

## The Mediatization of the O.J. Simpson Case: From Reality Television to Filmic Adaptation

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Tatjana Neubauer

**THE**  
**MEDIATIZATION**  
**OF THE**  
**O.J. SIMPSON**  
**CASE**

From Reality Television to Filmic Adaptation

[transcript] Media Studies

Tatjana Neubauer  
The Mediatization of the O.J. Simpson Case

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Tatjana Neubauer

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## Introduction

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In the early 1990s, the American television landscape saw the emergence of a new, hybrid genre, nowadays most commonly referred to as reality television.<sup>1</sup> Facilitated and driven by the rapid expansion of new technologies, the competitive commodification of news, and incentives for increased public input and participation, reality TV became a staple of American popular culture and a pertinent solution to the increased costs of scripted programming. It successfully merged a variety of factual and fictional formats such as the documentary, the sitcom, and the prime-time drama, which allowed the hybrid genre to extend its reach into virtually all areas of American television (Edwards 11, Bell 38–39). It was in this time that legal proceedings were transformed for entertainment purposes in a process called “teletigation” (Schuetz 1), which established the “gavel-to-gavel courtroom coverage” (Thaler, *Watchful Eye* 58) as a new and profitable reality television sub-genre. As the US entered the age of “tabloid justice” (Fox, Van Sickel, and Steiger 6), traditional and newly emerging media outlets began shifting their focus away from the didactic function of the press and towards the sensationalistic and histrionic details of high-profile trials and investigations (6). Court procedures were changed in their

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1 According to media scholar Chad Raphael, reality “programs include the extensive use of ‘actuality’ footage of their subjects, [...] reenactments of events, performed by professional actors, the people who experienced them, or a mix of both; a tendency to avoid the studio in favor of on-scene shooting, sometimes at the same place where the events they represent occurred; mixing footage shot by unpaid amateur videographers with that of professionals; appealing to the conventions of ‘liveness’ and ‘immediacy’ [...], and the pretense to spontaneity” (Raphael 124). The commonly known expression reality television only became prevalent around the year 2000 (Huff 11) and was used to categorize law and order programs such as *Cops* (1989-) and *America’s Most Wanted* (1988–2012), which exhibited tapes of actual police work, interviews, and dramatic reenactments of the presented crimes (Rapping 55). Earlier reality-themed programs were still labeled documentary (McKenna xii), “nonfiction entertainment” (xii) or direct cinema. Scholars also spoke of “reality-based-tv” (Wegener 15), “actuality programming” (Glynn 3), “staged actuality” (Deery 2), “confrontainment” (Glynn 2), “tabloid television” (2), “popular factual television” (Hill, *Audiences* 2), “on-scene shows” (Raphael 119), and “unscripted drama” (Magder 137).

structure and dynamics by institutionalized mass media<sup>2</sup> through the blending and blurring of visual styles conventionally associated with the documentary with techniques ascribed to fictional genres such as the drama or soap opera.

Yale Law School graduate Steven Brill was one of the first entrepreneurs to recognize the profitability of covering legal proceedings and subsequently provided a platform for the extensive coverage of selected cases. Driven by the desire to create a network devoted to twenty-four hours a day, seven days a week coverage and commentary of criminal and civil trials, he officially launched the Courtroom Television Network (Court TV) on July 1, 1991. Court TV broadcast selected live and taped trials and filled intermissions and recesses with voiceovers and commentary provided by legal experts. In addition, it televised shortened and edited trial stories that combined trial footage with interviews of various court participants, including attorneys, judges, or witnesses. During the day, Court TV aired programs such as *Yesterday in Court* or *Docket Report*, which updated the audience on previous or recent cases.

In December 1991, William Kennedy Smith, member of the prominent Kennedy family, stood trial for rape charges. Having the rights to televise the proceedings, Court TV registered unprecedented audience numbers, surpassing those of popular soap operas and talk shows (Thaler, *Watchful Eye* 58). By February 1992, 5.5 million homes in 43 states followed the Courtroom Television Network (57), and by late 1992, Court TV had aired more than 240 trials in total (70). However, the network's most significant and profitable years came with the arrest and indictment of O.J. Simpson on double homicide charges. The former football star—one of the most resonant media figures of the nineties—was charged with the murders of his ex-wife Nicole Brown Simpson and her friend Ronald Goldman in June 1994.<sup>3</sup> While the prose-

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2 In the context of the present study, the term institutionalized mass media encompasses the communication channels of the press, broadcast radio, and television as well as the Internet. While the significance of all outlets is addressed in the realm of the O.J. Simpson case, particular focus is aimed at print and digital media for they have proven to bear the greatest transformative character in the US in the 1990s.

3 In the late hours of June 12, 1994, a barking dog led Brentwood residents Sukru Boztepe and Bettina Rasmussen to the front porch of 875 South Bundy Drive, where they found the bodies of 35-year-old Nicole Brown Simpson and her friend, 25-year-old waiter Ronald Lyle Goldman, who had come by Nicole's house to return glasses her mother had previously forgotten at the Mezzaluna restaurant. The same night, O.J. Simpson boarded a late flight to Chicago to attend business commitments the following day. After being informed of the murders by the police, Simpson returned to Los Angeles and was arrested as a suspect at his Rockingham home shortly after his arrival. An autopsy conducted on June 13 revealed that the homicide victims had suffered and died from multiple stab wounds. Nicole Brown Simpson's throat had been slashed so deeply that the injury had nearly decapitated her. Ronald Goldman had tried to resist his attacker, discernible by numerous cuts all over his body, but had succumbed to two particularly deep knife wounds on his neck.

cution's subsequent criminal case against O.J. Simpson relied heavily on DNA evidence, the defense accused members of the Los Angeles Police Department (LAPD) of racism and planting evidence to frame the celebrity. Simpson's acquittal on October 3, 1995, divided people into proponents and critics and reignited public discussion on the state of the American justice system. To this date, no other case in the nation's legal history has been talked about and dissected so intensively in the court of public opinion as the O.J. Simpson murder trial.

This study illuminates the mediatization of the Simpson case, taking a highly interdisciplinary approach to the so-called 'Trial of the Century.' While most of the scholarly work written on the subject focuses on the question whether Simpson's acquittal was justified by examining the evidence that was presented or withheld from the jury during the trial (see e.g., Rantala 1996; Geis and Bienen 1998; Campbell, *The Year the Future Began* 2015) or the racial implications of the case (see e.g., Abramson 1996; Carter, Branston, and Allan 1998; Hayslett 2008), this study combines analytical methods and strategies from Media and Film Studies, Dramaturgy, Celebrity Studies, Cultural Studies, Sociology, Anthropology, New Historicism, and Performance Studies to demonstrate the pivotal role information technology played in the excessive distribution of the case. O.J. Simpson's story, often labelled a quintessentially American tragedy,<sup>4</sup> and the trial participants were commodified and reconceptualized as performers in a play to generate viewers, readers, and monetary gain.

Mediatization, the eponymous and conceptual background of the present study, was developed by media scholars Friedrich Krotz (2001), Winfried Schulz (2004), Stig Hjarvard (2004), and others in the early 2000s. It operates on the notion of social constructivism and assumes—as the term suggests—that all social and cultural life is constructed (Couldry and Hepp 21). As Nick Couldry and Andreas Hepp<sup>5</sup> contend, the mediatization process rippled through the decades in form of mechanization, electrification, and digitalization and increasingly deepened people's "technology-based interdependence" (53). In the mid 1990s, sociologist John B. Thompson initially coined the homogenous term "mediatization" (Thompson 46) to describe the systematic cultural transformation initiated by technical innovations such as printing (46). His understanding of communicative action through media is comparable to today's concept of mediatization, which ascertains that the core elements of cultural and

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4 There are several ironic parallels between O.J. Simpson's case and Theodore Dreiser's 1925 novel *An American Tragedy*. The canonic author tells the story of Clyde Griffiths, whose life becomes contorted by money, jealousy, and impulsive rage, which culminates in the death of a young woman and a subsequent sensational trial. In contrast to Simpson, however, Griffiths was convicted of murder and ultimately sentenced to death.

5 To avoid redundancy and facilitate readability, all scholars I refer to only by name are situated in the field of Media Studies.

social activity as well as their institutions and orbital rhetorical strategies are constrained by forms suitable for media representation and partly bend to the media's logic (Hjarvard 106). More precisely, mediatization transforms "the agents who can act in a particular field, how they can act, with what authority and capital" (Couldry 377). As this study will show, telelitigated or, alternatively, telemediated legal procedures offer substantial indicators for the workings of the forces of mediatization.

As indicated above by example of John B. Thompson, the wider consequences of diverse media forms for the social and cultural world attracted several labels in the academic sphere over the years until the establishment of mediatization as the contemporary expression for such transformative processes. E.g., "medialization" and "digitalization" (Lundby 133) all contemplate "the regulated production of meaning" (Coward 85) through print and digital media formats to varying degrees. However, research into the implications of 'mediation' is most commonly contrasted to findings and analytical approaches proposed by mediatization scholars. Whereas the latter is bound to the realm of Media Studies, the term mediation also finds broader use in Sociology, Education, and Psychology (Couldry 379). Mediation encompasses the general "intervening role that the process of communication plays in the making of meaning" (379); it is not restricted to forms of mass media. Within media research, the concept of mediation can be understood as the "act of transmitting something through the media" (379) or the "overall effect of media institutions existing in contemporary societies" (379). Thus, to demarcate the fields of Sociology and Media Studies, Thompson coined the expression *mediatization*, which has since been modified to and accepted as mediatization. The general question of media institutions' ramifications covered in the field of Mediation Studies has thus been narrowed down to "a series of specific questions about the role of the media in the transformation of action in specific sites, on specific scales and in specific locales" (380). Similarly, Andreas Hepp and Friedrich Krotz see the link between the two concepts in that "mediatization reflects how the process of mediation has changed with the emergence of different kinds of media" (Hepp and Krotz 3). O.J. Simpson's telelitigated trial proceedings offer insight into the media's symbiosis as a mediator between and creator of meaning in contemporary American society.

Apart from Mediatization Studies, Richard Schechner's<sup>6</sup> performative method of participant observation (Schechner, *Performance Studies* 324), an analytical approach adapted from Anthropology, serves as a way of understanding how "media content can be used as cultural resources for understanding agency, identity and power" (Hill, *Reality TV* 8). Participant observation, as applied in this study, makes palpable how the American mass media "interpreted, filtered, parsed, distributed, and largely created feelings and perceptions that Americans had of the times in

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6 Richard Schechner is considered one of the founders and key figures in Performance Studies.

which they were living” (2). In the analytic process, I identify the place(s) of performance with the goal to describe “how a given setting structures presentations, actors, purposes, and the products of performances” (Shulmen 17). In a second step, I focus on the players in the performances to describe their social roles and purpose in the legal play (17). Analogous to watching a goldfish in its glass bowl, the electronic coverage of criminal trials invites outsiders to consume what Kirshenblatt-Gimblett titled “social pornography” (Kirshenblatt-Gimblett 54)—the process of “the private made public” (54):

In what is a logical corollary of the autonomous object, people, their realia and activities, are mounted in a hermetic aesthetic space—fenced off in a zoological garden, raised up on a platform in a gallery, placed on a stage, or ensconced in a reconstructed village on the lawn of the exhibition grounds—and visitors are invited to look. (47)

Audience perception and inclusion thus play an equally important role in the consideration of how the actors used the props and facilities available to them to establish their narrative. Erving Goffman’s principles of impression management further help illustrate the medial creation of *le drame quotidien* and its entrapping character. The Canadian sociologist studied everyday human behavior to reveal “the larger underlying pattern of the structure of society” (Winkin and Leeds-Hurwitz 6), which is “created and maintained through social rules, obligations, and gatherings” (6). The last analytical stage of Schechner’s method brings these prior steps together for a final assessment by considering the intended and unintended consequences and reactions to the performances.

A thorough examination of the O.J. Simpson case thus underlines that legal proceedings are innately performative and suffused with elements of ceremony and ritual. They, much as the traditional understanding of performances, are “performed for someone, some audience that recognizes and validates [them] as performance” (Carlson 5, emphasis original). Much like going to the theatre, attending a court session is a public event that requires adhering to a particular code of decorum and restraint. Speech is highly regulated and circumscribed, and the audience is expected to receive the play in silence (Abercrombie and Longhurst 41). However, in contrast to theatre or drama, performance does not connote fiction or artifice but makes claim to authenticity (Bial 60). Contemporary Performance Studies do not bind the concept of performance to the theatre and the employment of (professional) actors but move it from the stage to the *quotidian*. The mere presence of a “consciousness of performance” (4) in individuals transforms their ‘actions of doing’ into ‘actions of performing’ as they follow a set of forms of communicative behavior with the goal to create an effect on the respondents. Simon Shepherd points out that although performances constitute “an apparently habitual part of everyday living, such behavior

is nevertheless constructed" (Shephard 137). Similarly, anthropologist Victor Turner understood cultural performances as

a dialectic of "flow," that is, spontaneous movement in which action and awareness are one, and "reflexivity," in which the central meanings, values and goals of a culture are seen "in action," as they shape and explain behavior. A performance is declarative of our shared humanity, yet it utters the uniqueness of particular cultures. (Schechner and Appel 1)

It is for this reason that the Simpson case deserves close attention. It reveals not only the everyday codes of behavior and decorum of a 1990s social and legal performance but allows scholars and audiences to experience what Michel Benamou calls "the dramatization [or mediatization] of life by the media" (Shepherd 140).

Simultaneously, this study further obviates television's power to create meaning or, to use Walter Lippmann's words, the "manufacture of consent" (Lippmann xv). The concept of framing, particularly on news formats, will come into play in conjunction with the approach of gatekeeping, during which news editors exert their power to select and reject stories for coverage (Selby and Cowdery 140). Based on this, framing "suggests that the way in which [a] story is covered affects how people will perceive and respond to that particular issue" (Cooper and Bailey 135). Controversial and complex issues such as climate policies, war, and, specifically in the US, putting an African American celebrity and sports hero on trial for murdering his Caucasian ex-wife and her friend, are oftentimes told from the perspective of diverse players, all of whom aim to manifest their own point of view as the dominant position. As the German scholars in *Communication Studies* Hans-Bernd Brosius and Viorela Dan contest, these players, may they be involved in politics, economics, or socially engaged, generally lack the will or the ability to consider all facets of the dispute at hand (Brosius and Dan 265), thus highlighting certain aspects of a story while neglecting others. The media scholars summarize that framing concerns "Ursachen, AkteurInnen, Lösungen und Konsequenzen von Themendarstellungen. Frames legen eine Interpretation nahe, was das Problem ist, was/wer es verursacht hat, wie es bewertet werden sollte, und von wem und wie es zu behandeln ist" (266).

This study thus evidences how images are made intelligible and are "transformed into symbolic discourses for television's purposes" (Langer 351) by use of "certain codes, conventions, operational rules [and] structures of usage" (351). When certain news or images are broadcast to viewers' homes, they believe them to be of particular importance, and the way these images are presented divide people's worldviews in a particular manner. Expanding on Roland Barthes' concept of description-produced reality effects (Barthes 1989), French philosopher Pierre Bourdieu described this phenomenon with reference to the moving images of television in 1998:



They [images] show things and make people believe in what they show. This power to show is also a power to mobilize. It can give a life to ideas or images, but also to groups. The news, the incidents and accidents of everyday life, can be loaded with political or ethnic significance liable to unleash strong, often negative feelings, such as racism, chauvinism, the fear—hatred of the foreigner or, xenophobia. The simple report, the very fact of reporting, of *putting on record* [...], always implies a social construction of reality that can mobilize (or demobilize) individuals or groups. (Bourdieu, *On Television* 21, emphasis original)

Television, and by extension, reality television, always “mediate[s] reality through narrative practices; aesthetic choices; geographic constructs; thematic interests; casting decisions; and social, economic, political, and cultural power” (Kraszewski 17), employing minimal effort to communicate its ideas (Deren 150).

The O.J. Simpson trial, whose conclusion encompassed over nine months, 126 witnesses, 50,000 pages of transcripts, and \$9 million in court expenses, prompted the production of an extensive number of documents and publications. In addition, between 1989 and 1998, the murder trial (civil trial included) was the main feature of a total of 22,610 newspaper articles, of which 1,471 were front page stories (Fox, Van Sickel, and Steiger 72). In 1994 and 1995, the Simpson case was the focus of 679 and 882 news segments on television, respectively (72). This unprecedented media coverage was only surpassed by the Clinton-Lewinsky investigation in 1998. Consequently, I considered the three key moments of the trial for my analysis: the Bronco Chase, the glove demonstration, and the verdict announcement. The context and necessary background information surrounding these events is provided in the respective chapters. I worked with court transcripts and video footage from the 1994/95 proceedings; the latter source material was digitalized and subsequently uploaded to the video-sharing platform YouTube by the CONUS Archive.<sup>7</sup> Whenever possible, I accessed and referenced additional material from the archives of the original broadcasting and online source (e.g., *CNN.com*, *abcnews.go.com*). These findings were then compared to and complemented by print media coverage of the Simpson case. I studied ‘quality newspapers’ such as the *Los Angeles Times* and *The New York Times* in addition to popular tabloid magazines of the 1990s (e.g., *National Enquirer*

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7 According to its website, “CONUS was born in the 1980s through its pioneering work in the development of the satellite uplink truck as a newsgathering tool [...]. This technological breakthrough allowed local television stations nationwide to provide live coverage from across the U.S., and easily exchange video with others. These capabilities were at the core of the CONUS News Service that, in addition to expediting live transmissions, provided footage exchanges and coordinated coverage of major news events [...] of the day. [...] At the end of 2002, CONUS undertook a restructuring that led to a cessation of newsgathering operations, but licensing of the video gathered over those two decades continues today through the CONUS Archive.” (<http://www.conus.com/AboutConus/tabid/54/Default.aspx>)

and *Star*) to illustrate the diglossic modes of production and staging practices involved in the coverage of murder trials in the US.

The O.J. Simpson trial is not a relic of the past. To the contrary, it continues to intrigue people and has been repeatedly referenced in contemporary American popular culture. Examples of such mediatized approaches to the case abound and can be found in a variety of artistic forms and projects, including documentaries (*O.J.: Made in America*, 2016), rap songs (“The Story of O.J.” by artist Jay-Z), and animated television series (“The Juice Is Loose” on *Family Guy*). In 2016, Simpson’s story was made into a true crime anthology series for FX Networks, titled *The People v. O.J. Simpson: American Crime Story* (ACS, *American Crime Story*). The season consists of ten episodes that address the different stages of the case with a noticeable focus on the main trial participants and their personal assessment of the events. The present study explores the potential effects of the fictional series on a new and possibly uninformed audience and evaluates the dialectical relationship ACS establishes to the original footage with a particular focus on the question whether the series’ planned and synthetic images capture the essence of the O.J. Simpson trial, which has intrigued the American nation for years, in a mere ten episodes. It will be shown that factual and fictional television formats share various commonalities for they all constitute constructs of staging and (re-)enactment. The original footage and its filmic pendant both depict a “camera-reality”<sup>8</sup> (Kracauer 114) that challenges the prevalent understanding of factual and fictional TV in a culture, where television remains the “optical truth” (Bermingham 239) and sight symbolizes “the apparent mirror of the world” (Urry 71).<sup>9</sup>

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8 In the context of the television realm, it is also common to speak of reality effects, “structured reality,” and “tele-verité” (Mirzoeff 97).

9 In the first half of the 20<sup>th</sup> century, during a time when film makers still attempted to establish their work as a form of art, adaptations—the transfer from one artistic medium to another, most commonly from literature to motion picture—were considered inferior to the written word and called “impure cinema” (Cartmell and Whelehan, *Screen Adaptation* 2) due to their supposed dependency on literature. Since the 21<sup>st</sup> century, however, film and television adaptations have increased in number and quality, seemingly indicating the progressive substitution of literature with digital media as the deliverer of narratives. Most critics judge the success of an adaptation by its strict adherence to the source material with the goal to preserve as much of the essence of the literary text as possible (2). Contemporary Adaptation Studies noticeably move away from such an arguably restricting perspective for “films that endeavor to give the impression of accuracy in the representation of a literary text, historical event, or period [...] are inevitably doomed to be inferior to [their] original (2). Instead, adaptation scholars direct their focus at the nuanced relationships filmic adaptations establish with their literary counterparts.

## Book Outline

This study is divided into three chapters. The first chapter focuses on and the events surrounding the Bronco Chase, whose media coverage has only been addressed by few academic works in detail albeit its uncontested cultural importance. I demonstrate how the sensational reality TV show that the O.J. Simpson trial would become was ritualistically initiated by the slow-speed car chase along the Los Angeles freeways on the evening of Friday, June 17, 1994, and subsequently contrast those memorable images to their filmic pendants in *American Crime Story*. Reference to the Bronco Chase—so distinctive it demands capitalization—still evokes a wide range of emotions and reactions in at least the nearly 100 million Americans who watched the events unfold on live television, “[forming] what was at the time the second-largest TV audience ever” (Fiske 283). The *Los Angeles Times* called the Chase “one of the most surreal moments in the history of Los Angeles criminal justice” (*Los Angeles Times* Staff, *LA Times*, 17 June 2014) and “the defining moment [that] locked people into this common emotional experience” (Shaw, *LA Times*, 9 October 1995). It also “marked the moment when television itself became a major player in the Simpson story and a force to be reckoned with” (Thaler, *Spectacle* 7). Indeed, the Bronco Chase was etched so deeply on the collective memory of Americans that its grip on the nation is often equated with historical events such as the assassination of President John F. Kennedy in 1963 or the 9/11 terrorist attacks in 2001 (ACS, “Special Features,” disc 4, 13:01).

The first chapter also demonstrates the techniques and processes involved in transforming press conferences into performance stages and how such events provide a particularly suggestive and equivocal space where differing narratives are spread among the public, even when they address one and the same event. For this purpose, I include the first three press conferences held in the wake of Simpson's disappearance on June 17, 1994, by the Los Angeles Police Department, the District Attorney's Office (DA's Office), and O.J. Simpson's defense team in my analysis. By example of Robert Kardashian's<sup>10</sup> 1996 interview with Barbara Walters,<sup>11</sup> the first chapter also gives insight into the rising popularity of what media scholars refer to as “personality journalism” (Sternheimer 217) and how television newsmagazines such as ABC's *20/20*, NBC's *Dateline*, or CBS' *60 Minutes* have actively contributed to the sensationalization and exploitation of criminal investigations and trials on TV.

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10 Robert Kardashian was an American attorney, who gained national recognition for joining O.J. Simpson's defense team alongside Robert Shapiro and Johnnie Cochran. After the criminal trial, Kardashian expressed doubts about Simpson's innocence and ultimately severed ties with the athlete. In 2003, Kardashian died of cancer at age 59.

11 Barbara Walters is an American television personality, who has hosted a variety of popular programs such as *Today*, *The View*, *20/20*, and the *ABC Evening News*.

Furthermore, I expand on how the celebrity defendant's arraignments following his arrest and their broadcasting on Court TV marked the final transformation of the Simpson case into a "media spectacle" (Kellner 1), which Douglas Kellner defines as a combination of events that "seize [large] audiences and increase the media's power and profit" (1) by playing out social and political conflicts "on the screens of media culture" (1). "Megaspectacles" (2) are staged and created around evocative images with excessive attention directed towards the personalities involved, their idiosyncrasies, outward appearance, and relationships (2, 93), and conversely, with a lack of focus on legal relevancy. In the "society of the spectacle" (Debord 12), French theorist Guy Debord notes, "[a]ll that once was directly lived has become mere representation" (12), and life has become a movie for public consumption and evaluation. The inclusion of ACS and the director's take on the Bronco Chase will demonstrate the blending of factual and fictional elements in detail and examine the messages and connotations music carried to the audience in the TV series.

In the second chapter of this study, I examine the depiction and understanding of the concept of celebrity in American society and reality TV in the late 1990s in reference to Leo Lowenthal's notion of 'idols of production' and their subsequent replacement with 'idols of consumption' (Lowenthal 1961). It will become evident that fame and celebrities have become valuable commodities in the United States which are established and maintained through television's production practices. Reality television makes use of "strong characterization, and/or serial narratives, in order to attract repeat viewers" (Hill, *Audiences* 52). Likewise, Fox, Van Sickle, and Steiger identify "serialization, personification, and commodification" (Fox, Van Sickle, and Steiger 29) as the dominating elements of telelitigation. Conclusively, it is reality TV's *modus operandi* to

personalize[...] whenever it can, rarely using a concept or idea without attaching it to or transforming it through the 'category of the individual'. As a result, 'good television' is television that embodies and articulates a world of 'personalities' who thoroughly penetrate and organize its viewing agendas, or enter television by being on those agendas. (Langer 352)

By means of this encoded "personality system" (182) and the reinforcement of individuals as identifiable characters television establishes part of its ideology, a dogma that aims to "become the currency of common sense, appearing to be the only form[...] of intelligibility available, the only field of possible meanings from which to choose, both for audience *and* for those who make television programmes" (351, emphasis original). Eric Peterson suggests that "performance draws on the reenactment of social relations that are easily recognized and commonly held by the participants" (Peterson 3). Upon close inspection of reality television's mediated space, one can always observe varying degrees of conflict between the multifarious contestants that participate in a format, for the shows "that draw the

largest audience [...] are those where the casting [is] a mix of caustic, caring, and daring people” (Huff 32). As the present study’s chapter “Stardom and Celebrity” demonstrates, an explicit categorization of participants ensures an interesting and complex dynamic within the group which ultimately contributes to more capturing storylines. Janice Schuetz underlines: “Teledlitigation and its media spin-offs [...] focus on the personalities of the participants of an investigation and trial, stress conflict and the dramatic elements, and capitalize on the feelings of the public about the participants in the trial, the legal issues, and the social issues raised by the trial” (Schuetz 18). In this respect, mediated representations can be understood as “cultural texts—floating signifiers that are continually invested with libidinal energies, social longings, and [...] political aspirations” (Coombe 722) and analyzed as such:

From the reception end, reality TV characters should be understood under the guise that they are “ordinary” people made “extraordinary” as a consequence of their participation and exposure on reality TV [...]. The specifics of this “extraordinary” quality vary and are usually less “extraordinary” and more exploitative, but it is a disparate cultural circumstance from ordinary American life, to be sure, if nothing else for the fact so many viewers are looking in on a group of people and so few are looking out. (Duplantier 50)

Bignell suggests that “[t]he comparisons between characters and the judgments about identifiable human figures that the text invites the viewer or reader to make are reliant on a common code of judgment, a notion of ‘normality’ that the text works to establish” (Bignell 112). Thus, realism, he argues,

refers [...] both to the plausibility of behavior and events that are represented, and also to the world in which character and action take place. For reality television, the unscripted actions of its participants are to be measured in relation to the world that enfolds them and that forms the terrain on which the viewer’s relationships with characters can occur. (112)

This approach becomes most apparent in the social typing and celebrification processes of all main trial participants in the Simpson case. For my analytical framework in chapter 2.2, “Pin-Up, Hero, Villain, Fool,” I consider O.J. Simpson, LAPD Homicide Detective Mark Fuhrman,<sup>12</sup> Judge Lance Allan Ito, attorneys Marcia Clark, John

12 Homicide Detective Mark Fuhrman found a bloody leather glove, which presumably belonged to the murderer of Nicole Brown Simpson and Ronald Goldman, on Simpson’s property. Simpson’s defense team claimed that Fuhrman had planted that glove and other evidence to frame their client on the grounds of racism. Fuhrman perjured himself during cross-examination in March 1995, when he asserted that he had not used the ‘n-word’ in the past ten years. In August, audio tapes surfaced, which disproved his statement and heavily weakened the prosecution’s case as a result. Soon after his appearance in court, Fuhrman retired

nie Cochran,<sup>13</sup> and Christopher Darden,<sup>14</sup> as well as witness Brian “Kato” Kaelin<sup>15</sup> and the female murder victim, Nicole Brown Simpson.<sup>16</sup> Albeit the complex and multi-faceted nature of each individual, I propose that there were only particular characteristics about them that were highlighted during the trial, further strengthening the argument that televised courtroom trials are subject to the same mechanisms which shape traditional reality formats. In fact, the sensationalized nature of the Simpson case was the fertile ground for the ascription of such types that are, according to sociologist Orrin Edgar Klapp, communicated through (dramatic) storytelling rather than self-evident facts (Klapp 59). Social typing and celebrification are reductionist processes that not only lessen complex personalities to univocal characters but encourage the reduction of intricate issues to binary dichotomies.<sup>17</sup> The order of analysis, beginning with the female key figures, continued by Simpson and Fuhrman, Kaelin and Ito, and concluding with Cochran and Darden, reflects the way these individuals were typecast and repeatedly and purposefully contrasted to each other. A subsequent juxtaposition of ACS with Court TV’s coverage reveals similar personification processes in the filmic adaptation. Additionally, it will be shown that the liberal retelling of past events from an authorial view or the purposeful omission or addition of elements can change the focus and essence of a case, event, or personality and thereby distort public perception to a high degree.

The second chapter of this study not only substantiates that character commoditization suffused every fiber of the Simpson case, but it also expounds the

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from the LAPD and moved to Sandpoint, Idaho. He went on to become a best-selling author and occasionally works as a commentator on national news programs.

- 13 Johnnie Lee Cochran Jr. was an American lawyer and civil activist until his death from a brain tumor on March 29, 2005. He is best known for his defense leadership in the O.J. Simpson case, during which he coined the rhyme “If it doesn’t fit, you must acquit.”
- 14 Christopher Allen Darden is an American lawyer and author. In 1995, he gained national attention and criticism for his involvement as a co-prosecutor in the O.J. Simpson case.
- 15 Brian “Kato” Kaelin was a friend of Nicole Brown Simpson’s and staying at a guest house on O.J. Simpson’s Rockingham estate in 1994. Kaelin took the stand for the prosecution in 1995, as he was present at the compound on the night of the two murders, and his version of events seemed to contradict Simpson’s in numerous aspects.
- 16 Nicole Brown met O.J. Simpson while working as a waitress in Los Angeles. The couple got married in 1985 but divorced in 1992, whereafter Nicole Brown Simpson moved to 875 South Bundy Drive. During the trial, it was established that she had suffered and documented over 17 years of emotional and physical abuse during her relationship with O.J. Simpson.
- 17 The verdict in the Simpson matter, for instance, was not considered a multidimensional reflection of several, intertwined, and mutually dependent social issues but always pertained to one particular and isolated subject such as (inter-) racial conflicts, sports hero worship, domestic violence, or a rags-to-riches fairy tale. This one-dimensional view of the case diminished the gravity of a double homicide case, which was observed akin to a fictional movie and less analyzed as a complex historical event.

adamant commercialization of factual genres in general and the news in particular, which portends to the demise of public service television in a highly competitive environment where notions of the real constitute the focal selling point. In *Reality TV: Remaking Television Culture*, seminal scholars in the field, Laurie Ouellette and Susan Murray, discern that reality television is fundamentally “an unabashedly commercial genre” (Murray and Ouellette 3), and Aaron Duplantier speaks of TV shows as “packaged goods” (Duplantier 33) that are “concerned with capital first and aesthetics after” (Bell 36) as they “must [...] fill some monetary requirement in order to exist” (Duplantier 34). Historically, even the breakthrough of factual television in the United States, the “Republic of Entertainment” (Gabler 11), can be attributed to economic factors. By the early 1980s, the three major American networks—CBS, ABC, and NBC—faced numerous challenges that noticeably altered the television landscape in favor of reality formats: federal deregulation of the media led to shifting syndication and an expansion of independent television stations across the States which, in turn, increased competition and audience dispersion (McKenna xiv). In addition, production costs for original scripted content multiplied during the writer’s strikes in the 1980s and the invention of home video devices and games that fragmented audiences even further. June Deery argues that even employing ordinary people or nonprofessional actors in reality formats is first and foremost a commercial decision and not a political strategy to “give voice to the powerless” (Deery, “Mapping” 12). In capitalistic societies, attention is monetized and (self-)branding becomes a crucial strategy for exposure and, ultimately, financial gain (Wilson 446). Facilitated by the episodic nature of legal proceedings, distinct performances are produced by placing familiar cultural archetypes such as the hero, villain, or fool in structured and externally regulated environments to create an entertaining and emotionally charged televisual text. In this respect, the gavel-to-gavel coverage of criminal trials is not dissimilar to traditional surveillance-based formats on reality TV such as *Big Brother*<sup>18</sup> or *Survivor*.<sup>19</sup>

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18 *Big Brother* is a surveillance-based reality television game show originally created by Dutch producer John de Mol in 1997. A diverse group of contestants is placed inside a custom-build house, where cameras film them around the clock. Weekly competitions and evictions serve to find a final winner for the monetary prize. In the US, *Big Brother* launched on the television network CBS in July 2000 to a very successful start. The format is currently running on its 24<sup>th</sup> season.

19 On the reality-based competition TV show *Survivor*, a group of contestants are marooned to a remote location, where they must find and fight for food, water, and shelter. The successful completion of different challenges is remunerated with rewards or immunity from elimination by fellow contestants. The US format is based on *Expedition Robinson*, a Swedish television series created by Charlie Parsons in 1997. Hosted by TV personality Jeff Probst, *Survivor* premiered in May 2000 on the American television network CBS.

The third chapter of this study traces the history of cameras in American courtrooms and details the numerous points of contention associated with the electronic coverage of criminal proceedings on television. These general arguments are then applied to two specific events in the O.J. Simpson murder trial—the glove demonstration and the verdict announcement—to outline how the use of modern equipment and trained operators marked the beginning of the “technospectacle” (Kellner 14) and telenovela on American television. In reference to Richard Huff, who identified good storytelling as one of two crucial elements essential for the success of a reality show (Huff 32), I then present the numerous, oftentimes sensationalized and conspiratorial narratives told in the courtroom by attorneys and outside sources during the Simpson trial. This expansive view helps advance the understanding of the reconceptualization process involved in the staging of courtrooms as sets and accentuates the intricate relationship between storytelling and performance, two key processes in human communication and interaction, while illuminating the critical role the courtroom camera played in establishing familiarity and proximity between performers and audiences through its uninterrupted gaze.

Furthermore, the third chapter considers the Court TV coverage of the glove demonstration and the verdict announcement within the framework of cultural anthropologist Victor Turner’s concept of the social drama, which he introduced in his 1982 essay “Are There Universals of Performance in Myth, Ritual, And Drama?” Through drama, Turner asserts, humans experience their deepest emotions (Turner 8) and as it unfolds in communities, life becomes a lived performance; “a mirror held up to art” (17). Turner’s model details four stages (Breach, Crisis, Redress, and Reconciliation or Schism) that facilitate the consideration of macro historic events from an elective micro perspective by “distill[ing] complicated events into manageable forward-moving units” (Schechner, *Performance Studies* 155). The selection of a starting point and a finishing point allows a plenary observation of events that otherwise may appear inchoate (155). Richard Schechner describes Turner’s theory of performed narrative as a “macrodrama” (Schechner, “Magnitudes of Performance?” 44) which involves a viewing of “large-scale social actions [...] performatively” (44) as “whole communities act through their collective crises” (44).

Lastly, the third chapter of this study juxtaposes the Court TV coverage of the glove demonstration and the verdict announcement with the filmic adaptation of the events on *American Crime Story*. Camera styles, picture quality, and the interpretation of the main trial participants were significant criteria in the analysis approach, leading to the conclusion that both genres “occupy an intermediate space between fact and fiction” (Hill, *Restyling* 89). They challenge the audience to interpret and reflect on the presented narrative strings and work through the deliberately “constructed real world” (89) of the format. This type of creative freedom has not been without its share of critics, however, not only in the visual world of television but in literary circles as well. Truman Capote’s true-crime account of the Clut-



ter murders, *In Cold Blood* (1966), is considered a classic in the nonfiction genre, but was harshly judged with regard to the author's reproduction of certain dialogues he could not have known about, much less heard occurring himself, thus raising suspicions about the accuracy of the information provided in the book. Capote freely admitted that he believed true crime writing and creative freedom were not mutually exclusive:

I make my own comment by what I choose to tell and how I choose to tell it. It is true that an author is more in control of fictional characters because he do [sic] anything he wants with them as long as they stay credible. But in the nonfiction novel one can also manipulate: If I put something in which I don't agree about I can always set it in a context of qualification without having to step into the story myself to set the reader straight. (Plimpton, *NY Times*, 16 January 1966)

Similarly, numerous episodes of *ACS* are replete with dramatizations, omissions, and other directorial influences, revealing acrimonious differences and impeccable similarities between the two television genres at once.



# 1 In Pursuit of Entertainment: The Beginnings of a Megaspectacle

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**17 June 1994**

Four days after the murders of Nicole Brown Simpson and Ronald Goldman, the Los Angeles Police Department established O.J. Simpson as their prime suspect. Inconsistencies in his statements to law officials and first DNA testing results constituted grounds for an arrest warrant, and Simpson was subsequently ordered to turn himself in; a rare privilege in a homicide investigation that immediately alludes to the sway of the celebrity suspect. The warrant noted special circumstances, implying that due to the brutality of the crimes, O.J. Simpson was eligible for the death penalty if the prosecution chose to seek it. Additionally, he would be denied bail and incarcerated for at least the duration of the trial. Despite these rather poor prospects and O.J. Simpson's extensive financial resources, the LAPD permitted their prime suspect to surrender on essentially his own terms, solely relying on the positive public image and reputation of the accused and his attorney as warranty for their full cooperation.

Contrary to what Lead Detectives Tom Lange and Philip Vannatter presumed on the day of O.J. Simpson's scheduled arrest, however, their prime suspect was not located at his Rockingham mansion. With the help of close friends, his defense team, and acquaintances at the LAPD, Simpson had escaped to an undisclosed hideaway in San Fernando Valley, where lawyers, medical personnel, and other confidantes supervised him. This secret hideout was later revealed to be Robert Kardashian's home who had been one of Simpson's closest friends for over 25 years. When the celebrity suspect failed to appear at the police station at the time agreed, a police patrol car was dispatched to Kardashian's estate where it was soon discovered that Simpson and another one of his close friends, Al Cowlings, had disappeared from the premises in Cowlings' white Ford Bronco. Subsequently, the LAPD issued an all-points bulletin (APB<sup>1</sup>) in search for the fugitives, and three separate parties com-

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1 An APB is a broadcast issued by a law enforcement agency to its personnel in search of dangerous or missing persons and contains important information to facilitate the capture of the suspect(s).

menced public relations work: the LAPD, the District Attorney's Office led by Gil Garcetti, and Simpson's legal defense team consisting of Robert Shapiro and Robert Kardashian at that point. Consecutively and respectively, at 2 p.m., 3 p.m., and 5 p.m., each group convened a press conference to comment on O.J. Simpson's flight.

## 1.1 The Press Conference as Performance Stage

For Daniel Boorstin, the press conference constitutes a notable example of what he termed a 'pseudo-event' (Boorstin 11). The media scholar defines it as a happening that is planned and incited for a specific purpose and with the intention to be reported, reproduced, and mediated (11). Due to its ambiguous "relation to the underlying reality of the situation" (11), the pseudo-event offers different angles of interpretation and assessment, which are the source of its magnetism and "the test of being 'informed'" (40). Key components of power and persuasion include the set-up of and props in the conference room, one's positioning within the set-up, and most importantly, the interlocutor's linguistic implications. The following analysis of the three press conferences held in the wake of O.J. Simpson's disappearance on June 17, 1994, illustrates said ambiguity and obviates that pseudo-events, staged on occasion of one and the same event (Simpson's getaway), can project inherently different narratives and realities to the audience.

### Press Conference: Los Angeles Police Department

The first person to address O.J. Simpson's disappearance was then LAPD Commander David Gascon, who took the stage at Parker Center, the Police Department's headquarters, at approximately the same time the APB was issued in search of Cowlings and Simpson. As will be shown in the following, in contrast to District Attorney Gil Garcetti and defense attorney Robert Shapiro, Gascon contributed a human dimension to a highly ritualized and formalized media event. When he stepped to the podium in the center of the conference room, for instance, Gascon appeared noticeably afflicted as he skimmed through his notes, taking several deep breaths and slightly biting his lip before addressing the room. Despite these signs of insecurity, the Commander's rhetoric reflected specific tactics and strategic maneuvers to position the LAPD in the most favorable light possible and absolve the Department of any wrongdoing. Gascon commenced his statements with:

This morning, detectives from the Los Angeles Police Department, after an exhaustive investigation, which included interviews of dozens of witnesses, a thorough examination and analysis of the physical evidence, both here and in Chicago, sought and obtained a warrant for the arrest of O.J. Simpson, charging him with

the murders of Nicole Brown Simpson and Ronald Lyle Goldman. (“OJ Simpson a Fugitive,” 00:56)<sup>2</sup>

Immediately, the Commander’s verbal dexterity and precision protruded. He used the first seconds of public anticipation to incorporate as much information as possible into the first sentence without being interrupted or questioned and to accentuate the capabilities of the Los Angeles Police Department. Gascon made use of commendable adjectives such as ‘exhaustive’ and ‘thorough’ to underscore the police’s tireless efforts in the case and supported the praise with specific examples: detectives interrogated “dozens of witnesses” and examined and analyzed evidence both in and out of state. He concluded that O.J. Simpson was subsequently charged on the basis of this careful preparatory work. Gascon brought this information further into effect by pausing for several seconds while looking down on his notes. He then continued with: “Mr. Simpson, in agreement with his attorney, was scheduled to surrender this morning to the Los Angeles Police Department. Initially, that was 11 o’clock. It then became 11:45. Mr. Simpson has not appeared. The Los Angeles Police Department, right now, is actively searching for Mr. Simpson” (01:29-2:00). This time, Gascon conscientiously faced the reporters in the room, letting his gaze pan from left to right. The revelation that O.J. Simpson was a fugitive “right now” caused a collective gasp by the reporters in the room (02:01). In a sense, David Gascon set the stage for the TV drama and national obsession that soon became the O.J. Simpson trial. Neither Simpson nor the police followed typical procedure, hence, standard rules seemed abrogated. Later, with the Bronco Chase already underway, media personality Larry King commented on live TV: “There’s no rulebook on this because this hasn’t happened [before]” (“OJ Simpson On the Run in 1994,” 3:09).

Rhetorically, Gascon further shifted the blame for the suspect’s disappearance from the LAPD onto O.J. Simpson and his attorney by accentuating the police’s accommodation in extending the deadline for surrender. It is also noteworthy that Gascon repeatedly spoke of “Mr. Simpson,” using the formal address to suggest a respectful attitude towards the high-profile suspect. However, despite pointing out the presumption of innocence, which is at the core of the American justice system, Gascon continuously depicted O.J. Simpson as a guilty and dangerous individual as the press conference progressed. He stressed that the athlete was the only culprit the police believed to be responsible for murdering Nicole Brown Simpson and Ronald Goldman. Fear evoking comments such as “Mr. Simpson is out there somewhere” (“OJ Simpson a Fugitive,” 07:05), “Mr. Simpson is a wanted murder suspect, two counts of murder, a terrible crime” (10:31) as well as the Commander’s repeated labelling of him as a “wanted murder suspect,” who was at large, added severity

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2 Spelling errors in video titles have not been corrected or highlighted for the purpose of easy traceability in the Works Cited register.

to the situation and evoked fear of the unknown, bringing further attention to the story. Media scholars note that the element of genuine, unscripted chance and concomitant unpredictability are fundamental to reality television's program structure and narrative pleasure (see e.g., Huff 128, Haralovich and Trosset 82). Although the presumed invariability of a story increases in tandem with the viewers' knowledge about the respective events, a reality-based show is never marked by complete certainty due to the possible intervention of chance. Narrative pleasure is then derived from the need and desire to know an outcome and the resolution of a story (82). Neal Gabler speaks of an "Entertainment Revolution" (Gabler 56), which commenced in the US in the 19<sup>th</sup> century as a countermovement to the hegemony of typography (56), to describe Americans' increasing desire for entertainment, calling it an instinct, a rebellion, and even a form of empowerment (56).

While David Gascon painted the vivid picture of a violent criminal on the loose on the one hand, he refused to provide any unequivocal information relating to the investigation on the other hand. He clarified right from the beginning that "[a]s to the evidence, we will not be making specific comments relative to the evidence" ("OJ Simpson a Fugitive," 03:48-03:54) as well as "the rumors that have floated around all week, including some today, we don't acknowledge or address any of those rumors" (04:08-04:17). When a reporter asked him why Simpson had not been monitored around the clock, the answer was: "We're not going to make any comments relative to the investigative efforts itself or anything else surrounding what has occurred since the beginning" (06:01). The same elusive answer was given when a journalist addressed the possibility of a second suspect. David Gascon refused to "dignify any of the rumors" (09:33), although he had previously claimed that O.J. Simpson was the only suspect. Thus, the press conference, which was partly supposed to answer the public's questions, *de facto* did the opposite. The certitude that the spokesperson was not allowed to or simply could not address certain topics was irrelevant. Instead, it encouraged the audience to conjecture their own version of events. Simpson's erratic behavior and the police's refusal to offer any concrete information resulted in a blending and blurring of facts and speculations. In addition, Gascon's partly invective comments towards the media's behavior concerning the coverage of the events up to that point could also be interpreted as provocative. For instance, when asked whether Simpson's disappearance had been made known to other agencies of law enforcement, Gascon jokingly answered: "We will make sure everybody knows about it. Or you will make sure of it" (11:32). His comment indicates that the police were aware of the role of the media in this case even before the criminal trial began. One of Gascon's last comments almost served as a teaser for the legal reality show in-the-making: "I doubt that there is anyone around this country that has been monitoring television, radio, or newspapers, that doesn't know at this point that something's going on in this case" (08:50-08:59).

During the police press conference, Gascon also shortly addressed two other topics that would be key issues in the Simpson matter: the suspect's celebrity status and a general public indifference towards the two murder victims. For one, the spokesperson denied any influence of the athlete's popularity on the investigation and police behavior, claiming that "[t]here is no preferential treatment, [and] there has not been any preferential treatment" (08:05). The mere fact that this concern had to be refuted indicates in and of itself that the general idea of treating a celebrity suspect differently to any other suspect was not as improbable as it seemingly sounded to the police. He also offered his condolences to the Brown and Goldman family (04:55-05:08) in front of the camera as a reminder that the unfolding search for Simpson had been induced by a crime and the death of two people.

### Press Conference: District Attorney's Office

While Commander David Gascon was still talking to the media, police officers drove to different locations in Los Angeles that were presumed to be of importance to O.J. Simpson. News helicopters went up in the air searching the L.A. area for a white Ford Bronco, which was revealed to be the getaway car. Meanwhile, District Attorney Gil Garcetti prepared for his own press conference, exemplifying Daniel Boorstin's observation that "[p]seudo-events spawn other pseudo-events in geometric progression" (Boorstin 33). Supported by prosecutors Marcia Clark and David Conn, Gil Garcetti took the stage at around 3 p.m. The District Attorney's anger stood in stark contrast to the hesitant and more apologetic approach of David Gascon. His rhetoric reflected the scolding tone in his voice. For instance, when he spoke, Garcetti addressed the community and an unspecified 'you,' directly calling on, if not threatening, the audience listening to him: "If you in any way are assisting Mr. Simpson in avoiding justice, Mr. Simpson is a fugitive of justice right now. And if you assist him in any way, you are committing a felony" (*O.J.: Made in America*, disc 2, 21:02-21:18). Garcetti pronounced every word distinctly, with particular emphasis on 'Mr. Simpson,' 'fugitive,' and 'justice,' shifting the blame for Simpson's disappearance onto the fugitive and his enablers. He continued to utilize the personal pronoun 'you' in an accusatorial manner throughout his speech: "Think about it. And I'll guarantee *you* that if there is evidence establishing that *you've* assisted Mr. Simpson in any way to avoid his arrest, *you* will be prosecuted as a felon" ("OJ Simpson 1994 Media Coverage Compilation Part 1," 0:26-0:39, emphasis added). Calling the process "the literal inscription of television's own intimate vision" (Langer 362), John Langer states that direct address is a common, interactive tool used on television to create a "pseudo-gemeinschaft" (363) to summon viewers and express urgency and directness, allowing the speaker to bridge the spatial distance between themselves and the audience. In Garcetti's case, the immediate broadcasting of the press conference further aided his verbal cues in strengthening the direct and personal link with the spectators.

The District Attorney's press conference is also an example of how the *mise-en-scène*, i.e., the arrangement of a scenery, carries and transfers meaning in seemingly spontaneously arranged non-fictional events. For instance, Garcetti stood behind a podium in the middle of the room. The American flag, the most important symbol of the nation's power and greatness, was positioned to the left of the District Attorney. To his right, the seal of the DA's Office, with the Scales of Justice displayed at the center of the emblem, accentuated the nation's aspiration for law and order. Taking the room's arrangement into consideration, Garcetti's titling of Simpson as a "fugitive of justice" became even more powerful and symbolic, evoking images of Hollywood's beloved "char chase epic [...] with outlaws on the run and the forces of law and order in hot pursuit" (Kellner 96). The District Attorney continuously characterized Simpson as an irrational, unpredictable, and dangerous person. Admittedly, it could be argued that Simpson did in fact behave in the aforementioned manner and was responsible for the equal reaction to his actions, but the press conference substantially contributed to a fear-imbued atmosphere, for captivating elements such as murder, violence, and flight from the police made and make for good entertainment. Similarities to American cinema classics can also possibly explain why the seriousness of Simpson's disappearance was so easily lost in the tabloidization of the events. Witnessing the raw emotions from members of an apparently overwhelmed Police Department as well as an outraged District Attorney added fuel to the disseminating drama and laid the groundwork for the dramatized reality show the subsequent trial turned into. Although in an attempt to diffuse it, Garcetti also acknowledged the suspect's larger-than-life status, unknowingly providing a quotable title for the Simpson story when he spoke of "the falling of an American hero."

Now, you can tell that I am a little upset, and I am upset. This is a very serious case. Many of us, perhaps, had empathy to some extent. We saw, perhaps, the falling of an American hero. To some extent, I viewed Mr. Simpson in the same way. But let's remember we have two innocent people who have been brutally killed [...]. It's a serious case. ("O) Simpson 1994 Media Coverage Compilation Part 1," 0:41-1:28)

Garcetti's statement implied that O.J. Simpson was no despicable murderer whom every American citizen could easily hate. He was an idol whose pedestal began to break down in front of the eyes of millions. In this regard, Simpson's story was not only one of American upward mobility but equally one of downward mobility and the transience of fame. As Chris Rojek notes, "[d]escent and falling are twinned with ascent and rising" (Rojek 79). After being uplifted by public adulation, a hero's failure and downfall is equitably desired by the public, for fame and wealth are "a source of envy as well as approval" (79).



### **Press Conference: O.J. Simpson's Defense Team**

After the Los Angeles Police Department and the DA's Office, Simpson's defense team decided to likewise hold a press conference to offer their perspective on the events. Robert Shapiro took the stage at around 5:00 p.m. in a briefing room of his Century City office building. He began his speech with a plea, directed at O.J. Simpson: "First to...ah...O.J. Wherever you are, for the sake of your family, for the sake of your children, please surrender immediately. Surrender to any law enforcement official at any police station, but please do it immediately" ("Robert Shapiro Ask OJ Simpson to Surrender at Press Conference," 00:00-00:13). Shapiro used the broadcast as a way to address his client personally, which, similarly to Gil Garcetti's direct approach, emphasizes that television oftentimes serves as a communication tool and mediator and not, as is often argued, as a passive transmitter of information.

Shortly after his explanation of the arrangement with the LAPD for Simpson's self-surrender, Shapiro introduced a man to the viewers and listeners whose last name would ironically become the epitome of reality television in the early 2000s: Robert Kardashian. Without further clarification on why he decided to share Simpson's note with the public, Kardashian began reading a letter to the reporters and television audience. According to the lawyer, Simpson had put his thoughts on paper prior to disappearing. Before analyzing Kardashian's presentation during the press conference, it is worth taking a closer look at the original letter as it was composed by O.J. Simpson. His presumed suicide note supports the assumption that most of the public's information about the celebrity was manipulated or fabricated and actively circulated by Simpson's friends and the media to depict the athlete in the most positive light, illustrating the split between the private and public self of a celebrity.

### **The Suicide Note**

Before disappearing from Robert Kardashian's house, O.J. Simpson wrote a total of three letters: one to his mother, one to his children, and one to the public. The latter, which became known as Simpson's 'suicide note' in the media, was addressed "to whom it may concern." It was written in block letters and numerous words were crossed out illegibly, which gave the letter a chaotic layout. First, O.J. Simpson established that he had not been involved in the murders in Brentwood. He proclaimed eternal love for his ex-wife despite their differences and struggles. According to the athlete, the press exaggerated their reports about the couple's relationship for dramatic effect. Reminiscent of an award acceptance speech, Simpson then thanked his friends for supporting him throughout his career before looking back on his life and praising his mother for teaching him the values of helpfulness and compassion. In the last paragraphs, Simpson pled with the public, and particularly with the press, to respect his children's privacy. The letter was signed "Peace and love, O.J.," whereby the letter O in his name had been turned into a smiley face.

For the purpose of this study, it was focal to establish how the media and Simpson's friends used the presumed suicide note to uphold a particular image about the writer. Notably, the letter was corrected and edited on numerous occasions: first by Robert Kardashian as he read it out loud during the press conference, and later by the media, who cited revised excerpts in their articles and reports. As a matter of fact, the letter was cluttered with orthographic mistakes as well as grammatical and punctuation errors. While it can be argued that some of these mistakes were made because of the extraneous circumstances in which the note was conceived, other errors point to O.J. Simpson's secret illiteracy that was rarely revealed or discussed in the media. The three-page letter contained over 66 errors, starting with the first sentence where Simpson omitted the two words "I had" as he wrote "First everyone understand nothing to do with Nicole's murder" (Toobin 97).<sup>3</sup> In addition, there are numerous misspellings, sometimes repeatedly, which suggest that there was indeed a concrete lack of knowledge on O.J. Simpson's part on how to write certain words. The most prominent examples include "allways" (97), "thair" (101) instead of "their," "tottaly" (101), "dispite" (97), "privicy" (98) and the repeated misspelling of "recently" as "recitly" (97) and "recite" (99). Furthermore, Simpson transposed numerous letters and wrote "spaerate" (97) instead of "separate," "beleive" (98) instead of "believe," and "confrim" (101) instead of "confirm."

Further indicators of Simpson's seemingly lacking mastery of the English language can be found upon closer analysis of the content. When he looked back on his life, the athlete wondered: "I think of my life and feel I've done most of the right things. so why do I end up like this. [...] I treated people the way I wanted to be treated I've always tried to be up + helpful so why is this happening?" (101). Indicative of his suicidal thoughts, Simpson worried about the consequences of public humiliation: "I can't go on, no matter what the outcome people will look and point. I can't take that. I can't subject my children to that. This way they can move on and go on with thair lives" (101). The consistent and salient omission of punctuation marks seems trivial at first. At closer inspection, however, it reveals that O.J. Simpson was not as educated as he pretended to be. With a certain degree of literacy comes an automation of punctuation ("Automatismus der Zeichensetzung," Grzesik 185), i.e., one is inclined to use commas, periods, or question marks because punctuation is an integral part of one's textual production. Commonly, a writer consciously discerns if the correct mark is missing and, in most cases, chooses to add the respective mark to

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3 A transcript of an unedited version of O.J. Simpson's suicide note is currently unavailable online. Merely images of the letter exist for analysis. To establish consistency, this study quotes Jeffrey Toobin's *The Run of His Life*, where the suicide note has been reprinted in its unedited form. Toobin's account has been collated with the available image sources for verification purposes.

ensure accuracy. O.J. Simpson's repeated neglect concerning punctuation, however, suggests that there was no automation of punctuation.

The occasional incorrect syntax of his sentences as well as the inappropriate use of verb tenses further confirms the assumption that his linguistic level was average or below. Recounting the 1989 domestic violence incident at Rockingham, Simpson wrote: "I took the heat New Years 1989 because that what I was suppose to do I did not plea no contest for any other reason but to protect our privity and was advise it would end the press hype" (Toobin 98). Correctly, the sentence would read: "I plead 'no contest' for no other reason than to protect our privacy." In other cases, Simpson employed incorrect verb tenses. For instance, he utilized the present tense in "Ahmad I never stop being proud of you" (99) instead of the appropriate present perfect form. As mentioned in an example above, Simpson also used an erroneous past participle of the verb "to try," writing "Tv always tryed" (101) instead of "I've always tried." There are also noticeable idiomatic mistakes and indicators that Simpson's overall linguistic knowledge was on a vernacular level. In his letter, the athlete spoke of "a few downs + ups" (98) in his relationship with Nicole<sup>4</sup> instead of using the correct idiom "ups and downs." On numerous occasions, Simpson wrote in vernacular: He was "suppose to" (98) take the blame for the 1989 New Year's incident, and addressing his friend Marcus, Simpson let him know that "[he] got a great lady" (99).

The concealment of all these textual weaknesses can be understood as an indicator for a broad, inherently American cultural phenomenon: an obsession with fame and celebrity and the subsequent elevation of these celebrities to flawless, larger-than-life figures. Prominent scholars in the field of Celebrity Studies go as far as to say that "[c]elebrity culture has become [such] a central, dominant, and structuring force in American life" (Douglas and McDonnell 1) that "our society has become 'celebritized' or 'celebrified'" (1). This observation does, however, not only apply to ordinary people worshipping somebody they consider an idol but equally to celebrities themselves whose public image dictates their feeling of self-worth. In this aspect, O.J. Simpson is also a noteworthy example: despite wanting to clarify that he had no involvement in the murders in Brentwood, his main concern in the letter was to protect his reputation. It meant so much to him that, at least on paper, he preferred to die rather than be humiliated in front of the world.

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4 The occasional use of the murder victim's surname *sans* last name is meant to facilitate the distinction between the last name of the defendant and his ex-wife, who kept the Simpson name after their divorce. This approach also helps condense sentences to advance readability. The use of only the surname is not indicative of my personal position towards the respective person. This disclaimer applies to all first name-references throughout this study.

### Defense Press Conference: Robert Kardashian

As indicated above, O.J. Simpson was not the only one who tried to retain his untainted image in the public eye. Robert Kardashian's behavior during the press conference indicates that he was pursuing the same goal. Simpson and Kardashian had been good friends and business partners for over twenty years, which could explain why the latter chose to edit the letter as he read it out loud to the media. The first sentence of the note, incomplete in the original, was completed in Kardashian's speech: "First, everyone understand, I had nothing to do with Nicole's murder" ("OJ kardashian reads letter," 00:18-00:25). Apart from adding the two missing words "I had" to this first and inarguably most important sentence, Kardashian looked up and emphasized the term 'nothing' in particular, giving a voice to his friend's writing. As he continued reading the letter, Kardashian spoke slowly and distinctly, as if to ensure he was not misunderstood. Throughout his six-minute appearance, the attorney relied on conscious glances around the room to emphasize certain passages in Simpson's letter. For example, he accentuated the assertion that "Nicole and I [O.J. Simpson] had a great relationship" (01:21) or highlighted Simpson's, and possibly his own, incomprehension of the situation: "I can't believe what is being said" (02:06) and "So why do I end up like this?" (4:13). In other instances, his look was of accusatory nature, particularly visible when he read the passage "Let my kids live in peace *from you, the press*" (04:41, emphasis added). It is ironic that a photographer was standing slightly behind, yet still next to Kardashian and was taking pictures of the suicide note while the familiar clicks of the camera shutter transmitted through the microphones.

Repeatedly, Kardashian added missing words or dissolved compositions which contributed to a more literate impression of Simpson than the original letter allows to assume. Examples include the statements "We were not right for each other" (0:45), "I have felt like a battered husband" (5:40), or "Unlike what has been written in the press" (1:17). But despite his attempts to masquerade the flaws in Simpson's verbalism, the lawyer repeatedly floundered as he spoke. His difficulties with deciphering Simpson's handwriting and the overall content of the letter became particularly apparent when he tried to convey the passage about the 1989 New Year's incident and Simpson's subsequent response to charges of domestic violence: "I took the heat New Year's 1989 because that's what I was supposed to do. I did not plead (...) no contest for any other reason" (1:34-1:45). Kardashian was noticeably confused by his friend's sentence structure. Thus, in this case, he decided to read the passage as it was in the attempt not to draw excessive attention to it. In other instances, he automatically, possibly unintentionally, finished or edited sentences the way he would have uttered them. In those cases, he either paused reading or openly acknowledged that his statement was not a quote: "Paula, what can I say, you are special, I'm sorry, I'm not going to have...we're not going to have our chance" (03:45-03:56). Shortly thereafter, Kardashian apologized for misreading the letter's content:

“Nicole and I had a good life together. All this press talk about a rocky relationship was no more than that...than...I’m sorry...no more than what every long-term relationship experiences” (05:13-05:28).

Arguably, instead of achieving the intended favorable portrayal of O.J. Simpson, Robert Kardashian’s personal idiosyncrasy contributed to a more alienated reception of the letter. The monotone delivery of his friend’s absolution distracted from the message itself and the attorney’s representation of the caring athlete was particularly inauthentic when Kardashian, speaking in the first person, unemotionally thanked the people Simpson mentioned in the letter: “My golfing buddies, [...] thanks for the fun” (03:00). “Skip and Cathy, I love you guys” (03:30), or “Marguerite, [...] we had some fun” (03:39). Oftentimes, Robert Kardashian’s serious and reserved manner stood in too stark a contrast to Simpson’s tone in the letter, which brought an imbalance and surreal effect to the presentation. In one passage, O.J. Simpson thanked Al Cowlings for his friendship, writing: “A.C., man, thanks for being in my life” (Toobin 99). People familiar with O.J. Simpson could vividly imagine how the athlete would have delivered this sentence, i.e., in a lighthearted and easygoing way. Kardashian, with his almost robotic voice and worn-out and worried face, seemed strangely out of place. In addition, four minutes into his speech, a distracting pager echoed in the room, yet Kardashian kept reading (“OJ Kardashian reads letter,” 04:30). The incident further accentuated the odd nature of the press conference.

In hindsight, the question remains why O.J. Simpson’s defense lawyers decided to publish a presumed suicide letter without having confirmation that their client and friend was dead. Combined with Simpson’s disappearance, the press conference was highly incriminating of the football star and predominantly achieved the opposite of the desired effect to accentuate the athlete’s human and impeccable side. However, the introduction of a possible suicide, in particular the suicide of a celebrity, added another captivating element to the unfolding story.

## 1.2 From Chase to Arrest: The Media Coverage of 17 June 1994

### The Slow-Speed Chase

At around 6:25 p.m., Los Angeles residents Chris Thomas and his girlfriend Kathy Ferrigno spotted a 1993 white Ford Bronco with the California license plate 3DHY503 on the freeway lane next to them and recognized Simpson’s friend Al Cowlings in the driver’s seat. Only minutes after Thomas placed a phone call to police, Deputy Larry Pool spotted the white Ford Bronco and was soon joined by other policemen in hesitant pursuit of O.J. Simpson and Al Cowlings. As was standard procedure in media circles, reporters listened in on police scanners in hope of getting first-hand information and possibly a head start to their competitors. With the announcement of the sighting over the radio, the major networks’ helicopters commenced their own

hunt for the fugitives. The first to locate the car was former KCBS pilot Bob Tur. He informed the executives at CBS who immediately interrupted and replaced their evening program—a scripted drama—with the Bronco Chase. The network's *CBS News: Special Report* was hosted by Dan Rather and Connie Chung who combined their own commentary with transmissions from the helicopter in order to “get a flavor of what’s going on” (“OJ Simpson Chase Live 6/17/94,” 06:02). According to John Fiske, “of the ten occasions before the O.J. chase on which the networks suspended schedules to carry live events, nine were presidential [...] and the tenth was a natural disaster, an earthquake in Los Angeles” (Fiske 263–64). Thus, there were implications to interrupting regular scheduling for ‘soft’ news, which, according to Boorstin, encompass “sensational local reporting” (Boorstin 23). The reconfiguration of a Los Angeles-based car chase as national news galvanized the public into action as it invoked a threatening state of disequilibrium in all of the US by implying urgency and severity.

While it was quickly confirmed that Al Cowlings was driving the Bronco, neither the police nor the reporters in the helicopters could initially corroborate that O.J. Simpson was inside the car as well. Media coverage reflected this uncertainty and the lack of definite information served as a captivating cliffhanger, forcing the audience to keep watching for updates. The focus of the early reports, however, quickly shifted to the possibly imminent danger Simpson posed to himself, his friend Al Cowlings, the police, and the public. Pilot Bob Tur transmitted from the helicopter: “They [law enforcement] believe he’s suicidal and very dangerous. Unfortunately, at this time, it does not appear as though the driver is slowing down or complying with the orders of the officers” (*O.J.: Made in America*, disc 3, 28:49). Again, the element of unpredictability, which is a key characteristic of reality television, was highlighted for dramatic effect. During the *Special Report*, Dan Rather commented: “[T]he police believe O.J. Simpson could be, may be, might be in that car with a gun and possibly has the gun to his head. None of this confirmed” (“OJ Simpson Chase Live 6/17/94,” 00:26–00:35). Rather’s choice of modal auxiliaries also linguistically illustrates the impermanence of information that characterized the early stages of the car chase.

After 22 minutes of CBS’ exclusive coverage, the other major networks likewise interrupted their scheduled programming for O.J. Simpson. As Paul Thaler notes on the decision: “Sacrificed in the rush to coverage, ABC’s *20/20* pushed aside its featured newsmagazine piece on flesh-eating bacteria; CNN broke from *Larry King Live*; NBC pulled the plug on the fifth game of the National Basketball Association championship series” (Thaler, *Spectacle* 5) for a “runaway van on a Los Angeles freeway” (5). This decision cost the networks an estimated \$7 million in advertising revenue, but in hindsight, Simpson’s story yielded even higher profits for the producers (5). Almost instantly, the unfolding car chase became ubiquitous, “and with the disappearance of all regular networking programming, viewers were left with the dreamlike reality that nothing else existed anywhere” (9). This phenomenon is exemplary of how

“discourses are suborned by sudden, accelerated, sustained blasts of media messages—visual and in print—that rapidly enforce the narrative and truncate alternative opinion” (Morrison xvi). In the realm of Media and Communication Studies, this process is also known as “gatekeeping” (Selby and Cowdery 140), during which news editors exert their power to select and reject stories for coverage. Even the medial titling of Simpson’s flight and the police’s pursuit as a ‘chase’ is arguably fallacious, for the pursuit rarely exceeded the 30-mile-per-hour (50 km/h) mark and was more comparable to a VIP escort. Bob Tur commented from his helicopter: “The game plan is really being conducted by Mr. Simpson at this point. And it’s very much like when the President travels down [...] a freeway” (O.J.: *Made in America*, disc 2, 29:41-29:49). Considering O.J. Simpson was allowed to comfortably make his way back to Rockingham after a long drive on L.A.’s freeways, it could be argued that he received preferential treatment despite LAPD Commander David Gascon’s denial. Tur was likewise startled by these circumstances: “This was not usual police behavior. If O.J. Simpson were black, that [...] wouldn’t have happened. He’d be on the ground, getting clubbed. But because he transcended race and color to this exalted status of celebrity, he got a motorcade” (30:13-30:35). News anchor Peter Jennings also commented live on TV: “This is not a chase; this is basically an accompaniment” (30:36). Sociologist Chris Rojek ascribes the preferential treatment of famous personalities in industrialized societies to the substitution of traditional religious systems with the apparatus of celebrity. He argues that “[i]n secular society, the sacred loses its connotation with organized religious belief and becomes attached to mass media-celebrities who become objects of cult worship” (Rojek 53). Celebrities are metonymic with heroes and gods and praised as such. This process of glorification confirms that societies operate on what Orrin Klapp termed “social types.” In 1954, the sociologist published the article “Heroes, Villains and Fools, As Agents of Social Control” in the *American Sociological Review*, where he demonstrated how categorizations are used “as a means of control, operating to classify [a person] invidiously, treat him in certain ways, exert pressures, and call down various kinds of punishment or reward upon him” (Klapp 57). The necessity for typification arises from a need to understand problematic behavior “by reducing [others] to simple concepts, familiar to all and indicating proper modes of response” (57). In contrast to stereotypes which, according to Klapp, are used to create distance between people, social types offer insight into the functions of communally produced images, as they “supply important information about people as individuals and also make more visible a kind of connective tissue in society—an informal network of roles and linkages that, however subtle, is highly important for anyone who wishes to enter those worlds” (Klapp, *Changing American Character* 20).

Drawing on Klapp’s train of thought, the discussion of the Bronco Chase media coverage, the immediate events preceding it as well as O.J. Simpson’s typing as a heroic figure who was “set apart, placed on a pedestal, rewarded with special priv-

ileges, and regarded with an awe that verges on veneration” (Klapp 60), reveal that Americans “could not reconcile Simpson’s image of likeability, imprinted by thousands of media moments” (Thaler, *Spectacle* 5), with the possibility that he had murdered two people in cold blood.<sup>5</sup> Cultural Studies scholar Susan Bordo, who has analyzed the Simpson case as a cultural image in her 1997 publication *Twilight Zones*, also concedes that her initial response to the accusations against the sports celebrity was far from scholarly:

I recall my first reaction when [...] it became clear that O.J. Simpson might be involved. It couldn’t be, I thought. He’s much too *beautiful*. [...] Images of O.J.’s face—smiling, friendly, and impossibly handsome—flashed before me, images that refused to admit, to cohere with, certain loathsome scripts. During the Bronco chase I began to wonder. But if it were true—if O.J. actually *did* commit these horrible crimes—it surely must have come from a chaos and despair so deep as to befit a classic tragic hero. [...] My sympathies were with him. I knew nothing about Nicole or Ron; they were an abstraction for me, still faceless victims. But I knew O.J., I believed. (Bordo 95, emphasis original)

In the field of Psychology, this phenomenon is known as the ‘Halo Effect.’ It describes “the tendency to overgeneralize the evaluation of an individual’s positive or negative qualities” (Rasmussen 458), leading to the belief that if an individual possesses a few positive traits, they<sup>6</sup> must conclusively possess “mostly positive qualities in all areas of functioning” (458). According to Boorstin, the sentiment of knowing a celebrity was amplified in the wake of the “Graphic Revolution” (Boorstin 45) in the late 19<sup>th</sup> century and “[m]an’s ability to make, preserve, transmit, and disseminate precise images” (13). As a result, an image came to stand for “a studiously crafted personality profile of an individual, institution, corporation, product, or service” (186). O.J. Simpson was thus treated according to his prevailing image of a trustworthy celebrity and less as an average murder suspect by the police, the media, and the public.

On June 17, 1994, news anchors and helicopter reporters still had very little information to go on, and so they simply summarized what they saw or speculated about what had happened and what was possibly going to happen next in the Simpson story. They described seemingly trivial things, e.g., that cars came to a halt on the sides of the freeway “to get a glimpse of one of the icons of American sports history, O.J. Simpson, on this tragic June day” (“(1994) OJ Chase As it Happened – From

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5 This assumption is further corroborated by the fact that O.J. Simpson was never charged with resisting arrest in the aftermath of the Bronco Chase on June 17, 1994.

6 As the English language currently lacks a gender-neutral third-person singular personal pronoun, I employ the pronoun ‘they,’ which has been officially recognized by several key bodies such as the Associated Press to also refer to an individual person.



my VHS Archives," 12:12). In his account of the events, Paul Thaler summarized the 'Bronco experience' as follows:

Absent were the devastating pictures we had come to expect from television's breaking story. Instead, ordinary images filled the screen—inexplicably jarring for their plainness, and riveting to about 95 million American viewers, more than the number who watched the first man walk on the moon some 25 years before. (Thaler, *Spectacle* 6)

Journalist Jeffrey Toobin claims that these "informative nondescriptions" (Toobin 106) can be attributed to the fact that most of the news anchors who were reporting on the Chase were "completely ignorant of Los Angeles freeway topography. Their narratives, accordingly, reflected only bewilderment at the scene unfolding before them" (106). Despite the "emptiness of information" (Thaler, *Spectacle* 9), however, the immediacy of transmission established an instantaneous bond between the news anchors and their audience because "[b]roadcast news exists in the same moment as its audience, and so it has no more certainty about the future than they do. Instead, it accompanies them through life, allowing each individual to define their personal present as part of a general phenomenon: the contemporary" (Ellis 75). At one point, for instance, it was falsely assumed and publicly speculated that somebody was sitting next to Al Cowlings on the front passenger seat ("(1994) OJ Chase As it Happened – From my VHS Archives," 30:48), which later turned out to be inaccurate. Occasionally, the news anchors quoted from Simpson's suicide note that Robert Kardashian had made public during the evening press conference to continue their monologue (22:23). Even official sources such as police officer Bruce Ferrier, who called in to Fox 11 Live, could not provide any additional information on the current state of events (13:36-14:35). Nevertheless, the American public "stayed glued to the inaction" (Thaler, *Spectacle* 9). Four days after the freeway spectacle, *The Washington Post* reporter Howard Kurtz came to the conclusion that "[i]n the end, what gave the low speed chase its Hollywood-style urgency was not the monotonous pictures of the Simpson car but the unspoken recognition of what might happen" (Kurtz, *Washington Post*, 21 June 1994); an observation that was later confirmed by Thaler who argued that "[t]he power of TV images did not lie in the information that the medium conveyed, but rather in each viewer's interpretation. The chase was, simply, inscrutable, a puzzle to contemplate" (Thaler, *Spectacle* 9).

The monotony of the white Bronco driving on the freeway was leavened by desperate pleas from Simpson's friends who hoped to reach the football star via news radio. Their personal stories about the friendship with the athlete, combined with the occasional crying outburst ("(1994) OJ Chase As it Happened – From my VHS Archives," 7:35), added a highly emotional component to the otherwise unchanging scenery of a white car driving nowhere at moderate speed. One of the outspoken friends was Jim Hill who pleaded with the fugitives to turn themselves in:

O.J., Al, if you're listening to me, if you can hear me, guys, please, please stop. If you can hear me, just turn on the emergency blinkers and just pull over to the side. I can't begin to tell you, O.J. and Al, how many people [...] have called this station praying for you and wanting your safety. There are a lot of people who believe that if you two keep up with what you're doing right now, that the worst is going to happen. You do not want to be remembered as someone who ran from a bad situation. ("OJ Simpson Chase Live 6/17/94," 07:00-7:42)

Other friends such as sportscaster Al Michaels expressed a more somber view and publicly distanced themselves from the former football star:

I think earlier in the week, all of us close to O.J. didn't believe that he had been involved in this. And now, I think there's a sense of resignation and has been for the last 24 hours. And we can't believe what's happening. There was nothing ever, ever, in the past that would indicate O.J. would be capable of doing what he is doing right now. (*O.J.: Made in America*, disc 2, 34:56-35:14)

Apart from O.J. Simpson's friends, self-proclaimed experts and "on-air therapists practicing pop psychology" (Kurtz, *Washington Post*, 21 June 1994) wanted to be heard or were asked to offer their opinion on the situation. Psychiatrist Dr. Tom Linden called in to Fox 11 Live, stressing the threat Simpson posed to society:

Judging from other experiences with suicidal people, number one, he has to be taken very, very seriously. Number two, quite often, people who are suicidal, at that time, are also potentially homicidal. [...] So he's not only a risk to himself at this moment, he is a risk to other people as well. ("(1994) OJ Chase As it Happened – From my VHS Archives," 23:26-24:16)

Moments after Dr. Linden's call to Fox News, Larry King at CNN interviewed a psychiatrist as well and asked Dr. Alfred Messer for an assessment of Linden's diagnose. Messer agreed with his colleague, then continued to reckon on live television that O.J. Simpson was possibly suffering from multiple personality disorder:

I think Tom Linden has it just right. What he's describing, I think, is what we call a "dissociated state," where people act in one way [...] and they behave in another and think in another. The end result of that [...] is multiple personality disorder. And here, we have a more acute phase of that dissociated state. (27:00-27:22)

Another expert who commented on Simpson's state of mind and behavior was Dr. Michael Baden. He was a forensic pathologist who had been present at Robert Kardashian's home when O.J. Simpson disappeared. Working for the defense team, he emphasized Simpson's depressed and fragile state, saying his client required constant monitoring by physicians and psychiatrists. The conversation between Baden and Larry King took a surprising turn for a short moment when the pathologist mis-

understood King's question and involuntarily suggested that Simpson could have committed the murders. Larry King asked: "Could we, in fact, have O.J. being totally in an unreal world here and not accepting the fact that he may have done what he did?" Baden answered: "Sure. Sure, he was so depressed, and he's so upset that we were concerned that he was...could hurt himself" (38:44-38:58). Initially, it appears as if Baden admitted that his client could have killed Nicole and Ronald but had suppressed that memory for self-protection. What Baden meant, however, was that Simpson's defense team was worried about him committing suicide. Nevertheless, his answer offered a short and surprising moment of excitement for the TV audience.

It is noteworthy that the experts' psychological assessments of O.J. Simpson were rarely in his favor. Instead, their commentaries instilled fear in the viewers. The news anchors and reporters further enhanced that fear by pointing out that O.J. Simpson was armed. Larry King, for instance, who covered the Chase for CNN from Washington, enhanced his arguably unspectacular observations by repeatedly mentioning the weapon: "Police cars are in the left lane, [the driver is] in the lane right next to the left lane, and you see other traffic in the two right-hand lanes, and they're slowing down and moving over. [...] O.J. is in the passenger seat with a gun" (00:26). Moments later, he continued: "The car is travelling at normal speed. The police reports that O.J. Simpson is in the passenger seat and apparently has a gun" (1:28-1:35). On Fox News, it was announced that O.J. Simpson "would not give himself up. He's in the back of the vehicle. He has a gun to his head, and he says he will hurt himself. He is demanding to be taken to his mother" (21:04-21:15). Annette Hill asserts that the constant updating of the audience is a basic communicative mode of news reporting that "provid[es] a source of reassurance and anxiety in equal measure" (Hill, *Restyling* 99), creating feelings of urgency and immediacy as well as the sensation of being fully immersed in the unfolding events.

The fact that O.J. Simpson's low-speed car chase took place in Los Angeles is also of major significance in understanding why so many Americans were interested in and moved by his story. Logistically speaking, "[h]ad the drama unfolded just about anywhere else, there might have been few aerial pictures. But live helicopter footage long ago became a TV news staple in Los Angeles" (Kurtz, *Washington Post*, 21 June 1994). The audience had access to continuous, uninterrupted coverage of the Chase on every major television network, which ultimately led to the anchors' and the public's infatuation with the story. In *Crimes of the Century*, criminologist Gilbert Geis and criminal defense attorney Leigh B. Bienen connote that many televised high-profile cases share certain common features such as the "nature of the offenders and victims" (Geis and Bienen 5), "details of the offense," and the geographic setting of the events (5). Evidently, most sensationalized and telelitigated criminal trials occur in the media-saturated cities of New York, Chicago, and Los Angeles (5). However, L.A. also offers symbolic meaning that elevates it to the center of tabloid justice.

The mythical city of angels is often called America's "promised land" (Thaler, *Spectacle* 8). It is the place where stars are born, and dreams come true. Hollywood, fame, and wealth immediately come to mind. Nowhere in the United States is the concentration of celebrities higher than in Los Angeles. It is the city where the American Dream seemingly becomes reality, where stories about the rise from rags-to-riches, i.e., O.J. Simpson's story, are told. It seems ironic that he fell from grace in the very city where he was once elevated to an American sports icon and national hero. In his own account of the case, Simpson's former agent Mike Gilbert described his client's unusual charisma: "People wanted to touch him, shake his hand; they felt he had some kind of magic to impart. O.J. was larger than life, bigger than celebrity. He represented success, and *hope*. He embodied the American Dream. He had, after all, transcended some pretty tough odds" (Gilbert 14, emphasis original). On television, psychiatrist Dr. Tom Linden explained the significance of heroic figures in society and how their failures negatively affect people's own self-perception:

It's such a chaotic and sometimes crazy world, everybody needs heroes. And there are, I'm sure, millions of Americans who have looked to O.J. as a hero, and when a hero is in trouble, it's very, very hard to accept. And I think that's probably the feeling of a lot of people. ("(1994) OJ Chase As it Happened – From my VHS Archives," 29:34-30:00)

Indeed, O.J. Simpson's slow fall from grace was titled an 'American tragedy' from the very beginning and particularly during the spectacle of the Bronco Chase, although little facts about the murders were known at that point and Simpson had only been officially declared a suspect for less than 24 hours. However, calling the events a tragedy and predicting his certain downfall was a more captivating narrative than urging the public to keep an open mind and wait for new facts to arise. In a *New York Times* editorial from July 1994, Simpson's murder case was even compared to the great tragedies of world literature:

All literature stands as evidence that the story of murder compels, and it compels most when the protagonist is seen to have toppled from on high. The fall of the mighty was a central theme of classical Greek tragedy and medieval morality plays, and it became the spine of Elizabethan tragedy. O.J. Simpson may or may not be a "hero" to individual citizens, but as one who was given great gifts and has been brought to a grim pass by either fate or frailty, he fits the fearsome pattern that lurks in our ancestral memory. ("Primal Curiosity," *NY Times*, 10 July 1994)

Bob Tur, the helicopter pilot who first spotted the Ford Bronco on the freeway, also expressed how torn he was between acknowledging the severity of the situation and profiting from the lucrative sensational news that Simpson's unfolding personal drama constituted:

And this was the most conflicted I've ever been. The gravity of the murder, I mean, this is a double homicide, and this is a tragic story. Very few human beings fall as far as O.J. Simpson. [...] [T]his is [...] an epic fall. And I'm weighing the consequences of this with also the biggest news story like ever. (O.J.: *Made in America*, disc 2, 27:38-28:10)

The news anchors, of whom many knew O.J. Simpson in person, also repeatedly expressed their sadness and disbelief to their television audience. In most cases, there was noticeable sympathy for the accused. News caster Peter Jennings, who covered the Chase with Barbara Walters for ABC, tried to make sense of the events of the day: "This is just excruciatingly sad. Yes, indeed, tense, full of sadness. Sadness for the victims, for the children, who, of course, are also victims. And so sad [for] a man who has represented so much to Americans through his example" ("(1994) OJ Chase As it Happened – From my VHS Archives," 1:10:52-1:11:27). Moments later, he continued:

These are scenes we've witnessed before, of course; we've seen hostage situations before, we've seen situations of people on the edges of buildings, on the edges of bridges. But what has made this so intimate for so many people in the country is because so many of us know this guy; either in person, as so many of us do at ABC, so many of us because we watched him over the years, either as a spokesman for Hertz or a football player or a sports commentator, and also because modern technology now has enabled us to be there for all of this time since the police first identified this vehicle several hours ago. (1:15:33-1:16:16)

Barbara Walters added her opinion by addressing the newly surfaced information about domestic violence in the Simpson household:

Of course, what we have not known and could have no way of knowing is the difference between the public man with that gentle face and that [...] lovely demeanor, and the private turmoil of this man and what has been described by their friends as a passionate tumultuous relationship, and it's very hard to reconcile the two parts of this man. (1:16:14-1:16:41)

Evidently, both average citizens who did not know O.J. Simpson personally as well as the athlete's friends and acquaintances alike attempted to make sense of the newly emerged facet of Simpson's character, one that stood in stark contrast to the public persona he had embodied throughout his career.

### **The Stand-Off**

Shortly before 8 p.m., Al Cowlings left the San Diego Freeway at the Sunset Boulevard exit, indicating that he was headed towards Simpson's Rockingham home in Brentwood. As he reached the inner city, cars quickly moved out of the way as if to

encourage the fugitives to go on. The helicopter live feed transmitted the howling sirens of the police cars that were following Simpson and Cowlings from a safe distance (“(1994) OJ Chase As it Happened – From my VHS Archives,” 48:39). Pedestrians stormed the streets, took off their t-shirts while waving and shouting at the passengers (47:30, 47:48). Hundreds of residents held up home-made signs that read “Go O.J.,” “Go Juice Go,” “We Love the Juice,” and “Save the Juice” (1:14:21). Others climbed atop of their cars or gave interviews to reporters. People were even captured following the escort on their motorcycles (49:25) to witness “O.J.’s last run” (*O.J.: Made in America*, disc 2, 33:38). The uninterrupted coverage and surveillance atmosphere surrounding the events in Los Angeles intricately links the Chase and subsequent Simpson trial to the realm of reality television, for “[i]t invited the TV viewer to sit in the panoptic seat and experience the pleasure of the power to see” (Fiske 287). The aforementioned reactions and behavior of bystanders illustrate how the onlookers as voyeurs likewise doubled as exhibitionists by actively inserting themselves into the media coverage, using the raw and unedited nature of the event for their own proverbial fifteen minutes of fame. Thaler argues that “Simpson’s name was only partly responsible—it was the television experience itself that had mobilized the masses. The freeway ‘fans’ wanted simply to be a part of the great chase” (Thaler, *Spectacle* 13). French philosopher Pierre Bourdieu likewise explains that the “popular audience” (Bourdieu, *Distinction* 24) is driven by a “deep-rooted demand for participation” (25) and “[t]he desire to enter into the game, identifying with the characters’ joys and sufferings, worrying about their fate” (25). Fiske supports Bourdieu’s assessment by explaining:

Local people watching the chase on TV went to O.J.’s house to be there at the showdown, but took their portable TVs with them in the knowledge that the live event was not a substitute for the mediated one but a complement to it. On seeing themselves on their TVs, they waved to themselves, for postmodern people have no problem in being simultaneously and indistinguishably livepeople and mediapeople. (Fiske 292)

By coming to the scene of the spectacle and being captured on video, viewers turned from outside spectators to active participants in this unprecedented media event. In addition, Thaler argues that “[t]elevision’s pictures of the Bronco Chase presented a mass cognitive dissonance—a disbelief that what we were seeing was actually occurring. We had to keep watching to confirm somehow that this scene, as it unfolded on TV, was, in fact, real” (Thaler, *Spectacle* 9). Engaging the audience and making them co-producers has contributed greatly to the growing success of the reality genre. Unlike with fictional formats, ordinary people can become part of a show without much effort, even if only for a single day or an episode. Almost poetically, Alan Blum elaborates:

The city's saturation by stories of what is being missed and what is going on, evokes an uncanny collective sense of a continuous scene of action, exclusive and remote, always running elsewhere and other-where along the margins as a secret place, an urban utopia, arousing resentment and fascination, always functioning as a temptation for its restless souls. (Blum 285)

One man, e.g., who became known as 'Maury from Brooklyn,' talked his way into speaking with ABC anchor Peter Jennings on live television late in the evening on June 17. Speaking in vernacular, he claimed to have visual contact with O.J. Simpson, who, at that point, was presumed to be sitting inside the Bronco, already parked in the driveway at Rockingham. The prank call went on for about one and a half minutes, and Jennings seemed unaware that the caller was a fraud:

**Jennings:** *We have on the phone with us as well Robert Higgins, who lives in the neighborhood and is on the ground and can see inside the van. Mr. Higgins.*

**Caller:** *Ah, yeass, ah, how are you?*

**Jennings:** *Ah, just about as tense as you are, sir.*

**Caller:** *Oh, my Lord, this is quite tenses [sic].*

**Jennings:** *What can you see?*

**Caller:** *Ah, what I'm lookin' at right now is, I'm lookin' at the van, and I see O.J. kinda slouchin' down lookin' very very upset. Now lookee here, he look very upset. I don't know what he gon' be doin'. (Petchesky, 00:09-00:35)*

After Jennings thanked the caller for his contribution, 'Maury from Brooklyn' hung up with a last mocking "An' Bobba Bouey to y'all!" Seconds later, sportscaster Al Michaels informed Jennings that he had just conducted a "totally farcical call." Later that evening, as the Chase came to an end, Peter Jennings, sounding puzzled, wondered about the motives of people who had spent their day camping on the streets and outside of Simpson's house:

And all along the route today, there has been this strange scene of people either cheering him [Simpson] on or perhaps just cheering the bizarreness of all this. [...] Whether they're aware they're cheering a man who's been accused of multiple murder; whether they're cheering a man who [...] was a role model for so many people in this country; or whether they are just simply participating in this drama. Probably all of the above. ("(1994) OJ Chase As it Happened – From my VHS Archives," 1:14:38-1:15:15)

It is noteworthy that when reporters addressed the spectacle that was taking place on the streets, they oftentimes deliberately pointed out the race of the gazers. Reporter Eric Spillmann, noticeably overwhelmed with the magnitude of the situation, described his observations as follows: "What I can see here...we've just turned the corner. It's...it's total chaos here. Motorcycles, black and white people running around.

Officers getting out of their cars” (51:50-52:00). Another reporter, Judy Muller, made a similar remark in her commentary: “We just heard from a producer [...] the crowd is just growing, [...] few hundred people now right outside the house and the police are moving in to try to control that. But he said, people from everywhere, all over the city and all races, and a lot of them holding up signs that are in support of O.J.” (1:27:43-1:28:06). Their choice to emphasize the heterogeneity of the crowd indicates that even before Simpson’s defense team introduced the race issue in the trial, people were aware of the possible societal divide his case could trigger in the country.

With dusk approaching, the Ford Bronco came to a halt in the driveway of Simpson’s Rockingham estate at around 8:00 p. m. while news helicopters hovered above the scene. Numerous police cars were parked around 360 North Rockingham with their red lights flashing and sirens howling. Hundreds of spectators yelled, laughed, and waved at the news cameras to greet their fellow countrymen at home, adding further noise to the already farcical surroundings. Unbeknownst to Simpson and Cowlings, a SWAT team had arrived and taken position around the premises. As indicated above, uncertainty and vagueness marked the coverage and commentary pertaining to the Bronco Chase on the freeway due to the lack of any concrete information. Similarly, as the vehicle came to a halt, news anchors were obliged to complement the unchanging images on the TV screen with any content to justify further media coverage. Oftentimes, the hosts simply vocalized their own thoughts, being equally perplexed and confused, which established an even tighter bond between the spectators sharing the experience. For instance, even before the white Bronco came to a full stop in the driveway, a young black man ran towards the car and started yelling at and arguing with the driver, which an NBC news anchor acknowledged with a simple “Let’s watch” (51:39). He then continued with: “I have a feeling that the car didn’t just drive in there to sit there, that something is happening right now. I would suspect there is some kind of communication. [...] Some kind of negotiation must be going on” (54:46-55:05).

Continuously, the news anchor described the images transmitted from the helicopter: “Okay, someone just got out of the vehicle approaching the front door; dressed in black. It looks like they entered the front of the house there” (1:00:01-1:00:13). Shortly after, the unidentified person walked back to the Bronco: “Wait, someone came back” (1:01:35). A reporter added: “Okay, that is the man that got out of the car. That presumably is Al Cowlings. From this aerial shot, it looked like that man is bulkier and stockier than O.J. Simpson. But they are pretty much...they’re both big men” (1:02:02). At one point, Al Cowlings turned away from the Bronco and started gesturing towards something indefinite in the distance. He had detected an armed member of the SWAT unit who pointed his weapon at the Bronco. The news anchor remarked: “Okay, here’s...ah...I believe a man is pleading to negotiate with people here. [...] It’s obviously very stressful down there from these pictures, as you can see. A very delicate situation taking place as we watch here” (1:04:18). Witnessing



the police negotiations from the aerial perspective of the helicopter cameras further illuminates the voyeuristic appeal of June 17. The news anchors and TV audience followed the events from a safe distance, literally and figuratively positioned above the observed, elevated to a superior status.

## The Arrest

At 8:53 p.m., O.J. Simpson exited the vehicle. Holding family pictures in his hand, he stumbled towards the mansion's main entrance and collapsed into the arms of an officer. Shortly thereafter, he was handcuffed and placed in an unmarked vehicle. Since the news helicopters had been banned from using their powerful lights to illuminate the scene, the public never saw Simpson's 'defeat' on television. His final arrest became another piece of the puzzle that was left to the audience's imagination. Escorted by an eighteen-car caravan, he was then taken to his booking at Parker Center, ten hours overdue. O.J. Simpson's arrest did not, however, end the extensive news coverage of the day. In fact, news helicopters followed the police convoy in the dark, commentators baiting the TV audience by enigmatically calling Parker Center "an undisclosed location" ("June 17, 1994 10 pm newscast—KDFW," 07:01) where Simpson and Cowlings were being taken to. Shaky images of Los Angeles' luminous freeways filled the screen, once again creating an almost romantic cinematic picture of the city and heightening "the viewers' emotional connection to the screen" (Thaler, *Spectacle* 9). According to John Ellis, the quality of news "footage is hardly relevant: news will accept poor quality images and poor quality speakers if the immediacy and the importance of the events will justify them" (Ellis 98). Once the convoy disappeared behind the gates of Parker Center, the networks quickly commenced presenting recapitulations of the events to prolong the profitable coverage. Professed legal experts were called to present their post-chase analysis. Some of O.J. Simpson's friends and football colleagues also offered their reactions to the drama. Reporter Shaun Rabb summarized the day's events and concluded with: "An unbelievable day, simply an unbelievable story, and it still continues" ("June 17, 1994 10 pm newscast—KDFW," 7:39-7:41), preparing the audience for the next "episode" of the O.J. Simpson story.

## First Arraignment

### 20 June 1994

In theater and on television, most plays and shows are marked by a balanced sequence of exposition, rising action, climax, and falling action, until the final denouement is presented to the audience, marking the end of the play or the show. This process is known as the "dramatic curve" (Pavis 119) and is a reliable structure to keep viewers interested in the respective story without either boring or overstimulating them. The O.J. Simpson case, I argue, is no different in its structure. The surreal and galvanizing Bronco Chase was the story's climax up to this point. Simpson's

arrest and subsequent arraignment<sup>7</sup> in the Los Angeles Municipal Court on June 20 represent the element of falling action in the dramatic curve.

Simpson's flight from the police had introduced the public to elements of commotion and unpredictability. Hence, viewers curiously tuned in to watch his arraignment which was broadcast live on television. The first unanticipated image was the mere sight of the defendant in a courtroom, facing Judge Patti Jo McKay and first-degree murder charges. The second astonishment came with a closer look at Simpson: there was no sign of the vital and good-humored O.J. the public expected to see. Consider, for instance, Jewelle Taylor Gibbs' description of Simpson before his arrest:

O.J. wore the mantle of his celebrity status with charm, grace, boundless enthusiasm, and that self-effacing humor and humility that had so endeared him to the press and the public. He always seemed to have the right word, the right smile, and the right style for all occasions. He seemed the embodiment of self-confidence, self-control, and self-discipline, the very antithesis to the usual stereotype of the inferior, aggressive, and unmotivated black man in our society. (Gibbs, *Race and Justice* 129)

In the courtroom on June 20, however, Simpson was dressed in a dark suit and white shirt but had been denied a tie, belt, and shoelaces for fear he might utilize them to hurt himself. There was nothing affluent about his appearance. Instead, O.J. Simpson looked tired and broken as he stood at the long wooden table in the center of the courtroom. Drawing on Erving Goffman's analytical thinking, the public's astonishment over Simpson's appearance derived from a break in the football star's expected demeanor. Goffman defines demeanor as "that element of the individual's ceremonial behavior typically conveyed through deportment, dress, and bearing, which serves to express to those in his immediate presence that he is a person of certain desirable or undesirable qualities" (Goffman, "Deference and Demeanor" 489). Instead of implying self-confidence and wealth, Simpson's overall demeanor suggested the polar opposite of the desirable qualities he had previously embodied. David Shulman calls such expectations of meeting preexisting and established social conventions the "social defaults" (Shulman 9) or "factory specs" (9):

All kinds of prevailing social norms, roles, and structural arrangements can affect what content audiences expect to observe in a person's impression management.

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7 During an arraignment, a defendant is brought before a magistrate judge for an initial hearing on the case to learn, among other things, about the charges against them, and whether they will be held in prison or released on bail until the start of the trial (due to the inclusion of "special circumstances" in Simpson's arrest warrant, bail was ruled out, however). Further arrangements are made, and the defendant is asked to plead guilty or not guilty to the charges ("Justice 101," *Offices of the United States Attorneys*).

Agency and autonomy can exist in how people perform their roles, but social conventions already preexist that shape how people are instructed and judged to perform roles appropriately. (9)

O.J. Simpson's first arraignment was short and only lasted about ten minutes but succeeded in painting a distorted picture of the athlete. When prosecutor Marcia Clark began the indictment process by asking the defendant, "Mr. Orenthal Simpson, is that your true name, sir?" ("Simpson/2:30 Arraignment," 0:27), Simpson looked overwhelmed and confused and seemed unable to answer the question. Robert Shapiro hastily whispered words of advice in his client's ear, which distracted Simpson even further. After a few seconds of confusion, Judge McKay ordered the defendant to speak up so that she and the other trial participants (and by extension everyone who was watching the proceedings via television broadcast) could understand him. Hesitantly, Simpson answered: "Ahh...yes" (0:35), but his statement sounded closer to a question, and his raised eyebrows suggested that he was not sure what the question was anymore. Throughout the hearing, people's "customized social flash cards" (Shulman 61) were not at all reconcilable with the person that appeared in court, merely looking like a "common thug" (Clark 54) and unable to answer simple questions. David Shulman explains that "[t]he social attributes that someone thinks he personifies must connect to the expectations that other people have for how someone with those traits appears. The person then must perform to those expectations adequately enough to demonstrate them convincingly" (Shulman 6). If expectations are not met, disruptions arise, and it becomes harder for the audience to recognize previous claims of identity. One day after the arraignment, for instance, *The New York Times* described Simpson as "looking haggard and grim" (Ayres Jr., *NY Times*, 21 June 1994), while, according to William Claiborne from *The Washington Post*, the athlete appeared "exhausted and at times impatient" (Claiborne, *Washington Post*, 21 June 1994). Regardless of one's opinion about Simpson, there was an evident tragic and degrading aura around him. Novelist Toni Morrison explains: "The gap between these two opposing and mutually cancelling perceptions forms an unbreachable chasm, and the need to know which label is correct ought to stimulate a search for reasonable explanations of such shape-shifting behavior" (Morrison xi). Thus, public and media interest in the case continued.

Despite O.J. Simpson's behavior before and during the Bronco Chase and the fact that he had arguably embarrassed the Los Angeles Police Department as well as the District Attorney's Office in front of the world, his celebrity status had not been completely abolished. In an unusual decision, Judge McKay granted Shapiro's request to "start all over again" ("Simpson/2:30 Arraignment," 0:39) and undo Simpson's first incoherent attempt to confirm his own name. In this regard, the proceedings were reminiscent of a pre-recorded show, where the defendant could rectify his perfor-

mance. Due to the courtroom camera's sole fixation on Simpson, the TV audience was unable to see Marcia Clark's reaction to the judge's decision. The prosecutor paused for approximately ten seconds before repeating her question: "Mr. Orenthal James Simpson, is that your true name, sir?" (0:50), to which the defendant immediately and audibly stated, "Yes."

While it seemed as though O.J. Simpson had regained his posture, this impression quickly faded when Judge McKay initiated the next step in the arraignment proceedings: the official indictment. As prosecutor Marcia Clark began reading the charges out loud, the courtroom camera solely focused on the athlete. Simpson did not look at Clark but slightly tilted his head sideways towards her voice:

You're charged in this complaint in case number BA097211 in Count 1, that on or about June 12, 1994, in the county of Los Angeles, you committed the crime of murder in violation of Penal Code section 187(a), [...] and that you did willfully, unlawfully, and with malice aforethought murder Nicole Brown Simpson. It is further alleged that in the commission and attempted commission of this offense, that you willfully, [...] and] personally used a deadly and dangerous weapon; a knife. (0:54-1:24)

The uninterrupted close-up shot of O.J. Simpson during this part of the proceedings allowed viewers to analyze his facial expressions, or "facial gestures" (Schechner, "Magnitudes of Performance" 29), in search for any sign that would reveal the truth about his guilt or innocence. In the legal field, this intense scrutiny of the defendant is called "demeanor evidence" (Williams 267) and considered a crucial part of court proceedings: "Juries and audiences scrutinize demeanor for the most subtle signs of lying—a blink, a twitch, a pause that is a fraction too long or too short" (267). These "kinemes" (Schechner, "Magnitudes of Performance" 29) are always an expression of meaning, particularly since one has no conscious control over them (29). Thus, an individual's expressiveness does not only derive from "the expression that he *gives*" (Goffman, *Presentation of Self* 2, emphasis original) but equally as much from the "expression that he *gives off*" (2, emphasis original). The latter assumption includes the messages one conveys through body language which is perceived to express "the 'true' or 'real' attitudes, beliefs, and emotions of the individual [as they] can be ascertained only indirectly, through avowals or through what appears to be involuntary expressive behavior" (2). In this sense, the audience tries to differentiate between an individual's authentic and performative identity, looking for "ungovernable aspects" (7) in the presentation. This is why Performance Studies put great emphasis on the body, for it is more than a physical structure. In fact, "[o]ur bodies both form and are formed by our identities; our identities, in turn, citationally reflect our surroundings and circumstances. As we negotiate life as social beings [...] we perform. *As we perform, we are also historical*" (Davis 7, emphasis original).

At this point in the Simpson trial, turbulent action sequences were inessential to ensure interest in the case, merely watching the defendant's features created a high degree of fascination and tension in the spectators. Through the courtroom camera, the television viewers as voyeurs were enabled to watch, analyze, and judge Simpson's behavior and expressions without him or anyone in the courtroom knowing who was watching and what they were thinking or saying. Borrowing from Roland Barthes, media scholar Nicholas Mirzoeff asserts that "[t]he fetishistic viewing of celebrities creates a *punctum* effect [...]—a personal attraction to particular aspects of the image that is derived from whimsy, desire, and memory" (Mirzoeff 240, emphasis original). For instance, Simpson moved his head to the right and away from Clark as she mentioned the date June 12, 1994 ("Simpson/2:30 Arraignment," 1:02), while a hint of anger seemed to fill his eyes. When the prosecutor directly accused him of murder, his face remained expressionless, however (1:05). It was only when Clark referenced Nicole Brown Simpson's name that a hint of a grin appeared on Simpson's face (1:15), which seemed to express both pain and bitterness at the same time. Meanwhile, he continued to stare into blank space. In onlookers, the questions were possibly raised whether Simpson was trying to disconnect from the pain about his ex-wife's death or was reliving the crime in his thoughts. Schechner writes that "the face is not only a truth-teller but a liar without peer. And lying, as much as truth-telling, is the stock-in-trade of theatre" (Schechner, "Magnitudes of Performance" 37). This very uncertainty about the meaning and veracity of certain trial elements and the participants' emotions contributed to the overall appeal of the Simpson case and allowed everyone to construct their own dramatized version of the events.

The critique of encouraging blatant voyeurism is one of many elements telelitigated trials share with traditional reality TV formats. The reality genre was dubbed "voyeur TV" (Hill, *Audiences* 10), and particularly in the 1990s, "audiences were caricatured as dumb, or as voyeurs" (Hill, *Reality TV* 19). Janet Cotterill, who provided a linguistic analysis of the Simpson case in *Language and Power in Court* (2003), also refers to the spectators as "voyeurs of the trial" (Cotterill 107) who were required to "observe the proceedings *in silence*" (107, emphasis original). Historically, the increasing popularity of reality shows marked the transition of modern society into a "voyeur nation" (Hill, *Reality TV* 67), wherein "reality television has voyeuristic appeal in the form of exhibitionism and self-disclosure" (65). Thereby, Hill argues, "[v]iewers as voyeurs are co-opted by the entertainment industry into surveillance economy" (65). Indeed, apart from voyeurism, surveillance is the second strongest feature on reality television. While George Orwell's *1984* describes the tyrannical nature of omnipresent government surveillance, new societal developments reveal that viewers, in fact, take pleasure from surveillance culture as the audience is "invited to pass judgment [...] in the form of interactive voting and public debate" (65) without fearing any repercussions or consequences. Almost poetically, Yi-Fu Tuan writes about the appeal of voyeurism: "Because they cannot see us, we who can see them feel like

gods; and what lie open to our gaze are the unguarded and unrehearsed—hence vulnerable and genuine moments in people’s lives” (Tuan 238). While viewers can be characterized as voyeuristic, the people being observed on a reality show often display signs of narcissism, which crystalize when they are filmed for a longer period of time. The reason why many participants voluntarily allow cameras into their homes or their private lives to be displayed to millions of spectators seems to lead back to “a fantasy of the self to be validated through the media, to show we exist through the camera’s gaze on our social life” (Hill, *Reality TV* 65–66) and the deep “desire to be seen and recognized in a mediated public space” (66). This realization helps explain why O.J. Simpson never vehemently insisted on the removal of the courtroom camera although he had the right to.

The voyeuristic lens of the courtroom camera also demonstrates a new development in the understanding of performance and involvement. Based on the findings of Philip Auslander, Tracy C. Davis argues that “the ‘liveness’ of performance is a question of degree, not an either/or, and that presence is no longer a limiting condition for performers any more than for witnesses to a performance” (Davis 4). Consequently, non-verbal communication and cues are to be considered part of a greater performance equally as much as traditional verbal expressions in face-to-face interactions. Simpson’s mere presence and seemingly mental absence can, in this context, also be understood as part of his staged persona. In addition, audiences that are not necessarily in the immediate presence of the performer(s), as in this case the television viewers, are equally as much a co-performing audience as the jurors and spectators inside the courtroom. They, too, can witness the proceedings live and interpret the received messages immediately, moving “between expectancy and observance, between attentiveness to what happens and astonishment at what appears” (Blau 264).

Back in the courtroom on June 20, Marcia Clark concluded the prosecution’s indictment with three more questions, and, despite his weak state, Simpson’s succinct answers clarified that he and his defense team would fight the allegations, and there would be no guilty admission from his side:

**Marcia Clark:** *Mr. Simpson, do you understand the charges as I read them to you?*

**Robert Shapiro:** *(audibly whispering into Simpson’s ear) Yes.*

**O.J. Simpson:** *Yes.*

**Marcia Clark:** *And have you discussed those charges with your lawyer, sir?*

**Robert Shapiro:** *(audibly whispering into Simpson’s ear) Yes.*

**O.J. Simpson:** *Yes.*

**Marcia Clark:** *At this time, do you wish to enter a plea—guilty or not guilty?*

**Robert Shapiro:** *(audibly whispering into Simpson’s ear): Not guilty.*

**O.J. Simpson:** *Not guilty.*

*(“Simpson/2:30 Arraignment,” 2:13-2:26)*

It is noteworthy that Robert Shapiro not only assumed the role of a legal representative for Simpson but, by whispering into Simpson's ear, likewise that of a prompter who supplied his actor with a forgotten word during the performance of a play. This, in turn, illuminates the scripted and rehearsed nature of trial proceedings despite the fact that they happen live and appear spontaneous.

The last seven minutes of the ten-minute arraignment consisted of various requests and motions on part of the defense and gave the audience a first impression of the main trial that was yet to come and court procedures in general. First, Robert Shapiro requested to set a date for a preliminary hearing within the next ten days as was guaranteed by law. While everyone was waiting for McKay to check her schedule, a silence befell the courtroom that was only occasionally interrupted by the judge's whispering with her assistant and the rustling of paper documents. The camera operator used this opportunity to film the main trial participants and provide viewers with wider images of the courtroom: Marcia Clark was wearing a white shirt under a matching dark blue jacket and skirt. The permanent wave in her shoulder-long hair would soon become her signature look and often overshadow her work as a prosecutor. Robert Shapiro was dressed in a light grey suit and a matching tie. As had become apparent during numerous interviews he had given prior to the arraignment and Friday's press conference, Shapiro appeared calm and attentive. Whenever he addressed the judge, he spoke slowly and chose his words carefully. Apart from the key figures, for the first time in the Simpson case, the television audience also saw a courtroom from the inside. Numerous bailiffs and deputies from the Sheriff's Office were positioned along the wall of the courtroom. In the back, the few available seats were taken by spectators, most notably by Robert Kardashian. While the minutes passed, during which Judge McKay looked for an agreeable time slot for preliminary hearings, Simpson grew noticeably impatient. He watched the judge for a few moments before turning his head towards Shapiro and raising his eyebrows, blinking rapidly, as if he was thinking, "How long can this take?" (03:26).

Once preliminary hearings were set for June 30, the arraignment proceedings continued with a quick back and forth between Shapiro, Clark, and McKay. Meanwhile, O.J. Simpson looked very out of place. He resumed staring vacantly at something in front of him that only he could see, with narrowed eyes and his head tilted sideways (8:23). The man who was used to getting and taking what he wanted relied on other people's voices to speak for him. Despite all the privileges he had been granted so far, at the end of the proceedings, Simpson was led away by deputies through the same door any other defendant is.

## Final Arraignment

### 22 July 1994

Over a month had passed since O.J. Simpson's first appearance and arraignment in court on June 20, during which he had seemed confused and oftentimes mentally absent. On July 8, after six days of preliminary hearings, Judge Kathleen Kennedy-Powell ruled that there was enough evidence to justify a criminal trial in the Simpson matter. Before the main proceedings began, there was one last step to take, however. O.J. Simpson was brought before Judge Cecil J. Mills at the Downtown Criminal Courts in Los Angeles on July 22. By this date, his defense team had been expanded by the renowned criminal lawyer Johnny Cochran whose name would forever be associated with the Simpson case. Similar to the first arraignment process, the proceedings were short and served the purpose to give the defendant an opportunity to respond to the charges as well as resolve any pending legal issues and motions and make necessary arrangements for the case to proceed. This hearing was likewise televised nationally, being another episode in this new popular reality show. Unfortunately for the television audience, the hearing was visually restricted, as the courtroom camera was positioned to the right-hand and behind counsel's table. Thus, it was impossible to directly watch the trial participants' reactions to certain statements and procedures, in particular those of O.J. Simpson. Although various elements reminded the TV audience of the first arraignment a month prior—Simpson wearing a dark suit and white shirt, the setting with the wooden table and blue seat covers—his body language had completely changed: Simpson assumed an upright posture while facing the judge and the accusations brought against him. When Kennedy-Powell addressed the defendant with the same questions Marcia Clark had asked the celebrity suspect on June 20, the answers were clear and plainspoken. This time, Robert Shapiro did not whisper the correct responses into his client's ear, Simpson seemed eager to speak for himself:

**Judge Mills:** *Do you understand the charges against you, sir?*

**O.J. Simpson:** *Yes, Your Honor.*

**Judge Mills:** *Had an opportunity to discuss those charges with your attorneys?*

**O.J. Simpson:** *Yes, Your Honor.*

**Judge Mills:** *And are you ready to enter a plea at this time?*

**O.J. Simpson:** *Yes, Your Honor.*

**Judge Mills:** *How do you plead to Counts 1 and 2?*

**O.J. Simpson:** *Absolutely, 100 percent not guilty.*

**Judge Mills:** *And you deny each of the special allegations and the special circumstance that is alleged?*

**O.J. Simpson:** *Yes.*

*(“OJ Simpson Arraignment,” 1:35-1:59)*



Prosecutor Marcia Clark describes this moment in her book, *Without a Doubt*, as “Simpson, drawing on the thespian skills doubtless honed by his work in *The Towering Inferno*,<sup>8</sup> reached down inside himself and hit the mark” (Clark 55). In response, Robert Shapiro patted his client on the shoulder (“OJ Simpson Arraignment,” 2:10), “congratulating him on his improved performance” (Clark 55). In the spectrum of the following trial proceedings, the televised arraignments served as a final stage on which Simpson ‘locked in’ the persona he aimed to portray. Sociologist Erving Goffman explains this process as follows:

The individual’s initial projection commits him to what he is proposing to be and requires him to drop all pretenses of being other things. As the interaction among the participants progresses, [...] it is essential that [...] later developments be related without contradiction to, and even built up from, the initial positions. (Goffman, *Presentation of Self* 10)

The detailed analyses of the main court proceedings in the following chapters of this study will demonstrate the protective practices employed by O.J. Simpson and his team to safeguard the defendant’s image of being innocent.

## The Bronco Chase Revived

### 1996

In November 1996, while in the midst of O.J. Simpson’s civil trial, the Los Angeles court released a previously undisclosed transcript of phone calls that occurred between the athlete and LAPD Detective Tom Lange during the car chase in 1994. Thus, two years later, the American people received a partial answer to the question of what had been going on inside the Bronco as it had sped across the city’s freeways on June 17. An audio recording of the telephone conversations was subsequently obtained by the media and played on television as, once again, the familiar images of the white Ford Bronco appeared on the screens. A seemingly suicidal O.J. Simpson was heard pleading with the detective to “[j]ust let me get to my house” (“O.J. Simpson Trial: Transcript of Bronco Call,” *CNN.com*) while Lange attempted to persuade the murder suspect to throw his gun out the car window. O.J. Simpson, however, did not consider disposing of the weapon, claiming “This is for me.” He only became doubtful when Lange repeatedly assured him that there were a lot of people who loved and admired him, pleading “Don’t throw it all away.” Thereupon, the athlete released a loud and desperate sigh, indicating that he felt trapped and did not know what to do. The overwhelmingly serious conversation took a slightly comical turn when O.J. Simpson proclaimed: “I can’t take this.” In an attempt to distract him from further

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8 *The Towering Inferno* is a 1974 disaster film, in which Simpson starred alongside Steve McQueen and Paul Newman as the character Jernigan.

focusing on the implications of this statement, the detective quickly and reassuringly stated the opposite: “Oh yes, you can. Yes, you can” (“OJ on the Run: The Bronco Chase,” 2:53). Simpson was subsequently heard chuckling sarcastically, repeating “I can’t,” as if slightly irritated that Lange assumed he could “take it” while he insisted that he could not. The conversation then continued in a repetitive pattern: Lange assured O.J. Simpson that he was loved, and everything was going to be alright while Simpson cried out that he deserved to get hurt and repeatedly released despondent sighs. Although the audience could see images of the Bronco on the television screen and, with the addition of the newly released audio tapes, hear the conversations that took place at specific times during the Chase, there was never visual footage from inside the Bronco. It is a piece of the Simpson puzzle that is non-existent and can only be fictionalized and reenacted (see chapter 1.4, “Adapting the Adaptation: The Bronco Chase on *American Crime Story*”).

The rebirthed TV recapitulations of the Bronco Chase in 1996 also ended at Simpson’s Rockingham estate, where the ride turned into a stand-off. Once more, the familiar still images of the Ford appeared on the television screens as the phone conversations between Lange and Simpson revealed how, at one point, the situation in the Bronco threatened to escalate. Seconds after the car pulled into the driveway, Simpson’s oldest son Jason ran towards it, screaming at and wrestling with Al Cowlings through the open window of the car. Meanwhile, O.J. Simpson was still on the phone with the detective who tried to ascertain who the unknown person was and to prevent the murder suspect from shooting himself or anybody else. Panic audibly filled Lange’s voice as the screaming around the Bronco intensified:

Who is that out there? Just toss it, Juice. He’s just trying to help. He’s just trying to help, man. He’s just trying to help. Juice, come on. Just toss it. It’s OK. Hey! Don’t! Hey, man, don’t! Don’t! Don’t! Juice! [...] Juice! Juice! You there? Hey, pick it up, Juice! (“O.J. Simpson Trial: Transcript of Bronco Call,” *CNN.com*)

It is noteworthy that Detective Lange repeatedly referred to Simpson as “Juice,” indicating how urgently he wanted to establish a connection with the seemingly erratic suspect. Amidst the screaming, the audience perceived another voice, presumably Al Cowlings’, pleading with Simpson. Although the viewers had no opportunity to look directly inside the car, it seemed certain that the athlete, unaware that his phone call with Lange was still being recorded, was pointing the gun at either himself or his friend when Cowlings begged: “Don’t do it, O.J.! Don’t! Don’t! [...] Listen to me! Listen to me, O.J.! [...] O.J.! Please, O.J.!” Meanwhile Detective Lange urged Simpson to pick up the phone again. However, the connection ultimately cut off and could not be reestablished.

### 1.3 The Rise of Personality Journalism: Robert Kardashian on *20/20*

In the same year the phone calls between O.J. Simpson and the LAPD were released to the public, Robert Kardashian granted an interview to Barbara Walters on ABC's newsmagazine program *20/20*. The interview serves as a rare source that provides information on the events prior to Simpson's disappearance in the Ford Bronco and offers the television audience a look behind the scenes and insight into his plans to run away. Although news cameras had filmed every moment of the car chase, nobody, except for a chosen few, really knew what had occurred behind closed doors in the morning. Kardashian's interview helped put the Chase into new perspective and explained how this 'American tragedy' began to unfold.

According to Richard Fox, Robert Van Sickle, and Thomas Steiger, television news programs such as ABC's *20/20*, NBC's *Dateline*, and CBS' *60 Minutes* have become an integral part of telelitigation (Fox, Van Sickle, and Steiger 84), as they enjoy the largest audience numbers of any other news programming. Television writer Robert Hughes' 1995 article in *The New York Review of Books* offers a somber assessment of this hybrid TV genre:

There [is] the voyeuristic interest in confession of sins. There [is] the fixation on celebrity. There [is] the almost total absence of any serious news—by which I mean narratives and explanations which enable viewers to get a handle on the world in a rational way. There [is] the phony sentimentality, the mock humanism. Above all, there [is] the belief that reality must always take the back seat to entertainment, so that the audience must not be overtaxed, so that they will come back for more of the same Twinkie. (Hughes, *NY Review of Books*, 16 February 1995)

Barbara Walters, *20/20*'s main host, was one of the first key personalities on American television to change celebrity culture in the early 1980s with the popularization of personality journalism (Sternheimer 217), making celebrity news stories increasingly ubiquitous on TV, thus further blurring the previously distinct line between hard facts and superficial entertainment.<sup>9</sup> As I will demonstrate in the following, her interview with Robert Kardashian was set up to create high degrees of mystery and suspense with the goal to entertain and not to educate her audience on the lessons learned from the O.J. Simpson case.

The introduction to the first segment of the show was filmed inside a television studio and throughout the episode, the interview with Kardashian was repeatedly interrupted for in-studio narration by the hosts. This is noteworthy, for the well-

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9 In the field of Media Studies, one often encounters the hybrid, pejoratively connotated term 'edutainment' as a means to describe the fusion between media entertainment techniques and public service channels/programs. Edutainment, also known as infotainment, suggests a loss of qualitative educational substance for the sake of ratings and profit (Hartley 125).

lit, yet dark and plain ambiance played a crucial part in establishing a visual identity for the program that is marketed to audiences as a news format, whereby the term ‘news’ suggests an impartial reporting of facts. The professional setting and utilized props—a plain grey desk, pen and paper for the hosts—were complemented by a dress code audiences associate with news media formats: Robert Hughes wore a dark suit, white shirt, and a red-brown tie, while Walters was dressed in a grey pullover and blazer, round up with gold jewelry. Furthermore, the TV personalities were captured in a medium shot characteristic of news programs, for it creates contiguity to the hosts while maintaining efficient distance to uphold their authoritative appearance (Selby and Cowdery 17). The presenters’ narration, however, was replete with emotionally charged adjectives such as startling, confidential, secret, and dramatic. For instance, they labelled the upcoming report Kardashian’s “startling confession” (*ABC News*, 00:03), in which he revealed “confidential details of this murder case” (00:29) that “have Simpson and his lawyers [...] concerned” (00:33). Compelling to the curiosity of the viewer, Walters claimed that her audience “[would] be the first to hear a secret audiotape, a dramatic message that Simpson recorded presumably on the morning of the Bronco ride” (00:51). Fox, Van Sickle, and Steiger assert that “[r]arely is there an attempt to place [the true crime stories] into context of the real workings of the legal system, the findings of scholars, or general trends in US society” (Fox, Van Sickle, and Steiger 86). Rather, the crime is commodified, i.e., specifically packaged and marketed for entertainment purposes as it goes through the processes of selection and deconstruction.

To take the audience back to the day of the Bronco Chase, the 20/20 report opened with snippets of the defense team’s evening press conference on the evening of June 17, 1994, where Robert Kardashian was first introduced to the American public as he “stepped from obscurity into the national spotlight” (*ABC News*, 01:09). Calmly, yet authoritatively, Walters guided her audience through the first pieces of actuality footage presented on screen and provided the necessary context. In the subsequent shot, back in 1996, Kardashian was depicted sitting in an armchair, seemingly lost in thought as he gazed to the side. In the background, a framed picture of him and O.J. Simpson, subtly displayed on the corner of a table (01:12), served as an implicit reminder of the close friendship that had once connected the men which, in turn, connoted that the information provided in the episode was authentic and personal. As intimated above, the setting of the interview, namely Kardashian’s San Fernando home, was likewise of major significance in the narrative encoding of the episode: Barbara Walters met her interviewee at the very same house where O.J. Simpson had first hidden from the public and later disappeared in the Bronco. The choice to record the episode at the mansion, the original place of performance, allowed the producers to establish an atemporal verisimilitude that further contributed to the exclusivity of the interview. Furthermore, the following analysis of where and how

the interlocutors were positioned inside the house reveals how significantly settings structure performances.

Following the establishing shots, Robert Kardashian and Barbara Walters took the stairs to the upper levels of the house to commence their dialogue. In her distinguished narrative style, the TV personality simultaneously teased the audience in a voice-over: “Kardashian thinks that what he is about to say, may destroy his 25-year friendship with Simpson” (02:31). From the stairways, Walters was led into the bedroom that had served as a place of refuge for Simpson two years prior but simultaneously constituted the main stage for the events leading up to the Bronco Chase. Kardashian sat down on the bed while Walters took a seat on the couch facing him. It is noteworthy that although the bedroom was well illuminated, it was likewise shrouded in dimmed light, with grey shadows contouring the furniture and the interlocutors in order to reflect the gloomy subject of the interview. According to Performance Studies scholar Xi-Fu Tuan, light impacts the disposition of space (Tuan 239). He argues that where bright lights diminish the feeling of depth, semi-darkness seems like “an enveloping medium, like mist” (239), adding profundity to a performance. Thus, due to the absence of noticeable artificial lighting in the bedroom, the audience was under the impression that the conversation between Walters and Kardashian took place naturally and organically. The fact that the production crew first arranged the set by adjusting the lighting and camera angles, providing microphones, controlling sound settings, and taking care of makeup and seating positions went unnoticed and ascribed the *mise-en-scène* a more spontaneous and unpretentious feel than it effectively had.

Once they were comfortably seated, Walters initiated the main phase of the interview by inviting Kardashian to recount the day of the Bronco Chase (ABC News, 06:36). The latter explained that on June 17, 1994, he received a call from Robert Shapiro,<sup>10</sup> who informed him of the arrest warrant. An hour later, both lawyers walked into the room where Simpson and his then-girlfriend Paula Barbieri were accommodated. Sitting on the bed, O.J. Simpson was watching an old movie (07:02), which conveyed an odd impression of normalcy. After learning about the pending arrest warrant, Simpson reacted with a blank stare (07:16) as he tried to process the new developments. He was urged to get ready and given some privacy. At this juncture, Kardashian’s description of Simpson’s reaction and *American Crime Story*’s adaptation significantly diverge, effecting an equally divergent understanding of

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10 Robert Shapiro is an American lawyer who was one of the first attorneys to join O.J. Simpson’s defense team. After the trial, he publicly criticized his colleague’s approach to race in their defense strategy and vowed never to work with any of them again. In 2013, Shapiro was named one of the 100 most influential lawyers in the United States by *The National Law Journal* ([www.law.com/nationallawjournal/almlD/1202593197565/the-100-most-influential-lawyers-in-america/](http://www.law.com/nationallawjournal/almlD/1202593197565/the-100-most-influential-lawyers-in-america/)).

the situation and impression of the athlete. I will explain the result in detail in chapter 1.4, “Adapting the Adaptation: The Bronco Chase on *American Crime Story*.”

Returning to the 20/20 episode, Walters went on to inquire what had happened when Kardashian walked back into the bedroom after informing Simpson about the arrest warrant. The lawyer recalled that he found his friend sitting on the couch, staring at pictures of his children and ex-wife. The seemingly innocent scene threatened to escalate when Kardashian noticed a gun, wrapped in a towel, laying on Simpson’s lap (07:42). To complement and amplify the increased tension in the lawyer’s narrative, the camera angle switched almost unnoticeably from a two-shot view (07:43), whereby Walters and Kardashian were filmed from the side, to an over-the-shoulder shot (07:45) that brought Kardashian into main focus as he recounted praying with Simpson to keep him from committing suicide (08:05). In response to Walters’ question whether he believed that O.J. Simpson had serious intentions of killing himself, the lawyer determinedly responded: “Oh yes, oh yes. Just looking at the face of this man. He was not here. This was not O.J.” (08:09-08:17). Once again, the camera perspective was altered, establishing an ambiguity between Kardashian’s verbal statements and his body language, which is symbolic of the conflicted position he assumed in the Simpson matter for years: In the over-the-shoulder shot in question, the viewers’ gaze was directed towards Barbara Walters, obscuring the lawyer’s face from the camera and making it impossible for the audience to take any cues from his facial expressions. Hence, when Kardashian answered Walters’ question with the repeated and determined “Oh yes” while simultaneously shaking his head left and right which, in Western cultures, represents disagreement, it remained unclear whether he answered truthfully. Considering Kardashian’s publicly established personal conflict to come to terms with Simpson’s possible involvement in the murders, the aforementioned scene is a telling example of how the show’s producers conveyed the ambivalence to the audience.

The next part of the interview is likewise of importance in understanding how media representatives achieved a greater sense of authenticity and dramatic impact for their desired story. Approximately ten minutes into the episode, the face-to-face interview between Walters and Kardashian was interrupted by a short narration: “Worried that Simpson was determined to kill himself, Kardashian persuaded him to leave the bedroom and go outside, away from the attorneys and experts, who were also in the house but unaware of the tragedy that was unfolding” (09:43-09:55). Walters’ commentary was visualized by use of a Steadicam, which allows a camera man to move freely and smoothly in all directions as the camera is strapped to the operator’s body. Instead of having numerous shots from different fixed camera angles, the Steadicam provides one fluent shot, as if the camera is floating. In the aforementioned example, Walters’ detailed description of how Kardashian and Simpson went outside was accompanied by Steadicam shots that took the audience from the upper-level bedroom down the stairs, through the kitchen, and outside the backyard

by the pool, where, in Barbara Walters' words, the tragedy continued to unfold. The Steadicam perspective was useful in creating a sense of authenticity, as it allowed the audience to trace the path Kardashian and Simpson took in June of 1994 through their figurative eyes. Since there were no other distractions in the shots (e.g., other people), the viewers could solely concentrate on the details of the house and were actively drawn into the moments leading up to the Bronco Chase. The same technique was employed again when Kardashian claimed he and Simpson "walked around to maybe five different locations on the premises" (10:37) as the latter was looking for a suitable place to end his life. Once more, Steadicam shots of the mansion were inserted to visualize Kardashian's narrative.

Shortly after, the 20/20 conversation switched to O.J. Simpson's presumed suicide note, which the football player had allegedly written to the public on the morning of his arrest (for a detailed analysis of the letter see chapter 1.2, "The Press Conference as Performance Stage"). Walters and Kardashian were now seated in armchairs in what appeared to be the mansion's living room (11:17). As the former lawyer recounted how he got ahold of the letter, the camera repeatedly alternated between medium close up- (11:11), close up- (11:17), and medium long shots (11:21) to add dynamic to the dialogue. It is noteworthy that in this particular sequence, Kardashian was the sole speaker shown in close up shots, i.e., from a perspective that tightly framed his face, allowing the audience to catch a more intimate glimpse at his features, emotions, and reactions as he described reading his friend's suicide note to almost 100 million Americans during the press conference on June 17. Archive news footage from that day was inserted into the 20/20 program to further heighten the emotive impact (11:38). At one point, Walters asked her interviewee: "Didn't it surprise you that he wasn't saying, you know, 'Can't go on without my wife, what's going to happen to my children?'" (11:43), referring to the public accusation that O.J. Simpson's note appeared self-centered with little focus on or pity for his murdered wife or young children. To that question, Kardashian responded: "That is O.J. He has...he's got an ego. You're aware that athletes are catered to. Athletes have the world by the tail in many instances and that's what O.J. had. And as a result, I believe he only thought of himself at that time" (11:47).

Kardashian's perception that Simpson was seemingly not as humble as he wanted to be perceived in public was visually illustrated by means of a photograph of the former football star that was inserted on the TV screen as Kardashian spoke. In the selected picture, Simpson is leaning on a wooden scaffold. In contrast to the many pictures circulated in the media in which he is seen smiling at the camera, waving at the crowds, or shaking hands with fans, in the selected photo, Simpson is frowning and appears unsatisfied (11:56). His gloomy mood is further emphasized by the overall color scheme of the picture, consisting of cool greys and greens (e.g., Simpson's t-shirt or the wooden structure that casts shadows in the proximity). As Robert Kardashian proclaimed that "he only thought of himself at that time"

(11:56), the camera slowly zoomed in on Simpson's face, bringing his frown and cold expression to the forefront, thereby visually establishing a preferred reading of the photograph that encouraged audience positioning in favor of Kardashian's assessment.

The next 20/20 sequence referenced the secret tape Barbara Walters had teased in the introduction to the episode. The playful anxiety of suspense, however, was first alleviated before any content was revealed. Interposed between images of an unidentified male hand inserting a tape into a black recorder, Barbara Walters' narration instead repetitively highlighted the exclusivity of the tape: "But it wasn't only a suicide note that O.J. Simpson left behind. He also left a tape. [...] Lawrence Schiller discovered it long after the trial was over, and he believes Simpson made it [...] the morning of the Bronco ride. [...] Until tonight, it has never been heard publicly" (12:00-12:17). Instead of releasing the growing arc of tension, Walters and Schiller (who had worked with O.J. Simpson on a book called *I Want to Tell You* during the trial) transitioned to a discussion of general information pertaining to the audio recording, leaving room and time for the audience to speculate whether Simpson had possibly recorded a murder confession. Walters also clarified that only a short excerpt would be presented to her viewers. This fact obviates the editing process of the show despite its attempts to create authenticity and a natural flow between shots. Lacking enough airtime to play the entire tape, only a passage was selected. The audience did not receive the full context of the recording but a small sample, which was embedded into a TV show that wanted to paint a certain picture and relay a particular narrative. The viewers never learned what criteria determined the choice of the played excerpt, what was said before and after it, nor the length of the entire tape. In the selected portion, Simpson is heard saying:

I don't know how I ended up here. [...] I...I thought I lived a great life. I thought I treated everybody well. [...] I don't want anybody to feel sorry for me. I feel sorry for myself that I...despite everything that I had, I let myself get depressed. [...] Look where I am, I'm...I'm the Juice, whatever that mean, but I felt at times like I was... [Simpson sighs], I felt the goodness in myself and the goodness that I gave people. I don't feel any goodness in myself right now, I feel emptiness. I feel totally empty. (12:39-13:22)

Although Walters concluded that "He does not, in this tape, ever say 'I'm guilty'" (13:37), there exists a link between the chosen passage and the characterization of O.J. Simpson that Kardashian had provided only minutes earlier on the show. Simpson admitted that he felt sorry for himself and not for the victims or his children. He also alluded to the notion of "being the Juice," which suggests that he was aware of the heroic status he held in the public and the impact he had on people when he "gave goodness." The most noteworthy aspect about the audio recording is, however, that despite the producers' repeated attempts to create a fog of mystery around the tape,



the actual content revealed little to no new information. In fact, it is barely distinguishable from the writing in Simpson's suicide note and is far from a murder confession. Nevertheless, using the audio recording to enable the audience to hear the celebrity speak the words was a pivotal technique to draw the viewers further into the story and take them back to 1994. The repeated insertion of bedroom shots in between further enhanced the throwback effect.

Robert Kardashian's interview with Barbara Walters on ABC's *20/20* is a prime example of the workings of personality journalism. Instead of providing concrete facts and context, television news magazines of this kind blur the lines "between personalized tabloid titillation and substantive legal or political information" (Fox, Van Sickle, and Steiger 63). Andrea McDonnell alludes to the tabloid style reporting inherent to personality journalism when she writes that "[h]uman-interest narratives, storytelling, and emotion are the core elements of 'soft' news, and celebrity news in particular. These formats celebrate the ambiguous and the uncertain, flaunt their opinions, and revel in their own point of view; they are considered an anathema to hard news" (McDonnell 33). Oftentimes, little to no new information is revealed; instead, it is, as was the case with the Simpson tape in 1996, reframed to suggest novelty. Furthermore, by holding a prime-time air slot (the show currently airs on Fridays at 9/8c), *20/20* competes with fictional formats, sitcoms, and dramas, which is indicative of the exploitative and sensationalizing intent behind such TV news magazines as they capitalize on emotional accounts and narrations for greater audience numbers.

## 1.4 Adapting the Adaptation: The Run of His Life on American Crime Story

In 1994, the television viewers solely relied on helicopter images, the commentaries of the news anchors, and their own imagination to make sense of the Bronco Chase and O.J. Simpson's behavior. Two years later, with the release of the audio recording and Robert Kardashian's interview to Barbara Walters, they were granted an extension to a significant moment in contemporary American history. In addition, that same year, journalist and former assistant US attorney Jeffrey Toobin published a true crime bestseller titled *The Run of His Life: The People v. O.J. Simpson* in which he recounted "the alternative realities of the Simpson case" (Kaminer, *NY Times*, 29 September 1996). Published by Random House Books in 1996, the book became a *New York Times* bestseller and served as the literary basis for *The People v. O.J. Simpson: American Crime Story*, the first season of FX Networks' 2016 anthology series. Any discussion and understanding of the television show would be flawed without considering the author's style of writing and personal attitude towards the Simpson case. For instance, by his own declaration, Toobin does not believe in the concept of ob-

jectivity, stating: “I really dislike the word objectivity. I think objectivity is a phony concept. The idea that you as a journalist can look at a situation with some sort of perfect remove from your own beliefs and prejudices” (“A Conversation with Jeffrey Toobin 2013 2014 HLS,” 8:29-8:46). This attitude is certainly an important factor to contemplate when reading his account of the events surrounding the ‘Trial of the Century.’ The journalist for *The New Yorker* never concealed his belief in O.J. Simpson’s guilt. In a 2014 interview with CNN, he reiterated: “I thought then and I think now O.J. was completely guilty of killing those two people and I thought the jury got it wrong” (“Toobin: ‘I was horrified, frankly,’” 0:27-0:36). His own position is clearly reflected throughout *The Run of His Life*, not only with regard to the murder suspect but to every other character involved in the case. With objectivity untenable, Toobin names the creation of interesting stories his goal as a journalist by explaining:

I am interested in telling you a story that you will want to read. [...] The concept of [...] keeping a story going and keeping you metaphorically, if not literally, on the edge of your seat, to see how it’s going to turn out, that I think is what I aspire to be as a journalist. [...] [M]ostly, I’m interested in storytelling. And, you know, one of the things, to be honest, I’m proudest of, is the ability to take what can be a dry story [...] and turning it into a narrative. [...] I want to try tell a story [...] with a beginning, a middle, and an end, that will keep people interested. (“A Conversation with Jeffrey Toobin 2013 2014 HLS,” 10:48-12:33)

Knowing his approach to journalism, *The Run of His Life* can thus be understood as an account of the Simpson story that clearly seeks entertainment value. Nevertheless, or perhaps precisely for this reason, Toobin worked as a consultant on *American Crime Story*, which was developed for television by Scott Alexander and Larry Karaszewski and executive produced by Ryan Murphy. In an interview with Vegas Film Critic Jeffrey K. Howard, Toobin praised the accurateness of the television show while simultaneously distinguishing between the nature of his account from 1996 and the seriality of ACS:

My book is journalism and [...] a good-faith attempt to be a 100% accurate to what happened. The dramatization on ACS is different. It is certainly [...] very true to the spirit of the times, to the personalities of the people involved, to the truth of what went on in that courtroom, but they don’t use the exact court transcript, there are certain events that are combined and foreshortened. I think it’s a very fair dramatization, but it is a dramatization. (“Jeffrey Toobin Interview: American Crime Story: The People vs. O. J. Simpson,” 2:11-2:47)

According to the information provided in his true crime account, Toobin interviewed more than 200 people in the process of writing the book, although he does not specify to whom he had talked. In addition, Toobin relied on his own observations (he had access to the proceedings from inside the courtroom) as well as

official court transcripts, police reports, trial testimony, and the extensive media coverage of the case. Newspapers such as *The New York Times*, *Newsweek*, and *The Washington Post* also served as sources to put together his 458-page account. Despite the dramatizations on ACS, Toobin claims that “if you watched *American Crime Story*, all ten episodes, you really understand what happened in this case and why. And that’s factual” (ACS, disc 4, 27:34). I can only partly agree with Toobin’s statement, for this study lists numerous crucial divergences which distort the essence of the Simpson story and misinform viewers who were previously unfamiliar with the case. Nevertheless, one can speak of an adaptation of an adaptation with regard to ACS as I will show in detail below, as the show’s producers did oftentimes rely on Toobin’s point of view for their screenplay despite the availability of original material.

From a New Historicist perspective, it is crucial to note why, how, and when the producers decided to reinterpret the Simpson case and address the communal social issues connecting the US of the 1990s and 2000s. In *Authenticity: What Consumers Really Want*, James H. Gilmore and B. Joseph Pine assert that the notion of authenticity is often pursued in the past with the goal to revive it as vividly as possible in the present:

Where do people, and business, turn to satisfy their desire for authenticity? One place is to the past. Being forever gone and unalterable, the past represents an ideal form of authentic experience—the *pure*. Of course, just as travel to past times is impossible, such purity is unattainable. Yet people do gain a measure of this pure past through a whole host of here-and-now experiences. (Gilmore and Pine 45, emphasis original)

In adapting and thus reinterpreting the O.J. Simpson trial, *American Crime Story* successfully drew on the concept of “referential authenticity” (50), dialectally bringing one of the nation’s most memorable events into the 21<sup>st</sup> century by offering informed viewers feelings of nostalgia while opening the case to a new and younger audience. In addition, the Simpson case served as a contemporary reminder of the racial tensions that have continuously quaked the United States and reached a new peak in the beginning of the second decade of the 21<sup>st</sup> century with repeated instances of police brutality, shootings, and institutionalized racial profiling.

### **The Bronco Chase on *The Run of His Life***

Being an indispensable part of the O.J. Simpson saga, the Bronco Chase is addressed in Toobin’s narrative in great detail, specifically in chapter five, titled “Mr. Simpson Has Not Appeared,” referencing the words of LAPD spokesman David Gascon, who was the first to inform the public and media about Simpson’s failed self-surrender and subsequent disappearance. Before taking his readers back to June 17, 1994, however, Toobin provides extensive background information and addresses the events

preceding the slow-speed chase. Throughout the account, the author also focuses on selected individuals to tell specific parts of the story through their eyes, allowing his readers a glimpse behind the proverbial scenes.

Chapter five opens with Detective Tom Lange's call to Robert Shapiro on June 17, ordering the attorney to bring in his client to the police station. After a short conversation, Shapiro promises to make his client available and bring him in on schedule. There is a sudden jump in time in the narrative, and the reader is taken back to the days preceding the arrest warrant (June 13–16). Toobin explains how Robert Shapiro came to represent O.J. Simpson in the first place and how he arranged a polygraph examination for his celebrity client who “scored a minus 24—total failure” (85). By mentioning the polygraph test, Toobin not only provides the reader with additional information about the case but reiterates his own belief in Simpson's guilt. His position is further highlighted in the following pages, when he recounts the psychological evaluation of O.J. Simpson by defense psychiatrist Saul Faerstein:

Faerstein went to the house on Rockingham and joined Simpson on the couch in the living room. Simpson talked and talked—about himself. The press was out to get him now; his image would never recover; it was all so unfair. What struck Faerstein most were the gaps in Simpson's narrative—there was no sadness for the loss of the mother of his children, no concern for his children's future, no empathy for Nicole. Simpson worried only about himself. (86)

It is noteworthy that the reader never learns how Toobin authenticated the information provided in the passage. It remains obscure whether he talked to the psychiatrist in person, read about Faerstein's assessment, or simply used a character in the story to express his own opinion about the suspect. Indeed, it is difficult and sometimes even impossible to draw a line between Toobin's own assumptions and the factual statements of those involved, which should be considered in the evaluation of the delineated events.

The narrative switches back to early June 17 and detailed descriptions of the last-minute examinations Robert Shapiro ordered before Simpson's arrest. The reader learns that thanks to an “elaborate ruse” (87) and an LAPD sergeant, who “was moonlighting as a security guard for the murder suspect” (87), Simpson found refuge at Robert Kardashian's villa in San Fernando Valley. The next paragraph takes the reader to the press conference of the Los Angeles Police Department at around 2:00 p.m. and the moment chief spokesman David Gascon stepped to the podium. Jeffrey Toobin quotes the original statements of the Commander who admitted that the murder suspect was on the run. The journalist characterizes Gascon as “fairly relaxed and approachable” (91) and points out that “[h]e seemed shaken, and his voice quavered slightly” (91), offering a rare favorable assessment of somebody involved in the Simpson saga. In fact, when reading Toobin's true crime account, one immediately notices that the journalist takes a critical stance towards the actions

of many of the main players in the case. In the Bronco chapter, e.g., Toobin claims that Robert Kardashian found O.J. Simpson's presumed suicide note in his house, showed it to Shapiro and Saul Faerstein, and allegedly made the conscious decision not to turn the letter over to the police: "Though the letter was clearly important evidence of Simpson's state of mind and his possible plans, Kardashian took it with him rather than mentioning it, much less giving it to the police, who were looking for O.J." (92).

Toobin is even more critical of Robert Shapiro's behavior, writing: "From the moment Simpson vanished, Robert Shapiro focused on his top priority: Robert Shapiro" (92), thereby implying that everything the lawyer did was led by egoistic motives. This is further reiterated when Toobin assesses the defense team's press conference on June 17. He accuses Shapiro of only talking to the press to protect himself: "Whatever else had happened today, this mess was not going to drag him down with it" (95), and even goes as far as to say that the celebrity attorney broke one of the most important principles that exists between a lawyer and a client: "Indeed, [...] much of what had gone on that morning at Kardashian's house may have been protected by attorney-client privilege—a privilege that only Simpson had the right to waive. Yet Shapiro told all. He had hung his client out to dry in order to save himself" (95). In this light, even Shapiro's remarks about Simpson's fragile state of mind—he stated, for instance, that his client "was wailing" after receiving the news ("June 17, 1994 10 pm newscast—KDFW," 08:54)—resemble another attempt to deny any responsibility in Simpson's and Cowling's disappearance.

Toobin's account partly reads like a venture to expose the various mistakes he believes were made by the main characters in the Simpson story, which ultimately led to the not-guilty verdict (a conclusion of the trial he does not agree with). In addition, his assessment—considering Toobin is himself a graduate from Harvard Law School who followed the events closely as a reporter—gives the reader the necessary context to understand the actions that were taken in 1994 and which had not yet been known as the events actually took place. For instance, in the above analysis of the archive footage of Robert Shapiro's press conference, I indicated that the attorney had seemed aloof or emotionless at times while he was speaking. In combination with Toobin's description, Shapiro's reaction to his client's disappearance makes new sense. If one is to believe the journalist's assessment of the attorney's character, Shapiro was anxious about losing his good reputation in the legal community and Los Angeles' High Society. In chapter five, Toobin also provides his readers with a piece of information that has not often been publicly discussed, but rather, as existing news transcripts show, concealed: O.J. Simpson's poorly written suicide note. As already indicated, most reprints of the letter Robert Kardashian found at his house are edited versions of the note (e.g., "O.J.'s Suicide Note," *CNN.com*). Toobin, however, exposes that "Simpson was a terrible writer and speller" (Toobin 98) and nearly illiterate. He explains references in the note that were left unaddressed in

1994, giving background information on the people who had played a major role in Simpson's life.

After almost twenty pages of introductory passages, the author moves on to describe the first sighting of the Ford Bronco on a Los Angeles freeway by the young couple Chris Thomas and Kathy Ferrigno (103, 104). Toobin points out that when the Bronco was spotted it was heading north on the Santa Ana Freeway, i.e., "away from the Mexican border" (104), confuting accusations that Simpson was trying to go into hiding in Mexico. Later, however, Toobin notes that after Simpson's arrest police found his passport, a fake goatee and mustache as well as \$8,000 in cash in the Bronco (110–111), thereby supporting the conjecture that Simpson had made plans to disappear for good. Subsequently, the readers are left to come to their own conclusions about the suspect's true intentions, which, similar to the original coverage of the chase, creates opportunities for speculations and discussions among them.

Jeffrey Toobin also describes the first encounter between Simpson's friend Al Cowlings and the LAPD on the freeway, a confrontation the television audience did not see, as news helicopters had not yet sighted the vehicle at that point. When traffic grew heavier, the Bronco came to a complete standstill, and two police officers, who had followed the fugitives for a short while, approached the car with their weapons drawn, ordering the driver, Cowlings, to turn off the engine: "Cowlings started screaming and pounding his left hand on the side of the door. 'Fuck, no!' he said. [...] 'Put away your guns! He's in the backseat and he's got a gun to his head.' Fearing bloodshed, the officers held their ground and watched Cowlings drive off as the traffic ahead of him cleared" (105). Notably, Toobin makes use of direct speech to drive and breathe life into the narrative. In addition, he does not censor slurs (example above) and racial profanities (e.g., the "n-word" in connection with the Fuhrman tapes<sup>11</sup> on page 107). This choice can be understood as an attempt to create greater verisimilitude and to emphasize the seriousness of certain situations. It does, however, also allow to draw conclusions about the intended audience of the book. While Toobin cannot influence the explicit nature of the general story (the gruesome murders and violent acts of domestic abuse, the sexual revelations in court and in the media as well as the degrading remarks about African Americans on the Fuhrman tapes), his decision to reflect these details and statements in all their offensiveness suggests that *The Run of His Life* was intended for an older audience

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11 The Fuhrman tapes encompass 13 hours of interviews between LAPD Detective Mark Fuhrman and screenplay writer Laura McKinny, which were recorded between 1985 and 1994. On the tapes, Fuhrman is repeatedly heard using racial and misogynist slurs, among other things. The tapes were introduced by O.J. Simpson's defense team as a key piece of evidence to raise doubts about the practices at the Los Angeles Police Department. Judge Ito admitted portions of the recordings to be used in court. Although Fuhrman insisted that he had only acted out a character for a screenplay, his reputation shattered, and the validity of the evidence he had discovered was questioned.

and less for adolescents and teenagers. The account is more likely aimed at adults that are already familiar with the case but are interested in additional information and context.

### Chasing the Bronco on *American Crime Story*

The premiere episode of *American Crime Story*, titled “From the Ashes of Tragedy,” first aired on February 2, 2016. On the night of its debut, 5.12 million US viewers tuned in to watch the Simpson story begin. The first sequence opens with archive footage of the Rodney King beating in 1991. The violent scenes are followed by a newscaster’s announcement in 1992 that the white officers involved in the abuse were acquitted of any wrongdoing in a court of law by a jury of mostly white Americans. Additional archive footage then paints a disordered picture of Los Angeles in the aftermath of the acquittal: massive and volatile riots ensue all over L.A. Enraged African American citizens set buildings on fire, overturn cars, and hurl trash cans through windows. The rising noise in the scene unexpectedly culminates in silence, and a black screen appears with three words inscribed in the middle: “Two Years Later.”

The original footage used in the beginning of the episode sets the tone of the series: *ACS* is going to be a story about violence, anger, frustration, racism, inequality, and injustice. King’s abuse is not explained by means of narration or text overlays. Instead, the images speak for themselves to imply that his experience with the police was not an isolated incident but instead emblematic for the historical continuity of African American oppression. Bernard Parks, who served as chief of the LAPD from 1997–2002, calls the video tape “exhibit one for every mishandled abuse and excessive force incident that anyone had ever experienced” (*O.J.: Made in America*, disc 1, 2:13:37). Particular focus should, however, be placed on the idiosyncratic features of the Rodney King video utilized in the series. According to John Fiske, there exist at least two different variations of the recording that were circulated in the media: the first was the original “low-tech video shot by George Holliday” (Fiske, *Media Matters* 127). Fiske refers to this recording as *videolow* (127). The second one was used during the prosecution of the police officers on trial. In this digitally enhanced *videohigh*, “technology froze its individual frames, slowed or reversed its motion, and inscribed explanatory arrows and circles upon it” (127). The observation that *ACS* depicts segments from the original recording speaks for the series, as it provides the show with a more authentic discursive frame. Fiske notes that *videolows* offer much more than grainy pictures. He believes that they are indicative of the complex relationship between social power and disempowerment:

The *videolow* was characterized by its poor and unsteady focus, its unplanned camera position and angle, and its subservience to “real time” (no editing). This low-technicity meant that it was low in clarity but high in authenticity. The “lowness” of its technology indexed the “lowness” of the social position from and for

which it spoke, and carried a sense of authenticity that depended upon the video's apparently continuous and metonymic relationship with the experiential truths (or "true" experiences) of the socially disempowered. (127)

By editing original snippets of the Rodney King beating into the series, *ACS* preserves the underlying social authenticity observable in George Holliday's home video, which is further accentuated by the contrast arising between the shaky and oftentimes chaotic images taken in the aftermath of the Los Angeles riots and the subsequent smooth and high-tech shots of *ACS*. The scene following the archival footage, for instance, consists of a professional camera panning from the Rockingham mansion towards the limousine driver Adam Park who was waiting for O.J. Simpson to come out of the house (*ACS*, disc 1, episode 1, 01:16–01:22). This particular sequence also lacks any turbulent sounds in comparison to the all-encompassing noise that reflected the public uproar during the riots, further stressing the high discursive technology employed in the television series.

Lastly, the significance of the archival footage was even more impactful considering the TV show aired in 2016, in a year that also registered massive protests and violent altercations with the police after repeated unwarranted police shootings of young African American men in the cities of Ferguson (Michael Brown in 2014), Baltimore (Freddie Gray in 2015), Chicago (Laquan McDonald in 2014), and Staten Island (Eric Garner in 2014), among others. Although twenty years have passed since the Simpson trial, the underlying societal issues are still as relevant as in the 1990s and therefore struck a chord with a new audience in 2016.

### **"The Run of His Life"**

The second episode of *American Crime Story*, "The Run of His Life," first aired on February 9, 2016, and attracted an audience of almost four million viewers. It is entirely dedicated to the events leading up to and surrounding the Bronco Chase. The cinematic conversion of that summer day in June 1994 was noticeably influenced by both the original media coverage and the descriptions in Jeffrey Toobin's true-crime account, although the producers implemented artistic elements that emphasize the show's fictional and dramatizing nature as well. In 1996, for instance, Robert Kardashian claimed that O.J. Simpson was sitting on the bed and watching a movie when he learned about the LAPD's pending arrest warrant. In contrast, Toobin claims that "Shapiro and Kardashian woke O.J. and told him that they would be taking him to Parker Center to surrender" (Toobin 88). The descriptions of Simpson's reaction to the bad news are noteworthy because the football star is portrayed quite differently in both stories. Kardashian asserted that his best friend had a blank stare on his face, suggesting that Simpson stayed calm while he processed the information. Jeffrey Toobin, and subsequently *ACS*, depicted the alleged murderer as hysteric and aggressive. In episode one, "From the Ashes of Tragedy," and the



scene in question, Simpson is woken by Shapiro and told that he needs to get ready for his arrest:

**Robert Shapiro:** *They issued a warrant for your arrest. You have to be downtown at eleven. It's fine. I'm gonna fix this.*

**O.J. Simpson:** *No...NO! I can't do that, Bob! I can't go to jail!*

**Robert Shapiro:** *We'll just work through this together.*

**O.J. Simpson:** *Oh God!*

**Robert Shapiro:** *Now listen to me. It's very important that you understand this, O.J.*

**O.J. Simpson:** *I can't go to jail, Bob!*

**Robert Shapiro:** *Yes, you can. And you have to understand one thing. This may be the last time we get to speak without anyone eavesdropping, so if you have anything to say, I'll clear the room.*

**O.J. Simpson:** *What are you saying to me?! (The doorbell rings.)*

**O.J. Simpson:** *Who is that? What is that? They're already here?!*

**Robert Shapiro:** *No. They're just friends. They're here to look at you. We have this planned. We're here to help.*

*(ACS, disc 1, episode 1, 45:25-46:00)*

During the emotional dialogue in the series, Simpson displays a fight or flight response as he jumps out of bed with his eyes wide open and full of dread, throwing his hands in the air, blinking rapidly in panic upon the realization that his days as a free man are coming to an end. A television viewer who is aware of both possible accounts of the situation (Kardashian's and Toobin's) is hence left to decide which story they choose to believe and what characterization of Simpson seems more plausible. Moreover, this divergence raises the question why ACS's producers adapted Toobin's account to the screen, considering they had access to the recollections of Kardashian; someone who had verily been there with the athlete in that moment. Conclusively, this example illustrates anew the ways in which Simpson's story was deliberately molded to create opportunities for speculation and dramatization.

One of the most noticeable differences observable between the original media coverage in 1994 and the TV show (and by extension Toobin's book), is its continuous focus on specific characters. As demonstrated above, in 1994, the media's and the public's point of convergence was exclusively O.J. Simpson. His involvement in the murders, his motives for evading arrest, and later on his whereabouts and suicidal intents, were the focal points of interest and speculation. ACS, however, offers its viewers a different perspective. Although the audience is likewise taken inside the Ford Bronco to witness Simpson's backseat meltdown, other key players move to the foreground, in particular Robert Shapiro and Robert Kardashian. The second episode, for instance, opens with Robert Kardashian praying for his best friend's salvation. His words foreshadow the role he later assumed in the story: "A friend who loveth at all times, and a brother who is born in adversity" (ACS, disc 1, episode 2,

00:02-00:10). Indeed, the episode “The Run of His Life” shows more insight into Kardashian’s state of mind than Simpson’s and gives prominence to his internal struggle to come to terms with his friend’s possible involvement in a double homicide. In one particular scene, Kardashian breaks down in tears in his car when the impact of the events finally overwhelms him (13:00). In showing these private moments in the series, ACS succeeds in humanizing Simpson’s friend and challenges the attorney’s colder and emotionless image in the 1990s, when it was publicly suspected that Kardashian had helped Simpson dispose of the evidence by discarding the latter’s Louis Vuitton bags (Margolick, *NY Times*, 31 March 1995).

The other main character who dominates the narrative in the second episode is Robert Shapiro, and the contrast between both Roberts could not be any more palpable. Reflecting Jeffrey Toobin’s negative portrayal of Shapiro in *The Run of His Life*, the attorney is likewise depicted as selfish and ruthless on ACS. Repeatedly, the attorney denies any responsibility for his client’s disappearance, focusing solely on himself and his own reputation. When he talks on the phone with District Attorney Gil Garcetti, e.g., Shapiro apologizes by pointing out that his client caused them both unwanted trouble:

**Gil Garcetti:** *I wish I could reach through this goddamn phone and strangle you!*  
**Robert Shapiro:** *I am so sorry he did this to us. I mean, you know that I’m a fixer of things. I-I-I don’t tolerate this kind of stuff.*  
*(ACS, disc 1, episode 2, 0:30-0:40, emphasis added)*

Later, while watching Garcetti’s press conference on television, Shapiro bitterly exclaims:

**Robert Shapiro:** *I don’t like the subtext of this one bit. There’s an unspoken villain here.*  
**Robert Kardashian:** *Who, A.C.?*  
**Robert Shapiro:** *Hmm? No. Me! Everyone’s blaming me for everything. I’ve a very clean reputation. What we need is our own press conference.*  
*(06:20-06:26)*

In an almost comical way, *American Crime Story* takes Shapiro’s insistence on having a clean reputation quite literally. The aforementioned scene takes place in the attorney’s white kitchen (06:17). Modern spotlights shine from the ceiling and illuminate a place that looks immaculate, but vacuous. The shelves are empty, and there are no groceries or utensils anywhere. In fact, the only indicator that this room is part of a home is a single fruit basket (01:04), placed on the luxurious kitchen unit in the middle. However, even the basket resembles a decorative item. The apples, bananas, and oranges are carefully stacked in a big, black bowl that has the same color as the counter. The scenery emphasizes Shapiro’s reserved nature, which became the center of speculation during the defense press conference, and amplifies his seemingly shallow, capitalistic goals in life (in contrast to Johnnie Cochran’s social ambitions).

Later in the episode, Marcia Clark even directly accuses the attorney of pretentiousness when she angrily exclaims: "It's frigg'in Shapiro. He screwed all of us. God forbid a celebrity should do a perp walk" (02:21). Noticeably, even on *ACS*, little blame is put on the person who caused the uproar in the first place: O.J. Simpson.

To further amplify Robert Shapiro's supposed narcissistic tendencies, *ACS* deviates from the original course of the defense press conference. Instead of opening his speech with a plea to O.J. Simpson, as Shapiro did in 1994, actor John Travolta's character commences with a reiteration of his impeccable reputation:

I must make one thing perfectly clear: I am as shocked as anybody is at this turn of events. Over the past 25 years, on numerous occasions, I have made similar arrangements with the LAPD, with the District Attorney's Office, and Mr. Garcetti. They have always kept their word to me, and I have always kept my word to them. (06:41-07:04)

A little later, Shapiro is asked by a reporter what Simpson's last words were to him, whereupon the attorney answers: "Oh. Well, they were of a complimentary nature. He thanked me for everything I did for him" (07:56-08:00). As the camera turns towards the reporters, the TV audience looks into the surprised and skeptical eyes of the journalists who do not seem to believe Shapiro's self-centered response (08:01).

From the conference room, the viewer is translocated into Johnnie Cochran's law offices, where Simpson's future defense attorney is watching Shapiro's interview on television, commenting on his behavior and foreshadowing the subsequent conflict that will arise between the two during the trial:

What a prick. Robert Shapiro is focused on his number one priority: Robert Shapiro. [...] I wouldn't be falling back on the pronouns "me," "myself," and "I." People, when you take these jobs, you have only one role: You are in service to your client. Never betray that individual. Never. (07:09-07:31)

Even when Robert Shapiro learns that O.J. Simpson did not, as suspected, kill himself, but had instead fled with Al Cowlings, the attorney is not relieved for the reason that his client is still alive but because he does not have to admit defeat and face further humiliation in front of the nation, saying: "Good for you, O.J. Good for you. We're still in the game" (14:51-14:57).

Whereas Robert Shapiro is portrayed in a consistent negative light, his partner Robert Kardashian enjoys a more flattering characterization on TV. Kardashian constitutes the sensitive, religious, and moral opposite of Shapiro. In contrast to Toobin's description, which resonates accusatory notes, Robert Kardashian is the moral compass in the television series, wondering, for instance, whether he should turn over Simpson's presumed suicide note over to the police, when he finds it, before ultimately being convinced by Shapiro not to do so. It is also Robert Kardashian

that O.J. Simpson talks to on the phone from inside the Bronco, begging for help (32:30) and asking him for one last favor:

I just wanted to tell you I love you, Bobby. Bobby, you're the best. [...] I want you to tell everybody that I love 'em. Say goodbye for me. Say goodbye to Don Omair, Skip Taft, Wade Hughes, Louis Marx, Marcus Allen, Cathy and Reggie. If I'm forgetting anybody, please let 'em know. (20:32-21:26)

Towards the end of the episode and the Bronco Chase, it is also conveniently Kardashian who reaches Simpson on the phone in the exact moment the latter puts the gun in his mouth to shoot and thereby saves his life (32:26). This particular scene illustrates the fictional nature of the series, for the director makes use of a common technique where a fatal or grave action in the plot (in this case the impending suicide) is interrupted and prevented by another action (the call) at the precise time. It is unclear whether the calls between Simpson and Kardashian ever took place as depicted on *ACS*. On the contrary, Toobin claims that it was SWAT Officer Pete Weireter who talked Cowlings and Simpson into surrendering; a detail that was also confirmed in newspapers after the Chase:

As he walked to the waiting police car, Mr. Simpson was escorted, at his request, by SWAT Officer Pete Weireter, a 17-year-veteran who spent 50 tense minutes talking with Mr. Simpson over a cellular phone as helicopters buzzed overhead and the world-famous athlete sat in his best friend's car, cradling two pictures of his family, a rosary and a gun. (Newton, *Baltimore Sun*, 19 June 1994)

Indeed, it appears more probable that the series' depictions of the phone conversations were liberties the producers took to condense the timing of events and further illuminate Kardashian's role as Simpson's guardian angel. Both explanations are corroborated by other scenes: First, Simpson asking Kardashian to say goodbye to his friends on his behalf, which can also be understood as an attempt on the producers' part to include more elements of the suicide letter in the series, since its content was barely addressed during the fictional defense press conference. Second, Kardashian's supporting role in Simpson's life is stressed when Jason Simpson, O.J.'s oldest son, calls him "Uncle Bobby" (22:14), suggesting that Kardashian was an integral part of the family. In the same scene, Kardashian is holding a bible, which points to his virtuous nature anew (12:37).

The assessment that *ACS* is a TV show of the new millennium is particularly reflected in the ironic way the producers chose to present the Kardashian family. Whereas Simpson's friend and attorney died of cancer in 2003, his remaining family went on to establish the biggest, although most controversial, reality television empire since the breakthrough of the genre. The ironic nature lies in the almost saint-like portrayal of the head of the family in the series and the public fact that one of his daughters came to fame with the leaking of a sex tape. In the 1990s, how-

ever, the name Kardashian was not as significant and powerful as it is nowadays, so when Robert Kardashian stepped to the conference podium in 1994 to read Simpson's suicide note, the journalists in the room asked him to spell his name for them. In fact, during an evening recapitulation of the Bronco Chase on *News 4 Texas: Nightbeat*, e.g., his name was repeatedly misspelled and faultily displayed on the screen as "Cardashio" ("June 17, 1994 10 pm newscast—KDFW," 9:33) or "Kardishian" (1:54), which also points to the rush with which the news segments were produced. Fact-checking names, a seemingly basic task, became negligible. In *The Society of the Spectacle*, theorist Guy Debord points to this very decline in qualitative information when he explains:

The loss of quality so obvious at every level of the language of the spectacle, from the objects it lauds to the behavior it regulates, merely echoes the basic traits of a real production process that shuns reality. The commodity form [...] is exclusively quantitative in nature: the quantitative is what it develops, and it can only develop within the quantitative. (Debord 26–27)

The confusion over the attorney's last name is reflected on *ACS* as well. In addition, the audience is also taken inside a living room where Kardashian's children, Kourtney, Kimberley, Khloé, and Robert, react to seeing their father on television:

<b>Reporter 1:</b>	<i>Who are you?</i>
<b>Robert Kardashian:</b>	<i>Robert...Robert Kardashian.</i>
<b>Reporter 1:</b>	<i>Kazany?</i>
<b>Reporter 3:</b>	<i>Rakashian? C-Can you please spell that?</i>
<b>Kourtney Kardashian (spells):</b>	<i>K-A-R-D-A-S-H-I-A-N.</i>
<b>All children:</b>	<i>Kardashian! Kardashian! Kardashian! Kardashian!</i> <i>(ACS, disc 1, episode 2, 08:59-09:12)</i>

All four continue to enthusiastically clap and chant their name. In the overall picture of *American Crime Story*, the most obvious reason for the inclusion of this particular scene is to let the new generation of viewers know in an entertaining and slightly sarcastic way that there was a time in American history when the name Kardashian did not dominate media headlines on a daily basis. From a New Historicist perspective, however, the comical addressing of the now imperative name on the reality TV world demonstrates the "concerted effort to make American representations of its [...] past more usable to its present population" (Thomas 25). In contrast, Arnold Palmer's<sup>12</sup> last US Open on 17 June 1994 was merely mentioned for a second in the series by prosecutor Christopher Darden's father, since Palmer's name does not possess the same cultural capital in the 21<sup>st</sup> century as the Kardashians do (*ACS*, disc 1, episode 2, 05:50).

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12 Arnold Palmer was one of America's most famous professional golfers in the 1990s.

Television, or the television set to be more precise, is a recurring symbol in the second episode of *ACS* that is not merely an ironic reference to the dominant role the media played in the Simpson story, and in particular in the events surrounding the Bronco Chase, but it is also the key element that interconnects all characters in the series. Using a fluent transition between TV sets on screen, the episode's director, Ryan Murphy, takes his audience from one place to another without disrupting the viewers' attention. One scene in the beginning of the second episode, for instance, takes place in a grocery store. Customers stop in the middle of their errands and stare at the small black television set placed in the corner of the supermarket, where NBC news anchor Tom Brokaw is announcing O.J. Simpson's possible involvement in the Brentwood murders (01:41).<sup>13</sup> There is a sudden cut from the television screen in the grocery store, and the next shot of *ACS* begins behind another small and black TV set (01:55). The camera swiftly pans to the left, revealing Gil Garcetti, Marcia Clark, and William Hodgman<sup>14</sup> as they are watching the same news broadcast on NBC at the District's Attorney's Office. The host's narration continues without any noticeable break between the two scenes. The same technique is used a little further into the episode in transition to Garcetti's press conference. Noticeably, a small, turned-off black TV is placed to the DA's right side (04:51). It is again an evident reminder of the dominant presence of television in the case. This assessment is further emphasized by means of an iris shot during the press conference, which envelops Gil Garcetti (04:58). On the one hand, the cinematic technique allows the director to illustrate the pressure the DA was under as the whole world focused on his office to provide an explanation for Simpson's disappearance. On the other hand, the iris shot is a powerful instrument to visually adapt the fact that most of what the public learned about the events was transmitted through the filter of a TV camera, and the people on the other side of the end followed a specific agenda (damage control in the case of government employees). Thereby, the argument that the camera neutrally informs the people is visually nullified.

It is noteworthy that the LAPD's press conference, led by Commander David Gascon, is completely omitted from the TV series. Considering that this conference set the framework for the public hunt for O.J. Simpson and the ensuing Bronco

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13 The camera then shortly pans away from the TV screen to the people inside the store to capture their faces and reactions to the news in a swift movement from left to right (02:00-04). The director's intention in this particular shot is unmistakable as both men and women from different ethnicities are depicted unitedly glancing toward the television screen in awe and disbelief. It elucidates the deep social gulf, which tested the foundation of the American people during and after the main proceedings, was yet to form. In the beginning, Simpson's story was simply one of a celebrity on the run.

14 William Hodgman is an American lawyer and prosecutor. In collaboration with Marcia Clark, he initially served as a co-prosecutor during the O. J. Simpson murder trial but consigned his position to Christopher Darden after a health-related hospitalization.

Chase, the choice seems negligent; in particular in view of the numerous trivial and often fictional elements the show's creative team decided to include (such as the Kardashian children cheering their name when they see their father on television). However, there is a conspicuous reference to the consequences Gascon's press conference entailed. As police sirens commence howling and LAPD officers swarm out to find the murder suspect, so do the media. News reporters and their cameramen are depicted sprinting to their trucks and chasing off in search of Simpson (03:05), creating the impression that the news media vehicles have the same alarm system as the police do. It is a subtle, yet powerful hint to the power of the media in general and the Simpson story in particular. The criminal case was not only held in the court of law, but first and foremost, in the court of public opinion, illustrated by the simultaneous pursuit of O.J. Simpson by the media *and* the police.

Although LAPD Commander David Gascon did not make an appearance on *American Crime Story*, Gil Garcetti's press conference serves to connect the story's main characters to each other. At first, Johnnie Cochran and his team are shown watching Garcetti on TV (04:58). Two of Cochran's assistants, an African American man and woman, discuss Simpson's involvement in the murders. What initially appears to be a simple conversation between two colleagues, reveals a strategic and ironic move on the producers' part, since it is the African American woman who proclaims during the conversation: "I hope they catch him. You know he did it" (04:44), to which her male colleague responds: "You don't know that. They're just tearing down another black man" (04:47). The irony lies in the fact that it was ultimately an overwhelmingly female jury of African Americans who acquitted Simpson of the murder charges.

From Cochran's offices, the viewer is then taken inside Christopher Darden's car. The scene opens with a close-up shot of his radio, where Garcetti's press conference is also transmitted. Once again, there is no break or interruption in the District Attorney's speech from one scene to the other. Darden parks his car in his home driveway and rushes inside to continue following the press conference (05:14), where Garcetti appears on a small, black television (05:25). The subsequent scene opens with a medium shot of yet another TV set and the DA's frowning face (05:58). This time, Robert Kardashian and Robert Shapiro are shown watching the very same press conference which continues to progress in synchronization with the changing shots. This particular technique is repeatedly used throughout the episode to present visual cohesion while events occur simultaneously. In addition, the continuous demonstration of TV sets can be interpreted as a powerful symbol for and reminder of the power of television.

In line with these observations, it is easy to point out the prominent dramatizations in the fictional series for emotive impact, most notably towards the end of the episode, when O.J. Simpson finally exits the parked Bronco. Prior, Robert Kardashian had instructed his friend to leave the gun inside the car (35:16). Simpson

obeys but decides to take a framed picture of his family with him. As he steps outside of the vehicle, harsh, glaring lights illuminate him. Seconds pass with Simpson standing in one spot, looking at the officers, before one of them screams, "He's got a gun!" (35:47), as he was unable to differentiate a weapon from a rectangular photo frame. Immediately, the tension of the episode rises, although the audience knows that Simpson will make it through the night unharmed. The illogic of the sequence is taken even further when Robert Kardashian, who is *inside* the house, shouts: "No, no! Those are pictures! Those are framed pictures of his kids!" (37:05), although it was visible in the prior scene that Simpson was pressing the photo side to his chest and not the other way around. Kardashian could not have known who was in the photograph, and the probability that he was able to see clearer from inside the house than the police facing Simpson outside just a few feet away illustrates the director's blunt attempt to dramatize the arrest.

Despite such liberties taken by the creative team, there are various scenes and sequences that illustrate an aspiration for authenticity and accuracy. Most importantly, all scenes in and around Robert Kardashian's house were shot at the actual location, much like *20/20*'s producers did in 1996. In one of the first scenes of the episode, Kardashian walks into a room, where Robert Shapiro is having a drink after learning about Simpson's disappearance. Although it is sunny outside, the blinds are lowered, letting little light into the room which is instead illuminated by two small lamps (01:06, 01:09). Shapiro is wearing a black suit while Kardashian combines his dark pants with a dark grey t-shirt (01:26), adding further darkness to the scene. In this gloomy atmosphere, both sit down to discuss the suicide note Simpson left before running. The arrangement of the film set is reminiscent of the subdued layout during Barbara Walters' *20/20* interview with Kardashian in one of his upstairs bedrooms in 1996. The conversation in both cases seems intimate and enclosed by an emanation of secrecy. In the series, Kardashian hands Shapiro the letter, and the camera zooms in on the note (01:38). A comparison between the original letter and the movie version reveals a striking similarity in paper and handwriting. The latter mirrors the numerous spelling errors that can be found in the original note. Although the general viewer is certainly unable to assess all these factors, since the camera shot only lasts for a few seconds, this detail does indeed add further legitimacy to the fictional series.

Throughout the episode, the audience also observes original news footage and images from the news helicopters. Examples include NBC news anchor Tom Brokaw's report on Simpson's possible involvement in the murders (02:20), sports broadcaster Bob Costas' coverage of the NBA finals and subsequent interruptions of the game by Simpson updates (15:17) as well as helicopter images of the Bronco Chase along the Los Angeles freeway (15:33, 15:44). Apart from adding validity to the TV show, the archival footage also provides the audience with an idea of what news



media coverage consisted of in the 1990s by demonstrating the quality of TV images before the creation of High-Definition Television.

Attention to specific details with regard to the filmic recreation of the Chase adds further authenticity to the second episode. According to cinematographer Nelson Cragg, the show's locations department secured a two-mile stretch of the 710 freeway for a weekend to shoot the needed sequences. Typical (police) cars of the era form the background of the shots. The Ford Bronco used for filming closely resembles the original vehicle in terms of wheels, tires, bumpers, and license plates as well as the color schemes of the interior (ACS, "Special Features," disc 4, 16:07). The filming process of the Chase itself, however, could not be further from the original. As elaborated above, the original media coverage mainly consisted of helicopter images and the narration of news anchors. The creative team behind ACS' Bronco Chase, in contrast, consisted of 170 crew members and 200 extras (Fernandez and Jung, *Vulture*, 9 February 2016). An event that unfolded over a few hours in reality, encompassed two days of filming and the employment of different filmic devices and techniques to capture the evening from all angles. A rig was attached to the front of the car, for instance, to allow a look inside, while crane shots provided a more general overview of the location from above. High-paced and emotional scenes were filmed with body cams to create a more realistic and intimate atmosphere.

Another small, but quite accurate detail can be observed during the defense's press conference. A side-by-side analysis of the original recital of the suicide note by Robert Kardashian and the filmic adaptation reveals that the actor playing the attorney, David Schwimmer, placed emphasis on the same specific passages in the letter by looking up from the note to face the reporters as Kardashian did in 1994, for instance: "Please think of the real O.J. [*looks up*] and not this lost person" (ACS, disc 1, episode 2, 08:47). Schwimmer's grey suit, white shirt, and tie also match the one Simpson's friend was wearing during the press conference, adding further *bona fides* to the scene. The creative team behind the show did, however, incorporate an exaggerated cinematic element to the shot in order to illustrate Kardashian's discomfort in the situation. In ACS, Kardashian is sweating profusely, and beads of sweat are running down his forehead (08:24). In the original footage, even though the attorney is also visibly uncomfortable, physically, he is less affected.

In other instances, the dramatizing nature of the fictional series dominates the narrative, distorting events and personalities as it deviates from its literary source *The Run of His Life*. One of the most striking discrepancies results from the portrayal of Al Cowlings during the Bronco Chase. The filmic interpretation of him appears, similar to other TV versions of the main characters such as O.J. Simpson himself, much more aggressive and short-tempered than the real-life counterpart. An analysis of Cowlings' phone call to 911 proves this assumption. At 6:46 p.m., with the Bronco Chase well underway, Cowlings called the authorities and asked them to keep their distance to the car because Simpson was growing increasingly suicidal. The

conversation with the Highway Patrol officer was tense but respectful. Instead of anger, there was desperation and pleading in Cowlings' voice:

- Officer:** 911. *What are you reporting?*  
**Al Cowlings:** *This is A.C. I have O.J. in the car.*  
**Officer:** OK, *where are you?*  
**Al Cowlings:** *Please, I'm coming up the 5 freeway.*  
**Officer:** OK.  
**Al Cowlings:** *Right now, we're OK, but you gotta tell the police to just back off. He's still alive. He's got a gun to his head.*  
**Officer:** OK, *hold on a minute.*  
**Al Cowlings:** *He just wants to see his mother. Let me get him to the house.*  
**Officer:** *Hold on a moment.*  
 (“Complete Transcripts of Emergency Calls,” Associated Press, 20 June 1994)

The officer proceeded to contacting another colleague to lead the call, and Cowlings was waiting patiently while the sound of police sirens filled the silence of the phone conversation.

- Officer:** OK. *Where are you? Is everything else OK?*  
**Al Cowlings:** *Everything right now is OK, officer. Everything is OK. He wants me to get him to his mom. He wants me to get him to his house.*  
**Officer:** OK.  
**Al Cowlings:** *That's all he asks. He's got a gun to his head.*  
**Officer:** OK, *and sir, what's your name?*  
**Al Cowlings:** *My name is A.C. You know who I am, Goddamn it!*  
**Officer:** OK. *All-righty, sir, hold on just a moment.*  
 (“Complete Transcripts of Emergency Calls,” Associated Press, 20 June 1994)

In the original recording, Cowlings seemed to be the one to mitigate the situation by repeatedly affirming that everything is okay. In addition, he expressed respect for law enforcement when he addressed the operator with “officer.” Cowlings only grew impatient as the conversation dragged on and the emergency operator failed to provide any satisfactory answers. He finally hung up when he was transferred to yet another officer. The TV series condenses the aforementioned event and paints an aggressive and impertinent picture of Al Cowlings. Instead of expressing respect, he curses at the operator, ultimately calling her a “stupid ass” after hanging up (ACS, disc 1, episode 2, 17:15):

- Operator:** *This is 911. What is your emergency?*  
**Al Cowlings:** *Hey, this is A.C. I have O.J. in the car!*  
**Operator:** *Who is this?*  
**Al Cowlings:** *You know who this is, goddamn it! I have O.J. in the car! You tell the police to back off! He's got a gun to his head!*

**Operator:** *Hold on a moment. Where are you? Is everything else okay?*

**Al Cowlings:** *What? No! What kind of stupid-ass question is that?! Everything is terrible! You just clear the freeway! We're going to Brentwood!*  
(16:51-17:13)

This particular scene notably demonstrates the manipulative powers of television. With a character such as Al Cowlings, who has not spoken openly about the events on June 17 and tried to avoid the spotlight from the very beginning, it is easy to construct a narrative that supports the pace of the series instead of establishing an authentic representation of the personality involved.

A similar deviation from the source material concerns Gil Garcetti's reaction to Simpson's disappearance. In the scene in question, the District Attorney is on the phone with Robert Shapiro who tries to explain that it was not his fault Simpson disappeared. In *The Run of His Life*, Jeffrey Toobin quotes Garcetti to say: "Just get him in here, Bob. That's all we're thinking about now" (Toobin 93). In the filmic adaptation, however, the DA is considerably more threatening and less understanding. Furiously, he exclaims: "I wish I could reach through this goddamn phone and strangle you!" (ACS, disc 1, episode 2, 00:30). His anger and inner furor are further emphasized with a quick zoom shot in combination with a slight low angle shot. This technique allows the camera operator to rapidly reduce the distance between the camera and the object being filmed without physically moving the camera. Due to the rapid magnification of the frame, the audience is forced to fixate on a single object or person. In this instance, Gil Garcetti and his rage move to the foreground, which increases the audience's emotional response to his reaction. The zoom shot can also be understood as a cinematic symbol for the District Attorney's accelerated pulse and unrest. The complementary low-angle perspective forces the audience to look up at Garcetti as the camera is placed below eye level. The arrangement thereby creates an additional level of intimidation and places the audience in the same position as Robert Shapiro on the other end of the phone line. Furthermore, the low angle shot places emphasis on the gravity and intensity of what is being said. Nevertheless, the show's creative team deviated from their source material to accelerate the pace of the episode, putting the "threat of strangulation" in Garcetti's mouth which he might not have used in real-life.

The second episode of ACS offers a rich pool of examples for how the O.J. Simpson story was not only hyped up visually, but maybe even more so, linguistically. One finds repeated use and embedment of superlatives and exaggerations to amplify the sensationalization of the events. In the archival footage inserted into the episode, e.g., news anchor Tom Brokaw claims to be making "one of the most stunning announcements you're ever gonna hear on live television" (01:53) with "one of this country's best-known personalities [as] a suspect in a double homicide" (02:00). Later on, Brokaw and his audience "are witnessing tonight a modern tragedy and

drama of Shakespearian proportion being played out live on television in Southern California” (20:04). And without knowing the details of the case, Johnnie Cochran claims that “something big’s happening here” (05:05), and the chase itself is titled “the world’s longest Ford Bronco commercial” (19:04). Mirroring the medial characterization of O.J. Simpson in the 1990s, ACS also makes use of superlatives and exaggerations when its characters refer to the athlete. Marcia Clark is certain that “everyone knows his face” (02:40), and District Attorney Gil Garcetti acknowledges in Simpson “the falling of an American hero” (05:48). According to one of Christopher Darden’s neighbors, “nobody could catch the Juice” (26:06) at the height of his career. Even during his fall, he claimed “the big screen” (17:46) for himself, and “[t]he entire world was focused on this one man” (05:57) as he fled from “half the police in California” (16:43). In taking up and building on these overstatements and magnifications, the anthology series helps viewers understand how the case morphed into the so-called Trial of the Century. Visual and linguistic choices work together to imply a uniqueness and cultural significance that most criminal trials do not possess. In his 1944 essay, “The Triumph of Mass Idols,” sociologist Leo Lowenthal elaborated on the use of language as a stylistic device in mass culture to “achieve[...] the transformation of the average into the extraordinary” (Lowenthal, *Literature and Mass Culture* 232) and to produce “all around alertness” (234). Readers and viewers are constantly encouraged to consume and to divert their attention to media reports about specific events due to their implied singularity. In the same way, public attention is directed towards personalities who, through their “accomplishments and experiences, their friends and acquaintances, are characterized as unique beings and events” (232).

### Music of the Decade

Ever since the replacement of the silent cinema with sound motion pictures in the 1920s, music has played a significant role in supporting and clarifying the meaning of cinematographic images. In ACS, one can observe a complementing use of songs to either emphasize the seriousness of a particular situation or, on the contrary, to create humorous effects. In other instances, the show’s music comes at precise moments to support the visual depiction of a character, i.e., to illuminate their vulnerable or contending side. As will be shown in the following analysis, the creative team around Ryan Murphy and musical supervisor PJ Bloom chose defining anthems of the 1990s to immerse their audience in the era. In 2016, the series even received a Primetime Emmy Award for the “Outstanding Sound Mixing for a Limited Series or Movie.”

The show’s premiere episode, “From the Ashes of Tragedy,” ends with a captivating cliffhanger, and the utilized music contributes its share to ensure the audience returns for the next episode. At the end of the pilot, O.J. Simpson threatens to commit suicide in Robert Kardashian’s home after learning about the LAPD’s pending arrest warrant. When Al Cowlings arrives at the house, a panicking Kardashian storms

down the stairs pleading for help with Simpson. In the next scene, a patrol car, on its way to the hideout with howling sirens, appears behind the hills of San Fernando Valley while Nina Simone's gospel-jazz rendition of Bob Dylan's 1967 classic "I Shall Be Released" begins to play (ACS, disc 1, episode 1, 52:43). Taken independently from the series, the song creates a rather calm and bluesy vibe and might seem like a peculiar choice to accompany the chaotic scenes of the episode. At a closer look, however, the song is a felicitous selection in many ways. As indicated above, the calming melody stands in stark contrast to the fast-paced events transpiring at Kardashian's house. In fact, it is this very contrast that highlights the tension of the episode's last scenes: When the police arrive, Robert Shapiro attempts to appease the impatient police officers while Robert Kardashian is running back upstairs to get O.J. Simpson. Moments later, he returns without the suspect, proclaiming with terror-stricken eyes, "He's not there" (53:04). While chaos ensues and everyone spreads out to locate the alleged murderer, Nina Simone continues singing to the rhythmic melody of the song. Simpson and Cowlings, however, are long gone. In the final scene, the white Ford Bronco sways into the shot, already on a Los Angeles freeway, heading towards the unknown (54:08) and accompanied by one last repetition of the line "I Shall Be Released."

Although Bob Dylan wrote the song more than two decades prior to the 1994 events, the lyrics apply to Simpson's situation astonishingly well. The third verse in particular seems to have been purely written for O.J. Simpson, considering he always stressed his innocence in public and in court:

Yonder stands a man in this lonely crowd  
A man who says he's not to blame  
All day long I hear him hollering so loud  
Just crying out that he's not to blame

According to music critic David Yaffe, Dylan's "I Shall Be Released" was originally composed as "a song about redeemed prisoners" (Yaffe 15). Nevertheless, the title can be read as an ironic reference to Simpson's acquittal on October 3, 1995, the day he walked out of Judge Ito's courtroom as a free man; redeemed, if only primarily in the eyes of the law. Like an oracle, Nina Simone sings in her rendition:

I see my light come shining  
From the west down to the east  
Any day now, any day now  
I shall be released

The second verse offers a powerful hint to the tragic character of the athlete's story—his public fall from grace after being worshipped as an American hero—and sets the tone for the future episodes of the series:

They say every man needs protection  
 They say every man must fall  
 So, I swear I see my reflection  
 Somewhere inside these walls

The first episode concludes with Nina Simone's singing and Simpson and Cowlings on the run. The second episode, "The Run of His Life," then depicts the infamous Bronco Chase in detail and is especially rich in musical arrangement, allowing the audience to immerse themselves in the tension-filled time period that were the 1990s in the US. When Chris Thomas and Kathy Ferrigno first spot the white Ford Bronco on the freeway, the camera and subsequently the viewers are positioned in the back-seat of the couple's old Volkswagen Bus (ACS, disc 1, episode 2, 09:40). Thomas' and Ferrigno's excitement and youthful carelessness are accentuated with Beastie Boys' "Sabotage." The track was released in May 1994 by one of the oldest and most successful New Yorker hip-hop bands in the US and constitutes one of the era's most defining compositions. "Sabotage" mirrors the band's experiments with Hardcore music and is featured as number 480 on Rolling Stone's "500 Greatest Songs of All Time." In the series, the rock metal sound and the 'screaming' of the lead singer encapsulate the chaos and confusion that surrounds Simpson's disappearance, but also illuminate Al Cowlings' panic and desperation as he is driving the Bronco. When the white car catches up to the Volkswagen, Thomas and Ferrigno start honking and yelling at Cowlings to catch his attention. The latter, busy swerving between lanes, notices the couple and furiously screams at them: "What are you looking at?" (10:08). "Sabotage," combined with the loud sounds made by the cars and the people in the scene, creates a noise overload, thereby inundating the viewers with the overwhelm Al Cowlings felt in that very moment.

Beastie Boys' "Sabotage" continues playing when a police squad car initiates its pursuit of the Bronco. Police sirens are howling, tires screeching, and horns honking (10:28). The track enhances the rush, the agitation, and the anger of both the police and the fugitives inside the vehicle. As the white car comes to a halt during a traffic jam, the police officers approach it with their guns drawn and pointed at Cowlings, commanding him to step out of the vehicle. Furiously, Cowlings responds: "No, no. Hell, no! Do you know what's going on here? O.J.'s in the back seat with a gun to his head!" (11:08-11:17). Then, for the first time, the viewers are taken inside the Bronco, where they see O.J. Simpson—in panic and indeed pointing a gun to his temple—screaming: "No! I ain't speaking to nobody!" (11:20). The police officers carefully step back and let the Bronco drive away. Masterfully, the show's musical team build up the tension by use of one particular song and simultaneously provided their audience with an insight into the defining music of the era.

Thematically, these sequences surrounding the standing car also reflect and reveal the biased position of the police when it comes to famous people. Watching

the fugitives drive away, one policeman asks his colleague, “Do we shoot?” whereupon the other states, “I’m not shooting at O.J. Simpson unless somebody authorizes it” (11:40). References to the preferential treatment of celebrities in general and O.J. Simpson in particular abound in the series. Gil Garcetti, for instance, furiously lashes out at prosecutor William Hodgman who is unsure what protocol to follow with a celebrity on the run: “The protocol? I don’t know, Bill. What is the protocol for an armed celebrity fugitive being chased by 12 police cars and seven helicopters? Christ” (15:35). Furthermore, towards the end of the Chase and episode, the SWAT commander instructs his snipers: “No hotheads. We’re on TV. Don’t fire unless you’re fired upon first” (35:40). Before being escorted out of the house, Simpson is also shown sitting in the center of his brown sofa, requesting a glass of orange juice (“Of course, O.J.”) while the police and SWAT team patiently stand around, waiting for him to finish the phone call with his mother instead of arresting him on the spot (38:14).

In the series, music also plays a significant role in highlighting the image or particular characteristic traits of the main players involved in the case. Robert Shapiro, for instance, is shown driving home in his expensive Mercedes Benz after the defense’s evening press conference on June 17 while Al Jarreau’s 1981 smooth jazz ballad “We’re in This Love Together” is playing on the radio. The selection of this song emphasizes Shapiro’s rather calm and almost emotionless reaction to the volatile events surrounding his client. The harmonious and polished sound of the track is also a fitting choice to highlight Shapiro’s wealth and status in Los Angeles, and the song continues playing as the attorney pulls into the spacious driveway of his luxurious white mansion, which is surrounded by big green trees and a well-maintained lawn (14:16).

The 1980s also marked the beginning of a music genre nowadays referred to as “West Coast gangsta rap,” and Los Angeles-raised rapper Ice Cube became the most successful artist of this sound. One of the genre’s goals was to “communicate a strong sense of street authenticity” (Quinn 2), and it was therefore appropriate to include Ice Cube’s 1994 single “Bob Gun” in the second episode to establish veracity. In the scene in question, Christopher Darden discusses the racial context of the Simpson case with his neighbors while they are barbecuing outside. At this point, Darden was not yet professionally involved in the prosecution of the case. The funky beat of “Bob Gun” is unobtrusively playing in the background as if a part of the barbecue, quietly whirring on somebody’s stereo (25:56). Ice Cube’s West Coast gangsta rap played in the backyards of many African American homes of South L.A. communities in 1994, which is particularly important considering Christopher Darden, an African American man himself, was labeled an ‘Uncle Tom’ and traitor during the trial for supposedly representing the interests of the dominant white culture (i.e., the government) and seemingly being disloyal to his own people. *American Crime Story* paints the opposite picture of him. Before coming to wealth due to his involvement in the

Simpson trial, Darden and his parents lived in a comfortable middle-class home in a clearly African American area (05:58). All the houses stood close together and Darden enjoyed over-the-fence conversations with his neighbors and friends, indicating that he was an active and accepted member of the community. Even the conversations he has in the series suggest that Darden was proud of his roots and felt a strong sense of allegiance towards his African American peers. In one scene, he and his father Richard are watching Gil Garcetti's news conference as the disgraced District Attorney comments on Simpson's disappearance. Richard asks his son: "You think he's gonna get away?" whereupon Christopher Darden answers: "No way. O.J. humiliated them. He's dead meat" (05:58), assuming an African American perspective when he speaks of "them." Later in the episode, returning to the barbecue scene, Darden expresses his displeasure with black people idolizing O.J. Simpson as a hero: "O.J. never gave back. Well, you see any parks around here named for him? Any children's centers? [...] Once O.J. made his money, he split and never came back. He became white" (26:39).

*American Crime Story* aims to contradict the prevalent negative perception of Christopher Darden in the American public in 1995 and beyond that. The use of "Bop Gun" helps ground the aforementioned scene in reality and emphasizes the prosecutor's sense of belonging. Subtly, and with the hindsight of two decades, however, the creative team behind the series still visually alluded to the division that would arise between the prosecutor and the African American community over the course of the trial, when a high crane shot contrasts Darden's green lawn to the concrete backyard of his neighbors (26:40). On the one hand, the rich color and softness of the grass could be read to symbolize the prosecutor's belief in the criminal justice system, hope, and perhaps as an expression of a certain degree of naïveté when it comes to racial questions. His neighbors, on the other hand, are standing on hard concrete, which is reflective of their negative attitude towards law enforcement. As a prosecutor, they seemingly believe, Christopher Darden does not have to endure the same oppression as they do.

### **Inside the Bronco**

As previously mentioned, O.J. Simpson's seating position in the Bronco and, most importantly, his emotional state are only revealed a fourth of the way into the second episode. In ironic reference to the fact that the events of the Bronco Chase involved his disappearance, O.J. Simpson only makes rare appearances in the episode in question. Indeed, the focus lies on the cultural implications and reactions to the day's events, and the series succeeds in covering different areas of public life and details that the TV audience was not aware of in 1994. E.g., viewers learn how Simpson's close family reacted to Robert Kardashian's premature conclusion and announcement that the athlete had committed suicide (13:53). This scene establishes, on the one hand, that many people, even those closest to the athlete, oftentimes acted on



hearsay or their own theories, making an issue of unverified information. On the other hand, it irradiates the family that often stayed in the background during the trial: Simpson's siblings and older children, who always believed in his innocence, and, regardless of one's own opinion about the celebrity defendant, were hurting in the process of the story as well.

On a more humorous, yet telling level, *ACS* references Domino's Pizza's record sales on June 17 as millions of Americans were glued to their screens, watching the Bronco Chase unfold on live television. According to Tim McIntyre, Vice President of Corporate Communications for Domino's Pizza, it was a "record night" (Boyette, *CNN.com*, 10 June 2014). In the series, an overwhelmed pizza worker exclaims in disbelief, "Aw, this is crazy, man! We ran out of cheese!" (20:09) while the phones continue ringing relentlessly. What can be understood as an amusing element of the episode also corroborates the assessment that the events surrounding the Brentwood murders were perceived as entertainment from the very beginning, and there was an apathy towards the victims. The same indifferent attitude was displayed by the news media who prepared a eulogy for O.J. Simpson even before his supposed suicide was confirmed in order to "stay ahead of the news" (22:41). Similarly, the NBA finals were not interrupted to keep the public informed about the potential danger Simpson posed by being on the run but, rather, because he was "news, entertainment, and sports" (17:53).

The events taking place inside the Ford Bronco are among the most dramatic and captivating of the second episode as the audience witnesses O.J. Simpson's mental breakdown and Al Cowlings' desperate attempts to de-escalate the situation. In their interpretation of the Chase, the creative team behind *ACS* was able to offer viewers a glimpse into a world, to which cameras had no access to in 1995. However, precisely for this reason, many aspects, such as conversations or even Simpson's position and gestures in the car, are necessarily a subjective exposition rather than a meticulous rendering. Consequently, the director could foreground the fictional Al Cowlings whose real-life equivalent remained silent throughout the events. The series explores not only the emotional turmoil of O.J. Simpson but likewise that of his friends who is presented as the voice of reason inside the Bronco. For instance, it is Cowlings who directly stares into the muzzle of an officer's handgun when the car comes to a halt in a traffic jam and he is directed to step out of the vehicle while Simpson is panicking in the backseat (11:37). It is also him who has to deal with O.J. Simpson's eldest son, when the latter rushes towards the driver's side to appeal to his father as soon as the Bronco comes to a halt on the driveway of Rockingham.

Director Ryan Murphy covered the sequences inside the car from all perspectives (front, back, side) and predominantly employed close-up and medium shots, which were often shaking to simulate the car's movement on the road (e.g., 23:55) and create a higher degree of scenic intimacy and urgency. Thereby, the viewer is placed directly inside the Bronco, which, in turn, insinuates an atmosphere of exclusivity,

particularly when compared to the original footage taken from distant news helicopters in 1994. In reference to the extensive media reports about Simpson having a gun in the car, ACS accentuates the weapon through close-up shots, and it becomes a constant reminder of his irrationality and part of almost every sequence that features O.J. Simpson. The first scene taking the viewer inside the car spotlights the athlete holding the gun to his head and threatening to pull the trigger (11:50). Later on, the weapon becomes the sole visual point of focus when Simpson starts talking to Detective Lange on the phone (25:27), indicating the power this piece of metal had to stop the police from intercepting the fugitives. In stark contrast to other cases, where police officers had shot African American suspects on the mere assumption that they carried a weapon,<sup>15</sup> O.J. Simpson's celebrity status levered out the treatment many low-profile black citizens have been facing by law enforcement in the US.

Furthermore, Simpson's responses to Detective Lange are put in an ironic context when framed against the close-up visual of the gun. In one scene, for instance, Simpson indicates that he is sorry for causing all this trouble, but the detailed and frame-filling image of the gun almost serves as a symbolic question mark, challenging the celebrity's statements to the police (25:29). Later on in the conversation, Tom Lange hesitantly asks Simpson: "So, uh, I understand you have a gun" (25:07). Equally, a close-up shot of the deadly weapon fills the screen as Simpson assures the detective, "Don't worry. I would never hurt any of you guys. This gun's for me" (26:00). The series' sequence covering Lange's and Simpson's phone call ends with a last close up shot of the weapon, when the latter solemnly proclaims: "I deserve to get hurt" (26:50). Lastly, with the gun pressed to his cheek, Simpson calls Robert Kardashian from inside the Bronco and, seemingly unable to assess the severity of the situation, innocently asks his friend if he had heard about what was going on and then proceeds to reminisce about the good old times with a smile on his face while a dozen police cars are following the Ford Bronco (21:10-22:01).

The last third of the episode predominantly takes the audience to the streets of Los Angeles. The TV sequences depict people standing on overpasses and the sides of the roads, musically accompanied by Bad Influence's hip-hop track "What Flava" (27:41). A reporter approaches a group of young, African American men and asks them why they are cheering for O.J. Simpson, a suspected murderer of two people. To this question, the young men reply: "We're not cheering for O.J. We're boo-

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15 One notable example is the 1994 shooting of 13-year-old African American Nicholas Heyward Jr. by a white police officer, who mistook the child's plastic gun for a real weapon. Heyward Jr. was shot in the stomach with the officer's .38-caliber service revolver and died in the hospital hours later. The boy's death drew intense nationwide news media coverage. Citing Nicholas' realistic-looking toy rifle as his rationale, Brooklyn district attorney, Charles J. Hynes, declined to press charges against the officer in question.

ing the LAPD! [...] He's a black man being hunted by the police. They pick you up for anything! I'd run!" (28:53-29:08). With these scenes, *ACS* attempts to mirror the social atmosphere in 1990s Los Angeles, indicating that O.J. Simpson's flight touched and exposed a sensitive nerve in the community, and that his story was perceived as more than a celebrity anecdote. Inside the car, Cowlings and Simpson interpret the cheering differently, however. Cowlings claims that "[t]hey're out because they love you. They still love you, Juice" (29:34). In the background of the scene and to indicate a memory, the distant voice of a sports anchor announces one of Simpson's many accomplishments in American football: "64 yards! O.J. Simpson! 80 yards for O.J. Simpson!" (29:43). Just as distantly, yet passionately, one can hear people cheering, again in Simpson's memory, calling his name not because he is on the run but because he broke records in sports many years ago. Back in the present and with the gun still pressed to his chest, Simpson starts crying bitterly at the realization why people are cheering for him now (28:42).

As the Chase comes to an end and the car finally approaches Rockingham, the audience is once again placed inside the Bronco as Cowlings attempts to make his way through the crowd of people gathered around Sunset Boulevard. This scene is quite powerful and accentuates the advantages of adapting true events to the television screen. While the spectators on the street as well as the audience watching from their homes only had the outside impression of the events, the series' audience is able to experience the chaos in Los Angeles from inside the car and the fugitives' perspective. For instance, *ACS* offers a view outside the windows and of the masses closing in on the Bronco as well as the loud thumping noises heard inside the vehicle as fans bang against the doors and windows to catch Simpson's attention (30:49). Images of the Bronco making his way to Rockingham are once again repeatedly intertwined with archival footage to complement *ACS'* medium and close-up shots of the events with the original wide aerial shots of the news helicopters (e.g., 31:47).

The last phase of the June 17 events is visually initiated when daytime turns to nighttime within a cut (32:38). Helicopter lights shine on the parked Ford Bronco until the SWAT commander suddenly orders to "kill the lights." In conjunction with his image as a civil rights attorney, it is Johnnie Cochran who comments on this decision with, "They don't want us to see" (33:11), hinting at the police's alleged plan to shoot O.J. Simpson rather than arrest him. In the next scene, however, this notion is subtly refuted, when a news anchor explains that these precautionary measures had been taken for public protection in case Simpson decided to kill himself (33:19). These sequences are exemplary of how information was manipulated or at least interpreted differently, enabling both the media and spectators to develop different narratives about the events with different social implications.

The second episode of *ACS* concludes with Franz Schubert's "Piano Trio No. 2" softly playing in the background. It is a favorite piece of cinematographers for its unobtrusive, yet aching melancholy and a fitting closing theme for the day of the

Bronco Chase. After almost thirty minutes of enthralling scenes and passionate dialogues, O.J. Simpson quietly surrenders to law enforcement. While on the phone with his hospitalized mother, tears stream down his face as he tells her he loves her (36:51). Schubert's timeless composition musically supports Cuba Gooding Jr.'s portrayal of a mentally and physically exhausted O.J. Simpson who is escorted out of his house in cuffs in the darkness of the night (37:43). After he is placed in the back-seat of a waiting police car, the camera is adjusted to and remains in a close-up shot of Simpson's face as the piano continues playing. The former American hero, who was always surrounded by friends and admirers, is now all alone and surrounded by darkness (38:09). The finale of "The Run of His Life" marks the beginning of the O.J. Simpson story. In the same way that he would manage a year later with the announcement of the verdict, for a day, Simpson succeeded in making the United States stand still and rush at the same time.

## 2 *The People v. O.J Simpson:* Celebrification on Reality Television

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Apart from intriguing, exceptional, and sensational stories about violence, murder, and drama, crimes and criminals have long constituted primary subjects of the media coverage in American popular culture (Schmid 13). Intrinsic to the construction of “crime myths” (15), the perpetrators, particularly murderers, are framed and disseminated as identifiable characters to generate public interest. Elizabeth B. Christian names serial killer Ted Bundy and the infamous outlaw couple Bonnie Parker and Clyde Borrow as notable examples “of famous felons who are more likely to evoke folk hero worship as disdain when mentioned in conversation” (Christian 64). Thus, considering the term ‘reality television’ originally coined law and order programs, courtroom proceedings seem like a logical extension of the dramatic programming that characterizes reality-based crime shows such as *Cops* and *America’s Most Wanted*.

Media critic Walter Huff argues that an engaging and successful reality show essentially consists of two main elements: good storytelling and an interesting cast (Huff 32). The following chapter provides insight into the numerous ways the reality genre has perfected the art of transforming people’s lives into media stories, and it is indeed not without reason that Victor Turner once said, “By their performances shall ye know them” (Schechner, *Performance Studies* 35). Similar to other reality formats that are set in highly controlled zones or locations (e.g., *Big Brother*), O.J. Simpson’s murder trial brought together people who were “detached from recognizable relationships” (Bratich 13–14). The proceedings assembled people from many different walks of life, creating a diverse and unique “role-set” (Goffman, *Encounters* 75) in the case. For instance, with his extensive financial means, O.J. Simpson was able to afford the expensive legal services of Robert Shapiro and Johnnie Cochran. Much like their celebrity client, the two attorneys, who crystallized as the most recognizable lawyers in the case, belonged to the wealthy upper-class. Their affluence was not only demonstrated in court but also constituted a point of repeated emphasis on *American Crime Story*. For instance, when Robert Shapiro receives the first call from O.J. Simpson after the murders, he is eating lunch at the expensive restaurant *Mr. Chow* in Beverly Hills (*ACS*, disc 1, episode 1, 27:19). Towards the end of the first episode, Shapiro is shown pacing back and forth inside his lavishly decorated house (43:52) or

driving a polished Mercedes Benz (44:30). Meanwhile, Johnnie Cochran struggles to pick out the right shirt to go with his suit. He is standing inside a large and luxurious walk-in closet, ironically complaining that he has no clothing options: “Honey, where’s my Hugo Boss? I swear that girl hides my clothes. I got nothing to wear” (19:05). In *Twilight Zones*, Susan Bordo establishes parallels between the monetary resources available to attorneys and the success of their narratives in court, which underscores the significant correlation and reciprocity between a defendant and his legal representative(s):

Our consumer culture has developed a virtual science of image making and illusion creating, which has radically changed the rules of the legal game. Nowadays, lawyers—given sufficient money—are infinitely more adept at diagnosing which realities will “play” to which jurors and in shaping materials to make those realities seem *real*. They have jury consultants, public relations firms, psychological advisors, technical experts, and graphic artists to help make their presentations as compelling—and selling—as an advertising campaign. (Bordo 91, emphasis original)

The prosecution team assembled for O.J. Simpson’s criminal trial notably contrasted with Johnnie Cochran and Robert Shapiro in terms of social standing. Lead prosecutor Marcia Clark, for instance, was an indebted single mother in the process of a divorce, and her colleague Christopher Darden, albeit sharing a similar upbringing with Johnnie Cochran, had worked as a public prosecutor for many years, never earning a salary close to the one Cochran brought to book through his private practice as a defense attorney. It was the Simpson murder trial that united these different people while simultaneously dividing them. E.g., although he privately admired Johnnie Cochran as a mentor and lawyer, Christopher Darden famously denounced Simpson’s defense team for introducing the issue of race by bringing the Fuhrman tapes into the case to allegedly distract the jury and public from the overwhelmingly incriminating (forensic) evidence that pointed towards Simpson’s guilt. During a motion hearing in August 1995, Darden plead with Judge Ito:

Your Honor, I’m so offended at Mr. Shapiro’s remarks, remarks that I am sure that are being fed to him by Mr. Cochran, but I’m so offended by those remarks that I would rather not stand at the podium at which he stood a few moments ago. [...] I think it is unethical for counsel to hold press conferences in this courtroom [...] and tease the public and tease the media by throwing them bits and pieces of the contents of these tapes, arousing the public, [...] and inflaming their passions in an attempt to exert political pressure over you and in attempt to pressure you to admit into this case the Fuhrman tapes, tapes that are largely, if not completely, irrelevant to the issues at hand. [...] The issue here is whether this Defendant killed Nicole Brown or Ron Goldman or not. [...] The issue here isn’t racism and the issue

here isn't Detective Fuhrman and it isn't their egos or how much money they can make or how many talk shows they can appear on. This case is a circus and they made it a circus. (Court Transcript, 16 August 1995)

Concurrently, Johnnie Cochran accused the prosecutors, and Christopher Darden in particular, of expressing racist remarks themselves, thereby legitimizing the defense team's approach to the case. In one particular instance during a witness examination, for instance, Darden inquired whether Brentwood resident Robert Heidstra had heard "the voice of a black man" (Court Transcript, 12 July 1995) on the night of the murders. Cochran objected vehemently: "Objected to, your Honor. I object. [...] You can't tell by somebody's voice whether they sounded black. I don't know who made that statement, [...] and I resent that is a racist statement" (Court Transcript, 12 July 1995). The feud between prosecution and defense threatened to escalate, which forced Judge Ito to interrupt the proceedings and issue a warning.

O.J. Simpson's murder trial did not only bring together those who worked on opposite sides of the law, but it also forced competitors to function as one team. Both Robert Shapiro and Johnnie Cochran have been meritorious in their profession and consequently feuded over who should be lead attorney in the Simpson case. Shapiro felt entitled to the position because he was the first to get involved. Johnnie Cochran, however, assumed that Shapiro only aimed to capitalize on the trial to the detriment of the athlete. Their clash was conspicuous enough to also receive great attention on *American Crime Story*: On episode four, e.g., titled "100% Not Guilty," the audience is taken inside the conference room of Simpson's defense attorneys to learn that mistrust and intrigue suffused their interactions behind closed doors. A private conversation between F. Lee Bailey<sup>1</sup> and Johnnie Cochran elucidates that inner rift and the plans to remove Robert Shapiro as lead attorney. In the series, Bailey argues:

I'll tell you something. I've known Bob Shapiro a long time. We're old friends. I'm the godfather of his oldest son. [...] But he does not have the proper appetite for this case we find ourselves on. You and I are creatures of the courtroom. The parries and jabs, the turns of phrase. That's where a case is won. Not by settling like a pussy. Johnnie, we owe it to our client to take it to the finish line. It's time for you to make a move. (ACS, disc 2, episode 4, 28:21-29:07)

In an interview with Barbara Walters one day after the nation-dividing acquittal of Simpson on October 3, the real Robert Shapiro publicly criticized his colleagues and severed ties with the members of the presumed Dream Team:

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1 Francis Lee Bailey Jr. is a former criminal defense attorney who was part of Simpson's Dream Team, which he joined before the preliminary hearings. Bailey was disbarred in Florida and Massachusetts for attorney misconduct in 2001 and 2003, respectively.

Shapiro said that while Cochran “believes that everything in America is related to race, I do not. I believe there are certainly racial problems in this country, and I believe that peaceful solutions can help bring the races together.” [Barbara] Walters asked Shapiro if he would work again with Cochran. “No,” Shapiro replied. (Malnic, *LA Times*, 4 October 1995)

He also confirmed that as the Simpson trial came to an end, so did his long friendship with F. Lee Bailey:

“How do you feel about F. Lee Bailey today?” [Barbara Walters] asked. “It’s a very, very sad point in my life,” Shapiro said. “This is a man who I had a very close relationship with, and I will never have a relationship with him.” “Would you work on a case again with F. Lee Bailey?” Walters asked. “I will not talk to F. Lee Bailey again,” Shapiro said. (Malnic, *LA Times*, 4 October 1995)

These observations indicate that there was potential for conflict in the Simpson case from the very beginning due to the different experiences and values the main players brought to the table. This, in turn, made the process of social typing, to which I have already alluded in the first chapter of this study, more convenient and effortless. The idea of social roles, as described by sociologists Orrin Klapp and Erving Goffman, “suggests that, rather than being a coherent or fixed subjectivity, individuals act—or even are—different in different social, or we might say, discursive or citational contexts” (Shephard 20). The following chapter delineates in detail that all main trial personalities epitomized specific characters, operating as totems for pre-selected social and political structures in public interactions. Some actively chose their role, others were forced into it, a fact that Johnnie Cochran himself acknowledged in his closing argument by stating that “[w]e all understand our various roles in this endeavor that I’m going to call a journey toward justice” (Court Transcript, 27 September 1995). First, however, it is essential to explicate the differences in production and consumption of reality TV celebrities and traditional film stars.

## 2.1 Stardom and Celebrity: From Idols of Production to Idols of Consumption

According to Chris Rojek, there are three forms of celebrity: ascribed, achieved, or attributed (Rojek 17). While ascribed celebrity often results from one’s biological descent (the Royal family, for instance), traditional stardom is achieved through extraordinary accomplishments or rare talents and skills. Multiple Academy Award-winning actors such as Meryl Streep and Tom Hanks fall into this latter category. Their celebrity encourages a hermeneutic mode of reception (deCordova 112), which positions “audiences as active decoders of star images” (Wilson 423). The need for de-



coding arises from the “split between a public and a private self” (422) in film celebrities and “a dialectic of knowledge and mystery” (Marshall, *Celebrity and Power* 81). A passage from Francis William Sullivan’s short story “The Glory Road,” published in *Photoplay Magazine* in 1916, perhaps most fittingly describes the allure of eminence in American culture:

In the studios—behind the “movie” screen—what a mysteryland lies there! Those within may close and bolt the door, but they cannot keep the lure of it from seeping through. The life that artists live beats often with a more feverish pulse than the lives their art depicts. Its passions and pleasures, its strivings and defeats, its pay and—its price; what a writhing and a weaving in and out we should peer at, if only the door were not shut! What a tumult worth watching! A world of art, of itself and sufficient to itself. (Sullivan 106)

Movie stars are held in veneration for their acting skills and exalted portrayal of complex and unorthodox characters. Simultaneously, audiences aim to glance beyond the acting façade and discover the person behind the actor, with all their aptitudes and flaws. This is one of the reasons why readers of tabloid magazines enjoy articles pertaining to film stars who are going on about their everyday lives makeup-free and casually dressed.

With the rise of reality television in the 1990s, established celebrities such as O.J. Simpson faced competition from “celetoids” (Rojek 20). According to Rojek, celetoids differ from traditional celebrities in that they are “made famous through pseudo-events and the industrial machinery of a well-oiled celebrity industry” (McDonnell 6). In contrast to traditional film stars, who have PR assistants and publicists to uphold and promote their public image, reality television celebrities seldom possess much saying over their positioning in a show’s narrative, allowing TV producers to create characters that serve a preferred purpose:

[T]he star images of reality television celebrities are overdetermined by the reality format, which orients and limits their potential meanings and values by commanding particular behaviors designed to benefit the program. Reality television stars are very often cast to play a specified role [...] that is also alleged to be their “real” and “true” self; in turn, their on- and off-screen behaviors, while officially unscripted, have been molded, and in many ways, decided in advance to meet the needs of producers who are looking for drama, conflict, and other forms of narrative spice. (Wilson 427)

Reality television celebrities thus possess little “intertextual capital” (Collins, *Television & New Media* 95), i.e., “value associated with the textual matrix of interplays between on- and off-screen meanings” (Wilson 427). Since the Graphic Revolution, Boorstin equally observed a “chilling lack of substance in contemporary public figures” (Schmid 11) that has taken hold of popular culture. By fabricating celebrity like

a synthetic product (Boorstin 47), worthy “idols of production” (Lowenthal 115) have been replaced by “idols of consumption” (115):

The hero stood for outside standards. The celebrity is a tautology. We still try to make our celebrities stand in for the heroes we no longer have, or for those who have been pushed out of our view. We forget that celebrities are known primarily for their well-knownness. And we imitate them as if they were cast in the mold of greatness. Yet the celebrity is usually nothing greater than a more-publicized version of us. (Boorstin 74)

Boorstin describes the modern agency of celebrity as “a product of manufacture” (Bell 1) and “a commodified construct with economic value” (48). The celebrity exists to connect people, in a society where personal interaction has noticeably decreased (52). In this context, seemingly meaningless gossip becomes “an entrée to conversation when other avenues are unavailable” (52). Today, stars are not born but chosen and created, so they can “mask the disintegration of culture” (Rojek 90). Rojek claims that “[c]elebrity culture is a culture of faux ecstasy, since the passions it generates derive from staged authenticity rather than genuine forms of recognition and belonging” (90). The fact that people tend to form parasocial relationships with celebrities by incorporating them into their extended family repertoire (Douglas and McDonnell 50, Hermes 126) further complicates and distorts public perception of who their idols truly are. Redmond shares this opinion when he writes that “reality TV’s claim to present the real, to strip away the celebrity persona, [always] comes into conflict with its status as an openly performative space which is deeply self-conscious about its mediated status” (Holmes 52).

Contrary to film stars, who primarily exist outside of their cinematic roles, the reality celebrity’s private and on-screen personas are oftentimes conflated. Julie A. Wilson refers to the process of audience decoding on reality shows as the “evaluative hermeneutic mode of reception” (429) or “star testing” (429). Viewers are encouraged to reflect and adjudicate on the stars’ performances and identities within the context of the reality format they appear on, “bouncing their gaze between star images and their own attitudes toward and feelings about these images” (429). In doing so, Leigh Edwards argues that “audiences produce their own version of a text as they consume it” (Edwards 40). In addition, the ubiquity and domestic viewing setting of television, in contrast to the supersized screens of dark movie theaters and their larger-than-life projections, helps shrink the celebrity to a familiar and less impressive size and thus synthesizes an illusion of intimacy and familiarity (Douglas and McDonnell 162, 165).

### **Simpson v. Celestoids**

Arguably, the first reality TV celebrities created in the O.J. Simpson case were Chris Thomas and Kathy Ferrigno whose discovery of the Ford Bronco on an LA freeway on

June 17, 1994, transformed them into an ineradicable part of an important cultural episode in American history. Only two days later, on June 19, the *Los Angeles Times* headlined: “The California Highway Patrol [...] credited Thomas, a United Parcel Service worker, and Ferrigno, a San Diego State University student, with providing the first verified sighting of O.J. Simpson and friend Al Cowlings after Simpson had been declared a fugitive” (Brazil, *LA Times*, 19 June 1994). I argue that the pair came to impersonate the changing value of ordinariness and (television) celebrity as a result of an increasingly competitive political-economic environment in the US in the 1990s, illustrating how ordinary people became favored recruits on reality formats and were “promised media celebrity in exchange for their performances of identity” (Wilson 425). The television interview the couple granted to Channel 9 News a few days after their sighting of Simpson and Cowlings is a prime example of how ordinary people are made “microcelebrities” (Senft 346) by simply appearing on an unscripted TV format.

Presumably, Chris Thomas and Kathy Ferrigno, then 23 and 19 years old, were interviewed at home. They were sitting on a couch in a spacious, brightly furnished, and welcoming living room. It seemed to be part of a comfortable upper-middle class house, immediately positioning the audience “within the social space of the status quo” (Selby and Cowdery 27). Both interviewees were attractive, in good physical shape, and visibly in love. Throughout the interview, Chris Thomas protectively put his arm around his girlfriend; detecting Simpson and Cowlings had seemingly welded them closer together. Ironically reminiscent of the female murder victim, Kathy Ferrigno stood out with her long blonde hair, which had been fashionably styled for the interview. Overall, Thomas and Ferrigno seemed to be the paragon of a traditional American couple; or rather, of a traditional white American couple. Their television appearance is a prime example of aberrant decoding and polysemy in that the couple’s statements can be interpreted differently, depending on the receivers’ as well as the speakers’ beliefs and values. Viewing television celebrity from a macro perspective of production and consumption, Thomas and Ferrigno’s interview and celebrity became an extension of broader social and cultural hierarchies (Wilson 430), specifically class and race. I argue that the Channel 9 News report was predominantly directed towards a white audience who praised the young adults for their attentiveness, civil courage, and contribution to public safety. In the eyes of many members in the African American community, however, who were statistically more inclined to support O.J. Simpson, the two had potentially openly denounced a sports icon and indirectly consigned an innocent black man to the racially biased hands of the LAPD (Poston and Chang, *LA Times*, 8 October 2019). In addition, with the 1991 beating of Rodney King by white policemen still present in people’s minds, the deep wound of the discrimination of African American citizens had once again ripped wide open. For those who strongly believed that Simpson was the kind and humble person in private as he was on television, the possibility that the police had

simply found a scapegoat instead of the real murderer was not improbable. In this context, Kathy Ferrigno's description of the events prior to the actual Bronco Chase likely left a bitter aftertaste:

I was looking out my window, and looking all around me, and I saw at my rearview mirror...I saw this white truck. And then I realized it was a Bronco, and it got closer, and then I realized it was a black person driving, and I was like "Wait a minute, could that be him?" And then [...] I got a very close look, and I said "Chris, that's...I think this is it, this is the car." ("OJ Simpson/911 Caller," 00:48-01:06)

On reality television, where "characters [are] created, or more realistically, enhanced" (Huff 168), Thomas and Ferrigno equally became the heroes and the villains in their own story. Ferrigno spoke with the careless voice of a young and popular white girl who visibly enjoyed all the new-gained attention. She had a blithe attitude about her and smiled at the reporter. Some parts of her story seemed particularly funny to her and she chuckled. It seemed as if she was telling this story to good friends and not to a national television audience. Another aspect that made Ferrigno's testimony noteworthy was the element of the confessional, a common *cliché* in a variety of reality TV shows. The participants share their experiences, accounts, and opinions in a very personal manner in front of the camera. Kathy Ferrigno's statement regarding Al Cowlings' reaction to being detected reflected a similar impression when she said: "[H]e was relaxed, his elbows out the window. And then when he saw us, his mood changed, seems like. Like he...like we'd noticed them, and...cause the way I looked at him, he knew" ("OJ Simpson/911 Caller," 01:14-01:23). Most notably, coherent and proficient enunciation is secondary to emotive impact and relatability.

Thomas' and Ferrigno's interview shares additional elements with the reality TV genre, further supporting the thesis that from the very beginning, the Simpson case was treated as an "unscripted drama" (Huff 168) with certain "staged or reenacted [...] scenes" (168). In the Channel 9 News report, for instance, producers included original excerpts from the taped emergency call Chris Thomas had placed to authorities on the evening of June 17. In the 1990s, mobile phones were still a rarity, which is why Thomas had to pull over to a call box to inform law enforcement about the fugitives' whereabouts. As there was no camera team in proximity at the time to film him making the call, Thomas reshot the scene for the TV interview. It is noteworthy that he was wearing the same purple shirt in the respective sequence as during the main interview on the couch, which leads one to assume that all scenes were captured on the same day ("OJ Simpson/911 Caller," 01:30). In the final edited version of the news segment, the original emergency call was played with subtitles on the television screen facilitating the viewer's understanding of what was being said. Thomas' image standing at the call box with the telephone in his hand was displayed on the upper right corner of the TV screen, eminently blending the audio and vi-

sual material into a vivid and seemingly more realistic account of that moment. The same technique was used with the familiar images of the white Bronco: archive footage from the 1994 live coverage of the chase was combined with different reenactments, allowing older and newer audiences to (re-)experience the historic images. This “fact-fiction mix is central to the reality television phenomenon” (Hill, *Experiences* 116) in general, and as this study shows, to the O.J. Simpson case in particular.

## 2.2 Pin-Up, Hero, Villain, Fool: The Cast of the O.J. Simpson Trial

According to Mark Wheeler, the mediatization of an individual’s persona in the public and legal sphere leads to “a decline in rationality as televisual style dominates substantive debate” (Wheeler 8). The lines between public and private selves blur in the public discourse, and civil servants, e.g., become mere commodities in a society that “consumes” them (9), i.e., they are ‘celebrified.’ Media scholars speak of an “erosion in the public sphere” (11) due to the transformation of “people into artifacts because the ethnographic gaze objectifies” (Kirshenblatt-Gimblett 55). In other words, the techniques and processes that characterize the coverage of legal trials allow the public to interpret all participants “as undifferentiated human entertainment pieces, to be viewed or ignored as one pleases” (Fox, Van Sickle, and Steiger 30). Distinct characteristics are additionally juxtaposed with their traditional opposites to heighten the emotive impact of a (televisual) text. In the Simpson case, the main trial participants were subject to typecasting techniques that reinforced popular social types in order to add dramatic and compelling narrative contours to the case and increase its saleability. As will be shown, commercialization is a process that is not only reflected in the production and selling of material goods (see chapter 2.3), but it also manifests in the creation of performances and the (self-)branding of individuals.

The following analysis first focuses on Marcia Clark, followed by the female murder victim, Nicole Brown Simpson, who came to represent the antipode to prosecutor’s image in the public. Following the juxtaposition of the two women, this chapter concentrates on the pairing of O.J. Simpson v. LAPD Detective Mark Fuhrman as well as prosecution witness Brian “Kato” Kaelin v. Judge Lance Ito. The analysis concludes with the collation of attorneys Johnnie Cochran and Christopher Darden.

### Marcia Clark

Prosecutor Marcia Clark’s experience is the epitome of the celebrification process on reality television. Her personal life in particular became a topic of gossip, as her personal struggles indeed offered sufficient material for public discussion. Klapp identifies gossiping as one of the main “nonrational processes which help to form

heroes and antiheroes” (Klapp 59).<sup>2</sup> Like a pendulum, public and media perceptions of the prosecutor swung between two extremes as she was “characterized by sexual ambiguity in [her] appearance and presentation” (Dyer 58). Supporters praised Clark as the successful embodiment of an independent superwoman, who, according to Molly Haskell, “has a high degree of intelligence or imagination, but instead of exploiting her femininity, adopts male characteristics in order to enjoy male prerogatives, or merely to survive” (Haskell 214). As a result, “[t]he ‘superfemale’ seems inevitably to be shown as demonic in her actions, and it is hard to distinguish her too firmly from other ‘strong’, ‘magnetic’ types such as the ‘bitch” (Dyer 54–55), although “seething polarities of toughness and vulnerability [are repeatedly] expressed in her role” (Haskell 215). Nevertheless, the majority of the public developed an aversion to the prosecutor. She was perceived as harsh and intimidating in her attempt “to demean [Simpson’s] symbol of black masculinity” (Toobin 194). PR experts suggested that she “soften[ed] up her appearance for the trial—with a new hairstyle, fewer business suits, and more dresses” (194). According to Neal Gabler, such a prevalent emphasis on appearance in American culture was facilitated by movies which not only taught audiences the principles of a “theatrical style of behavior but [brought about] a cultural shift toward a whole new social ideal” (Gabler 196–197), away from the Puritan work ethic toward a “new culture of personality [that] emphasized charm, fascination and likeability” (197).

Despite her supposed austerity, Marcia Clark simultaneously faced accusations of being too emotional, in particular when it came to her children. She was publicly blamed for stalling the proceedings with her repeated requests to reschedule sessions, so that she could take care of her sons. One such exemplary discussion between Clark and Lance Ito arose on February 24, 1995, when the prosecutor argued with and pled to the judge to adjourn the proceedings of the day:

I have informed the court that I cannot be present tonight because I do have to take care of my children and I don't have anyone who can do that for me. And I do not want proceedings to go before a jury when I can't be here. [...] And we did not know that the court was going to call the jury tonight. I can't be here, your Honor. (Court Transcript, 24 February 1995)

When Ito asked whether it was possible for her colleague Christopher Darden to question the witness he had scheduled for the afternoon, Clark replied:

**Marcia Clark:** *We collaborate, Mr. Darden and I, on everything, whether I am presenting the witness or he is [...]. And I had no idea the Court was going to order the jury in*

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2 Further elements include “rumor, propaganda, journalism, ‘guilt by association,’ social crisis mentality, and the accidents of publicity and opportunity” (59). One cannot help but notice how all these elements distorted the shape of O.J. Simpson’s murder trial, allowing it to become a personality-driven reality show.

*for tonight. There was no way of knowing that you were going to do that. You didn't even tell us. This was a last minute thing.*

**The Court:** *I told you as soon as I decided that [...] of those two options I like taking the witness out of order much better than videotaping them.*

**Marcia Clark:** *And obviously the Court has discretion to do that. I'm not arguing the Court's authority to do that, but your Honor, I can't be here.*  
(*Court Transcript, 24 February 1995*)

O.J. Simpson's defense team further endorsed the negative image of their competitor. Johnnie Cochran's reply to Clark's request, for instance, implied that the female prosecutor acted egoistically:

*It is beyond disingenuous for somebody to come into court at 6:30, after you brought all these jurors over here, we are ready to proceed, and the witness makes a promise to you she will come back, and they say, well, we can't do it tonight, Judge, because I have to pick up my children. (Court Transcript, 27 February 1995)*

In reply, a visibly upset Marcia Clark, stated:

*I'm offended as a woman, as a single parent and as a prosecutor and an officer of the court to hear an argument posed by counsel like that of Mr. Cochran today. Some of us have child care issues and they are serious and they are paramount. Obviously Mr. Cochran cannot understand that, but he should not come before this court and impugn the integrity of someone who does have those considerations. And I'm deeply offended. (Court Transcript, 27 February 1995)*

Compared to Johnnie Cochran and his colleagues, Michael Dyson argues, "Clark was clearly the underdog, the woman who when she slugged it out with the guys on the defense was considered 'whiny.' Who when she stood up to the defense's shenanigans was considered aggressive. And who when she strategized with cunning was considered disingenuous" (Dyson 53). Orrin Klapp describes this role conflict as "the dilemma of modern woman" (Klapp, *Changing American Character* 97). Following his train of thought, it was impossible for Marcia Clark to receive the same appreciation and glory for her work as her male colleagues due to a gender-specific imbalance with regard to hero social typing: "Glory is concentrated in hero types, the bulk of which in American culture—possibly eight-ninths—cannot properly be called feminine. [...] It is still a man's world when it comes to handing out the medals" (97). By identifying with a masculine hero type, Klapp argues, the woman "will compromise her femininity" (97) due to the androgenized nature of hero types.

Another example shall further illustrate the prosecutor's reduction to her gender in court: During a session on May 24, Clark entered into a lengthy argument with Judge Ito over the testimony of a witness. She seemed upset and frustrated, as

It was inclined to rule against the prosecution. Clark raised her voice and tried to make her point with flailing arms (“OJ Simpson Trial—May 24<sup>th</sup>, 1995—Part 2 (Last part),” 1:15:05). When it was Cochran’s turn to speak on the matter, the defense attorney taunted the prosecutor with being a woman by accusing her of yelling at the judge and being hysterical. Clark’s first reaction was to laugh at his remark, until she realized that Cochran was serious (1:16:16). Quickly, she responded:

I object to that characterization, your Honor. That kind of personal attack is very improper and inappropriate. The Court knows that it’s simply advocacy. I’m not yelling at anyone, and for Mr. Cochran to make that kind of sexist remark, “Hysterical,” I take great umbrage at it and I think the Court should not countenance that kind of behavior. (Court Transcript, 24 May 1995)

Meanwhile, the television audience was able to observe O.J. Simpson’s reaction to the prosecutor’s objection, as he was also caught in the frame of the Court TV camera. He looked over at Clark in surprise and chuckled in amusement over her protests (“OJ Simpson Trial—May 24<sup>th</sup>, 1995—Part 2 (Last part),” 1:16:28, while Johnnie Cochran replied with a short “Is she finished?” (Court Transcript, 24 May 1995) directed towards the judge.

This particular debate between the two gender-opposite attorneys exemplifies what Jonathan Gray calls “the camera’s masculinization of the audience” through the “visual reduction of women to performing objects” (Gray, “Cinderella” 265). Reality television, the media scholar claims, frequently frames the woman as spectacle to be judged on her outward appearance and gender performance (265). Examples of this “voyeuristic male gaze” (265) abound, indeed, whereby the reality sub-genre of the dating show offers a popular and extensive platform for the reinforcement of patriarchal messages. Reality programs such as *The Bachelorette*,<sup>3</sup> *Blind Date*,<sup>4</sup> and naturally, beauty pageant formats encourage viewers to assess whether the participating women conform to the dominant notions of femininity. Refusing to play the ascribed social role is often accompanied by the risk of being eliminated from the show or being ridiculed by fellow contestants (271), as proven by Marcia Clark’s example. In similar ways, reality-themed series featuring female comedians such as

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3 *The Bachelorette* is an ABC spin-off show of *The Bachelor*, which debuted on the network on January 8, 2003. The female lead contestant is offered the opportunity to choose a husband among 25 bachelors by a process of elimination.

4 On the dating show *Blind Date*, two contestants are paired up and sent on a blind date, while being filmed by a camera crew. It aired between 1999 and 2006 and was renewed once again in 2019.



*Kathy Griffin: My Life on the D-List*<sup>5</sup> or *Fat Actress*<sup>6</sup>, starring Kirstie Alley, capitalize, albeit with the consent of the participating women, on their supposed failures and shortcomings as women. Considering these findings, it is telling that in the aftermath of Marcia Clark's argument with Johnny Cochran, it was not the male defense attorney who was publicly criticized for his sexist remarks, but rather the female prosecutor for not fighting back hard enough. On May 26, the *Los Angeles Times* published an article by Dana Parsons, titled "Clark Fails to Make a Case for Sexism Over the 'H Word.'" In her article, Parsons wrote an open letter to Clark, partly reading:

Dear Sister Clark,

I saw TV footage and read the transcripts of remarks made in court this week by you and Johnnie Cochran Jr., the defense lawyer for O.J. Simpson. [...] Thanks for trivializing the issue of sexism in America by using it in such a personal manner. Pardon my sarcasm, but it's born of frustration. We've spent years trying to convince people that sexism is a blight on society, and it only undercuts our case when the specter of it is tossed around so casually. Aside from fighting for legal remedies for all forms of discrimination, including sexism, we are fighting to win people's hearts and minds. That's harder to do when you accuse Cochran of sexism for using the word hysterical. The reaction of many people is "That's a sexist word?" The problem, Marcia, is that it simply makes it too easy for people to debunk everything we're doing when it's reduced to such trivia. (Parsons, *LA Times*, 26 May 1995)

Parsons' arguably emotional reaction to Clark's actions indicate that the social roles played by an individual do not necessarily correspond with or are even contradictory to each other (Shephard 20). Therefore, Marcia Clark was regarded as both a strong, independent woman on the one hand and as a failed single-mother, who supposedly even harmed the larger cause of the feminist movement with her personal and public actions, on the other hand.

Apart from being harshly criticized for her performance in court, Marcia Clark soon found herself on the cover titles of popular tabloid magazines. In the age of reality television and the changing notions of fame, her life was offered for sale as the focus shifted from her work in the courtroom to her clothes, the makeup she wore, and the way she styled her hair. Her celebrity was continuously "generated and sustained by media production" (Bell 49) for public consumption and "constructed through an amalgamation of power dynamics and economic forces" (53).

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5 *Kathy Griffin: My Life on the D-List* (2005–2010) followed the struggles of female comedian Kathy Griffin to establish a career in Hollywood and addressed her relationships with her parents and then-husband. The reality series won the Primetime Emmy Award twice.

6 The reality series *Fat Actress* starring Kirstie Alley aired from March 7 to April 18, 2005 and depicted the actresses' battle with weight loss to find a way back into the entertainment business.

For instance, in the beginning of the Simpson trial, Clark appeared in court with shoulder-length curls, which she cut a few months later. In the media, the attorney's hairstyle was highly ridiculed, ultimately causing her to choose a more natural-looking, straighter look. This change did not go unnoticed, and the *Los Angeles Times* dedicated a lengthy article to Clark's hairdresser Allen Edwards, titled "A Good Hair Day: Prosecutor Marcia Clark Sheds Curls for a New Look" (Daunt, *LA Times*, 12 April 1995). In the interview, the coiffeur expressed his surprise over the intensive media attention Clark's hair received, saying "I had a feeling people would react strongly, [...] 'But not like this. It's just huge.'" The article in the *LA Times* featured a detailed description of the prosecutor's transformative process:

At a cost of \$150, Edwards trimmed and dyed Clark's hair a shade of auburn, replacing her trademark curls with a modified shag. On Tuesday morning, Edwards stopped at the prosecutor's home to blow-dry her new look—a service he provides for many of his famous clients, including Dustin Hoffman and Donna Mills. (Daunt, *LA Times*, 12 April 1995)

Edwards was later even invited to *The Oprah Winfrey Show* to talk about his personal contribution to the O.J. Simpson trial. Journalist Tina Daunt concluded her report with the following observation: "This is the second time Clark has changed her hairstyle in the globally televised O.J. Simpson murder trial, where much has been made of the appearances of the major players" (Daunt, *LA Times*, 12 April 1995).

In February of 1995, around the same time of the gender discussion in court, the *National Enquirer* printed topless photos of the prosecutor that had been taken during a vacation in St. Tropez in 1979, claiming to expose "her scandalous secret life" (@*National Enquirer*, 21 February 2017). One headline read: "Topless Scandal! O.J. Prosecutor Marcia Clark—Like You've Never Seen Her Before; Nude shots, nose jobs, wigs and more—the photos she doesn't want anyone to see" (Radar Staff, *Radar Online*, 8 March 2016). Although Clark later explained that these were pictures that had been taken when "[she] was kicking loose after the bar exam" (Clark 293), her reputation was damaged. In her memoir on the Simpson case, *Without a Doubt*, the prosecutor admits to feeling "lost in the humiliation" (294) of being "suddenly exposed naked in a supermarket tabloid" (294).

During the trial, it was also alleged that Marcia Clark and her co-prosecutor Christopher Darden were involved in a romantic relationship; both Clark and Darden, however, refused to address the rumors. Even over twenty years after the trial, reporters have continued to inquire the ex-prosecutors about each other, hoping that one of them would finally take a stand. In September 2016, *Entertainment Tonight* released an online article, titled "EXCLUSIVE: Christopher Darden Finally Admits He Was 'More Than Friends' with Marcia Clark" (Seemayer, *ET*, 20 September 2016). The fact that the media (and hence the public) were still concerned with the nature of

their relationship not only indicates the ongoing tabloidization of the O.J. Simpson trial but likewise the centrality of love matters in media reports:

A central theme in all the fan magazines is love. This is achieved partly by the [...] over-riding sense of a world in which material problems have been settled and all that is left is relationships. These relationships are invariably heterosexual/erotic ones—'love'—and the magazines carry the implication that these are the only kind of relationships of any interest to anyone—not relationships of, for instance, work, friendship, [...] or surprisingly enough, parents and children. (Dyer 45)

As a newly established reality star, Marcia Clark experienced the advantages and disadvantages of the celebrification process. Rojek explains that “[c]elebrification proposes that ordinary identity formation and general forms of social interaction are patterned and inflected by the styles, embodied attitudes and conversational flow developed through celebrity culture” (Rojek 16). In *Without a Doubt*, Clark describes her ambiguous experience with being a reality star:

Like it or not, I was a celebrity. [...] Everywhere I turned, people seemed to be grabbing at me. They felt that they were entitled to interrupt me, no matter what I was doing. When I went out to dinner, they'd come over to my table. Or worse, they'd make that cute gesture of sending a waiter over with a glass of o.j. [...] Everywhere I looked, there were hands. Hands wanting to shake mine. Hands wanting autographs. Hands wanting to touch me. It was getting to me. I had a recurrent waking nightmare that one of those hands reaching out to me, slow motion, held a gun pointed at my heart. (Clark 119)

Marcia Clark's description of her life during the Simpson trial highly resembles the accounts of many contestants who become famous in the course of a reality show, and the physical and psychological toll false or biased TV portrayals and/or media reports can take on them once they become “a group product and group property” (Klapp, *Changing American Character* 11). David Schmid goes as far as to say that “everyone today must be treated as a celebrity in order to be ‘legible’ in the contemporary publish sphere” (Schmid 11).

*American Crime Story* dedicates the sixth episode, titled “Marcia, Marcia, Marcia,” to the celebrification process that transformed the prosecutor's life and reveals the vulnerable side of a woman who was publicly described as a “bitch” (ACS, disc 2, episode 4, 22:17), a “real know-it-all,” as “strident” and “stupid” (22:20). The series offers viewers an omniscient perspective by juxtaposing Clark's public and private personas. In her role as an attorney in a male-dominated courtroom, the prosecutor does indeed appear austere and prosaic. She rarely smiles when on duty and occasionally scolds and reprimands her staff (e.g., ACS, disc 2, episode 6, 00:05, 21:59). While Simpson scores high numbers of tens and sixes in polls of popularity, Marcia

Clark is rated at a meager four (*ACS*, disc 2, episode 4, 27:21, 27:30). Instead of being a team player, she is also often portrayed as a lone wolf who soliloquizes the best trial strategy. In the television series, the recurring image of the prosecutor smoking while leaning on a wall of the courthouse patio is indicative of her independence and solitude (*ACS*, disc 1, episode 3, 03:19, 27:35; disc 2, episode 8, 21:25, 35:06).

Simultaneously, however, *ACS* illuminates the vulnerable person behind the stoic façade and reveals the driving motives for Clark's behavior. In contrast to most media reports on her in the 1990s, the television series focuses on the prosecutor's role as a single mother of two small children who is trying to balance work, career, and family. Daily, she struggles to get her boys out of the house and to school on time while managing the workload at the courthouse, her social life, and the ongoing divorce from her estranged husband Gordon. All these elements are inextricably linked and simultaneously pull Clark in opposite directions. As a result, the prosecutor seems to fall short of expectations on all ends: Her children spend more time with the babysitter than with her, she is repeatedly late to the Simpson proceedings, and forgets to plan her best friend's baby shower (*ACS*, disc 1, episode 1, 10:53, 13:41, 32:16, 43:12). After a particularly stressful day, the prosecutor is shown smoking to Otis Redding's "Chained and Bound," a classical soul tune of the 1960s (*ACS*, disc 2, episode 6, 05:49). Fittingly, the singer is wondering "what kind of life is this kind I'm trying living," a life where he is "chained to your love." The lyrics and melancholic tone of the song are emblematic of Clark's attempt to please and gain approval—in court, as a mother, and a friend.

Although Marcia Clark is initially confident in her abilities to cope with the challenges of prosecuting a high-profile criminal case, her optimism fades as the television series and the trial progress. Almost ironically, the tabloid magazines in *ACS* title her changing outward appearance as a "cry for help" (*ACS*, disc 2, episode 6, 05:06), and indeed, crying almost replaces Clark's smoking habit as a means to soothe herself. After trying to suppress her inner struggle with the new attention and sexist remarks in court and the media, the prosecutor breaks down in her office at the end of episode six. Christopher Darden finds her crouched and sobbing on the floor. Through her tears, she explains to him: "I'm not a public personality. This isn't what I do. I don't know how to do this. Those other guys, they're...flashy hot shots. They're used to it. But I...I just can't take it" (46:27). *ACS'* approach to Marcia Clark is thus one of compassion and understanding. The prosecutor is portrayed as a hard-working attorney and mother who is brought to her knees by external circumstances. In the series, Clark rejects her own celebrification and the valorization of the Simpson trial. *ACS'* almost guarding perspective on the prosecutor fails to accentuate, however, that she ultimately profited from her participation in the trial proceedings. In 1995, Clark was paid \$4.2 million for the rights to her story, "one of the largest sums ever paid for a nonfiction book" (Tabor, *NY Times*, 10 November 1995). Her involvement in the trial also opened the doors to an own

crime fiction series, and Clark regularly appears on popular television programs such as *The Oprah Winfrey Show*, *Good Morning America*, and *Entertainment Tonight*, demonstrating how reality stars can successfully “move beyond the confines of their original reality show and take their character as brand into new media settings and stories” (Edwards 20). With the airing of *American Crime Story* in 2016, Clark’s celebrity sparked once more, and she was hired as a commentator on the accuracy of the television series. In addition, she was invited to attend the Emmy Awards with actress Sarah Paulson who portrayed the prosecutor in the show.

### Nicole Brown Simpson

Similar to the two opposing social types of the hero and the villain (Simpson v. Fuhrman, see below), Nicole Brown Simpson and Marcia Clark were forced into two adverse female roles, illuminating “the notion of woman as spectacle” (Dyer 38). On the one end of the spectrum, there was the prosecutor, whose femininity lacked elegance and sophistication. In contrast to her toughness stood the eroticized pin-up image of the murder victim. According to Molly Haskell, the “tendency to divide women into mutually exclusive categories” (Haskell 113) can be traced to the beginnings of US history. The inclination to promote a gender role binary, however, continues to afflict contemporary American life and constitutes a favorite technique employed on television as well as the print media. In tabloid magazines, for instance, female celebrities, wearing a particular outfit, are regularly compared to each other in photographic lineups under the heading of “Who Wore It Better?” (*In Touch*) or “Who Wore It Best?” (*US Weekly*). Edwards notes that “[b]y framing each woman as a type and providing a central narrative of conflict” (Edwards 155), reality formats are shaped “in terms of reducing people to stereotypical characteristics and proffering competing value systems as a source of central conflict and dramatic strife” (155).

Nicole Brown Simpson as the glamour-girl “promotes surface appearance and depersonalization, [and the] woman as sexual spectacle and sex object” (Dyer 50). It is no coincidence that she was attributed the role of the *femme fatale* in the media considering her resemblance to Hollywood’s most iconic pin-up girl, Marilyn Monroe. Nicole was white, blonde, beautiful, and died an untimely and mysterious death. The media, both television and print, subsequently endorsed common stereotypes associated with the pin-up girl to sell their desired narrative of the victim. In doing so, however, Karen Sternheimer argues, media outlets simply responded to public demand. She asserts that “[w]e are complicit in our desire to be amused rather than informed, to be able to peer into the fishbowl of celebrity and see what it is like on the inside” (Sternheimer 8).

Only three months after Nicole’s death, her self-proclaimed best friend, Faye Resnick, hastily published a tell-all book titled *Nicole Brown Simpson: The Private Diary of a Life Interrupted*, co-written with *National Enquirer* columnist Mike Walker. Resnick

claimed to provide intimate details of Nicole's life, in particular her sexual preferences. Due to the immense success of the book and the tabloid media's continuous circulation of Resnick's descriptions, Nicole Brown Simpson was seemingly exposed as a "gold digger" (ACS, disc 2, episode 4, 07:53) and "an irresponsible and flirtatious 'sex addict' who cruelly taunted and manipulated O.J. for years" (Glynn 75). This narrative contour is emblematic of what Ann duCille titled the "Mandingo Syndrome" (duCille 303). It encapsulates "white women's penchant for and willing submission to black men" (304), and John Fiske argues that whiteness has long been "adept at sexualizing racial difference" (Fiske, *Media Matters* 45).<sup>7</sup>

In *American Crime Story*, the character of Faye Resnick was given a face to a larger audience by actress Connie Britton whose depiction of Nicole's former friend seemingly confirms Resnick's shallow and voracious personality. In episode four, "100% Not Guilty," the future reality TV celebrity is shown sitting in an office, where she is negotiating a book deal covering Nicole's life. While talking about the death of her friend, claiming that "now there's just such a void in my life without her" (ACS, disc 2, episode 4, 13:52), Resnick absent-mindedly snacks on carrot strips and puts candy in her mouth. Despite her repeated claims that she does not wish to exploit Nicole's death for the success of the book, even reassuring her potential business partners that she went to a psychic who relayed Nicole's blessing for the publication (13:54), Resnick voluntarily provides sensitive and personal information about her dead friend's sexual history and drug consumption:

**Business partner 1:** *Uh, Faye, just to...just to give a general sense, could you give me an overview of your times with Nicole?*

**Faye Resnick:** *Oh, Nicole was a wonderful person. She was a terrific mother. We need to stress that. We had wonderful times together. We...we'd go clubbing and go to parties and, you know, Starbucks. Sometimes do a little cocaine. We loved to eat at La Scala.*

**Business partner 2:** *Cocaine? Really?*

**Faye Resnick:** *[...] Did you know Nicole had breast implants? It was O.J.'s idea, but I'll be honest with you, she loved them. What else can I tell you about Nicole? She loved to give a "Brentwood Hello."*

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7 The widespread belief in Nicole's addiction to O.J. Simpson was even referenced by the clothing brand Guess to increase their sales. In *Twilight Zones*, Susan Bordo reproduced the image of an ad that featured a young black man and a white woman, resembling the Simpson couple, in an intertwined pose (Bordo 102). The young woman is dressed in black latex, her voluptuous blonde hair frames her attractive face. Playfully, she wraps her arms around the man's neck, who conversely places his hands on her hips. His lips are opened slightly in arousal. The white model smiles confidently at the camera as she flaunts her toned body to the viewer. With her long, white arms, she seemingly takes possession of her lover, who almost entirely disappears behind her frame. Only the man's fervent facial expression and his hands on the woman's hips indicate that he seems completely enamored with her.

**Business partner 1:** *I'm sorry, a Brentwood Hello?*

**Faye Resnick:** *It was a little joke we had. [laughs] Where she would go into...a guy's bedroom while he was asleep, and, you know...give...go down on him.*

**Business partner 2:** *We are gonna sell a lot of books. In a very nonexploitive way, of course.*  
(14:08-15:24)

Popular tabloid magazines such as *Star* and *National Enquirer* also frequently reported that Nicole had been unfaithful to her husband on numerous occasions. Typical headlines read: "Nicole and Kato Were Lovers: Hot Affair O.J. Never Knew About" (*Star Magazine*, 26 July 1994), "How Nicole Seduced O.J.'s Best Pal—Under His Nose" (*Star Magazine*, 27 June 1995), or "Nicole and Her Lovers: The Men Who Sent O.J. Into a Rage" (*National Enquirer*, 19 July 1994). In an article published in the *National Enquirer* on August 9, 1994, it was claimed that Nicole had had six abortions, endorsing an image of a sexually aggressive and careless woman. The cover of the magazine featured a full body picture of Nicole only wearing a white bikini and a lavish fur coat on top. According to Andrea McDonnell, tabloids add narrative contours to their magazines by adhering to an aesthetic that

is established through the use of visual and rhetorical cues which appear throughout the magazines, but which are especially prominent on the covers. Eye-catching graphics, bright colors, and large photographs of female celebrities are often accompanied by bubbles, boxes, and arrows, which draw the potential buyer's eye to key pieces of narrative information. Headlines are bold, bright, and brief. Celebrities are referred to by their first names. (McDonnell 54)

The photograph chosen by the *National Enquirer* demeaned the murder victim on various levels: first, the color white (the same color as her bikini) is usually color-coded to symbolize purity and innocence. Taken that the picture was placed right next to the headline about Nicole's alleged six abortions, she was seemingly exposed as a hypocrite who wanted to sustain a perfect image while the reality was different behind closed doors. Perhaps even more evidently, the white color of her bikini highlighted the whiteness of Nicole's skin, similar to the Greek statues of the nineteenth century whose bright paint visually invoked "their 'Aryan' racial origins" (Mirzoeff 59). Furthermore, Nicole Brown Simpson was depicted looking down at her trained body with a satisfied look on her face that suggests she was confident and invested a lot of time in her physical appearance. Interpreted negatively, the look demonstrated her superficial, perhaps even entitled character. Lastly, the luxurious and expensive fur coat symbolized her addiction to fame and a lavish lifestyle which was used to explain her dependence on O.J. Simpson. In *Reading Celebrity Gossip Magazines*, McDonnell notes that "[c]elebrity gossip magazines are fundamentally concerned with the experiences and emotions of women" (McDonnell 7, emphasis added), as they "emphasize the sensational and the outrageous," "revel in bias and speculation," and

“use large, stylized images to catch the eye of potential readers” (5). In their recent joint work, *Celebrity: A History of Fame* (2019), McDonnell and Susan J. Douglas further explain that this “female-centered intimate public sphere” (Douglas and McDonnell 54) essentially “offers an alternative realm to the mostly male-dominated news in the mainstream press. Women and girls are absolutely central to this world—they matter symbolically and economically. Women—which ones are to be admired and which ones loathed—are the drivers of celebrity journalism” (54).

The widespread reporting that Nicole had met and started dating O.J. Simpson when she was only 18 years old and he was still a married man further contributed to a wide blame the victim-attitude in the American public and the opinion that Nicole’s lifestyle had ultimately invited her murder. Even the prosecution, although in an attempt to explain Nicole’s dependence on O.J. Simpson, shed a negative light on the victim. During his opening statement, Christopher Darden described her as follows:

The evidence will show that Nicole never really held a job. She never really worked. She never really operated a business. She never had an income really of her own. Throughout her entire adult life, this man, defendant in the courtroom, held her purse strings in her life. Whatever money she got, whatever material possessions she got, she got from the defendant. People can sometimes be bought. And young people sometimes can be easily misled. (Court Transcript, 24 January 1995)

Nicole Brown Simpson was reduced to the stereotype of the uneducated, beautiful white woman who knew how to put a spell on men and use them to her own advantage. In this respect, her story is illustrative of the manipulative power of images, which “encourage some forms of reality over others. Images persuade in a biased form. [...] Objective argumentation is not the goal” (Shulman 119). Once an “image life” (132) is established, “future performances should maintain the stated depiction in continuity afterward” (132). Shulman’s explanation of the workings of image creation explains why, even after twenty years, media coverage surrounding Nicole Brown Simpson is repetitive in its content and in unity with the reports that were published shortly after her death. A 2016 *Daily Mail* headline read, for instance: “Faye Resnick’s tawdry tell-all about Nicole Brown Simpson detailed their night of lesbian sex and how she could ‘only be satisfied by OJ and Marcus Allen” (Howe, *Dailymail.com*, 1 March 2016). An online article published on *Radar Online* claimed that “Nicole Brown Simpson Was Involved in Drug-Fueled Parties & Steamy Affairs Before Death” (Radar Staff, *RadarOnline*, 3 June 2016). Stories of the murder victim as a caring mother of two children, however, rarely dominated the tabloid focus, for they would not have sold as many newspapers or magazines and were therefore overwhelmingly excluded from the media’s narrative. With a hint of sarcasm, Sternheimer notes that



[i]t is too simple to say we are manipulated by the powerful to focus on trivialities; we actively collude by paying more attention to celebrity stories. If the press made more money telling us stories about white collar criminals, I am sure we would have more websites, magazines, and television shows devoted to corporate crime. (Sternheimer 264)

Nicole Brown Simpson's devaluing characterization demonstrates another noteworthy handling of women in American media: Female celebrities face more intense public scrutiny for their personal mistakes than their male counterparts. By contrasting media and public indignation pertaining to celebrities of similar popularity who had committed the same offenses (e.g., Driving under the influence of alcohol/substances), Sternheimer observed that female stars elicited harsher criticism than male celebrities, despite the fact that men outnumber women in terms of arrests for drunk driving (260). She concluded that while legal or moral transgressions committed by men likely contribute to a bad boy-image (actor Charlie Sheen's substance abuse and excessive partying, for instance), "female celebrities' lack of self-control casts them as immoral and unworthy of wealth and fame" as they "violate expectations of femininity" (260). The beginning of the Simpson couple's relationship was hence overwhelmingly the result of Nicole's seducing talents and less of O.J. Simpson's adultery. Kimberlé Williams Crenshaw notes that any public narrative of Nicole's "angelic positioning" (Williams Crenshaw 153) was also particularly and widely rejected by many African American women who were "less likely to allow the tragedy of her death to work backward to sanitize her life" (153).

Drawing on these observations, one can argue that the media coverage of Nicole Brown Simpson's murder and the extensive focus on the celebrity couple's marital issues capitalized on the omnipresent television ideology of the American family in jeopardy; a trend that has continued to evolve with the rising popularity and profitability of domestic fiction in the mid-nineteenth century in the US. The family unit is characterized as a safe haven in a world full of dangers and threats, and its disruption symbolizes the ultimate state of disequilibrium. The reality genre, in an attempt to commercialize personal lives and relationships, "stages its own family values debate, pitting an older modern nuclear family ideal against a newer postmodern family diversity of forms" (Edwards 87). Drawing on these well-known conventions of the family in crisis, the media first pictured the Brown-Simpson unit as picture-perfect only to then expose their close relationships as fiction by framing their problems in a deliberately pedagogical narrative. Newspaper headlines of *The New York Times* illustrate the family's "central role as a site for consumption" (Lipsitz 16). For instance, an article from June 1994 read: "Nicole Brown Simpson: Slain at the Dawn of a Better Life," and after the verdict, the newspaper summarized: "In the Seats Reserved for Relatives, Joy and Pain, Relief and Disbelief." *The New York Times* also frequently reported on accusations of spousal abuse with emotionally charged head-

lines such as “Simpson Threw Wife into Wall, Her Sister Tells Jury” (Noble, *NY Times*, 4 February 1995) and addressed the custody battle the former football star faced after his acquittal (Campbell, *NY Times*, 7 October 1995). It is noteworthy that although O.J. Simpson and Nicole represented the conventional ideal of the American family in terms of social roles and constellation—Simpson as the breadwinner of the household and Nicole as a stay-at-home mom taking care of their children Sydney and Justin who were also conceived during their marriage—oftentimes, Nicole’s dependence on her husband was interpreted as calculated and exploitative. Negatively connoted elements connected to her persona such as divorce, infidelity, and “the lure of money over romantic entanglement or family bonds” (Edwards 101), subsequently “turn[ed] the instability of the nuclear family into sensationalized plot twists” (160), where “race bec[ame] a way to talk about anxieties concerning the breakdown of the white nuclear family unit” (160). By bringing their attention to domestic issues in the Simpson family, the media also inadvertently placed miscegenation to the forefront of the case by contrasting the traditional American family to modern family norms. Instead of directly exposing the social critique still associated with interracial relationships, however, the dominant social ideology was carefully embedded into and contextualized in terms of the murder trial. Consequently, it stood out that O.J. Simpson had not only potentially killed his ex-wife, but he as an African American man had allegedly killed his *white* ex-wife. As Leigh Edwards weighs in:

Part of the [reality] genre’s vast ratings appeal stems from the fact that it portrays real people struggling with long-running cultural problems with no easy answer: tensions in the ties that bind, between kinship and chosen bonds, tradition and change, personal versus social identity, and competing moralities. [...] Critics have shown the regulatory nature of the modern nuclear family model, with official discourse traditionally framing that unit as white, middle-class, heterosexual norm citizens should aspire to approximate. (Edwards 91–92)

Similarly, Holmes and Redmond argue that the celebrity system establishes a mediated space in which

the famous body is often the medium through which dominant ideological messages about gender, race, class and sexuality are transmitted. The body of the star or celebrity is often implicated in the construction of hegemonic notions of masculinity and femininity; in stereotypical ideas about racial difference and Otherness; and in normative assertions about sexual desire and class relations. (Holmes and Redmond 124)

America’s star system thus not only facilitates social interaction and the production of “communitas” (Schechner, *Performance Studies* 165), which Richard Schechner describes as “a feeling among participants that they are part of something greater than or outside of their individual selves” (165), but it also appropriates discursive talking

points that were once considered private and personal for public consumption and debate:

Celebrity journalism has also been instrumental in the exploration of a different form of cultural politics that is an investigation of the self, the private and the intimate. Through celebrity profiles, the investigation of scandals in all their sordid details and the psychotherapeutic ramblings published in celebrity interviews, celebrity journalism is the location for the exploration of the 'politics of the personal' in our transformed and shifting public sphere. (Marshall, "Intimately Inter-twined" 323)

Although this study only touches on the female victim's typing in the media, her story of pejorative, posthumous notoriety equally applies to the male murder victim, Ronald Goldman. As Dyson describes in "Obsessed With O.J.," the real American tragedy of the O.J. Simpson trial might not have been the falling of a national icon, but that the only reason the victims were covered in the media was due to fact that they had possibly been killed by a celebrity (Dyson 54). The indifference towards and depersonalization of Nicole Brown Simpson and Ronald Goldman passed over into the contemporary times of *American Crime Story*, where the victims are virtually absent throughout the series. Similar to the original proceedings, they were pushed to the background to make room for other, more pressing national issues such as race and police corruption. Nicole and Ronald are only shown in the first episode after the arrival of Mark Fuhrman on Bundy Drive (ACS, disc 1, episode 1, 05:03). An officer escorts the LAPD detective to the crime scene, and the audience is shown the slain bodies of the victims, laying in a pool of blood. Their faces are unrecognizable. The only indication that they were real people with a consciousness and emotions, and not merely dead bodies, is expressed through an impression of Nicole's condominium. Around four minutes into the first episode, the responding officer at the crime scene enters Nicole's house in search for other victims or possibly the murderer. With his weapon drawn and a flashlight pointing in front of him, he looks around, granting the audience a glimpse into the way the female victim had lived: the interior of the condo is modernly equipped and decorated with taste. White furniture, lamps, and candles in the living room create a friendly and peaceful atmosphere (03:53). Pink flowers and palm trees are placed around the house and paintings and family portraits adorn the white walls. On the second floor, the police officer finds two children peacefully asleep. Their bedrooms are decorated with their own drawings and posters (04:21), and the numerous toys on the shelves suggest that Justin and Sydney have a happy childhood and their mother loves and takes care of them. Later in the episode, a crying and confused 8-year-old Sydney Simpson is heard calling her mother from the police station while crime scene investigators secure evidence at Nicole's residence. Young and scared, Sydney has not yet understood that her mother is dead as she begs for her to come pick her up: "Mommy, where are you? Why are

we at the police station? Mommy, please call back. What happened? Mommy, please answer! Please answer the phone. Okay, bye” (12:52).

Similarly, Ronald Goldman, who is simply characterized as an “actor slash waiter” (14:09) and one of Nicole’s potential lovers (14:22) by Marcia Clark in the beginning of the first episode, remains a mystery to the audience in terms of his life and aspirations until episode four, “100% Not Guilty,” when his father and sister, Fred and Kim Goldman, come into Clark’s office to talk:

**Marcia Clark:** *I know what you’re going through.*

**Fred Goldman:** *Do you?! Do you have a son who was murdered?! Ron is dead! And it’s like no one even cares. I turn on the TV, and it’s just “O.J. and Nicole,” “O.J. and Nicole.” It’s like Ron is a footnote...to his own murder! And if they talk about him, they make him seem like some kind of joke! It’s all so superficial. “He was a male model,” “he was a nightclub promoter,” “he ran a tanning salon” and it’s like they’re trying to tarnish him. Like...he... he was asking for it. You know what he did in his spare time? He volunteered at a clinic for children with cerebral palsy. He was a good person! He didn’t drink, he didn’t do drugs. He should be celebrated! Not...this!*

*(ACS, disc 4, episode 4, 16:54-17:57)*

However, despite the Goldman’s attempts to bring attention away from the celebrity of O.J. Simpson and towards the murder victims, their memory is lost in the theatrics of the criminal trial that dominate the remaining episodes of *American Crime Story*. In this approach, the television series fails to contribute the very elements whose lack it criticizes through the actors. The next and last time the viewers see the victim’s faces is at the very end of the last episode, “The Verdict,” when the series pays tribute to the real Nicole and Ronald (ACS, disc 4 episode 10, 01:02:16). However, while the show provides information on the main trial participants’ paths after the trial, it only displays the victims’ dates of birth and death. In an interview with ABC News, Fred Goldman criticized this very approach of *ACS* to the criminal case: “[Nicole and Ron’s] only involvement in this series is as dead bodies in the beginning and that’s the extent of the victims in this story. It’s a story primarily, as we understand it, about the attorneys” (“The People Versus O.J. Simpson’ | Real-life Players React,” 1:11-1:26). It is also noteworthy that the actors who played Nicole and Ronald on the show received little to no attention in the media after the release of the series although Kelly Dowdle and Jake Koepp’s experiences with becoming the victims by means of makeup and prosthetics, and even simply laying in the same position as the real victims were once found in, would have made for interesting and possibly thought-provoking interviews.

## O.J. Simpson

Orenthal James Simpson served as the “the organizing principle” (Schmid 12) in Judge Ito’s courtroom, and similarly to the typology of Marcia Clark and Nicole Brown Simpson, his status as a national hero needed to be juxtaposed in opposition to the proclaimed villain of the story, LAPD Detective Mark Fuhrman. Simpson’s positioning as the figurehead and established celebrity attracted an audience from the very beginning and drew people to the case by promising insight into the (dubious) life of the rich and famous. As previously alluded to, reality-based TV formats are “developed and organized around a central persona [...] who appears to be essential to the programme’s unfolding action, pace and thematic directions” (Langer 353), providing the show with a “televsual identity” (353).

O.J. Simpson rose to fame in the 1970s as a record-breaking athlete and, over the years, came to personify the “Horatio Alger myth” (Sternheimer 11), “rising from nothing to achieve great wealth through hard work and determination” (11). Being the compendium of the American Dream, Simpson’s praise, despite the double murder charges and consequent revelations in court that he had been physically and mentally abusive towards Nicole Brown Simpson, illuminated America’s meritocratic values. Another significant factor to consider is the athlete’s “prominence in diverse areas of entertainment [which] gave him the kind of visibility that television loves to recycle and repackage” (Lipsitz 8) based on its preference of intertextual engagement. As the celebrity defendant entered the proceedings with certain meanings already attached to his persona, “[t]he Simpson trial became a story that was easy to sell, in part, because it seemed to replicate so perfectly the world of commercial television and its generic conventions” (9).

According to literary scholars Hans Robert Jauss and Benjamin and Helga Bennett, there are distinct “levels of identification of hero and audience” (Jauss, Bennett, and Bennett 283). In Simpson’s case, three particular types of identification apply, explaining why so many Americans regularly followed the proceedings in court and on television. First, O.J. Simpson evoked “admiring identification” (Bell 66) for his lifetime achievements. In fact, athletes such as O.J. Simpson, who came from a poor background but rose to the top through hard work, are overwhelmingly perceived to be meritorious and deserving of all their success as “[t]hey personify the benefits of constant self-cultivation, self-monitoring, and self-transformation” (Douglas and McDonnell 40). Second, and closely interrelated to the first identification type, through “sympathetic identification” (Bell 66), viewers empathized with their hero by placing themselves in his unfortunate position. These two levels of identification with O.J. Simpson particularly applied to African American viewers who “were nearly four times as likely as whites to respond that they felt a ‘great deal’ of sympathy for the celebrity defendant” (Hunt 5). The third and less obvious type of identification between O.J. Simpson and the TV audience is “ironic modality” (Bell 67). It entails “the expectation that there will be no meaningful identification between the

[viewer] and the character/Celebrity at all” (67). The majority of white Americans, three times as likely as African Americans to respond that they felt no sympathy for Simpson (Hunt 5), subconsciously connected with the football star by consciously distancing themselves from him—hence the irony. Their opposition still made them tune in to the proceedings, although with the purpose of seeing their negative impressions of the celebrity defendant confirmed. Daniel Boorstin explains, however, that “[o]ur very efforts to debunk celebrities, to prove [...] that they are unworthy of our admiration [...] are self-defeating. They increase our interest in the fabrication” (Boorstin 75). In “Primal Curiosity,” a 1994 *New York Times* editorial on the public’s fascination with O.J. Simpson, it also read:

All literature stands as evidence that the story of murder compels, and it compels most when the protagonist is seen to have toppled from on high. The fall of the mighty was a central theme of classical Greek tragedy and medieval morality plays, and it became the spine of Elizabethan tragedy. O.J. Simpson may or may not be a “hero” to individual citizens, but as one who was given great gifts and has been brought to a grim pass by either fate or frailty, he fits the fearsome pattern that lurks in our ancestral memory. (“Primal Curiosity,” *NY Times*, 10 July 1994)

*American Crime Story* similarly portrays Simpson as a mythological figure when it presents the defense team’s trial strategy to the audience. In episode three, “The Dream Team,” Robert Shapiro assembles his colleagues to discuss their options, during which attorney and Harvard law professor Alan Dershowitz argues that relying on Simpson’s celebrity is their most calculable choice:

**Alan Dershowitz:** *Bob, you have to move fast. Your client, his goodwill, all of his popularity and accomplishments. It’s a depreciating asset.*

**F. Lee Bailey:** *What do you mean?*

**Alan Dershowitz:** *Right now, he’s sort of like this handsome, gifted Greek god laid low. It’s a tragedy, but he’s still a Greek god. The longer he sits in that cell, the more the public sees him in a jumpsuit and cuffs, the more mortal he becomes. That’s the clock we’re fighting.*  
(*ACS, disc 1, episode 3, 10:16-10:37*)

Indeed, Simpson’s prevailing image was often that of an unjustly accused man who had been targeted by the allegedly corrupt LAPD because of his celebrity; a position Simpson’s defense team promoted from the very beginning of the trial. Klapp argues that “people fashion a hero—or a villain or a fool—into a figure more to their liking, or fears. Whatever his original character, he becomes functional: he becomes what is needed in a situation” (Klapp, *Changing American Character* 13). It was for this reason that the O.J. Simpson murder trial morphed into a civil rights matter, in which the defendant merely became a means to an end to bring the racial divide in the US back to the forefront of public discussion. He provided the opportunity to construct a “na-

tional narrative" (Morrison xv), which "is born in and from chaos" (xv). Therefore, Johnnie Cochran took on the task of presenting Simpson's case through the lenses of racism and police corruption. His client's positive image and the LAPD's alleged malevolence were the main elements of Cochran's closing argument on September 27, 1995. Using visual elements to aid his client's defense, Cochran presented a videotape to the jury halfway through his argument that showed the Simpson-Brown family laughing and having fun together during a day out. While the tape was playing, Cochran narrated:

You will recognize some of the people in this videotape after awhile. Mr. Simpson kissing Denise Brown, Miss Juditha Brown, Mr. Louis Brown. Talking to a friend. That is his son Justin who he kisses, smiling and happily waving. Mr. Brown is happy. Laughing and falling down and laughing again, bending over laughing. You see that. You see that with your own eyes. [...] How does that comport with this tortured, twisted reasoning that he was angry in some kind of a jealous rage? Did he look like he was in a jealous rage to you? Your eyes aren't lying to you when you see that. Thank heaven we have videotape. (Court Transcript, 27 September 1995)

Johnnie Cochran employed the same argumentative technique many reality television producers utilize in the discussion of video authenticity. The defense attorney suggested that the images caught on camera inevitably represented the truth; the Simpson-Brown family was indeed picture-perfect and O.J. Simpson nothing but a calm and loving father. Deliberately, the attorney did not address the fact that these recordings merely captured one of many moments, a snapshot, ultimately nullifying his line of argument. Instead, Cochran relied on the technological implications to stress the credibility of the displayed video. As with the Rodney King images, the low technicity of the tape (being a private home video) of Simpson and his family suggests an "authenticity that results from its user's lack of resources to intervene in its technology" (Fiske 248). Conversely, the higher the quality, the higher the perceived risk of electronic manipulation.

In this context, it is noteworthy that Simpson's defense attorneys occasionally expressed concern over the use of the courtroom camera, pointing out that "media coverage could and would interfere with [O.J. Simpson's] right to a fair trial" (Court Transcript, 24 January 1995). Visual images were only favored when they depicted favorable circumstances and the defendant in the best light, which ties back to the observation that televised criminal trials are easily shaped to fit reality television standards; in this instance by showing home video excerpts that suited the desired story the defense wanted to relay about their client. However, it is this very combination of celebrity system and reality television that explains the ongoing success of the genre. Contrary to the long-held assumptions of communication scholars and social critics such as Max Horkheimer, Herbert Marcuse, and Theodor Adorno of

the Frankfurt School tradition that the audience's passive consumption of media content made them highly susceptible to the ideological manipulation of the latter, many media scholars now believe that reality-based formats allow viewers to "continually *ride* the belief/disbelief and fiction/reality axes but with no particular destination" (Gamson 178, emphasis original).

While the videotape was playing during Cochran's closing argument, the courtroom camera zoomed in on O.J. Simpson who was watching the footage on a monitor in front of him. He smiled happily at the sight of his children, occasionally raising his eyebrows in amused surprise ("OJ Simpson Trial – September 27th, 1995 – Part 3," 18:41). When the video presentation ended, Simpson turned his head to the right and looked at Johnnie Cochran and the jury with apparent sadness in his eyes (19:02). In this moment, the defense attorney managed to create great sympathy for his client by raising the question how the seemingly loving father and sympathetic man on the video could have brutally killed two people. Following this line of argument, the defense's accusations of police corruption became more plausible to those open to the idea.

Cochran concluded his speech by typing himself and the (overwhelmingly black) jurors as civil rights fighters and "guardians of the constitution" (Court Transcript, 28 September 1995). The following quote shall illustrate how Cochran thereby essentially implied that whoever voted to convict O.J. Simpson, voted for the continuation of police corruption:

And so as great as America is, we have not yet reached the point where there is equality in rights or equality of opportunity. [...] [T]here are still the Mark Fuhrmans in this world, in this country, who hate and are yet embraced by people in power. But you and I, fighting for freedom and ideals and for justice for all, must continue to fight to expose hate and genocidal racism and these tendencies. We then become the guardians of the constitution, as I told you yesterday, for if we as the People don't continue to hold a mirror up to the face of America and say this is what you promised, this is what you delivered, if you don't speak out, if you don't stand up, if you don't do what's right, this kind of conduct will continue on forever and we will never have an ideal society, one that lives out the true meaning of the creed of the constitution or of life, liberty and justice for all. (Court Transcript, 28 September 1995)

This approach to Simpson's defense continued throughout Johnnie Cochran's lengthy closing argument. He asked the jury to "stop this cover-up," to "stand up and show some integrity," and "to police the police," for he claimed that "[n]obody else is going to do it in this society," ultimately advising the jurors that their verdict would go "far beyond these doors of this courtroom" (Court Transcript, 28 September 1995). Notably, although O.J. Simpson stood at the center of this murder trial, his name and person were essentially absent from the most intriguing parts of



Johnnie Cochran's closing argument, indicating that the athlete merely constituted a placeholder in the social discussion of civil rights in the US as Cochran asked for jury nullification<sup>8</sup> and "racial loyalty" (Abramson 10).

O.J. Simpson himself took the opportunity in court to make a short statement in his own defense. The following example illustrates what David Shulman titles "authentication practices" (Shulman 24), whereby the actor takes steps to reinforce the credibility of his performance and persona. During the session on September 22, Simpson stood and faced Judge Ito, delivering the following speech:

Good morning, your Honor. As much as I would like to address some of the misrepresentations made [...], I am mindful of the mood and the stamina of this jury. I have confidence, a lot more it seems than Miss Clark has, of their integrity, and that they will find, as the record stands now, that I did not, could not and would not have committed this crime. I have four kids; two kids I haven't seen in a year. They ask me every week, "Dad, how much longer?" I want this trial over. Thank you. (Court Transcript, 22 September 1995)

Simpson's approach reveals that "an intelligible purpose" (Gregory and Carroll 7) is intrinsic to every speech event. The athlete relied on the presence of the camera to create a sympathetic perspective of himself and redefine his image to counteract the prosecution's accusations through a "stage managing" (Duplantier 2) process, or "thematic calculation" (Sternberg 7), to use Ernest Sternberg's words. The fact that his plea was broadcast live on Court TV to millions of viewers crucially demonstrates that "technologies of mechanical reproduction such as [television] [...] guarantee that the aura of celebrity becomes more powerful" (Schmid 12). Although his material wealth and privileges were undeniable, however, O.J. Simpson essentially aimed to write a "character narrative" (Edwards 152) for himself that suggested he was no different from the average American citizen. Gregory and Carroll speak of the "functional tenor of language" (Gregory and Carroll 53) or, more specifically in this case, the "tenor of persuasion" (53).

*American Crime Story* adeptly emulates the opposite polarities of O.J. Simpson's personality and reputation. Images of the athlete's former opulent life are repeatedly contrasted to bleak jail scenes, in which he seems discouraged and destitute. One particular example in episode four, "100% Not Guilty," substantiates this creative approach to the protagonist. Accompanied by dance group C+C Music Factory's "Gonna Make You Sweat (Everybody Dance Now)," a commercially successful pop song of the 1990s, the episode opens on a dance floor of a crowded night club. With the next jump cut, O.J. Simpson and Robert Kardashian appear on the screen,

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8 "Nullifying juries acquit a defendant they know to be guilty in order to protest either an unjust law [...] or else the unjust behavior of those enforcing otherwise valid laws." (Abramson 15)

as they exuberantly move to the beat of the music while being surrounded by scantily dressed women (ACS, disc 2, episode 4, 00:10). Quick shots of champagne bottles and drug consumption visualize the life of the seemingly carefree rich and famous (00:13). Seeking some privacy, Simpson and his entourage are then led to their own VIP section of the night club (00:36), where the partying continues. More champagne bottles and oysters on ice are brought to the table as refreshments (00:50). Medium close-up shots of the athlete wearing expensive jewelry and clothes further amplify his wealth and celebrity status (00:51). Then, with a sudden cut and fading music, the television audience is placed inside O.J. Simpson's jail cell (00:54), where a close-up shot of his grim face suggests that the viewers just quietly observed a memory of better times. In the next sequence, the camera angle switches to a birds-eye perspective (00:57) that allows the audience to directly look down at Simpson and accentuates the exiguity and insignificance of his new circumstances. Instead of savoring oysters and champagne, Simpson must content himself with prison food and water.

In court, however, Simpson's expensive clothes, the well-cut hair, and entourage of influential friends and lawyers further underlined his sophisticated public persona. During the proceedings in 1995, he was often seen scribbling notes on a yellow notepad to aid his defense team with ideas and details, pointing out weaknesses in the prosecution's arguments, thus "breaking stereotypes of black sports icons' severe inarticulateness" (Dyson 51), while the athlete's marketing as a handsome, "raceless figure" (49) further contributed to the appeal of his character. Dyson goes even so far as to say that the football icon "has long been the object of the 'safe' eroticization of black masculinity" (51), i.e., Simpson's good looks and physical prowess appealed to both black and white spectators, while Kimberlé Williams Crenshaw asserts that the "popularized image of Simpson as an icon of racial neutrality reveals the manner in which whiteness, maintained as a dominant default sensibility, is legitimized as race neutral even as the border that Simpson crosses is readily acknowledged to set apart racial spaces" (Williams Crenshaw 111). For instance, to take advantage of their client's appealing character, defense attorney Gerald Uelmen requested that Simpson be allowed to participate in the opening statement phase of his trial by directly addressing the jury himself on January 24, 1995:

What we are simply proposing is that Mr. Simpson be allowed to introduce himself to the jurors, to introduce the defense team, the lawyers who are representing him, and to simply reiterate his plea of not guilty. [...] What it really seeks to do is to focus the attention of the jury back where it belongs in the midst of all of this hoopla, and that is on the defendant who is on trial, to remind them that what is really at stake in this trial is one man's freedom. We want them to see who that man is. (Court Transcript, 24 January 1995)

Although Uelmen asked for a chance to remind the jury that "what is really at stake [...] is one man's freedom," (Court Transcript, 24 January 1995), O.J. Simpson's

celebrity and freedom were inseparable from the motion, revealing the power dynamic and assumption of moral superiority in many personal narrative performances. As Miller and Taylor suggest, “[t]he claim that it is *this* life to which we should attend, rather than some other, asserts that this life is in some way [...] worthy of others’ attention, and thus inherently more important than a ‘typical life’” (Miller and Taylor 178, emphasis original). Marcia Clark opposed Uelmen’s request by claiming that “[i]t is simply an attempt to capitalize on whatever defendant’s star appeal currently is with the jury and to get him to have close proximity with them to impress them. [...] It is only a blatant attempt to impress the jury with his charisma and star appeal” (Court Transcript, 24 January 1995).

On *ACS*, the issue of Simpson’s celebrity also repeatedly found its way into the filmic narrative as if to acquaint viewers of the athlete’s exalted status in the 1990s. In a conference meeting, for instance, Marcia Clark’s colleagues comment on law enforcement’s failure to shield Nicole Brown Simpson from domestic violence with a disparaging, “It’s the LAPD and a famous guy” (*ACS*, disc 1, episode 1, 22:35) and “he got out celebrity-style” (15:29), while District Attorney Gil Garcetti asserts that “they’re not used to grilling a star” (24:29). Likewise, Simpson’s filmic pendant repeatedly reminds his entourage of his significance in American culture, accentuating that he is “the Juice” (*ACS*, disc 2, episode 6, 29:48) who needs “lots of support from everybody” (*ACS*, disc 1, episode 1, 26:31) as he is “going through a lot here” (18:06), and the police “got the Juice in handcuffs” (26:12). His nickname carried a variety of positive attributes that, although not laid down in writing, universally defined the public image of Orenthal James Simpson. In the television series, the athlete even initially vehemently opposed a defense strategy based on his race, arguing that he was not black; he was O.J. (*ACS*, disc 1, episode 3, 24:16; disc 2, episode 5, 40:29). Indeed, the significance of the defendant’s popularity is introduced within the first three minutes of the television series. Chauffeur Alan Parker, who is supposed to take the former football player to the airport, is so impressed by Simpson’s star appeal at their first meeting that he feels the need to clarify: “Mr. Simpson, I’ve got to apologize if I was staring, before. I’ve never picked up a celebrity” (*ACS*, disc 1, episode 1, 02:20). Simpson is understanding and offers the driver a reassuring smile and personal anecdote: “I remember the first famous person I ever met: Willie Mays. Boy, did that blow my mind. He was so great. I was just a kid, but it made me go, ‘That’s what I wanna be, when I grow up’” (02:20). When Detectives Fuhrman, Lange, and Vanatter arrive at Rockingham and enter the mansion a few hours later, they observe that Simpson’s house is full of awards memorabilia and photos—placed on the tables, the chimney, and the walls—that tell of his success and achievements. The interior is a warm beige and creates the illusion that everything inside the house is made of gold (08:51).

In episode four of the television series, “100% Not Guilty,” the creative team behind *ACS* provided Johnnie Cochran with a lengthy monologue, during which he re-

minds his client and the television audience of the meritorious position O.J. Simpson held in American society:

Have you forgotten who you are? These walls around you don't change that. You know what you mean to people? [...] Okay, then let me tell you what you were once to me. 1978. [...] I'm a failure at work, I'm a failure at home. I was down, brother. I was way down. Sunday, sitting on my bed, surrounded by dead-end paperwork and divorce lawyer bills, drinking beer [...], feeling sorry for myself, watching a football game all alone, crappy TV. 49ers versus the Falcons. What I saw you do on that field that day, somehow, as I was watching, it became as if you were running for me. Driving up that field, crowded with adversity and obstacles, getting knocked on your ass and then popping right back up again. See, that's what I wanted to do out there on them streets, back home with my troubles there but couldn't. But you, [...] you willed what you needed to do into being with nothing but grace. [...] And when they cut away to the commercial, there you were again, leaping through the airport for Hertz, breaking another barrier with charisma, humor, intelligence. A black man as the public face for one of the world's biggest corporations. [...] And when the game was over, I got the hell up off that bed and jogged the six blocks back to my office and got right back to work and haven't stopped and wallowed in self-pity since that day. You did that for me. [...] You are O.J. Simpson, and you are an inspiration. [...] You're a man who loves people, who people love right back. That's you. You're a fighter. You're a runner. And when you get knocked down, I need you to pop right back up like you know you can and keep going, because this right here, this right here, O.J. Simpson, is the run of your life. (ACS, disc 2, episode 4, 05:52)

The prosecution aimed to confute the defense's positive image of Simpson and paint another picture of him instead; namely that of a violent and controlling wife beater. In the case of O.J. Simpson, that task was particularly challenging because

[i]n a typical trial, a picture of the hitherto anonymous defendant is constructed from scratch for the jury, largely on the basis of character witness testimony. In the Simpson case, however, the prosecution were faced with the unenviable task of first *deconstructing* the prevailing, and overwhelmingly *positive*, image of Simpson before they could *reconstruct* him as a credible double murderer. (Cotterill 14, emphasis original)

In addition, "Simpson chose *not* to take the stand, leaving his pre-trial status and image relatively intact" (15, emphasis original). The athlete's celebrity status and popularity among Americans was so strong that the prosecution even decided against pursuing the death penalty in his case, admitting that "*no* jury, however successfully empaneled, would be likely to sentence Simpson to death by lethal injection" (21, emphasis original). A juror's admission that he felt "almost shy about looking at him

directly” (Knox 117) further clarifies the continuous popularity and charisma of the celebrity defendant.

Nevertheless, prosecutors Christopher Darden and Marcia Clark attempted to crack the positive façade and bypass the favorable “symbolic register” (Andrejevic 200) assigned to the person they believed had killed two people in cold blood. This concept of “symbolic efficacy” (Žižek 200), as termed by Slavoj Žižek, suggests that symbolic evidence oftentimes defeats our direct experience, when “the symbolic mask-mandate matters more than the direct reality of the individual who wears this mask and/or assumes this mandate” (323). Thus, Darden and Clark aimed to first surpass Simpson’s insignia of the American hero before they could provide the rational facts of the murders. During his opening statement, Darden repeatedly referred to the defendant’s “other face” (Court Transcript, 24 January 1995), i.e., his secret identity which existed in complete contradiction to the polished public persona everybody knew:

Do you know O.J. Simpson [?] We’ve seen him play football for USC. [...] We watched him win the Heisman Trophy. He may be the best running back in the history of the NFL. We watched him leap turnstiles and chairs and run to airplanes in the Hertz commercials and we watched him with a 15-inch afro in *Naked Gun 33-1/2* and we’ve seen him time and time again and we came to think that we know him. What we’ve been seeing, *Ladies and Gentlemen*, is the public face, the public persona, the face of the athlete, the face of the actor. It is not the actor who is on trial here today, *Ladies and Gentlemen*, it is not that public face. [...] When we look upon and look behind that public face, the public face of the man who sits here in court today, you’ll see a different face. And the evidence will show that the face you will see and the man that you will see will be the face of a batterer, a wife beater, an abuser, a controller. You’ll see the face [...] of Ron’s and Nicole’s murderer. (Court Transcript, 24 January 1995)

Exemplified by O.J. Simpson, Orrin Klapp points out “that a person need not *actually* possess the traits or perform the roles which make him a hero, villain or fool” (Klapp 59, emphasis original) and that “[i]t is quite possible that an individual may begin as one type in the popular mind and develop into something opposite” (59). Journalist and media critic Walter Lippmann was already aware of the distinction between the public and the private self when he wrote in 1922:

Great men, even during their lifetime, are usually known to the public only through a fictitious personality. Hence the modicum of truth in the old saying that no man is a hero to his valet. [...] Royal personages are, of course, constructed personalities. Whether they themselves believe in their public character, or whether they merely permit the chamberlain to stage-manage it, there are

at least two distinct selves, the public and regal self, the private and human. (Lippmann 5)

In hindsight, O.J. Simpson's positive image prevailed in court; a fact *The New York Times'* David Margolick acknowledged seven months into the trial in his article, "Evidence is Powerful, but He's Still O.J.:"

To most legal experts, the prosecution has produced the mountain [of evidence] it promised [...]. But as the state concluded its case on Thursday, there were questions as to whether that mountain was big enough, partly, the experts said, because the reservoir of good will still looked intact, even replenished. (Margolick, *NY Times*, 8 July 1995)

In his *New York Times* bestseller, *Another City, Not My Own*, author and journalist Dominick Dunne put it even more bluntly: "This jury could have watched a videotape of Simpson, knife in hand, slitting the throats of Nicole and Ron, and the verdict would have been the same" (Dunne 354). Dunne's remark is not as sarcastic as it initially appears. Footage from the time of the trial shows people standing outside the courtroom, holding up signs that read: "GUILTY OR NOT WE LOVE U OJ" (*O.J.: Made in America*, disc 2, 1:31:26). Simpson had the advantage of "media immortality" (Penfold-Mounce 168), i.e., "his existence as a media superstar [...] outweighed the facts assembled against him" (168). In *The Run of His Life*, Jeffrey Toobin concluded that

[a]lmost from the day of Simpson's arrest, his lawyers sought to invent a separate narrative, an alternative reality, for the events of June 12, 1994. This fictional version was both elegant and dramatic. It posited that Simpson was the victim of a wide-ranging conspiracy of racist law enforcement officials who had fabricated and planted evidence in order to frame him for a crime he did not commit. (Toobin 11)

In many ways, O.J. Simpson illustrates the antinomy of the American star system. On the one hand, it profits from and actively relies on the notion of ordinariness and luck to suggest that fame is accessible to anyone, as did O.J. Simpson when he downplayed his celebrity for empathy. On the other hand, the system rewards extraordinariness and talent and insists on hard work and dedication for recognition (Dyer 42). Simpson selling autographs on footballs and pictures from his football days from his prison cell is a notable example of how he relied on his established celebrity for income. His longstanding persistence in popular culture is what made him a distinct personality instead of a mere abstract avatar (Klapp, *Changing American Character* 13). Klapp's theory of communal typing further helps explain this phenomenon. The sociologist argues that social types "are created and assigned by collective processes. A man can act in any way that he will, but only a group can make

him a hero, villain or fool” (Klapp 57). One could argue that O.J. Simpson’s metonymy with a hero was ultimately a crucial element in his defense and acquittal.

### Mark Fuhrman

Villains are “figures of evil, who tend to counter-moral actions as a result of an inherently malicious will. Despite human form, they are at heart monsters, hated and shunned as enemies of social organization, of the good, and of the weak” (Klapp 58). In the O.J. Simpson case, LAPD Detective Mark Fuhrman polarized as the antagonist of the story, or the “authorized media hate figure” (Hill, “Reality TV Experiences” 125). The country’s repulsion against everything that was wrong in the US concentrated on one person. His typing as an oppressor, corrupter, and racist in court, the media, and the court of public opinion provided an opportunity for Americans to “safely express negative feelings in a managed environment” (126). Fuhrman’s story is a telling example not only of the destructive power of media overexposure and its role in altering socio-cultural communication but also of the collective and systematic nature of the typing process. In this regard, Orrin Klapp distinguishes between two major phases: the “dramatic-personal” (Klapp, *Changing American Character* 7) and the “collaborative-structural” (7). The latter phase is conclusively illustrated in Fuhrman’s stigmatization as a racist. According to Klapp, every society maintains “a stock of type images” (7) that, in their totality, constitute an entire typing system. Due to America’s history of slavery as well as social and institutional racism, the role of the racist is part of “a milieu that is distinctly American” (7). Hence, the system that people work together to maintain, Klapp notes, “gives a flavor to our life, our values, our problems, and our world. If properly interpreted, it is a key to our national character” (7) and can even be understood “as a kind of photograph, though abstract, of what people have been doing [at a particular time]” (8).

While entertaining for outsiders, the one-sided labelling of reality TV contestants—and by extension trial participants—has lasting implications with regards to status, influence, and public treatment and can complicate their lives during and after the respective show in various and often serious ways. Over the years, and with the rising popularity of the reality genre, numerous accounts have surfaced documenting the damaging effects of this type of selective reporting; from forced exposure of personal secrets, to threats, verbal and/or physical attacks, (cyber) bullying of contestants and unfounded work dismissals, which individually or collectively, often contributed to the development of mental illnesses and suicidal thoughts or actions (Huff 158). The often harsh and judgmental reaction from the public to certain contestants can be attributed to the audience’s inability to distinguish between the selectively highlighted character traits of the non-actor they see on their favorite show and the person that emerges once the cameras are off and the pressure to perform is reduced. In fact, audience research revealed that “while audiences are at times positioned to admire, root for, and identify with reality stars [...], they are more often po-

sitioned to experience relationships with reality celebrities marked by feelings such as pity, judgment, and hate" (Wilson 428). Vilification becomes a collective ritual that allows "us to live our own vengeful feelings for people who we perceive as having wronged us personally" (Christian 61) and "in which at the same time common values are affirmed and potentially disruptive hostilities are sublimated by scapegoats" (Klapp 62).

In the case of Mark Fuhrman, it was O.J. Simpson's defense team in particular who actively contributed to the negative image of the detective. F. Lee Bailey, for instance, publicly compared him to Adolf Hitler during a press conference on March 11, 1995, and "promised that he would perform the most 'annihilating, character-assassinating' cross-examination ever" (Fuhrman 243) as soon as Fuhrman took the stand. The *leitmotiv* of Johnnie Cochran's closing argument was that the detective represented the incarnation of Satan. He epitomized pure evil and was called a "devil of deception" (Court Transcript, 28 September 1995) as well as a "demon of evil" (Court Transcript, 28 September 1995). Cochran labelled Fuhrman "a lying, purging, genocidal racist" (Court Transcript, 27 September 1995) and "a corrupt police officer who is a liar and a perjurer" (Court Transcript, 27 September 1995).

Even before Fuhrman "bec[a]me a universal symbol of police bigotry and brutality, the epitome of the rogue cop" (Butterfield, *NY Times*, 2 March 1996), there were media reports suggesting that he was a racist. In its July 25, 1994 issue, *The New Yorker* published a story by Jeffrey Toobin, called "An Incendiary Defense," reporting that "Mark Fuhrman's motivation for framing O. J. Simpson [was] racism" (Toobin, *New Yorker*, 25 July 1994). In his article, the author offered his readers a short biographical profile of Fuhrman, partly reading:

In 1970, Fuhrman joined the Marines. He served in Vietnam, as a machine gunner, and he thrived in the service until his last six months there. As Fuhrman later explained to Dr. Ronald R. Koegler, a psychiatrist, he stopped enjoying his military service because "there were these Mexicans and niggers, volunteers, and they would tell me they weren't going to do something. (Toobin, *New Yorker*, 25 July 1994)

Toobin's explicit use of the severely derogatory term 'nigger' had great effect. His story was widely circulated and established an early junction between the LAPD detective and racial epithets in cold print. Klapp argues that a connection between people and their public vilification often happens by accident through "an unfortunate episode that link[s] them with a villain type in the popular mind" (Klapp, *Changing American Character* 65). With regard to reality television, Ouellette and Murray argue that although the notion of the real is often used as the main selling point on reality-based programs, the genre likewise "distances itself from the deliberation of veracity and the ethical concerns over human subjects" (Murray and Ouellette 4) that



are characteristic and expected from other TV genres such as documentaries, for instance.

It is noteworthy that Mark Fuhrman's social typing as a villain consolidated over the course of the lengthy criminal trial. In fact, the detective reportedly made a positive first impression when he took the witness stand for the prosecution on March 9, 1995, and initially lived up to his reputation as their "star witness" (Fuhrman 255):

In the flesh, Mark Fuhrman was an imposing figure, a muscular six foot three inches, the first man in the courtroom who appeared a physical match for the defendant. He fit perfectly into his blue suit, and his white shirt and red-print tie made a handsome match to his freshly cut dirty-blond hair. The room perked up when Fuhrman walked in, and even O.J. Simpson [and his defense team] looked a touch startled by the detective's commanding physical presence. (Toobin 312–313)

Fuhrman appeared serious and completely focused on the questions at hand. When witness-examined by Marcia Clark, he answered her questions precisely and professionally. For instance, when Clark inquired whether the detective "knew someone or met someone by the name of Kathleen Bell" (Court Transcript, 9 March 1995), he did not simply answer the main, underlying question whether he knew a woman by the name of Kathleen Bell, but instead correctly stated: "Yes, I can tell you, I did not" (Court Transcript, 9 March 1995). During his testimony, Fuhrman also calmly criticized the media's focus on him as a private person, while disregarding important facts about the case, saying: "Since June 13, it seems that I have seen a lot of evidence ignored and a lot of personal issues come to the forefront. I think that is too bad" (Court Transcript, 9 March 1995). He appeared to be an earnest civil servant who was subjected to unwarranted personal attacks.

Marcia Clark's sympathy for her star witness was ephemeral, however, and she decided to prove that the detective was not a racist by portraying him as a star-struck and ignorant policeman, which can be perceived as equally defamatory. In late 1985, while working as a patrol officer, Fuhrman responded to a family dispute at Simpson's Rockingham estate. He observed "a black male pacing on the driveway and a white female sitting on a vehicle crying" (Fuhrman 187). It was later established that O.J. Simpson, while in a rage, had smashed the windshield of Nicole's Mercedes-Benz with a baseball bat. Brown Simpson had refused to make a report, however, and so the officer simply left the scene (187). During her direct examination of Mark Fuhrman, Marcia Clark addressed the 1985 incident, posing a number of questions that were meant to illustrate that the detective did not hold a grudge against the defendant but had rather liked and admired Simpson; there was thus no reason for him to frame the accused. Instead, it appeared as if Fuhrman was a cold-hearted person who had abandoned a scared and vulnerable victim of domestic violence:

**Marcia Clark:** *Did you attempt to persuade her to seek prosecution for the incident?*

**Mark Fuhrman:** *No.*

**Marcia Clark:** *Could you have done so?*

**Mark Fuhrman:** *Yes.*

*[...]*

**Marcia Clark:** *Could you have padded the defendant down after that incident?*

**Mark Fuhrman:** *I believe, considering the call, yes, I could have.*

**Marcia Clark:** *Did you?*

**Mark Fuhrman:** *No.*

**Marcia Clark:** *Could you have asked for his identification as a result of that incident at that time?*

**Mark Fuhrman:** *Absolutely.*

**Marcia Clark:** *Did you?*

**Mark Fuhrman:** *No.*

*[...]*

**Marcia Clark:** *Could you have called your supervisor to come and further investigate the incident?*

**Mark Fuhrman:** *Yes.*

**Marcia Clark:** *Did you?*

**Mark Fuhrman:** *No, I didn't.*

*[...]*

**Marcia Clark:** *Could you have insisted on some further follow-up of that incident?*

**Mark Fuhrman:** *I could have, yes.*

**Marcia Clark:** *Did you?*

**Mark Fuhrman:** *No.*

*(Court Transcript, 9 March 1995)*

Marcia Clark then wanted to expound to the jury why Fuhrman had not forgotten an incident that had happened so many years ago. Fuhrman stated: "Well, I had never been to a celebrity's home before on a family dispute. Mr. Simpson was a very famous man, and once I walked in, I recognized him. And those two things would make it a memorable incident" (Court Transcript, 9 March 1995). Although aimed to do the opposite, Clark's questioning damaged Fuhrman's reputation even further, because it proposed that not only had Mark Fuhrman not cared enough about Nicole Brown Simpson's well-being to further investigate the domestic dispute, but he had apparently not done so because he was aware that a celebrity was involved.

The prosecution, or more specifically Marcia Clark, decisively denied any remaining amicable feelings towards Mark Fuhrman as soon as the Fuhrman tapes became public. Similar to Johnnie Cochran's closing statement, Clark took a harsh stand against the detective who, at one point, had been "one of the best police witnesses [she had] ever seen" (Fuhrman 255). In her closing argument on September

26, 1995, the prosecutor said she understood if the jury felt “angry and disgusted with Mark Fuhrman” (Court Transcript, 26 September 1995) because “we all are” (Court Transcript, 26 September 1995). She thereby undermined the credibility of one her most important witnesses and helped spread the defense team’s derision of the detective. More emphatically and aggressively, she continued:

Let me come back to Mark Fuhrman for a minute. Just so it is clear. Did he lie when he testified here in this courtroom saying that he did not use racial epithets in the last ten years? Yes. Is he a racist? Yes. Is he the worse LAPD has to offer? Yes. Do we wish that this person was never hired by LAPD? Yes. Should LAPD have ever hired him? No. Should such a person be a police officer? No. In fact, do we wish there were no such person on the planet? Yes. (Court Transcript, 26 September 1995)

Although the prosecution and the defense rarely agreed on anything, they found common ground in Mark Fuhrman’s epitome of the ultimate evil in the Simpson story. Klapp describes this “dialectic of role-imputation” (Klapp 59) as “a competition of claims, charges, guesses, suspicions, rumors, and refutations from which the public selects those which seem most true, apt or socially useful” (59–60). In other words, when public figures such as Mark Fuhrman or O.J. Simpson display conflicting images to the collective, the latter strives to reach unanimity in typification, which explains why complex characters are often reduced to simplified and unilateral figures in the popular mind.

According to Klapp, “the aim [of vilification] is essentially to reduce and destroy villains in status and person” (60). Indeed, the unwanted fame had dire consequences for the former homicide detective and his family, and ultimately, the murder case. In the aftermath of the trial, jurors admitted that Fuhrman’s negative characterization raised doubts in the forensic evidence; the very evidence the prosecution heavily relied on for their trial strategy. In *Heroes, Villains, and Fools*, Klapp also asserts that the villain’s treatment generally involves, among other things, “shaming, ostracism, stripping of rank, [...] removal of civil rights, [...] [and] branding” (60). Mark Fuhrman’s personal and professional reputation was damaged beyond repair, and he was forced into early retirement. After being convicted on a perjury charge, Fuhrman also lost, among other things, the right to vote. The former detective and his family moved out of Los Angeles to escape the media reporters that daily staked out in front of their home. As Boorstin writes, “[t]he very agency which first makes the celebrity in the long run inevitably destroys him. He will be destroyed, as he was made, by publicity” (Boorstin 63). Although his life has since returned to a certain level of normality, Mark Fuhrman’s story is a prime example of how specific roles are actively attributed to participants in both traditional reality shows and televised criminal trials, often beyond an individual’s power to object or influence the outcome.

*American Crime Story* mirrors the gradual vilification of the LAPD detective. Similar to the first positive impression he made on the witness stand in 1995, Fuhrman is introduced as a professional and capable investigator in the series. In the first episode, “From the Ashes of Tragedy,” he is the first detective to step onto the crime scene, and without wasting time on trivialities, inquires about the state of affairs at South Bundy Drive (ACS, disc 1, episode 1, 04:42). His facial expressions remain vocally unchanged as he inspects the dead bodies, immediately searching for clues and drawing first conclusions (05:07). The TV series also confutes any accusations that Fuhrman planted several drops of Simpson’s blood in and on the Ford Bronco, for they are revealed to the audience before the detective could have any opportunity to place them on the vehicle (06:42). Where ACS remains noncommitted, however, is the discovery of the bloody leather glove on Simpson’s Rockingham estate. While it is Brian Kaelin who leads the detective to the location where the evidence is found by the investigator, the scene when Fuhrman points his colleagues Tom Lange and Phillip Vannatter to the important item leaves room for speculation and distrust, for Kaelin is suddenly absent and does never confirm that he saw the leather glove on the floor prior to Fuhrman (10:08).

Further potentially incriminating information on Mark Fuhrman is subsequently introduced over the course of the following episodes and solely through hearsay. Robert Shapiro, for instance, leaks confidential records of the detective’s psychiatrist to Jeffrey Toobin (ACS, disc 1, episode 3, 19:55) and thereby influences the audience’s idea of the investigator’s personality, while Alan Dershowitz asserts that the detective is “damaged goods” (ACS, disc 2, episode 5, 06:52). As a consequence of this approach, ACS suggests that the vilification of the detective was less about his personal disposition and more about his synoptic value in Simpson’s defense. In episode five, “The Race Card,” the audience finally encounters the detective again during an interview with Christopher Darden. In contrast to the characterizations provided by Simpson’s defense team, Fuhrman appears polite and professional as he converses with the prosecutor (ACS, disc 2, episode 5, 09:37). When Darden asks him to describe himself on the witness stand, Fuhrman answers with a composed assertion of “pretty comfortable” (09:52), which is then further corroborated in episode six, “Marcia, Marcia, Marcia.” It is March 9, 1995, the day of Fuhrman’s witness examination by the prosecution. His entrance into the courtroom is accompanied by the trip hop<sup>9</sup> sound of Portishead’s “Sour Times.” The downtempo song of the English band is reminiscent of a James Bond movie soundtrack. There is a flair of coolness and masculinity in the music that highlights the self-confidence Fuhrman initially displayed. As the volume of the track increases, the camera

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9 Trip hop is a “style of dance music, usually slow in tempo, that combines elements of hip-hop and dub reggae with softer, more ambient sounds.” (<https://en.oxforddictionaries.com/definition/us/trip-hop>)

takes the audience inside an elevator, creating the illusion of standing behind the detective by revealing nothing but the back of Fuhrman's head and parts of his shoulders (ACS, disc 2, episode 6, 34:52). The next shot captures on his clenched fists, suggesting that Fuhrman is ready to fight whatever lies on the other side of the elevator doors. He exits on the ninth floor, accompanied by two other policemen who are standing to his left and right. The camera is positioned behind all three men, and the audience figurately walks along with them. Mark Fuhrman passes the courthouse security check unobstructed, and the doors of the antechamber are immediately opened by two bailiffs as he approaches (35:07). All the while, "Sour Times" plays in the background of the scene, in sync with the detective's unwavering steps. It is only when Fuhrman enters the main courtroom that the camera finally shows his face: he looks determined and focused (35:16), looking up, but at no one in particular. Without any words of greetings, Fuhrman passes Marcia Clark and Christopher Darden, walks to the witness stand, and raises his right hand to be sworn in while the prosecutors attentively follow their star witness with their gaze (35:33). Portishead's "Sour Times" fades out as the scene is concluded with a black screen (35:37).

Compared to the Court TV footage, there are two noteworthy observations to be made about the filmic adaptation. Mark Fuhrman did indeed walk into the courtroom self-confidently, very similar to the portrayal on *American Crime Story*. However, he seems much colder and arrogant in the series, which can be partly credited to the background music and him not acknowledging anyone before taking the witness stand. Conversely, Court TV's footage reveals that Mark Fuhrman stopped at the prosecution table and exchanged pleasantries with the attorneys. Marcia Clark even gave him a friendly smile ("OJ Simpson Trial – March 9th, 1995 – Part 2," 12:57). From a macro-analytical perspective, however, Mark Fuhrman's initial positive impression has little impact on his overall portrayal as a racist. Any potential sympathy for the detective is diminished at the end of the fifth episode that concludes with a visually persuasive close-up shot of Fuhrman's collection of World War II memorabilia, including a militaria order from the Third Reich (ACS, disc 2, episode 5, 49:20). Not coincidentally, this particular scene is musically accompanied by "Die Meistersinger von Nürnberg," an opera composed by the pioneering German melodist, Richard Wagner, to implicate the LAPD detective.

### Brian "Kato" Kaelin

In *Heroes, Villains, and Fools*, Klapp further establishes: "If the villain opposes the hero by exaggerated evil traits, the fool does so by weaknesses, his *metier* being failure and fiasco rather than success" (Klapp 58, emphasis original) as he "fall[s] ludicrously below standards of intelligence, courage, and grace" (58). What the fool is to Klapp, the "faulty person" (Goffman, *Communication Conduct* 260) is to Goffman: "[I]n any community there seem to be some individuals who bring offense and dysphoria to

almost every interplay in which they participate, causing others to feel ill at ease whether or not the offenders themselves are embarrassed” (260).

In the 1990s, Brian Kaelin was an actor with moderate success who became an overnight celebrity when he testified for the prosecution during the Simpson trial.<sup>10</sup> While the other trial participants were presented in a serious manner, Brian Kaelin, colloquially referred to as “Kato,” was labelled the “loopy blonde slacker dude” (Boren, *Washington Post*, 20 July 2017) or the “glassy-eyed seemingly stoned surfer dude who lived in Simpson’s guest house” (Hirschberg 43). He was accused of being a freeloader and frequently mocked for living at Rockingham rent-free, pursuing the hopeless dream of a successful acting career. However, it was not only the circumstances under which and how Kaelin lived that caught the public’s attention but also his overall behavior and manner of speaking. Even the actor’s outward appearance suggested that he was used to more casual settings and not courtrooms, where stern lawyers argued in homicide cases. On March 21, 1995, the day Kaelin took the witness stand, he seemed nervous, as he fumbled with the microphone (“OJ Simpson Trial – March 21st, 1995 – Part 2 (Last part),” 48:33), twisted his mouth, silently clicked his tongue (48:37, 51:38), and squirmed on his chair (48:50). Two days later, the camera captured Kaelin casually applying lip balm in the middle of witness examination (“OJ Simpson Trial – March 23rd, 1995 – Part 1,” 15:36). Orrin Klapp titled this type of ‘fool’ the “naïve newcomer” (Klapp, *Changing American Character* 70) because his gawky behavior arises from an unfamiliarity with certain situations. In court, despite his obvious anxious state, Kaelin answered Marcia Clark’s question whether he was nervous about testifying with “feeling great” (Court Transcript, 21 March 1995), which caused laughter in the courtroom. Apparently worried about being reprimanded by the judge for his answer, the actor quickly added: “Little nervous” (Court Transcript, 21 March 1995). A few days later, Clark, who was frequently irritated by her witnesses’ behavior, questioned him about his trip with Simpson to McDonald’s on the night of the murders. Once again, Kaelin was cause for giggles in the courtroom:

**Marcia Clark:** *You invited yourself to go with him [O.J. Simpson]?*

**Kato Kaelin:** *Yes.*

**Marcia Clark:** *And what was his response to that?*

**Kato Kaelin:** *“Sure.”*

**Marcia Clark:** *Did he seem real excited to have you come?*

*[spectators laugh]*

*[...]*

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10 In June of 1994, Kaelin was living in Simpson’s guest house and saw and talked to the accused on the night of the murders. Brian Kaelin testified that on June 12, 1994, around 9 p.m., O.J. Simpson and he went out to McDonald’s. About an hour after returning to the guest house, Kaelin heard three loud thumps in the area where the police later found the right bloody glove. His testimony helped the prosecution establish a timeline for the night of the murders.

**Kato Kaelin:** *Wouldn't you?*

*(Court Transcript, 22 March 1995, "OJ Simpson Trial – March 22nd, 1995 – Part 1")*

Judging by the video footage, Kaelin was initially taken aback by Clark's inquiry, considering her dry manner of questioning which appeared to implicate that O.J. Simpson could not have possibly enjoyed his company; an indication that was not lost on the spectators. The actor's response was hence an effort to lighten the situation and stand up for himself by using humor as a "corrective strategy" (Shulman 26) and "defensive practice" (26) in an attempt to save face. However, since Kaelin had already been attributed the role of the fool or class clown, the spectators felt comfortable laughing about Clark's line of questioning and the witnesses' response. Later, his testimony was characterized as "imprecise and inarticulate" (Margolick, *NY Times*, 28 March 1995) in the media. The *Chicago Tribune* published an article about a "confusing" and "entertaining" and "shaggy-haired" Kato Kaelin:

Some called it calculated confusion, others called it a world-class case of nerves. Many simply called it "Kato speak." Whatever the reasons behind the manner Brian "Kato" Kaelin displayed as a witness in the O.J. Simpson murder trial last week, the fledgling actor was anything but, well, precise. Often befuddled, usually rambling and frequently funny, Kaelin led prosecution and defense attorneys along sometimes tortuous paths as they questioned him about his relationships with Simpson and his former wife Nicole. (Schodolski, *Chicago Tribune*, 26 March 1995)

Essentially, Kaelin's behavior stood out so strikingly due to the circumstances in which the interactions took place. Courtroom proceedings constitute "extreme frontstages" (Collins, "Theoretical Continuities" 56), i.e., they are subject to highly formal structures which govern the communication that takes place within a particular frame. Hence, "there is a pre-planned set of slots in which certain speech acts are supposed to take place" (56). For instance, witness testimonies are generally understood as a continuous transition between precise questions and answers. Joking, circumlocutory responses, or the addressing of anyone apart from the interrogator are considered forms of "frame-breaking" (56) or "performance failures" (56), making the witness vulnerable to embarrassment, as was the case with Kato Kaelin. His quirky and restless character stood out even further as the direct examination progressed. In the very beginning, for instance, Marcia Clark tried to establish the connection between Kaelin and Nicole Brown Simpson for the jury, but the witness seemed to have trouble understanding or answering the prosecutor's questions:

**Marcia Clark:** *Did you get involved in some kind of romantic relationship with her [Nicole]?*

**Kato Kaelin:** *Did I?*

**Marcia Clark:** *Did you?*

**Kato Kaelin:** No.

**Marcia Clark:** Did you become friends?

**Kato Kaelin:** Yes.

**Marcia Clark:** Did you have occasion to see her again after you met her in December of 1992 in Aspen?

**Kato Kaelin:** Yes. I saw her again in Aspen.

**Marcia Clark:** In Aspen?

**Kato Kaelin:** Oh, throughout the trip, yes, and then after that also.  
(Court Transcript, 21 March 1995)

A few minutes later, Clark and Kaelin commenced discussing the doors of Nicole's condominium on Gretna Green (where she had lived before moving to Bundy Drive). The witnesses' testimony was so incoherent that even the prosecutor got confused. In addition, Kaelin's excessive hand movements while demonstrating the layout of the house ("OJ Simpson Trial – March 21st, 1995 – Part 2 (Last part)," 51:56) and his insinuated opening of doors via doorknobs (52:27) successfully distracted from line of questioning:

**Marcia Clark:** And can you describe for us the layout of that house on Gretna Green?

**Kato Kaelin:** Okay. Umm, want me to start from the driveway?

**Marcia Clark:** Actually – well, we don't have to be that specific.  
[...]

**Marcia Clark:** Is there a rear entry into the house?

**Kato Kaelin:** At the side and a rear, two rear that would go to the kitchen and one goes to a den and one goes to a bedroom in the back.

**Marcia Clark:** In the back?

**Kato Kaelin:** Right.

**Marcia Clark:** So are there three entrances in – besides the front door, are there three other entrances to the house?

**Kato Kaelin:** Four.

**Marcia Clark:** Four.

**Kato Kaelin:** There's a side door in the front that goes to the kitchen.

**Marcia Clark:** Okay.

**Kato Kaelin:** You walk to the back, then you have the back doors to the kitchen, the you have the back double doors to the den and then there's another bedroom that has double doors also.

**Marcia Clark:** Okay. What kind of doors are those?

**Kato Kaelin:** Like French doors. They're double doors.

**Marcia Clark:** All of the ones in the back there are—

**Kato Kaelin:** No. Oh, yes.

**Marcia Clark:** Are they?

**Kato Kaelin:** Except the one in the front kitchen. It's a single door.



**Marcia Clark:** *Well, do you mean the side door to the kitchen, that's a single door?*

**Kato Kaelin:** *Side door.*

**Marcia Clark:** *Is that a yes?*

**Kato Kaelin:** *Yes. That's a yes.*

*(Court Transcript, 21 March 1995)*

After the proceedings, Brian Kaelin repeatedly expressed his surprise with the public's interest in his person. In an article for the *Los Angeles Times*, he wrote:

One day I was a struggling actor, and the next day, the media flexed their muscle and I became a celebrity, a pariah, the world's most famous house guest, a traitor, a dummy, a liar, a freeloader and even an assassin's target. Never has a man done so little to be recognized by so many. (Kaelin, *LA Times*, 6 June 2014).

Kaelin's personal observation coincides with the findings of media scholar Neal Gabler who points out that “[t]he great unspoken egalitarianism of celebrity [is] that because it [is] *human* entertainment, one [doesn't] necessarily need any talent to attain it. All one really need[s] [is] the sanctification of the television camera” (Gabler 187, emphasis original).

*American Crime Story* supports the actor's view on his own celebrity status and repeatedly confirms his social typing as a fool. During his first encounter with the police in the Simpson case, for instance, Kaelin is immediately asked whether he is under the influence of any substance due to his confused state of mind and stammering (ACS, disc 1, episode 1, 08:09). Later in episode one, “From the Ashes of Tragedy,” as Simpson is raging over media reports of his potential involvement in the murders, Kaelin disjointedly inquires, “Juice, you need juice?” to which the athlete angrily responds, “Kato, cut that shit out!” (25:21). Indeed, the relationship between O.J. Simpson and his houseguest as portrayed in the television series appears to be unbalanced and manipulative. In fact, Simpson only displays any benevolence towards the aspiring actor when it benefits his agenda:

**O.J. Simpson:** *Kato, you like them burgers, huh?*

**Kato Kaelin:** *Oh, I love them.*

**O.J. Simpson:** *You told the cops you and I went out for burgers last night, right?*

**Kato Kaelin:** *Hmm? Yeah. Mm-hmm.*

**O.J. Simpson:** *You did, huh?*

**Kato Kaelin:** *Yeah, yeah.*

**O.J. Simpson:** *Good. 'Cause that's what happened.*

*(25:43-25:56)*

While Simpson's behavior towards Kaelin can be interpreted as condescending, other people connected to the actor express adulation and flattery in the television series. During a jog with a friend along Venice Beach, for instance, a friend of

Kaelin's titles him "a total pussy magnet" (*ACS*, disc 1, episode 3, 25:28). The latter admits that the unprecedented interest in his life is "crazy" and "ever since this stuff," his beeper has "been going off 50 times a day. TV shows, girls, agents, managers" (25:29). As if on command, a group of young women sitting in a convertible passes the runners, screaming Kaelin's name and parolés of "We love you" while exposing their breasts to him (25:51). On episode six, "Marcia, Marcia, Marcia," a Court TV viewer also laments the absence of the actor in court, suggesting that "they should bring Kato back on the show. He was so great" (*ACS*, disc 2, episode 6, 37:34). Albeit Kaelin's relatively short screen time on *American Crime Story*, his example vividly illustrates the celebrification of ordinary people and further welds traditional reality television with fictional adaptations of factual events through the transmission of identical messages.

### Judge Lance A. Ito

Judge Lance Ito's social typing represents the other side of the figurative coin of being labelled a fool or faulty person. While Brian Kaelin succeeded in profiting from his participation in the Simpson trial, Judge Ito's involvement ended in the losses of "a respected public image and judicial advancement" (Hayslett 9), stemming "from the synergism of the public and the media" (9). Jerrienne Hayslett, Ito's trial court director of public information and media liaison at the time of the trial, wrote a book on the supposed injustices committed against the judge by the media, "the jackals" (23), as well as the defense and prosecution team. Indeed, Ito's honorary rank as the criminal division assistant supervising judge did not protect him from public judgment and he was a popular topic of discussion and ridicule to the degree that, at the turn of the millennium, "roughly six times as many Americans [knew] the name of the judge who presided in the Simpson murder trial than [could] identify William Rehnquist, the[n] Chief Justice of the United States" (Fox, Van Sichel, and Steiger 4).

The most notable accusations brought against the judge were incompetence and weakness, both personal and professional, and he was widely blamed for the "obscene spectacle" (Russo, *Morning Call*, 20 October 1995) that was the O.J. Simpson trial. The fear among fellow judges of being "Ito-ized" (Hayslett 13) emerged, connoting "the tremendous damage [...] inflicted on [a judge's] professional image" (13). During the proceedings, there was oftentimes the impression that Ito "was plainly feeling his way as he went along" (Toobin 187) when it came to crucial decisions such as evidence admissibility. Two examples stand out in particular. The first became known as the "split issue" (187) and occurred shortly after Simpson's arraignment in 1994. His defense team filed a motion requesting a portion of all the blood samples retrieved by the prosecution so as Simpson's defense DNA experts could conduct separate tests and draw their own conclusions. As Marcia Clark recounts in her own description of the events, this was a "ridiculous request" (Clark 132) she believed "Ito would reject [...] out of hand. Any reasonable judge would" (132), the problem being

that “[s]ome of the samples contained so little DNA that if [the prosecution] gave up even 10 percent, [they] might not be left with enough blood to get a test result [themselves]” (132). Lance Ito granted the defense’s motion, however, which forced Clark to beg for the judge to change his opinion: “You’re depriving us of ever conducting the poly-marker test completely by giving that ten percent to the defense....You are taking evidence out of our hands forever” (132–133). Realizing his potential mistake, Ito ordered a hearing, during which experts were to report how much evidence the prosecution had and could safely give away. After days of complex hearings, Marcia Clark summarized her subsequent epiphany in one sentence: “Lance Ito lacked good judgement” (133).

The second example that contributed to Ito’s public image as incompetent and a poor choice for a high-profile trial, such as O. J. Simpson’s, occurred on February 23, 1995. It was a memorable session not only because of the judge’s seemingly arbitrary decisions, but also because of Christopher Darden’s subsequent furious and emotional outburst in reaction to the circumstances and atmosphere in the courtroom. In the early stages of the Simpson trial, before race became the main defense strategy, Johnnie Cochran aimed to introduce another explanation for the murders of Nicole Brown Simpson and Ronald Goldman, albeit a lack of evidence supporting his theory. Cochran attempted to argue that Nicole (and by extension Ronald) had been murdered by disgruntled drug dealers who were looking for her best friend Faye Resnick. In order to make that possibility sound more plausible, Cochran needed to establish that Resnick had been living with Nicole around the time of the murders, and he planned to do so through LAPD Detective Tom Lange during cross-examination. First, Cochran asked the detective: “During the course of your investigation did you learn that Faye Resnick moved in and started living with Nicole?” (Court Transcript, 23 February 1995). Marcia Clark objected on grounds of hearsay and Ito sustained the motion. Johnnie Cochran, however, continued to press for the answer he wanted to hear: “Did you learn, in the course of your investigation, whether or not Faye Resnick moved in with Nicole Brown Simpson on Friday, June 3?” Marcia Clark objected again on the same grounds, and Lance Ito sustained her objection anew. At this point, Cochran decided to rephrase his question: “In the course of your investigation did you ever ascertain whether or not Miss Nicole Brown Simpson had anyone who lived with her in the month before June 12, other than the children?” Tom Lange did not answer right away as if waiting for Marcia Clark to object, but the prosecutor remained silent, and Lance Ito turned towards the witness for an answer, which was: “I had heard there was someone living with her, yes.” Satisfied with this response, Johnnie Cochran returned to his initial question: “Did you find out at some point in the course of your investigation that Faye Resnick moved in with Nicole Brown Simpson on or about June 3, 1994?” Marcia Clark spoke up, but this time, Lance Ito surprisingly overruled the prosecutor’s objection twice, despite Clark’s claim that the witness’ answer called for hearsay. Ultimately Lange stated:

“That is what I had heard, yes,” although emphasizing that “[he] personally had no way of verifying that.”

Through his persistence, Johnnie Cochran received the answer that he wanted while Judge Ito left the spectators wondering why Tom Lange had been allowed to answer the same hearsay question that the judge had dismissed less than a minute ago. This particular instance infuriated co-prosecutor Christopher Darden immensely. At sidebar, the audience, though unable to hear, visually experienced a heated discussion between the two. Clearly upset himself, Ito leaned forward, pointing his index finger at Darden in a warning gesture. Written records later reflected that in his rage, Darden had violated Ito’s rule “that only one lawyer per side could speak on any issue” (Toobin 286), and in this instance, it was Marcia Clark’s issue. The situation threatened to escalate, when Christopher Darden refused to apologize to the court for his outburst. In order to avoid further intensification, Ito ordered a ten-minute-recess, but Clark and Darden saw their concerns confirmed that the Judge ruled unjustly and, more often than not, in favor of the defense. In her article, “Notes on the Trial of the Century,” Diana Trilling compared Ito to a “permissive parent of a rambunctious household, teetering back and forth between indulgence and discipline, and demonstrating in the process that permissiveness is of as little service in a courtroom as in the rearing of children” (Trilling 66).

Popular nighttime comedians such as Jay Leno and David Letterman thrived on Ito’s supposed inept handling of the Simpson case. A *Saturday Night Live* (SNL) sketch from January 21, 1995, starring actor Mike Myers as Lance Ito, ridiculed the judge’s logic in allowing and excluding evidence. The scene is set in Ito’s courtroom and begins with him calling counsel to his bench. The judge first addresses the defense team as “Mr. Shapiro,” “Mr. Cochran,” “Mr. Bailey” and then the prosecution, represented by “Mizz Clark” and a white male attorney Ito simply calls “you, whoever you are” (“Cold Opening: Judge Ito – Saturday Night Live,” 0:23), emphasizing the celebrity of Simpson’s attorneys in contrast to the widely unknown state representatives. The judge then announces that he “has reached a number of decisions on what evidence [he] will and will not allow” (0:30). The fictitious Robert Shapiro crosses his fingers in hope of favorable rulings. Proudly, Ito states: “I will allow the 911-call, in which Nicole Simpson screams ‘He’s going to kill me!’” (0:57). Marcia Clark and her colleague nod in approval while the defense team grimaces in disappointment. A moment later, Ito continues: “But I will not allow the call where she screams ‘He’s going to kill me and Ron Goldman on June 12, outside my condo’” (1:07). This time, Shapiro, Cochran, and Bailey exchange high-fives while the prosecution team shakes their heads in disbelief. Ito further states: “I will allow the *National Enquirer*’s computer-enhanced cover photos of a black and blue Nicole Simpson. And I will also allow the article inside the *Enquirer* on Pamela Anderson’s breast augmentation!” (1:17-1:34). The last decision pleases everyone and all trial participants, including the judge, burst out in cheers.

The *SNL* sketch noticeably focuses on the victims for comedic effect. Essentially, however, it criticizes Ito's apparent habit of excluding crucial evidence while allowing irrelevant information to become part of the official record. The sketch further mocks the judge for caring too much about media representations instead of focusing on the important legal issues at hand. While humor and satire are common ways to draw attention to certain topics, in Ito's case, Jerrienne Hayslett draws the analogy that "the comic's antics blended with daily trial recaps to become as indistinguishable in viewers' psyches as ingredients in a pot of soup" (Hayslett 13). With each nighttime sketch, the public lost further respect for Lance Ito, who was reduced to an incapable, yet funny bearded Asian man on television.

In general belief, weakness and incompetence seemed to extend to Judge Ito's personal character as well. Watching him in court was a strikingly different experience from the prevalent television judges the audience was and is used to seeing, for instance, on CBS' popular courtroom drama *The Good Wife*. The judges portrayed in the series are invariably the dominant force in the courtroom. On the show, the fictional character of Judge Richard Cuesta presides over numerous cases. Cuesta is never afraid to tell counsel to be quiet when he has had enough of the pandemonium in his courtroom. Repeatedly, he mocks the attorneys in front of the spectators for their tactics to have inadmissible evidence and testimony included, for he can see through their schemes. Nevertheless, Richard Cuesta is also a man with an open mind and so he often allows the prosecution and defense to present exceptional theses while delivering funny lines to render the show more entertaining.

Judge Lance Ito, however, stood in stark contrast to popular fictional television judges. He seemed very reserved, never raised his voice, and spoke in a monotonous tone which sometimes gave the impression that he was bored or tired. When Ito listened to counsel or witness statements, his signature gesture was to rest his head on the palm of his hand, and he often tinkered with a pen while speaking. One noteworthy scene that distinctly illuminates Ito's emotional and sensible side occurred during a hearing concerning the Mark Fuhrman tapes on August 15, 1995. In this context, it became known that some of the insults on the recordings were directed towards Captain Margaret York, Ito's wife and Mark Fuhrman's former superior. The prosecution saw a possible conflict of interest and asked Lance Ito to recuse himself. In the course of the session, Ito expressed his own position and thoughts on the issue. Initially, he seemed calm and composed, citing the canons of judicial ethics and the code of civil procedure that lay out a judge's correct behavior in a case "when a concern is raised regarding a court's ability to be fair and impartial" (Court Transcript, 15 August 1995). Shortly thereafter, however, Ito also addressed his personal feelings for his wife, taking the discussion outside of the legal realm: "I love my wife dearly (...)" (Court Transcript, 15 August 1995). The judge paused for several seconds before continuing: "...and...I am wounded... by criticism of her." The judge cleared his throat and leaned back on his chair in an attempt to compose himself, but it was ev-

ident to the spectators that he was trying to prevent an emotional outburst. Almost apologetically, Ito added: "...as any spouse would be, and [I] think it is reasonable to assume that that could have some impact" ("OJ Simpson Trial – August 15th, 1995," 1:20:02-1:20:27). From an individual point of view, Ito's reaction seems understandable. Given his already damaged image in the public, however, the judge's emotional side was perceived as a sign of weakness. In April of 1995, US Senator Alfonse D'Amato mockingly called him "little Judge Ito" (Hayslett 153) during a radio interview. That same month, *Newsweek Magazine* released an edition with Lance Ito on the cover, right next to the headline "What a Mess" (*Newsweek*, 17 April 1995).

In *Encounters*, sociologist Erving Goffman addresses the public discrepancy that can arise when a person's categoric identity clashes with their individual identity: "[I]n performing a role the individual must see to it that the impressions of him that are conveyed in the situation are compatible with role-appropriate personal qualities effectively imputed to him: a judge is supposed to be deliberate and sober; a pilot, in a cockpit, to be cool" (Goffman, *Encounters* 77). Ito's preexisting identity was that of an experienced criminal judge. With this identity came certain expectations in performance such as composure and confidence. Part of the impression management process thus involved managing emotions to conform to the expectations posed on the social role of a judge. During the aforementioned example, however, Lance Ito's individual identity overpowered his categoric social position. He was emotional, sensitive, vulnerable even, which caused a discrepancy between "actual feelings and feelings rules" (Shulman 107) and hence changed the dynamic in the courtroom. Against this background, the *Daily News* published an article based on the accounts of a courthouse source claiming that "Judge Lance Ito and his police captain wife, Peggy York, broke down and wept in his chambers minutes after the not-guilty verdict was delivered in the O.J. Simpson trial" (Caruso, *Daily News*, 25 October 1995), continuing that "[t]he couple sobbed loudly as they consoled each other in the emotionally charged minutes after Simpson left court a free man Oct. 3, acquitted of killing his ex-wife Nicole Brown Simpson and her friend Ronald Goldman" (Caruso, *Daily News*, 25 October 1995). The courthouse source was never revealed but many readers read about the alleged emotional breakdown of the judge and his wife.

Lance Ito, who expressed concerns over the sensationalizing nature of the case coverage, was not spared from criticism for pandering to cameras himself. His supposed media-obsession was frequently a topic in the public and news, particularly when he granted Tricia Toyota of KCBS television an interview in the middle of jury selection, which subsequently forced him to dismiss potential jurors because they had seen parts of the segment (Toobin 202). In reaction to this TV appearance, Howard Rosenberg from the *Los Angeles Times* published the article, "Judge Ito Feeds the Hand He's Bitten." In an overall mocking tone, Rosenberg called Ito a hypocrite for participating in the "chatty sit-down" (Rosenberg, *LA Times*, 16 November 1994) with Toyota:

The surprise is that the newest member of the “Action News” team should turn out to be Judge Lance A. Ito, the Superior Court jurist and blistering media critic who on several occasions has sternly admonished some of the press for shabby, sensational, tabloidesque coverage of the case [...]. Yes, unpredictably, unimaginably, inconceivably, here come de judge. Ito’s taped appearances this week [...] delivers quite a different message from the one the public is accustomed to hearing from him in the courtroom. If you can’t suppress ‘em, join ‘em. (Rosenberg, *LA Times*, 16 November 1994)

Apart from an apparent hunger to be news himself, Judge Ito was also accused of actively seeking the friendship of celebrities. Indeed, many famous faces appeared in the Simpson courtroom, “*the place to be seen*” (Hayslett 67, emphasis original); television and radio host Larry King being one of the most noteworthy guests. According to Jeffrey Toobin, Ito was “thrilled by King’s presence” (Toobin 231) and offered his famous friend and entourage a private tour of his chambers and the courtroom (with Simpson present at the time). In 2014, Don McNay, columnist for the *Huffington Post*, composed an article titled “How Judge Lance Ito and OJ Simpson Ruined the Legal System.” Sharing a widespread opinion, McNay opened his piece with, “We can blame it all on Judge Ito” (McNay, *Huffington Post*, 4 May 2014). Similar to many of Lance Ito’s colleagues in court, McNay had no words of compassion for the judge:

One of the worst moves in American judicial history was Judge Lance Ito’s decision to allow the OJ Simpson murder trial in 1995 to be televised. Making a bad idea worse, Ito went on *The Tonight Show* and other entertainment programs like a small-time comic trying to work his way to Vegas. (McNay, *Huffington Post*, 4 May 2014)

These observations were reason enough for Hiroshi Fujisaki, the presiding judge in Simpson’s civil trial in 1997, to order a ban of cameras in his courtroom; a ruling based on the mistakes of his predecessor, Judge Lance A. Ito:

The Court has concluded from the experience of the criminal trial of this defendant concerning the same essential factual circumstances, that electronic coverage of the trial significantly diverted and distracted the participants therein, it appearing that the conduct of witnesses and counsel were unduly influenced by the presence of the electronic media. This conduct was manifested in various ways such as playing to the camera, gestures, outbursts by counsel and witnesses, in the courtroom and thereafter outside of the courthouse, presenting a circus atmosphere to the trial. This detracted from the integrity of the trial process and the dignity of the courtroom. The trial process requires that the evidence be presented to the jury undistorted by these extraneous influences. The intensity of media activity in this civil trial thus far strongly supports this Court’s belief that

history will repeat itself unless the Court acts to prevent it. (“Judge’s Order Banning Media Coverage & Gag Order,” 23 August 1996)

Similar to all main trial participants in the Simpson criminal case, Judge Ito and Judge Fujisaki were compared to each other and the latter always assumed a superior role over his colleague. Not only did Fujisaki openly criticize Ito’s handling of the criminal case, but his assessment was later corroborated by the very same media outlets that partly caused the sensationalization of the first trial in the first place. The *Los Angeles Times* praised the civil Judge and chastened Lance Ito by painting a picture of Fujisaki that was in diametrical opposition to his colleague. In an article from October 1996, Stephanie Simon wrote:

His desk is all business—no knickknacks, no photos, just generic pens and paper tidily arranged. He drinks from a plain translucent mug. He offers just a perfunctory “good morning” when he takes the bench. Yes, Superior Court Judge Hiroshi Fujisaki is the very definition of “no-nonsense.” And he has made it clear that he expects equally focused behavior from everyone who steps into his Santa Monica courtroom for the O.J. Simpson civil trial. As the trial got underway this week, Judge Fujisaki had already stamped the case with his commanding personality. [...] Unlike Superior Court Judge Lance A. Ito, who presided over Simpson’s criminal trial, Fujisaki does not try to banter with attorneys, bond with jurors or chat with celebrity court-watchers. [...] To operate in Fujisaki’s courtroom, lawyers must be blunt. This judge won’t stand for repetition, or for irrelevancies. Nor does he tolerate puffed-up rhetoric or catty bickering. (Simon, *LA Times*, 26 October 1996)

Media coverage swayed between two extremes: good or bad, competent or incompetent, and strong or weak. There was little room for Ito to assume a balanced role in the media narratives and no opportunity to publicly display an interplay between varying individual characteristics.

On *American Crime Story*, Lance Ito assumes yet another role, namely one of insignificance. He makes his first appearance in episode four, “100% Not Guilty,” during which the judge expresses excitement to his wife over his participation in the O.J. Simpson case (*ACS*, disc 2, episode 4, 08:57). Out of a pool of potential candidates, Ito proudly continues, he was chosen due to his “integrity,” “open mind,” and “strong backbone” (09:08). As the television series progresses, however, the judge’s abilities have no visible bearing on the legal proceedings. Conversely, his role in the trial is diminished. Ito rarely speaks and when he does, he quickly rules on motions before the attention is immediately reverted back to the attorneys. In other instances, despite a narrative and cinematographic focus on the judge, scenes end with Ito’s silence, depriving the arbitrator of any personal and professional depth and the audience of necessary context to understand his decisions (e.g., *ACS*, disc 3, episode 8, 12:16; disc 3, episode 9, 25:49, 27:16). This is further corroborated by filmic sequences in which



Lance Ito appears almost robotic and impassive when he interacts with other people. In episode eight, for instance, a distraught juror begs the judge to release her from jury duty due to the mental strain of participating in the proceedings. Despite her tears, or perhaps because of them, Ito distances himself from the circumstances by repeatedly referring to the woman as a number and not an individual:

**Juror:** *I can't take it anymore, Your Honor. Please, I just want to go home.*

**Lance Ito:** *Now, now, Juror 452...*

**Juror:** *My name is Tracy! The deputies, they're not fair. The white jurors get better treatment than us.*

**Lance Ito:** *Okay, now that is a very serious charge, 45...uh...Okay, can you...just please elaborate for me?*

*(ACS, disc 3, episode 8, 26:43)*

ACS's lack of focus on the judge stands in stark contrast to the media interest he received in 1995. The occasional look behind the scenes and into Ito's office and train of thought (e.g., 28:03) is not sufficient to paint a coherent picture of the man who has become one of the most memorable characters in the Simpson trial through social typing. On the contrary, an audience with moderate to little knowledge about Ito might be left wondering why he received distinctive attention at all, for the judge appears unremarkable and undistinguished throughout the ten episodes of *American Crime Story*.

### Social Typing and Race: Johnnie Cochran v. Christopher Darden

Johnnie Cochran and Marcia Clark were not the only two parties feuding in court. While their arguments were framed around gender and feminist issues, a similarly tense competition was kindled between Cochran and the prosecution's Christopher Darden with regard to race. Cochran and Darden were both African American lawyers who represented opposite sides of counsel in Judge Ito's courtroom. The attorneys' complex relationship, which was marked by reciprocal admiration and repulsion, served as fertile ground for a racialized juxtaposition and discourse in the media.

Despite their similar moderate family backgrounds, Johnnie Cochran had worked his way up to become a renowned and well-respected lawyer with a private practice in Los Angeles. His success and popularity, particularly in the African American community, can be attributed to the fact that, throughout his career and later during the Simpson trial, Cochran impersonated the character of the successful and educated "black man who has risen on his intellect and savvy" (Ogletree, Jr. 123), but he always remembered his roots by standing up for the rights of his people. The lawyer always appeared calm, self-confident, and witty; he was a "charmer" (Klapp, *Changing American Character* 39) with a "golden throat" (Dyson 48) who never failed to leave an impression inside and outside the courtroom:

[Johnnie Cochran] is smooth and silky, an orator of great skill whose rhetoric reflects his Baptist roots and his early day as an insurance salesman. He performs the law, dramatizing its arcane rituals of argument and translating its esoteric dogmas into stirring, poetic declaration. For many blacks Cochran is the law, masterfully taming the chaos of white contempt camouflaged in legal language and protected by obscure codes and regulations. (48, emphasis original)

Michael Dyson's eulogistic description of Johnnie Cochran sounds equally as poetic as the outstanding qualities Simpson's lead attorney was ironically even attributed by a great number of critics. Columnist Jim Sleeper, who labelled the attorney a "race hustler" (Sleeper 29) and one of many floundering "impresarios of racial theater" (29) in his 1997 publication *Liberal Racism*, admitted that Cochran "made an important point" (28) by condemning the abuse of power towards African Americans during the trial. Nevertheless, he insists that Cochran's approach also "deepened black isolation" (28) and reinforced racial resentments on all sides.

During the Simpson trial, Johnnie Cochran resolutely positioned himself as a civil rights advocate. Particularly during his closing argument on September 27, 1995, the attorney corroborated his role as a "modern-day Joe Louis" (Abramson 21): "Creating his own spiritual atmosphere, Cochran reasoned for the outcome he desired, often in the style of a southern Black preacher" (Walker 245), offering insight into the nuanced relationship between rhetoric, the media, and the law. In *Performance Studies*, Richard Schechner poses the question, "To what degree does a person believe in her own performance?" (Schechner, *Performance Studies* 115), and subsequently points to Nietzsche who believed that the greatest performers are those who "are so entrancing as performers that they convince themselves of the truth of what they perform. [...] Only when they are saturated with the self-confidence resulting from the power of their own performing are they able to draw other into their magic circle" (116). This self-confidence in one's own performance ultimately creates the illusion of authenticity. The key word is illusion, however, since notions of the unmediated encounter are simply impressions, and "[w]e experience a representation, even when the representors are the people themselves. Self-representation is representation nonetheless" (Kirshenblatt-Gimblett 55).

A close analysis of Cochran's rhetoric illuminates how he used his extensive linguistic repertoire to corroborate his sophisticated public image; a trait *American Crime Story* also symbolically refers to when it depicts the attorney practicing his most potent catchphrase, "If it doesn't fit, you must acquit" in the last episode (ACS, disc 4, episode 10, 04:27). This rhyme, or one could even call it a refrain, might seem peripheral considering the many speeches the lawyer gave over the span of the trial, but its brevity and rhythm make it easily memorable, thus effectively accentuating the presence of reasonable doubt in the jurors' heads. In 1995, the impact of this sentence was visually enhanced by means of a well-thought-out demonstration

during Cochran's closing argument, deliberately scheduled right before a recess of the proceedings, so that it was the last thing the jury and TV audience heard and saw before the break. Refuting the prosecution's claim that O.J. Simpson "dressed up to go commit these murders" (Court Transcript, 27 September 1995) by putting on dark clothes and a black knit cap, Johnnie Cochran put on a similar dark knit cap in front of the jury to ridicule his opponents:

It occurred to me how they were going to come here, stand up here and tell you how O.J. Simpson was going to disguise himself. He was going to put on a knit cap and some dark clothes, and he was going to get in his white Bronco, this recognizable person, and go over and kill his wife. That's what they want you to believe. That's how silly their argument is. And I said to myself, maybe I can demonstrate this graphically. Let me show you something. This is a knit cap. Let me put this knit cap on. (Court Transcript, 27 September 1995)

Cochran's demonstration had its desired effect. It was an unexpected maneuver, breaking the routine of the prolonged and partly monotone speeches the jury and audience had gotten used to over the course of a year. With the black cap on, Cochran continued:

You have seen me for a year. If I put this knit cap on, who am I? I'm still Johnnie Cochran with a knit cap. And if you looked at O.J. Simpson over there [Cochran directly points at the defendant]—and he has a rather large head—O.J. Simpson in a knit cap from two blocks away is still O.J. Simpson. It's no disguise. It's no disguise. It makes no sense. It doesn't fit. If it doesn't fit, you must acquit. (Court Transcript, 27 September 1995)

Johnnie Cochran combined spoken words with visual demonstrations in his plea for Simpson's acquittal. The defense attorney also used humor to win his audience over by teasing the rather large size of O.J. Simpson's head in the above passage. Watching the camera footage, one can observe spectators in the background chuckling and smiling at his comment ("OJ Simpson Trial – September 27th, 1995 – Part 2," 01:37:40). Not coincidentally, Cochran's filmic pendant on ACS points out that "on this case, you need to choose your vernacular very, very carefully" (ACS, disc 2, episode 4, 03:17) in reference to the intricacy of the Simpson trial. In his retrospective analysis of the case, American lawyer Lincoln Caplan wrote the following laudation about Johnnie Cochran:

Cochran's command of American sound and rhythm was perfectly orchestrated within the context of an argument that tore down the prosecution's case as he ripped apart the state's speculative logic and showed how the testimony of one police officer after another was full of specious contradictions. [...] Part of his compelling virtuosity was the way in which he mixed various straight and street ac-

cents, crossing and recrossing the ethnic divide, reaching for an idealistic judicial diction, parodying the voices of the cops and backing things up with superb pauses and brilliant emphasis, then closing out with repetitions and inflections of the best and more subtle African American pulpit talk. (Crouch 235)

Indeed, Johnnie Cochran's phrase, "If it doesn't fit, you must acquit," is exemplary for the process of social mediation in the context of "media-transmitted ideological fragments" (Lull 19). The slogan has been commonly retold or appropriated in people's routine social interactions, which illustrates how "ideological sets are elevated and amplified by the mass media, given great legitimacy by them, and distributed persuasively, often glamorously, to large audiences" (8). In repeating what they see or hear on television, viewers contribute to the popularization of "selected values, ideas, slogans, and products in the process" (20).

Apart from easily memorable rhymes, Cochran used repetitions in his closing argument to accentuate a point. Numerous times, he told the jury that "it just doesn't fit" (Court Transcript, 27 September 1995) and "it doesn't make any sense" (Court Transcript, 27 September 1995), thus raising further doubt about the prosecution's logic in the assessment of the events (Walker 252). In an attempt to weaken the forensic findings in the case, Cochran repeatedly asked, "Where is the blood?" (Court Transcript, 27 September 1995) in order to suggest that the presented evidence was not conclusive:

So if you believe the Prosecution's theory—and they told you all this about a bloody trail—where's the blood back there, ladies and gentlemen? There's not one drop of blood. Where's the blood back there? [...] Look at the glove. Now, when that glove is picked up, remember seeing any blood on the ground? No blood on that shrubbery, no blood on anything there. Where's the blood? [...] Where's the blood on the ground? Where's the blood on the leaves around there? Where's any of that? [...] So their theory doesn't hold water. It doesn't make sense. (Court Transcript, 27 September 1995)

Cochran's use of repetitions is not only effective in creating doubt about the evidence, it also implicitly ridicules the LAPD for their inept handling of it by suggesting that no reasonable person could believe the verisimilitude of what had been presented in court.

The defense attorney also controlled the pace of his speech to reinforce the content and emotive impact of his summations. In one instance, while talking about the alleged racist nature of Detective Mark Fuhrman, Cochran noticeably increased the tempo of his summation: "And so when they try to prepare him, talk to him and get him ready and make him seem like a choir boy and make him come in here and raise his right hand as though he's going to tell you the truth and give you a true story here, they knew he was a liar and a racist" (Court Transcript, 27 September 1995).

Cochran did not pause to catch his breath, which created immense tension in the courtroom and a short moment of uncertainty about the lawyer's self-control. He seemed upset about the existence of such pejorative behavior as demonstrated by Mark Fuhrman but then composed himself and continued in his usual poetic manner: "There's something about good versus evil. There's something about truth. The truth crushed to earth will rise again. You can always count on that" (Court Transcript, 27 September 1995). The self-proclaimed preacher spoke loudly and clearly to be heard by everyone, with a raised index finger underlining his words ("OJ Simpson Trial – September 27th, 1995 – Part 2," 00:30:31).

Similar to his positioning during the trial in 1995, Johnnie Cochran resumes his role as a civil rights activist in *American Crime Story's* narrative. This characterization becomes particularly evident when the attorney is shown giving an interview on television while Simpson is still on the run from police in the Ford Bronco on June 17, 1994. Not coincidentally, the interviewer chosen for the face-to-face interaction is a white, middle-aged man, hence a representative of the oppressing race (ACS, disc 1, episode 2, 23:16). Their exchange is symbolic of the difference of opinion that divided white and black America:

**Johnnie Cochran:** *Whenever I see a black man being chased by armed officers, my guard goes up.*

**Interviewer:** *With all due respect, this is a...a possible killer who fled from the police.*

**Johnnie Cochran:** *Innocent until proven guilty! If the LAPD is involved, we should let history be our guiding principle. Time after time, the police shoot first, and offer sloppy apologies afterwards.*

(23:47-24:08)

Cochran continues to dominate the conversation with the story about Leonard Deadwyler, a young black man who was shot and killed during a traffic check as he was speeding his pregnant wife to the hospital. Powerfully, the attorney concludes his narration with the summation: "Leonard's only crime the color of his skin" (24:46), and a thick silence befalls the TV studio as Cochran allows himself to dwell in the painful memory of his first legal case. In another interview on episode three, titled "The Dream Team," the attorney once again shifts the conversation concerning O.J. Simpson, namely the darkened *TIME* mug shot of the athlete on the cover of the magazine, towards covert and blatant racism at the LAPD: "Of course, it's racially insensitive. But the real injustice is the way police officers view blacks in Los Angeles. Even after the riots, even after the Christopher Commission, the LAPD culture has not changed" (ACS, disc 1, episode 3, 16:54-17:05). He later even admits to Robert Shapiro that Simpson's case could "accomplish a lot of important things" (36:57), thus significantly more than the acquittal of their client.

Apart from rhetorics, Johnnie Cochran utilized his physical presence in the courtroom to accentuate his symbolic superiority over both the prosecution team

and his own colleagues. Coming back to the day of the glove demonstration on June 15, 1995, for instance, Cochran ended his cross-examination of witness Brenda Vemich by walking over to the prosecution table. There, he deposited some items next to Christopher Darden's paperwork before he began putting the evidence gloves back into the paper bags after having demonstrated them on his hands. Cochran therefore occupied space that was reserved for the prosecution, to which neither Cark nor Darden objected. Simpson's defense attorney seemed comfortable standing close to where his rivals were sitting, potentially even challenging the other parties to object as he breached an invisible line and signaled dominance over his opposers. Seen in the framework of the courtroom being a stage for performances, elements such as the seating arrangements, props, or lighting are all part of the play and have enormous power to carry meaning and social messages.

Even while sitting, Johnnie Cochran continued to assert dominance in the courtroom, as for example moments before the glove demonstration, when Darden announced that he was handed an unspecified exhibit and he needed to confer with Johnnie Cochran on the matter. He then walked over to the defense table to present the package to his rival ("OJ Simpson Trial—June 15th, 1995—Part 3 (Last part)," 20:10), Cochran remained seated, and his upper body was directed away from the prosecutor. Merely his head was turned to the right for the duration of the conversation. This position indicated disinterest and a lack of respect, suggesting to the other party that they are not worth one's full attention. Based on the Court TV footage, it also appears as if Johnnie Cochran spoke very quietly because Christopher Darden was forced to bend forward to be able to hear what the defense attorney was saying (20:33). Thus, although Cochran started from an inferior position in the interaction by sitting and looking up to Darden, he succeeded in bringing the prosecutor down to his comfort level in a demonstration of his power over the young attorney.

Similarly, Johnnie Cochran established his superiority over Robert Shapiro from his sitting position. First of all, Christopher Darden walked over to Cochran directly, although Shapiro was likewise a core member of the defense team. Subsequently, the latter moved closer to the duo, stretching his neck to see and hear better (20:20). Secondly, while Cochran seemingly only required seconds to assess the new evidence in his hands, Shapiro hurriedly put on his glasses and flagrantly took the package out of his colleague's hands (20:37). Johnnie Cochran appeared unimpressed and grinned while Shapiro continued rummaging through the bag (20:50). In both examples, Johnnie Cochran displayed a confidence and calmness that Christopher Darden and Robert Shapiro visibly lacked. They looked nervous, even anxious around him, and no matter from what position in the interaction Cochran started, he always ended it with the upper hand.

Johnnie Cochran's performances are exemplary of "make-belief" (Schechner, *Performance Studies* 16) actions that Richard Schechner contrasts to "make-believe" (16) performances. In the latter case, "performances maintain a clearly marked boundary

between the world of the performance and everyday reality” (16), which is the case when one acts on stage or on film, for instance. Johnnie Cochran, however, aimed to “intentionally blur or sabotage that boundary” (16) by promoting an image of himself that best served his defense strategy, hence “making belief” as he crafted the personal narrative he wanted his audience to perceive as real. The attorney employed specific aspects of manner and a theatricality of speech, which David Shulman calls “sign vehicles” (Shulman 14), to shape his performances. Cochran was also arguably the only participant in the Simpson trial who was able to successfully develop a personal narrative on his own terms in that he was both the writer and the performer of his role. In contrast, other parties, such as Marcia Clark or Mark Fuhrman, were heavily forced into their respective parts.

In episode four of *ACS*, the series’ creative team utilized a musical arrangement to reinforce Johnnie Cochran’s sway over the court, the public, and the media. For this purpose, they chose the rap song “Black Superman,” which was released by the West Coast hip hop group Above The Law in 1994 and ironically commences with the line “I hit the loose juice.” In the filmic sequence, it is January 1995 and the day of opening statements in the criminal case. The courtroom doors open, and Simpson’s defense attorneys come in, led by Johnnie Cochran (*ACS*, disc 2, episode 4, 50:38). They walk in slow-motion, which accentuates their self-confidence. Similar to Bob Dylan’s “I Shall Be Released” with regard to O.J. Simpson, the track “Black Superman” can be understood as a homage to Johnnie Cochran, who has been legally fighting racism and police corruption in Los Angeles for decades. In the song, band leader Cold 187um raps about “fake ass troops,” which constitutes a reference to the widespread distrust towards law enforcement in African American communities. He continues with, “Got the big S on my chest, [...]rime fighting’s what I do. [...] I feel good that the City of Angels call me black Superman.” In an exposé for the *Detroit Metro Times*, titled “Up in the Sky: Super Cochran,” writer and musician Keith Owens equally corroborates Johnnie Cochran’s heroic positioning by reminiscing that “[w]hite people had Superman, we had Johnnie Cochran” (Owens, *Detroit Metro Times*, 6 April 2005).

*ACS* goes beyond a discrete characterization of the defense attorney and provides background information for Cochran’s mistrust in the LAPD that seems to legitimize his oftentimes rigorous defense strategies. Episode five, “The Race Card,” for instance, opens with a flashback to the year 1982. Johnnie Cochran is taking his two young daughters out to dinner. While they are driving in the car and insouciantly chatting, the attorney is stopped by a police officer (*ACS*, disc 2, episode 5, 01:10). Cochran immediately reminds his children of the principles he taught them:

**Johnnie Cochran:** *All right, girls. What do we say to the police?*

**Daughters:** *Nothing.*

**Johnnie Cochran:** *And who talks to the police?*

**Daughters:**            *Our lawyer.*  
                               (00:32)

According to law enforcement, Cochran “changed lanes without signaling two blocks back” (01:03) despite the latter’s insistence on having followed the traffic rules. Repeated close-up shots of the officer’s hand resting on his gun holster (00:43, 01:03) are contrasted to images of the LAPD motto “*To Protect and to Serve*” (00:38, 03:10), imprinted on the police motorcycle to accentuate the discrepancy between the law enforcer’s oath of office and effective behavior. He inquires where Johnnie Cochran is headed (00:55), whether the car he is driving is really his own (01:14), and ultimately cuffs and presses the attorney against the hood of his car (02:14) while passing pedestrians observe the latter in aversion (02:16). For viewers unfamiliar with the issue of racial profiling, i.e., the experience of being targeted for suspicion of crime based on their race, *ACS*’ filmic sequence vividly illustrates the vexed relationship between African Americans and law enforcement in general and Johnnie Cochran’s disgust with the LAPD in particular. The attorney’s subsequent positioning as a civil rights activist and “savior” in the African American community can be viewed against a new and more profound background.

In the episode, Johnnie Cochran and his wife Sylvia also attend a prayer service, and at one point, the pastor asks the attorney to come forward. Supported by enthusiastic applause from the congregation, Cochran gets up, waves at the crowd, and makes his way to the pastor who puts an arm around him in admiration, preaching: “Let us pray. Lord, for this day, we are thankful. [...] For Johnnie Cochran, we are appreciative. We pray for Johnnie Cochran as he accepts this challenge to litigate the O.J. trial. King Jesus listens when we pray. Amen” (04:19). Immediately afterwards, the famous L.A. Mass Choir starts singing “King Jesus Is A-Listening,” a powerful “Negro Spiritual”<sup>11</sup> that was featured on the choir’s successful 1994 album *I Shall Not Be Defeated*. The gospel hymn not only reiterates Johnnie Cochran’s African American roots and his contributions to black people but even suggests that his defense of O.J. Simpson is a God-sanctioned mission to better the world. *ACS* repeatedly seizes this suggestion, when Cochran is displayed raising his hands towards the sky as if waiting for celestial bliss (*ACS*, disc 1, episode 3, 24:12; disc 3, episode 9, 04:48) or claiming to receive holy gifts to utilize in Simpson’s defense (04:49).

Simultaneously, however, *American Crime Story* hints to Cochran’s cunning and ruthlessness with regard to his trial strategy. In episode six, for instance, the defense attorney is shown chatting and laughing blithely with LAPD Detective Tom Lange,

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11 “A spiritual is a type of religious folksong that is most closely associated with the enslavement of African people in the American South. The songs proliferated in the last few decades of the eighteenth century leading up to the abolishment of legalized slavery in the 1860s. The African American spiritual (also called the Negro Spiritual) constitutes one of the largest and most significant forms of American folksong.” (<https://www.loc.gov/item/ihas.200197495/>)



who serves as a prosecution witness and thereby the opposing side of counsel. Over the course of their conversation, Cochran learns that Lange lives in the city of Simi Valley, California, and his facial expression changes subtly in surprise (ACS, disc 2, episode 6, 10:50). To the television audience, the significance of this information is not yet revealed. The subsequent scene resumes in the courtroom, where Johnnie Cochran officially cross-examines his prior interlocutor on the witness stand:

**Johnnie Cochran:** *Detective, in regards to taking Mr. Simpson's shoes, you did not book them into evidence that night. Is that, is that correct?*

**Tom Lange:** *That night, I couldn't have, no.*

**Johnnie Cochran:** *What did you do with them? Where were they until you booked them into evidence the next day?*

**Tom Lange:** *I put them in the trunk of my car.*

**Johnnie Cochran:** *So, you took them home with you?*

**Tom Lange:** *I did.*

**Johnnie Cochran:** *Detective, where exactly do you live?*

**Tom Lange:** *Simi Valley.*

**Johnnie Cochran:** *Really? So, you took this evidence home to Simi Valley? Simi Valley, the home of the officers involved in the Rodney King beating?*

**Tom Lange:** *That is correct.*

**Johnnie Cochran:** *How long were Mr. Simpson's shoes in your home in Simi Valley?*

**Tom Lange:** *Approximately six hours.*

**Johnnie Cochran:** *Six hours in Simi Valley.*

*(11:16-12:31)*

This particular scene is indicative of Johnnie Cochran's undeterred approach to defending O.J. Simpson and the attorney's capability to add meaning to words and places if it is advantageous to his tactic. From a macro perspective, Simi Valley is a city located in Southeast Ventura County, California, with an estimated population of 126,788. Even the fact that Tom Lange resides there has little significance to the O.J. Simpson trial. Johnnie Cochran, however, is able to once again capture the jury's attention and direct their focus on the microlevel of his argument, in which Simi Valley gains new meaning as a residential hotspot for corrupt and violent police officers. In combination with his physical reactions to Lange's witness testimony—the frowning (11:25), raised eyebrows (12:04), and torso facing the jurors (12:26)—the defense attorney rhetorically establishes a connection between Simi Valley, Tom Lange, dishonest law enforcement, and an important piece of evidence that potentially links his client to the homicides of Nicole and Ronald. In doing so, Cochran subtly introduces the element of doubt in the minds of the jury and spectators while reinforcing his providence in the case.

### Christopher Darden: Caught in the Middle

While Johnnie Cochran's presence in the courtroom was unquestioned, it was rumored that Christopher Darden had only been asked to join the Simpson proceedings "to blacken up the prosecution's public face" (Dyson 52). Like a culinary chef assembling a recipe, even ACS's Gil Garcetti's admits to using the prosecutor to "balance out our ticket, stir in a little added flavor" (ACS, disc 2, episode 4, 33:00). According to Dyson and other critics of Marcia Clark's colleague, the prosecutor's "value derived not from his lawyerly demeanor or his rhetorical skills, [...] but from his metaphysical presence in countering the incantatory powers of blackness invoked by Johnnie Cochran" (52). In *The Run of His Life*, Jeffrey Toobin, who observed and covered the trial proceedings from inside the courtroom, asserts that Christopher Darden was even intimidated by Cochran's presence, and that "Cochran's hold over Darden bordered on the mystical—or, more precisely, the parental" (Toobin 260–261). Indeed, the relatively inexperienced prosecutor publicly rendered homage to the defense attorney during a legal session on January 26, 1995. Due to an infringement of Court TV two days prior, the courtroom camera was limited to static shots of the proceedings on the day Darden professed his admiration for Johnnie Cochran: "I noticed that his opening statement, [...] it was a very fine opening statement. And I'm always proud of Mr. Cochran whenever I see him in court, Your Honor. I love him. I just don't like to go up against him" (Court Transcript, 26 January 1995). Although his statement was embedded within a critique of Johnnie Cochran and the rest of the defense team for discovery violations, Darden's admiration for his opponent was apparent. The wide overhead shot of the courtroom camera emphasized the prosecutor's anomalous behavior. It captured all the attorneys in the courtroom as well as the judge, and most conspicuously, the court stenographer, typing away and preserving Darden's avowal of love on the record. For Erving Goffman, small gestures such as compliments or salutations constitute "ceremonial activity" (Winkin and Leeds-Hurwitz 43) or "presentational ritual" (43), which further emphasize a trial's performative nature. Goffman also observed that individuals hold "role relationships" (Goffman, *Relations* 188) with other individuals they befriend. These relationships can be "multi-bonded" (188) as was the case with Darden and Cochran. Although they argued on opposing sides of the courtroom and were therefore professional rivals, Christopher Darden's admiration for Johnnie Cochran's prior work created a new and imbalanced dynamic in the courtroom as the lines between their personal and impersonal affinities were blurred.

*American Crime Story* foregrounds this intricate relationship, whereby Johnnie Cochran is initially positioned as a confidant and mentor to Christopher Darden. In the series, Cochran becomes the only helpline for the young prosecutor who feels unappreciated and disparaged in his job at the District Attorney's Office. Simultaneously, however, while seemingly offering a sympathetic ear to Darden in difficult times, Johnnie Cochran shames the prosecutor for his governmental employment

and pressures Darden into choosing sides in his unwavering pursuit and continuation of the civil rights movement. ACS felicitously depicts the prosecutor's inner struggle and strife, when Cochran and Darden meet at the DA's Office to discuss a joint case of police brutality:

**Johnnie Cochran:** *Afternoon, Chris. You finish your investigation of the Taylor shooting?*

**Christopher Darden:** *Uh, yeah. I didn't want to just send over the report. I thought it'd be better if we talked in person.*

**Johnnie Cochran:** *Save your breath, my brother.*

**Christopher Darden:** *Well, let me explain.*

**Johnnie Cochran:** *Come on. I had your job. I know the drill. The police commission determined the officer acted in self-defense. The officers were scared. There were seven of them with guns up against one mentally ill woman with a knife.*

**Christopher Darden:** *Johnnie, I tried. You know all they had to claim was that their lives were in danger.*

**Johnnie Cochran:** *Danger. They shot her in the back. You know, it's remarkable to me, how many black folks get shot in the backside while they're attacking. Like they're going backwards and forwards at the same time.*

**Christopher Darden:** *Johnnie, I wish I could prosecute. It's terrible. Look, if you check the report, you'll see that I slipped in that the officers may not have been a 100% truthful.*

**Johnnie Cochran:** *Oh, please! One sentence nobody's gonna read makes you feel better about yourself?*

**Christopher Darden:** *What do you expect me to do?!*

**Johnnie Cochran:** *You know what we're talking about! Choose a side! Look. I know your heart is in the right place. But these four walls, they box you in. It's just an endless cycle of bullshit.*

**Christopher Darden:** *Can I be honest with you? [closes office door]*

**Johnnie Cochran:** *Always.*

**Christopher Darden:** *I hate this place. I mean, I hate SID. I'm thinking of quitting.*

**Johnnie Cochran:** *Good, now you're finally talking some sense. And I know you're capable of more. The world needs more black men, willing to make a difference.*

**Christopher Darden:** *That means a lot to me. You know, I've always looked to you as a mentor.*

**Johnnie Cochran:** *Indeed. Onward and upward.  
(ACS, disc 1, episode 1, 19:48-21:35)*

Apart from the revealing dialogue, the arrangement and cinematography of this particular scene subtly, yet effectively, illustrates the affinity between Johnnie Cochran

and Christopher Darden. At the beginning of their conversation in the office, for instance, the camera alternately stays in medium long shots and medium shots of the interlocutors. In combination with the furniture (tables, computers) positioned between Cochran and Darden, the medium shot perspective is emblematic of the initial distance and reserve that characterizes their encounter (20:05). Quick cuts from one speaker to the other further enhance the confrontational nature of the dialogue. As the conversation shifts to a more personal and emotional level, with Darden admitting that he feels dejected in his current position at the DA's Office, the interlocutors move closer toward each other as the camera fixates its gaze on them in medium close-up and close-up shots (20:37, 21:16). The close-up adds emotional depth to the scene and draws attention to small details in the depicted faces while the decrease of quick cuts raises the tension in the room. The audience is able to observe the anger in Cochran's eyes when he urges Darden to "choose a side" and the pain in the latter's facial expression as his loyalty to the African American community is questioned. The conversation concludes with a final close-up shot of a firm handshake between Cochran and Darden (21:32), and as the camera pans up, the television viewer catches a glimpse of relief on the prosecutor's face as he receives a figurative absolution from his mentor.

In general, where Johnnie Cochran was characterized as witty and well-prepared in the media in 1995, Christopher Darden was often characterized as an inexperienced and flawed prosecutor, who repeatedly demonstrated "his impetuosity, his immaturity, his failure to prepare either himself or his witnesses adequately" (Toobin 369) in court. Darden's trial strategy on June 15, 1995, which culminated in the failed presentation of the murder gloves on O.J. Simpson, constitutes a key moment in the prosecutor's personal and professional annihilation. At one point during the session, Darden perceptibly lost the thread in his exchange with witness Brenda Vemich, asking Judge Ito for a brief moment to collect himself. He then posed a set of questions that arguably worked against the prosecution, undermining his previous work of trying to connect the Bloomingdale's gloves to O.J. Simpson:

**Christopher Darden:** *Now, does the sales receipt indicate the size of the glove?*

**Brenda Vemich:** *No, it does not.*

**Christopher Darden:** *Does it indicate the color of the glove?*

**Brenda Vemich:** *No, it does not.*

**Christopher Darden:** *Is there [any] way for you to tell us that the two gloves I showed you here in court were purchased during the transaction shown here in People's 372-A?*

**Brenda Vemich:** *No.*

*(Court Transcript, 15 June 1995)*

Vemich's answer was followed by silence as Darden spent sixteen seconds skimming through his notes for the next question. What might seem like a short period of

time, assumes another dimension in a quiet courtroom with an exclusive focus on the prosecutor and his witness. Even one of Darden's colleagues looked up from his notes to assess the situation ("OJ Simpson Trial – June 15th, 1995 – Part 2," 01:24:51). Slowly, the camera panned over toward O.J. Simpson and Johnnie Cochran, and the latter was seen smiling and smirking (01:25:25).

During the witness examination of Brenda Vemich, Darden was also cause of laughter when he inquired whether "when men buy gloves do they tend to exaggerate the size of their hands?" (Court Transcript, 15 June 1995). Johnnie Cochran objected, and giggles erupted in the courtroom as some spectators interpreted the question to contain a sexually explicit note. Initially unfazed, Darden chuckled himself and then repeated the question, when Judge Ito overruled Cochran's objection. Unsatisfied with Vemich's answer that "[u]sually women buy gloves for men" (Court Transcript, 15 June 1995), Darden restated his proposition and this time, Lance Ito wondered out loud: "Is that a serious question, Mr. Darden?" (Court Transcript, 15 June 1995). The prosecutor's train of thought was lost on the participants and spectators to a degree that Judge Ito interjected himself in the questioning by addressing the witness ("OJ Simpson Trial – June 15th, 1995 – Part 3 (Last part)," 05:29). The camera stayed in a medium shot of the witness and Ito only, with Darden, whose examination it was in the first place, completely out of frame. The judge then ordered a short recess, and the evening session ended on a weak note for the prosecution and arguably a humiliating conclusion for Christopher Darden.

Apart from being stamped as incompetent, Christopher Darden was also involuntarily forced into the role of a traitor and sellout, in particular when compared to Johnnie Cochran, who came to represent the interests and the pride of the African American community by defending O.J. Simpson against the LAPD's supposed corruption. In their essay "Entertainment Media and Political Knowledge," Christopher Cooper and Mandi Bates Bailey point to the findings of a study concerning media framing<sup>12</sup> whose results indicate "that episodic frames (frames that focus on individual cases) cause the viewer to blame individuals rather than society for the problem or issue in question" (Copper and Bates Bailey 135), which could explain why Christopher Darden's role in the prosecution was questioned so harshly. Darden was derogatively called an "Uncle Tom" (Darden, *LA Times*, 10 March 2016) because he was working for white people. He further enraged the African American community, when he was forced to come to Mark Fuhrman's defense over the detective's use of the derogatory slur 'nigger.' On January 13, 1995, a heated discussion between Johnnie Cochran and Christopher Darden ensued in court, during which the prosecutor argued:

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12 "[F]raming suggests that the way in which the story is covered affects how people will perceive and respond to that particular issue." (Foy 135)

Why then should we allow that word in use in this courtroom? [...] It will do one thing. It will upset the black jurors, it will issue a test, it will give them the test and the test will be whose side are you on? The side of the white prosecutors and the white policemen or on the side of the black defendant and his very prominent and black lawyer? [...] The man [Fuhrman] finds one time amongst six or seven or 800 other items collected by the police in this case and now when the man is called to the witness stand we are going to go fifteen years back or fourteen years back and ask him if he ever made a racial slur, repeated a racial epithet? Why? [...] There is a mountain of evidence pointing to this defendant's guilt. But when you mention that word to this jury or to any African American, it blinds people. It will blind the jury, it will blind them to the truth. They won't be able to discern what is true and what is not. It will affect their judgment, it will impair their ability to be fair and impartial. It will cause extreme prejudice to the prosecution's case. [...] I am not saying Mark Fuhrman is a racist, because I have met Mark Fuhrman and I have talked to Mark Fuhrman. And I have looked at these records, and what I see in the records is that in 1981 and 1982 Mark Fuhrman suffered from stress. (Court Transcript, 13 January 1995)

The fact that Darden did not voluntarily defend Mark Fuhrman because he felt empathetic towards the LAPD detective but rather for strategic prosecutorial reasons did not save the attorney from public ignominy. His message appeared to be that Mark Fuhrman was not a racist but simply stressed from work. Fuhrman did not have a corrupt character per se, but rather, his encounters with black people were frustrating and infuriating, and these experiences ultimately made him bitter enough to use racial epithets. It was therefore even more agitating to the black community when Darden argued that Simpson's (African American) jury would not be able to stay impartial if Ito let Fuhrman's utterances be part of the evidence. Johnnie Cochran, in his usual calm and articulate manner, called Darden an "apologist of this man [Fuhrman]" (Court Transcript, 13 January 1995). He continued to imply that the prosecutor was an embarrassment to every African American in the country and even suggested that Darden was ashamed of his heritage:

His remarks this morning are perhaps the most incredible remarks I've heard in a court of law in the 32 years I have been practicing law. His remarks are demeaning to African Americans as a group. And I want [...] to apologize to African Americans across this country. [...] I am proud to be an African American. [...] I am a lawyer who happens to be an African American, but I will not allow myself to be used under these circumstances to become an apologist for people who use racist statements in the past, to malign other African Americans, to say that I'm some expert to come here and testify as an expert as to what black people think in America. All across America today, believe me, black people are offended at this very moment. (Court Transcript, 13 January 1995)

Video footage of the discussion is expressive of the “theatre of power” (Hill, “Reality TV Experiences” 132) that intrinsically shapes reality-based formats. Although both Cochran and Darden had similar backgrounds and were working as attorneys, their public relationship underscored their differences and suffused their every encounter. When Christopher Darden spoke, he stood alone, since he was the only African American lawyer on the prosecution team. It was a different matter when Johnnie Cochran rose to express his thoughts on the aforementioned issue. O.J. Simpson was seen in the background, turned towards his defense attorney, looking up at him in admiration (*O.J.: Made in America*, disc 2, 1:21:06). At one point, F. Lee Bailey attempted to talk to Simpson during Cochran’s speech, but his client simply raised his hand without taking his eyes off of Cochran and interrupted the other defense attorney with a gesture that signified, “Not now” (1:22:08). While the defense team symbolized unity and African American pride, Christopher Darden was vilified as the puppet of a powerful and racist system. To quote Nussbaum’s assessment: “In Darden’s failures, [one] finds not incompetence but a buried tragedy, about the confines of identity and the isolation of being forced to pick a team, then stick with it, at any cost” (Nussbaum, *New Yorker*, 1 February 2016).

In a 2016 interview with the *Huffington Post*, Christopher Darden admitted that “he [was] still paying the price” (Moret, *Huffington Post*, 7 July 2016) for his actions on June 15, 1995. The relevance of Darden’s exposure and embarrassment is neutered of its significance as a personal experience and elevated to a public issue, for meaningful events happen out in the open and are made more meaningful because others have confirmed that they are, in fact, meaningful (Duplantier 53). However, the prosecutor’s apparent professional incompetence and personal vilification in the public not only affected the prosecutor himself but also his family. Jenee Darden, for instance, admitted that she was hesitant to publicly acknowledge Christopher Darden as her father. In an article for the *Los Angeles Times*, she conceded that “[t]he public’s emotions remained raw long after the trial” (Darden, *LA Times*, 10 March 2016). Darden’s supposed ego-centric approach to the Simpson trial is also subject in several academic publications and always in juxtaposition to Johnnie Cochran’s altruistic handling of the case. E.g., in “Eye, the Jury,” Armond White asserts:

Loyal Darden didn’t efface himself for the good of the case. He went ego and started an ideological street fight. More than prosecuting, Darden became the spokesman for white insensitivity and impatience, going for conviction at the cost of moral restraint. [...] Cochran’s calling out Darden’s racist ploy argued for equity and impartiality in the “evidence” presented. But in the now-exacerbated terms of the public spectacle, Cochran’s fair-mindedness was discredited by mediacrats as militancy. (White 363)

The personality characterizations provided in this study are exemplary of how the Simpson trial’s “subjects, these on-screen people plucked from the everyday, literally

embod[ied] the fictional, regressive stereotypes which predominate on sitcoms and dramatic television shows” (Duplantier 48), and that celebrity can arise “from public judgement [and] even character assassination” (Sternheimer 12) and be upheld as a morality tale (12). Christopher Darden’s experience proves that “identity categories are not inherent or biologically determined, but [that] they are socially determined by cultural norms of demarcation” (Madison and Hamera xviii), allowing “alternative performativities and alternative ways of being” (xviii) in the first place. Conclusively, “[t]here is not one person or agent dominating another, but an inherent ambiguity as to who is in control on reality television” (Hill, “Reality TV Experiences” 161). Klapp even argues that through the dramatic-personal typing process of people, i.e., the collective undertaking, “history enters society, as distinguished from the information to be found in reference books” (Klapp, *Changing American Character* 7). He thereby attributes a wide-reaching importance to social roles one might not assume initially. Daniel Boorstin shares a similar point of view by asserting that

[t]o men unfamiliar with our way of life, our language would seem strangely circumlocutory. A world where people talk constantly not of things themselves, but of their images! Yet it is by these circumlocutions that we unwittingly express our deepest unspoken beliefs. Belief in the malleability of the world. Belief in the superior vividness of a technicolor representation to a drab original. (Boorstin 204)

The highlighting of selected character traits of the main players in the Simpson case and their purposeful marketing as celebrities illuminates a process that has long founded the core of reality television, namely the transformation or the “reshaping of subjects” (Heller 19):

We can think of RTV less as a genre than as a televisual mechanism for conducting powers of transformation. Programming has left television, and the whole of reality itself has become *programmable*. Challenging bodies’ limits, interchanging roles and people, collectivizing activities, and testing tolerance thresholds are just a few of the technical procedures deployed in RTV’s makeovers. Their effects include breaking down the interiorities of subjects, dissolving them into ‘dividuals’, and reconnecting capacities with others; in sum, turning objects into variables, a set of modifiable powers. (Bratich 20, emphasis original)

Upon closer inspection, one finds that transformation also constitutes a key component of the narratives in the Simpson story. There was the fall from grace of an American hero and football legend as well as the public vilification of a formerly respected and distinguished LAPD detective as a racist fiend. Attorneys and witnesses were marketed as celebrities and “bec[a]me the basis for entire brands” (Edwards 19). From a murder trial, O.J. Simpson’s story morphed into the steppingstone for greater civil issues in the US while Johnnie Cochran was venerated in the African



American community for fighting for black people's rights and justice. Aaron Duplantier notes on the issue:

From the reception end, reality TV characters should be understood under the guise that they are "ordinary" people made "extraordinary" as a consequence of their participation and exposure on reality TV [...]. The specifics of this "extraordinary" quality vary and are usually less "extraordinary" and more exploitative, but it is a disparate cultural circumstance from ordinary American life, to be sure, if nothing else for the fact so many viewers are looking in on a group of people and so few are looking out. (Duplantier 50)

Bignell suggests that "[t]he comparisons between characters and the judgments about identifiable human figures that the text invites the viewer or reader to make are reliant on a common code of judgment, a notion of 'normality' that the text works to establish" (Bignell 112). Thus, realism, he argues,

refers [...] both to the plausibility of behavior and events that are represented, and also to the world in which character and action take place. For reality television, the unscripted actions of its participants are to be measured in relation to the world that enfolds them and that forms the terrain on which the viewer's relationships with characters can occur. (112)

Reality television, however, alters the audience as much as its protagonists, and in no other genre can viewers so easily transition between spectators and performers. By use of the courtroom camera and with more information available to them than to the sequestered jury, for instance, the television viewers in the Simpson case were transformed from passive voyeurs, who solely watched the proceedings, into a second jury panel with a dominant opinion on Simpson's guilt or innocence. The numbers speak for themselves: "The media system covering the criminal trial included 121 video feeds, 8 miles of cable, 19 television stations, 8 radio stations, 23 newspapers and magazines, 850 telephones, and 2,000 reporters" (Schuetz 5). According to Lin Lilley, public involvement is a key criterion for telelitigated trials, during which the forming of opinions is highly encouraged to increase viewers' emotional involvement (Lilley 172).

### 2.3 Commercialization on Reality Television

Television is, first and foremost, a business that operates on commoditization, which Gilmore and Pine compare to the ever-present force of gravity, "dragging down every offering that isn't already a commodity" (Gilmore and Pine 47). By extension, the same axiom applies to reality TV and televised criminal trials. In *Reality TV: Remaking Television Culture*, seminal scholars in the field, Laurie Ouellette

and Susan Murray, discern that reality television is fundamentally “an unabashedly commercial genre” (Murray and Ouellette 3), and Aaron Duplantier speaks of TV shows as “packaged goods” (Duplantier 33) that are “concerned with capital first and aesthetics after” (Bell 36) as they “must [...] fill some monetary requirement in order to exist” (Duplantier 34). Historically, even the breakthrough of factual television in the United States, the “Republic of Entertainment” (Gabler 11), can be attributed to economic factors. It emerged “as a cost-cutting solution” (Raphael 122) that was facilitated by three particular factors in the 1990s: the rapid expansion of new technologies such as cable television and the Internet; commercialism and the excessive and competitive commodification of news; and lastly, populism and incentives for increased public input and participation (Fox, Van Sickle, and Steiger 101). By the early 1980s, the three major American networks—CBS, ABC, and NBC—faced numerous challenges that noticeably altered the television landscape in favor of reality formats: federal deregulation of the media led to shifting syndication and an expansion of independent television stations across the States which, in turn, increased competition and audience dispersion (McKenna xiv). In addition, production costs for original scripted content multiplied during the writer’s strikes in the 1980s and the invention of home video devices and games that fragmented audiences even further. Another explanation for why the genre is so highly commercialized arises from “the weak historical presence of documentary television in the USA [which] has ensured that certain types of reality formats are related to commercial and entertainment ideas and practice” (Hill, *Audiences* 8); more so than, for instance, in the UK, where many reality formats build on public service ideas.

The commercial nature of reality television is mirrored in many areas of its production and “the merging of advertising and entertainment programming” (12). Although selling audience attention to advertisers is a genre-overarching strategy, producers of reality programs have successfully used scheduling arrangements to their financial advantage. E.g., after the first highly successful US run of the competition reality show *Survivor* in 2000, the Chief Executive Officer at CBS, Leslie Moonves, scheduled the second installment of the format to air on Thursdays at 8 p.m., as advertisers looking to increase their weekend sales are prepared to pay more for an ad spot on Thursday evenings (Magder 138). Moonves’ strategy paid off twofold, for he increased advertising revenue and viewership by the end of the second season (139). June Deery argues that even employing ordinary people or non-professional actors in reality formats is first and foremost a commercial decision and not a political strategy to “give voice to the powerless” (Deery, “Mapping” 12).

In the Simpson case, Marcia Clark was not the only person who financially benefited from the criminal trial. The popularity of the case allowed Court TV to become the focal point of reality crime programming. Despite Steven Brill’s supposed goal to open courtrooms to the American public via television for educational purposes, he was, primarily, an entrepreneur and businessman who founded the network to

make money. This is reflected in the change that Court TV underwent from a “C-SPAN type of public service programming to a glitzy, mainstream-influenced, dramatic, sensational, and celebrity-based concept” (Kleinhans and Morris 173). Constant regeneration and transformation were necessary to compete and survive in a “multichannel universe” (173). Apart from Court TV, many other cable news channels profited highly from the Simpson trial. Statistics reveal that CNN recorded audience ratings “roughly 80 percent higher than in the years preceding and succeeding the case” (Fox, Van Sickel, and Steiger 116), with an average of 2.2 million viewers at any given time (Morrison 11). With numbers as a determining factor in the selection of news reports, however, there is a constant over-reporting of violent crimes such as murder, despite its subordinate position in the overall compendium of all committed crimes in the US (Schmid 14). By doing so, (TV) images produce an artificial world of hyperreality, shaping audiences’ understanding of their social world (Bourdieu, *On Television* 22). In other words, when certain news or images are broadcast to viewers’ homes, they believe them to be of particular importance, and the way these images are presented divide people’s worldview in a particular manner. Expanding on Roland Barthes’ concept of description-produced “reality effects” (Barthes 1989), French philosopher Pierre Bourdieu described this phenomenon with reference to the moving images of television in 1998:

They [images] show things and make people believe in what they show. This power to show is also a power to mobilize. It can give a life to ideas or images, but also to groups. The news, the incidents and accidents of everyday life, can be loaded with political or ethnic significance liable to unleash strong, often negative feelings, such as racism, chauvinism, the fear —hatred of the foreigner or xenophobia. The simple report, the very fact of reporting, of *putting on record* [...], always implies a social construction of reality that can mobilize (or demobilize) individuals or groups. (Bourdieu, *On Television* 21, emphasis original)

Television, and by extension, reality television, always “mediate[s] reality through narrative practices; aesthetic choices; geographic constructs; thematic interests; casting decisions; and social, economic, political, and cultural power” (Kraszewski 17), employing minimal effort to communicate its ideas (Deren 150).

Commercialization is also the reason why transmedia storytelling and participatory fan culture are of major significance for the reality genre. Audiences and fans are actively involved in the financing and production of their favorite shows, as their tastes and desires are commodified for increased profit. The commodification process “expands a group’s cultural visibility” (Jenkins 62), allowing producers to customize their programming to the needs of the majority. For instance, although the Internet was still new ground in the 1990s, it opened reality television and its popular formats up to new dimensions of “multiplatformicity” (Deery, “Mapping” 16), encouraging fans and even anti-fans to interact through voting, phone-ins, chat

rooms, or emails (17). In the process, the community was transformed into a “global village” (Lilley 163) and the Simpson case into the first “*Internet spectacle*” (Kellner 97, emphasis original) in American history. This new form of commodifiable participation encouraged national and international spectators to use the World Wide Web to exchange their opinions on the proceedings in round-the-clock open chatrooms, share conspiracy theories, and engage in “daily battles between ProJs, who believed that Simpson was innocent, and NoJs, who were sure that he was guilty” (97). The interactivity offered by such sites “intensified the role of celebrity gossip as social glue and platform for collective moral judgment and outrage” (Douglas and McDonnell 242) and “revealed a postmodernization of culture in which daily life is colonized by a total media environment” (Kellner 103).

Other commercial marketing strategies entail product placement and merchandizing. The latter, also referred to as “entertainment property” (Deery, *Consuming Reality* 24), involves the selling of physical items, such as coffee mugs and t-shirts, or media content, e.g., ringtones or associated games, ultimately commodifying the viewer’s experience even further (24). Concretely put, “TV, as a business, does what any business tries to do: give customer[s] what they want or need at a price they’re willing to pay, and if possible, establish a relationship of trust and reliability to ensure a long and fruitful commercial relationship” (Magder 142). In 1995, street vendors filled the streets around the Criminal Courts Building in Los Angeles, selling t-shirts, caps, stickers, and buttons, featuring Simpson’s mug shot as one of over fifteen different designs (Ford, *LA Times*, 15 July 1995). Oftentimes, the thin line between satirical references and distasteful ridicule of those involved in the case was arguably crossed for financial gain. One design, for instance, was printed on the panels of a blue baseball cap and showed a dark leather glove, from which blood dripped on the brim, and below the slogan “It’s a set-up.” Depicting a glove soaked in the victims’ blood on a baseball cap to express one’s belief that Simpson was framed by the LAPD seems apathetic, but it illustrates once again that, more often than not, the trial was not about the victims but about the business of sensationalism. Other examples include a papier-maché doll of the dead Nicole Brown Simpson that was covered in blood and stab wounds. Another vendor and caricaturist sold his drawing collections of the case for \$15. They came in a plain brown package marked ‘mysterious’ in reference to the cryptic brown envelope Judge Kathleen Kennedy-Powel received during Simpson’s preliminary hearings. The case also inspired a line of Halloween gear, with the best-selling and promptly sold-out item being a leathery mask resembling the accused murderer. Short afro wigs imitating Simpson’s hairstyle and a big fake butcher knife completed the Halloween costume (Granberry and Ferrell, *LA Times*, 8 October 1994). Eddie Dee, one of the street vendors, supposedly made \$1,000-a-day profits (Ford, *LA Times*, 15 July 1995), but admitted that, at one point, sales plunged when the police actively tried to prevent trading by unlicensed vendors around the courthouse.

Author and comedian Jack “Knife” Butcher compiled O.J. Simpson inspired jokes that were published in book form in 1994, promising readers to make them “scream bloody murder” (Butcher 1994). Butcher’s collection covers any and every aspect of the case, including Simpson’s fear of being gassed if convicted (25), his passion for carving knives, knife throwing, and slicing (12, 21), or his choosing of “the beautiful, slim, graceful, blond Nicole” (18) as wife “[b]ecause he was afraid a big black woman would hit him back” (18). Further merchandise curiosities included “[o]range-scented ‘O.J.’ air freshener, Judge Ito Jell-O-molds, and chocolate ‘Camp O.J.’ suckers” (Marbella, *Baltimore Sun*, 21 February 1996) as well as trading cards, “bank checks bearing images of Simpson in three poses, [and] wristwatches with little police cars chasing a Bronco around a clock face” (Marbella, *Baltimore Sun*, 21 February 1996). One can even get ahold of O.J.’s *Legal Pad: What Is Really Going On in O.J. Simpson’s Mind?* which was first released in May 1995. The paperback edition is designed to look like the yellow legal pad Simpson used during the proceedings and includes fictitious instructions Simpson gave to his lawyers, “ideas for alibis, [and] caricatures of Judge Ito and the prosecutors” (Beard 1995).

Entrepreneur Bill Zucker profited from the Simpson hype by inventing “The People vs. O.J. Simpson Trivia Game” in 1995, which, according to the cover description, is a “Game of Fun & Facts.” The objective is to move forward to the six locations on the map by answering questions and to return to the start position before one’s opponents do.<sup>13</sup> The desire to play a trivia game surrounding an actual murder case is in fact a cultural component of the co-performing process. Brands and individual entrepreneurs develop products for purchase to enable consumers to form social relations with their new possessions. By doing so, the product becomes an extension of the idea it stands for. Zucker’s trivia game and other trial memorabilia of the like “suggest[...] that a celebrity’s aura [will] rob off on the consumer who use[s] the favored products, thus placing him, in his imagination at least, on the other side of the glass with the celebrity” (Gabler 201). This assessment is corroborated by Fainstein and Judd who further add that “the act of buying a souvenir condenses a city into a thing now possessed and owned. Just as snapping a picture captures a fleeting moment, buying something transcends the transient act of shopping and promises the prolongation of pleasure” (Fainstein and Judd 14). Gabler points out another possible explanation for the profitability of themed commodities. By example of the Hard

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13 The six locations are Simpson’s Rockingham mansion, Nicole Brown Simpson’s condominium on Bundy Drive, the football field of the University of South California, where Simpson began his successful sports career, as well as the Los Angeles Airport, Courthouse and Police Department. The game is still available on Amazon and has a 5-star rating. One customer wrote: “Great game! Full of interesting questions.” (see [www.amazon.com/People-vs-Simpson-Trivia-Game/dp/B005GA92UI#customerReviews](http://www.amazon.com/People-vs-Simpson-Trivia-Game/dp/B005GA92UI#customerReviews))

Rock Cafe and its high t-shirt sales, the critic claims that visitors of spaces and locations “memorialize[...] their own purchase” (Gabler 216). Much like the Hard Rock Cafe, the Criminal Courts Building in Los Angeles, where Simpson’s trial took place, “had been so celebratized that some people went there to buy a souvenir to commemorate the time they went [there] to buy a souvenir, which in turn, broadcast to others that they had been to the [courthouse] to buy a souvenir” (216). Acquisition thus serves as a means for exhibition. While the trial was ongoing, many street vendors hoped for a hung jury because that would initiate a new trial and ultimately be equivalent to more merchandise sales (Marbella, *Baltimore Sun*, 21 February 1996).

Even O.J. Simpson attempted to gain money off of his own prosecution. From inside the prison, he ordered his lawyers to patent his full name and its associated nicknames, which subsequently led to “more than fifty lawsuits against merchandisers marketing items bearing his name” (Morrison 10). An exclusive 90-minute interview the celebrity defendant gave to Ross Becker, a former Los Angeles anchorman, was released on videotape in February 1996 and sold for \$29.95, offering the audience Simpson’s side of the story. The interview was “followed by a tour of the house and grounds with the former football player himself as the guide, some clips from the trial and an occasional bit in which Mr. Simpson talks straight into the camera” (Marbella, *Baltimore Sun*, 21 February 1996), leading to a running time of 2.5 hours. Fans and interested parties could order the exclusive product via mail order or the toll-free number, 1-800-OJ-TELLS. While new revelations failed to materialize, as Simpson continued to insist on his innocence and blamed the prosecution and the Los Angeles Police Department for the emotional turmoil in his life, the VHS tape provided “simple, voyeuristic pleasure of getting inside O.J.’s head” (Marbella, *Baltimore Sun*, 21 February 1996). In her article on the product, investigative reporter Jean Marbella sarcastically commented:

For \$29.95, you expected, what? O.J. Simpson confessing that he did indeed kill his ex-wife Nicole and her friend Ron Goldman? [...] As the producer of the just-released video [...] has said, he’d be selling the tape for a lot more than \$29.95, plus shipping and handling, for bombshells of that magnitude. (Marbella, *Baltimore Sun*, 21 February 1996)

In the beginning of the videotape, the interviewer Ross Becker bluntly asks O.J. Simpson whether he agreed to the video project to make money, and Simpson’s response is just as blunt: “Oh, obviously. Obviously. I’ve spent a career collecting a certain wealth, a lot of people have relied on me over those years—family, in-laws—and I’ve had to use all that up, all those savings up to defend myself” (“O.J. Simpson FULL Post Trial Interview,” 1:57-2:15).

In 2006, O.J. Simpson and his ghost writer Pablo Fenjves also wrote what they called a hypothetical description of the murders of Nicole Brown Simpson and Ronald Goldman titled *If I Did It*. In the chapter “The Night in Question,” Simpson

introduces the readers to a friend named Charlie who was supposedly with him on the night of the murders and brought the knife along, when Simpson decided to drive to Nicole's house to "scare the shit out that girl" (Goldman family 125).<sup>14</sup> When the two arrived, Ronald Goldman was already there. Simpson became infuriated, assuming Goldman was another one of Nicole's supposed many romantic affairs. In the chapter, he writes:

Then something went horribly wrong, and I know *what* happened, but I can't tell you exactly *how*. I was still standing in Nicole's courtyard, of course, but for a few moments I couldn't remember how I'd gotten there, when I'd arrived, or even why I was there. [...] It was like part of my life was missing—like there was some weird gap in my existence. [...] I again looked down at myself, at my blood-soaked clothes, and noticed the knife in my hand. [...] I wondered how I had gotten blood all over my knife, and I again asked myself whose blood it might be, when suddenly it all made perfect sense: This was just a bad dream. (Goldman family 131–133, emphasis original)

Although O.J. Simpson lost the rights to the book, his other commercial endeavors illustrate how well his persona assisted in the expansion of cross-marketing strategies:

Each part of his career has served as a form of advertising for the other parts: his fame as a football player gave him an edge as an actor; his visibility as both an actor and athlete made him more desirable for commercial endorsements. His sources of fame are mutually reinforcing, and this history makes him quite desirable as the object of news or feature stories on television. Audiences will recognize him; their attention will translate into future commodity purchases. (Morrison 13)

The white Ford Bronco, which belonged to Simpson's friend Al Cowlings in 1994 and whose image was broadcast into the homes of over 95 million Americans during the Bronco Chase on June 17, 1994, has transformed into a significant artifact of American popular history. After the low-speed chase, Cowlings was offered \$75,000 for the vehicle by the company Startifacts. He initially agreed to the deal but backed out again, when he learned that Startifacts planned to rent out the vehicle to the Los Angeles-based tourist company Grave Line Tours which intended to reenact

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14 After the publication of *If I Did It* in 2006, there was considerable outrage over Simpson's attempt to profit from the murders many thought he had committed. Following the public outcry, a Florida bankruptcy court awarded the rights to the book to the Goldman family in order to partially satisfy the monetary compensation they were owed by Simpson since the civil trial in 1997. In the process of the book's republication in 2007, the Goldmans added the subtitle "Confessions of the Killer" to the original title and O.J. Simpson is no longer listed as the author or contributor.

the Bronco Chase, including taking its customers to Nicole Brown Simpson's grave (Rovell, *ESPN*, 14 June 2016). The car eventually came into the possession of, among others, Mike Gilbert, O.J. Simpson's former sports agent. In 2012, the owners of the Bronco agreed to loan the car to the Luxor Hotel in Las Vegas, where it was displayed to promote a sports memorabilia exhibit. Currently, Cowlings' Bronco is shown in the getaway cars exhibit at the Alcatraz East Crime Museum in Pigeon Forge, Tennessee. Visitors can inspect the vehicle, which has become metonymic with O.J. Simpson (Fiske 259) and is displayed along with a replica of Bonnie and Clyde's infamous "Death Car," famed gangster John Dillinger's red Essex Terraplane 8, and serial killer Ted Bundy's original Volkswagen Beetle. Kirshenblatt-Gimblett argues that by exhibiting "artifacts from far and wide, museums have attempted from an early date to reconstruct the places from which these things were brought" (Kirshenblatt-Gimblett 132), explaining why a car that was involved in a chase in the metropole Los Angeles can be displayed and still retain its meaning in the small city of Pigeon Forge, Tennessee.

In addition to the Bronco, items from the car's glove compartment are arranged behind a glass cabinet at the museum, next to a signed copy of Mike Gilbert's controversial tell-all publication *How I Helped O.J. Simpson Get Away with Murder*. The items include a brush, two combs, and a few pennies; unspectacular in and of themselves, but of historical value as relics that seem to shorten the distance between Simpson and the visitors. Furthermore, a television monitor placed above the Ford replays original footage of the Bronco Chase as it happened on June 17, 1994, evoking images of movement while the car itself has come to its final halt.

In 2010, the Newseum in Washington, D.C., acquired the grey-beige Armani suit from Mike Gilbert that Simpson had worn on the day of his acquittal. The suit, along with the matching white shirt and gold tie, is displayed under the banner "All O.J., All the Time." For curator Carrie Christofferson, the clothing is "a piece of news history" (Associated Press, *Daily News*, 7 April 2010); an opinion that is in common with the assessment of Kirshenblatt-Gimblett who argues that "[d]isplay is an interface that mediates and thereby transforms what is shown into heritage" (Kirshenblatt-Gimblett 7).

The aforementioned examples obviate the parallels between (reality) television and the fundamentals of capitalism. Gabler argues that entertainment and consumption constitute "two sides of the same ideological coin" (Gabler 205). He notes:

Entertainment [is] about release, freedom, transport, escape. Aside from the purchase of necessities [...] so too [is] consumption. Entertainment [is] about the power of sensation. So too [is] consumption, in this case the sensations generated externally by how one looked and internally by how one felt. Entertainment relie[s] heavily on instant gratification. So too [does] consumption. [...] And, in the



end, both entertainment and consumption often provided the same intoxication: the sheer, mindless pleasure of emancipation from reason, from responsibility, from tradition, from class and from all the other bonds that restrained the self. (205)

June Deery raises another noteworthy idea by arguing that it is this very commercialized nature of reality television that makes it authentic:

One could argue that by including commercial design reality TV is an authentic, as in accurate, representation of real life, since being commercially sponsored is, today, as real as it gets. The programming is in this sense authentic *because* commercialized, not despite it. (Deery, *Consuming Reality* 53, emphasis original)

Deery offers a new perspective on the monetary exploitation of contestants and narratives on reality television. It allows to view the handling of the O.J. Simpson case as an authentic reflection of American society at one particular point in time, illustrating a paradox in that, although the trial's authenticity was partly undermined by its commercialization and narrative manipulation, its commercial design and the appearance of authenticity was ultimately one of the most authentic aspects of the case.



## 3 The Court and the Camera: Theatricality of the Law

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### 8 July 1994

On July 8, 1994, twenty-one days after O.J. Simpson's arrest and concluding a six-day preliminary hearing, Municipal Court Judge Kathleen Kennedy-Powell announced that there was "ample evidence to establish a strong suspicion of the guilt of the accused" (Court Transcript, Preliminary Hearing, 8 July 1994) and ordered O.J. Simpson to stand criminal trial in the homicides of Nicole Brown Simpson and Ronald Goldman. The case was then transferred to Superior Court Judge Lance A. Ito, who initiated jury selection for the proceedings from a pool of 304 prospective jurors in October 1994. On November 3, nine African Americans, two whites, and one Hispanic (ten women and two men) were seated, and the Simpson criminal trial proceedings officially began in January 1995.

As part of establishing the legal framework for the trial, Lance Ito set hearings with the prosecution and defense team to discuss the use of cameras in his courtroom. The judge's initial hesitation and circumspection portended to the complexity of an issue which has persevered well into the 21<sup>st</sup> century, with the first public discussions and the formation of official committees debating the matter of electronic trial coverage in the US dating back to 1917. As the following chapter will show, the debate concerning the use of cameras in the American justice system has never been without controversy and continues to divide critics and supporters, particularly amid a celebrity scandal.

### 3.1 The Courtroom Camera: Friend and Foe

One of the earliest examples of a media-hyped public criminal trial revolved around the Hauptmann case in 1935. German descendent Bruno Hauptmann was accused of kidnapping and killing the twenty-month-old son of aviation pioneer Charles A. Lindbergh and his wife Anne Morrow. Charles Jr. had been abducted from his crib in March of 1932. Next to the infant's bed, the Lindberghs found a ransom note, and although the money was delivered, the baby was discovered dead two months later. Eventually, the police connected other ransom notes that were similar to the one

found at the Lindbergh crime scene to Bruno Hauptmann, who was then charged and put on trial. The press and the 2,700 residents of the rural New Jersey town of Flemington continuously followed the proceedings. Nearly 700 reporters chronicled Hauptmann's case, transmitting "over one million words a day [...] over 45 internationally connected telegraph, telephone, and teletype wires" (Barber 4). On February 13, 1935, Bruno Hauptmann was found guilty of first-degree murder and sentenced to death. Although he continued to proclaim his innocence and appealed the verdict, he was electrocuted on April 3.

The public handling of Hauptmann's trial alluded to a rising interest in celebrity in American society as well as the potential damage excessive media coverage could cause in absentia of a proper code of conduct in the judiciary. According to Kelly Wolf, "the press hindered the investigation more than it helped. Reporters arrived at the crime scene shortly after police and tramped through the estate, possibly destroying vital evidence" (Wolf 165). Numerous instances during the trial indicated that the defendant was neither granted due process nor presumed innocent until proven guilty, which constitute sacred principles in the American justice system. Hauptmann was called "an animal" (Barber 5) and "Public Enemy No. 1 of the world" (5) by both the prosecution and the press. Inside the courtroom, "[p]eople stood on tables, in the aisles, at the back of the courtroom, and in the entrance to the courtroom gallery; they leaned against walls, perched on window sills, craned over balcony rails, and peered through doorways" (6). Although cameras were banned during sessions, numerous reporters succeeded in bypassing the supervisory measures, and various photographs of the procedures were printed in the next edition of different newspapers. Additionally, clips from the trial were shown at theaters to satisfy people's need for sensational news concerning the Hauptmann trial (Wolf 165). The situation outside the courtroom was no less disorganized as it was "bustled with vendors and tourists" (165). As Kelly Wolf reports, "[l]ocal restaurants got in on the action by touting food specials named after important figures in the case [...]. Crowds on the street could be heard inside the courtroom shouting their beliefs that Hauptmann was guilty and deserved the death penalty" (165).

The disordered experience of the Bruno Hauptmann trial led officials to reconsider their position on cameras in the judicial branch. The American Bar Association (ABA)<sup>1</sup> appointed a Special Committee on Publicity in Criminal Trials that conducted an extensive analysis regarding the press coverage of the trial and ultimately recommended banning cameras from courtrooms in their final report (Barber 8). In addition, the ABA's Executive Committee established a panel composed of members of the bar and the press who were intended to "work out standards governing publicity

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1 "Founded in 1878, the ABA is committed to advancing the rule of law across the United States and beyond by providing practical resources for legal professionals, law school accreditation, model ethics codes and more." ([https://www.americanbar.org/about\\_the\\_aba/](https://www.americanbar.org/about_the_aba/))

in criminal trials” (Cohn and Dow 17) and who ultimately recommended the use of cameras with the approval of the judge and counsel (17). Despite their recommendations, however, courtroom photography and radio broadcasting were banned by the House of Delegates<sup>2</sup> in 1937. The new ruling read:

Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom, during sessions of the court or recesses between sessions, and the broadcasting of court proceedings, are calculated to detract from the essential dignity of the proceedings, degrade the court, and create misconception with respect thereto in the mind of the public, and should not be permitted. (Geis 419, *ABA Journal*)

In 1952, this ruling, Canon 35, was modified to specifically include television coverage of trial proceedings. In 1961, the ABA even went as far as condemning “the appearance of judges on courtroom programs, such as simulated courtroom broadcasts” (Barber 9).

Although the official position on cameras in courtrooms was clear, lower courts did not always strictly adhere to Canon 35. The 1950s marked a time when judges dared to experiment with electronic trial coverage, particularly in the states of Oklahoma, Kansas, and Texas. The first trial to ever be covered on television was Billy Eugene Manley’s in Oklahoma City during December of 1953:

At that time, cameras from WKY-TV were housed in a specially-constructed booth, entirely enclosed, in the rear of the courtroom. Sound was recorded on a microphone hidden near the front of the court, while additional lighting was provided by photo-flood lights placed in the chandeliers. WKY-TV filmed the swearing in of the jury, some of the trial testimony and the sentencing of Manley. The films were later shown, after editing, during the news broadcasts. Judge A.P. Van Meter had a small button fastened to his desk which he could push at any time to discontinue automatically the operation of the cameras. (Geis 420)

While the first television coverage of a trial took place in Oklahoma City, it is assumed that the first live broadcast was initiated during the Harry L. Washburn prosecution in Waco, Texas, in 1955. Only a year later, in February 1956, Colorado set an extraordinary example by permanently allowing cameras in its courtrooms “with the provisions that: (a) final consent for coverage should rest with the trial judge and should be decided on a case by case basis; and (b) there could be no camera coverage of an objecting witness or juror” (Barber 12). This decision was met with criticism by the media. In a state hearing, media representatives argued that Canon 35 was unconstitutional because it restricted free speech and the people’s right to information (12). After three weeks of consideration, Justice O. Otto Moore, who was initially

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2 The House of Delegates is the policy-making body of the ABA.

opposed to cameras in the courtroom, surprisingly changed his mind and recommended the adaptation of a new code of judicial conduct to the Colorado Supreme Court. Colorado Rule 35 was intended to replace the existing Canon 35.

The already slow-paced progress in the debate on news cameras came to a sudden halt with another high-profile case and the conviction of businessman Billie Sol Estes in 1965. Estes appealed the verdict, arguing that he had been deprived of a fair trial due to the extensive photographic and televisual coverage of his proceedings. Eventually, his case was handed to the Supreme Court, which “issued a five to four decision [...] that froze debate over cameras in the courtroom for more than a decade” (Cohn and Dow 19).

On a federal level, the Federal Rule of Criminal Procedure 53, adopted in 1946, regulated court conduct and expressly prohibited “[t]he taking of photographs in the court room during the process of judicial proceedings or radio broadcasting of judicial proceedings from the court room” (Barber ix). The wording of this legal rule has since also been modified in acknowledgment of new technological developments and the entry of television into American households. Although the revised regulation permits exceptions, Rule 53 still reflects a mistrust of the federal courts towards the electronic media coverage of criminal trials and acknowledges the controversy surrounding the matter. In a prohibition issued in 1972, the Judicial Conference of the United States explicitly forbade the “broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto” (Administrative Office of the U.S. Courts).

Fundamentally, the question of electronic trial coverage in the US reflects a constitutional conflict between the press, the public, and the judiciary, or more specifically, between the First and Sixth Amendment of the United States Constitution. Media representatives often cite the First Amendment in their defense which guarantees freedom of the press and people’s right to information. They consider the process of news reporting a civic duty that requires conclusive information for accuracy. By opening legal proceedings up to the public, proponents of extended media access to trial procedures call television a “tool for social democracy” (Thaler, *Watchful Eye* xxii) and courtroom cameras an “ally of the judicial system” (xxi). Teletigated trials reduce the public’s misconceptions about the legal system and enable the autonomous assessment of the provided information. In this respect, courtroom cameras become an essential democratic tool by exposing executive authorities to public scrutiny (Barber 31).

Citing television’s educational value gains further significance considering the preponderance of television in American society. According to the 2021 American Time Use Survey, commissioned by the U.S. Bureau of Labor Statistics, Americans spend approximately three hours, which equates to more than half of their daily leisure time, watching television. On the contrary, social interactions take up less than 40 minutes per day. French sociologist Pierre Bourdieu, who has dealt exten-

sively with the influence of television on people and their culture, argues that “[t]elevision enjoys a de facto monopoly on what goes into the heads of a significant part of the population and what they think” (Bourdieu, *On Television* 18). Taking into account that television is today’s “most common and constant learning environment” (13), cameras potentially enable viewers to “construct a clearer ‘reality’ of the American courts, which can only enhance and legitimize the processes of law and renew faith in the justice system” (Thaler, *Watchful Eye* xxii).

The lead prosecutor in the O.J. Simpson trial, Marcia Clark, used similar arguments to convince Judge Lance Ito of the benefits of the courtroom camera. During a hearing in November 1994, Clark expressed the opinion that it would allow the public to see the evidence as it really was and refute any rumors or speculations circulated by the tabloid media for dramatic effect. In an interview, she also stated: “Having the cameras in the courtroom allows everyone to see how a trial really proceeds, so then they see the actual evidence as it’s being brought out, and that’s a good thing” (*O.J.: Made in America*, disc 2, 01:46:17). O.J. Simpson’s defense team initially also believed that the presence of the camera would work in favor of their client and ensure that Simpson could safely return to his life after an acquittal, for the transparency of the courtroom camera would help restore his reputation should it be unjustly tainted (Hayslett 74). Similar claims to impartiality and transparency are substantiated on reality television in general by the provided immediacy of observation on screen, resulting from a presumed non-existence of scripts on the one hand and the usage of unobtrusive equipment on the other hand. By placing people “in contexts of comprehensive monitoring” (Andrejevic 46), reality television promises glimpses into the truly authentic moments of the cast members since it is too challenging for them to continuously tailor their image for an invisible television audience (46).

A historical perspective on electronic trial coverage seems to support the camera’s *raison d’être* in the legal sphere, considering telelitigation has always constituted an integral part of American culture alongside the broadcast of other dignified national ceremonies such as inaugurations and church services (Cohn and Dow 59). This could be attributed to the fact that court proceedings are ritualized and at a closer look, reflect the familiar structure of a sports game: the lawyers play (argue, present, manipulate) in their arena (the courtroom) until one side wins and the other loses, while the judge represents the referee who enforces the preexisting rules and determines whether both parties play fair.<sup>3</sup> In the Simpson case, for instance, Judge

3 Similarly, Richard Schechner regards the performance process in a jury trial as a “performance quadrilogue,” which occurs between four categories of players: sourcers (e.g., detectives), producers (judges, technicians, directors, etc.), performers, and partakers (spectators, fans, juries, the public, etc.). The sourcers gather evidence, which is assembled into two opposing narratives by the prosecution and the defense. The producers set the legal rules and framework for the trial. The performing parties are the judge, the prosecutor, the defense, and the witnesses (and, as I would argue, the defendant as well), who orchestrate the legal play in

Ito always opened the proceedings with the statement, “Back on the record in the Simpson matter,” followed by a listing of the defendant and the present attorneys. According to Goffman, such “ceremonies of entrance” (Goffman, *Encounters* 7) are “signs acknowledging the initiation [...] of the encounter or focused gathering as a unit” (18) and displays of what Schechner calls “restored behavior” (Schechner, *Performance Studies* 10); i.e., “repetition in heightened form” (Pollock 4). Consequently, Lance Ito “play[ed] a dual role in the trial process: first, as representative of the Law; second, and more significantly from the point of view of interactional dynamics, as controller and moderator of the talk produced by all the other participants” (Cotterill 93). As Cotterill elaborates, Ito was responsible for various types of address such as providing instructions to the jury or ruling on motions and objections.<sup>4</sup> Ito also “monitor[ed] and regulat[ed] the speed at which the trial narrative unfold[ed]” (45). He instructed counsel to “move on” or to “ask the next question” (Court Transcript, 19 July 1995) when the attorneys pursued an already resolved issue for too long:

**The Court:** *Did he discuss with the Defense investigator the hiring of attorneys in this case? Yes, he did. That is already in the record.*

**Marcia Clark:** *That it is.*

**The Court:** *All right. Then let’s move on.*  
(Court Transcript, 19 July 1995)

Other times, Ito urged counsel to rephrase questions he deemed incongruous:

**Marcia Clark:** *Now, someone, Mr. Meraz, took those credit card receipts out of Mr. Simpson’s car; isn’t that right, without permission?*  
[...]

**The Court:** *Hold on. Hold on. That is not an appropriate way to ask a question. Ask your next question.*

**Marcia Clark:** *My question to you, Mr. Meraz, is you took the credit card receipts out of the side pocket of Mr. Simpson’s Bronco on June 15th; isn’t that correct?*

**Mr. Meraz:** *This is true.*  
(Court Transcript, 19 July 1995)

Judge Ito also had the power to place “a time limit on the lawyers in their arguments” (Court Transcript, 26 September 1995) and “upon each side a limit of no more than

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front of the partakers. With regard to the witnesses, Schechner establishes five concentric circles: the jury, the families and friends of the accused and the victim(s), the press, ordinary spectators, and the public who follow the proceedings in the media or on television. The performance process, configured as a “Z-path” around the performance quadrilogue, intricately links and accentuates the relationship between performers and partakers (Schechner, *Performance Studies* 61–62).

4 The proceedings were interrupted over 16,000 times over the nine-month trial (Cotterill 95).



two attorneys may argue to [the jury]" (Court Transcript, 26 September 1995), further setting the ground rules for Simpson's criminal trial. In *Film- und Fernsehanalyse* (2012), Knut Hickethier addresses the essential role of a moderator or host on television who becomes the face of a particular series and the mediating figure between the show and the audience:

Es sind also die [...] Moderatoren, die zu den Fernsehstars werden, in denen sich ein Publikum wiedererkennt. Die Moderatoren [...] werden dadurch, dass sie durch ihre Moderation helfen, das Gezeigte einzuordnen, zu zentralen Instanzen der Weltvermittlung des Fernsehens. Vielen Zuschauern erscheint es oft, dass sie "die Sache selbst" seien. Die Tendenz zur Personifizierung wird dadurch unterstützt, dass die Moderatoren vereinzelt auch höhere Funktionen in den Fernsehanstalten einnehmen. Sie [...] sorgen durch sprachliche Prägnanz, stilsicheres Auftreten und perfektes Outfit für eine Aura der Unangreifbarkeit. (Hickethier 179)

Hickethier also explains that "[a]ls Moderatoren organisieren sie einen Ausschnitt von Welt, in dem auf ihr Kommando alles hört, sie scheinen auch die Herren der Wünsche der Zuschauer zu sein" (179–180). Reality television personalities such as Ryan Seacrest and Simon Cowell, for instance, are both inextricably linked to the talent competition shows *American Idol* (2002-) and *America's Got Talent* (2006-). Star chef Gordon Ramsey and his oftentimes radical honesty in evaluating his contestants' kitchen talents is the figurehead of the popular cooking show *MasterChef* (2010-). In the German reality TV realm, the highly successful format *Who Wants to Be a Millionaire* (1999-) and its longtime host Günther Jauch seem to have become interchangeable names. *The Critics' Choice Television Awards* even honor the work of TV hosts by annually awarding a prize in the category "The Critics' Choice Television Award for Best Reality Host."

In the courtroom, apart from procedural sequences regulated by the judge, the layout and the position of furnishings and other objects such as the courtroom camera and computers add recognition value to the legal sessions. Yi-Fu Tuan notes that "[t]he scenery [...] is an extension of and reflection of the distinctive [...] personalities of the characters" (Tuan 241). Judge Ito's collection of hourglasses, for instance, which he visibly displayed on his desk, became such a familiar sight and an inextricable part of the courtroom scenery that the *Los Angeles Times* dedicated a lengthy article to the judge's peculiar table assortments:

It is widely known around the Criminal Courts Building that Ito alludes frequently to time—hence, the suspected reason for the four hourglasses, one little one stacked atop a big one and two medium-sized ones nearby. [...] A well-documented fact [...] is Ito's devotion to Peet's Coffee & Tea [...]. The mug that's a fixture on Ito's bench comes from Peet's. It's the purple-on-white "Monkey, Dog,

Star” model and sells for \$6.95, Peet’s President Sam Salkin said. (Abrahamson, *LA Times*, 26 January 1995)

With its focus on the seemingly trivial and case-independent aspects of the main participants, the media established a “ritual regularity” (Langer 356), through which it was able to sustain its structure of intimacy with the readers and audience and provide a figurative anchor of equilibrium. Duplantier reiterates that “the perceived realism of many reality TV shows is the endless recitation of the trivial and rote elements of consumer life” (Duplantier 36). The new kind of television experience that came with the breakthrough of the genre served monotony as “visual evidence of real life” (Hill, *Audiences* 59) and often “had little to do with conventional entertainment value—the ‘entertainment’ was seeing someone else do the banal things [...], free of any dramatic arc” (36). In “The Triumph of Mass Idols,” sociologist Leo Lowenthal cautions his readers not to underestimate “the important role of familiarity in all phenomena of mass culture” from which people “derive a great deal of satisfaction” (Lowenthal, *Literature and Mass Culture* 211). In this regard, watching the Simpson trial became a comforting routine of everyday life for the American people. Furthermore, Sara Gwenllian Jones accentuates that repetition and continuousness invite audiences to establish emotional connections to the program’s main characters:

Television’s seriality intensifies the audience’s imaginative engagement with the cult text and, particularly with its characters. It effects an illusion of contamination and constancy which itself invites speculation; there is a sense in which the fictional lives of characters seem to carry on, unseen by camera or audience, between episodes. (Gwenllian Jones 11)

The fixed position of the courtroom camera further enhanced the feeling of familiarity with the surroundings. It was mounted on a side wall above and behind the jury box. From this angle, the television audience essentially perceived the proceedings from the jury’s point of view.

Assuming, however, that it is solely the pursuit of familiarity and relatability that drives media outlets to cover the most benign aspects of a trial would be a misconception. According to Fox, Van Sickel, and Steiger, the underlying force in the pervasive coverage is ultimately of commercial nature (Fox, Van Sickel, and Steiger 12). Uninterrupted and continuous chronicle allows for episodic reports on subjects and issues and, thus, a steady stream of views in the attempt to “regularize the audience for television” (Schmid 140). As was observable in the Simpson case, legal proceedings can be prolonged for months, and the methods of concretizing a verdict are usually rather tedious and bureaucratic, leaving recurring opportunities for the commercialization of criminal proceedings, which potentially undermine the dignity of the judicial process (Goldfarb xvii). This argument has been particularly supported by members of the American Bar Association. They fear that by televising trials to

the nation, complex matters are reduced to entertainment material with maximum dramatic effect. Ultimately, “[p]roduction decisions to cut between ongoing trials, as well as the very selection of trials to be aired, are reflective of the network’s sensitivity to luring audiences more accustomed to mid-afternoon soap operas than dense trial coverage” (Thaler, *Watchful Eye* 67), and the broadcast becomes nothing but “a mockery of justice” (Barber 40). In fact, Paul Thaler believes that “[t]he judicial process is one inherently adverse to the demands of the medium [television], and the camera’s presence imposes a reordered environment that shifts existing power relationships” (Thaler, *Watchful Eye* 11).

Indeed, the potentially harmful impact of the courtroom camera on participants in and the public following a trial represents one of the most intensely debated aspects of electronic trial coverage and initially constituted a point of contention for the judge in the Simpson case as well. During a hearing on November 7, 1994, Judge Ito pointed out “the perils of television, including nervous witnesses, grandstanding lawyers and salacious sound bites” (Margolick, *NY Times*, 8 November 1994). Ito had received more than 15,000 letters urging him to ban cameras from the courtroom in order to avoid a furor which media networks artificially increased by setting up a \$1 million dollar media complex, called Camp OJ, outside the courthouse (Hunt 87). This camp consisted of numerous “trailers, satellite trucks, and microwave vans; [the media built] five-story-tall scaffolding for broadcast platforms; [and] laid eighty miles of fiber-optic cabling” (Hayslett 5). To the public, these actions implied that Simpson’s trial was extraordinary, consequently raising interest in the proceedings and sensitizing people to any new developments in the matter.

To assert some degree of control over the trial coverage, Judge Ito ordered “a large courthouse media center for print and broadcast news organizations” (Hayslett 38) to be established, providing media representatives with two small offices for specific use. In one office, Court TV installed the television-signal-delay equipment, which Ito had ordered as a condition to let the TV camera enter his courtroom. It also served as the workplace for the staff member overlooking the set-up. The other office was occupied by the media’s hired pool producer, Nina Goebert, who coordinated the camera shots (38). The courtroom camera itself was operated by a TV remote camera operator who used a video game-style joystick to remotely move the lens or zoom in and out while filming. Next to him, a sound operator adjusted tone settings on a mixer console. Both sat in the back of the courtroom on the juror’s side, next to the evidence display operators. In front of them, a small monitor presented the footage the TV camera was filming. Judge Ito ordered a seven second delay of the broadcast feed, and a Court TV employee was assigned to monitor the signal and immediately press a so-called ‘kill switch’ to interrupt the transmission of the audio and/or video feed in case of transgressions.

Apart from agreeing to the installation of one TV camera, Lance Ito also granted the media’s request to have a still camera take pictures during the proceedings,

which “primarily served deadline news organizations” (76). Because of pooling arrangements, the camera was supposed to help reduce the number of press photographers inside the courtroom and therefore the overall level of noise. While remote-controlled TV cameras had been used in various areas of public life for years (e.g., surveillance), the still camera inside Ito’s courtroom was an innovative technological device. Due to imposed photography restrictions, the print media were forced to find a “high-resolution, remote-controllable still camera model that could pan, zoom, and snap pictures” (11), which was then bolted to the wall next to the TV camera and equipped with a “soundproof box from pieces of an underwater camera housing and a used telephoto lens case” (Pool, *LA Times*, 30 December 1994) as well as an auto-focus zoom lens. Similar to the TV camera, the operator moved it with a joystick. “A finger-size video camera stuck to the rear of the boxed camera’s viewfinders show[ed] the operator in the hallway what the camera [was] aiming at” (Pool, *LA Times*, 30 December 1994). Despite those modern technical features, which elevated the Simpson trial to the status of America’s first technospectacle (Kellner 14), the pool photographer could only take a limited number of pictures. The still camera used a 36-exposure roll of film, and once it was full, the operator had to wait until court went into recess to change it.

While being restrictive in terms of camera setup, Judge Ito was accommodative towards the media by not following the State of California’s recommendation of a two-camera limit and granting the press three additional camera positions:

One of the other positions arose from contentions that the deadline pool excluded commercial, so-called non deadline photo agencies. The other position went to an African American photographer who contended that the black-owned publications he represented needed shots with an African American perspective. Ito then allowed the deadline photographers to have an additional position after they complained that the wall-mounted camera didn’t allow them the flexibility to get enough good shots. (Hayslett 76)

Apart from the cameras that served the press and the public, there was also a camera mounted on the ceiling of the courtroom, hidden inside a dark plastic bubble, which constantly scanned the surroundings for disobeying parties such as whispering reporters (Alexander 5).

The advanced technology used in the Simpson case was also reflected in the evidence-presentation system that was separated from the main broadcast feed of the proceedings (Hayslett 88). Much like the signal-delay operator, Judge Ito had a kill switch on his bench to immediately interrupt the broadcast of the trial and/or the evidence feed, and he did so every now and then, mostly out of consideration for the victims and their families. Gruesome crime-scene photos as well as autopsy photographs, for instance, were not televised to the public.

While such precautions in the legal sphere seem to relativize the intrusive character of in-courtroom filming, critics believe that the very presence of a camera annihilates any authenticity because contestants or trial participants are likely still aware of its presence and adapt their behavior to appeal to the audience and other spectators. Scholars from different fields refer to this problem as “reactivity” (Shulman 21), wherein “just being watched alters behavior, as people change their naturally occurring actions, because they worry about other people judging them” (21). Richard Schechner even goes a step further and beyond the presence of cameras. He argues that “[b]ecause rituals take place in special often sequestered places, the very act of entering the sacred space has an impact on participants” (Schechner, *Performance Studies* 150). It might be concluded from this that simply by partaking in the Simpson trial, i.e., by entering the courtroom, all participants were transported “to a different place mentally and emotionally” (72). In *The Presentation of Self in Everyday Life*, Erving Goffman speaks of “social establishments” (Goffman, *Presentation of Self* 238) to describe places such as courtrooms, where physical seclusion additionally regulates the activities happening inside:

Within the walls of a social establishment we find a team of performers who cooperate to present an audience a given definition of the situation. This will include the conception of own team and of audience and assumptions considering the ethos that is to be maintained by rules of politeness and decorum. We often find a division into back region, where the performance of a routine is prepared, and front region, where the performance is presented. Access to these regions is controlled in order to prevent the audience from seeing backstage and to prevent outsiders from coming into a performance that is not addressed to them. (238)

Upon closer inspection, camera footage of O.J. Simpson’s proceedings reveals that many trial participants demonstrated on numerous occasions that their behavior in the courtroom was influenced by the knowledge that millions of Americans were watching them live on television, despite Judge Ito’s insistence on the most technologically advanced and unobtrusive cameras for filming. In the Academy Award-winning documentary *O.J. Simpson: Made in America* (2016), Marcia Clark claims that O.J. Simpson in particular was aware of his own and the presence of the camera in the courtroom. She states: “[Simpson] knew when the camera was on him in that courtroom. And he would [...] have a really benign expression. And when the camera moved away from him, the face fell” (*O.J.: Made in America*, disc 2, 1:47:20–1:47:30). Clark’s statement is exemplified by a scene from the courtroom, in which Simpson seems to indeed adjust his facial expressions upon noticing the movement of the courtroom camera. Another example from the proceedings on April 12 seems to corroborate the prosecutor’s observations. As the camera moves towards and zooms in on the athlete’s face, Simpson’s gaze is drawn to the lens for a few seconds and he assumes a straightened posture (“OJ Simpson Trial – April 12th, 1995 – Part 1,

25:12:23). Schechner claims that “[t]he more self-conscious a person is, the more one constructs behavior for those watching and/or listening, the more such behavior is ‘performing’” (Schechner, *Performance Studies* 77). He asserts that the pressure to perform at all times stems from increasing media coverage and panoptic surveillance systems (77), arguing that “[t]he always-open lens adds a disturbing sense not only of being watched but of requiring us to be always ‘on,’ to play for the cameras knowing that our performances are being studied by people we do not know and whom we have not given permission to look” (77).

O.J. Simpson’s defense attorney Robert Shapiro also involuntarily provided numerous examples of reactivity. During a court session on June 15, for instance, he was captured repeatedly looking directly into the lens of the camera for several seconds at a time (“OJ Simpson Trial – June 15th, 1995 – Part 2,” 3:58-4:04). Johnnie Cochran was likewise aware of being filmed and tried to use the courtroom camera’s presence to his client’s advantage. He often relied on passionate speeches and physical demonstrations to leave an impression on both the jury and the television viewers. Most notably, he put on black leather gloves and a knit cap during his closing argument in September 1995 that were similar to the clothing the murderer had worn during the killings on June 12, 1994, to maximize emotive impact.

Taking all these elements into account, Fox, Van Sickle, and Steiger discount the didactic function of “tabloid justice cases” (Fox, Van Sickle, and Steiger 28) with the argument that “[t]he public becomes very knowledgeable about irregular legal proceedings, and particularly about the personalities involved, but learns little about broader issues and trends in the legal system” (88). In addition, they believe, media reports tend to focus on the shortcomings of the American justice system instead of its strengths, thereby weakening the public trust levels in its judiciary (139). Bordo supports Fox, Van Sickle, and Steiger in their assessment and questions the motives behind the media’s pervasiveness in requesting full access to legal proceedings. She asserts: “Ours is an ‘infomercial’ culture in which the desire to sell products and stories continually tries to pass itself off as ‘helping’ and ‘informing’ the public, satisfying their ‘rights to know’ (Bordo 12). The media scholar and cultural critic worries “about the long-term consequences of all these competing versions of ‘history’ being manufactured out of the machinery of consumerism” (14). The consequent “infinite interpretability of texts” (87), she continues, works to the detriment of social justice and most importantly, defendants whose right to a fair trial by an impartial jury of their peers might be jeopardized in favor of press privileges. While the Sixth Amendment to the United States Constitution, guaranteeing just and public prosecution, initially served as an additional safeguard against the despotism of autocratic judges, the rule seemingly no longer works in favor of, but is used to publicly humiliate and psychologically torture, a defendant, who “is typically cast as an unsympathetic and culpable figure” (Thaler, *Watchful Eye* 10) by a society that leans toward convictions and condemnation (14). Consequently, perhaps the most pressing

question that arises out of this observation is, whether a defendant can genuinely be granted due process when cameras are present, and their face is disseminated in the media. Re-integration into a community might become a difficult, if not impossible, undertaking, particularly when the defendant has no distinguished career or financial resources to rely on. Even O.J. Simpson, who succeeded to uphold his positive public image to a large degree, lost numerous lucrative contracts despite his acquittal.

Often overlooked, yet equally noteworthy, is the impact of the telelitigated trial on the memory of murder victims who are defenselessly exposed to public judgment and humiliation due to the constant presence of the courtroom camera. Denise Brown, for instance, was forced to testify on behalf of her sister and publicly recount the dehumanizing treatment Nicole Brown Simpson had voluntarily endured from O.J. Simpson:

**Denise Brown:** *We were all drinking and goofing around and being loud and dancing and having a great time. And then at one point, O.J. grabbed Nicole's crotch and said, "This is where babies come from and this belongs to me." And Nicole just sort of wrote it off as if it was nothing, like, you know, like she was used to that kind of treatment [...]. I thought it was really humiliating if you ask me.*

[...]

**Christopher Darden:** *And when he said this and when he grabbed her in the crotch, were there people around?*

**Denise Brown:** *Oh, yeah. The bar was packed.*

**Christopher Darden:** *Strangers?*

**Denise Brown:** *Yeah. Yeah. He was talking to the strangers.*

*(Court Transcript, 3 February 1995)*

While Denise Brown's account implicates the defendant, it simultaneously taints her sister's character who seemingly endured her husband's conduct unquestioned. Fundamentally, Denise's exposition serves as one of numerous examples that obviate the prevalence of narratives of shame on reality programs, which present "humiliation as a form of entertainment" (Christian 61). Erving Goffman explains that embarrassment arises when one's projected self is threatened to be dismantled through the revelation of uncomfortable information during a particular social occasion or performance that can be publicly witnessed by others (Goffman, "Embarrassment and Social Organization" 266). On reality television, so-called confessionals constitute a popular and widely replicated segment, whereby contestants reflect on past or present events, oftentimes revealing highly personal information about themselves to captivate the audience (Duplantier 38). In the Simpson case, the confessional element was introduced by the story of Ronald Shipp, whose testimony distinctly demonstrates this principle at work. Shipp was a former LAPD officer and

one of Simpson's longtime friends, who had greatly benefited from his friendship with the athlete for many years. During the murder trial, however, he was called to the witness stand to testify against O.J. Simpson. In February 1995, Shipp stated that, shortly after the murders, Simpson admitted to having dreams about killing his ex-wife. The retired officer also disclosed that Nicole Brown Simpson had contacted him for advice after the New Year's Eve beating in 1989 and shown him the photographs of her bruised face and body.

Defense attorney Carl Douglas led Ronald Shipp's cross-examination with the initial goal of establishing that the witness had withheld information and lied in prior interviews. Although publicly faced with his shortcomings, Shipp readily acknowledged his mistakes. Thus, as the questioning continued, Douglas' approach became more aggressive in an attempt to humiliate the witness. At first, the attorney insinuated that Shipp, similar to Brian "Kato" Kaelin, was a failed actor and "by being the witness who has a conversation with Mr. Simpson, [...] is going to possibly enhance [his] profile around the world" (Court Transcript, 1 February 1995).<sup>5</sup> When his provocation failed to unsettle the witness, Douglas claimed that Shipp was not really the close friend to Simpson he affirmed to be:

**Carl Douglas:** *O.J. Simpson is a football fan, isn't he?*

[...]

**Ronald Shipp:** *Yeah. He loves football, yes, he does.*

[...]

**Carl Douglas:** *You and O.J. Simpson have never attended a football game together.*

**Ronald Shipp:** *Never.*

**Carl Douglas:** *—in the 26 years that he's been your supposed friend, have you?*

**Ronald Shipp:** *Not one.*

**Carl Douglas:** *You and your wife have never gone on a double date with Nicole and O.J. Simpson in the entire time that you've known them, have you?*

**Ronald Shipp:** *You're absolutely correct.*

[...]

**Carl Douglas:** *All the times that you claim that you were over his house playing tennis, you have never in your entire life played tennis on the same court with O.J. Simpson, have you?*

**Ronald Shipp:** *Never.*

**Carl Douglas:** *You're not really this man's friend, are you, Sir?*

**Ronald Shipp:** *Well, okay. All right. If you want me to explain it, I guess you can say I was like everybody else, one of his servants. I did police stuff for him all the times.*

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5 For the purpose of readability and authenticity, I have refrained from correcting or highlighting the linguistic errors in the verbal statements made in court by the participants and are also reflected in the official court transcripts.



*I ran license plates. That's what I was. I mean, like I said, I loved the guy.*  
(Court Transcript, 1 February 1995)

Carl Douglas succeeded in establishing that there had never been a close link between Shipp and Simpson, forcing the witness to admit in open court that he was essentially merely “one of [the athlete’s] servants” (Court Transcript, 1 February 1995), who had been captivated by Simpson’s fame. As the former LAPD officer continued to agree with Douglas, Simpson’s defense team reverted to exposing Shipp’s struggles with alcohol:

**Carl Douglas:** *You drink a lot, don't you?*

**Ronald Shipp:** *I used to.*

**Carl Douglas:** *You've had a drinking problem, haven't you?*

**Ronald Shipp:** *In the past I have.*

(Court Transcript, 1 February 1995)

Immediately after Shipp’s response, Carl Douglas stopped his cross-examination and asked for a recess, thereby leaving the jury and audience with the decontextualized information about the witness’ alcoholism. The following day, on February 2, Douglas continued the narrative of shame by exposing Shipp’s adultery with a woman who resembled the female victim, Nicole Brown Simpson:

**Carl Douglas:** *Okay. You were with a friend other than your wife; were you not?*

**Ronald Shipp:** *Yes, I was.*

**Carl Douglas:** *She was a blond; was she not?*

**Ronald Shipp:** *...who was a friend of my wife's, that's correct.*

**Carl Douglas:** *And you say her name is what?*

**Ronald Shipp:** *Lisa Madigan.*

[...]

**Carl Douglas:** *And when you were at his [Simpson's] home in the dark with the blond who wasn't your wife who is here in court, you did ask that he bring you a bottle of wine, didn't you?*

**Ronald Shipp:** *That's correct.*

(Court Transcript, 2 February 1995)

With a few simple, yet sensitive, questions, Carl Douglas denounced Shipp’s character in court. Not only was the latter forced to admit his submissive role in the friendship with the defendant, but the public also learned about Shipp’s alcohol addiction and adultery as the defense attorney painted a vivid picture of the scene of infidelity: it happened “in the dark” while alcohol was flowing in abundance. Moreover, Douglas made a point to describe the mistress as “a blond” to imply that she was Caucasian, like the murder victim, while Shipp was African American. Considering all these revelations, Douglas seemingly exposed Ronald Shipp as a hypocrite who had

possibly lied about O.J. Simpson to revive his stagnant acting career. If Simpson had been such a horrible person and friend over the years, and Shipp continued taking advantage of the player's material success, the former LAPD officer was not the honest and God-fearing person he professed to be in court.

Outside the courtroom, talent shows such as *American Idol* or *America's Got Talent* can be considered forms of "humiliation TV" (Hill, *Restyling* 197). Both formats feature bloopers or outtakes of failed auditions, during which the candidates fall short of the expectations associated with a talent show. The long-running success of the reality format *America's Funniest Home Videos* (1989-), where viewers are encouraged to send in their own home videos with comedic moments and mishaps, further indicates that audiences enjoy seeing other people's failures and embarrassments.

Two notable out-of-studio-examples for the protruding success of humiliation narratives are the reality shows *Cops* (1989-) and *Celebrity Rehab with Dr. Drew* (2008–2012). On the law-and-order format *Cops*, the audience weekly accompany police officers as they patrol American neighborhoods and highways. There is no narrator per se, rather, the policemen speak to their audience directly. Similar to the Simpson story, there are car chases, arrests, and examples of how deep people can fall when their lives spin out of control. In all cases, the police officers embody the heroes who "present themselves in the most cleaned-up, wholesome of terms" (Rapping 57), whereas the perpetrators are portrayed "as brutish, irrational, and inherently incapable of understanding or abiding by any legal code" (58). It is noteworthy that the seemingly irrational criminals captured and subdued in the series are oftentimes African American men: "Unkempt, often barely clothed and surrounded by filth and chaos, [they are] allowed to gyrate and gesticulate as the cops show saintlike restraint and patience" (64) and the camera records the breakdown. According to John Fiske,

[t]his figure of the Black male out of control is a cultural nightmare for whites that has played a central role in all the racial media events of the nineties. Its resonance and its terror are so deep because of the symbolic and social connections between the individual body of the Black male and the social body of Black America. (Fiske 257)

Elizabeth B. Christian also asserts that such negatively connoted images, particularly pertaining to African Americans, can be considered a "mediated form of bullying" (Christian 61) and are used by law enforcers "as a technique for social order and retribution" (Hill, *Restyling* 196). By reinforcing an 'us vs. them' mentality deeply pervaded by racism, fear and repugnance are induced in the audience. Critics claim that *Cops* produces "a generalized ethos of fear, within which the demonization, surveillance, and repression of threatening (and often non-white) 'others' becomes a fact of everyday life" (Glynn 4).

Simultaneously and conversely, however, law-and-order reality shows are said to advocate “for the public good, championing decency and fairness in an unfair society” (Hill, *Reality TV* 32). FOX’s *America’s Most Wanted* (1988–1996) potentially constituted one such paragon in the 1980s and 90s. With host John Walsh in a voiceover narration, the audience was shown dramatic reenactments of crimes and fugitives, interspersed with detailed descriptions and photographs of the suspect(s) as well as on-camera interviews. Walsh appealed to his viewers to call a toll-free hotline number in case they could provide information that would lead to the arrest of the fugitive(s). On average, around twenty million Americans tuned and called in, leading “to the capture of about one fugitive per week” (Glynn 2) in the first two seasons of the show. *Most Wanted*’s producers claimed that a single evening broadcast begot around 3,500 phone calls in total (2). The show’s grip was so far-reaching that some fugitives voluntarily turned themselves in to the police (1). Law enforcement supported the reality format, appreciating the help and partnership with the media and civilians. Considering these common efforts, *America’s Most Wanted* seemingly encouraged unity and ultimately served a noble purpose by contributing to public safety.

When internist and professor of psychiatry, Dr. Drew Pinsky, developed the series *Celebrity Rehab with Dr. Drew* in 2008, he similarly hoped to create a format that would serve the greater good by illuminating the severity and destructiveness of substance abuse. On his reality show, celebrities, who struggled with different addictions, agreed to spend 21 days at a rehab center with a crew present to record their recovery process. As the participants’ intimate struggles became public knowledge, Pinsky was harshly castigated for having developed a television format which exploited the delicate rehabilitation process. Repeatedly, fellow physicians pointed out an evident conflict of interest. A doctor, they argued, who equally served TV producers and his addicted patients neglected one of the two by default. Pinsky, however, repeatedly indicated that his show never glamorized addiction and pointed out that he oftentimes provided treatment to celebrity clients they might not have sought otherwise.

The internist ultimately announced the end of his show in 2012, after six successful seasons on VH1, explaining that he was tired of the constant criticism and troubled by the audience’s reaction to the series, being the direct opposite of what he intended it to be. Viewers craved the reality melodrama, “following the celebrities down the rabbit hole of self-destruction” (Mapp 201) in the assumption that the fight with addiction and the dysfunctional behavior it caused in the participants was but a game and an imitation-worthy rock and roll lifestyle. Instead of showing empathy, viewers took “solace in the reality stars’ pain” (207) and “relish[ed] the human train wrecks unfolding each season on screen” (206).

The potentially invasive character of cameras and its negative impact on participants and viewers equally constitutes a point of contention in the courtroom. Ac-

According to Barber, the prospect of having one's intimate details and wrongdoings broadcast to thousands, if not millions, of viewers might contribute to a sinking number of witnesses willing to testify. The same applies to those who, depending on the case, fear for their safety due to possible retaliation (Barber 23). Even if the fear of public scrutiny or physical harm does not stop witnesses from appearing in court, it can still impair the quality or truthfulness of their testimony. At worst, witnesses might enjoy the new-found fame and alter their behavior to stay in the spotlight. Likewise, as elected public servants, judges and prosecutors oftentimes follow political agendas and may adjust their actions to increase the chance of being re-elected or chosen for new offices, while defense attorneys may take advantage of their public exposure to enhance their own private practice. Thus, if public trials offer participants a powerful platform for exposure and personal agendas, the question remains whether they can genuinely serve a defendant and educate the public.<sup>6</sup> In the Simpson case, Judge Lance Ito hoped that the transparency of the courtroom camera would ensure precisely that while containing and reducing speculation and misinformation.<sup>7</sup>

Despite the technologically advanced devices and precautions taken by the judge for the Simpson case, Lance Ito almost banned the courtroom camera even before the proceedings got fully underway. During a session on January 24, 1995, the Court TV camera operator accidentally captured an alternate juror, violating Rule 980 on Cameras in California Courts. Additionally, it was revealed that the Court TV staff member assigned to the task had never been inside the courtroom and was unaware

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6 Potential harm can, however, be caused by the presence of courtroom cameras ahead of the main proceedings. While certain stages of the legal process are excluded from electronic coverage (e.g., *voire dire*, i.e., the selection of jurors), in most American states, courtroom cameras are allowed to film preliminary hearings, which bears a great risk of jury contamination. Television viewers are prospective jurors and their experience with a televised case might jeopardize any future trial they are called to serve in. In addition, "[j]udges typically decide important issues concerning the admissibility of evidence before the jury panel is formed. If the proceedings are televised, prospective jurors may be exposed to evidence excluded from the trial" (Cohn and Dow 78), and once the jury panel is formed, cameras and the concomitant public attention often force the judge to sequester the jurors in order to shield them from receiving any dismissed information. Sequestration, particularly when applied to the entire duration of the trial, is highly restrictive and an enormous psychological and emotional strain on the jurors' lives. From an organizational viewpoint, all these precautionary measures constitute additional costs and work increase for the presiding judge which ultimately slow down the legal process, leading back to the question whether electronic trial coverage obstructs the defendant's due process.

7 Media scholar Chad Raphael points out that reality television served as "an integral part of network strategies to control labor unrest" (Raphael 129) in the late 1980s. Similarly, one can assume that Judge Ito considered the potentially appeasing character of the courtroom camera whose supposed diaphaneity could help prevent new riots from erupting in Los Angeles.

of how the jurors looked and therefore unable to determine the necessary moment to interrupt the feed (Hayslett 46). Initially, Ito decisively proclaimed that he was going to “terminate the television coverage as a result of that” (Court Transcript, 24 January 1995). Simpson’s defense team, that had supported the use of cameras in the beginning, also harshly criticized the incident and questioned whether their client’s right to a fair trial had been violated. The recess ordered by Ito had interfered with the defense’s momentum and chance to present their opening statement following the prosecution. Robert Shapiro believed that Simpson’s defense team had “suffered a very devastating setback” (Court Transcript, 24 January 1995). He explained:

At the time that we were to get up and answer the prosecution’s outline of their case, we not only were deprived of that very important moment, but also we were faced with a situation where the jury had to abruptly be interrupted and go home under a great cloud that something was going on, and that has caused us irreparable harm. (Court Transcript, 24 January 1995)

Ito’s subsequent reaction to Court TV’s infraction communicates the pressure he was under with regard to controlling the courtroom and all parties on the one hand and the secretive and selective nature of court proceedings on the other hand. In a lengthy address to the jury panel, Ito admitted that he needed time to rule in the matter:

**The Court:** Good afternoon again, Ladies and Gentlemen. There’s a rule of human behavior called Murphy’s Law that basically says if something can go wrong, it will go wrong, and the corollary to that rule is that if it’s going to go wrong, it will go wrong at the most opportune moment. Something has come up that involves directly your welfare, a problem that I’m going to need to deal with. And I need some time to think about it, decide what I’m going to do. And it’s a rather unusual problem and it has...I want you to know it has nothing to do with anything that the parties did. It’s something extraneous, something that happened outside the courtroom that I need to deal with. You are not to speculate as to what that might be. And let me be frank with you. It has nothing to do with you directly. But it has caused me great concern, and I’m going to have to take the rest of the court day to deal with this situation. So we’re going to stand in recess at this point as far as you are concerned. We will resume with you, the jury, with the defendant’s opening statements tomorrow morning at 10:00 o’clock. (Court Transcript, 24 January 1995)

It is noteworthy that although the Court TV operator did indeed transgress the guidelines set up by Lance Ito, the judge’s statement to the jurors can be considered similarly damaging and fear-evoking in its contradictions. By referencing Murphy’s Law, Ito made a point to emphasize that “something went wrong.” He utilized the adjective “wrong” four times and refrained from specifying said “something” before announcing that the mysterious incident directly involved the welfare of the jury.

Ito then continued to accentuate the unusualness of the situation and stressed that it caused him “great concern” while insisting that the jurors do not speculate about what had occurred to cause the problem. If one considers the judge’s statement from a juror’s position, who did not know at this point that the courtroom camera had merely captured an alternate juror for a split second, it can be argued that Lance Ito worsened the situation for the panel more than the courtroom camera had. It is thus not necessarily the camera itself that changes the proceedings, but certainly how it is utilized and perceived by the people it involves.

One day after the broadcasting *faux pas*, Lance Ito allowed the camera back in after Court TV officials promised to employ a team of two highly trained staff members to prevent any further accidents. The judge limited the camera to static shots, i.e., the media were no longer able to influence television images through panning or zooming. A few weeks later, media representatives “demonstrated a new robotic camera equipped with a ‘screen skirt’ that would block any accidental shots of a juror” (Hayslett 76) in an attempt to encourage Judge Ito to loosen the imposed restrictions. After a convincing demonstration, he allowed the courtroom camera to be moved again, but the camera operator was prohibited from taking close-up shots of the main trial participants and family members. While Ito’s attentiveness seemed admirable to some, others wondered “how a judge conducting a complicated and high-pressure murder trial has time to monitor the courtroom with his remote control camera” (Boyarsky, *LA Times*, 9 June 1995). Critics believed that it was impossible to rule fairly on complex legal matters if the judge was distracted by other, more trivial, matters and consequently “singled out [camera coverage] as the biggest contributor to the derailment of [the Simpson trial] and the negative public perception of it and its participants” (Hayslett 71).

Indeed, with the hindsight of two decades, all the precautions taken to enforce a strictly supervised and controlled setting for filming the Simpson trial seem to confirm Thaler’s argument that trial proceedings might not be naturally as suitable for television coverage as supporters would prefer them to be. Judge Ito invested an extensive amount of time into thinking and strategizing about appropriate procedures and scheduled numerous additional hearings to debate the issue, prolonging the trial and creating further workload for himself and counsel. Based on Victor Turner’s concept of the social drama, the following chapter further uncovers the significant impact the courtroom camera had on media representatives and trial participants, even American society as a whole, for it invited those involved in the case to individuate themselves within narrative structures, revealing the interplay between performance and storytelling in all areas of social life and the ways in which narration can be understood as an artistic medium that makes communication into play and ritual (Peterson 1).

### 3.2 Performance of the Social Drama

The first stage of Victor Turner's model of the social drama encompasses a Breach, the breaking of a rule by an individual or group in a public setting. Applied to the present case, the murders of Nicole Brown Simpson and Ronald Goldman constituted such a Breach that subsequently led to the second stage of the social drama, the Crisis. In his essay, Turner elaborates that "[i]n the stage of Crisis, conflicts between individuals, sections, and factions follow the original breach, revealing hidden clashes of character, interest, and ambition" (Turner 8). In the Simpson case, the hidden clashes became most visible in the sensationalized and polarizing stories that dominated the courtroom and the media. Although storytelling and the "impulse toward narrative" (Miller and Taylor 169) are intellectual virtues of humanity, which help us make sense of our world as they "mentor us and allow us to structure our awareness of the trajectory of our lives" (169), on television, and particularly on reality TV, the elements that compose a narrative are purposefully selected and conjoined. A specific set of components, including celebrity, violence, conflict, and mystery, serve as "common currency" (Hill 124) in the framework of storytelling, for they are known to have the greatest emotive and dramatic impact. Douglas Kellner, e.g., labelled the Simpson case a "isagreele" (Kellner 93) that dominated news coverage "precisely because the level of fame of the person *a priori* establishe[d] its newsworthiness" (Marshall 319, emphasis original), and Diane Furno-Lamude described the case as a "media trial' [...] in which the media co-opt[ed] the criminal justice system as a source of high drama and entertainment. It [was], in effect, a dramatic miniseries built around a real criminal case" (Furno-Lamude 26). On Court TV, the emphasis on entertainment and the trial's episodic nature and branding was conveyed by means of opening credits before the main broadcast of the proceedings. According to John Langer,

the persistent tendency of television to feature the name of its personalities in the programme titles [...] confirm[s] right from the outset the critical centrality of the television personality's identity within the television flow and within the programme's own structure. The title proclaims unequivocally that this is *their* show, *their* vehicle where we can reliably and repeatedly encounter them, no matter what else might happen along the way, either inside the show itself or before and after it. (Langer 358, emphasis original)

Court TV's title sequence displayed elements that immediately established the program's identity and a reliable set of characteristics: it opened with archival footage from Simpson's successful football games. Dressed in full gear and with a football secured under his right arm, a young O.J. Simpson was shown running from his opponents towards the end line, conjuring up a sense of nostalgia and adulation. In the next successive transition shots, Simpson was displayed running again; this time in

a white Ford Bronco and followed by a dozen police cars behind him. Then, a waving American flag appeared for a few short seconds in evident reference to the American Dream and its seemingly inevitable transience. Ultimately, the title “Court TV: The Trial of O.J. Simpson” filled the television screen and the broadcast began (“Court TV Intro OJ Simpson trial”).

Contrary to Thaler’s intimation that trials are inherently averse to the demands of the television medium, Fox, Van Sickle, and Steiger argue that it is conversely the time-consuming nature of legal proceedings that establishes and perpetuates public interest in a case, as trial and investigation coverage can be continued for weeks and months. The following chapter will show that the slow-moving nature of the judiciary provides a suitable framework for the development, construction, and continuation of a variety of narrative worlds, thereby allowing popular legal cases to be converted into “national melodramas embedded in the social fabric of [US] culture” (Fox, Van Sickle, and Steiger 70).

### 3.2.1 Conspiring to Entertain: Storytelling in the O.J. Simpson Case

From the very beginning, the leitmotif of O.J. Simpson’s trial was fame and money. In the 1990s, Simpson was still well-known for his record-breaking achievements as a football player in prior decades, but he had also gained new a new following through more recent commercial and movie work. During her testimony on March 3, 1995, Denise Brown, Nicole Brown Simpson’s sister, recounted the advantages of being associated with O.J. Simpson, who “always gets recognized wherever he goes” (Court Transcript, 3 March 1995). She described instances, when they went out as a group and were treated with privilege because Simpson was present: “I think the bartenders, they had given him shots of tequila and things like that, sure. I mean, that happens when he goes out. [...] People do tend to buy him drinks and buy us—and they were buying us drinks too because we were with him” (Court Transcript, 3 March 1995). Denise Brown’s seemingly trivial accounts of being associated with O.J. Simpson were in fact part of the case’s appeal. The “class spectacle” (Kellner 98) offered the audience an insight into the life of the rich and famous, whereby Simpson was either perceived as “an icon of class mobility” (99) or a careless rich man who seemingly took his blessings for granted. The notable class differences in American society were further displayed in the case “with the appearance of maids, waiters, and other witnesses demonstrating the existence of [...] a large service class to literally serve the wealthy” (99).

O.J. Simpson’s indictment also implied that fair legal representation had to be bought in the American justice system. The former football player reportedly spent \$10 million on lawyers, assistants, and private investigators (Abramson 28–29), taking advantage of and demonstrating extravagant resources average defendants could not afford. Theisagreen and presentation of the Fuhrman tapes further



stressed the protruding power of money. Considering the outreach of the content on the recordings, it appears almost ironic that they were the lucky find of a private investigator in the service of Simpson's defense. Had the tapes not surfaced, the final verdict might have been different. Thus, the case insinuated that truth can be negotiated "[i]f commodity logic saturates everything" (Kellner 98).

Simpson's trial also came to epitomize the ultimate American tragedy as it chronicled the unwavering downward spiral of a former national icon, more so than the untimely deaths of two people. The 27 June 1994 *TIME Magazine* issue is a telling example of how the narrative of Simpson's life often overshadowed the murders in Brentwood. The cover of the magazine featured O.J. Simpson's mugshot, which was printed in the background of the red and capitalized caption "AN AMERICAN TRAGEDY." Quite noticeably, the image was altered, making Simpson's skin appear darker than it effectively is. Against the black and white cover portrait, the red *TIME* logo and issue title projected, as many critics have argued, reductive and racially charged stereotypes of African American men. The cover seemingly implicated their violent nature and the concomitant conflict with the law. Even O.J. Simpson, who had left his poor background behind and surpassed all expectations, was eventually consigned to subaltern status. The title story by Nancy Gibbs endorsed the visual cues from the cover, or vice versa. In her article, Gibbs described Simpson as a "bow-legged kid with rickets [who] had escaped the slums where he was born" (Gibbs, *TIME Magazine*, 27 June 1994) to become a football star and "national icon, always outrunning his obstacles, finding daylight where there wasn't any." She interspersed quotes from Simpson himself to create a more personal narrative, allowing the audience to establish an imaginary connection with her protagonist: "His guiding principles, he once told a Sports [I]llustrated reporter, were 'my mother. The Bible. Do unto others.' But preserving sainthood was hard work." Gibbs elaborated that "[f]or him and his friends growing up, the path to prison looked short and straight." Simpson's football talent ultimately saved him from a seemingly predestined path to incarceration. However, it was "well understood that he was a creature of careful intention, the natural ease a measure of his discipline. He did not so much change, from the days of his raw, painful childhood, as add layers, coats of polish that only occasionally peeled."

As the cover story continued, Gibbs traced the events prior to and of the Bronco Chase in great detail, chronicling the collapse of O.J. Simpson, the national hero, and the nation's mourning of "not only two victims they had never known, but the hero they thought they did." In her article, the essayist described him as "one of the rare, great sportsmen, unruined by his gifts or his fame, warm, grateful, ready to sign one more autograph when he was dog tired and overstretched." Under the growing scrutiny of the public and media, however, "Simpson grew more and more despondent" and distraught. By citing friends and experts who reflected that Simpson "could hardly talk," "was in tears," "resigned," and "depressed," Gibbs further am-

plified the athlete's unraveling as June 17 progressed. Then, once "the slow-motion chase ended in his driveway and night fell with the news that he was in custody, there was a national sigh of relief: O.J., still our O.J., had been pulled back from the brink of suicide; he was safe; it was over."

Although Nancy Gibbs' story can certainly be read through a slightly sarcastic filter, her narrative builds on and is replete with references to the American Dream with Simpson as a modern Jay Gatsby who never truly escaped his roots regardless of how much success and money he acquired. Michael Dyson's assessment of O.J. Simpson creates a similar dramaturgical picture: "A champion who played Prometheus to a nation of Walter Mittys now shrank in stature to a shriveled, self-defeating parody of his former strength" (Dyson 49). Rarely was the focus placed on Nicole Brown Simpson, who left behind two young children, or the male victim, Ronald Goldman, who was killed at age 25 as an innocent bystander. Apart from losing their loved one, the Goldman family repeatedly stated that, for them, it was equally as tragic that Ronald's story was pushed to the background every time he was merely called "Nicole's friend," "the other victim," or the "wannabe actor and model" ("Kim Goldman: The Media Treated Ron as 'the Wannabe Model'"), while to his family, he was a son and a brother with plans and ideas for the future.

Apart from celebrity, issues of physical violence and domestic abuse heavily dominated the narrative of the Simpson case, subsequently turning the trial into a "gender spectacle" (Kellner 98). Boorstin argues that violent crimes are rare examples of non-pseudo-events since "[o]nly seldom are they committed for the purpose of being reported" (Boorstin 254). According to the media scholar, the wide interest in crime news "suggests that even in a world so flooded by pseudo-events and images of all kinds, we still know and (and are intrigued by) a spontaneous event when we see it" (255). The same principle applies to stories concerning the private lives and (sexual) escapades of public figures. Precisely because these indiscretions are not contrived for public attention are they so eagerly consumed in the public (255). In fact, David Schmid places "representations of acts of violence" (Schmid 195) and "the presence of stars" (195) at the very core of television.

The early release of Nicole Brown Simpson's 911 calls in late June of 1994 generated heated discussions in American society on the abuse of women by their partners, while intimating that the celebrity O.J. Simpson was not the man he pretended to be in public. A few months later, during the proceedings in 1995, numerous incidents of domestic violence in the Simpson household became public knowledge, providing a different perspective on the couple's perfect image. In his opening argument, Christopher Darden explicitly called the defendant "a wife beater" (Court Transcript, 24 January 1995) and an "abuser," while announcing the exposition of "evidence regarding domestic abuse, domestic violence, stalking, intimidation, physical abuse, wife beating, [and] public humiliation." The prosecution presented nearly sixty incidents of domestic violence committed by O.J. Simpson against his second wife (Hunt

29), although Judge Ito excluded occurrences he deemed irrelevant to the case at hand. He did, however, allow Marcia Clark and Christopher Darden to play excerpts from a 911 call that Nicole had placed in the early hours of New Year's Day of 1989. To illustrate Simpson's violent behavior and the severity of the couple's domestic disputes, the prosecution called 911 operator Sharyn Gilbert to the witness stand and asked her to recount the sounds she had heard during the call. The accompanying audio recording was played in the middle of Gilbert's testimony, after she remembered hearing "a female screaming and [...] what [she] thought was a slap" (Court Transcript, 31 January 1995). By operationalizing their witness in such a manner, the prosecution deployed Gilbert as a narrator to the recording who added context and emotive impact to the otherwise tumultuous sounds of the call.

After Gilbert's testimony, Officer John Edwards took the witness stand for the prosecution team. Edwards and his colleague had driven to Rockingham in 1989 in response to the 911 call. The officer recounted the sight of Nicole Brown Simpson as she was racing towards him:

Then a woman came running out of the bushes to my left, across the driveway. She was a female Caucasian, blond hair. She was wearing a bra only as an upper garment and she had on dark—I believe it was a dark lightweight sweatpants or night pajama bottom and she ran across and collapsed on the speaker [...]. She collapsed on it and started yelling, "He's going to kill me, he's going to kill me." Then she pressed the button which allowed the gate to open and then she ran out again yelling "He's going to kill me." (Court Transcript, 31 January 1995)

Edwards gave further details about the scene as he recalled that Nicole was "hysterical" (Court Transcript, 31 January 1995) and "like she was panicking" as she kept pushing the button to unlock the gate for the policemen. When it finally opened, Nicole ran out and "clung on to [Edwards]," collapsing on him in relief. Christopher Darden asked the witness to describe Nicole's physical appearance and demeanor, and the officer recalled that "she was shivering, she was cold. [...] I could feel her bones and she was real cold and she was beat up." Purposefully, Darden waited with his next question and let the silence in the courtroom reign for a few seconds, allowing the jury and spectators to acknowledge the severity of the incident at Rockingham. He then asked the detective whether Nicole Brown Simpson had said anything to Officer Edwards, who responded with: "She said, 'He's going to—he's going to kill me.' I said, 'Well, who is going to kill you?' She said, 'O.J.'" (Court Transcript, 31 January 1995). It is noteworthy that Darden compelled his witness to repeat his prior statement to accentuate the victim's fear of her husband and for her life.

In 1993, another 911 call was placed by Nicole Brown Simpson that circulated in the media months before excerpts of the call were presented as evidence in court. In fact, numerous big newspapers had already gotten ahold of the tape shortly after Simpson's arrest on June 17, 1994. *The New York Times*, the *Los Angeles Times*, and *The*

*Washington Post*, among others, printed transcripts of Nicole's call for help. The latter newspaper titled the report "Nicole and O.J.: Scenes from a Volatile Relationship" (Spolar and Grove, *Washington Post*, 24 June 1994). The victim's phone calls and the witnesses' testimonies combined created a vivid picture of the couple's relationship. The perfect image of the wealthy husband and wife in love was seemingly a charade, and violence regularly occurred in their household. It also opened up the audience to the possibility of a violent O.J. Simpson who was indeed capable of hurting those close to him.

To counteract such media reports and prosecutorial accusations, O.J. Simpson's defense team presented numerous counter-narratives, creating what Bordo calls "hyperbolic doubt in which nothing can be trusted because 'everything is possible'" (Bordo 92, emphasis original). In his opening statement, for instance, Johnnie Cochran argued that his client "did not, would not, could not within the time frame have committed these particular killings" (Court Transcript, 30 January 1995). He claimed that the murders happened after 11 p.m. on June 12, at a time when Simpson was already on his way to the airport to board a plane to Chicago:

He [O.J. Simpson] would have had to drive over to Bundy, as they [the prosecution] described in this little limited time frame where there is not enough time, kill two athletic people in a struggle that takes five to fifteen minutes, walk slowly from the scene, return to the scene, supposedly looking for a missing hat and glove and poking around, go back to this alley a second time, drive more than five minutes to Rockingham where nobody hears him or sees him, either stop along the way to hide these bloody clothes and knives, et cetera, or take them in the house with you where they are still hoisted by their own petard because there is no blood, there is no trace, there is no nothing. (Court Transcript, 27 September 1995)

Refuting the prosecution's chain of events was only one part of the defense strategy. If O.J. Simpson had not committed the murders, Johnnie Cochran and his colleagues required other suspects to explain the double homicide in Brentwood. Their theory thus concentrated on the two victims by claiming that Nicole and Ronald were fatalities of a drug-related killing, whereby the intended target was in fact Nicole's friend Faye Resnick. This story in particular was highly speculative because there was no credible evidence to support this progression of events. Nevertheless, Johnnie Cochran initially promoted this narrative, claiming that Nicole Brown Simpson and Faye Resnick had lived an irresponsible lifestyle, which included drugs, alcohol, and sexual promiscuity and ultimately resulted in the tragedy of June 12:

They ran in this circle out there in Brentwood. [...] Nobody was controlling these women. There is a group of them and you will hear about it, they go out dancing, they would do whatever they would do, and we know Faye Resnick was using drugs during this period of time. [...] I think you will hear from the evidence that she is

one of the people that called Miss Nicole Brown Simpson on the night of June 12 [...] from this drug treatment facility. We will be talking about that and her role in this whole drama. (Court Transcript, 25 January 1995)

Apart from counter-narratives, Johnnie Cochran introduced witnesses in his opening statement that were not, as required by reciprocal discovery, revealed to the prosecution before the proceedings took place. This seemingly trivial transgression indicates how effortlessly a courtroom narrative can be altered. Cochran, for instance, spoke about a witness, Mary Ann Gerchas, who allegedly observed a group of suspicious men leaving Nicole Brown Simpson's condominium on the night she and Ronald Goldman were killed:

On this particular night in June of 1994, June 12, [Gerchas] wanted to find a place in the West Los Angeles Brentwood area. She drove her car after she closed up her business on Sunday evening and went to the Catholic church, went to mass and [...] she came over there on Bundy. [...] Some time after 10:30 in the evening, she is walking down Bundy [...]. And at about 10:45 p.m. she sees four men who come within ten feet of her, two of which, gentlemen, appeared to be Hispanic, I think the others are Caucasians, several of which I believe have knit caps on their heads. The two who are behind apparently have something in their hands they are carrying. She thinks they may be undercover police, she doesn't know. They get into an unmarked car and they speed away and she sees them. And that is what this lady was trying to tell the police, trying to tell the District Attorney, trying to tell anybody who would listen, but they didn't want to listen, because they made their decision in this rush to judgment. (Court Transcript, 25 January 1995)

There are several significant observations to be made about Johnnie Cochran's approach to the witness. The attorney first established that Gerchas was a hardworking businesswoman who even worked on Sundays to keep her enterprise afloat. The fact that she was looking for a new place in the expensive Brentwood area suggests that she was successful at her profession and therefore less likely to invent a story for financial gain. Despite having a long workday, Gerchas still went to church, which suggested that she was a faithful woman who could be trusted. Cochran also provided specific details about the night of the murders that further added credibility to the story his witness had told: Gerchas was able to determine an approximate time frame for the night, she had a definitive answer on the number of men she saw, their ethnic background, parts of their clothing, and their means of getaway. Most importantly, however, she tried to pass this important information to the police, but they were, so Cochran argued, too fixated on O.J. Simpson in their "rush to judgment" (Court Transcript, 25 January 1995). Chuck Kleinhans and Rick Morris argue that to be a successful attorney, one must inevitably be a good scriptwriter, and Johnnie Cochran was unequivocally a skilled rhetorician:

Technically, the lawyer's education and training involves extensive preparation in developing "the theory of the case." [...] [T]his story must unfold in a logical and meaningful way. Much the same as a good script must provide for character development, the lawyer must attempt to introduce their "characters" in the light (hero, villain) that is most crucial to their script. They continue to unfold their story, within the rigors and structure imposed by the legal system, until they get to the final scene, the summation, where they reveal the importance of each vignette in the "big picture" and try to convince the jury that their script was the best. (Kleinhans and Morris 167)

Ultimately, however, Mary Ann Gerchas was never called to testify in court despite having seemingly important information to exonerate O.J. Simpson, and in June of 1995, she was charged with and pleaded guilty to felony theft charges "stemming from failure to pay a hotel bill of more than \$23,000, stealing jewelry and writing a bad check to an attorney who helped her fight an eviction case" ("O.J. 'Witness Pleads Guilty to Felony Theft,'" 8 June 1995), facing a prison sentence of up to six years.

Media outlets assumed yet another angle pertaining to the Brentwood murders and focused on the murder weapon, or more specifically its absence, to increase readership and viewer numbers. Robert Kardashian became the focus of discussion after being photographed carrying Simpson's Louis Vuitton garment bag to his car one day after the murders. It was speculated that the bag contained the knife used to kill the victims as well as the dark clothes the perpetrator had worn on the night of the murders. In the 20/20 interview with Barbara Walters in 1996, however, Kardashian claimed that he never saw or carried anything suspicious and blamed the police for exacerbating conspiracy theories by not executing their job responsibly:

The police could have taken it [the bag] at any time. They never sought to do so. In fact, when we turned it into the court nine months later, they still never did any tests to see if there was blood. I don't believe they really wanted to know the answer. I think it was better to leave speculation. And to let the public think there was something sinister about these bags. (ABC News, 5:05-5:26)

Another incident that sparked unsubstantiated theories about the existence of the murder weapon happened during Simpson's preliminary hearing on July 1, 1994, with the appearance of a peculiar envelope. Without explanation or clarification, presiding Judge Kathleen Kennedy-Powell interrupted witness testimony and stepped out of the courtroom. When she returned to her bench ten minutes later, she held up a sealed yellow envelope to the spectators, stating that she was told it contained "some items of evidence related to [the Simpson] matter" (Court Transcript, 1 July 1994), but she did not know any specifics. She called the approach of being provided evidence in this manner "a novel situation," and her confusion immediately transferred to other trial participants and spectators, including pros-

ecutor Marcia Clark who admitted that “we do not have any information as to how that envelope came to the possession of the Superior Court, who put the evidence into that envelope, what kind of evidence it is, when it was recovered, how, from where.” The suspense in the courtroom was further deepened when Kennedy-Powell explained that she was told the envelope had been submitted by Simpson’s defense team, but Robert Shapiro announced that they wanted it to remain sealed. He claimed that the unspecified content “is evidence that is in possession of the defense, and that we have no obligation to disclose, and we’ll not disclose until we feel it the appropriate time.” In addition, the public learned from *The New York Times* the next day that “[l]ate on Thursday, the police in Chicago [had] recovered part of a knife from a waste tank at the American Airlines terminal at O’Hare International Airport” (“Mysterious Envelope Arrives, But Judge Does Not Open It,” *NY Times*, 2 July 1994), and although it appeared much smaller than the knife investigators were searching for, the news story gave more room for speculations about the whereabouts of the murder weapon and the content of the brown-yellow envelope. On July 6, *The New York Times* released a report titled “The Simpson Case: Mystery in Envelope Given to Judge Remains a Mystery.” In the article, the journalist wondered: “So what is it all about? What could be in that pouch that both sides want to keep sealed?” (Drummond Ayres, Jr., *NY Times*, 6 July 1994). It was later revealed that the envelope did indeed contain a knife, but forensic tests excluded it to be the murder weapon. Nevertheless, this example of news reporting illustrates how suspense was created around the Simpson case and how fluently the focus was shifted from one topic to the next.

Another popular and controversial story surrounding the murder knife was based around NBC’s movie pilot *Frogmen*, called “the blockbuster no one saw” (Lowry, *LA Times*, 8 May 2000) and “the subject of considerable myth and legend” (Lowry, *LA Times*, 8 May 2000) by the *Los Angeles Times*. A few months before the murders, O.J. Simpson completed the pilot, in which he played John “Bullfrog” Burke, the leader of the Navy SEALs team the show centered on. “In a chilling echo of [the] killings [of Nicole and Ronald], a scene in the two-hour movie [...] features Simpson’s character grabbing what he believes to be an intruder [...] and momentarily holding a knife to [his daughter’s] throat” (Lowry, *LA Times*, 8 May 2000). It was also reported that, in preparation for the film, Simpson and his co-stars had received military training, including the use of a knife. These reports essentially suggested that Simpson was capable of committing the homicides he was accused of. In addition, everyone involved in the production of *Frogmen* was reluctant to talk about the movie pilot, which, despite its completion, had not (and still has not) been made public. This is particularly noteworthy considering the video release was estimated to yield a \$14 million profit in the 1990s and draw in “more than 60% of the available audience—roughly the percentage that tunes in annually for the Super Bowl, invariably TV’s most-watched event” (Lowry, *LA Times*, 8 May 2000) after the

trial. However, the production company Warner Bros., which owns the rights to the material, claims to have no intentions of releasing the footage to the public. This behavior certainly encourages speculation on why the *Frogmen* project has not surfaced considering the profit-driven nature of television and the fact that the pilot did not specifically address or depict the murders of Nicole Brown Simpson and Ronald Goldman.

Apart from the missing knife, those who believed in O.J. Simpson's innocence were also lacking a culprit. Hence, numerous alternate theories about the real murderer of Nicole and Ronald emerged during and after the trial and were, most importantly, commercially orientated and exploited, leading to the creation and writing of a variety of websites and books. One of the most popular conspiracy theories was introduced by Dallas-based private investigator William C. Dear who first outlined his take on the murders in a 2000 BBC documentary called *O.J. Simpson: The Untold Story*. He also published a book titled *OJ. Is Guilty but Not of Murder* that same year. Dear claimed that it was Simpson's oldest son Jason who had killed Nicole and Ronald in a jealous rage, and O.J. Simpson had only arrived at the murder scene when the victims were already dead. The investigator wrote another book in 2012, *O.J. Is Innocent and I Can Prove It*, claiming he had new evidence that supported his theory:

Jason may have become infatuated with Nicole. By divorcing O.J., she was, in a sense, betraying both father *and* son. Perhaps this had triggered some kind of psychotic episode. Had Jason been the one to kill Nicole, this might also explain O.J.'s strange behavior after the murder, and why he would be willing to put his life and career in jeopardy. (Dear 68, emphasis original)

William Dear also created a website, [www.ojisinnoceantandicanproveit.com](http://www.ojisinnoceantandicanproveit.com), asking his readers to cast their ballot to help him “finally bring the truth to the families and friends of Nicole Brown Simpson and Ronald Goldman” (xvii). The website is no longer accessible, however, and his theories have been challenged, most notably by Tony Ortega, editor in chief of *The Village Voice*. In a rebuttal-type article, mockingly titled “Bill Dear is Full of It and I Can Prove It,” Ortega criticizes Dear's seemingly “reprehensible way of gathering information to make pure fantasy sound plausible” (Ortega, *Village Voice*, 3 April 2012). Furthermore, the former *New Times Los Angeles* staff writer indignantly states that “Dear's timeline for that night [of the murders] is a complete farce” and “his ideas for how O.J. Simpson's blood ended up at the scene are beyond preposterous,” claiming that Dear's only reason to publish another book on the matter was to “get his moment in the sun that was denied to him back in 2001.” Indeed, many other self-proclaimed experts, writers, and hobby investigators profited from the suspenseful and mysterious atmosphere surrounding the Simpson case. In May of 1995, while the trial was still ongoing, Peter Roberts published a collection of popular conspiracy theories titled *OJ: 101 Theories, Conspiracies and Alibis*. In 1999, J. Neil Schulman's *The Frame of the Century?* offered readers the theory



that the actual murderer of Nicole and Ronald was Simpson's former police friend Ronald Shipp, who had ironically also testified against his celebrity friend in court. Others used the growing popularity of the Internet to spread their opinions on and explanations about the Simpson story. Drug cartel murder plots, similar to the theory introduced by Simpson's defense team about Faye Resnick's involvement, were among the most popular assumptions. Other conspirators turned the story around and claimed that Ronald Goldman was the main target or alleged that "Simpson was framed by a mob involved with a sports betting ring, which Simpson had worked with and then broken with at Nicole's insistence, and that the mob subsequently killed her and framed OJ in retaliation" (Kellner 121).

In 2012 and despite the 1997 verdict in the civil matter, which found Simpson liable for the 1994 murders, CNN reported about the possibility of serial killer Glen Rogers' involvement in the homicides of Nicole and Ronald, referring to the television documentary *My Brother the Serial Killer* that was narrated by Rogers' brother Clay. According to the news report, "death row inmate [Glen Rogers] told relatives and a criminal profiler he killed Nicole Brown Simpson and Ronald Goldman while O.J. Simpson waited nearby" (Duke, CNN, 21 November 2012). The story connected Simpson to a man that the public only learned about in November 1995, when Rogers was arrested and later sentenced to death for murdering at least two, but assumed over seventy, women. The documentary asserted that Glen Rogers was first hired by O.J. Simpson as a painter at Rockingham but later took the additional job of breaking into Nicole's condominium to steal the diamond earrings the celebrity had once given his ex-wife as a gift and now wanted back. Simpson allegedly told Rogers that he was free to kill Nicole if necessary. According to the descriptions of criminal profiler Anthony Meoli, who exchanged numerous letters with the convicted serial killer, Simpson had told Rogers about a spare key to Nicole's condominium. Despite the careful planning of the operation, Rogers was forced to kill Nicole and Ronald while Simpson was waiting nearby.

In the media, O.J. Simpson's celebrity supposedly even attracted the attention of the Illuminati who are speculated to be a powerful and highly secretive organization that controls the entire modern world by infiltrating the media and law-making institutions. Conspiracy theorist Fritz Springmeier, for instance, believed that "O.J. Simpson was a CIA mind-controlled slave, and the entire Simpson case was concocted as an elaborate effort to cause racial tensions. The Mishpucka, the CIA, the Mob and the Illuminati have all had their dirty hands involved in the entire affair [which] reeks of manipulation and planning" (Springmeier, "Bloodlines of the Illuminati"). A similar theory was presented by Steven Worth and Carl Jaspers in their 1996 book *Blood Oath: The Conspiracy to Murder Nicole Simpson*. They claimed to have been contacted by an informant they called Skinner who was a member of a "highly trained group of assassins brought together by a white supremacist organization in order to incite a race war" (Hunt 40). Skinner allegedly told the authors about a

plan [...] [that] consisted of a plot so sinister, so creative, so diabolical that the outcome would provide for the embarrassment of an entire city, an entire race and an entire nation. The plot included a well-thought out action that could damage the U.S. judicial system forever. It would create a sense of doubt that would exist in every future trial. (Worth and Jaspers 72)

The Simpson couple had been chosen for the plan because Nicole, a white woman, was considered a “traitorous enemy” (159) for marrying and having mixed-race children with an African American man: “By murdering Brown-Simpson and then framing the black football legend for the crime, the hate group hoped to exploit the conflict potential of black distrust for a criminal justice system that whites generally affirm” (Hunt 40).

Other issues surrounding the Simpson story and concomitant police investigation were raised during the trial that suggested dishonest, if not sinister, intentions of those involved. For instance, it was revealed that Detective Vannatter had taken O.J. Simpson’s blood sample vial from the LAPD headquarters to the defendant’s Rockingham estate. It was proposed that he intended and did ultimately plant small drops of Simpson’s blood to connect him to the murders. The implication that the police had manipulated the original crime scene was seemingly further corroborated when blood evidence was introduced in court that had been found at the back gate of Nicole’s condominium, but only three weeks after the murders (37). Pictures taken the day after the finding of the bodies did not show these blood drops. Furthermore, Simpson’s defense team claimed that approximately 1.5 ccs of their client’s reference blood sample was missing, and the collected key blood evidence contained the chemical preservative EDTA, suggesting the samples had been manipulated and contaminated (38). There was also doubt about the DNA evidence found inside Simpson’s Ford Bronco. Blood drops were found on the vehicle’s console even though an attendant working at the lot where the vehicle was impounded claimed he did not initially see any blood. Records also indicated that someone had broken into the Bronco while it was in police possession (37–38).

Referring back to Victor Turner’s model of the social drama, one can thus recapitulate that complex societies can produce an infinite number of meaning:

Within societies there are different classes, ethnicities, regions, neighborhoods, and people of different ages and sexes, and they each produce versions which try painfully to assign meaning to the particular crisis pattern of their own society. Each performance becomes a record, a means of explanation. (Turner 17)

On television, the noticeable “blurring of the boundaries between fact and fiction makes the reality genre a ‘trans-reality’” (Hill, *Reality TV* 14), wherein the notion of reality becomes a concept that is “constructed within media and society” (14). Attorney Gerald Uelmen, who worked for Simpson’s defense team, also asserts that truth is bi-

lateral. Giving insight into the workings of legal strategies, he asserts that a trial can be understood as “a contest between two visions of ‘the truth’” (Uelmen 195) and “neither vision may coincide with what we would call objective truth” (195). The jury is ultimately “empowered to choose between the competing visions. The choice it makes defines ‘the truth’” (195). It is noteworthy that Uelmen suggests not to speak of the search for truth but of the search of certainty, as certainty is quantifiable, whereas the concept of truth is not (195). Similarly, Boorstin observed “the shift in common experience from an emphasis on ‘truth’ to an emphasis on ‘credibility’” (Boorstin 212). Since the Graphic Revolution, truth has been replaced by verisimilitude. The media scholar asserts that “[i]n this new world, where almost anything can be true, the socially rewarded art is that of making things seem true. It is the art not of discovery, but of invention” (212), while Gabler argues that “[o]ver the years television has so successfully heightened reality and increased its entertainment value that life, at least life as it is captured by a television camera, has become every bit as entertaining as most of the conventional programs that surround it” (Gabler 85). These assessments are supported by the observation that in the Simpson trial, a majority of the American audience experienced a “dramatized normality” (Fox, Van Sickle, and Steiger 29), during which they lost the ability to distinguish between the seriousness of a real double homicide and the entertainment of a fictional tragedy. Instead, the focus shifted towards the most entertaining aspects of the Simpson story, often at the expense of plausibility and proof. Research conducted by Annette Hill supports this observation. Her findings show that “[f]or audiences the [reality] genre is a mix of entertainment and information, in that order” (Hill, *Reality TV* 15). Hence, one can argue that only few viewers watched the Simpson trial for its educational value but rather for the daily performances that cumulate in entertaining narratives. *American Crime Story* likewise acknowledges the significance of storytelling in the judiciary. In episode five, “The Race Card,” for instance, Johnnie Cochran stresses that “evidence doesn’t win the day. Jurors go with theisagreee that makes sense. We’re here to tell a story. Our job is to tell that story better than the other side tells theirs” (ACS, disc 2, episode 5, 07:42).

### 3.2.2 A Courtroom in Crisis: The Glove Demonstration

#### 15 June 1995

A significant contributor to the performative storytelling in the Simpson proceedings was the courtroom camera. Its presence magnified the state of Crisis, as described by Victor Turner, inside and outside the Criminal Courts Building, advancing the social drama through its uninterrupted gaze. One noteworthy example for the shifting power dynamics it created were the events surrounding the glove demonstration on June 15, 1995. In that connection, Christopher Darden directly examined witness Brenda Vemich who had worked as the men’s gloves buyer at

the department store Bloomingdale's in 1990, where Nicole Brown Simpson had bought a pair of the same Aris leather gloves police found at the crime scene and at Rockingham in 1994. The prosecution's goal was to prove that Nicole had purchased the gloves for and gifted them to O.J. Simpson, thereby establishing a connection between the defendant and the murders.

Throughout the initial questioning phase, the courtroom camera remained static in a medium shot of Brenda Vemich, emphasizing the placid atmosphere in the courtroom at this point (e.g., "OJ Simpson Trial—June 15<sup>th</sup>, 1995—Part 2," 01:04:50). Shortly thereafter, Christopher Darden alternately laid the gloves on a white sheet of paper on the shelf in front of the witness and asked Vemich to identify them for the record, while the camera operator zoomed in on the right Rockingham glove. The close-up shot gave the television audience an intimate impression of the evidence, i.e., the piece of clothing the murderer had worn while he was killing the victims. The viewers were able to observe small, yet noticeable, details in the material such as numerous holes in the dark leather, loose threads, the stitching of the expensive glove, the cashmere lining inside, and most distinctly, the discoloration of the brown leather from blood (1:10:14, 1:10:30, 1:36:56). This particular moment is exemplary of how the rudimentary close-up shots of a single camera can have equally as enormous filmic impact as traditional, high-budget Hollywood productions. The camera's subsequent wide shot of the glove in combination with Brenda Vemich's tense posture at the sight of it (01:10:52) and her noticeable sigh of relief, when Darden packed the glove up again (1:11:00), turned a standard evidence demonstration into a tense moment in court.

Brenda Vemich as a witness also illustrates that performativity was not exclusive to the legal teams in the Simpson case, and how performances take place both in the "frontstage" (Shulman 21) and the "backstage" (21). The following example alludes to the fact that she did not spontaneously respond to Darden's inquiries but had been prepared by the prosecution to highlight her particular role in their narrative: When the prosecutor inquired whether Vemich had received any cash register training while working at Bloomingdale's, the saleswoman, instead of answering with a short yes or no, continued to elaborate her role at the department store:

**Brenda Vemich:** At one point in time we have received training, but that is not my primary function, but it is important for me to be on the floor to see what we sold. So I spent a great deal of time waiting on customers and working with them. And specifically one of the areas that I spend the most amount of time is in the glove area. (Court Transcript, 15 June 1995)

Vemich emphasized her product expertise rather than the cash register training Darden had asked about. By her tone of voice and stoic facial expression, it can be reasonably assumed that the words she used had been previously determined. By doing so, it was established that Brenda Vemich was an expert and therefore a

trustworthy source to comment on the exclusivity of the Aris leather gloves, helping the prosecution connect the pair to the murderer. Vemich's answer further illuminates that one can distinguish between spontaneous and non-spontaneous oration in speech events (Gregory and Carroll 8), whereby the latter "may be sub-categorized either as reciting or as the speaking of what is written" (42). In other words, although there was no physical script the witness relied on, one may safely assume that Brenda Vemich recited a previously arranged statement. Michael Gregory and Susanne Carroll explain that "[w]hen the actor performs, having learnt his lines and rehearsed them, he is speaking what is written to be spoken as if not written" (42). In the case of a performer like Vemich, who was unfamiliar with a courtroom setting and displayed signs of perturbation, the transition between spontaneous and non-spontaneous speech events became visible to the audience.

After a short recess, it was Johnnie Cochran's turn to cross-examine Brenda Vemich. He continued Darden's inquiries about the sales receipt with the purpose of undermining the prosecution's narrative, which tried to connect the evidence gloves to the ones Nicole Brown Simpson had bought in 1990. Cochran aimed to establish that the style number Vemich claimed to be wrong on the receipt was indeed correct, and that would ultimately signify that Nicole Brown Simpson had bought a different type of leather gloves altogether. The defense attorney first asked: "So January of 1995 you called [Steph Fogelson] and you found out, did you not, that the style no. 70268 did in fact exist with Aris Isotoner gloves and in fact it had been assigned to a customer named Harry; isn't that correct?" (Court Transcript, 26 January 1995), to which Christopher Darden objected, claiming the answer called for hearsay.<sup>8</sup> Cochran decided to rephrase his question: "Did you find out, in the course of your conversation, first of all, that Aris Isotoner did in fact have a style number of 70268?" and once again, Darden objected, and Judge Ito sustained. In order to obtain the answer he needed, Cochran therefore relied on numerous separate questions:

**Mr. Cochran:** *All right. The purpose, as I understand your call, was to find out about other style numbers were produced by Aris Isotoner; is that correct?*

**Ms. Vemich:** *Yes.*

**Mr. Cochran:** *And you had a conversation with Mr. Steph Fogelson in which you inquired as to whether or not there were other style numbers produced by Aris Isotoner, specifically whether or not there was a 70268 style number produced, did you not?*

**Ms. Vemich:** *Yes.*  
[...]

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8 Hearsay evidence is defined as "evidence based not on a witness's personal knowledge but on another's statement not made under oath" (Merriam-Webster Dictionary) and is usually inadmissible in court.

**Mr. Cochran:** *You asked that question, didn't you?*

**Ms. Vemich:** *I asked the question, yes.*

**Mr. Cochran:** *Just say yes or no. All right. Did you get an answer to that question?*

**Ms. Vemich:** *No, I did not.*

*(Court Transcript, 15 June 1995)*

This example illustrates the highly ritualistic nature of courtroom proceedings, and that its participants must adhere to non-negotiable rules throughout the sessions. The witness examination of Brenda Vemich also illuminates how easily certain situations can be manipulated and sensationalized for greater effect, and that no two instances necessarily produce one and the same outcome. Johnnie Cochran, for instance, decided to display the Bundy and Rockingham gloves to the Bloomdale's saleswoman the way prosecutor Darden had done before. The same white paper was laid down in front of the witness, and Cochran also took the gloves out of the brown paper bags and displayed them while the courtroom camera operator zoomed in on the pieces of evidence. The starting point was the same. The defense attorney, however, heightened the emotive impact of his cross-examination by putting on one of the bloody leather gloves on top of the white latex gloves he was already wearing. Worn on an actual hand, the glove reflected the movements of Cochran's hand, which gave it a menacing aura that was intensified by the close-up shot of the courtroom camera ("OJ Simpson Trial—June 15<sup>th</sup>, 1995—Part 2," 01:37:36). The operator also attempted to follow the movements of Cochran's hand with his virtual gaze and brought additional movement to the sequence. The assumption that Johnnie Cochran only used the evidence as a prop for maximum evocative accentuation was corroborated when Darden referenced the instance during the proceedings, and the defense attorney objected to any argument being made on the basis of his demonstration:

**Mr. Darden:** *Now, is there a particular way that gloves are supposed to fit on a man's hands?*  
[...]

**Mr. Darden:** *How are they supposed to fit, Miss Vemich?*

**Ms. Vemich:** *They are supposed to fit like a glove. They are supposed to fit tight. They are supposed to fit tight and snug and they stretch and they are not supposed to be baggie.*

**Mr. Darden:** *And they were on Mr. Cochran's hand?*  
[...]

**Mr. Cochran:** *Assumes a fact not in evidence. Move to strike.*  
*(Court Transcript, 15 June 1995)*

During Cochran's display, the camera operator also captured an image that is symbolic of the conflict that shaped the Simpson trial: the attorney put on one leather glove, while the other hand remained in the white latex glove. As he held up both

hands next to each other in a close-up shot, there was a visible contrast between the white latex and the dark leather. The image represented the figurative contrast between white and African Americans in the US with the attorney at the forefront of the argument.

### It Doesn't Fit

After the witness statement of Brenda Vemich and in order to demonstrate that the blood-stained gloves in evidence belonged to O.J. Simpson, Christopher Darden decided to have the defendant try them on in front of the jury. This decision, televised live by Court TV, is considered one of the most memorable moments of the trial and the day the prosecution lost their case. Inaudible for anyone but the judge, the attorneys, and the court reporter, Johnnie Cochran requested that the courtroom camera be restricted to a wide shot of O.J. Simpson during the presentation to limit visibility—a request Judge Ito denied, allowing camera operator Chris Bancroft to use pan and zoom techniques as he desired. Simpson was first ordered to put on white latex gloves to protect his hands from touching the evidence. Bancroft closed in on O.J. Simpson as the defendant slowly obeyed the judge, visually creating an analogy to the football player's life: born and raised in a poor neighborhood, Simpson strived to escape his background and be accepted into the world of the wealthy and predominantly white upper-class community, thereby slipping over the figurative whiteness of the majority.

With the goal to establish that the murder gloves did not belong to him, everything O.J. Simpson did, every expression he made, served this purpose. He grimaced and panted as if he were doing hard labor to demonstrate how difficult it was for him to even put on the latex gloves. Noticeably, he turned his head to the right towards the jury and subsequently towards Judge Ito to ensure his trouble was not lost on the spectators (“OJ Simpson Trial—June 15<sup>th</sup>, 1995—Part 3 (Last part),” 35:48). In this particular sequence, Chris Bancroft repeatedly adjusted the courtroom camera to keep Simpson's face in the frame as it carried a lot of potential to provide non-verbal expressions to the audience. In performances, the face is often of particular importance, the “the stock-in-trade of theatre” (Schechner, “Magnitudes of Performance” 37), to use Schechner's expression. Even before the pioneer of Performance Studies pointed to the significance of the visage, psychologist and professor Paul Ekman praised the face for being “the most skilled nonverbal communicator and perhaps for that reason the best ‘nonverbal liar,’ capable not only of withholding information but of simulating the facial behavior associated with a feeling which the person is in no way experiencing” (Ekman 23). After he was handed the first Aris glove, for instance, Simpson stood up as directed by Ito, and a slight grin appeared on his face when he realized that it would not fit his hand (“OJ Simpson Trial—June 15<sup>th</sup>, 1995—Part 3 (Last part),” 36:12).

Escorted by two deputies, who seemed to emphasize his celebrity rather than defendant status, O.J. Simpson was then asked to stand in front of the jury panel so they could consider the evidence on him (36:22). The subsequent Court TV sequences alternated between close-up and medium shots of either Simpson's hands or his upper body. It is noteworthy that the athlete required little instruction on how to demonstrate the gloves to the jury. Simpson wiggled his fingers, put his arms up and down, with his palms and then backside up and to the side (36:34) as if he were posing for a photoshoot. He went through a process Goffman calls "externalization" (Goffman, *Relations* 11) or "body gloss" (11), "whereby an individual pointedly uses over-all body gesture to make otherwise unavailable facts about his situation gleanable. Thus, [...] the individual conducts himself—or rather his vehicular shell—so that the direction, rate, and resoluteness of his proposed course will be readable" (11). Although Goffman based his observations on the way pedestrians carry themselves on the street, his findings also apply to the "intention display" (11) inside the courtroom. Simpson's body became the "site of truth" (Andrejevic 326) in the field of "bodily empiricism" (326). He wanted people to believe that he was innocent and simply incapable, both mentally and physically, of committing murder. This stance was externalized in the way the athlete tried on the gloves. The pulling and tugging were accompanied by repeated headshaking, shrugging, and grimacing to express his inability to satisfy the prosecution's request ("OJ Simpson Trial—June 15<sup>th</sup>, 1995—Part 3 (Last part)," 37:04-37:54).

In a concluding theatrical gesture, while facing the jury, O.J. Simpson held both hands up, "as though he were holding up the [foot]ball at the goal line" (Clark 408), to make palpable that he could not have worn those gloves. Two deputies stood to either side of the defendant. This particular impression of O.J. Simpson, also shot by the still camera, was widely circulated in the media and is still the first image that appears in a Google search for "O.J. Simpson gloves." In the background, Johnnie Cochran and Robert Shapiro visibly provided encouragement and support, while there was little presence of the prosecution in the camera frame. Christopher Darden was visually absent, and only Marcia Clark's grey suit filled a small portion of the screen on the upper right corner (38:04). The rare presence of the prosecution team on camera is symbolic of how their significance was diminished in court, when a power shift gave prominence to Simpson's performance.

### **The Glove Demonstration on *American Crime Story***

ACS' approach to the day of the glove demonstration on episode seven, titled "Conspiracy Theories," is entirely presented and assessed through the eyes of the main characters. In contrast to the original 1995 coverage, which was displayed from the considerably more distant and neutral perspective of the courtroom camera, the director of the television series relied on Marcia Clark's and Christopher Darden's



character portraits and their presumed romance to illuminate the thought processes behind the failed experiment.

In the immediate scenes preceding the June 15 events, Darden invites Marcia Clark to join him for a weekend trip to Oakland to celebrate his childhood friend's birthday. The two meet the friends at a bar, where the name O.J. Simpson inevitably surfaces. One of Darden's friends inquires about Simpson's preparation for the movie *Frogmen*, which "showed him all these kinds of techniques, how to sneak around and kill people with knives, cut throats and slash their legs, all that" (ACS, disc 3, episode 7, 22:23-30), and wonders why the prosecutors did not use this information in court, to which Darden responds: "Because the jury would be able to separate from TV and real life. Look, we're strong enough without that kind of crap" (22:33-39). There lies irony in the prosecutor's response, and this rhetorical tool was used repeatedly in the series to reiterate the errors of judgment made in the case.

Later in the evening, Darden walks Clark to her hotel room. There is palpable romantic tension between the two. After a few seconds, however, Darden breaks the silence with a sobering "Good night" (26:57), and the smile on Clark's face disappears. She responds with a likewise sobering "Good night, Darden," using her partner's last name to reestablish a professional distance between them (27:13). In the next shot, the prosecutors are back at the Criminal Courts Building in Los Angeles on the day of the glove testimony. To illumine the contrast between the playful weekend and the rigor of the workplace, the cinematographer of the TV series noticeably shifted the lighting of the sequences from a dim grey in the corridor of the hotel to bright, sharply contrasted nuances of black and white in the legal offices. The dulling effects of the alcohol and dusky lights are replaced with the sterile harshness of office lamps.

The atmosphere between the prosecutors has also notably changed. Marcia Clark in particular acts dismissive when she declines the coffee Darden brought her or when she asks him to leave her office door open, which she had not done prior to their trip to Oakland. To the audience, Marcia Clark appears angry and disappointed as she seeks distance from Darden. Her attitude only changes for a short moment when her colleague exclaims: "Listen, I think you and I should just go for it" (28:08). This utterance was certainly chosen by ACS' screenwriters due to its ambiguity. Considering the prior events in Oakland, Christopher Darden might have gathered courage to finally admit his feelings for Clark. She interprets his statement thusly, and a smile appears on her face. However, Darden continues with, "Let's make O.J. put on those gloves" (28:13), to which Marcia Clark immediately objects. In the context of the prior events, it initially appears as if she is agreeing with him on account of feeling rejected and less because Darden's proposal is an unwise strategic decision. The path taken in the series with regard to the romantic relationship between Marcia Clark and Christopher Darden exemplifies how the producers used the guise of objectivity to create an emotional, yet unproven, story

arc to frame the O.J. Simpson case, “allow[ing] for the construction of an exciting, and yes, sensationalist narrative” (Schmid 193), where “emotional truth is prized far more than literal truth” (194).

As indicated above, throughout the series, and particularly during the episode “Conspiracy Theories,” *American Crime Story* employs the irony of hindsight to illustrate the complexity of the Simpson trial. Irony is created by highlighting the main participants’ assessment of their winning chances and the TV audience’s superior role in knowing the confirmed outcome of the verdict. Kevin Glynn asserts that irony is indeed a key characteristic of “tabloid television” (Glynn 6):

[Tabloid television] prefers heightened emotionality and often emphasizes the melodramatic. It sometimes makes heavy use of campy irony, parody, and broad humor. It relies on an often volatile mix of realistic and antirealist representational conventions. It resists “objectivity,” detachment, and critical distance. It is highly multidiscursive. (7)

In the series, the image of the brown leather gloves is repeatedly operationalized to create an ironic effect. In the beginning of the episode, for instance, Detectives Philip Vannatter and Tom Lange present new-found evidence to the two prosecutors, namely a credit card receipt that proves Nicole Brown Simpson bought the same pair of Aris gloves the murderer had worn during the killings. At the realization that there is now evidence connecting the defendant to the crime, Marcia Clark confidently states: “This is it. This is not a story. This is cold, hard proof. The gloves. The gloves are our conviction” (ACS, disc 3, episode 7, 8:50-09:00). In retrospect, her belief is highly ironic because, apart from Detective Mark Fuhrman (who also found the gloves), the brown leather gloves were the pieces of evidence that worked against the prosecution and were in fact detrimental to their trial strategy.

Another ironic moment is established when Darden and Clark argue about the advantages and disadvantages of having O.J. Simpson put on the leather gloves in front of the jury. Darden asserts: “We need a big one. Big moment, right? [...] The idea of O.J. just standing there, in front of the cameras and the jury, wearing those gloves...” (28:32). As Clark rejects the idea, Darden continues to insist that having the glove demonstration in court will be advantageous to the prosecution:

**Marcia Clark:** *Chris, come on. We're going downstairs to get our conviction today. We have his gloves with all the DNA, everybody's blood, the fibers, all of it. We have a receipt that proves he owned them. We're done. We've been dealt a king and a ten. I don't know why you want to ask the dealer for another card.*

**Christopher Darden:** *Because I know it's an ace.*  
(28:37-28:56)

Ironic effects also arise from the interaction between O.J. Simpson and his defense attorneys. During recess on June 15, for instance, Robert Shapiro—at this point excluded and barely accepted in the group—realizes that the leather gloves will be too small for Simpson’s hands. He steps to the defense table and beckons the rest of the team over, then asks his colleagues: “Are any of you interested in something other than a conspiracy theory? Some real, demonstrable evidence? A little bit of real lawyering?” (31:17-26). It is left to the audience to interpret Shapiro’s comment and to decide whether his statement represents the truth or merely a critique by ACS’s creative team.

The fictional adaptation of the glove demonstration illuminates that the editing and necessary omission of specific parts can distort the factual sequences and catalysators of particular events. The long witness testimony by saleswoman Brenda Vemich, for instance, is completely absent from the television series. During most of the June 15 proceedings, Christopher Darden also rarely captured the courtroom camera’s gaze. ACS took a different approach and tied the decision to have O.J. Simpson try on the brown leather gloves to the prosecutor’s hurt ego. In contradiction to the original coverage, in the series, it is Darden who dominates the sequences as he tries to enforce his strategy on Marcia Clark. Since ACS benefited from hindsight to reveal the strategic thinking of both the prosecution and the defense, the viewers learn about the chess-like nature of court proceedings and how Cochran and his colleagues provoked Christopher Darden into the glove demonstration. Initially, they pretend not to want their client to try on the evidence, which Darden interprets as a sign of anxiousness, convincing him that his idea will ultimately persuade the jury to convict Simpson. When he finally asks Judge Ito for permission to hand the gloves to the defendant, the defense team backtracks and does not object to the request. In accord with the existing rivalry between Christopher Darden and Johnnie Cochran (see chapter 2.2, “Pin-Up, Hero, Villain, Fool: The Cast of the O. J. Simpson Trial”), it is also the latter who ultimately sways the prosecutor in the matter:

- Johnnie Cochran:** *Your Honor, sidebar.*
- Judge Ito:** *Counsel, approach the bench.*
- Johnnie Cochran:** *Your Honor, I see where this is going, and I’m not having it.*
- Judge Ito:** *And where is that, Counselor?*
- Johnnie Cochran:** *There’ll be no demonstrations involving my client. If Mr. Simpson chooses to testify, and we want to have him try on the actual gloves in evidence, that’s one thing. Further, I submit the timing is inappropriate, Your Honor.*
- Christopher Darden:** *Is that right, Johnnie?*
- Johnnie Cochran:** *That’s right.*
- Christopher Darden:** *For who?*
- Judge Ito:** *Opposing counsel hasn’t asked for anything of the kind, Mr. Cochran.*

- Johnnie Cochran:** *Your Honor, they just tried to bring these ringer gloves in here.*
- Christopher Darden:** *And they seem to be overly concerned about what I might or might not want to do before I've even done it.*
- Judge Ito:** *He can ask for whatever he wants to ask for, Mr. Cochran. You can object if you want to object. Now let's proceed. (34:07-38)*

Immediately afterwards, Darden' filmic pendant asks Simpson to try on the evidence gloves, which ultimately proves to be a mistake. At the end of the episode, Darden even phones the Goldman family and apologizes for his strategic failure as tears fill his eyes (39:28).

While the television series oftentimes attempts to stay as true to the original proceedings as possible, it neglects to incorporate the most basic elements of legal proceedings or depicts them in ambiguous terms. For instance, Robert Shapiro is shown walking over to the witness stand during a 15-minute recess, where the brown leather gloves are displayed unprotected and unguarded, and even puts them on his bare hands (ACS, disc 3, episode 7, 30:32). This constitutes a gross misrepresentation of trial standards considering every piece of evidence has to be handed carefully to prevent contamination. Furthermore, when Darden prepares to pass the gloves to the defendant later in the episode, he only puts on one latex glove on his right hand. This seems illogical as he would thereby be unable to handle the murder gloves with both hands. In the original footage, Darden is evidently seen putting on two latex gloves before touching the brown leather gloves ("OJ Simpson Trial—May 24<sup>th</sup>, 1995—Part 2 (Last part)," 01:09:30).

In adapting the actual glove demonstration in front of the jury, the creative team behind ACS took further liberties in comparison to the Court TV broadcast. Many of those decisions change the dynamic of the events, thereby losing their essence along the way. One of the most noteworthy deviations stems from actor Cuba Gooding Jr.'s portrayal of O.J. Simpson. There is little left of Simpson's confident celebrity persona in Gooding's interpretation of the athlete. In the original footage of June 15, O.J. Simpson's demonstration of how the gloves did not fit was deliberate, but less exaggerated than the actor' interpretation of the football player. The real O.J. Simpson tried to follow the instructions of the judge precisely. In doing so, he reinvigorated the positive image of being uncomplicated and law-abiding in front of the jury. Deliberately, he avoided any provocative eye-contact with Darden or Clark with his sole focus laying on the jury and Judge Ito (e.g., 38:59, 39:03). The behavior Simpson continuously displayed was exemplary of what David Shulman calls "impression management" (Shulman 3), referring back to Goffman's observations that people are "self-reflective and strategizing actors who work consciously to cultivate a desirable impression" (2). It is only after he returned to his seat that Simpson dared expressing any disapproval of the prosecution's tactics.

Other actions taken by O.J. Simpson's filmic pendant further convey ambiguous messages. During the main glove experiment, for instance, Christopher Darden requests for Simpson to make two fists, while wearing the leather gloves, to prove that he could have held a knife in his hands to commit the crimes. In 1995, O.J. Simpson clenched his fingers and stretched them out towards the jury panel. Both arms were waist-high, palms down ("OJ Simpson Trial—September 27<sup>th</sup>, 1995—Part 3," 39:07). In the series, however, Simpson first clenches his right hand and lifts it above his head (ACS, disc 3, episode 7, 37:32). The raising of a black-gloved fist immediately evokes images of the Black Power salute, a symbol that first shook the 1968 Olympics, when African American sprinters Tommie Smith and John Carlos used this gesture to protest racism in the United States. The Black Power salute was not received without controversy; having O.J. Simpson evoke this image in the TV series thus adds a provocative element to his actions that was not evident in this particular moment in 1995. The director aimed to hint at Simpson's desire to sway the African American jury in favor of acquittal by reminding them of their joint roots, but the moment was arguably inapt because it took away from the persuasive simplicity of Johnnie Cochran's concluding argument in September 1995: "If it doesn't fit, you must acquit." The genius of his reasoning lied purely in its plainness: if the gloves were too small, they could not belong to O.J. Simpson, and there was no other indisputable evidence linking the athlete to the crimes. Consequently, he needed to be acquitted. The introduction of a civil rights nuance to the leather gloves at this particular time adds a distortive significance to the piece of evidence.

The sway of Simpson's celebrity status is also considerably reduced in the episode. For instance, in 1995, Simpson was escorted to the jury panel by two deputies, one in the front and one in the back. The officers seemed more congruous to personal protection for O.J. Simpson than for the rest of the people present. In ACS, however, there is only one deputy behind Simpson. The symbolic image of the famous defendant in the middle of law enforcement is therefore lost in the filmic adaptation. Also, little of the celebrity's acting background and performance of impression management is incorporated into the fictional series. Instead, O.J. Simpson actively challenges and mocks Christopher Darden during the glove demonstration while standing in front of the jury panel (37:56). After the failed experiment, the two exchange a long look (37:54), whereby one realizes defeat and the other victory. Equivocally, Darden concludes the demonstration with "No, your Honor. I have nothing. I have nothing further" (37:58) while Simpson victoriously hands him the blood-soaked leather gloves.

Other cinematographic decisions further affect how the events surrounding June 15 can be perceived differently to the original coverage. The courtroom operator in 1995 provided numerous close-up shots of Simpson's hands to direct the attention of the viewers to the most significant details. This approach allowed for a more intimate look at the hands of the man who had allegedly killed two people

wearing the exact same items. The white color of the latex gloves Simpson wore underneath shone through the holes of the evidence, reminding the viewer of the brutality of the murders. According to Béla Balász, close-up shots possess a “lyrical charm” (Balász 199), revealing not only “what is really happening under the surface of appearances” (199), but also “the poetic sensibility of the director” (199). Rather than depict the main evidence accurately, however, episode director Anthony Hemingway refrained from close-up impressions of Simpson’s hands. Instead, the camera stays in medium shots of either the defendant’s upper or lower body and wide shots to capture the reactions of the jury and spectators (e.g., *ACS*, disc 3, episode 7, 36:15). In doing so, the creative team lost the natural intensity in the courtroom, which then had to be artificially added by means of suspenseful music (35:00). A beat, similar to a heartbeat, resonates throughout the demonstration, fading in and out in synchronization with the rising and falling tension.

Other seemingly trivial modifications in the filmic adaptation further reveal a shift in focus and accuracy. In the original footage, for instance, Marcia Clark remained seated for most of the proceedings, whereas in the series, she is standing, and her presence is much more palpable. When Darden unexpectedly asks the defendant to grab a pen with his right hand to imitate him holding a knife, it is also Marcia Clark who hands her colleague a yellow marker on *ACS* (37:41). Immediately, the camera pans up to reveal her startled face. There is an evident symbolic meaning behind the decision to have her hand the marker to Darden. The gesture can be interpreted as a sign of surrender and helplessness despite Clark’s lead position. In reality, she never gave her colleague a pen. Although she was standing in the background at this point, Marcia Clark’s hands remained entrenched in front of her (“OJ Simpson Trial—September 27<sup>th</sup>, 1995—Part 3,” 39:25).

Nevertheless, by repeatedly addressing the hierarchical structure within the prosecution team, the series’ creators give viewers intimate insight into the workings of teams and the negative consequences that can arise when one of the members disrupts the established party line. Marcia Clark and Christopher Darden functioned as an ensemble with a particular performance goal (i.e., to convince the jury of O.J. Simpson’s guilt and secure a conviction). The courtroom as the workplace equaled the theatrical stage. Clark served as the lead performer and Darden assumed the position of support performer who should not upstage the lead. In the TV series, Marcia Clark repeatedly also repeatedly asserts that she is in charge of the trial strategy to remind her colleague of his place in the team: “Let me be clear. This is my case. You work for me here. And when I say drop it, you drop it. Are we clear?” (*ACS*, disc 3, episode 7, 28:22). As the lead prosecutor, Clark was responsible for the dramaturgical circumspection (Shulman 85) and for eliminating factors that might hurt the prosecutorial narrative. When Darden went against her order by having Simpson demonstrate the gloves in front of the jury, he infringed on the principles of “dramaturgical loyalty” (85), which “encourages [fellow performers] to

perform appropriately in the mutual performance and not ruin the show” (85) and caused a noticeable break in the prosecution’s appearance of having a united front. The audience’s harsh focus on and sole blaming of the male prosecutor for many failures during the complex trial are indicative of the social nature of this evaluative process: “[T]he evaluative orientation is not directed towards the group. It is almost always the individual and not the group, that is, the ways of acting within the community and not the community itself, which become the object of evaluation” (Alberoni 120). However, although Clark and Darden certainly argued about the failed glove experiment before and after the proceedings, there was never an open conflict in court. Individual actors performing as a team withhold information from the audience that might hurt the collective goal of the group. Especially in workplaces, society calls for coordinated activity and in a public setting such as a courtroom, attorneys working for the same side aim to sustain the image of unity. ACS exaggerates emotions and reactions for dramatic effect, thereby contorting the atmosphere in the courtroom and the behavior of the “performance teams” (Shulman 23).

Lastly, the following example shall demonstrate the occasional patronization of the television audience. As previously established, the glove demonstration constitutes one of the most memorable moments of the trial, and the fact that the leather gloves appeared too small for O.J. Simpson’s hands is an axiom that has certainly been pointed out in most conversations about and written accounts on the case. During the experiment in court, however, the jury and spectators were left to judge the procedure for themselves. In fact, there was a prolonged silence in the courtroom, indicating that the spectators were internally processing the visual information. ACS took a different approach and had O.J. Simpson directly speak to the jury and comment on the presentation: “These gloves are too small. Too tight. They won’t fit” (ACS, disc 3, episode 7, 37:08-14). This divergence poses problems, for it misrepresents the judicial process. A defendant cannot address the jury at his own discretion in the middle of the proceedings. The fact that the fictional Marcia Clark and Christopher Darden did not object distorts the actual legal sequences and steps of a trial even further. During the factual proceedings of September 22, 1995, Marcia Clark protested vehemently, even begged Judge Ito to deny the defense’s request to have their client make a short closing argument to the jury:

I urge the court strenuously to exercise control here, take the waiver and do not permit basically allocution, that is, testimony without any cross-examination. It is inappropriate and it is done very deliberately by the Defense for a clear purpose. Please don’t do this, your Honor. I beg you. I beg you. (Court Transcript, 22 September 1995)

Having Simpson comment on the size of the gloves arguably patronizes the television audience. Instead of giving viewers the opportunity to judge the experiment for

themselves, even if it only constitutes a reenactment for a television show, they are denied the same opportunity for analytical thinking and processing of the information the original spectators had in 1995. Although the Court TV broadcast was equally suggestive at times, the courtroom camera transferred its subjective messages more subtly and unobtrusively. By contrast, the series is openly critical of all trial participants, particularly the jury. Several sequences in the seventh episode suggest to the television audience that the jurors were not wholeheartedly committed to fulfilling their public duty and often appeared bored of the proceedings. Prior to the glove demonstration on *ACS*, for instance, Christopher Darden tried to establish that the glove found at the crime scene and Simpson's home belonged together. When an expert witness stated that it would be practically impossible for the gloves not to be a pair, the prosecutor turned around to see the effect the statement had on the jury. Simultaneously, the camera panned to the panel and revealed that the jurors looked absent and tired, and their attention was evidently somewhere else. Instead of listening attentively, they seemed to daydream and play with their fingers or earlobe (29:28). Against this background, *American Crime Story* offers a potential explanation for why Christopher Darden was keen on presenting the gloves on Simpson's hands, namely because he felt his team was losing the case. In this respect, *ACS* is quite ambiguous. While it portrays Darden as ego-centric and careless throughout most of the seventh episode, the series simultaneously tries to explicate his decision-making from different points of view and places blame on other parties as well.

### 3.2.3 From Crisis to Schism: How a Verdict Divided a Nation

In the third stage of Victor Turner's model of the social drama, the Crisis reaches a peak, threatening "the group's unity and its very continuity unless rapidly sealed off by redressive public action, consensually undertaken by the group's leaders, elders, or guardians" (Turner 8). Redressive action is often ritualized and initiated in the court of law, where reason and evidence are employed to provide justice and reestablish peace in the community. Over the course of the process, however, new conflicts and challenges can arise and hinder that goal: the Simpson case, for instance, revealed a fundamental flaw in the American justice system by unearthing the growing gap between the rich and the poor and the concomitant access to or denial of adequate legal representation. Another divisive element in the case proved to be diversity, which "ignited many deep-seated passions about race and the law" (Fox, Van Sickel, and Steiger 40). In the courtroom, the prosecution and defense team, who were composed of both white and African American attorneys, feuded over the question of race relations in the US while the presiding judge and criminol-



ogist Dennis Fung<sup>9</sup>—both of Asian descent—were harshly criticized for their behavior and performance in the case. The “virtual rainbow of color, gender, ethnicity, and class” (Abramson 55) was therefore a contributing factor to the sensationalization of the case. The origin of each main player was reinforced to a degree that it became a stigma that determined public perception. As will be demonstrated in the following analysis, even the final verdict in the criminal case, O.J. Simpson’s acquittal, failed to provide the closure the nation seemingly sought.

On October 2, 1995, after nine months of court proceedings, Judge Ito announced that the jury had “buzzed three times” (Court Transcript, 2 October 1995), signaling it had reached a verdict in the Simpson case. Due to the absence of several attorneys that Monday, however, Ito postponed the announcement until the following day at 1 p.m.; a decision CNN remarked on with “Judge Lance Ito is going to make the world sit on the edge of their seats and wait” (“Simpson Jury Reaches a Verdict,” *CNN.com*, 2 October 1995). In the meantime, nine national and dozens of local television channels planned and prepared the live coverage of the trial finale. David Bohrman, for instance, the special-events producer at NBC, set up a control room at Rockefeller Center in New York City that was kept manned and operational at all times, so that the network could begin transmitting new developments in the case within seconds, thereby underlining television’s most distinct characteristic: speed of delivery (Cooper and Bailey 136). NBC’s signal “would carry to a huge outdoor screen in Times Square (called the Jumbotron) to millions of TV sets in America, and through its international channel, to most of Europe. The Simpson verdict was to be a worldwide communal gathering of stupendous dimensions” (Thaler, *Spectacle* 269). The mediatised nature of the trial allowed for increased “temporal, spatial, and social spread of media communication” (Hepp and Krotz 5) as the verdict was not bound to any restrictions of “technologically based media of communication” (32). According to Paul Thaler, the delay of the announcement was one of the key factors that “allowed the media to gather their forces and, in effect, ratchet up the public frenzy” (Thaler, *Spectacle* 270). *The Washington Post* reporter Howard Kurtz, for instance, titled the imminent decision “the most dramatic courtroom verdict in the history of Western civilization” (Kurtz, *Washington Post*, 3 October 1995), comparing Ito’s postponement to a presidential election that “had been held but the results put under seal.” Speculation about the verdict was at an all-time high, he wrote, as “[f]or one last news cycle, [...] the climax hung in the air, unknown and unknowable.”

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9 As a witness for the prosecution, LAPD criminologist Dennis Fung presented blood evidence to the jury that pointed towards O.J. Simpson’s guilt. During cross-examination, however, defense attorney Barry Scheck successfully attacked Fung’s methods of collecting and transporting DNA evidence by providing visual proof that contradicted the criminologist’s statements on the witness stand.

On the morning of October 3, the LAPD stationed policemen around the Criminal Courts Building; all armed, some dressed in riot gear, facing the thousands of spectators that had been moved behind barriers in an attempt to control the masses. News helicopters swarmed above the courthouse, transmitting images of tumultuous crowds and heavily armed police officers to television screens, thereby raising the level of social tension even further. CNN, for instance, reported:

In the hours before the verdict was announced, [...] [a] swelling crowd was moved out of the area in a police sweep at 8 a.m. Police stressed they did not expect any unrest in the black community after the verdicts and said the alert, which put hundreds of extra police on the streets, was merely a precautionary measure. Earlier Tuesday, the Justice Department said it was making contingency plans to coordinate any use of Federal law enforcement resources, should state and local officials in Los Angeles request them after the verdict. President Clinton was briefed on the possibility of assisting California authorities. ("Not Guilty," *CNN.com*, 3 October 1995)

CNN's reporting paradigmatically proves Thaler's point that the media coverage preceding the verdict announcement ultimately served as advertisement for the concluding proceedings through its subjective method of reporting. Additionally, "[p]ortrayals of social reality reflect the subjective judgments of news organizations in their representations of human nature, social relations, and the norms and structure of society" (Fox, Van Sickle, and Steiger 11). The aforementioned segment, for instance, only addressed possible unrest in African American communities, thereby exploiting racial tensions in the US from the perspective of the dominantly white culture by invoking old images of street riots in Los Angeles to heighten public anxiety.

Meanwhile in court, in the first matter of the day and in the absence of the jury, Lance Ito explained: "[The jurors] have uniformly indicated their desire that their private information remain confidential. They have also indicated to the court unanimously a desire not to speak to the attorneys, including after the conclusion of the trial, and not to speak with the news media either" (Court Transcript, 3 October 1995). The revelation of this demand only minutes before the announcement of the verdict in the so-called Trial of the Century served as an intriguing opening to the proceedings that, in combination with the tense pre-verdict media coverage, set the stage for the final performances in the O.J. Simpson story. Following this proclamation, Judge Ito asked Deputy Trower to bring in the jury to initiate the verdict phase of the proceedings. As several minutes passed, the courtroom camera operator seized the opportunity to film the attorneys and the defendant before the trial's culminating point. He first zoomed in on the defense team, stopping at a medium long shot which allowed him to capture Robert Kardashian, O.J. Simpson, Johnnie Cochran, and Robert Shapiro in the same frame. From this perspective, the TV audi-

ence was close enough to observe and compare their overall behavior without being able to discern their facial expressions in great detail, yet (“OJ Simpson Trial—Verdict—October 3<sup>rd</sup>, 1995,” 01:50). This particular camera shot also transmitted a first general sense of the atmosphere in the courtroom. Cochran and Shapiro, for instance, both kept their hands interlocked to appear anchored but repeatedly tapped them on the wooden table on which they rested, thereby involuntarily exposing their agitation (01:52). In terms of performance modes, Annette Hill speaks of “acting up” (Hill, *Reality TV* 62), whereby the performer attempts to “create a good impression of [themselves] to others, perhaps keeping [their] emotions in check” (62). Small details matter in this kind of performance mode and are exaggerated by television’s adamant stare. While Cochran and Shapiro tried to radiate calmness, Robert Kardashian fumbled on the sleeves of his suit (“OJ Simpson Trial — Verdict — October 3<sup>rd</sup>, 1995,” 01:45), while O.J. Simpson made eye contact with his attorneys for reassurance. A long shot of the camera then revealed prosecutor Christopher Darden’s trembling leg (01:41), and both he and Cochran habitually touched their noses (01:56). The fact that they were all unaware of performing different stress-management techniques subsequently turned the camera’s images into some of the most authentic of the entire trial. John Corner uses the term “selving” (Corner 51) and the expression “disclosure of personal core” (51) to describe this process, “whereby ‘true selves’ are seen to emerge (and develop) from underneath and, indeed, through the ‘performed selves’ projected for us, as a consequence of the applied pressures of objective circumstance and group dynamics” (51); or, in other words, the transition from “front-stage to back-stage self” (Hill, *Reality TV* 69–70). In the aforementioned moment, the O.J. Simpson trial notably met a particular expectation viewers have of reality television:

Reality TV viewers classify programmes according to fact/fiction criteria. [...] A fundamental characteristic of reality TV is its ‘see it happen’ style of factual footage. The ‘see it happen’ style of the reality genre ensures that viewers often classify programmes within the genre according to how real they appear to be. (53)

Those moments of authenticity observable minutes before the adjudication constituted what Hill describes as emotional performances the participants “played out in a mediated public space” (72).

The announcement of a verdict itself is a highly ritualized procedure whose theatricality further points to the performative character of courtroom proceedings. Herbert Blau notes on the topic that

what seems to be confirmed by the pursuit of unmediated experience through performance is that there is something in the very nature of performance which [...] implies *no first time*, no origin, but only recurrence and reproduction, whether improvised or ritualized, rehearsed or aleatoric, whether the performance is

meant to give the impression of an unviolated naturalness or the dutiful and hieratic obedience to a code. That is why a performance seems *written* even if there is no Text, for the writing seems imbedded in the conservatism of the instincts and the linguistic operations of the unconscious. (Blau 258, emphasis original)

The human interaction involved in the process can thus be understood as “a ‘syntax,’ a set of rules, that [can] then be analysed as text” (Shephard 19). Out of the 14 minutes that the proceedings lasted on October 3, only three minutes encompassed the actual acquittal of O.J. Simpson. But due to the ceremonial nature of courtroom sessions, the announcement was prolonged by several performative sequences, which are observable even in the case transcripts. At first, Lance Ito asked his clerk, Deirdre Robertson, to hand the envelope containing the verdict to a deputy, so that he could then pass the envelope to juror number 1, Madam Foreperson:

**The Court:** *All right. Mrs. Robertson, would you—do you have the envelope with the sealed verdict forms, please?*

**The Clerk:** *Yes, your Honor.*

**The Court:** *Would you give those to Deputy Trower. And would you return those to our Foreperson, juror no. 1. Madam Foreperson, would you please open the envelope and check the condition of the verdict forms.*

*(The Foreperson complies.)*

*(Court Transcript, 3 October 1995, emphasis original)*

The theatrical aspects of the proceedings were first demonstrated by Ito’s rhetorical question, whether his clerk was in possession of the sealed verdict forms. He thereby officially initiated the sentencing phase of Simpson’s criminal trial. Next, Deputy Trower walked over to the clerk, who was sitting on the left side of the courtroom and to Ito’s right, to be handed the envelope and then made his way to the jury panel on the other side of the room. As he did so, the camera focused on O.J. Simpson in a medium close-up shot to capture his facial expressions as he closely watched the clerk’s every step (“OJ Simpson Trial – Verdict – October 3rd, 1995,” 03:30). Ito then asked Juror number one to “check the condition of the verdict forms,” and the transcript indicates in italics that the “Foreperson complies.”

Several observations illuminate the rising tension in the courtroom during the review of the verdict forms. First, apart from the occasional rustling of paper, there was absolute silence. Indeed, it was so quiet that the microphones repeatedly picked up sounds of somebody’s deep breaths (04:04), indicative of spectatorial anxiety. Second, since the camera operator continued focusing on O.J. Simpson, the silence forced the audience to concentrate their attention exclusively on the defendant and the attorneys next to him, allowing viewers to observe details they might not have noticed if there had been any other distractions on the screen. For instance, a still

medium close-up shot revealed a short exchange between Robert Shapiro and O.J. Simpson, even though the attorney was not visible in the frame and no words were spoken. Simpson's facial expressions, however, gave enough context for the audience to be able to figurately read between the lines. In the shot in question, Simpson seemingly looked at Shapiro, who, judging by his client's reaction, offered a glance of encouragement, whereupon O.J. Simpson raised his eyebrows and pressed his lips together in resignation (03:50).

As the jury foreperson continued skimming through the verdict forms, O.J. Simpson's agitation visibly rose. He began blinking rapidly and when compared to Johnnie Cochran—who was also in frame but displayed no apparent emotional reaction—assumed almost comic traits (04:08). Simpson's eyes also indecisively wandered to and away from the jury, clearly exposing his irritation through his facial expressions (04:36). At one point, he seemed to be lost in an inner dialogue as he was captured mumbling to himself (05:35). What seem to be trivial actions initially, can, according to Richard Schechner, be understood as powerful elements of a performance. He asserts that “[b]eing is existence itself, all that is. ‘Doing’ is the activity of all that is” (Schechner, *Performance Studies* 4). The “showing doing” (4) is consequently a performative act, the “pointing to, underlining, and displaying doing” (4). Following this train of thought, the courtroom camera became a necessary agent to establish the performative nature of the Simpson trial. The fact that the audience was able to observe the “being” and “doing” of the celebrity defendant underlines the theatricality of his trial and illustrates that performance not only emanates from “identities” (6) but also from “corporeality” (6), i.e., when the mere physical presence and its visibility become part of the ritual.

After the juror's confirmation that the forms were in order, the envelope containing the verdict was handed back to Deputy Trower and subsequently the clerk who was entrusted with the task of publicly reading the jury's decision. Judge Ito's instructions beforehand served as a reminder of the sensational nature of the Simpson trial:

**The Court:** All right. [...] Ladies and gentlemen of the jury, I'm going to ask that you carefully listen to the verdicts as they are being read by the clerk, Mrs. Robertson, as after the verdicts have been read, you will be asked if these are your verdicts. And I would caution the audience during the course of the reading of these verdicts to remain calm and that any—if there is any disruption during the reading of the verdicts, the bailiffs will have the obligation to remove any persons disrupting these proceedings. [...] Mr. Simpson, would you please stand and face the jury. Mrs. Robertson. (Court Transcript, 3 October 1995)

Slowly, O.J. Simpson rose and turned towards the jury panel. As the clerk began reading the verdict, the tension reached its climax, signaling what *The New York Times*

later labelled the moment “the country stood still” (Kleinfield, *NY Times*, 4 October 1995):

The country stopped. Between 1 and 1:10 P.M. yesterday, people didn't work. They didn't go to math class. They didn't make phone calls. They didn't use the bathroom. They didn't walk the dog. They listened to the O. J. Simpson verdicts. Airplane flights had to wait. [...] Finance ceased. [...] It was an eerie moment of national communion, in which the routines and rituals of the country were subsumed by an unquenchable curiosity. Millions of people in millions of places seemed to spend 10 spellbinding minutes doing exactly the same thing.

During a lecture at Harvard University in 1955, linguistic philosopher J.L. Austin introduced the concept of the “performative sentence” (Austin 6) to the academia. A performative sentence, also known as a “performative utterance” (6) or a “performative” (6), implies that “the issuing of the utterance is the performing of an action” (6), whereby “to say something is to do something; or in which by saying or in saying something we are doing something” (12, emphasis original). Austin distinguished between “contractual” and “declaratory” performatives (7), depending on the nature of the spoken action. A verdict and its public announcement can be understood as a declaratory performative utterance. In the Simpson case, it was read by the clerk Deirdre Robertson as the defendant and the defense and prosecution attorneys stood and ceremonially faced the jury:

**The Clerk:** “Superior Court of California, County of Los Angeles. In the matter of *People of the State of California versus Orenthal James Simpson*, case number BA097211. We, the jury, in the above-entitled action, find the Defendant, Orenthal James Simpson, not guilty of the crime of murder in violation of penal code section 187(A), a felony, upon Nicole Brown Simpson [and Ronald Goldman] [...]. [...] We, the jury, in the above-entitled action, further find the special circumstances that the Defendant, Orenthal James Simpson, has in this case been convicted of at least one crime of murder of the first degree and one or more crimes of murder of the first or second degree to be not true. Signed this 2<sup>nd</sup> day of October, 1995. Juror 230.” Ladies and gentlemen of the jury, is this your verdict, so say you one, so say you all? (Court Transcript, 3 October 1995, emphasis original)

With these words, O.J. Simpson was officially cleared of all charges and released from prison as a free, and in the eyes of the law, innocent man. Due to the double jeopardy clause in the American jurisprudence, he would never have to stand another criminal trial for these particular charges again.

## The Aftermath

The verdict marked the legal ending of a social drama that had captivated the American public for over a year. After the announcement, talk show host Geraldo Rivera, who covered Simpson's criminal trial in great detail, declared on *Rivera Live*:

"Not Guilty" is our inevitable title. It's—it's the end of an incredible saga, an incredible story, an incredible chapter of American history. The defining story of our times, certainly the defining story for the end of the twentieth century here in the United States of America. (Rivera Live, 3 October 1995, qtd. in Fox, Van Sickle, and Steiger 109)

As Fox, Van Sickle, and Steiger point out, with his statement, the talk show host implied that the murder trial of O.J. Simpson was "more important than the Vietnam War, the civil rights movement, Watergate, [...] the AIDS crisis, or any presidential election" (109), calling Rivera's assessment a hyperbole that illustrates the priorities of the American people in the era of tabloid justice. Statistics and media reports support the scholars' assessment: an estimated 150 million Americans became watching participants of the verdict announcement. According to Nancy King, this made the Simpson finale "the most watched television event ever, topping President Kennedy's funeral and the Apollo 11 moon landing" (King 145). The acquittal caused a variety of reactions, both inside and outside the courthouse. In the courtroom, the first three visible responses stemmed from O.J. Simpson, Johnnie Cochran, and Robert Kardashian who dominated the television screen for most of the sentencing procedure in a medium close-up shot. Cochran released a triumphant "Yes!" and then proudly patted his client on the shoulder ("OJ Simpson Trial – Verdict – October 3rd, 1995," 06:59). Simpson himself seemed to be on the verge of tears, as he inaudibly whispered "Thank you" towards the jury (06:58), and due to the camera's position above the jurors' heads, also implicitly to the television audience. Robert Kardashian, who was standing in front of him, closed his eyes for a moment to process the judgment, then looked around the courtroom in what seemed to be disbelief or shock (07:04).

As the clerk pronounced that O.J. Simpson was also found not guilty of murdering Ronald Goldman, a howl erupted in the courtroom, and the camera operator panned towards the sound, passing the faces of other spectators on the way, then stopping in the corner of the room where the Goldman family was seated. Kim Goldman, the male victim's sister, had broken down in tears while her father Fred was pressing her against his shoulder ("OJ Simpson Trial – Verdict – October 3rd, 1995," 7:46). Fred Goldman himself was visibly in shock, his mouth stood open as he stared into blank space. Seconds later, he shook his head in disbelief and started mumbling to himself (7:54). Also captured in the frame of the shot was Tom Lange, one of the two lead detectives in the case, who turned his frowning face to the jury in disapproval ("OJ Simpson Trial – Verdict – October 3rd, 1995," 07:51). From there, the

camera moved towards the back of the courtroom and focused on the Brown family who, in contrast to the Goldmans, listened to the verdict without a strong visible reaction (07:57).

As the clerk finished the formalities, which consisted of asking each individual juror whether the verdict of not guilty was their true verdict, the courtroom camera panned back towards the defense table, where Simpson was hugging and shaking hands with his attorneys (08:17). In the background, Kim Goldman's cries and sobs accompanied the scene, illuminating the vexed character of the case. No matter the ultimate outcome, there would always have been a party on either side of the courtroom who felt that they lost. According to Annette Hill, such sentimental circumstances allow reality TV to make claims of authenticity: "Moments of extreme emotions are experiences by participants and then fed back, like emotional reverberation, through reactions of judges, a live crowd and the viewing public. In this way, the moment's moment is a combination of performance, reaction and extreme emotion" (Hill, *Reality TV* 74). Consequently, however, it is also this focus on emotional performance that causes the genre to intervene in the "production of subjectivity" (78).

To conclude, the camera operator panned to the left towards the prosecution table, halting at a medium close-up shot of Christopher Darden, Marcia Clark, and William Hodgman ("OJ Simpson Trial – Verdict – October 3rd, 1995," 08:44). Additional close-up shots of the prosecutors allowed a more detailed observation of their emotional state. Darden, for instance, gazed into the distance (08:49) while Clark sat motionless with folded arms as her eyes moved from one juror face to the other (08:56). It is noteworthy that the camera operator did not halt overly long on faces that expressed little visible reactions to the verdict. The televised murder trial was a performance with the purpose of entertainment, reflected in his decision to, for instance, repeatedly film Kim Goldman's emotional breakdown (09:34, 11:56) instead of the stoic faces of Nicole's family. The same approach can be observed with regard to the Simpsons on the other side of the courtroom. They only entered the TV screen ten minutes into the proceedings, and the camera almost immediately zoomed in on Jason Simpson, the defendant's son, who hid his face in his hands as he cried tears of joy (10:00).

As Lance Ito exclaimed that "[t]he Defendant having been acquitted of both charges, [...] is ordered transported to an appropriate Sheriff's facility and released forthwith" (13:32), Simpson exhaled audibly, and the camera slowly panned to the right and up to the seal above Judge Ito's head, where the Court TV broadcast ended. As the jurors exited the courtroom, Simpson and his defense team stood and faced the twelve people who had acquitted the football star, and in a gesture of victory, Simpson clenched and shook his fists to signal them, "We did it" (12:42). The photograph of him in this position and his grey-brown suit, which is now part of the



Newseum in Washington, D.C., became memorable pictures of the O.J. Simpson murder trial.

Outside Lance Ito's courtroom, in contrast, "pandemonium reigned" (Gibbs 209). On the one hand, a great number of African Americans erupted in cheering, hugging each other in the face of victory. Many white Americans, on the other hand, remained still or shook their heads in disbelief and disappointment. According to Lilley, "teledlitigation arouses skepticism, not reassurance. Hence it has a radicalizing effect rather than a stabilizing one" (Lilley 172), leading back to the last stage of Victor Turner's model of the social drama. In the last stage, following the Breach, Crisis, and Redressive Action, the social drama is brought to a conclusion by either "the restoration of peace and 'normality' among the participants, or [...] social recognition of irremediable or irreversible breach of schism" (Turner 8–9). In this respect, the O.J. Simpson case resists categorization. Although the athlete was acquitted of the murders by a jury of his peers and legally received absolution, he was found liable for the deaths of Nicole Brown Simpson and Ronald Goldman and ordered to pay the victims' families over \$33 million in punitive damages after the civil suit in 1997. Thus, in the American justice system, he is in effect not guilty of, yet liable for one and the same matter. By comparing past and current polls pertaining to public perception of O.J. Simpson's guilt or innocence, it can be argued that the breach caused by the criminal case was indeed irremediable. In July of 1994, a CNN poll revealed that 60% of African Americans and only 15% of white Americans believed Simpson was not guilty (Hunt 19). Support for the defendant increased to 78% in the first group, whereas 75% of white Americans believed the jury had rendered a false judgment in October 1995 (19). Although emotions have considerably subsided twenty-five years after the verdict, new data from a *Washington Post-ABC* poll suggests that public opinion on the matter remains divided: 83% of white Americans are certain of O.J. Simpson's guilt in contrast to 57% of America's black population (Ross, *Washington Post*, 4 March 2016). This indecisiveness is reflected in the nation's ongoing interest with the case. There is neither palpable conclusion nor moral closure. In fact, the Simpson verdict contributed to the "reversion to the phase of crisis" (Turner 9, emphasis original) as it stands in direct opposition to our "implicit compulsion to finish an episode once begun" (Brissett and Edgley 49). Turner argues that "[i]f law and/or religious values have lost their cultural efficacy, endemic continuous factionalism may infect public life for long periods" (9). Barbara Myerhoff situates such antinomies of public perception in the disputable practices of the media, when she argues that "[n]either catharsis nor transformation can occur, so disuse and inauthentic are the ways mass entertainment genres handle distress" (Myerhoff 248). Indeed, the emotional response to the case has echoed for many years after the acquittal. The 2016 documentary *O.J.: Made in America* (2016), the FX series *The People v. O.J. Simpson: American Crime Story* (2016), and feature-length movies such as *The Murder of Nicole Brown Simpson* (2019) indicate that the American

people have not yet fully come to terms with this case and quite notably, might not even want to. As Frank Kelleter argues in *Media of Serial Narrative* (2017):

Even finished tales seek to continue and multiply themselves. Popularity and repetition have always worked hand in hand, from the daily bedtime story to such standardized entertainment formats as the detective novel or the TV medical drama. Commonly, such genres provide smooth endings, but what paradox is inherent in the fact that they do so again and again, without redeeming overall conclusion to their perpetual acts of narrating? (Kelleter 8)

Kelleter's observation indicates that there is an "essentially episodic and situational character of social life" (Brissett and Edgley 48) which resists conclusion and encourages repetition.

### **The Verdict on American Crime Story**

The previous chapter established the shaping role of cameras in the Simpson proceedings, which facilitated the mediatization and exploitation of the case by molding numerous overwhelmingly sensationalized narratives surrounding the murder of two people. A detailed look at *American Crime Story's* adaptation of the verdict reveals a new perspective on the fascination with and appeal of an event most viewers already knew the ending to. The last episode of the TV series, simply titled "The Verdict," is an hour-long finale that offers the audience a look into the jurors' sequestered lives and eyes, blending factual information with new creative elements to illustrate events that occurred behind the scenes. For director Ryan Murphy, this was the goal of the concluding episode.

The first scene opens with a black screen and a distant rattling of metal chains in the background. One is immediately reminded of a prison environment. Then, a medium-close up shot captures the shackled hands of an African American man in a blue L.A. County jail jump suit. The white wristband he is wearing provides a scan code and additional information that identify him as a prison inmate. Although one can assume that the African American man is O.J. Simpson, at this point, nothing distinguishes him from any other inmate. Without being able to see the person's face, he could be any prisoner. Then, however, the camera pans up and finally confirms that the shackled man is indeed O.J. Simpson being escorted by two guards to a yet undisclosed location (*ACS*, disc 4, episode 10, 00:06). Thereupon, the director provides subtle visual clues to indicate that the defendant is not, as previously implied, a regular prison inmate. None of the guards have physical contact with Simpson, and he walks freely in front of them. There is also symbolic meaning behind placing the athlete between a black and a white officer, knowing that the final episode deals with a verdict which ultimately divided the nation in black and white supporters and critics. The distance and freedom that the two law officials grant O.J. Simpson is also visually illustrated by having him exit the frame first, followed by the

men who are supposed to keep a close eye on the prisoner and be in charge of the situation (00:15).

In the next scene, a dark wooden door opens, and Johnnie Cochran and his associate appear in the frame. Standing in a small room, Cochran effusively gestures towards an assortment of carefully folded socks in different colors, two pairs of expensive-looking leather shoes, and numerous leather belts that have been laid out in front of Simpson for selection. In the background, a number of suits and ties ranging from beige to black are displayed on a clothes hanger ready for fitting. Like a mentor, Cochran encourages Simpson with a self-confident “Today’s the day” (00:19). These first sequences are exemplary of the role playing in the Simpson case and indicative of how easily the perception of the participants was changed and manipulated. At one moment, O.J. Simpson looked like a regular inmate who wore the same cheap prison jump suit every detainee was forced to wear. Within minutes, however, he was able to strip this role and, with the help of his defense team, slip into his familiar role of a wealthy and popular celebrity, unjustly accused of murder. Fittingly, right after Cochran’s comment, the two prison guards free the defendant of his shackles, granting him the space to transform himself (00:23). A similar contrast between Simpson’s jail and celebrity persona is painted towards the middle of the episode when he is depicted preparing for the verdict announcement. O.J. Simpson is in his cell, dressed in the blue jail suit and stooped over a simple sink as he tries to shave while looking into the small mirror placed in front of him. On the sink, a bar of cheap soap and a bottle of mouthwash account for all of his toiletries (23:35, 23:53). A wide shot of the cell reveals the simplicity of his sleeping place: a concrete bunk bed, a thin mattress, and a brown wool blanket become symbolic of the absence of luxury, reminding the viewer of Simpson’s inmate status. At the same time, the series highlights his celebrity in an unambiguous way. There is a close-up shot of the cell wall, where the athlete engraved “OJ WAS HERE” (23:38) with a pen, much like an autograph or benediction. Moments later, he is literally asked to give his autograph, when a jail guard steps up to his cell:

**Guard:** *It’s a big day, huh, O.J.?*

**O.J. Simpson:** *The biggest.*

**Guard:** *Hey, man, I just want you to know guarding you in here, it’s been a pleasure. There’s a lot of real assholes that come through this place and you’ve always been a stand-up guy.*

**O.J. Simpson:** *Thanks, Eddie. [...]*

**Guard:** *And, uh, I was hoping before we go in, that maybe you could sign this. For my kid.*

**O.J. Simpson:** *Uh, sure, Eddie, no problem. I could do that.*

**Guard:** *Thank you.*  
(23:51-24:24)

Back in the changing room with Johnnie Cochran, a series of close-up shots depicts O.J. Simpson dressing in formal clothes for the final session in Judge Ito's courtroom. The sequence is reminiscent of popular superhero costume reveals, particularly observable in older Batman movies, for instance in *Batman* (1989) or *Batman Returns* (1992), where Bruce Wayne is shown suiting up piece by piece for his next mission. In a similar fashion, Simpson is shown putting on his figurative costume, consisting of a clean white shirt, expensive golden cufflinks, brown leather shoes, a belt and tie as well as the now famous grey-beige Armani suit (00:32-40). In this context, it is fitting to consider Ernest Sternberg's remarks concerning the expressive power of clothes and colors. The scholar believes that whereby dark suits convey authority, light brown suits, similar to Simpson's in color scheme, imply cordiality (Sternberg 13), and as the previous chapter has shown, approachability was the defendant's main strategic goal in his defense.

Another noteworthy detail becomes visible in this shot upon close observation. The camera films Cochran and Simpson from the side in a slight low angle shot (ACS, disc 4, episode 10, 00:46), thereby capturing the opposite wall of the interrogation room. Unobtrusively, yet dominantly, a small CCTV camera, strategically placed in the middle of the frame, focuses its voyeuristic glance at the two interlocutors, and by extension, the television audience. The low angle shot adds further intensity to the camera's adamant stare because it assumes the highest visual angle in the room, whereby the viewers are forced to look up from a subordinated position. This scene constitutes one of many cinematic references to the mediatization of the O.J. Simpson case and the presence of the camera in even the most private moments of the proceedings.

Throughout the last episode of the series, events that happened months apart from each other are fused into seemingly one day of proceedings. For instance, *American Crime Story* coalesces Simpson's short closing statement on 22 September,<sup>10</sup> which prosecutor Marcia Clark tried to prevent, with the announcement of the verdict on October 3. For viewers unfamiliar with the factual sequence of events, the concluding proceedings might seem more extensive than they actually were. However, the filmic adaptation itself stays true to the original visual material. Although the defendant spoke in the absence of the jury, both the original and the fictional Marcia Clark point to "the realities of this case" (01:20) and accentuate that the courtroom camera and the media were weak spots in the attempt to shield the

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10 The statement was: "Good morning, your Honor. As much as I would like to address some of the misrepresentations made [...], I am mindful of the mood and the stamina of this jury. I have confidence, a lot more it seems than Miss Clark has, of their integrity, and that they will find, as the record stands now, that I did not, could not and would not have committed this crime. I have four kids; two kids I haven't seen in a year. They ask me every week, 'Dad, how much longer?' I want this trial over. Thank you." (Court Transcript, 22 September 1995)

jury from obtaining knowledge about the case outside the courtroom. Actress Sarah Paulson repeats original statements and the physical gestures of the real Marcia Clark, but her tone of voice and pleading with Lance Ito appear more aggressive and desperate on television, whereas in 1995, Clark seemed centered as she tried to plead reason into the judge. Likewise, the series includes, and rightly so, Johnnie Cochran's response to Clark's objection, as it once again illustrates how the attorney elevated certain issues pertaining to the Simpson case to social issues in the US in general. In this particular instance, Cochran argued that the prosecution's protests constituted violations against his defendant's right of free speech. Originally, he debated: "There seems to be this great fear of the truth about anybody speaking in this case. This is still America and we can talk, we can speak. Nobody can stop us" (Court Transcript, 22 September 1995). It is noteworthy that his use of the personal pronouns 'we' and 'us' remains vague and open to interpretation. It is unclear whether Cochran refers to the defense team or the entire African American community in general, whereby the court becomes an enabler of injustice in that it silences free speech. *ACS* preserved Cochran's ambiguous statement and his purposeful use of personal pronouns to add emotive impact to his arguments: "My goodness. There's a great deal of fear of the truth in this case. Your Honor, this is still America. Can we still talk?" (*ACS*, disc 4, episode 10, 01:40-48).

Likewise, the television series depicts the public pressure and consequent inner struggle Judge Ito was subjected to considering many of his motions were taken out of the context of the criminal trial and applied to social issues and debates in the entire United States. In the aforementioned case, if he ruled against the defense who argued for free speech, Ito would appear complicit in the attempt to silence "the truth in this case." In this regard, historian Walter L. Hixson asserts:

The actors in the criminal justice system—police, prosecutors, defense attorneys, judges, and juries—succumbed in varying degrees to the external pressures that roiled the administration of justice. [...] Popular trials such as the [the Simpson case] contain all the features that captivate the public: drama, narrative, rhetoric, and advocacy. Such cases tend to obscure the criminal or legal issues in question, as they provide an opportunity to advance other causes before, during, and after the courtroom proceedings. (Hixson 2)

While adhering to the original court transcripts in some instances, there is a perceptible exaggeration of emotions for dramatic purposes in the series in other cases, in particular with regard to Cuba Gooding Jr. and his impersonation of O.J. Simpson. An analysis of the original footage reveals differences that give ground to criticizing his performance. During the original trial, there is no truly tangible moment during which Simpson broke character and showed any facet of his role other than the self-confident and innocent man and father. During his speech on September 22, he expressively underlined this image by speaking clearly and distinctly to all

present. This becomes observable with regard to his emphasis of certain words as, for instance, in “I am mindful of the mood and the stamina of this jury. I have *confidence*, a lot more it seems than Miss Clark has, of their integrity” (Court Transcript, 22 September 1995, emphasis added). The fictional character appears exhausted and weak as the actor inserts prolonged pauses in his monologue that were absent in Simpson’s 1995 plea for acquittal (e.g., ACS, disc 4, episode 10, 02:23). As Emily Nussbaum writes in *The New Yorker*, although “Cuba Gooding, Jr., captures the football star’s gasbag egotism [he] falls short of the regal charisma that drew people to [O.J. Simpson]” (Nussbaum, *New Yorker*, 31 January 2016).

One can also observe the series’ repeated and more prominent focus on other participants in the case. During Simpson’s short speech, the camera cuts to a medium shot of Robert Kardashian to capture his reaction to the defendant’s argument (ACS, disc 4, episode 10, 02:15). This seemingly trivial shot is, on the contrary, quite suggestive. As was demonstrated in the chapter “The Bronco Chase,” Kardashian was significant to the structure of the series. Oftentimes, his conflicting views, doubts, and insecurities pertaining to O.J. Simpson dominated and shaped the narrative of an episode. Initially, he was certain of his friend’s innocence and even agreed to renew his practice license to be able to join the defense team. However, with new information surfacing on almost a daily basis (e.g., the polygraph test Simpson failed), Kardashian began questioning his friend’s innocence. Thus, capturing the attorney’s reaction when Simpson speaks of the “misrepresentations made about myself and *my Nicole*” (02:12, emphasis added) becomes a powerful visual tool to externalize the attorney’s inner struggles. This assumption is further supported by the fact that Kardashian lowers his glance upon hearing the seemingly innocent words “my Nicole” (02:13), which, in accordance with the prosecution’s argument, could be interpreted as an indication that Simpson considered his ex-wife a possession, and if he could not have her, nobody else could.

Similarly, quick cuts between Simpson, his family, and the Goldmans serve as a reminder of how differently his speech was perceived by all parties, thereby offering a perspective of the situation the courtroom camera did not originally provide in 1995. When Simpson speaks of his children, the camera cuts to Fred and Kim Goldman who wince at the painful irony of his statement: “I have four kids. Two kids I haven’t seen in a year” (02:42). While Simpson’s children are alive and well, the Goldmans have lost an important part of their family, one they can never bring back. Simpson’s pain of not having seen his children for a year is thereby relativized against the background of the murders. Hence, the series temporarily succeeds in placing emphasis on the victims who were so often neglected during the 1995 trial. When Simpson’s speech continues with, “And every week, they ask me, ‘Dad, when are you coming home? – How much longer?’” (02:46), there is another quick cut in the sequence, this time to Simpson’s mother and oldest son, Jason, who look tense and

worried. In contrast to the Goldmans, they hope for their son's and father's acquittal and release.

As indicated above, Marcia Clark's performance during this particular part of the trial is more exaggerated, aggressive, and accusing than the prosecutor's original interaction with Judge Ito and O.J. Simpson in 1995. In the television series, Clark challenges the celebrity defendant directly to take a seat in the witness chair if he really wishes to rectify wrong assumptions about him and the female murder victim: "You want to address misrepresentations about you and Nicole? Take a seat in the blue chair, and we can have a discussion" (2:58-3:02). A medium close-up shot has the prosecutor face the camera as she dares Simpson to testify (03:00). The latter, likewise captured in the shot, is filmed laterally in contrast, with his gaze directed toward the ground, thus presenting Simpson in a subordinate position to the prosecutor who seems much more dominating and present through the frontal perspective. Clark's original request, however, diverges notably from the filmic adaptation. First, she never spoke to Simpson directly, since all motions are to be passed through the judge and are then redirected to the defendant's attorney(s). Second, due to the ritualized nature of motions, Marcia Clark's original inquiry sounds formal and even respectful: "May I also ask, your Honor, for the court to inquire of Mr. Simpson, perhaps he would allow me then the opportunity, since he would like to make these statements to the court, I would like the opportunity to examine him about them. May he take a seat in the blue chair and we will have a discussion?" (Court Transcript, 22 September 1995). This alludes to the fact that, as was observable with the series' characterization of Al Cowlings (see chapter 1.3, "From Chase to Arrest"), many protagonists on *American Crime Story* display a more aggressive and angry tone to their actions than their real-life counterparts. While exaggeration is an important part of dramatic television, it misrepresents people for the sake of entertainment and tension, similar to the way the main players in the case were sold as epitomes of specific social roles in the media in the 1990s.

ACS also parts with its literary source, Jeffrey Toobin's *The Run of His Life*, to continue the dramatic arc of the show, noticeable in the way the main players are shown receiving notice and reacting to the information that the jury had reached a verdict. Toobin, for instance, shared in his account that he heard the news during a conversation with Scott Gordon, a policeman from Santa Monica. Upon ascertaining that jury deliberations were over, he exclaimed: "You're shitting me.... Don't shit me like this.... I know you're shitting me..." (Toobin 428). In the TV adaptation, however, it is none other than Judge Lance Ito who utters a surprised "Are you shitting me?" (ACS, disc 4, episode 10, 21:18) when he learns that the verdict is in. Having Ito curse constitutes a stark contrast to the personality the viewers experienced in 1995 during the original trial and his image as a weak judge. This verbal contrast, in combination with a zoom-in shot to create surprise, is effective in demonstrating that even an experienced judge such as Lance Ito did not expect the jury to come to a deci-

sion within four hours. Johnnie Cochran reacts in a similar way (21:33), while Robert Shapiro exclaims: “My God, they’ve discussed this case less than anybody in America” (21:51).

The scenes leading up to the announcement of the verdict are a combination of cinematic and stock shots. In particular with regard to the tense situation in Los Angeles, the archival footage of the measures taken by the police took in preparation for the adjudication as well as the partly tumultuous demonstrations of both white and African American citizens in the city (23:05) was used to enhance the authenticity and the emotional appeal of the newly filmed television scenes. One particular choice of stock images stands out in the series, namely the inclusion of short clips from Oprah Winfrey’s talk show, considering her proliferation in American popular culture. According to Kimberly Springer, “Oprah Winfrey’s embodiment, her cultural productions, her actions, and her ideology constitute *The Oprah Culture Industry* (TOCI). The sheer number of productions and enterprises indicates TOCI’s extensive reach into American lives, media, and culture” (Springer xii). Similar to O.J. Simpson, Winfrey was able to seemingly transcend race, which allows her to attract a highly diverse audience. In 1994, media scholar Janice Peck described Winfrey “as a comforting, nonthreatening bridge between black and white cultures” (Peck 91), and her influence continues undisputed. Therefore, Winfrey’s comments on the Simpson case from 1995 transition smoothly into the modern filmic adaptation of 2016.

In the clip in question, the TV personality is standing in front of her audience as she proclaims that “history is in the making” (ACS, disc 4, episode 10, 23:18), referring to the pending announcement of the verdict in the Simpson murder case. She then turns around and asks her viewers, “Who’s nervous? Is anybody nervous here?” (23:24). A panning medium shot of the panel reveals an equal number of African American and white audience members raising their hands, as they shyly smile at their hostess. Later, after the announcement of the verdict on ACS, another clip is inserted from the talk show to demonstrate Winfrey’s reaction to the acquittal in her studio. While two female African American audience members jump up from their seats in joy and start cheering, Winfrey remains emotionless, even stoic, with her arms folded in front of her chest, looking away from the exhilarated women. At a closer look, one can also observe a white woman in the background staring at the two audience members in disapproval (30:29). An initially collective group was visibly divided into two opposing parties while the hostess attempted to remain impartial. The reactions of both Winfrey and her audience thus allude to the fact that

participating in rituals and the emotional energy emanating from them builds into greater social integration and a “society,” as partaking in interaction rituals “chains” people to the larger social body. The inverse also occurs in that interaction ritual chains “gone wrong” can produce negative energy and damage the social body. (Shulman 65)



In order to further enhance the authentic factor of the fictional series, cinematographer Nelson Cragg also simulated the grainy images of the 1995 courtroom camera by means of different color palettes and camera angles. Each location or set required specific color grading adjustments to convey the atmosphere of the era and the site of filming. For the sequences in the District Attorney's Office, for instance, the creative team used blues, greens, and grays to relay the industrial nature of the building, and "[t]he Kardashian house was driven by a skin-tone peach color that was popular in the mid 1990s" (Hogg, *Sound & Picture*, 28 September 2016). Similarly, the color scheme of the courtroom sequences encompasses warm-toned browns, beiges, and mustard yellows to accentuate the wooden interior of the place. In contrast, the camera used to record the proceedings in 1995 did not allow the deliberate adjustment of color palettes due to the limited technological possibilities of the era and was therefore depended on the bright lighting of the courtroom lamps that did not serve any artistic purpose. Thus, to recreate the impressions of the Court TV footage, the ACS shots in question are brighter and far less rich in color (e.g., ACS, disc 4, episode 10, 28:07). In addition, the images appear pixelated and only transfer the same fixed angle shots the 1995 courtroom camera displayed, although the television series was recorded on a professional 2K resolution ALEXA camera. In an interview, Cragg stated that producer

Ryan [Murphy] originally wanted to shoot on 35mm film. It's a period piece, from 1994, so we both liked the idea of a little bit of grain in capturing the look of that era. But the reality of how I wanted to shoot the show—to run many, many cameras and shoot lots of footage—it just wasn't feasible to shoot film with 20- to 30-minute takes and four to five cameras. So we ended up shooting digitally. (Kaufman, *Creative Planet Network*, 25 February 2016)

The immediate events surrounding the verdict announcement are very closely based on Jeffrey Toobin's *The Run of His Life*. This observation becomes particularly apparent with regard to the portrayal of jury deliberations. Due to the secret nature of those conversations, the show's creators had no original material to base their adaptation on and therefore relied more closely on the narrative and the dialogues the author provided. For instance, Toobin presents a detailed account of what happened on the morning of the first and ultimately last day of jury deliberations: "At 9:16 A.M. on Monday, October 2, the twelve members of the jury settled into chairs in the deliberation room just across the back hallway from Ito's courtroom" (Toobin 425). In the television series, the scene in question opens with a close-up shot of a clock that shows 9:16 a.m. with the next tick (ACS, disc 4, episode 10, 17:28). Once everyone settled down in the deliberation room, the foreperson, Armanda Cooley, "asked her colleagues for advice about how to proceed. She had never before served on a jury" (Toobin 425). In the filmic adaptation, Clooney's insecurity is expressed as well and almost word-for-word, as she exclaims: "Okay. I've never been a foreperson before.

I've never even been on a jury before, so if any of you have suggestions, I'm open to hearing them" (ACS, disc 4, episode 10, 17:29). Toobin continued with: "After a little more discussion, it was agreed that Cooley would conduct a vote by secret ballot, just to get a sense of what everyone was thinking" (Toobin 425). Subsequently, in the TV series, one juror suggests: "Why not take a vote? [...] I mean, just to get a sense of the room" (ACS, disc 4, episode 10, 17:40).

In other instances, the close relying on Toobin's material worked to the series' disadvantage, when certain words were taken out of their literary context. For instance, in the true crime account, Toobin writes: "Goldman had bruises on his knuckles. If they were from fighting back, why didn't O.J. have any bruises on his body?" (Toobin 426). The author uses the male victim's last name and the defendant's first name for reference. In ACS, it is an African American juror who raises the very same question: "Goldman had injuries on his hands, like he was defending himself. Why didn't O.J. have any marks on him?" (ACS, disc 4, episode 10, 20:08). In this instance, the TV director decided to let a juror ask the question Toobin had posed from his first-person authorial perspective, which subsequently changes the connotation of the question on television. Having a black juror refer to the white murder victim by his last name and the African American defendant by his nickname creates different parameters of distance between the juror, Ronald Goldman, and O.J. Simpson. The last name suggests that the juror aims to establish more figurative space between herself and the victim, or that there is no emotional connection to Ronald Goldman at all. By referring to the suspect as "O.J.," however, she indicates sympathy towards Simpson and a personal connection to some degree. Hence, the sentence, as written in *The Run of His Life*, communicates far less antagonism than in the series.

There are also numerous illustrative examples of how events on ACS are rendered incorrectly for greater dramatic effect. In the TV series, for instance, the process of jury deliberation is told from a perspective that favors the assumption that the only two white jurors in the room were forced to render an acquittal. The show's director creates strong racial tension, whereby the black jurors assume the roles of the oppressors and the white jurors are portrayed as the oppressed. According to Toobin, it was "Carrie Bess [...], a single black woman with grown children and a civil-service job—[who] volunteered to tabulate the responses on a blackboard" (Toobin 425–426). On ACS, however, it is "Anise Aschenbach (the defense's white 'demon'" (426), i.e., one of the two white jurors) who tallies the votes (ACS, disc 4, episode 10, 18:29) and later advocates to convict O.J. Simpson. Furthermore, although it is not revealed who wanted to acquit or adjudge the defendant, the second vote for conviction is immediately attributed to the only other white juror in the group. All eleven heads turn towards the end of the table, where the woman is seated. Visually, the TV audience is placed in the seat of said juror through a Point of View shot. This technique, also known as a first-person shot, allows the viewers to see and experience the emotions of the character in question as they happen. With regard to the deliberate creation of

racial tension in the show, it is a particularly notable shot because it places an overwhelmingly white TV audience in the figurative shoes of another white person who was a minority inside the deliberation room in 1995.

### The Verdict Announcement

The main verdict announcement commences almost thirty minutes into the last episode of *American Crime Story*. There is a loud bang of the gavel, and a close-up shot of Simpson's face fills the TV screen for several seconds (25:54), giving the audience the opportunity to look the defendant in the eyes and analyze his facial expressions. With such detailed camera perspectives, the conveyed messages depend on the talent and the demeanor of the actor, since the viewers receive their cues only from a professional playing a character and not the real person. In this regard, the TV adaptation allows for a much more intimate observation of the athlete through the close-up, as the courtroom camera usually halted at a medium shot, in which Simpson was only shown from a lateral perspective. According to Béla Balázs, the close-up perspective establishes an intimacy between the actor and his audience that lets the latter decipher the actor's subtle shades of meaning through the face:

Facial expression is the most subjective manifestation of man, more subjective than speech, for vocabulary and grammar are subject to more or less universally valid rules and conventions, while the play of features [...] is a manifestation not governed by objective canons, even though it is largely a matter of imitation. This most subjective and individual of human manifestations is rendered objective in the close-up. (Balázs 316)

Although *ACS* uses the close-up to its advantage to display emotion, the quality of the shot, however, always depends on the quality of the acting.

Following the establishing shot, the layout of the courtroom and the seating of the participants and spectators are established through several successive flash cuts (*ACS*, disc 4, episode 10, 26:17), i.e., quick shots that help set the stage for the following longer scenes and record the presence of certain characters, such as the prosecution, the defense, or the victims' families. The director placed importance on authentic gestures, and the sequences prior to the official reading of the verdict, such as the anxious folding of their hands by Cochran and Shapiro (26:01) or the way Marcia Clark folded her arms in front of her as a means to protect herself (26:03), coincide with the original footage. The information about the initiation process provided in the series, however, is partly inaccurate even though most of the scenes take place in judicial environments and buildings. While *American Crime Story* is not a documentary, but a dramatization of the Simpson trial, omissions or alterations in such a complicated and highly polarizing case are potentially problematic, particularly from the perspective of an uninformed viewer who bases their judgment of the events on the television show. For instance, as a result of the limited time available

per episode, the foreperson responsible for checking the accuracy of the signed jury forms finishes her task in a mere twenty seconds (27:50), whereas the actual procedure lasted for two minutes, allowing the tension in the courtroom to constantly rise.

Nevertheless, similar to the courtroom camera operator, *ACS*'s director did recognize the potential of Deputy Trower's walk from the clerk to the jury foreperson to mirror the agitation in the courtroom. In consistence with Court TV's footage, the focus of the camera is a close-up shot of O.J. Simpson who closely follows the Deputy's steps with his eyes (27:25). In *American Crime Story*, however, the already existing tension is further intensified as all background noises fade away, and the Deputy's footsteps become the only perceptible sound in the courtroom, with every step echoing like a heartbeat. Additionally, this particular scene was slowed down in post-production, with the effect that Trower's walk assumes a dooming quality; comparable to the march of an executioner before the final judgment as observed by the condemned. Analogous to the way the position of the courtroom camera transformed the television audience into a second jury panel in 1995 by establishing feelings of belonging and recognition (if only illusionary), in the series, the director used Point of View shots to directly place the audience in the proverbial shoes of a jury member. E.g., as the jury walks along the hallway towards the entrance of the courtroom, viewers essentially become one with the panel as the cameraman strides among the actors (26:33). Thereby, the audience can experience the feeling of being a part of the process of decision-making in the Simpson case and the excitement of entering a room where all eyes are, at least for the moment, set on them.

With regard to style and cinematic realization, the adjudication and immediate reactions to the acquittal offer the richest material for analysis. The show reaches the peak of tension in the seconds preceding the reading of the verdict. There is complete silence in the courtroom apart from the minimalist sound of a heartbeat, symbolizing universal dread and anxiety (29:13), and it slows down to almost a stop in the seconds before Deirdre Robinson utters the words "not guilty." Stock footage of citizens holding hands, praying, or covering their mouths in anticipation while staring at their TV sets are intertwined with fictional scenes from inside the courtroom (29:34). Then, resulting from the possibilities of post-production, the television screen is "cut in half" by means of the split screen technique, which allowed the creative team behind *ACS* to demonstrate emotionally charged juxtapositions simultaneously. The split screen first captures the reactions of Marcia Clark and O.J. Simpson to the acquittal. Both close their eyes at the announcement; one in defeat, the other with relief (29:41). Next, the show juxtaposes the Goldmans and Simpson's close family as they break down in tears; once again, one family sobbing in defeat while the other cries tears of joy (29:44). The subsequent split screen shots contrast other spectators' reactions in a rapid sequence to display as many emotions as possible: e.g., Christopher Darden vs. Robert Shapiro (30:07) and Judge Ito vs. Denise

Brown (30:09). These fictional reactions are combined with stock footage of public responses. The split screen illustrates America's division among racial lines as African American citizens erupt in joyous celebrations while white Americans freeze in disbelief at the outcome of the trial (30:16). The shots replace each other in quick succession, which increases the pace of the sequences in question, simulating the turmoil that took over the country shortly after the acquittal. The display of different public sentiments also illustrates how a verdict announcement, if televised, becomes a social event on a large scale:

Elocution [has always been] a social event. The audience gathered to witness the speaker through a collective that brought friends and strangers together to meet and greet. This event was a moment of communal experience, listening together to what they heard—from reserved claps of appreciation to uproarious laughter to the insulting taunts of hecklers—they listened and responded together. The event was also a ritual with its customary beginnings and endings; it was a ritual of information gathering, persuasion, affirmation, and change. (Madison and Hamera xiii)

According to Richard Schechner, public gatherings and demonstrations, as seen during the Simpson trial and particularly on October 3, constitute evidence for the long social history of “unofficial performances” (Schechner, “Future of Ritual” 49) that characteristically take place “in [...] locales not architecturally imagined as theatres” (49). The streets of Los Angeles became a stage for social expression as critics and supporters of O.J. Simpson prayed, sang, and screamed for the conviction or release of the accused. Meanwhile, in the crowd, other citizens captured the gatherings on their camcorders and, in turn, became spectators of the spectators. In his 1962 *Introduction to Modernity*, French philosopher and sociologist Henri Lefebvre wrote: “[A] town is a place with a way of living which demands participation and encompasses spectacle [...]. A town creates situations; and it is within the context of the urban milieu that the creative activity of situations, and thus of a style and a way of living, is best undertaken” (Lefebvre 345–346). Around a decade later, in 1977, Yi-Fu Tuan alluded to the relationship between the urban space and performativity, when he wrote that “the city was and is an elaborate conglomeration of innumerable stages for the performance of private and semi-public dramas” (Tuan, *Space and Place* 173–174).

According to anthropologist Milton Singer, all these elements made the Simpson trial a “cultural performance” (Singer, *Traditional India* xiii) which is characterized by a “definitely limited time span[, ] at least a beginning and an end, an organized program of activity, a set of performers, an audience, and a place and occasion of performance” (Singer, *Great Tradition* 27). Herein lies the “paradoxology of performance” (Davis 27). Scholars, such as Schechner, point to the cultural and historical limitlessness of performance, “yet it is always embodied or embedded at particular places

in specific times” (26). O.J. Simpson’s criminal trial is forever bound to one particular courtroom and the proceedings to a specific time period (1994 to 1995). Taking those thoughts further, I argue that it was the courtroom camera which levered out the ephemerality of this performance event and captured its liveness through a gavel-to-gavel coverage. And it is this very liveness that creates “the notion that the live performance seems to have a self-evident realness and value that the purportedly secondary ‘mediated’ ones do not” (Madison and Hermera xxi). The last day of O.J. Simpson’s criminal trial, as captured in both the original footage and on *ACS*, demonstrated not only the spectacle and performances happening inside the courtroom, but also how the entire city of Los Angeles became a significant part of this reality show on a broader level.

## Conclusion

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It has been over twenty-five years since O.J. Simpson stood trial for murder. His widely televised criminal case, dubbed the Trial of the Century, involved far more than the death of two people; it proved the victory of the sensational on American television, oftentimes at the cost of mutual respect and morality. Simpson's *cause célèbre* was framed and argued around television and reflected the changing media landscape in the US in the 1990s. By incessantly (re)interpreting events and narrativizing people, reality TV successfully conflated legal proceedings into entertainment programming. As has become apparent in the discussion of the Bronco Chase in the first chapter of this study, the genre capitalized on its hybridity to provide viewers with a multiplicity of frameworks and narratives through which knowledge was negotiated and constructed. The findings of this study point to the dangers of unrestrained media access to legal proceedings and demonstrate the distortive practices that dominate the reality TV realm. Due to the continuous and steady transmission of hypermediated images, the Simpson case was transmuted into a national media spectacle, creating a sense of proximity and immediacy to the events which, in the process, transformed audiences into witnesses and co-producers of the unfolding events. By taking advantage of the social and political conflicts in the country, the Simpson megaspectacle was artificially produced and maintained to increase the media's influence and create opportunities for financial and personal investment. In the process, the city of Los Angeles was reconceptualized as a marketplace, where "the ebb and flow of its energies [was] continuously organized by the objective of doing business" (Blum 181–82). Street vendors in front of the courthouse sold merchandize and other trial memorabilia and were among the most insatiable businessmen to take advantage of the proceedings in their desire to maximize profits.

The performative staging process can also be extended to the confines of an entire city, forming what Richard Schechner called the "direct theatre" (Schechner, *Future of Ritual* 86). The O.J. Simpson trial accentuated the significance of Los Angeles and specific places in the city as tourist attractions, sought out by locals and foreigners as the pivot of the proceedings. In this context, the city can be understood as a "system of desire organized around the search for experience"

(Blum 262). Fans and connoisseurs of the Simpson case, for instance, visited and inspected the former crime scene or the athlete's Rockingham estate and travelled to the victims' burial sites. Drawing on Kirshenblatt-Gimblett's findings in *Destination Culture* (1998), "tourism stages the world as a museum of itself" (Kirshenblatt-Gimblett 7), infusing it with symbolic meaning and identity in a "constant spectacle of an ethical collision between the old and the new" (262). The direct theatre also involves "revolutionary street action" (86) such as the protests that erupted in the wake of Simpson's acquittal on the streets of Los Angeles, unearthing divisions and conflicts, which can be understood as "ritually necessary, temporary disruptions of an underlying unity" (86). Equally, reality-themed programs, through their position in a "social and media matrix" (Hill, Reality TV 6), transfer larger social and political issues onto smaller and more compact public scales, whereby the city is transformed into "a scene of collectivization" (Blum 3). In the academic field, it is indeed widely recognized that "the realms of city and theater have become intermixed" (Sennett 109).

When describing the process by which the urban city is converted into an object for consumption the way Los Angeles was in 1995, Saskia Sassen and Frank Roost speak of "place marketing" (Sassen and Roost 143), and Susan Fainstein and Dennis Judd assert that "[c]ities are sold just like any other consumer product [...], where an unceasing flow of events constantly unfolds" (Fainstein and Judd 4). It is a reality that holds truth for the city of Los Angeles, then and now. L.A. became symbolic of "the city as a locus of the destabilized common situation" (Blum 88), opened up to what Judd and Fainstein call the "tourist gaze" (Fainstein and Judd 7). However, "[i]t is rarely evident that a location must be visited [...], some significance must be assigned to it that invests it with importance" (4). The aforementioned pre-verdict CNN news report, for instance, put emphasis on the "swelling" of crowds, highlighting the supposed newsworthiness of the adjudication on the one hand and the communal gathering it represented on the other hand. The cultural and political importance of the O.J. Simpson trial was further stressed by the information that precautionary measures had even been taken on a federal level, and the President of the United States was aware of a murder trial which was, in reality, simply one of many others happening at the time. Fundamentally, there was nothing particular about the Criminal Courts Building (renamed Clara Shortridge Foltz Criminal Justice Center in 2002) or the immediate area surrounding the building. Many trials had been held at the site prior to the Simpson case, but rarely did they spark major national interest. Before turning into a symbolic place for social debate, 210 West Temple Street was "a piece of available open space" (Tuan 240). However, it is in the very nature of space that it can be transformed into "a stage for the life movie" (Gabler 211), either provided to the public conventionally (e.g., through the planned and commercialized concept of Disneyland) or by allowing people to provide it for themselves (212). The impact of the Simpson trial attracted people who sought to "immerse themselves



*in life*—that is, a confusion of sounds, colors, and movements that nevertheless are undergirded by a sense of order and common purpose” (Tuan 240, emphasis original). From this perspective, it is not surprising that historian Thomas Bender wrote in 1996: “It seems as if our best middle-class vision of the city today is that of an entertainment zone—a place to visit, a place to shop; it is no more than a live-in theme park. Such a city is a tourist site, even for its residents” (Bender, *LA Times*, 22 December 1996). In this sense, the Los Angeles County Superior Court gained notoriety as the main stage for the “site-specific theatre” (Tompkins 225) of the Trial of the Century, collecting \$400 million in hotel taxes, as people came to the city to watch the show live on site (Reed 174).

In similar fashion, the crime scene at Bundy and Simpson’s Rockingham estate were staged as tourist attractions, where people travelled to in order to experience the places where Nicole Brown Simpson and Ronald Goldman had been killed, or the Bronco Chase found its dramatic end. The understanding of those areas as public attractions forced city officials and new tenants to actively and aggressively destroy those symbols of the Simpson case. 875 South Bundy Drive in Los Angeles, California, no longer exists. After being sold in 1997, the new owner of Nicole’s condominium immediately began remodeling the exterior to detract tourists. Subsequently, the front gate, walkway, and the entrance to the building were significantly altered, and the address was changed to 879 South Bundy Drive. Similarly, Simpson’s house in Brentwood at 360 North Rockingham no longer stands. After losing the civil suit in 1997, his property was foreclosed, and the mansion’s new owner demolished the historic building to turn a tourist attraction back into a residence. According to Alan Blum, the city is shaped by continuous movement and stasis and coming and going. Motion, sedentariness, and “[s]paces, just as persons, persist and decline, are put to various uses, replenished, or left to rot, to abandonment and deteriorations” (Blum 236), or ultimately, destruction. These measures in the Simpson case forced *American Crime Story*’s production design team to build their own sets for the events they wanted to film. The murder scene, for instance, was in fact completely artificial and recreated on an empty lot in Brentwood one block from the actual site.

According to Blum, the distribution of scenes throughout the city also “enduce[s] people to explore territorial boundaries” (182), and he asserts that “the culture of the city is located as much in its topography of scenes as in its formal institutions” (183). The burial ground, as Joseph Roach elaborates, is one of a city’s locations “where the gravitational pull of social necessity brings audiences together and produces performers [...] from their midst” (Roach 28). Led by the desire to see and being seen—quite similarly to the cheering fans that filled the streets during the Bronco Chase—people understood the cemetery as a site for self-exhibitionism and participation. Likewise, Rojek establishes a connection between religious practice and celebrity when he argues that “[i]n secular society fans build their own reliquaries of celebrity culture. Always, the organizing principle behind the reliquary, from the

standpoint of the fan, is to diminish the distance between the fan and the celebrity” (Rojek 58). This is the reason why cemeteries, where celebrities are buried, become popular tourist attractions. For instance, upon googling “Nicole Brown Simpson grave,” the search engine lists numerous short videos, which have been uploaded to the video-sharing website YouTube by amateur filmmakers, showing their audience around the famous graveside. One channel, named *Steve’s Trips Down Memory Lane*, entices potential viewers with the title “FAMOUS GRAVE TOUR: Remembering Nicole Brown Simpson At Ascension Cemetery in Lake Forest, CA.” Another, only 47-second-long video, uploaded by the user Richard Yates, explains “How to find Nicole Brown Simpson Grave.” The existence of public interest in finding the female victim’s resting place indicates the changing understanding of the modern city. The filmmakers often narrate their trip and by doing so, become active performers in their own videos: “The great city is a theater. [...] All city men become artists of a particular kind: actors” (Sennett 119). Steve, for instance, opens his video with a direct greeting of his audience: “Hey, good morning, everyone. I’m here this morning in Orange County [...] at the Ascension Cemetery, where Nicole Brown Simpson is buried” (“Famous Grave Tour”). He first points out what a beautiful and warm Los Angeles day it is, forcing him to find protection in the shade of a tree, before casually transitioning into an explanation of the 1994 murders. In the next shot, Steve displays Nicole’s grave, but actively aims to stay in the frame as well (01:03), even wondering “I don’t know if you can see her grave behind me there” before deciding to “turn around so you can actually get a better view of it” (01:06). Similar to Walter Benjamin’s notion of the *flâneur*, Steve “takes the city as his stage and promotes his own peregrinations as the necessary action that enlivens the landscape for his consumption” (Bennett 78) by intertwining information concerning the case and the Ascension cemetery with background information about himself. The viewer learns that in 1994, he “actually lived just a number of miles away” (“Famous Grave Tour,” 03:44) from the cemetery, but at the time, he was not interested in visiting famous graves, yet. Now, however, being “semi-retired,” Steve finally finds the time “to go do things, [...] [he] didn’t have time to do when [he] was busy working” (04:01), and he is “glad to be here today” (04:15). In the background, soft wind chimes hanging from a nearby tree provide the musical accompaniment to his narration. Steve also lets his audience know that the Ascension cemetery is indeed “a pretty small cemetery and the grave is easy to find if you want to visit” (01:37). The location’s full address, phone number, and website link are conveniently provided in the information box under the video. After four minutes, his tour ends with a final close-up shot of Nicole’s grave. In the upper left corner of the video, a smaller window pops up, offering to take the audience to another one of Steve’s videos, titled “FAMOUS GRAVE TOUR: Remembering Ron Goldman At the Valley Oaks Cemetery in Westlake, CA.”

The website [www.deathzur.com](http://www.deathzur.com) is another source of information pertaining to famous burial sites. Arranged in alphabetical order, the user can choose from a great

number of celebrity names. Upon clicking on the desired title, the visitor is taken to a new page, which contains numerous photographs of the grave as well as short explanations of any headstone inscriptions. Ronald Goldman's family, for instance, engraved the ankh, an ancient Egyptian hieroglyphic symbol, on his stone. The respective short text on *death2ur* next to Ronald's photograph explains that

[i]t was a symbol that Ronald Goldman took to represent his own life. After a rocky period, he had gotten things going in the right direction again. He had taken a job as a waiter and began working toward his dream of owning his own restaurant which he would call "The Ankh." It was a dream that would never be. (<http://www.death2ur.com/ronald.htm>)

A Google search leads the interested party to the *death2ur* YouTube channel, where the website's still pictures are enriched with amateur videos. There, too, one can find a grave tour around Nicole Brown Simpson's resting place. The unknown cameraman begins his video by filming his two companions, a man and a woman, casually dressed in denim wear and t-shirts, standing and staring at Nicole's grave. The man sips a hot beverage from a white disposable cup while the woman fixates her camcorder on the headstone ("Nicole Brown Simpson's Grave," 00:10). A sea of flowers lines the grave, and the cameraman and his friends notice that some are arranged in a cross formation (00:53). As they walk away from the site, the audience is able to listen in on their interaction. One of the interlocutors gets excited at the thought of potentially encountering members of the victim's family at the gravesite, to which one of the other speakers interjects that they might even see O.J. Simpson. Picking up on the cue, the filmmaker shares a story with his friends and audience about the day of Nicole's funeral, where Simpson was also present: "He actually looked into the casket and gave her a kiss and said 'Sorry, Nikki.' Yeah, her mom heard him say that. Then she said, 'Did you kill my daughter,' he goes, 'I loved her.'" The cameraman stops walking and captures Nicole's gravesite from a distance, then zooms in and concludes his two-minute video tour with a final, "Yeah, sorry Nikki."

The three chapters of this study explicate how, facilitated by the episodic nature of legal proceedings and driven by commercial interests, celebrification and storytelling played key roles in the social performances and the sensationalization and mediatization of the Simpson case. The findings presented here indicate that the media deliberately focused on the personalities the public desired to see, thereby explaining why prosecutor Marcia Clark's hair and clothes moved to the foreground while the life and death of the murder victims disappeared into obscurity. The danger herein lies in the reductionist principles of social typing and celebrification processes. As was discussed in the analysis of the glove demonstration in the third chapter of this study, complex characters and circumstances are trivialized, yet identified to be of major significance. Consequently, even though research indicates that television viewers are not the once believed passive consumers of mass media, the latter

has power over what the audience thinks *about*. Had the focus of attention not been so stoically placed on the O.J. Simpson case, the public could have noticed the significance of other events that were happening in the country, e.g., the Oklahoma City Bombing in April of 1995. These findings accentuate the media's agenda-setting power and stress that the television medium does not denominate a pre-existing meaning but rather produces interpretations as an active "signifying agent" (Hall 64). Hence, the multiple narrative strings introduced over the course of the Simpson trial highly differed from each other, but were always advantageous to the presenter's desired point of view. It was left to the jury (TV audience, spectators...) to denominate the most credible account. Prosecutor Christopher Darden, e.g., described the murders in Brentwood as "rage killings" (Court Transcript, 27 September 1995) and O.J. Simpson's premeditated decision to inflict violence on his ex-wife as a "homicidal fit" in the wake of being left by both Nicole and his then-girlfriend Paula Barbieri. Indeed, Gerbner et al. assert that violent rhetoric "plays a key role in television's portrayal of the social order" (Gerbner et al. 180). As the following court transcript from Darden's closing argument illustrates, acts of physical aggression are readily recited to produce emotive impact, describe unequal power relationships, and reinforce conventional concepts of morality:

He [O.J. Simpson] made a choice that day. He chose Nicole over Paula and he lost them both. [...] This is a rage killing and it is up front, and it is personal and that is why you see all the brutality that you see. [...] And he is using a knife because he is there to settle a personal score, a personal vendetta that he has. [...] And the rage that he has, the anger, the hate that he has for her that night at that time, [...] it flows out of him and into the knife and from the knife into her, into her. [...] With each thrust of that knife into her body and into Ron's body, there is a [...] gradual release of that anger and that rage and he stabs, and he cuts, and he slices until that rage is gone and until these people are dead. And after that rage is gone, he is better. [...] He just walked away. [...] He is a murderer. He was also one hell of a great football player, but he is still a murderer. (Court Transcript, 27 September 1995)

O.J. Simpson's defense team presented numerous counter-narratives to the State's theory and relied on their client's professional achievements to imply that Simpson's service in the National Football League ultimately left him incapable of murder:

O.J. Simpson by all accounts has trouble with lateral movement from moving side to side because you saw [...] those knee operations that basically spell NFL, National Football League [...]. That is the price that a running back pays. And while I'm talking about running backs, wasn't it interesting yesterday that Ms. Clark in her argument says O. J. Simpson was a football player. He used to run through the line, and he has the killer instinct. [...] O. J. Simpson hasn't played football for 15

years. The man is 46 years old now. He's not going to run with anything anymore. But she doesn't know much about sports, does she, because a running back avoids trying to be hit. It's what he does. [...] Played football 15 years ago and he was the best at what he did. He won the Heisman Trophy, according to his daughter, the day she was born. Emblematic of the best football player in America. (Court Transcript, 27 September 1995)

Admittedly, it is the nature of trials to present different narratives in prosecution and defense of the defendant. However, I suggest that it is this very characteristic that opens legal proceedings up to public entertainment and exploitation, as there are seemingly no limitations or moral boundaries to the narrative propositions made in court and the media. In this context, narratives of shame and humiliation take center stage and are emblematic for the tabloidization of legal proceedings.

Notably, the O.J. Simpson case was not a 'megaspectacle' that was exclusively consumed by a local and national audience. Rather, the 1990s marked a time when the popularity of factual genres and the success of the Courtroom Television Network allowed for the globalization of legal performances. The Irish newspaper *Sunday Tribune*, e.g., reported on O.J. Simpson's 47<sup>th</sup> birthday on July 10, 1994, which he spent in jail while standing trial for the murders. Reporter Michael Miller wrote:

As Simpson languished behind bars, his attorney prepared for what could become the trial of the century, if the massive live television coverage and media exposure thus far is any indication. Even the preliminary hearing has received gavel-to-gavel nationwide coverage, with each of the three networks broadcasting live from the courtroom. (Miller, *Sunday Tribune*, 10 July 1994)

Even international news media outlets were thus aware of the impact the extensive coverage could and would have on the murder trial. In October of 1994, the German newspaper *Die Zeit* published Michael Schwelien's almost novelistic article on the case, titled "Die letzte große Rolle des O.J. Simpson" ("O.J. Simpson's Last Great Role"):

Angetan mit tadellosem Anzug, Zuversicht im Blick, entbietet O.J. den Kandidaten für die Jury ein höfliches *good afternoon*. Diese, eher Durchschnittsamerikaner, die normalerweise bei einer ersten Begegnung *hi* oder *how are ye doin'* sagen würden, zögern erst, antworten schließlich im Chor ebenso manierlich: "Good *afternoon*." Respekt. [...]

O.J. macht es sich bequem. Er legt das Jackett, nicht aber die Krawatte ab, zieht sich einen weißen Golfswear über. Er macht sich sorgfältig Notizen. Harte Arbeit steht bevor, gemeinsam stehen wir sie durch. Entspannung. [...]

O.J. ist nicht wiederzuerkennen. Dies ist nicht der O.J., der am 20. Juni im Vorverfahren düster dreinblickend "unschuldig" hervorpreßte, als er Stellung nehmen mußte, ist nicht der O.J., der ohne Krawatte—Selbstmordgefahr—und mit

gesenktem Haupt schon die Tür zur Todeszelle geöffnet zu haben schien. [...] Dies ist der O.J., der alle Footballrekorde brach, der in Werbespots für den Hertz-Autoverleih durch Flughafenhallen raste, der O.J., der in den Filmkomödien "Die nackte Kanone" mitalberte, dies ist der richtige O.J., zuversichtlich, aus vollen Lippen und mit wissenden Augen lächelnd. (Schwelen, *Die Zeit*, 14 October 1994, emphasis original)

The excessive national and international interest in the Simpson story can be attributed to the fact that the case provided all the necessary and beloved elements that characterize traditional crime shows such as *Cops*, *America's Most Wanted*, or *Undercover Stings*: the enigmatic murders, the car chase and arrest, the unpredictability and suspense, the violence and danger, the drama and tragedy, the revelation of dark secrets, and most importantly, the unequivocal and reassuring definition of what and who was good and bad.

Certainly, one might argue that the 1990s are over, and the popularity of televised trial proceedings has receded. At first glance, this seems to be the case, indeed. After the O.J. Simpson trial, Court TV faced declining numbers in viewers and revenue. Ownership of the channel changed numerous times. In 1997, Time Warner bought out Steven Brill's stake and in 2008, Court TV was replaced by truTV, which ironically implemented comedy series into its programming. There is little left of the crime network Steven Brill had once envisioned and brought to life. Similarly, the influence of celebrity seems to be in decline if judged by viewer ratings of award shows in the US. In an online article for *TIME Magazine*, Judy Berman cites the sinking audience numbers for the Academy Awards (Oscars), with an unprecedented low of only 23.6 million viewers in 2020 from a previous average of 40 million, as an indicator of the end of celebrity culture as we have known it (Berman, *TIME*, 16 January 2020). Likewise, in his article for the online publication *IndieWire*, journalist Tyler Hersko claims that "[t]he 71st Emmys Was a Catastrophic Failure for Awards Show Viewership" (Hersko, *IndieWire*, 23 September 2019). One of the reasons for this development seems to be TV producers' refusal to concur with contemporary viewing habits:

As for the prominence of streaming, it's the elephant in the room that the Emmys, regardless of which network is hosting it, needs to begin addressing. No, network and cable TV isn't going anywhere [...] but streamers such as Netflix and Amazon Prime Video are steadily producing a larger chunk of the television shows that define the cultural zeitgeist. Streaming is the new norm for the distribution of television shows, yet viewers need access to the Fox channel to tune in to the Emmys. (Hersko, *IndieWire*, 23 September 2019).

One is left wondering if celebrity culture is slowly going extinct in a time and age where the public seems fed up with the larger-than-life status of actors and refuses

to worship them for being better-than. In his fiery article, Freddy Gray describes this very sentiment:

Another year, another dreadful Oscars, another round of moral lectures from the beautiful people. It's all so tiresome. The only reason most people pay attention to these irritating award ceremonies is precisely so that they can be irritated. [...] All these people [celebrities] are ridiculous. Nothing they say makes any difference to anything. Actors are increasingly aware [...] that nobody cares what they think. At some unconscious level, these actors must know that they don't really know anything about politics or the real world. They can't admit this to themselves, of course, human nature being what it is, so they double down. They convince themselves that any angry reaction to their moralizing is an indication that they have dared to speak truth. How brave they are! And so the infuriating cycle continues. Actors end up almost trolling the public, and the public trolls them back on social media. (Gray, *Spectator USA*, 10 February 2020)

Considering these circumstances, one is initially inclined to assert that the popularity of a celebrity's public prosecution is now a monument of the past. At second glance, however, a different truth is revealed. Since the Simpson trial, numerous other cases have been extensively covered on television and sparked passionate public debates. Consider, for instance, the trials of Casey Anthony (2011), Dr. Conrad Murray (2011), George Zimmermann (2012), or Jodi Arias (2013), to name a few. As the analysis of the verdict coverage in the third chapter of this study has shown, even the Simpson trial continues to spark public interest, documentaries, and filmic adaptations due to lack of a general sense of closure. *American Crime Story* (2016) has introduced the case to a new audience and recaptured older viewers in its attempt to bring back the events onto the television screen. The juxtaposition of the original media coverage with its filmic pendants revealed that although the series thrives on dramatizations, exaggerations, additions, and omissions, the line between reality television and fictional formats is fine and oftentimes hard to pinpoint. Instead of representing two opposing ends of the spectrum, reality formats and TV adaptations share production processes and narrative discourses as well as elements of fact and fiction, unveiling a relationship of reciprocal influence.

Additionally, Court TV has also returned in new form: updated and fully digital, it offers livestreams, clips, and complete hearings of popular cases (<https://www.courtstv.com>). In the "About Us" section on the website, the reader learns:

For nearly two decades, Court TV brought high-profile courtroom dramas into American living rooms. Continuing that legacy, Katz Networks is rebooting one of the most iconic brands in television history. The new Court TV is devoted to live gavel-to-gavel coverage, in-depth legal reporting and expert analysis of the nation's most important and compelling trials. The network will run 24 hours a day,

seven days a week and will air on cable, satellite, over-the-air and over-the-top.  
(<https://www.courttv.com/about-us/>)

Furthermore, the network's connection to O.J. Simpson, its most popular defendant, remains unbroken. The complete 2008 trial of *Nevada v. O.J. Simpson and C.J. Stewart* is available in the "Trials on Demand" section of the website. Conclusively, as long as television exists, crime and celebrity will dominate its programming, in particular on reality formats. Fact and fiction will continue to coalesce, and audiences will be transformed into co-producers of media spectacles in the attempt to create collective national experiences.



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<sup>1</sup> All ACS episode references and quotations were extracted from this particular DVD source/collection. To avoid redundancy, I have refrained from listing each episode title individually in the Works Cited register of this study.

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2 All court transcripts quoted in this study have been taken from the website <http://simpson.walraven.org/>. As they have been arranged reader-friendly by year, month, and date by the site's owner, Jack Walraven, I have decided not to list each court transcript individually in this study's Works Cited.

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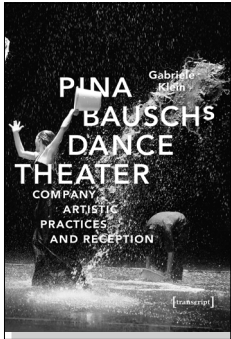
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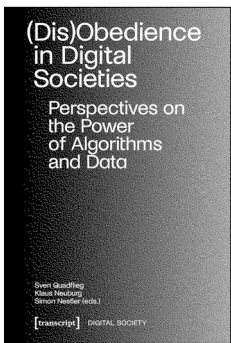
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