. *Mr. District Attorney* briefly aired on NBC Red in 1939 and then on NBC Blue from 1939-51. The show was also produced in a less inspired form by the American Broadcasting Company (the successor network to NBC Blue) during 1951-52 and syndicated during 1952-53.<sup>31</sup> Ed Byron, who had attended law school, was the show's director, sometimes writer, and chief creative force.<sup>32</sup>

Byron often fictionalized recent front-page cases for the show,<sup>33</sup> as do the producers of the television series *Law & Order* (NBC, 1990-present). Thomas E. Dewey served as a type of general model for the Mr. District Attorney character.<sup>34</sup> The show was not an account of Dewey's work, but Dewey's crime-busting vigor and his resulting lionization inspired the show's creators. If a real-life figure such as Dewey could capture the public's fancy, Byron and the producers reasoned, a fictionalized version of Dewey could be the centerpiece of a radio drama.

#### A. Series Format

Even though Byron had Thomas E. Dewey to inspire him, Byron needed help with the format of the series, and, in fact, *Mr. District Attorney* went through a radical remake only three months after it began to air. The very earliest episodes were only fifteen minutes in length, and they aired five nights a week. A given sequence of episodes lacked the kind of "story arcs" many viewers expect and enjoy in television series such as *The Practice* (ABC, 1997-present) or *Philly* (CBS, 2001-02), that is, the episodes of *Mr. District Attorney* did not examine characters'

30. SWARTZ & REINEHR, *supra* note 22, at 93.

31. VINCENT TERRACE, *RADIO PROGRAMS, 1924-1984: A CATALOGUE OF OVER 1800 SHOWS* 233 (1999).

32. SWARTZ & REINEHR, *supra* note 22, at 455.

33. LEONARD MALTMAN, *THE GREAT AMERICAN BROADCAST: A CELEBRATION OF RADIO'S GOLDEN AGE* 52 (1997).

34. SWARTZ & REINEHR, *supra* note 22, at 94.



personal lives from broadcast to broadcast. However, in *Mr. District Attorney's* original format the investigation of a particular crime could take weeks to reach its conclusion. The hope seems to have been that listeners would be captured by the tales and tune in every evening, much as some radio listeners tuned in every day to their favorite soap operas.

Unfortunately, an incessant harangue about the danger of the mob, the syndicates, and organized crime overwhelmed any intricate plotting in the earliest episodes of *Mr. District Attorney*. Tapes of the earliest episodes which are available at the Museum of Broadcast Communications in Chicago and the Museum of Television and Radio in New York City are tedious and excessively rhetorical. Mr. District Attorney is forever promising to crack down on criminal gangs. Some of the episodes stiffly summarized the size and number of the rackets and reported on how much they cost the public. Mr. District Attorney's devoted receptionist Miss Rand, various sycophantic assistants, and, in at least one episode, the putative voice of J. Edgar Hoover, the actual director of the FBI, stroke the heroic prosecutor and praise his determined efforts to stop crime.

Could the series have survived and prospered in its original format? Probably not, but *Mr. District Attorney* did survive and prosper in the revised format adopted as of June, 1939. Each episode now stretched to 30 minutes, and the series aired only one evening per week. The professed commitment to crime-stopping continued to be powerful, but it seemed less excessive when made part of a more fully developed 30-minute episode. Rhetoric was able to defer more graciously to story

The stories in and of themselves, meanwhile, provided listeners with engaging sequencing and desired closure. Each episode had a beginning, a middle, and an end, and commercials for Bristol-Myers products during the series' heyday even served to demarcate the narrative's segments. After an opening set of credits and commercial, ten minutes of broadcast time set out the crime or criminal activities meriting the attention of the district attorney's office. After a pause for a commercial for Sal Hepatica or some other product, roughly ten minutes concerned the eager and resourceful investigation. After another pause and a commercial for a product such as Vitalis, the tale reached its end with the criminal identified and in the hands of the proper authorities. Bristol-Myers was then acknowledged one last time, listeners were thanked for tuning in, and the show was over until the following week.

In general, the narrative is free of complexity, and character motivation and the conflict between lawbreakers and law enforcement are easy to understand. According to *Mr. District Attorney*, people commit crimes for money and power, and the police and district attorney's office tries to stop and punish crime in order to protect the public. Pacing is fast, bordering on breakneck, and a listener had best not leave the room for any extended period of time, unless of course he or she could turn the radio to a higher volume.

The great reward awaiting a listener is closure. Episodes of *Mr. District Attorney* do not invite listeners to contemplate criminal motivations or the uncertainties of criminal justice. Listeners were not supposed to question and critique their world. They were like the viewers of the *Perry Mason Show* (CBS, 1957-66) on prime-time television during the 1950s and '60s. Both groups knew that if they waited until the

end of an episode, cases would be solved and lawbreakers would receive their just desserts.

“The Case of the Money Machine,” a 1951 episode in the Museum of Television and Radio archives, made it especially clear that listeners should not expect an open ending. The episode concerns the kidnapping of idiot savant Frank Kent from a state institution by criminals who plan to display Kent’s mathematical wizardry in a carnival act. While holding Kent, the criminals treat him like a dog, even letting him drink water out of a pan placed on the floor. Toward the end of the episode Mr. District Attorney himself questions Kent from a seat in the audience as Kent answers extremely difficult multiplication problems during a nightclub performance. When in the course of the questioning an oblivious Kent identifies his kidnappers and also implicates them in a murder, Mr. District Attorney shouts, “This show is over.”

### B. *Audio Techniques*

The success and popularity of *Mr. District Attorney* derived not only from the series’ redesigned format and narrative content but also from a mastery of the myriad audio techniques of radio drama. These techniques include voice, music, sound effects, and combinations thereof. In an earnest drama like *Mr. District Attorney*, silence was also mastered. Momentary silences contributed mightily to the voices, music, and sound effects, and the thoughtful, albeit fleeting, use of silence more generally helped to establish mood and tone.

Among the audio techniques which might literally have been heard, voice is the most important. The actor Jay Jostyn, who in the very earliest episodes of *Mr. District Attorney* read the part of a lesser detective, gave voice to Mr. District Attorney during its most popular years. Jostyn’s prosecutor, conveyed by voice alone, was articulate and forceful. Listeners could take solace in the knowledge that an individual with a voice such as this is in charge.

The voices of many of the minor characters contrast with that of Mr. District Attorney in that they have accents. One might expect this in New York City of the 1930s, be it the actual or the radio version of the metropolis. More importantly, the accented voices play significant roles in the creation of individual characters. With characters not seen except in the mind’s eye, writers and actors for radio had to find ways to distinguish one character from another. Having characters refer to one another by name at almost every turn helped and so, too, did distinctive accents. Furthermore, to speak with an accent suggested a working-class identity. To speak with a certain kind of accent even suggested, in keeping social bias and stereotyping, nothing less than criminality.

In one 1939 episode which is archived at the Museum of Television and Radio, a Mrs. Milano, sporting the type of heavy accent used to indicate ethnicity and socioeconomic class in radio, is worried about her three sons who have refused to pay protection money. She comes to the office of Mr. District Attorney and tells him her boys are “notta gonna paya da mob.” He politely promises her his help, and she thanks him as she leaves. With help like this, though, one can really be in trouble. In the next scene, the Milano boys are shot and killed. A note near the bodies reads, “Mr. District Attorney: Investigate this, and you’ll be a corpse too!”

While built around the voices, episodes of *Mr. District Attorney* also used accompanying music and assorted sound effects were used to enhance the drama. The producers of *Mr. District Attorney* were hardly shy when it came to using several bars of well-placed music to set the mood. Sometimes, the music merely connoted the passage of time. More pointedly, the music conveyed a sense of suspense or danger.

The use of sound effects was especially skillful, and *Mr. District Attorney* most surely employed one of the sound effects specialists who had found a professional niche during the 1930s.<sup>35</sup> Some of the sound effects were specific and pointed, while others were generic and part of an audio backdrop. The former included such sounds as footsteps, a doorbell ringing, a drink being poured, and—in most episodes—either a punch being landed or a gun being fired. Writing in the 1930s, Cantril and Allport described these radio sound effects as “close-ups of sound, extracting the last ounce of emotional quality . . .”<sup>36</sup> More generic sound effects included the shuffling of papers in an office, murmuring at a party, traffic noise for a street scene, and waves slapping at the dock at the waterfront.

The net effect of both the music and the sound effects is more expressive than realistic, more symbolic than representational. Producers of *Mr. District Attorney* and other successful radio dramas as well wanted what is heard to be understandable and to contribute to the narrative. Yet even when they are gritty and blunt and urban in stylized ways, pop cultural portrayals of the prosecutor’s work are not and do not really want to be realistic. The goal is not a snapshot of actual life but rather drama which will attract listeners and sell advertising.

### C. Characterization

*Mr. District Attorney* had reappearing secondary characters such as the receptionist Miss Rand, the secretary Miss Miller, and the investigator known only as “Harrington.” However, Mr. District Attorney himself dominates the entire series. Jay Jostyn’s rendering of Mr. District Attorney’s voice, as previously noted, differed from the voices of some other characters in being accent-free. The character seemed confident and even a bit arrogant. We also know he is hard-working since he frequently tells his secretary or detectives to call it a day while at the same time mentioning that he himself still has a couple hours of work to do. Mr. District Attorney is honest, brave, and devoted to his work.

However, even the most loyal listeners learned very little about the personal concerns and private lifestyle of the heroic prosecutor. Prior to the last couple years of the series, when it switched to ABC and Mr. District Attorney was given the name “Paul Garrett,” we never even learned his name. His colleagues and acquaintances called him “Chief” or “Boss” or, predictably, “Mr. District Attorney.” As dry and abstract as these monikers undeniably are, they helped establish the hero as the authoritarian representative not so much of the people as of the state and its law.

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35. MALTIN, *supra* note 33, at 87

36. HADLEY CANTRIL & GORDON W. ALLPORT, *THE PSYCHOLOGY OF RADIO* 232 (1935).

Parenthetically, all of this contrasts with certain of the most popular police and detective figures on recent and present-day prime-time television series. *Hill Street Blues* (NBC, 1981-87) and *NYPD Blue* (ABC: 1993-present), to cite only two examples, both feature law enforcement officials with immense personal problems and moral qualms regarding their work. As viewers, we come to know about the characters as people and might even care more about their personal difficulties than their law enforcement work. Mr. District Attorney, by contrast, is a man whose personal life does not complicate his professional life and who is totally certain about the righteousness of his actions.

Where in the course of a weekly broadcast does Mr. District Attorney actually do his work? Listeners rarely heard him in the courtroom. He is instead more frequently found talking with people in his office, conducting investigations, or joining the police in a dramatic automobile chase. The listener could, as a result, quite easily take Mr. District Attorney to be more a part of law enforcement than a member of the legal profession. Of course, one could be both, but brief-writing or closing arguments were not the material of popular radio.

In the end, after criminals have been identified and captured, Mr. District Attorney is not above a certain witty gleefulness. He does take pride in what he has accomplished. In "The Case of Set-Up for Re-entry," a 1940 episode in the Museum of Broadcast Communications archives, Mr. District Attorney must contend with Rocky Ratano, a fugitive mobster who has secretly returned from hiding in Paris. A rough customer, Ratano threatens at one point to use "six Thompson machine guns" if that is what it takes to even the score with his enemies. Mr. District Attorney trails Ratano to a waterfront warehouse and eventually pulls him out of the water into which he has fallen while trying to escape. Speaking to an impressed female assistant, Mr. District Attorney says of Ratano, "That's one fish I'm going to fry personally."

#### IV CONCLUSION

More than sixty years have passed since *Mr. District Attorney* premiered, and anyone who listens to tapes of old broadcasts in the present is likely to find the narrative content of the series unsophisticated and even a bit cartoonish. *Mr. District Attorney* completely lacks the attention to criminal procedure and courtroom performance so much a part of a current television series featuring prosecutors such as *Law & Order* (NBC, 1990-present). Also missing are the complex characterization and willingness to circumvent legal standards in order to identify criminals which marks a popular detective show such as *NYPD Blue* (ABC, 1993-present). *Mr. District Attorney* proffers instead an old-fashioned drama in which the representative of the people identifies and captures lawbreakers. Minor characters have nicknames like "Rocky" and "Smartie." Gunmen are called "torpedoes," and defense lawyers for the mob are "mouthpieces." Racketeers "conk" the uncooperative with whiskey bottles, and occasionally a turncoat will "fink" on his colleagues. The modern-day listener could encounter difficulty engaging *Mr. District Attorney*.

But during the 1930s and 40s the reaction was different. Radio drama in general was able to engage listeners, and for over a decade *Mr. District Attorney* attracted

a large and loyal listenership. Against the backdrop of the Great Depression and then World War II, listeners enjoyed contemplating a fictionalized underworld of con men, mobsters, and racketeers and welcomed the efforts of the altruistic representative of the people whom even his closest co-workers called "Mr. District Attorney." The series' signature line characterized the hero as a "champion of the people, defender of truth, guardian of our fundamental rights." He could capture those criminals who menaced us and, in the process, protect our treasured way of life.

Did the series draw on and reinforce other assumptions? Of course it did. Mr. District Attorney was not only abstractly masculinist and authoritarian but also patrician and WASPy. He represented "the people," but he was even more fundamentally a representative of what the dominant ideology understood to be the right kind of people. Ethnicity with working-class backgrounds, the series implies, are the source of our troubles. Urban problems and the more general threat of social disorder can be laid at their doorstep. When Mr. District Attorney brings crime under control, he strengthens an existing sociocultural hegemony. As Forrest Davis said with reference to the real-life Thomas E. Dewey's successes, "The right triumphs so crushingly"<sup>37</sup> As chilling as such a decoding might be, critical contemplation of *Mr. District Attorney* and the popular acceptance of its message can alert us to the potential appeal of and trouble with pop cultural prosecutors. Cultural works concerning prosecutors differ from medium to medium and from era to era, but at their core these works concern power relations and offer a symbolic commentary on the nature and possibility of social order. Many of us are interested in radio dramas, novels, films, and television shows about these subjects. Yet the primary issue with which to be concerned is that many of these works are superficial in their portrayal of crime and social disorder. The works rarely facilitate critical thought. A series such as *Mr. District Attorney* drew listeners into its drama, but it did not enable them to exit with greater understanding and insight. The series and other comparable works do little to make sense of crime and of social life in general.

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37 Davis, *supra* note 14, at 5.