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Steven Avery, A Case Study: Making a Murderer or Making an Identity

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Steven Avery, A Case Study:
Making a Murderer or Making an Identity?

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Abstract

Steven Avery, a Wisconsin native, has spent the majority of his adult life in prison, once for a crime he was later exonerated from, and then again for murder. The Netflix series *Making a Murderer* documents Avery’s murder trial, and uses only first hand accounts. Ultimately, this research had two goals: one was to better understand how the series utilized framing to engage in advocacy for Avery and the second was to uncover what identity was constructed by the producers and series for Avery. With a thematic analysis approach and open and axial coding this research revealed three themes that were prevalent throughout the series that ultimately show that framing to engage in advocacy for Avery was present throughout the series as well as those three themes to help craft an image for Avery. Those three themes included: the white trash stereotype, the underdog, and the victim. Along with the three themes, examples of statements and imagery are provided to demonstrate the occurrence of the white trash stereotype, the underdog, and the victim in the series *Making a Murderer*.

*Keywords: Advocacy; Documentary; Identity; Media Framing; Social Construction*
Chapter 1

Introduction

True crime television series and documentaries have become widely popular in recent years. With true crime entertainment, viewers are able to connect both emotionally and mentally with those individuals and their family members that are portrayed in any given series. True crime documentaries are nothing short of entertainment, and have progressively become more popular as more high-profile crimes are exposed in the media. The media chooses which of these crimes to spend the most time covering on different news outlets, framing those crimes in ways they believe will garner the most ratings and have the greatest dramatic effect on viewers. The 2015 Netflix multi-part true crime series *Making a Murderer*, which covers the trial and conviction of Steven Avery, is no different. Schulz (2016) suggests that the producers of *Making a Murderer* ultimately turned a real life tragedy into public entertainment.

Intrigued by the story of a wrongful conviction, for which Avery had served eighteen years, followed by a murder charge only a few years after his release, combined with what was presented as suspicious police and prosecutorial conduct, viewers connected with the series on multiple levels. It was apparent that after viewing the true crime series, viewers had strong opinions on Steven Avery and his case. However, while this is a true crime series, and producers relied heavily on firsthand accounts and official court documents and recordings, it can be argued that rather than being a documentary, *Making a Murderer* is an advocacy piece for Steven Avery. The documentary uses framing in several different ways to engage in advocacy for Avery while crafting an image for him. Simply defined, advocacy is arguing or persuading on behalf of someone
else, in this case, advocating for the release of Avery due to wrongful conviction, as well as the reform of an unjust law enforcement system. While documentaries are typically seen as television or film programs that provide factual information, viewers often do not consider that even factual presentations are framed by the filmmakers. *Making a Murderer* provides the viewer with factual information, but the series also uses framing to craft an image for Avery with the purpose of advocating for him. In this sense, we can then refer to *Making a Murderer* as an advocacy piece, advocating for Steven Avery and more broadly for the Avery family.

As was evidenced by Reddit threads and social media posts, viewers by and large supported the arguments made by the *Making a Murderer* series, concluding that Avery was treated unfairly and wrongfully convicted a second time. In one Reddit thread from early 2017, a redditor shares his/her opinion regarding Manitowoc law enforcement:

I don't know if he is guilty or innocent but I'm pretty sure evidence was planted and/or manipulated. Furthermore, he did not receive a fair trial. Lastly, there were family members of the sheriff’s office in the jury that would have voted guilty even if they had videotaped evidence of someone else committing the murder!

In another Reddit thread posted in early 2017, a redditor posted his/her opinions on power and coercion in the case:

100% no! All the evidence demonstrates malpractice by the authorities and abuse of power. Not to mention the coercion of an impressionable young mind. They didn't like him to begin with and they hated him even more when he sued them for wrongful imprisonment. So they sought out the best way to entrap him and save their sorry faces. No fucking way he's guilty.
It is apparent from these and many other Reddit threads that viewers’ opinions on Avery’s guilt or innocence, as well as law enforcement’s handling of the case, were strong. In another Reddit thread, a viewer addresses issues of social class, which become apparent in the framing of the entire series, and which will be central to this thesis.

No, because he had little motivation to do so. He was finally a free man, expecting loads of money, interviews, basically fame. There was more reason for the cops to plant evidence. He made them look bad. They were going to lose all their money to someone who was considered low class, a scum.

This small sample of Reddit posts speaks to the influence *Making A Murderer* had on viewers. The series played a pivotal role in shaping Avery’s public identity. This thesis aims to further explore the framing used throughout the series and the identity that was constructed for Avery for the purpose of advocacy.

**Making a Murderer: Manitowoc, Wisconsin**

Most Americans were first introduced to Avery through the Netflix documentary *Making a Murderer*. The documentary showcases the life and murder trial of Steven Avery. Filmed over a ten-year period, the documentary aired in 2015 with nearly 19 million viewers in the first month.

Manitowoc, the setting of Avery’s life and case, is a working class community in Wisconsin, where farming is a prevalent means of making ends meet. According to City-Data the median household income in 2013 in Manitowoc, Wisconsin was approximately $40,000 per year. Avery grew up in poverty, and most certainly did not fit the standard norm for Manitowoc residents. The Avery family were known for not fitting into the Manitowoc community, nor did they try. They owned a salvage yard and lived well
below the standards of others in the community. They were what many people would consider poor white trash. They had a last name that was frowned upon by many people in the community, including law enforcement.

Growing up in Manitowoc, Avery was often seen as a troublemaker by the community. He was an Avery, and many in the community, including law enforcement, recognized his last name as nothing but trouble. However, family members of Avery commented on how happy he was all the time, how he would go out of his way to make others laugh. Their descriptions of Avery were the exact opposite of what Manitowoc community members had to say about him. Growing up did not come easy for Avery, he struggled a great deal academically, and some even commented that he barely functioned in school, scoring only a 70 on an IQ test.

Avery had been involved in a few crimes during his younger years and served some jail time. Avery’s criminal record included burglary, lighting an animal on fire, an indecent exposure charge, and a sexual assault charge from which he would later be exonerated. In 1985, after many court appearances, Avery was charged with endangering safety regardless of life and felon in possession of a firearm. This was connected to an altercation that he had with his cousin, Sandra Morris. Morris would play a crucial role in this case, as well as others that Avery would face in his lifetime, because Morris was also married to Manitowoc police officer Bill Morris. Later in 1985 Avery would be accused and found guilty of a much more serious offense that would change his life for the next decade.

In 1985 Steven Avery was sentenced to thirty-two years for sexually assaulting a resident of Manitowoc. After serving an eighteen-year prison sentence, Avery was
exonerated and released from prison. DNA revealed that Avery was not the individual who committed the assault eighteen years prior. Upon release, Avery sought compensation from the police department that wrongfully charged him, and would ultimately go on to receive only a portion of the money he was originally seeking. It was not long after his release that Avery found himself again dealing with the Manitowoc Police Department. This time it was for the accused murder of Teresa Halbach.

Key components of Avery’s case would lead many to believe he committed the murder of Halbach, however there are also components of the case that have lead others to believe that he did not do it, or at least did not commit the crime alone. It was not long after news broke, that there would be another suspect taken into custody for the murder. Brendan Dassey, Avery’s nephew, was also arrested. The actions of the Manitowoc Police Department made it seem as if they were framing Avery, as well as his nephew. The police force reportedly uses several unusual tactics given the circumstances of the crime. Avery believed that Manitowoc did not want to pay him for his previous wrongful conviction. Upon settling, Avery was awarded $400,000. This was a small fraction of the $36 million dollars he had originally sought. As the murder case moved forward, more evidence was found; investigators continuously search Avery’s home and salvage yard, seemingly more than they would have with other investigations.

Ultimately, the car of Halbach was found in the Avery salvage yard. Not long after Halbach’s car was found, pieces of human bone were recovered from a burn pile at Avery’s home. There were several other detailed pieces of information that accompanied these two key findings. After these pieces of evidence were recovered, Avery was placed under arrest. In the end, Avery was charged with first-degree murder and illegal
possession of a firearm. He was sentenced to life in prison without the possibility of parole.

**The Producers**

Laura Ricciardi and Moira Demos are credited with creating and producing the popular documentary *Making a Murderer*. It was in 2005 when Ricciardi and Demos, who were graduate students at Columbia University, began their adventure in documenting the criminal case of Steven Avery and Brendan Dassey (Murphy, 2015). Their documentary is different than those criminal documentaries that had been previously produced and in interesting ways. Instead of relying on narration, the duo chose to include title cards, interviews, and actual courtroom and police interrogation footage (Murphy, 2015). Not knowing if they could actually make a successful documentary about the case, they traveled to Manitowoc, Wisconsin and began shooting footage and by the end of shooting the two had nearly 700 hours of footage (Murphy, 2015). Relying on their own equipment for the majority of the shooting process, the two created and produced the documentary over a ten-year period (Murphy, 2015).

Upon their arrival to Manitowoc the pair realized the depth of the case and knew that they had found something much bigger than what they had expected. Ricciardi, who had been a lawyer previously, used her knowledge of the law to help them piece together the legalities of it all (Murphy, 2015). Many believe the documentary heavily favors the defense. However the two stated that they reached out to family members and even Steven Avery who were open to filming; several times the state and prosecution team were contacted, and every time the two filmmakers were ignored (Murphy, 2015). Ricciardi and Demos chose to publicly remain neutral in their own opinions on whether
or not they thought Avery was innocent or guilty of the murder. However, it is important as a viewer, to understand the producers' rationale for including some things and not others.

When the producers were asked if they believe that the film is biased, their response was simple and stated that the defense team was passionate about the case and they believed in their client, so of course they would choose to show significant amounts of footage on that (Yamato, 2016). The two also stated that they only had a certain amount of screen time, so they picked what they thought created the best story, as well as the key pieces from both sides (Yamato, 2016). This is important in understanding the case, because what they chose to include and not include ultimately helps to frame Avery in a particular way, essentially advocating for the audience to believe in Avery’s innocence.

Ricciardi and Demos not only worked together on the project, but also collaborated with local news stations. The duo reasons that they worked with the local news stations because they had access to the state, whereas Ricciardi and Demos did not. Ricciardi and Demos had access to the family and the press did not (Yamato, 2016). So a story was ultimately pieced together little by little. Ricciardi and Demos brought to light the criminal life of Avery and created something much greater than they had ever anticipated, however we can question the neutrality of this documentary by seeking to understand how this piece helped to frame an identity for Avery. An analysis of the *Making A Murderer* series reveals several important themes that work in his favor. Specifically, Ricciardi and Demos frame him as white trash, the underdog, and the victim. For these reasons, I will refer to *Making a Murderer* as an advocacy piece rather
than a documentary for the remainder of this thesis. Guiding frameworks and theories
are discussed in detail in the following section, that help us to better understand how
media framing and advocacy play a critical role in shaping Avery’s identity throughout
the series.

Literature Review

Social Construction and Identity

Social construction is the idea that meaning arises from social systems and that
humans inherently obtain knowledge about the world and their surroundings through
larger social discourses (Jenkins & Dillon, 2012). As Jenkins and Dillon (2012) suggest,
these larger social discourses are typically based in dominant social, political, and
historical systems. As individuals of society, we are constructed through social means.
The reality of everyday life presents itself as an intersubjective world shared with others
(Berger & Luckmann, 1966). Berger and Luckmann (1966) suggest that individuals
cannot exist in everyday life without constant interacting and communication with others.
The social interactions in everyday life help construct and reify the meanings of our
realities, including the ascribed identities we assign to others.

Identities are constantly being negotiated. They are multiple, complex, and fluid.
Social identities are generally formed from a larger social context; these identities are
selected or ascribed (Goodyer & Okitikpi, 2007). Gee, as cited in Palmer (2007), states
that an individual seeks recognition as a “certain kind of person” within a given context,
while at the same time others may recognize the person as he/she desires to be recognized
or may disregard his/her desired identity and continue to assign or ascribe an alternate
identity to that individual. Ascribed identity is a form of identity assigned to an
individual by others. In other words, ascribed identity is a socially constructed identity place upon an individual. This means that individuals do not always agree with the identities given to them by others. An ascribed identity involves others’ disregard for the individual’s personal identity desires (Palmer, 2007). On the other hand, achieved identity is the recognition of an individual, as he/she desires to be identified.

As Palmer (2007) states, an individual may eventually come to learn how to maneuver and shift identities within certain contexts; however, the learning process takes much time and effort, and it is likely that the individual will ultimately surrender certain aspects of his/her identity in order to gain acceptance within a given social context. For example, we see in the *Making a Murderer* advocacy piece that an identity is pieced together or constructed for Avery. That identity probably partially draws on Avery’s own desired identity, but also adds aspects of the community’s perspective (an ascribed identity). For example, the white trash identity has been ascribed by others in the community. Avery and the rest of his family, while seeing themselves as unique individuals, have also come to accept and internalize aspects of the deviant white trash identity placed upon them. Both Avery and the filmmakers capitalize on this combination of achieved and ascribed identities to frame Avery in a positive light, ultimately as a wrongfully accused victim and underdog rather than a violent perpetrator.

Social construction is a key component of forming a person’s identity; this is especially true when discussing the ascribed identity of the criminally accused. We can also analyze how power is socially constructed, specifically among marginalized groups such as the criminally accused. Societal anxieties over certain populations, such as criminals and the criminally accused, have lead to moral crusades or panics, where these
groups are blamed for social pitfalls (Nicholson-Crotty & Nicholson-Crotty, 2004). This idea is essentially a power struggle among those who may come from a powerful group versus those who come from a group with fewer political, social, or economic resources (Nicholson-Crotty & Nicholson-Crotty, 2004). Social constructionism provides individuals with a better understanding of public policy in relation to marginalized groups, such as the criminal population (Nicholson-Crotty & Nicholson-Crotty, 2004). The ways criminally accused individuals are portrayed in the media contribute to the construction of their ascribed identities and to the resulting structural biases and systematically reified policies that perpetuate their marginalization.

**Social Class**

Class plays an important role in socially constructing an individual’s social and personal identities. Social class is more than just the idea of how much money a person makes and his/her economic status. Allen (2004) defines social class as the placement in a class system that can occur through ascription, based on conditions such as family background, race, sex, place of birth, or even certain achievements of the individual such as obtaining a college degree. Social class includes an entire socialization process (Allen, 2004). Pierre Boudieu (1987) looked at how people use capital to compete for position and resources. The types of capital Boudieu examined included economic capital, cultural capital, and social capital help to determine the social class with which an individual may identify, and included this idea of capital also relates back to power, as individuals with more capital or of a higher social class appear to also have more power (Boudieu, 1987).
Economic capital includes those financial assets an individual may have, cultural capital involves specialized skills and knowledge that is passed on through a family lineage or from experiences in social institutions, and finally social capital consists of the different networks an individual may be involved with or connections among others (Allen, 2004). While there are different classifications of capital, there are also several different types of social class. Most commonly used terms to describe class are upper, middle, and lower; however sometimes these classes can be subdivided. The most common classifications of social class express significant power relationships (Allen, 2004).

Social class matters in multiple ways. Social class determines if an individual will have access to vital resources needed to survive. It influences longevity, success, and self-esteem (Allen, 2004). Generally, people tend to stay in the same social class as their families, which in turn may affect an individual’s personal identity (Allen, 2004). The social class with which an individual identifies can affect that individual’s entire life and the choices that he/she makes throughout life. Just as we live in a seemingly gendered society, Americans are still very much living in a classified country. Social discourse often portrays the United States as a classless society (Allen, 2004). However, the language that we use, such as upper and lower class, implies a system of hierarchy as well as power differences that make it obvious that class still exists (Allen, 2004). bell hooks (2000) states, as Americans we want to believe that anyone who works hard enough can make it to the top; however if we think about that statement, we would understand that in a classless society there would be no top.
Framing Theory/Agenda Setting Theory

In defining agenda setting, McCombs and Shaw (1972) point to the strong correlation between the emphases that mass media place on certain issues and the importance attributed to these issues by the public (Scheufele & Tewksbury, 2007). Issues at the forefront of any media platform ultimately become salient in people’s minds. There are two extensions of agenda setting, priming and framing.

McCombs (2004) suggested that the concept of framing is a more refined version of agenda setting (Scheufele & Tewksbury, 2007). Framing makes aspects of an issue more significant. This, in turn, has the ability to shift people’s attitudes and emotions. McCombs labeled this phenomenon as second-level agenda setting (Scheufele & Tewksbury, 2007).

Framing ultimately takes on a sociological approach. Framing is based on the assumption that how an issue is characterized in news reports can have a significant impact on how it is understood by the publics it reaches (Scheufele & Tewksbury, 2007). From a sociological standpoint, originally laid by Erving Goffman (1974), it was assumed that individuals cannot understand the world fully and constantly struggle to interpret their life experiences and to make sense of the world around them (Scheufele & Tewksbury, 2007). Goffman (1974) states that the primary framework is one that is seen as rendering what would otherwise be a meaningless aspect of the scene into something that is meaningful to the audience.

Framing can be examined at two different levels: framing as micro level and macro level constructs (Scheufele & Tewksbury, 2007). The macro level of framing refers to the modes of presentation that communicators use to present information in a
way that resonates with existing schemas among their audiences (Scheufele & Tewksbury, 2007). Macro level framing is a valuable tool for presenting relatively complex issues; doing this in a way that is efficient and in a way that makes them accessible to lay audiences because they play to existing cognitive schemas (Scheufele & Tewksbury, 2007). At the micro level, the concept of framing changes. Framing here describes how people use certain information and presentation features while forming impressions (Scheufele & Tewksbury, 2007). Framing as it pertains to this case will take on a micro level approach when analyzing the identity constructed for Avery in the advocacy piece, examining the information presented and how it is presented to frame Avery’s image

**Media Framing**

Frame analysis looks at how a situation or particular event is named or defined and how that meaning shapes public opinion (Ott & Aoki, 2002). There are inherent biases in all storytelling, and those biases are important to note. Those biases include: selectivity, partiality, and structure (Ott & Aoki, 2002). Selectivity bias is what the media decides to include or not include in a particular news story. Partiality bias is what is emphasized and downplayed in regards to a certain story. Finally, structure bias is the idea of how the story will play out. For example, the order in which story elements are told will influence perceptions of the story.

In sum, message framing is the process of selecting, emphasizing, and ordering certain features in a message while de-emphasizing, eliminating, or burying other elements. Framing is seen in nearly all media outlets, all stories, and by all journalists and filmmakers. High profile cases such as Avery’s are no exception. Framing of news
stories dealing with crime may influence public perceptions of the alleged criminals and the groups (lower class “white trash,” for example) to which those individuals belong (Seate, Harwood, & Blecha, 2010). Media is a powerful tool when shaping public opinion of the crime, the alleged criminal, and the social groups with which he/she associates. Framing of news stories surrounding a particular event can emphasize exculpatory and inculpatory information in the eyes of media consumers (Seate et al., 2010).

Understanding when a story is released to the public is also important. A story is selected to become a major news story based on its potential for drama (Ott & Aoki, 2002). The more dramatic or interesting a story is, the more likely the story will be aired sooner than those stories with less drama and less interest.

There is an inherent symbolic process that the media creates when framing particular stories in the news. The news media’s framing of an event works both rhetorically and ideologically to relieve the public of its social support and responsibility (Ott & Aoki 2002). We can look at the framing of the criminally accused as scapegoating. In other words, criminals become scapegoats in a society that purifies itself by moral indignation in condemning them (Ott & Aoki, 2002). The vilification of Avery by police, prosecutors, and the community may be an example of this moral indignation, othering, and scapegoating, because Avery was framed during the trial by media and Manitowoc residents as a low-class, deviant. Contrary to this rather typical framing of a criminally accused individual, Making a Murderer advocated for Avery in a way no other media outlet had. Through ten hours of edited film, the framing choices of Ricciardi and Demos presented a sympathetic image for Avery that brought his case from
relative obscurity to national prominence with an outcry for social justice. In today’s
culture, even more so now than when the series first premiered, there is public outcry in
relation to police officers and other law enforcement officials abusing power, and many
individuals are suspicious of not only law enforcement officials, but also the judicial
system as a whole. Police brutality and the abuse of their power have been at prominent
issue in many media outlets. This is important to note here because, the frames in which
the producers choose to use was this idea that power was being abused, and Avery was at
the forefront of that law enforcement abuse. The case was framed as an obvious
miscarriage of justice with social class, particularly the white trash stereotype, playing a
central role. Thus, this study extends existing research related to social class and media
framing by examining an under-examined identity frame for the criminally accused: the
white trash male as murder suspect.

**White Trash**

The white trash stereotype is one that is prevalent throughout the entire *Making a
Murderer* series, and Avery most certainly fits this particular stereotype. The white trash
stereotype works alongside an individual’s socioeconomic status. However, the term
does not have one single definition, but rather interlocking parts that ultimately craft a
definition of what we know white trash to be. John Hartigan (1997) stated that:

White trash, until recently was used solely in a disparaging fashion, inscribing an
insistence on complete social distance from problematic white bodies, from the
actions, smells and sounds of whites who disrupted social decorums that have
supported hegemonic, unmarked status of whiteness as a normative identity in this
country (p. 317)
Hartigan (1997) further suggests that the white trash identity or stereotype can be used as a means of self-identification; the term furthermore can be a name for those individuals who are believed to be socially and economically backwards. According to Brent Heavner (2007), the term poor white trash racializes Whiteness, in a sense that the Whiteness is marked and made visible. Its visibility results from its connection to low social class, so that individuals marked with this stereotype are made visible in their deviance or aberration for what is typically acceptable for whites, a middle or high-class standard. Being a white trash male leads to further negative stereotyping as the power afforded to most white men is stripped of a white man who lacks appropriate social cache.

White trash further can explain a white individual’s identity, and how that identity came to be. When an individual can be tied to the white trash stereotype he/she is disregarded from normative Whiteness (Heavner, 2007). As with this idea, the marginalization functions to (re) produce normative Whiteness by understanding differences that exist between privileged Whites and poor white trash (Heavner, 2007). It is apparent that when an individual is labeled as poor white trash, they are in a separate social class than others that are racially similar. Power differences play a pivotal role in shaping this idea of the poor white trash stereotype.

**Framing in Documentary**

Richard Kilborn (2004) states that one major objective of documentaries is that the film should always be an attempt to raise public awareness. Kilborn (2004) states, “documentary has, throughout its history, been much more than simply recording reality; there has always been an interpretational, reality-bending side to documentarists’ work”
Aside from recording reality there are inherent implications that can arise and have the potential to lead to controversy. Kilborn (2004) notes two controversies that documentarists face is the way in which material is edited as well as how interviews are conducted. In the case of Avery, interviews played a pivotal role in the series, and we can ultimately link this idea of controversy to those showcased in the series.

Documentaries are meant to elicit some sort of emotion from the viewer, however Kilborn (2004) suggests that only providing testimony may not be sufficient enough to express the real emotion those affected by the incident may have. Emotions go much deeper than a simple testimony. Kilborn (2004) then goes on to claim that producers generally combine home-movie materials, archived footage, and other forms of media as an attempt to better communicate the reality of a certain lived experience.

Framing essentially works by stressing some features of reality while overlooking others (Florentina-Cheregi, 2015). This is true when crafting a documentary as well. It is no surprise that some material is released, while other information is withheld; this can happen for a variety of reasons, but nonetheless producers choose to show certain images or interviews based on what will ultimately garnish the most views. Entman (1993) as citied in Florentina-Cheregi (2015) suggests that there are four different functions of frames: define problems, diagnose causes, make moral judgments, and suggest remedies.

Framing can also take on a visual approach. Florentina-Cheregi (2015) states that framing visually “refers to the selection of one view, scene, or angle when making the image, cropping, editing, or selecting it” (p. 101). While verbal and visual framing elements have the ability to work simultaneously with one another, Florentina-Cheregi
(2015) suggests that visual components frame stories independently of the verbal components.

**Documentary as Activism**

Ultimately by using a documentary as an activist piece, the piece will tell a story, in this case it is the narrative account of Steven Avery and his troubled life. According to Stokes and Holloway (2009) activist stories construct a collective subject, position it toward taking action, and resolve conflicts that arise from different subject positions. Activism as a documentary serves several different functions. Stokes and Holloway (2009) suggest that activists have struggled to gain attention and influence in the past, but with new technologies, activists are able to produce work fairly cheaply while gaining public recognition, such as creating short films or documentary pieces. In this vein much of the footage shown throughout the *Making a Murderer* series is at-home interviews captured with limited equipment; the series itself was seemingly filmed and produced at the most basic level, and still had an incredible impact on millions of Americans as well as Avery and his family.

Whiteman (2004) suggests that activists are able to use documentaries to create a public space in which stakeholders can discuss and decide upon which issues to act. Whiteman (2004) states that “the impact of the documentary depends on the number of groups involved, their resources, and the creativity and aggressiveness groups use in reaching audiences” (p. 66). A documentary acting as an activist piece also helps to stimulate social change by creating a space for individuals to come together and discuss topics. Another concept to also consider when discussing the idea of documentaries as activism is the idea of a jurified audience. Bruzzi (2016) suggests that pieces such as
Making a Murderer encourage audiences to feel as if they are part of the jury; that the audience needs to come to a conclusion of guilt or innocence. While it is true that Making a Murderer has garnered a jurified audience, it also chose to advocate only for Avery, and framed the series in a way in which the jurified audience could feel pity for him, therefore making the audience's decision easy. With a jurified audience, it ultimately makes the viewer feel as if they are a part of the trial or incident at hand.

Keeping in mind the construction of identity frames for the purposes of advocacy as discussed above, the following research questions are proposed to guide this study.

RQ1: How does the Making a Murderer film series utilize framing to engage in advocacy for Avery?

RQ2: What identity does the Making a Murderer series construct for Avery?
Chapter 2

Methods

This project will use a case study approach when analyzing *Making a Murderer* to understand the use of framing and the influence of social class in shaping an identity for Avery for the purposes of advocacy. A case study can be defined as an account of communicative behavior in a social situation or setting (Merrigan & Hutson, 2009). Merrigan and Hutson (2009) suggest that by using a case study approach, it allows the author to richly describe and interpret interactional accomplishments, social practices, and entities. I was able to use the series, *Making a Murderer*, as a case study because the series is a bounded case in which I am able to better examine the construction of an individual’s identity through media framing. *Making a Murderer* provides an example of how framing in a documentary can work toward advocacy, ultimately helping to sway public opinion. Using a case study approach with this project, I will analyze and describe in detail specific statements made throughout the series, specific images that are used throughout the series, as well as recurring sounds and music. This case study analysis will help to illuminate how framing is used in a series or documentary for the purposes of advocacy and identity creation.

Overall, the producers had compiled nearly 700 hours of footage, but edited that into only ten episodes that generally lasted one hour long each. I watched the series several times, the first time I watched the series without taking notes just simply watching each episode. The second time I watched the series I took tedious notes of things I saw visually, things I heard, whether interviews or music, and I noted important direct quotes from key people that were involved with the case. Quotes were replayed
multiple times for accuracy and transcribed verbatim from the series. Overall, I watched the series a total of four times; notes were taken during the second, third, and fourth viewing. I separated the notes by episode, and then made additional notes in the margin to classify quotes, phrases and images into themes. After viewing the series four times I had nearly fifteen typed pages of notes as well as nearly five pages of written notes. The series was examined at many different levels including textually, verbally, and visually. I considered both what was included in the series as well as what was left out of the series. This is true in regards to asking the questions of why they chose to include certain images or interviews with the family, but not include interviews or footage with the victim’s family. This was important to do because the information that was included in the series helped three themes to emerge, and what was not included helped to better understand the framing that producers chose, as well as to further the claim that this series is in fact an advocacy piece.

This research used thematic analysis for identifying common themes within the advocacy series. Themes are recognized when there are three criteria present. Owen (1984) recognized those three criteria as recurrence, repetition, and forcefulness. Recurrence occurs when at least two parts of a report had the same thread of meaning, even if the same words were not used (Owen, 1984). Repetition also plays a role in determining themes. Repetition can include key words or phrases; this criterion is often times explicit rather than implicit like recurrence (Owen, 1984). The third criterion is the idea of forcefulness when looking for themes. Forcefulness refers to vocal inflection, volume, or dramatic pauses in oral reports (Owen, 1984). Forcefulness, however, also refers to the underlining of words and phrases, the increased size of print or use of
colored marks, circling, or otherwise focusing on passages in written reports (Owen, 1984).

Open and axial coding were performed for analysis. Open coding is the process of breaking down, examining, comparing/contrasting, conceptualizing, and categorizing data (Glaser & Straus, 1967). Finding a commonality within each episode of the series and organizing them among those common themes is the basis behind open coding. Axial coding involves an attempt to understand a certain phenomenon in terms of the conditions that give rise to it, the context in which it is embedded, any intervening conditions that may affect responses to the given phenomenon, the action and interaction strategies by which it is managed, and finally the consequences of those strategies (Baxter & Babbie, 2004). Axial coding is more complex and detail-oriented than open coding in the connections it seeks to draw between codes, themes, and contexts.

One consideration in regards to the methodology of this project is in fact the biases that come along with such a high profile case. Reflexively, it is important to understand my role as a researcher and my own interest in this case. Since I am a fan of the series and have been following the documentary and forthcoming news of the case, it will be important to remain as neutral as possible. I am not researching to prove anything specific about the case. Rather I am looking at how the producers chose to frame Avery and his family, and ultimately how this created an advocacy piece that was well-received by the public.
Chapter 3

Analysis

While the public generally assumes that *Making a Murderer* and other documentaries like it are unbiased, the following analysis demonstrates the producers’ use of framing to create an advocacy piece for Avery, his family, and his defense team. The filmmakers have framed Avery in several ways, ultimately creating an identity for him through this advocacy piece. The three prevalent identity themes that emerged from the analysis of this documentary series are the white trash stereotype, the underdog, and the victim. In the following sections each theme is discussed and exemplified through direct quotes or passages from the Netflix series.

*Making a Murderer* opens each episode with a montage of images portraying Avery and his environment. The introduction uses semiotics as a way to conjure images of who Avery is based upon his home and upbringing. The introduction visually and audibly portrays the three stereotypes that will be discussed in this analysis. The images in the opening montage build upon one another to create a specific image of Avery.

Farming is presented as a means of life for the average citizen of Manitowoc, Wisconsin. The viewer is presented with a variety of images that include acres of farmland and different pieces of farm equipment. Manitowoc is a predominantly working class town of farmers, and that idea is reiterated throughout several episodes. This idea constantly frames the Avery family as the odd ones out, that they did not and would not ever fit the standard of Manitowoc. Aside from these images, it was also stated that Manitowoc is a rural area, which would lead viewers to believe that a major way of life would be agriculture. It is clear that the Avery family’s salvage yard is out of place in the
community. Mug shots from Avery’s 1985 conviction cross the screen as well as photos of the Avery family. One would assume that the Averys have lived a hard life and struggle to make ends meet; Steven’s run down trailer is shown as well as the rusted vehicles on the salvage yard property. Official court documents are presented in the introduction of each episode as well. Although these images flash across the screen fairly quickly they are important to note because it helps frame those three themes of white trash, the underdog, and the victim. The official court documents included in the opening scenes include a police report and mug shots from years past. These images are presented because they help to show that Avery had been a victim in the criminal justice system once before, and that he suffered consequences from a crime he did not commit. By including these images, the viewer does feel a sense of sorrow or pity for Avery.

The music that begins each episode is also purposeful in framing Avery’s image. It is obvious that images play in to the emotions of viewers, as well as the sound and music. Audibly the opening soundtrack portrays a chilling effect for the viewer. The music is slow and would lead one to believe that the story about to be told is one of sadness, desolation, or tragedy. With each episode the same introduction is played ultimately reinforcing for the viewer the same feelings of sadness and desolation.

**White Trash**

There were numerous instances in which it was apparent that the Averys were not like everyone else in the community, and as a result, that the Avery last name was viewed negatively in Manitowoc. Thus the series starts by framing Avery, first and foremost as white trash. The white trash stereotype is a theme seen throughout the series. As previously stated, individuals who are viewed as white trash are othered. Othered can be
defined best by Bullis and Bach (1996) as cited in a piece by Betsy Wackernagel Bach; Bullis and Bach (1996) stated that “the other is a person or group who is objectified by the dominant culture and treated as a cipher, or non-person” (p. 259). They are marginalized from the power and privilege usually associated with being white. Individuals labeled white trash are seen as inferior to the normative white population due to their low socioeconomic status. They are problematic white bodies, lacking in social decorum, backwards, or filthy.

The white trash label is applied both visually and verbally to Avery and his family. This is apparent through the visuals previously discussed. They are living in filthy, rusted, broken down trailers. The interiors of the Avery homes, which are shown through photographs and provide the backdrop for interviews with his family, are shown to be cluttered and to lack organization and cleanliness. Additionally, the Averys had built their own compound around the Avery salvage yard. Their property, with both homes and the family business, was separated from the rest of the Manitowoc community.

Reesa Evans, Avery’s appointed lawyer for his 1985 trial, provided several statements in reference to the way Avery and his family lived. Her statements provide further context for the white trash stereotype Evans stated,

Manitowoc consisted of working class farmers and the Avery’s weren’t that; they had a salvage yard, they lived on Avery Road, they didn’t dress like everyone else, they didn’t have education like other people, they weren’t involved in community activities. Steven didn’t go out of his way to fit into the typical
Manitowoc resident, it never crossed their minds to fit into the community; they had essentially built their own and that was enough.

Further exploration of the visual images used in the documentary expands upon the white trash image. The first episode introduces and lays out what the viewer can expect in the following episodes. Several times images of a dead-end dirt road with trailer homes along each side are showcased. This is the infamous Avery Road, on which the entire Avery family lives. It is desolate and separate from the outside world. The viewer is constantly being taken back to this road, or to one of the trailers of the family members. Inside and out, the trailers are rundown. There are images of trash and beer cans spread around. This is constantly reinforcing the idea that the Avery’s are below the standard of Manitowoc and that their image is not important to them.

The white trash stereotype is also bolstered by Avery’s lack of education and low intellect. In one interview Reesa Evans stated that Avery barely functioned while in school and had an IQ of 70. This meant that it was difficult for Avery to learn or comprehend things in an effective manner. The filmmakers stress that many looked at him as being dumb because of his lack of intelligence. One example where his intelligence was highlighted in reference to the murder was a statement made by Evans. She stated “it seems a little too sophisticated for the Steven that I knew.” The story of how Halbach was killed and the crime itself was framed as being too sophisticated for Avery to enact; it was as if he was not intelligent enough to commit such a serious and heinous crime.

This aspect of the white trash frame also provides an interesting turning point in how the
frame itself is utilized by the filmmakers for advocacy purposes. They are not presenting Avery as white trash to further vilify him, as the community has. Rather, the filmmakers co-opt this negative frame to ultimately create sympathy for Avery. The Averys are presented as marginalized from the rest of society, treated badly because they are different. Ultimately, the audience is made to question Avery’s guilty verdict because the rest of the community had disliked the Averys so greatly. Moreover, their lack of education and low intellect would be no match for a sophisticated and underhanded operation by investigators and prosecutors who had targeted them because they were different and because they were disliked.

In other instances, Avery’s physical appearance played in to the white trash stereotype. After his exoneration for the earlier conviction, Avery is seen with a long mangled beard and tattered clothing. However, soon after that, Avery began to work with Wisconsin lawmakers to reform the criminal justice system. The Avery Task Force was formed. His case was seen as the catalyst for the reform, to guard against future wrongful convictions like his. The Avery Task Force played an important role in Steven’s image at this point. Once the Avery Task Force began work, his appearance shifted; he was clean-shaven and wearing clean clothing. As the reform bill moved forward in the state legislature, Avery was positioned as a spokesperson for the new bill, and appeared several times with legislators. One newspaper heading was titled “Reforming Justice in Avery’s Name.” Steven Avery was a local celebrity, so much so that lawmakers statewide were working on reforming justice in his name.

Avery’s physical appearance shifted again after the Halbach murder. He was taken into custody and prison officials described him as being a dirty man, saying that
guards would make him take a shower because of his filth. As a side note, while Avery maintained his innocence throughout the murder investigation, he was ultimately tried and convicted of the murder of Halbach and was sentenced to life in prison. A once-exonerated man who was fighting for justice was now a convicted murderer. The name of the Avery Task Force was changed and lawmakers distanced themselves from him. He was once again marginalized. Avery’s physical appearance demonstrated the rollercoaster he had ridden. As he had been taken into the fold, embraced upon his release from prison the first time, his appearance demonstrated an attempt to shed the white trash stereotype. Yet he was shown in the series to return to that tattered physical appearance as the community, law enforcement, and lawmakers, shunned him again in 2005.

Avery’s own words, paired with visual imagery, are also used in the documentary to stress his white trash background. While awaiting trial for the Halbach murder, Avery was shown on the phone with his mother. He had some concerns about the upcoming trial, especially considering the family’s financial situation. Avery said to his mother “they’re going to win anyway, poor people lose, poor people lose all the time.” While this is a phone conversation, during this conversation the viewer is shown the outside of Avery’s home as well as his parents’ home. Avery’s trailer is run down and what little paint is left on the home is chipping away, the windowpanes are also missing paint. His parents, Allan and Dolores’s home, has an addition built on to their trailer, the paint is mismatched, and much like Steven’s home, the home has deteriorated. The imagery plays into the conversation that Steven is having with his parents; he states that they are poor, and because of that he will be found guilty. Adding the imagery of the trailers and
their poor conditions stresses the family’s state of poverty. But beyond simply living in poverty, the images stress the dirty conditions and disarray to support the white trash frame. The statement given by Avery, accompanied by this imagery, frames him as being poor white trash. Avery assumes, and the filmmakers’ choice in showcasing this conversation stresses, that because he is a poor man, he will not get a fair and just trial.

The white trash stereotype plays a large role in Avery’s identity and ultimately how he is seen in both Manitowoc and in the series. This particular stereotype leads the viewer to believe that the subsequent themes that emerge, the underdog and the victim, also help to play a role in the white trash identity.

The Underdog

Avery was framed as an underdog in many instances throughout the series, however it is important to define the term and how it will be used throughout this analysis. The term underdog can have a variety of definitions that are content and context specific. For the purposes of this analysis, the underdog stereotype was conceptualized as the idea that an individual is of low status in society, and does not have equal opportunity to succeed given the circumstances; an individual that you feel bad for or cheer on in hopes that the individual will overcome their challenges and succeed.

We can see this idea of the underdog stereotype play out through the series. In some instances Avery posits himself as the underdog and in other instances sympathetic others in Manitowoc position him as the underdog in the community. Looking specifically at Avery’s home life, emphasis is placed upon this idea of the underdog in a sense that not just Steven, but all of the Averys were always the underdogs.
In episode one of the series, several family members were interviewed and discussed Avery’s personality. Kim Ducat, Avery’s cousin stated, “people who were close to Steve knew he was harmless, always happy, always laughing, and always wanted to make other people laugh.” Her use of the term “harmless,” a term used to minimize the extent of the danger he may have posed to others, was juxtaposed with positive and light-hearted terms. She insinuated that while others may have feared him or seen him as dangerous, he was simply an underdog – low in status, down on his luck, but someone you could cheer for because he was likeable. The Manitowoc community however had very differing views of Steven Avery and his family. Ducat went on to say that “outsiders viewed him as an Avery, viewed him as a troublemaker, there goes another Avery; they’re all trouble.” These statements alone can lead to some speculation that the family was a family of misfits, outsiders, and ultimately the underdogs of the Manitowoc community.

Looking back at Avery’s colorful criminal history can provide more specific instances where the underdog label is presented in the series, especially in regards to his 1985 conviction and exoneration. The producers chose to focus several episodes on Avery’s 1985 conviction, as well as briefly discuss the petty crimes that he committed and served time for. Growing up in Manitowoc Avery had been involved in a few crimes that he served minor time for. The filmmakers stress that he took full responsibility for those crimes, often times openly admitting to his wrongdoings and taking the sentences that he received. Avery claimed that at the time, he was young and stupid and hanging out with the wrong crowd. The filmmakers use their focus on his criminal past to position him as an underdog when accused of the 1985 crime because he was already on
the radar of local law enforcement. The series points out that Avery believed he was
being convicted of the sexual assault in 1985 because of his petty crime past and because
of whom he was.

When presenting the circumstances of his wrongful conviction in 1985, the
filmmakers focused on Judy Dvorak, who was a deputy with the Manitowoc Police
Department and provided the court with accusations about the sexual assault. They
stressed that she offered accusations before evidence was presented or an arrest had been
made. The film quoted Dvorak, in response to victim Penny Beernsten’s police report
after the sexual assault as saying that it “sounded like Steven Avery.” Aside from Judy
Dvorak’s accusations, the filmmakers also stressed that it was known that Dvorak had
“no use for Steven.” And when the original description of the perpetrator given by
Beernsten was shown, Reesa Evans points out “Steven did not fit that description,
Steven’s hair didn’t fit, the build, everything, he didn’t fit that description; but Judy
Dvorak said he did.” By focusing on Dvorak in the film, who held an admirable position
on the police force and ultimately made Avery the main suspect of the investigation, the
film positions Avery as an underdog through that investigation and conviction. From the
beginning of this 1985 case, Avery’s chance of having a fair and just trial were slim to
none.

The film includes pictures of Avery in an orange jumpsuit, with dirty hair and
tattered hands when he was arrested for the sexual assault of Penny Beernsten. Avery
states in the film, “the Sheriff told me, I got you now, when I got to jail.” Including the
Sheriff’s comments makes it sound as if he was being arrested because of who he was; he
was a troubled Avery, this crime sounded like a crime an Avery would commit, and Steven seemed to have the most criminal history.

Reesa Evans, Avery’s court appointed lawyer is quoted again, pointing out several miscarriages of justice in the 1985 case. She stated:

The only reason I knew he was in jail, and they knew I was his lawyer, because Manitowoc was a small town Lori called me and told me he was in jail; so I went over and asked to see him, and the deputy told me that the sheriff had ordered that Steven’s name not be on the jail list, that he not be allowed any access to the phone, which is illegal, that he not be allowed any visitors, and that he be held in a cell block all by himself so he could have no contact with anybody. The Sheriff didn’t want him to be able to talk to anybody, including a lawyer, and I never ever saw that before, or since.

This statement stresses what lengths the police department went to ensure that Avery would not get a fair trial, as well as showing the mistreatment of Avery while in jail. The series thus builds upon the underdog frame. Avery was convicted based upon unfair accusations, an inaccurate physical description by a corrupt police officer, and mistreatment in jail. He had very little likelihood of a successful trial. This sets up a pattern for the audience when he again faces what are portrayed as unfair accusations and suspicious investigative practices for the Halbach murder. In essence, this poor guy cannot catch a break.

The statements and first hand accounts included in the film come only from the Avery’s point of view. Allan Avery, Steven’s father, reinforced the underdog stereotype by stating, “Tom Kocourek told Stevie, I don’t care if you did this or didn’t do it; I am
going to get you for it, now is that anything to say to anyone?” This statement reinforces the injustices that went on within the Manitowoc police department, and that ultimately no one really cared if Avery had committed the sexual assault; the police department wanted to convict Avery. While Allan Avery stated this, he is situated in his home, with wife Dolores by his side. His voice is raised with emotion. His statements also lead the viewer to assume this may not have been the first time that Avery has been picked on by law enforcement. Allan Avery is adamant that his son has been innocent all along, and that law enforcement is only doing this because he is an Avery, who caused some minor troubles in the community growing up. Allan goes on to say “Steve had 22 witnesses at least, and there’s one of them right there (camera moves to Dolores) and everyone of us were called fabricators, liars.” The filmmakers’ choice of interview clips helped to depict the struggle the entire Avery family faced with law enforcement. Robert Henak, Avery’s post conviction lawyer from 1994-1997, stated in the film “if alibi witnesses were believed, there would be no way to find him guilty; Steve Avery was accounted for every minute from about 1:30pm that afternoon until at least 5:00pm.” This furthers the argument that law enforcement officials did not care about anything but putting Avery behind bars. Here producers framed Avery in a way that would lead viewers to believe he was the underdog in nearly every encounter that he had with law enforcement.

After his exoneration eighteen years later, Avery is shown with his family at his home celebrating his release. Dolores Avery is interviewed and stated, “it feels real good. Yeah. We can all be together again.” The filmmakers depict a strong family bond for the Averys. Viewers see a family that is supportive of one another despite the harassment and unfairness of the outside community. When interviewed by a reporter
shortly after his mother’s statement, Avery, teary-eyed, states that he doubts he will ever be able to forgive the people who put him behind bars; and that they know they did wrong. Avery also stated that the money from his compensation lawsuit would help him get back on his feet, but it will never make up for lost time. This statement not only showed us that the Avery’s lived in poverty, but reinforced the underdog stereotype because this episode stressed that for eighteen years, Steven went without for a crime he did not commit, and now he finally has a chance to rightfully get compensation for his wrongful conviction. Even at this point the viewer is left with little hope that Steven would actually get what he deserves.

The series highlights another significant instance where Avery is framed as the underdog. During a home search after Avery had been arrested for the Halbach murder, while searching a closet one investigator states with a snicker, “we should take all those shoes in case we have any unsolved burglaries with foot impressions.” The accompanying giggle implies a joke, albeit inappropriate. The filmmakers choose this to show the lack of professionalism of the investigators and the gotcha attitude of law enforcement with regard to Steven Avery. While the statement itself is an attempt to frame Avery as a criminal, the use of that statement in the film series portrays him as the underdog and potentially a victim. During the search law enforcement was looking for ways to “pick on” Avery, so much so that they were making snide or sarcastic comments revealing their assumption that Avery had probably committed other unrelated crimes.

To bolster this frame, interrogation tapes were also showcased. One investigator told Avery “you can deny all you want, but the evidence will show you killed her.” Another commented that he knew Avery was scared and that Avery did not mean to kill
her, but prodded him to explain exactly what happened to Halbach. By including these statements and interrogation footage in the series, producers chose to highlight how seemingly unfair and improper law enforcement had acted, ultimately crafting Avery as the underdog and even the victim. These statements play into the underdog frame because they make it seem as if Avery did not have a chance of being found innocent regardless of whether he had committed the crime.

The questioning tactics used by law enforcement were unethical in several regards and knowing that Avery lacked education played a significant role in how the questions were asked, and how Avery answered those questions. The filmmakers chose to showcase just how uneducated Avery was as he seemed unable to understand what was being asked of him. The questions that he was asked were seemingly impossible for him to answer, and even if they were answered they were answered under duress.

All of these examples bolster the underdog stereotype that Avery was assigned. As a viewer, given the material that is presented in the series, you cannot help but feel some sort of pity for Avery. The series advocates for Avery as the underdog, someone who does not have equal opportunity to succeed in the community, and in these examples that statement holds true; it was apparent that he never got a fair chance at freedom.

The Victim

The frames developed in the *Making a Murderer* series build upon each other. Ricciardi and Demos began by introducing the audience to a poor man and his family who had been shunned by the rest of the community because they were seen as white trash. On to this frame, the filmmakers built the notion that Avery, disliked and uneducated, did not have a fair chance to defend himself. He was an underdog. Lastly,
convicted of a crime he did not commit in one instance, and convicted of a crime for which he claims he was framed in the second, the filmmakers complete the image of Avery by making him a victim.

One instance where Avery was seen as the victim was his wrongful conviction in 1985. He served eighteen years in prison for a crime that he did not commit, and it was stated in first episode that particular case had been one of the biggest miscarriages of justice Wisconsin had ever seen. In another interview with Avery’s cousin after his exoneration, she told him that they (the Manitowoc Police Department) were not even close to being done with him. The film goes on to highlight the framing and conspiracy theory proposed by Avery’s defense, that the Manitowoc police department had a clear motive to retaliate against Steven Avery. Since they wrongfully convicted him in 1985 and made him serve an eighteen-year sentence, Avery’s desire for compensation, on top of the community’s dislike of him, would have been motive enough.

Sheriff Ken Peterson’s subsequent statement was featured in the film. While attempting to minimize this conspiracy theory, Peterson’s words ultimately support law enforcement’s disdain for Avery instead. He stated,

Framing Steven Avery would be much too difficult, if we wanted to eliminate Steve, it would be a whole lot easier to eliminate Steve than it would be to frame Steve; it would have been much easier just to kill him.

This statement has a significant impact on framing Avery as a victim. It brings to light just how much Avery is not welcomed in the community, as well as the feelings that law enforcement officials had towards him. The sheriff made this statement, seemingly as a statement of defense in favor of his police department, but ultimately what it brought was
utilized in the film to highlight how victimized Avery was by law enforcement. In a phone call, Avery goes on to say that everyone is calling him guilty before he even goes to trial; he asks where is the justice.

Next Allan and Dolores Avery were filmed sitting in the living room of their home when Allan stated “they don’t care, they’ll take an innocent man and make him guilty, and that’s what they’re doing right now; we went through this twenty years ago, and now we’re going through it again.” Allan and Dolores both support their son and his innocence, and they truly believe that Manitowoc police department is just out to get Avery, especially after his hefty compensation lawsuit. Aside from maintaining their son’s innocence Allan, Dolores, and even his sister Barb, are also framed as victims. For instance, the film highlights a letter received by the family that stated, “Steven Avery is a murderer. May your entire family rot in hell. Bastard.” Another letter stated, “Steven Avery is a killer. Please tell his mother to shut her mouth the public does not want to hear it.” These letters came from people who knew or had been following Avery’s case, and were now taking out their frustrations on the family.

There were very few times that the state was interviewed like the Avery’s had been and there were very few times that viewers heard statements come from Halbach’s family. This supports the filmmakers’ overall purpose of creating an advocacy piece that tells the story from Avery’s point of view. Had producers shared the state’s view, it would have had the potential to taint Avery’s carefully cultivated victim identity. Filmmakers not only chose not to include the state’s view, but also refrained from sharing the perspective of the murder victim’s family, because this would have the potential of creating sympathy for Halbach, the murder victim. Framing Avery and his family as the
victims of the injustices of the criminal justice system further lead viewers to feel sorry for Avery and his family. The film also raises questions about the protocol that the Manitowoc police department followed. Furthering the argument that Avery was not the only person being victimized during this trial was another statement made by Allan Avery. Allan stated “they got our family all tore apart, it’s not right, and it will never be the same.” This statement shows how the Avery family as a whole felt about Avery’s conviction, and it brought to light that it obviously did not just affect Avery but rather the entire family, so much so that the family would not be the same after this incident, no matter the eventual outcome.

The filmmakers further showcase the victim theme by having community members speak to them about the case, and their opinions on how the Manitowoc county police department handled the case. In one instance, a lady in the local tavern stated, “I think he was framed, there’s a lot that points to where the sheriff’s department could’ve had something to do with it.” He had been marginalized from the community for so long, but even community members now were showing empathy towards Avery. This scene was one of the only times viewers saw and heard opinions from outsiders in the community throughout the entire series. Of course it is important to have insight to what people within the community thought of Avery, however it seems the producers chose community members that were similar to Avery himself. This was to say that they chose to gather insights from people who were in the same social class as Avery, same education level, and overall live the same kind of lifestyle as Avery does. Those opinions could have and probably would have been different had people living the “standard” Manitowoc life been asked for their opinion. The setting of where these individuals were
asked about their opinion on the case may have also had an influence on their opinions. Nonetheless, it was apparent that some individuals living in Manitowoc felt as if he was the victim of a framing scheme perpetrated by the police department.

After Avery was ultimately convicted of the murder of Halbach, Avery’s family members stated that the Manitowoc police had ruined them and ruined their family business. The family business had failed as a result of the trial and conviction of Avery; because the business failed, it was apparent that the family would struggle financially. They had been victimized yet again.
Chapter 4
Conclusions

Overall, the aim of this thesis was to better understand how *Making a Murderer* created an identity for Avery through the use of framing and for the purpose of advocacy. The analysis helps us to better understand framing as it is used in a series like *Making a Murderer*. Guided by two research questions, I found that statements and imagery lead viewers to understand Avery’s identity based on three frames: white trash, the underdog, and the victim. The goal of this research was not to judge the fairness of the verdict in Avery’s, case but rather to better understand how the filmmakers used this documentary as an advocacy piece to sway the public in his favor.

Summary of Findings

*Making a Murderer* provided a case study in which we were able to better look at framing tactics and ultimately how framing can shape an individual’s identity and public persona. Research questions one and two asked *how* framing was used and *what* image or identity resulted for Avery.

After analyzing this film series it was apparent that producers utilized framing as a way of advocating for Avery. In answering research question one I determined that three frames were repeated throughout the series. Those three frames (white trash stereotype, the underdog, and the victim) encourage the viewer to feel pity for Steven Avery and his family. Additionally, producers chose to include only certain people, certain documents, and certain images within the series, all of which were in favor of Avery. Including key components from the defense while excluding other key findings and arguments that would favor the prosecution, encourages support for Avery. By not...
including vital pieces of information from the state or from the victim’s family, Avery is viewed more favorably. Thus editorial choices in what content to include to tell their version of Avery’s story, as well as repetition of themes or frames in various ways throughout the series, both visually and verbally, answers research question one.

The second research question asked what identity the *Making a Murderer* series constructed for Avery. His identity was constructed as a poor, uneducated, white male, who did not have the same chance at success as others in the Manitowoc community. Moreover, he was the victim of multiple conspiracies by corrupt law enforcement who had far more power than Avery. Ultimately Avery could have been viewed differently by the public had the producers chosen different framing techniques and different frames. It is apparent that media framing played a large role in this series.

**White Trash**

The white trash theme played a large role in shaping Avery’s identity throughout the series. Perhaps, the most prevalent among the themes from start to finish; white trash was the identity that was first ascribed to Avery by the community. But producers chose to adopt that frame to tell his story. Pointing out that Avery had been marginalized by the community was the first step in building the ultimate story that Avery was unfairly targeted. The producers make the case that, with little support in the community, he was an easy target of law enforcement’s corruption and conspiracies. In this section, key examples of that white trash identity are summarized.

The standard for Manitowoc was working class farmers, and the Avery family was everything but the standard of the community. The series emphasized the idea that the Avery family lived well below the average community member. They lived in
trailers on a dead-end dirt road and owned a salvage yard, all of which was looked down upon by those in the community, including law enforcement. However, for the Avery family the standard did not matter, and it was apparent that they had made their own Avery community and most Avery family members were content with that.

Avery’s education level and IQ had a direct influence on how producers framed Avery. Avery’s lawyer mentioned several times that Avery was unable to understand what was going on and was also unable to answer the questions that were being asked of him in an intelligent manner. His lawyer also stated that the Halbach murder was much too sophisticated for Avery; he basically did not have the mental capacity to create and follow through with such a heinous crime.

Avery’s physical appearance also played a large role in the white trash stereotype. Focusing on Avery’s physical appearance of being dirty and wearing tattered clothing, along with showcasing his unkempt trailer, lead viewers to believe that he fell into the white trash stereotype and that he was living well below the poverty level. After Avery had been arrested and placed in police custody, one phone call recording that was included in the series would ultimately solidify that white trash stereotype. In a phone call to his parents, Avery had stated that it did not matter anymore and that poor people lose all the time. Along with this phone call, the imagery of Avery’s run-down trailer and a failing family business is shown. This not only frames Steven Avery as poor white trash but his family fits this stereotype too. Including those images and these phone recordings leads the viewer even further into believing in the poor white trash stereotype that has been placed upon Steven and his family. Ultimately, the white trash stereotype leads to two other themes that help to create Avery’s identity throughout the series.
The Underdog

The underdog theme was apparent throughout the series, and one that Avery seemingly identified with fairly easily. Avery, as well as several other individuals interviewed throughout the series, made a claim that Avery was an underdog within the community. Law enforcement picked on Avery and community members looked down upon him. We saw this when Avery's cousin Kim Ducat was interviewed. She described her cousin as always happy and always smiling but that outsiders viewed him as an Avery who was always causing trouble within the community.

Producers not only framed Avery as an underdog, but also included interviews with Avery's parents that depicted their family as being the underdog family. In one interview with Allan Avery, he stated that law enforcement did not care if he did or he didn't do the crime, Avery was going to serve the time, and according to Allan Avery, Avery had no chance at a fair and just trial. Allan and Dolores Avery were also vocal about being called liars and fabricators during the trial. The producers did not frame Avery alone as an underdog. He had a supportive family yet the entire family was treated unfairly.

Other instances where we saw Avery being treated as the underdog were statements that law enforcement made during a routine search of Avery's trailer. Investigators were shown making snide comments and joking about Avery's guilt, even going as far as making comments about other unsolved crimes in the area that law enforcement could link Avery to in some way. It would be safe to assume that producers chose to include this in the advocacy piece to show how seemingly crooked Manitowoc
law enforcement was, and how little desire they had to ensure that Avery would have a fair trial.

**The Victim**

The victim theme also appeared several times throughout the series. Avery was not the only victim in the series; producers also chose to frame his family as the victims. One instance where we see victimization, and maybe one of the most shocking statements throughout the series, was the statement that Sheriff Ken Peterson had made about Avery. Peterson stated that had law enforcement officials really wanted to frame Avery, they would have just killed him, and that framing him would have been much too difficult. This effectively frames Avery as a victim of mishandling of justice as well as a victim of bullying from those in power.

Avery’s parents provide another way viewers are led to believe that he was a victim. Allan and Dolores stated that Manitowoc law enforcement did not care about Avery or if he was actually innocent, they would make an innocent man guilty regardless of the circumstances. They had made this statement because twenty years prior to the murder case, Avery had been sentenced for a crime he did not commit, and Avery’s parents had said they had to go through the same thing again. This re-victimized Avery. The film assumes he must be innocent as he had been the first time. Aside from Avery’s family making statements, community members and individuals who had been following the case would send mail to the Avery family, often times including vulgar phrases and opinions on Avery and the case. This victimized Avery as well as his family. Images of these letters were included in the advocacy piece so that viewers were able to see the
victimization. Ultimately this entire advocacy piece paints Avery as the victim, not necessarily a victim to the crime, but a victim of an unjust and corrupt police department.

One final instance in which Avery was shown as the victim throughout the series was when community members were interviewed and asked their opinions about him and the case brought against him. A few members of the community thought that he was framed by law enforcement, and that there were several things that would point to framing Avery for this murder. Community members that were interviewed appeared to have empathy towards Avery and the situation at hand. Framing Avery as a victim is important because it showed that some members of the community felt as if he was being framed by law enforcement, and that the law enforcement was a crooked organization. All of these examples help us better understand how Avery and his family were victimized by law enforcement and community members, this again makes the viewer feel sorry for the Avery family.

Limitations

As with any research this project has limitations. One limitation relates to generalizability. While we can consider *Making a Murderer* an advocacy piece for Avery and a series to highlight potential injustices within the criminal system, we cannot generalize the findings to every documentary that is similar to *Making a Murderer*. Each documentary possesses different qualities, different circumstances, and ultimately different outcomes so generalizing these findings would be impossible.

Another limitation that I faced while doing this project was how many times the focus of this research project changed. Further exploration is warranted to examine how other forms of documentary use framing of identities to persuade an audience. Initially,
the focus was to better understand the influence that race, class, and gender had on the media’s framing of Avery. However, after reading several local newspaper articles and even official court transcripts, I was not obtaining the information needed to make such strong claims. Moving forward with this project, I then shifted how I wanted to look at framing within this series. I looked at how the media framed Avery, not based off of the social constructs of race, class, and gender, but rather how he was framed by producers in a seemingly favorable light, and ultimately how his identity was created by certain framing techniques. These frames also played in to the three themes that were analyzed above, the underdog, the victim, and the white trash stereotype. These two limitations were the biggest obstacles faced in this research project, and it is important to note that as future research continues.

Future Research

Based on this research project there are multiple ways future research is warranted. One way we can further our research in media framing and advocacy pieces such as *Making a Murder* is to examine what framing tactics are used in other documentaries similar to *Making a Murderer*. Framing is an important part of any media production, but especially true in true crime series, because the framing plays such a vital role in how identities are formed, how the viewer interprets the given information, and finally what emotions a viewer feels after watching a particular production. Framing in high profile cases can be further looked at because it can often times go unnoticed, especially to a viewer who is emotionally invested with the individuals being featured.

Another direction for further study involves looking at other documentaries as advocacy pieces and ultimately how these pieces play a role in forming public opinion
about a topic. This is especially true in regards to true crime documentaries. Looking at documentaries as advocacy pieces will ultimately help us to better understand the media’s influence on public perceptions as well as better understand media framing as a tool for advocacy.

Another area that we can further investigate is the idea of a criminal social identity, and ultimately how that individual is affected by this identity that they have been ascribed by society. Digging deeper into how individuals are socially identified within the criminal justice system is an important area. Looking at how criminally accused individuals are socially constructed based on race, social class, and gender will prove to be significant in mediated formats as well as in the prison system itself.
References


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