

## 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*

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.] 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 cases 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, [...c]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

embody[ed] 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 “sugget[...] 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](https://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.

