

3 The Court and the Camera: Theatricality of the Law

8 July 1994

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

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

3.1 The Courtroom Camera: Friend and Foe

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

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

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

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

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

in criminal trials” (Cohn and Dow 17) and who ultimately recommended the use of cameras with the approval of the judge and counsel (17). Despite their recommendations, however, courtroom photography and radio broadcasting were banned by the House of Delegates² in 1937. The new ruling read:

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

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

Although the official position on cameras in courtrooms was clear, lower courts did not always strictly adhere to Canon 35. The 1950s marked a time when judges dared to experiment with electronic trial coverage, particularly in the states of Oklahoma, Kansas, and Texas. The first trial to ever be covered on television was Billy Eugene Manley’s in Oklahoma City during December of 1953:

At that time, cameras from WKY-TV were housed in a specially-constructed booth, entirely enclosed, in the rear of the courtroom. Sound was recorded on a microphone hidden near the front of the court, while additional lighting was provided by photo-flood lights placed in the chandeliers. WKY-TV filmed the swearing in of the jury, some of the trial testimony and the sentencing of Manley. The films were later shown, after editing, during the news broadcasts. Judge A.P. Van Meter had a small button fastened to his desk which he could push at any time to discontinue automatically the operation of the cameras. (Geis 420)

While the first television coverage of a trial took place in Oklahoma City, it is assumed that the first live broadcast was initiated during the Harry L. Washburn prosecution in Waco, Texas, in 1955. Only a year later, in February 1956, Colorado set an extraordinary example by permanently allowing cameras in its courtrooms “with the provisions that: (a) final consent for coverage should rest with the trial judge and should be decided on a case by case basis; and (b) there could be no camera coverage of an objecting witness or juror” (Barber 12). This decision was met with criticism by the media. In a state hearing, media representatives argued that Canon 35 was unconstitutional because it restricted free speech and the people’s right to information (12). After three weeks of consideration, Justice O. Otto Moore, who was initially

2 The House of Delegates is the policy-making body of the ABA.

opposed to cameras in the courtroom, surprisingly changed his mind and recommended the adaptation of a new code of judicial conduct to the Colorado Supreme Court. Colorado Rule 35 was intended to replace the existing Canon 35.

The already slow-paced progress in the debate on news cameras came to a sudden halt with another high-profile case and the conviction of businessman Billie Sol Estes in 1965. Estes appealed the verdict, arguing that he had been deprived of a fair trial due to the extensive photographic and televisual coverage of his proceedings. Eventually, his case was handed to the Supreme Court, which “issued a five to four decision [...] that froze debate over cameras in the courtroom for more than a decade” (Cohn and Dow 19).

On a federal level, the Federal Rule of Criminal Procedure 53, adopted in 1946, regulated court conduct and expressly prohibited “[t]he taking of photographs in the court room during the process of judicial proceedings or radio broadcasting of judicial proceedings from the court room” (Barber ix). The wording of this legal rule has since also been modified in acknowledgment of new technological developments and the entry of television into American households. Although the revised regulation permits exceptions, Rule 53 still reflects a mistrust of the federal courts towards the electronic media coverage of criminal trials and acknowledges the controversy surrounding the matter. In a prohibition issued in 1972, the Judicial Conference of the United States explicitly forbade the “broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto” (Administrative Office of the U.S. Courts).

Fundamentally, the question of electronic trial coverage in the US reflects a constitutional conflict between the press, the public, and the judiciary, or more specifically, between the First and Sixth Amendment of the United States Constitution. Media representatives often cite the First Amendment in their defense which guarantees freedom of the press and people’s right to information. They consider the process of news reporting a civic duty that requires conclusive information for accuracy. By opening legal proceedings up to the public, proponents of extended media access to trial procedures call television a “tool for social democracy” (Thaler, *Watchful Eye* xxii) and courtroom cameras an “ally of the judicial system” (xxi). Teletigated trials reduce the public’s misconceptions about the legal system and enable the autonomous assessment of the provided information. In this respect, courtroom cameras become an essential democratic tool by exposing executive authorities to public scrutiny (Barber 31).

Citing television’s educational value gains further significance considering the preponderance of television in American society. According to the 2021 American Time Use Survey, commissioned by the U.S. Bureau of Labor Statistics, Americans spend approximately three hours, which equates to more than half of their daily leisure time, watching television. On the contrary, social interactions take up less than 40 minutes per day. French sociologist Pierre Bourdieu, who has dealt exten-

sively with the influence of television on people and their culture, argues that “[t]elevision enjoys a de facto monopoly on what goes into the heads of a significant part of the population and what they think” (Bourdieu, *On Television* 18). Taking into account that television is today’s “most common and constant learning environment” (13), cameras potentially enable viewers to “construct a clearer ‘reality’ of the American courts, which can only enhance and legitimize the processes of law and renew faith in the justice system” (Thaler, *Watchful Eye* xxii).

The lead prosecutor in the O.J. Simpson trial, Marcia Clark, used similar arguments to convince Judge Lance Ito of the benefits of the courtroom camera. During a hearing in November 1994, Clark expressed the opinion that it would allow the public to see the evidence as it really was and refute any rumors or speculations circulated by the tabloid media for dramatic effect. In an interview, she also stated: “Having the cameras in the courtroom allows everyone to see how a trial really proceeds, so then they see the actual evidence as it’s being brought out, and that’s a good thing” (*O.J.: Made in America*, disc 2, 01:46:17). O.J. Simpson’s defense team initially also believed that the presence of the camera would work in favor of their client and ensure that Simpson could safely return to his life after an acquittal, for the transparency of the courtroom camera would help restore his reputation should it be unjustly tainted (Hayslett 74). Similar claims to impartiality and transparency are substantiated on reality television in general by the provided immediacy of observation on screen, resulting from a presumed non-existence of scripts on the one hand and the usage of unobtrusive equipment on the other hand. By placing people “in contexts of comprehensive monitoring” (Andrejevic 46), reality television promises glimpses into the truly authentic moments of the cast members since it is too challenging for them to continuously tailor their image for an invisible television audience (46).

A historical perspective on electronic trial coverage seems to support the camera’s *raison d’être* in the legal sphere, considering telitigation has always constituted an integral part of American culture alongside the broadcast of other dignified national ceremonies such as inaugurations and church services (Cohn and Dow 59). This could be attributed to the fact that court proceedings are ritualized and at a closer look, reflect the familiar structure of a sports game: the lawyers play (argue, present, manipulate) in their arena (the courtroom) until one side wins and the other loses, while the judge represents the referee who enforces the preexisting rules and determines whether both parties play fair.³ In the Simpson case, for instance, Judge

3 Similarly, Richard Schechner regards the performance process in a jury trial as a “performance quadrilogue,” which occurs between four categories of players: sourcers (e.g., detectives), producers (judges, technicians, directors, etc.), performers, and partakers (spectators, fans, juries, the public, etc.). The sourcers gather evidence, which is assembled into two opposing narratives by the prosecution and the defense. The producers set the legal rules and framework for the trial. The performing parties are the judge, the prosecutor, the defense, and the witnesses (and, as I would argue, the defendant as well), who orchestrate the legal play in

Ito always opened the proceedings with the statement, “Back on the record in the Simpson matter,” followed by a listing of the defendant and the present attorneys. According to Goffman, such “ceremonies of entrance” (Goffman, *Encounters* 7) are “signs acknowledging the initiation [...] of the encounter or focused gathering as a unit” (18) and displays of what Schechner calls “restored behavior” (Schechner, *Performance Studies* 10); i.e., “repetition in heightened form” (Pollock 4). Consequently, Lance Ito “play[ed] a dual role in the trial process: first, as representative of the Law; second, and more significantly from the point of view of interactional dynamics, as controller and moderator of the talk produced by all the other participants” (Cotterill 93). As Cotterill elaborates, Ito was responsible for various types of address such as providing instructions to the jury or ruling on motions and objections.⁴ Ito also “monitor[ed] and regulat[ed] the speed at which the trial narrative unfold[ed]” (45). He instructed counsel to “move on” or to “ask the next question” (Court Transcript, 19 July 1995) when the attorneys pursued an already resolved issue for too long:

The Court: *Did he discuss with the Defense investigator the hiring of attorneys in this case? Yes, he did. That is already in the record.*

Marcia Clark: *That it is.*

The Court: *All right. Then let’s move on.*
(Court Transcript, 19 July 1995)

Other times, Ito urged counsel to rephrase questions he deemed incongruous:

Marcia Clark: *Now, someone, Mr. Meraz, took those credit card receipts out of Mr. Simpson’s car; isn’t that right, without permission?*
[...]

The Court: *Hold on. Hold on. That is not an appropriate way to ask a question. Ask your next question.*

Marcia Clark: *My question to you, Mr. Meraz, is you took the credit card receipts out of the side pocket of Mr. Simpson’s Bronco on June 15th; isn’t that correct?*

Mr. Meraz: *This is true.*
(Court Transcript, 19 July 1995)

Judge Ito also had the power to place “a time limit on the lawyers in their arguments” (Court Transcript, 26 September 1995) and “upon each side a limit of no more than

front of the partakers. With regard to the witnesses, Schechner establishes five concentric circles: the jury, the families and friends of the accused and the victim(s), the press, ordinary spectators, and the public who follow the proceedings in the media or on television. The performance process, configured as a “Z-path” around the performance quadrilogue, intricately links and accentuates the relationship between performers and partakers (Schechner, *Performance Studies* 61–62).

4 The proceedings were interrupted over 16,000 times over the nine-month trial (Cotterill 95).

two attorneys may argue to [the jury]" (Court Transcript, 26 September 1995), further setting the ground rules for Simpson's criminal trial. In *Film- und Fernsehanalyse* (2012), Knut Hickethier addresses the essential role of a moderator or host on television who becomes the face of a particular series and the mediating figure between the show and the audience:

Es sind also die [...] Moderatoren, die zu den Fernsehstars werden, in denen sich ein Publikum wiedererkennt. Die Moderatoren [...] werden dadurch, dass sie durch ihre Moderation helfen, das Gezeigte einzuordnen, zu zentralen Instanzen der Weltvermittlung des Fernsehens. Vielen Zuschauern erscheint es oft, dass sie "die Sache selbst" seien. Die Tendenz zur Personifizierung wird dadurch unterstützt, dass die Moderatoren vereinzelt auch höhere Funktionen in den Fernsehanstalten einnehmen. Sie [...] sorgen durch sprachliche Prägnanz, stilsicheres Auftreten und perfektes Outfit für eine Aura der Unangreifbarkeit. (Hickethier 179)

Hickethier also explains that "[a]ls Moderatoren organisieren sie einen Ausschnitt von Welt, in dem auf ihr Kommando alles hört, sie scheinen auch die Herren der Wünsche der Zuschauer zu sein" (179–180). Reality television personalities such as Ryan Seacrest and Simon Cowell, for instance, are both inextricably linked to the talent competition shows *American Idol* (2002–) and *America's Got Talent* (2006–). Star chef Gordon Ramsey and his oftentimes radical honesty in evaluating his contestants' kitchen talents is the figurehead of the popular cooking show *MasterChef* (2010–). In the German reality TV realm, the highly successful format *Who Wants to Be a Millionaire* (1999–) and its longtime host Günther Jauch seem to have become interchangeable names. *The Critics' Choice Television Awards* even honor the work of TV hosts by annually awarding a prize in the category "The Critics' Choice Television Award for Best Reality Host."

In the courtroom, apart from procedural sequences regulated by the judge, the layout and the position of furnishings and other objects such as the courtroom camera and computers add recognition value to the legal sessions. Yi-Fu Tuan notes that "[t]he scenery [...] is an extension of and reflection of the distinctive [...] personalities of the characters" (Tuan 241). Judge Ito's collection of hourglasses, for instance, which he visibly displayed on his desk, became such a familiar sight and an inextricable part of the courtroom scenery that the *Los Angeles Times* dedicated a lengthy article to the judge's peculiar table assortments:

It is widely known around the Criminal Courts Building that Ito alludes frequently to time—hence, the suspected reason for the four hourglasses, one little one stacked atop a big one and two medium-sized ones nearby. [...] A well-documented fact [...] is Ito's devotion to Peet's Coffee & Tea [...]. The mug that's a fixture on Ito's bench comes from Peet's. It's the purple-on-white "Monkey, Dog,

Star” model and sells for \$6.95, Peet’s President Sam Salkin said. (Abrahamson, *LA Times*, 26 January 1995)

With its focus on the seemingly trivial and case-independent aspects of the main participants, the media established a “ritual regularity” (Langer 356), through which it was able to sustain its structure of intimacy with the readers and audience and provide a figurative anchor of equilibrium. Duplantier reiterates that “the perceived realism of many reality TV shows is the endless recitation of the trivial and rote elements of consumer life” (Duplantier 36). The new kind of television experience that came with the breakthrough of the genre served monotony as “visual evidence of real life” (Hill, *Audiences* 59) and often “had little to do with conventional entertainment value—the ‘entertainment’ was seeing someone else do the banal things [...], free of any dramatic arc” (36). In “The Triumph of Mass Idols,” sociologist Leo Lowenthal cautions his readers not to underestimate “the important role of familiarity in all phenomena of mass culture” from which people “derive a great deal of satisfaction” (Lowenthal, *Literature and Mass Culture* 211). In this regard, watching the Simpson trial became a comforting routine of everyday life for the American people. Furthermore, Sara Gwenllian Jones accentuates that repetition and continuousness invite audiences to establish emotional connections to the program’s main characters:

Television’s seriality intensifies the audience’s imaginative engagement with the cult text and, particularly with its characters. It effects an illusion of contamination and constancy which itself invites speculation; there is a sense in which the fictional lives of characters seem to carry on, unseen by camera or audience, between episodes. (Gwenllian Jones 11)

The fixed position of the courtroom camera further enhanced the feeling of familiarity with the surroundings. It was mounted on a side wall above and behind the jury box. From this angle, the television audience essentially perceived the proceedings from the jury’s point of view.

Assuming, however, that it is solely the pursuit of familiarity and relatability that drives media outlets to cover the most benign aspects of a trial would be a misconception. According to Fox, Van Sickel, and Steiger, the underlying force in the pervasive coverage is ultimately of commercial nature (Fox, Van Sickel, and Steiger 12). Uninterrupted and continuous chronicle allows for episodic reports on subjects and issues and, thus, a steady stream of views in the attempt to “regularize the audience for television” (Schmid 140). As was observable in the Simpson case, legal proceedings can be prolonged for months, and the methods of concretizing a verdict are usually rather tedious and bureaucratic, leaving recurring opportunities for the commercialization of criminal proceedings, which potentially undermine the dignity of the judicial process (Goldfarb xvii). This argument has been particularly supported by members of the American Bar Association. They fear that by televising trials to

the nation, complex matters are reduced to entertainment material with maximum dramatic effect. Ultimately, “[p]roduction decisions to cut between ongoing trials, as well as the very selection of trials to be aired, are reflective of the network’s sensitivity to luring audiences more accustomed to mid-afternoon soap operas than dense trial coverage” (Thaler, *Watchful Eye* 67), and the broadcast becomes nothing but “a mockery of justice” (Barber 40). In fact, Paul Thaler believes that “[t]he judicial process is one inherently adverse to the demands of the medium [television], and the camera’s presence imposes a reordered environment that shifts existing power relationships” (Thaler, *Watchful Eye* 11).

Indeed, the potentially harmful impact of the courtroom camera on participants in and the public following a trial represents one of the most intensely debated aspects of electronic trial coverage and initially constituted a point of contention for the judge in the Simpson case as well. During a hearing on November 7, 1994, Judge Ito pointed out “the perils of television, including nervous witnesses, grandstanding lawyers and salacious sound bites” (Margolick, *NY Times*, 8 November 1994). Ito had received more than 15,000 letters urging him to ban cameras from the courtroom in order to avoid a furor which media networks artificially increased by setting up a \$1 million dollar media complex, called Camp OJ, outside the courthouse (Hunt 87). This camp consisted of numerous “trailers, satellite trucks, and microwave vans; [the media built] five-story-tall scaffolding for broadcast platforms; [and] laid eighty miles of fiber-optic cabling” (Hayslett 5). To the public, these actions implied that Simpson’s trial was extraordinary, consequently raising interest in the proceedings and sensitizing people to any new developments in the matter.

To assert some degree of control over the trial coverage, Judge Ito ordered “a large courthouse media center for print and broadcast news organizations” (Hayslett 38) to be established, providing media representatives with two small offices for specific use. In one office, Court TV installed the television-signal-delay equipment, which Ito had ordered as a condition to let the TV camera enter his courtroom. It also served as the workplace for the staff member overlooking the set-up. The other office was occupied by the media’s hired pool producer, Nina Goebert, who coordinated the camera shots (38). The courtroom camera itself was operated by a TV remote camera operator who used a video game-style joystick to remotely move the lens or zoom in and out while filming. Next to him, a sound operator adjusted tone settings on a mixer console. Both sat in the back of the courtroom on the juror’s side, next to the evidence display operators. In front of them, a small monitor presented the footage the TV camera was filming. Judge Ito ordered a seven second delay of the broadcast feed, and a Court TV employee was assigned to monitor the signal and immediately press a so-called ‘kill switch’ to interrupt the transmission of the audio and/or video feed in case of transgressions.

Apart from agreeing to the installation of one TV camera, Lance Ito also granted the media’s request to have a still camera take pictures during the proceedings,

which “primarily served deadline news organizations” (76). Because of pooling arrangements, the camera was supposed to help reduce the number of press photographers inside the courtroom and therefore the overall level of noise. While remote-controlled TV cameras had been used in various areas of public life for years (e.g., surveillance), the still camera inside Ito’s courtroom was an innovative technological device. Due to imposed photography restrictions, the print media were forced to find a “high-resolution, remote-controllable still camera model that could pan, zoom, and snap pictures” (11), which was then bolted to the wall next to the TV camera and equipped with a “soundproof box from pieces of an underwater camera housing and a used telephoto lens case” (Pool, *LA Times*, 30 December 1994) as well as an auto-focus zoom lens. Similar to the TV camera, the operator moved it with a joystick. “A finger-size video camera stuck to the rear of the boxed camera’s viewfinders show[ed] the operator in the hallway what the camera [was] aiming at” (Pool, *LA Times*, 30 December 1994). Despite those modern technical features, which elevated the Simpson trial to the status of America’s first technospectacle (Kellner 14), the pool photographer could only take a limited number of pictures. The still camera used a 36-exposure roll of film, and once it was full, the operator had to wait until court went into recess to change it.

While being restrictive in terms of camera setup, Judge Ito was accommodative towards the media by not following the State of California’s recommendation of a two-camera limit and granting the press three additional camera positions:

One of the other positions arose from contentions that the deadline pool excluded commercial, so-called non deadline photo agencies. The other position went to an African American photographer who contended that the black-owned publications he represented needed shots with an African American perspective. Ito then allowed the deadline photographers to have an additional position after they complained that the wall-mounted camera didn’t allow them the flexibility to get enough good shots. (Hayslett 76)

Apart from the cameras that served the press and the public, there was also a camera mounted on the ceiling of the courtroom, hidden inside a dark plastic bubble, which constantly scanned the surroundings for disobeying parties such as whispering reporters (Alexander 5).

The advanced technology used in the Simpson case was also reflected in the evidence-presentation system that was separated from the main broadcast feed of the proceedings (Hayslett 88). Much like the signal-delay operator, Judge Ito had a kill switch on his bench to immediately interrupt the broadcast of the trial and/or the evidence feed, and he did so every now and then, mostly out of consideration for the victims and their families. Gruesome crime-scene photos as well as autopsy photographs, for instance, were not televised to the public.

While such precautions in the legal sphere seem to relativize the intrusive character of in-courtroom filming, critics believe that the very presence of a camera annihilates any authenticity because contestants or trial participants are likely still aware of its presence and adapt their behavior to appeal to the audience and other spectators. Scholars from different fields refer to this problem as “reactivity” (Shulman 21), wherein “just being watched alters behavior, as people change their naturally occurring actions, because they worry about other people judging them” (21). Richard Schechner even goes a step further and beyond the presence of cameras. He argues that “[b]ecause rituals take place in special often sequestered places, the very act of entering the sacred space has an impact on participants” (Schechner, *Performance Studies* 150). It might be concluded from this that simply by partaking in the Simpson trial, i.e., by entering the courtroom, all participants were transported “to a different place mentally and emotionally” (72). In *The Presentation of Self in Everyday Life*, Erving Goffman speaks of “social establishments” (Goffman, *Presentation of Self* 238) to describe places such as courtrooms, where physical seclusion additionally regulates the activities happening inside:

Within the walls of a social establishment we find a team of performers who cooperate to present an audience a given definition of the situation. This will include the conception of own team and of audience and assumptions considering the ethos that is to be maintained by rules of politeness and decorum. We often find a division into back region, where the performance of a routine is prepared, and front region, where the performance is presented. Access to these regions is controlled in order to prevent the audience from seeing backstage and to prevent outsiders from coming into a performance that is not addressed to them. (238)

Upon closer inspection, camera footage of O.J. Simpson’s proceedings reveals that many trial participants demonstrated on numerous occasions that their behavior in the courtroom was influenced by the knowledge that millions of Americans were watching them live on television, despite Judge Ito’s insistence on the most technologically advanced and unobtrusive cameras for filming. In the Academy Award-winning documentary *O.J. Simpson: Made in America* (2016), Marcia Clark claims that O.J. Simpson in particular was aware of his own and the presence of the camera in the courtroom. She states: “[Simpson] knew when the camera was on him in that courtroom. And he would [...] have a really benign expression. And when the camera moved away from him, the face fell” (*O.J.: Made in America*, disc 2, 1:47:20–1:47:30). Clark’s statement is exemplified by a scene from the courtroom, in which Simpson seems to indeed adjust his facial expressions upon noticing the movement of the courtroom camera. Another example from the proceedings on April 12 seems to corroborate the prosecutor’s observations. As the camera moves towards and zooms in on the athlete’s face, Simpson’s gaze is drawn to the lens for a few seconds and he assumes a straightened posture (“OJ Simpson Trial – April 12th, 1995 – Part 1,

25:12:23). Schechner claims that “[t]he more self-conscious a person is, the more one constructs behavior for those watching and/or listening, the more such behavior is ‘performing’” (Schechner, *Performance Studies* 77). He asserts that the pressure to perform at all times stems from increasing media coverage and panoptic surveillance systems (77), arguing that “[t]he always-open lens adds a disturbing sense not only of being watched but of requiring us to be always ‘on,’ to play for the cameras knowing that our performances are being studied by people we do not know and whom we have not given permission to look” (77).

O.J. Simpson’s defense attorney Robert Shapiro also involuntarily provided numerous examples of reactivity. During a court session on June 15, for instance, he was captured repeatedly looking directly into the lens of the camera for several seconds at a time (“OJ Simpson Trial – June 15th, 1995 – Part 2,” 3:58-4:04). Johnnie Cochran was likewise aware of being filmed and tried to use the courtroom camera’s presence to his client’s advantage. He often relied on passionate speeches and physical demonstrations to leave an impression on both the jury and the television viewers. Most notably, he put on black leather gloves and a knit cap during his closing argument in September 1995 that were similar to the clothing the murderer had worn during the killings on June 12, 1994, to maximize emotive impact.

Taking all these elements into account, Fox, Van Sichel, and Steiger discount the didactic function of “tabloid justice cases” (Fox, Van Sichel, and Steiger 28) with the argument that “[t]he public becomes very knowledgeable about irregular legal proceedings, and particularly about the personalities involved, but learns little about broader issues and trends in the legal system” (88). In addition, they believe, media reports tend to focus on the shortcomings of the American justice system instead of its strengths, thereby weakening the public trust levels in its judiciary (139). Bordo supports Fox, Van Sichel, and Steiger in their assessment and questions the motives behind the media’s pervasiveness in requesting full access to legal proceedings. She asserts: “Ours is an ‘infomercial’ culture in which the desire to sell products and stories continually tries to pass itself off as ‘helping’ and ‘informing’ the public, satisfying their ‘rights to know’” (Bordo 12). The media scholar and cultural critic worries “about the long-term consequences of all these competing versions of ‘history’ being manufactured out of the machinery of consumerism” (14). The consequent “infinite interpretability of texts” (87), she continues, works to the detriment of social justice and most importantly, defendants whose right to a fair trial by an impartial jury of their peers might be jeopardized in favor of press privileges. While the Sixth Amendment to the United States Constitution, guaranteeing just and public prosecution, initially served as an additional safeguard against the despotism of autocratic judges, the rule seemingly no longer works in favor of, but is used to publicly humiliate and psychologically torture, a defendant, who “is typically cast as an unsympathetic and culpable figure” (Thaler, *Watchful Eye* 10) by a society that leans toward convictions and condemnation (14). Consequently, perhaps the most pressing

question that arises out of this observation is, whether a defendant can genuinely be granted due process when cameras are present, and their face is disseminated in the media. Re-integration into a community might become a difficult, if not impossible, undertaking, particularly when the defendant has no distinguished career or financial resources to rely on. Even O.J. Simpson, who succeeded to uphold his positive public image to a large degree, lost numerous lucrative contracts despite his acquittal.

Often overlooked, yet equally noteworthy, is the impact of the telelitigated trial on the memory of murder victims who are defenselessly exposed to public judgment and humiliation due to the constant presence of the courtroom camera. Denise Brown, for instance, was forced to testify on behalf of her sister and publicly recount the dehumanizing treatment Nicole Brown Simpson had voluntarily endured from O.J. Simpson:

Denise Brown: *We were all drinking and goofing around and being loud and dancing and having a great time. And then at one point, O.J. grabbed Nicole's crotch and said, "This is where babies come from and this belongs to me." And Nicole just sort of wrote it off as if it was nothing, like, you know, like she was used to that kind of treatment [...]. I thought it was really humiliating if you ask me.*

[...]

Christopher Darden: *And when he said this and when he grabbed her in the crotch, were there people around?*

Denise Brown: *Oh, yeah. The bar was packed.*

Christopher Darden: *Strangers?*

Denise Brown: *Yeah. Yeah. He was talking to the strangers.*

(Court Transcript, 3 February 1995)

While Denise Brown's account implicates the defendant, it simultaneously taints her sister's character who seemingly endured her husband's conduct unquestioned. Fundamentally, Denise's exposition serves as one of numerous examples that obviate the prevalence of narratives of shame on reality programs, which present "humiliation as a form of entertainment" (Christian 61). Erving Goffman explains that embarrassment arises when one's projected self is threatened to be dismantled through the revelation of uncomfortable information during a particular social occasion or performance that can be publicly witnessed by others (Goffman, "Embarrassment and Social Organization" 266). On reality television, so-called confessionals constitute a popular and widely replicated segment, whereby contestants reflect on past or present events, oftentimes revealing highly personal information about themselves to captivate the audience (Duplantier 38). In the Simpson case, the confessional element was introduced by the story of Ronald Shipp, whose testimony distinctly demonstrates this principle at work. Shipp was a former LAPD officer and

one of Simpson's longtime friends, who had greatly benefited from his friendship with the athlete for many years. During the murder trial, however, he was called to the witness stand to testify against O.J. Simpson. In February 1995, Shipp stated that, shortly after the murders, Simpson admitted to having dreams about killing his ex-wife. The retired officer also disclosed that Nicole Brown Simpson had contacted him for advice after the New Year's Eve beating in 1989 and shown him the photographs of her bruised face and body.

Defense attorney Carl Douglas led Ronald Shipp's cross-examination with the initial goal of establishing that the witness had withheld information and lied in prior interviews. Although publicly faced with his shortcomings, Shipp readily acknowledged his mistakes. Thus, as the questioning continued, Douglas' approach became more aggressive in an attempt to humiliate the witness. At first, the attorney insinuated that Shipp, similar to Brian "Kato" Kaelin, was a failed actor and "by being the witness who has a conversation with Mr. Simpson, [...] is going to possibly enhance [his] profile around the world" (Court Transcript, 1 February 1995).⁵ When his provocation failed to unsettle the witness, Douglas claimed that Shipp was not really the close friend to Simpson he affirmed to be:

Carl Douglas: *O.J. Simpson is a football fan, isn't he?*

[...]

Ronald Shipp: *Yeah. He loves football, yes, he does.*

[...]

Carl Douglas: *You and O.J. Simpson have never attended a football game together.*

Ronald Shipp: *Never.*

Carl Douglas: *—in the 26 years that he's been your supposed friend, have you?*

Ronald Shipp: *Not one.*

Carl Douglas: *You and your wife have never gone on a double date with Nicole and O.J. Simpson in the entire time that you've known them, have you?*

Ronald Shipp: *You're absolutely correct.*

[...]

Carl Douglas: *All the times that you claim that you were over his house playing tennis, you have never in your entire life played tennis on the same court with O.J. Simpson, have you?*

Ronald Shipp: *Never.*

Carl Douglas: *You're not really this man's friend, are you, Sir?*

Ronald Shipp: *Well, okay. All right. If you want me to explain it, I guess you can say I was like everybody else, one of his servants. I did police stuff for him all the times.*

5 For the purpose of readability and authenticity, I have refrained from correcting or highlighting the linguistic errors in the verbal statements made in court by the participants and are also reflected in the official court transcripts.

I ran license plates. That's what I was. I mean, like I said, I loved the guy.
(Court Transcript, 1 February 1995)

Carl Douglas succeeded in establishing that there had never been a close link between Shipp and Simpson, forcing the witness to admit in open court that he was essentially merely “one of [the athlete’s] servants” (Court Transcript, 1 February 1995), who had been captivated by Simpson’s fame. As the former LAPD officer continued to agree with Douglas, Simpson’s defense team reverted to exposing Shipp’s struggles with alcohol:

Carl Douglas: *You drink a lot, don't you?*

Ronald Shipp: *I used to.*

Carl Douglas: *You've had a drinking problem, haven't you?*

Ronald Shipp: *In the past I have.*

(Court Transcript, 1 February 1995)

Immediately after Shipp’s response, Carl Douglas stopped his cross-examination and asked for a recess, thereby leaving the jury and audience with the decontextualized information about the witness’ alcoholism. The following day, on February 2, Douglas continued the narrative of shame by exposing Shipp’s adultery with a woman who resembled the female victim, Nicole Brown Simpson:

Carl Douglas: *Okay. You were with a friend other than your wife; were you not?*

Ronald Shipp: *Yes, I was.*

Carl Douglas: *She was a blond; was she not?*

Ronald Shipp: *...who was a friend of my wife's, that's correct.*

Carl Douglas: *And you say her name is what?*

Ronald Shipp: *Lisa Madigan.*

[...]

Carl Douglas: *And when you were at his [Simpson's] home in the dark with the blond who wasn't your wife who is here in court, you did ask that he bring you a bottle of wine, didn't you?*

Ronald Shipp: *That's correct.*

(Court Transcript, 2 February 1995)

With a few simple, yet sensitive, questions, Carl Douglas denounced Shipp’s character in court. Not only was the latter forced to admit his submissive role in the friendship with the defendant, but the public also learned about Shipp’s alcohol addiction and adultery as the defense attorney painted a vivid picture of the scene of infidelity: it happened “in the dark” while alcohol was flowing in abundance. Moreover, Douglas made a point to describe the mistress as “a blond” to imply that she was Caucasian, like the murder victim, while Shipp was African American. Considering all these revelations, Douglas seemingly exposed Ronald Shipp as a hypocrite who had

possibly lied about O.J. Simpson to revive his stagnant acting career. If Simpson had been such a horrible person and friend over the years, and Shipp continued taking advantage of the player's material success, the former LAPD officer was not the honest and God-fearing person he professed to be in court.

Outside the courtroom, talent shows such as *American Idol* or *America's Got Talent* can be considered forms of "humiliation TV" (Hill, *Restyling* 197). Both formats feature bloopers or outtakes of failed auditions, during which the candidates fall short of the expectations associated with a talent show. The long-running success of the reality format *America's Funniest Home Videos* (1989-), where viewers are encouraged to send in their own home videos with comedic moments and mishaps, further indicates that audiences enjoy seeing other people's failures and embarrassments.

Two notable out-of-studio-examples for the protruding success of humiliation narratives are the reality shows *Cops* (1989-) and *Celebrity Rehab with Dr. Drew* (2008–2012). On the law-and-order format *Cops*, the audience weekly accompany police officers as they patrol American neighborhoods and highways. There is no narrator per se, rather, the policemen speak to their audience directly. Similar to the Simpson story, there are car chases, arrests, and examples of how deep people can fall when their lives spin out of control. In all cases, the police officers embody the heroes who "present themselves in the most cleaned-up, wholesome of terms" (Rapping 57), whereas the perpetrators are portrayed "as brutish, irrational, and inherently incapable of understanding or abiding by any legal code" (58). It is noteworthy that the seemingly irrational criminals captured and subdued in the series are oftentimes African American men: "Unkempt, often barely clothed and surrounded by filth and chaos, [they are] allowed to gyrate and gesticulate as the cops show saintlike restraint and patience" (64) and the camera records the breakdown. According to John Fiske,

[t]his figure of the Black male out of control is a cultural nightmare for whites that has played a central role in all the racial media events of the nineties. Its resonance and its terror are so deep because of the symbolic and social connections between the individual body of the Black male and the social body of Black America. (Fiske 257)

Elizabeth B. Christian also asserts that such negatively connoted images, particularly pertaining to African Americans, can be considered a "mediated form of bullying" (Christian 61) and are used by law enforcers "as a technique for social order and retribution" (Hill, *Restyling* 196). By reinforcing an 'us vs. them' mentality deeply pervaded by racism, fear and repugnance are induced in the audience. Critics claim that *Cops* produces "a generalized ethos of fear, within which the demonization, surveillance, and repression of threatening (and often non-white) 'others' becomes a fact of everyday life" (Glynn 4).

Simultaneously and conversely, however, law-and-order reality shows are said to advocate “for the public good, championing decency and fairness in an unfair society” (Hill, *Reality TV* 32). FOX’s *America’s Most Wanted* (1988–1996) potentially constituted one such paragon in the 1980s and 90s. With host John Walsh in a voiceover narration, the audience was shown dramatic reenactments of crimes and fugitives, interspersed with detailed descriptions and photographs of the suspect(s) as well as on-camera interviews. Walsh appealed to his viewers to call a toll-free hotline number in case they could provide information that would lead to the arrest of the fugitive(s). On average, around twenty million Americans tuned and called in, leading “to the capture of about one fugitive per week” (Glynn 2) in the first two seasons of the show. *Most Wanted*’s producers claimed that a single evening broadcast begot around 3,500 phone calls in total (2). The show’s grip was so far-reaching that some fugitives voluntarily turned themselves in to the police (1). Law enforcement supported the reality format, appreciating the help and partnership with the media and civilians. Considering these common efforts, *America’s Most Wanted* seemingly encouraged unity and ultimately served a noble purpose by contributing to public safety.

When internist and professor of psychiatry, Dr. Drew Pinsky, developed the series *Celebrity Rehab with Dr. Drew* in 2008, he similarly hoped to create a format that would serve the greater good by illuminating the severity and destructiveness of substance abuse. On his reality show, celebrities, who struggled with different addictions, agreed to spend 21 days at a rehab center with a crew present to record their recovery process. As the participants’ intimate struggles became public knowledge, Pinsky was harshly castigated for having developed a television format which exploited the delicate rehabilitation process. Repeatedly, fellow physicians pointed out an evident conflict of interest. A doctor, they argued, who equally served TV producers and his addicted patients neglected one of the two by default. Pinsky, however, repeatedly indicated that his show never glamorized addiction and pointed out that he oftentimes provided treatment to celebrity clients they might not have sought otherwise.

The internist ultimately announced the end of his show in 2012, after six successful seasons on VH1, explaining that he was tired of the constant criticism and troubled by the audience’s reaction to the series, being the direct opposite of what he intended it to be. Viewers craved the reality melodrama, “following the celebrities down the rabbit hole of self-destruction” (Mapp 201) in the assumption that the fight with addiction and the dysfunctional behavior it caused in the participants was but a game and an imitation-worthy rock and roll lifestyle. Instead of showing empathy, viewers took “solace in the reality stars’ pain” (207) and “relish[ed] the human train wrecks unfolding each season on screen” (206).

The potentially invasive character of cameras and its negative impact on participants and viewers equally constitutes a point of contention in the courtroom. Ac-

According to Barber, the prospect of having one's intimate details and wrongdoings broadcast to thousands, if not millions, of viewers might contribute to a sinking number of witnesses willing to testify. The same applies to those who, depending on the case, fear for their safety due to possible retaliation (Barber 23). Even if the fear of public scrutiny or physical harm does not stop witnesses from appearing in court, it can still impair the quality or truthfulness of their testimony. At worst, witnesses might enjoy the new-found fame and alter their behavior to stay in the spotlight. Likewise, as elected public servants, judges and prosecutors oftentimes follow political agendas and may adjust their actions to increase the chance of being re-elected or chosen for new offices, while defense attorneys may take advantage of their public exposure to enhance their own private practice. Thus, if public trials offer participants a powerful platform for exposure and personal agendas, the question remains whether they can genuinely serve a defendant and educate the public.⁶ In the Simpson case, Judge Lance Ito hoped that the transparency of the courtroom camera would ensure precisely that while containing and reducing speculation and misinformation.⁷

Despite the technologically advanced devices and precautions taken by the judge for the Simpson case, Lance Ito almost banned the courtroom camera even before the proceedings got fully underway. During a session on January 24, 1995, the Court TV camera operator accidentally captured an alternate juror, violating Rule 980 on Cameras in California Courts. Additionally, it was revealed that the Court TV staff member assigned to the task had never been inside the courtroom and was unaware

6 Potential harm can, however, be caused by the presence of courtroom cameras ahead of the main proceedings. While certain stages of the legal process are excluded from electronic coverage (e.g., *voire dire*, i.e., the selection of jurors), in most American states, courtroom cameras are allowed to film preliminary hearings, which bears a great risk of jury contamination. Television viewers are prospective jurors and their experience with a televised case might jeopardize any future trial they are called to serve in. In addition, "[j]udges typically decide important issues concerning the admissibility of evidence before the jury panel is formed. If the proceedings are televised, prospective jurors may be exposed to evidence excluded from the trial" (Cohn and Dow 78), and once the jury panel is formed, cameras and the concomitant public attention often force the judge to sequester the jurors in order to shield them from receiving any dismissed information. Sequestration, particularly when applied to the entire duration of the trial, is highly restrictive and an enormous psychological and emotional strain on the jurors' lives. From an organizational viewpoint, all these precautionary measures constitute additional costs and work increase for the presiding judge which ultimately slow down the legal process, leading back to the question whether electronic trial coverage obstructs the defendant's due process.

7 Media scholar Chad Raphael points out that reality television served as "an integral part of network strategies to control labor unrest" (Raphael 129) in the late 1980s. Similarly, one can assume that Judge Ito considered the potentially appeasing character of the courtroom camera whose supposed diaphaneity could help prevent new riots from erupting in Los Angeles.

of how the jurors looked and therefore unable to determine the necessary moment to interrupt the feed (Hayslett 46). Initially, Ito decisively proclaimed that he was going to “terminate the television coverage as a result of that” (Court Transcript, 24 January 1995). Simpson’s defense team, that had supported the use of cameras in the beginning, also harshly criticized the incident and questioned whether their client’s right to a fair trial had been violated. The recess ordered by Ito had interfered with the defense’s momentum and chance to present their opening statement following the prosecution. Robert Shapiro believed that Simpson’s defense team had “suffered a very devastating setback” (Court Transcript, 24 January 1995). He explained:

At the time that we were to get up and answer the prosecution’s outline of their case, we not only were deprived of that very important moment, but also we were faced with a situation where the jury had to abruptly be interrupted and go home under a great cloud that something was going on, and that has caused us irreparable harm. (Court Transcript, 24 January 1995)

Ito’s subsequent reaction to Court TV’s infraction communicates the pressure he was under with regard to controlling the courtroom and all parties on the one hand and the secretive and selective nature of court proceedings on the other hand. In a lengthy address to the jury panel, Ito admitted that he needed time to rule in the matter:

The Court: Good afternoon again, Ladies and Gentlemen. There’s a rule of human behavior called Murphy’s Law that basically says if something can go wrong, it will go wrong, and the corollary to that rule is that if it’s going to go wrong, it will go wrong at the most opportune moment. Something has come up that involves directly your welfare, a problem that I’m going to need to deal with. And I need some time to think about it, decide what I’m going to do. And it’s a rather unusual problem and it has...I want you to know it has nothing to do with anything that the parties did. It’s something extraneous, something that happened outside the courtroom that I need to deal with. You are not to speculate as to what that might be. And let me be frank with you. It has nothing to do with you directly. But it has caused me great concern, and I’m going to have to take the rest of the court day to deal with this situation. So we’re going to stand in recess at this point as far as you are concerned. We will resume with you, the jury, with the defendant’s opening statements tomorrow morning at 10:00 o’clock. (Court Transcript, 24 January 1995)

It is noteworthy that although the Court TV operator did indeed transgress the guidelines set up by Lance Ito, the judge’s statement to the jurors can be considered similarly damaging and fear-evoking in its contradictions. By referencing Murphy’s Law, Ito made a point to emphasize that “something went wrong.” He utilized the adjective “wrong” four times and refrained from specifying said “something” before announcing that the mysterious incident directly involved the welfare of the jury.

Ito then continued to accentuate the unusualness of the situation and stressed that it caused him “great concern” while insisting that the jurors do not speculate about what had occurred to cause the problem. If one considers the judge’s statement from a juror’s position, who did not know at this point that the courtroom camera had merely captured an alternate juror for a split second, it can be argued that Lance Ito worsened the situation for the panel more than the courtroom camera had. It is thus not necessarily the camera itself that changes the proceedings, but certainly how it is utilized and perceived by the people it involves.

One day after the broadcasting *faux pas*, Lance Ito allowed the camera back in after Court TV officials promised to employ a team of two highly trained staff members to prevent any further accidents. The judge limited the camera to static shots, i.e., the media were no longer able to influence television images through panning or zooming. A few weeks later, media representatives “demonstrated a new robotic camera equipped with a ‘screen skirt’ that would block any accidental shots of a juror” (Hayslett 76) in an attempt to encourage Judge Ito to loosen the imposed restrictions. After a convincing demonstration, he allowed the courtroom camera to be moved again, but the camera operator was prohibited from taking close-up shots of the main trial participants and family members. While Ito’s attentiveness seemed admirable to some, others wondered “how a judge conducting a complicated and high-pressure murder trial has time to monitor the courtroom with his remote control camera” (Boyarsky, *LA Times*, 9 June 1995). Critics believed that it was impossible to rule fairly on complex legal matters if the judge was distracted by other, more trivial, matters and consequently “singled out [camera coverage] as the biggest contributor to the derailment of [the Simpson trial] and the negative public perception of it and its participants” (Hayslett 71).

Indeed, with the hindsight of two decades, all the precautions taken to enforce a strictly supervised and controlled setting for filming the Simpson trial seem to confirm Thaler’s argument that trial proceedings might not be naturally as suitable for television coverage as supporters would prefer them to be. Judge Ito invested an extensive amount of time into thinking and strategizing about appropriate procedures and scheduled numerous additional hearings to debate the issue, prolonging the trial and creating further workload for himself and counsel. Based on Victor Turner’s concept of the social drama, the following chapter further uncovers the significant impact the courtroom camera had on media representatives and trial participants, even American society as a whole, for it invited those involved in the case to individuate themselves within narrative structures, revealing the interplay between performance and storytelling in all areas of social life and the ways in which narration can be understood as an artistic medium that makes communication into play and ritual (Peterson 1).

3.2 Performance of the Social Drama

The first stage of Victor Turner's model of the social drama encompasses a Breach, the breaking of a rule by an individual or group in a public setting. Applied to the present case, the murders of Nicole Brown Simpson and Ronald Goldman constituted such a Breach that subsequently led to the second stage of the social drama, the Crisis. In his essay, Turner elaborates that "[i]n the stage of Crisis, conflicts between individuals, sections, and factions follow the original breach, revealing hidden clashes of character, interest, and ambition" (Turner 8). In the Simpson case, the hidden clashes became most visible in the sensationalized and polarizing stories that dominated the courtroom and the media. Although storytelling and the "impulse toward narrative" (Miller and Taylor 169) are intellectual virtues of humanity, which help us make sense of our world as they "mentor us and allow us to structure our awareness of the trajectory of our lives" (169), on television, and particularly on reality TV, the elements that compose a narrative are purposefully selected and conjoined. A specific set of components, including celebrity, violence, conflict, and mystery, serve as "common currency" (Hill 124) in the framework of storytelling, for they are known to have the greatest emotive and dramatic impact. Douglas Kellner, e.g., labelled the Simpson case a "isagreele" (Kellner 93) that dominated news coverage "precisely because the level of fame of the person *a priori* establishe[d] its newsworthiness" (Marshall 319, emphasis original), and Diane Furno-Lamude described the case as a "media trial" [...] in which the media co-opt[ed] the criminal justice system as a source of high drama and entertainment. It [was], in effect, a dramatic miniseries built around a real criminal case" (Furno-Lamude 26). On Court TV, the emphasis on entertainment and the trial's episodic nature and branding was conveyed by means of opening credits before the main broadcast of the proceedings. According to John Langer,

the persistent tendency of television to feature the name of its personalities in the programme titles [...] confirm[s] right from the outset the critical centrality of the television personality's identity within the television flow and within the programme's own structure. The title proclaims unequivocally that this is *their* show, *their* vehicle where we can reliably and repeatedly encounter them, no matter what else might happen along the way, either inside the show itself or before and after it. (Langer 358, emphasis original)

Court TV's title sequence displayed elements that immediately established the program's identity and a reliable set of characteristics: it opened with archival footage from Simpson's successful football games. Dressed in full gear and with a football secured under his right arm, a young O.J. Simpson was shown running from his opponents towards the end line, conjuring up a sense of nostalgia and adulation. In the next successive transition shots, Simpson was displayed running again; this time in

a white Ford Bronco and followed by a dozen police cars behind him. Then, a waving American flag appeared for a few short seconds in evident reference to the American Dream and its seemingly inevitable transience. Ultimately, the title “Court TV: The Trial of O.J. Simpson” filled the television screen and the broadcast began (“Court TV Intro OJ Simpson trial”).

Contrary to Thaler’s intimation that trials are inherently averse to the demands of the television medium, Fox, Van Sickle, and Steiger argue that it is conversely the time-consuming nature of legal proceedings that establishes and perpetuates public interest in a case, as trial and investigation coverage can be continued for weeks and months. The following chapter will show that the slow-moving nature of the judiciary provides a suitable framework for the development, construction, and continuation of a variety of narrative worlds, thereby allowing popular legal cases to be converted into “national melodramas embedded in the social fabric of [US] culture” (Fox, Van Sickle, and Steiger 70).

3.2.1 Conspiring to Entertain: Storytelling in the O.J. Simpson Case

From the very beginning, the leitmotif of O.J. Simpson’s trial was fame and money. In the 1990s, Simpson was still well-known for his record-breaking achievements as a football player in prior decades, but he had also gained new a new following through more recent commercial and movie work. During her testimony on March 3, 1995, Denise Brown, Nicole Brown Simpson’s sister, recounted the advantages of being associated with O.J. Simpson, who “always gets recognized wherever he goes” (Court Transcript, 3 March 1995). She described instances, when they went out as a group and were treated with privilege because Simpson was present: “I think the bartenders, they had given him shots of tequila and things like that, sure. I mean, that happens when he goes out. [...] People do tend to buy him drinks and buy us—and they were buying us drinks too because we were with him” (Court Transcript, 3 March 1995). Denise Brown’s seemingly trivial accounts of being associated with O.J. Simpson were in fact part of the case’s appeal. The “class spectacle” (Kellner 98) offered the audience an insight into the life of the rich and famous, whereby Simpson was either perceived as “an icon of class mobility” (99) or a careless rich man who seemingly took his blessings for granted. The notable class differences in American society were further displayed in the case “with the appearance of maids, waiters, and other witnesses demonstrating the existence of [...] a large service class to literally serve the wealthy” (99).

O.J. Simpson’s indictment also implied that fair legal representation had to be bought in the American justice system. The former football player reportedly spent \$10 million on lawyers, assistants, and private investigators (Abramson 28–29), taking advantage of and demonstrating extravagant resources average defendants could not afford. Theisagreen and presentation of the Fuhrman tapes further

stressed the protruding power of money. Considering the outreach of the content on the recordings, it appears almost ironic that they were the lucky find of a private investigator in the service of Simpson's defense. Had the tapes not surfaced, the final verdict might have been different. Thus, the case insinuated that truth can be negotiated "[i]f commodity logic saturates everything" (Kellner 98).

Simpson's trial also came to epitomize the ultimate American tragedy as it chronicled the unwavering downward spiral of a former national icon, more so than the untimely deaths of two people. The 27 June 1994 *TIME Magazine* issue is a telling example of how the narrative of Simpson's life often overshadowed the murders in Brentwood. The cover of the magazine featured O.J. Simpson's mugshot, which was printed in the background of the red and capitalized caption "AN AMERICAN TRAGEDY." Quite noticeably, the image was altered, making Simpson's skin appear darker than it effectively is. Against the black and white cover portrait, the red *TIME* logo and issue title projected, as many critics have argued, reductive and racially charged stereotypes of African American men. The cover seemingly implicated their violent nature and the concomitant conflict with the law. Even O.J. Simpson, who had left his poor background behind and surpassed all expectations, was eventually consigned to subaltern status. The title story by Nancy Gibbs endorsed the visual cues from the cover, or vice versa. In her article, Gibbs described Simpson as a "bow-legged kid with rickets [who] had escaped the slums where he was born" (Gibbs, *TIME Magazine*, 27 June 1994) to become a football star and "national icon, always outrunning his obstacles, finding daylight where there wasn't any." She interspersed quotes from Simpson himself to create a more personal narrative, allowing the audience to establish an imaginary connection with her protagonist: "His guiding principles, he once told a Sports [I]llustrated reporter, were 'my mother. The Bible. Do unto others.' But preserving sainthood was hard work." Gibbs elaborated that "[f]or him and his friends growing up, the path to prison looked short and straight." Simpson's football talent ultimately saved him from a seemingly predestined path to incarceration. However, it was "well understood that he was a creature of careful intention, the natural ease a measure of his discipline. He did not so much change, from the days of his raw, painful childhood, as add layers, coats of polish that only occasionally peeled."

As the cover story continued, Gibbs traced the events prior to and of the Bronco Chase in great detail, chronicling the collapse of O.J. Simpson, the national hero, and the nation's mourning of "not only two victims they had never known, but the hero they thought they did." In her article, the essayist described him as "one of the rare, great sportsmen, unruined by his gifts or his fame, warm, grateful, ready to sign one more autograph when he was dog tired and overstretched." Under the growing scrutiny of the public and media, however, "Simpson grew more and more despondent" and distraught. By citing friends and experts who reflected that Simpson "could hardly talk," "was in tears," "resigned," and "depressed," Gibbs further am-

plified the athlete's unraveling as June 17 progressed. Then, once "the slow-motion chase ended in his driveway and night fell with the news that he was in custody, there was a national sigh of relief: O.J., still our O.J., had been pulled back from the brink of suicide; he was safe; it was over."

Although Nancy Gibbs' story can certainly be read through a slightly sarcastic filter, her narrative builds on and is replete with references to the American Dream with Simpson as a modern Jay Gatsby who never truly escaped his roots regardless of how much success and money he acquired. Michael Dyson's assessment of O.J. Simpson creates a similar dramaturgical picture: "A champion who played Prometheus to a nation of Walter Mittys now shrank in stature to a shriveled, self-defeating parody of his former strength" (Dyson 49). Rarely was the focus placed on Nicole Brown Simpson, who left behind two young children, or the male victim, Ronald Goldman, who was killed at age 25 as an innocent bystander. Apart from losing their loved one, the Goldman family repeatedly stated that, for them, it was equally as tragic that Ronald's story was pushed to the background every time he was merely called "Nicole's friend," "the other victim," or the "wannabe actor and model" ("Kim Goldman: The Media Treated Ron as 'the Wannabe Model'"), while to his family, he was a son and a brother with plans and ideas for the future.

Apart from celebrity, issues of physical violence and domestic abuse heavily dominated the narrative of the Simpson case, subsequently turning the trial into a "gender spectacle" (Kellner 98). Boorstin argues that violent crimes are rare examples of non-pseudo-events since "[o]nly seldom are they committed for the purpose of being reported" (Boorstin 254). According to the media scholar, the wide interest in crime news "suggests that even in a world so flooded by pseudo-events and images of all kinds, we still know and (and are intrigued by) a spontaneous event when we see it" (255). The same principle applies to stories concerning the private lives and (sexual) escapades of public figures. Precisely because these indiscretions are not contrived for public attention are they so eagerly consumed in the public (255). In fact, David Schmid places "representations of acts of violence" (Schmid 195) and "the presence of stars" (195) at the very core of television.

The early release of Nicole Brown Simpson's 911 calls in late June of 1994 generated heated discussions in American society on the abuse of women by their partners, while intimating that the celebrity O.J. Simpson was not the man he pretended to be in public. A few months later, during the proceedings in 1995, numerous incidents of domestic violence in the Simpson household became public knowledge, providing a different perspective on the couple's perfect image. In his opening argument, Christopher Darden explicitly called the defendant "a wife beater" (Court Transcript, 24 January 1995) and an "abuser," while announcing the exposition of "evidence regarding domestic abuse, domestic violence, stalking, intimidation, physical abuse, wife beating, [and] public humiliation." The prosecution presented nearly sixty incidents of domestic violence committed by O.J. Simpson against his second wife (Hunt

29), although Judge Ito excluded occurrences he deemed irrelevant to the case at hand. He did, however, allow Marcia Clark and Christopher Darden to play excerpts from a 911 call that Nicole had placed in the early hours of New Year's Day of 1989. To illustrate Simpson's violent behavior and the severity of the couple's domestic disputes, the prosecution called 911 operator Sharyn Gilbert to the witness stand and asked her to recount the sounds she had heard during the call. The accompanying audio recording was played in the middle of Gilbert's testimony, after she remembered hearing "a female screaming and [...] what [she] thought was a slap" (Court Transcript, 31 January 1995). By operationalizing their witness in such a manner, the prosecution deployed Gilbert as a narrator to the recording who added context and emotive impact to the otherwise tumultuous sounds of the call.

After Gilbert's testimony, Officer John Edwards took the witness stand for the prosecution team. Edwards and his colleague had driven to Rockingham in 1989 in response to the 911 call. The officer recounted the sight of Nicole Brown Simpson as she was racing towards him:

Then a woman came running out of the bushes to my left, across the driveway. She was a female Caucasian, blond hair. She was wearing a bra only as an upper garment and she had on dark—I believe it was a dark lightweight sweatpants or night pajama bottom and she ran across and collapsed on the speaker [...]. She collapsed on it and started yelling, "He's going to kill me, he's going to kill me." Then she pressed the button which allowed the gate to open and then she ran out again yelling "He's going to kill me." (Court Transcript, 31 January 1995)

Edwards gave further details about the scene as he recalled that Nicole was "hysterical" (Court Transcript, 31 January 1995) and "like she was panicking" as she kept pushing the button to unlock the gate for the policemen. When it finally opened, Nicole ran out and "clung on to [Edwards]," collapsing on him in relief. Christopher Darden asked the witness to describe Nicole's physical appearance and demeanor, and the officer recalled that "she was shivering, she was cold. [...] I could feel her bones and she was real cold and she was beat up." Purposefully, Darden waited with his next question and let the silence in the courtroom reign for a few seconds, allowing the jury and spectators to acknowledge the severity of the incident at Rockingham. He then asked the detective whether Nicole Brown Simpson had said anything to Officer Edwards, who responded with: "She said, 'He's going to—he's going to kill me.' I said, 'Well, who is going to kill you?' She said, 'O.J.'" (Court Transcript, 31 January 1995). It is noteworthy that Darden compelled his witness to repeat his prior statement to accentuate the victim's fear of her husband and for her life.

In 1993, another 911 call was placed by Nicole Brown Simpson that circulated in the media months before excerpts of the call were presented as evidence in court. In fact, numerous big newspapers had already gotten ahold of the tape shortly after Simpson's arrest on June 17, 1994. *The New York Times*, the *Los Angeles Times*, and *The*

Washington Post, among others, printed transcripts of Nicole's call for help. The latter newspaper titled the report "Nicole and O.J.: Scenes from a Volatile Relationship" (Spolar and Grove, *Washington Post*, 24 June 1994). The victim's phone calls and the witnesses' testimonies combined created a vivid picture of the couple's relationship. The perfect image of the wealthy husband and wife in love was seemingly a charade, and violence regularly occurred in their household. It also opened up the audience to the possibility of a violent O.J. Simpson who was indeed capable of hurting those close to him.

To counteract such media reports and prosecutorial accusations, O.J. Simpson's defense team presented numerous counter-narratives, creating what Bordo calls "hyperbolic doubt in which nothing can be trusted because 'everything is possible'" (Bordo 92, emphasis original). In his opening statement, for instance, Johnnie Cochran argued that his client "did not, would not, could not within the time frame have committed these particular killings" (Court Transcript, 30 January 1995). He claimed that the murders happened after 11 p.m. on June 12, at a time when Simpson was already on his way to the airport to board a plane to Chicago:

He [O.J. Simpson] would have had to drive over to Bundy, as they [the prosecution] described in this little limited time frame where there is not enough time, kill two athletic people in a struggle that takes five to fifteen minutes, walk slowly from the scene, return to the scene, supposedly looking for a missing hat and glove and poking around, go back to this alley a second time, drive more than five minutes to Rockingham where nobody hears him or sees him, either stop along the way to hide these bloody clothes and knives, et cetera, or take them in the house with you where they are still hoisted by their own petard because there is no blood, there is no trace, there is no nothing. (Court Transcript, 27 September 1995)

Refuting the prosecution's chain of events was only one part of the defense strategy. If O.J. Simpson had not committed the murders, Johnnie Cochran and his colleagues required other suspects to explain the double homicide in Brentwood. Their theory thus concentrated on the two victims by claiming that Nicole and Ronald were fatalities of a drug-related killing, whereby the intended target was in fact Nicole's friend Faye Resnick. This story in particular was highly speculative because there was no credible evidence to support this progression of events. Nevertheless, Johnnie Cochran initially promoted this narrative, claiming that Nicole Brown Simpson and Faye Resnick had lived an irresponsible lifestyle, which included drugs, alcohol, and sexual promiscuity and ultimately resulted in the tragedy of June 12:

They ran in this circle out there in Brentwood. [...] Nobody was controlling these women. There is a group of them and you will hear about it, they go out dancing, they would do whatever they would do, and we know Faye Resnick was using drugs during this period of time. [...] I think you will hear from the evidence that she is

one of the people that called Miss Nicole Brown Simpson on the night of June 12 [...] from this drug treatment facility. We will be talking about that and her role in this whole drama. (Court Transcript, 25 January 1995)

Apart from counter-narratives, Johnnie Cochran introduced witnesses in his opening statement that were not, as required by reciprocal discovery, revealed to the prosecution before the proceedings took place. This seemingly trivial transgression indicates how effortlessly a courtroom narrative can be altered. Cochran, for instance, spoke about a witness, Mary Ann Gerchas, who allegedly observed a group of suspicious men leaving Nicole Brown Simpson's condominium on the night she and Ronald Goldman were killed:

On this particular night in June of 1994, June 12, [Gerchas] wanted to find a place in the West Los Angeles Brentwood area. She drove her car after she closed up her business on Sunday evening and went to the Catholic church, went to mass and [...] she came over there on Bundy. [...] Some time after 10:30 in the evening, she is walking down Bundy [...]. And at about 10:45 p.m. she sees four men who come within ten feet of her, two of which, gentlemen, appeared to be Hispanic, I think the others are Caucasians, several of which I believe have knit caps on their heads. The two who are behind apparently have something in their hands they are carrying. She thinks they may be undercover police, she doesn't know. They get into an unmarked car and they speed away and she sees them. And that is what this lady was trying to tell the police, trying to tell the District Attorney, trying to tell anybody who would listen, but they didn't want to listen, because they made their decision in this rush to judgment. (Court Transcript, 25 January 1995)

There are several significant observations to be made about Johnnie Cochran's approach to the witness. The attorney first established that Gerchas was a hardworking businesswoman who even worked on Sundays to keep her enterprise afloat. The fact that she was looking for a new place in the expensive Brentwood area suggests that she was successful at her profession and therefore less likely to invent a story for financial gain. Despite having a long workday, Gerchas still went to church, which suggested that she was a faithful woman who could be trusted. Cochran also provided specific details about the night of the murders that further added credibility to the story his witness had told: Gerchas was able to determine an approximate time frame for the night, she had a definitive answer on the number of men she saw, their ethnic background, parts of their clothing, and their means of getaway. Most importantly, however, she tried to pass this important information to the police, but they were, so Cochran argued, too fixated on O.J. Simpson in their "rush to judgment" (Court Transcript, 25 January 1995). Chuck Kleinhans and Rick Morris argue that to be a successful attorney, one must inevitably be a good scriptwriter, and Johnnie Cochran was unequivocally a skilled rhetorician:

Technically, the lawyer's education and training involves extensive preparation in developing "the theory of the case." [...] [T]his story must unfold in a logical and meaningful way. Much the same as a good script must provide for character development, the lawyer must attempt to introduce their "characters" in the light (hero, villain) that is most crucial to their script. They continue to unfold their story, within the rigors and structure imposed by the legal system, until they get to the final scene, the summation, where they reveal the importance of each vignette in the "big picture" and try to convince the jury that their script was the best. (Kleinhans and Morris 167)

Ultimately, however, Mary Ann Gerchas was never called to testify in court despite having seemingly important information to exonerate O.J. Simpson, and in June of 1995, she was charged with and pleaded guilty to felony theft charges "stemming from failure to pay a hotel bill of more than \$23,000, stealing jewelry and writing a bad check to an attorney who helped her fight an eviction case" ("O.J. 'Witness Pleads Guilty to Felony Theft,'" 8 June 1995), facing a prison sentence of up to six years.

Media outlets assumed yet another angle pertaining to the Brentwood murders and focused on the murder weapon, or more specifically its absence, to increase readership and viewer numbers. Robert Kardashian became the focus of discussion after being photographed carrying Simpson's Louis Vuitton garment bag to his car one day after the murders. It was speculated that the bag contained the knife used to kill the victims as well as the dark clothes the perpetrator had worn on the night of the murders. In the 20/20 interview with Barbara Walters in 1996, however, Kardashian claimed that he never saw or carried anything suspicious and blamed the police for exacerbating conspiracy theories by not executing their job responsibly:

The police could have taken it [the bag] at any time. They never sought to do so. In fact, when we turned it into the court nine months later, they still never did any tests to see if there was blood. I don't believe they really wanted to know the answer. I think it was better to leave speculation. And to let the public think there was something sinister about these bags. (ABC News, 5:05-5:26)

Another incident that sparked unsubstantiated theories about the existence of the murder weapon happened during Simpson's preliminary hearing on July 1, 1994, with the appearance of a peculiar envelope. Without explanation or clarification, presiding Judge Kathleen Kennedy-Powell interrupted witness testimony and stepped out of the courtroom. When she returned to her bench ten minutes later, she held up a sealed yellow envelope to the spectators, stating that she was told it contained "some items of evidence related to [the Simpson] matter" (Court Transcript, 1 July 1994), but she did not know any specifics. She called the approach of being provided evidence in this manner "a novel situation," and her confusion immediately transferred to other trial participants and spectators, including pros-

ecutor Marcia Clark who admitted that “we do not have any information as to how that envelope came to the possession of the Superior Court, who put the evidence into that envelope, what kind of evidence it is, when it was recovered, how, from where.” The suspense in the courtroom was further deepened when Kennedy-Powell explained that she was told the envelope had been submitted by Simpson’s defense team, but Robert Shapiro announced that they wanted it to remain sealed. He claimed that the unspecified content “is evidence that is in possession of the defense, and that we have no obligation to disclose, and we’ll not disclose until we feel it the appropriate time.” In addition, the public learned from *The New York Times* the next day that “[l]ate on Thursday, the police in Chicago [had] recovered part of a knife from a waste tank at the American Airlines terminal at O’Hare International Airport” (“Mysterious Envelope Arrives, But Judge Does Not Open It,” *NY Times*, 2 July 1994), and although it appeared much smaller than the knife investigators were searching for, the news story gave more room for speculations about the whereabouts of the murder weapon and the content of the brown-yellow envelope. On July 6, *The New York Times* released a report titled “The Simpson Case: Mystery in Envelope Given to Judge Remains a Mystery.” In the article, the journalist wondered: “So what is it all about? What could be in that pouch that both sides want to keep sealed?” (Drummond Ayres, Jr., *NY Times*, 6 July 1994). It was later revealed that the envelope did indeed contain a knife, but forensic tests excluded it to be the murder weapon. Nevertheless, this example of news reporting illustrates how suspense was created around the Simpson case and how fluently the focus was shifted from one topic to the next.

Another popular and controversial story surrounding the murder knife was based around NBC’s movie pilot *Frogmen*, called “the blockbuster no one saw” (Lowry, *LA Times*, 8 May 2000) and “the subject of considerable myth and legend” (Lowry, *LA Times*, 8 May 2000) by the *Los Angeles Times*. A few months before the murders, O.J. Simpson completed the pilot, in which he played John “Bullfrog” Burke, the leader of the Navy SEALs team the show centered on. “In a chilling echo of [the] killings [of Nicole and Ronald], a scene in the two-hour movie [...] features Simpson’s character grabbing what he believes to be an intruder [...] and momentarily holding a knife to [his daughter’s] throat” (Lowry, *LA Times*, 8 May 2000). It was also reported that, in preparation for the film, Simpson and his co-stars had received military training, including the use of a knife. These reports essentially suggested that Simpson was capable of committing the homicides he was accused of. In addition, everyone involved in the production of *Frogmen* was reluctant to talk about the movie pilot, which, despite its completion, had not (and still has not) been made public. This is particularly noteworthy considering the video release was estimated to yield a \$14 million profit in the 1990s and draw in “more than 60% of the available audience—roughly the percentage that tunes in annually for the Super Bowl, invariably TV’s most-watched event” (Lowry, *LA Times*, 8 May 2000) after the

trial. However, the production company Warner Bros., which owns the rights to the material, claims to have no intentions of releasing the footage to the public. This behavior certainly encourages speculation on why the *Frogmen* project has not surfaced considering the profit-driven nature of television and the fact that the pilot did not specifically address or depict the murders of Nicole Brown Simpson and Ronald Goldman.

Apart from the missing knife, those who believed in O.J. Simpson's innocence were also lacking a culprit. Hence, numerous alternate theories about the real murderer of Nicole and Ronald emerged during and after the trial and were, most importantly, commercially orientated and exploited, leading to the creation and writing of a variety of websites and books. One of the most popular conspiracy theories was introduced by Dallas-based private investigator William C. Dear who first outlined his take on the murders in a 2000 BBC documentary called *O.J. Simpson: The Untold Story*. He also published a book titled *OJ. Is Guilty but Not of Murder* that same year. Dear claimed that it was Simpson's oldest son Jason who had killed Nicole and Ronald in a jealous rage, and O.J. Simpson had only arrived at the murder scene when the victims were already dead. The investigator wrote another book in 2012, *O.J. Is Innocent and I Can Prove It*, claiming he had new evidence that supported his theory:

Jason may have become infatuated with Nicole. By divorcing O.J., she was, in a sense, betraying both father *and* son. Perhaps this had triggered some kind of psychotic episode. Had Jason been the one to kill Nicole, this might also explain O.J.'s strange behavior after the murder, and why he would be willing to put his life and career in jeopardy. (Dear 68, emphasis original)

William Dear also created a website, www.ojisinnoentandicanproveit.com, asking his readers to cast their ballot to help him “finally bring the truth to the families and friends of Nicole Brown Simpson and Ronald Goldman” (xvii). The website is no longer accessible, however, and his theories have been challenged, most notably by Tony Ortega, editor in chief of *The Village Voice*. In a rebuttal-type article, mockingly titled “Bill Dear is Full of It and I Can Prove It,” Ortega criticizes Dear's seemingly “reprehensible way of gathering information to make pure fantasy sound plausible” (Ortega, *Village Voice*, 3 April 2012). Furthermore, the former *New Times Los Angeles* staff writer indignantly states that “Dear's timeline for that night [of the murders] is a complete farce” and “his ideas for how O.J. Simpson's blood ended up at the scene are beyond preposterous,” claiming that Dear's only reason to publish another book on the matter was to “get his moment in the sun that was denied to him back in 2001.” Indeed, many other self-proclaimed experts, writers, and hobby investigators profited from the suspenseful and mysterious atmosphere surrounding the Simpson case. In May of 1995, while the trial was still ongoing, Peter Roberts published a collection of popular conspiracy theories titled *OJ: 101 Theories, Conspiracies and Alibis*. In 1999, J. Neil Schulman's *The Frame of the Century?* offered readers the theory

that the actual murderer of Nicole and Ronald was Simpson's former police friend Ronald Shipp, who had ironically also testified against his celebrity friend in court. Others used the growing popularity of the Internet to spread their opinions on and explanations about the Simpson story. Drug cartel murder plots, similar to the theory introduced by Simpson's defense team about Faye Resnick's involvement, were among the most popular assumptions. Other conspirators turned the story around and claimed that Ronald Goldman was the main target or alleged that "Simpson was framed by a mob involved with a sports betting ring, which Simpson had worked with and then broken with at Nicole's insistence, and that the mob subsequently killed her and framed OJ in retaliation" (Kellner 121).

In 2012 and despite the 1997 verdict in the civil matter, which found Simpson liable for the 1994 murders, CNN reported about the possibility of serial killer Glen Rogers' involvement in the homicides of Nicole and Ronald, referring to the television documentary *My Brother the Serial Killer* that was narrated by Rogers' brother Clay. According to the news report, "death row inmate [Glen Rogers] told relatives and a criminal profiler he killed Nicole Brown Simpson and Ronald Goldman while O.J. Simpson waited nearby" (Duke, CNN, 21 November 2012). The story connected Simpson to a man that the public only learned about in November 1995, when Rogers was arrested and later sentenced to death for murdering at least two, but assumed over seventy, women. The documentary asserted that Glen Rogers was first hired by O.J. Simpson as a painter at Rockingham but later took the additional job of breaking into Nicole's condominium to steal the diamond earrings the celebrity had once given his ex-wife as a gift and now wanted back. Simpson allegedly told Rogers that he was free to kill Nicole if necessary. According to the descriptions of criminal profiler Anthony Meoli, who exchanged numerous letters with the convicted serial killer, Simpson had told Rogers about a spare key to Nicole's condominium. Despite the careful planning of the operation, Rogers was forced to kill Nicole and Ronald while Simpson was waiting nearby.

In the media, O.J. Simpson's celebrity supposedly even attracted the attention of the Illuminati who are speculated to be a powerful and highly secretive organization that controls the entire modern world by infiltrating the media and law-making institutions. Conspiracy theorist Fritz Springmeier, for instance, believed that "O.J. Simpson was a CIA mind-controlled slave, and the entire Simpson case was concocted as an elaborate effort to cause racial tensions. The Mishpucka, the CIA, the Mob and the Illuminati have all had their dirty hands involved in the entire affair [which] reeks of manipulation and planning" (Springmeier, "Bloodlines of the Illuminati"). A similar theory was presented by Steven Worth and Carl Jaspers in their 1996 book *Blood Oath: The Conspiracy to Murder Nicole Simpson*. They claimed to have been contacted by an informant they called Skinner who was a member of a "highly trained group of assassins brought together by a white supremacist organization in order to incite a race war" (Hunt 40). Skinner allegedly told the authors about a

plan [...] [that] consisted of a plot so sinister, so creative, so diabolical that the outcome would provide for the embarrassment of an entire city, an entire race and an entire nation. The plot included a well-thought out action that could damage the U.S. judicial system forever. It would create a sense of doubt that would exist in every future trial. (Worth and Jaspers 72)

The Simpson couple had been chosen for the plan because Nicole, a white woman, was considered a “traitorous enemy” (159) for marrying and having mixed-race children with an African American man: “By murdering Brown-Simpson and then framing the black football legend for the crime, the hate group hoped to exploit the conflict potential of black distrust for a criminal justice system that whites generally affirm” (Hunt 40).

Other issues surrounding the Simpson story and concomitant police investigation were raised during the trial that suggested dishonest, if not sinister, intentions of those involved. For instance, it was revealed that Detective Vannatter had taken O.J. Simpson’s blood sample vial from the LAPD headquarters to the defendant’s Rockingham estate. It was proposed that he intended and did ultimately plant small drops of Simpson’s blood to connect him to the murders. The implication that the police had manipulated the original crime scene was seemingly further corroborated when blood evidence was introduced in court that had been found at the back gate of Nicole’s condominium, but only three weeks after the murders (37). Pictures taken the day after the finding of the bodies did not show these blood drops. Furthermore, Simpson’s defense team claimed that approximately 1.5 ccs of their client’s reference blood sample was missing, and the collected key blood evidence contained the chemical preservative EDTA, suggesting the samples had been manipulated and contaminated (38). There was also doubt about the DNA evidence found inside Simpson’s Ford Bronco. Blood drops were found on the vehicle’s console even though an attendant working at the lot where the vehicle was impounded claimed he did not initially see any blood. Records also indicated that someone had broken into the Bronco while it was in police possession (37–38).

Referring back to Victor Turner’s model of the social drama, one can thus recapitulate that complex societies can produce an infinite number of meaning:

Within societies there are different classes, ethnicities, regions, neighborhoods, and people of different ages and sexes, and they each produce versions which try painfully to assign meaning to the particular crisis pattern of their own society. Each performance becomes a record, a means of explanation. (Turner 17)

On television, the noticeable “blurring of the boundaries between fact and fiction makes the reality genre a ‘trans-reality’” (Hill, *Reality TV* 14), wherein the notion of reality becomes a concept that is “constructed within media and society” (14). Attorney Gerald Uelmen, who worked for Simpson’s defense team, also asserts that truth is bi-

lateral. Giving insight into the workings of legal strategies, he asserts that a trial can be understood as “a contest between two visions of ‘the truth’” (Uelmen 195) and “neither vision may coincide with what we would call objective truth” (195). The jury is ultimately “empowered to choose between the competing visions. The choice it makes defines ‘the truth’” (195). It is noteworthy that Uelmen suggests not to speak of the search for truth but of the search of certainty, as certainty is quantifiable, whereas the concept of truth is not (195). Similarly, Boorstin observed “the shift in common experience from an emphasis on ‘truth’ to an emphasis on ‘credibility’” (Boorstin 212). Since the Graphic Revolution, truth has been replaced by verisimilitude. The media scholar asserts that “[i]n this new world, where almost anything can be true, the socially rewarded art is that of making things seem true. It is the art not of discovery, but of invention” (212), while Gabler argues that “[o]ver the years television has so successfully heightened reality and increased its entertainment value that life, at least life as it is captured by a television camera, has become every bit as entertaining as most of the conventional programs that surround it” (Gabler 85). These assessments are supported by the observation that in the Simpson trial, a majority of the American audience experienced a “dramatized normality” (Fox, Van Sickle, and Steiger 29), during which they lost the ability to distinguish between the seriousness of a real double homicide and the entertainment of a fictional tragedy. Instead, the focus shifted towards the most entertaining aspects of the Simpson story, often at the expense of plausibility and proof. Research conducted by Annette Hill supports this observation. Her findings show that “[f]or audiences the [reality] genre is a mix of entertainment and information, in that order” (Hill, *Reality TV* 15). Hence, one can argue that only few viewers watched the Simpson trial for its educational value but rather for the daily performances that cumulate in entertaining narratives. *American Crime Story* likewise acknowledges the significance of storytelling in the judiciary. In episode five, “The Race Card,” for instance, Johnnie Cochran stresses that “evidence doesn’t win the day. Jurors go with theisagreee that makes sense. We’re here to tell a story. Our job is to tell that story better than the other side tells theirs” (*ACS*, disc 2, episode 5, 07:42).

3.2.2 A Courtroom in Crisis: The Glove Demonstration

15 June 1995

A significant contributor to the performative storytelling in the Simpson proceedings was the courtroom camera. Its presence magnified the state of Crisis, as described by Victor Turner, inside and outside the Criminal Courts Building, advancing the social drama through its uninterrupted gaze. One noteworthy example for the shifting power dynamics it created were the events surrounding the glove demonstration on June 15, 1995. In that connection, Christopher Darden directly examined witness Brenda Vemich who had worked as the men’s gloves buyer at

the department store Bloomingdale's in 1990, where Nicole Brown Simpson had bought a pair of the same Aris leather gloves police found at the crime scene and at Rockingham in 1994. The prosecution's goal was to prove that Nicole had purchased the gloves for and gifted them to O.J. Simpson, thereby establishing a connection between the defendant and the murders.

Throughout the initial questioning phase, the courtroom camera remained static in a medium shot of Brenda Vemich, emphasizing the placid atmosphere in the courtroom at this point (e.g., "OJ Simpson Trial—June 15th, 1995—Part 2," 01:04:50). Shortly thereafter, Christopher Darden alternately laid the gloves on a white sheet of paper on the shelf in front of the witness and asked Vemich to identify them for the record, while the camera operator zoomed in on the right Rockingham glove. The close-up shot gave the television audience an intimate impression of the evidence, i.e., the piece of clothing the murderer had worn while he was killing the victims. The viewers were able to observe small, yet noticeable, details in the material such as numerous holes in the dark leather, loose threads, the stitching of the expensive glove, the cashmere lining inside, and most distinctly, the discoloration of the brown leather from blood (1:10:14, 1:10:30, 1:36:56). This particular moment is exemplary of how the rudimentary close-up shots of a single camera can have equally as enormous filmic impact as traditional, high-budget Hollywood productions. The camera's subsequent wide shot of the glove in combination with Brenda Vemich's tense posture at the sight of it (01:10:52) and her noticeable sigh of relief, when Darden packed the glove up again (1:11:00), turned a standard evidence demonstration into a tense moment in court.

Brenda Vemich as a witness also illustrates that performativity was not exclusive to the legal teams in the Simpson case, and how performances take place both in the "frontstage" (Shulman 21) and the "backstage" (21). The following example alludes to the fact that she did not spontaneously respond to Darden's inquiries but had been prepared by the prosecution to highlight her particular role in their narrative: When the prosecutor inquired whether Vemich had received any cash register training while working at Bloomingdale's, the saleswoman, instead of answering with a short yes or no, continued to elaborate her role at the department store:

Brenda Vemich: At one point in time we have received training, but that is not my primary function, but it is important for me to be on the floor to see what we sold. So I spent a great deal of time waiting on customers and working with them. And specifically one of the areas that I spend the most amount of time is in the glove area. (Court Transcript, 15 June 1995)

Vemich emphasized her product expertise rather than the cash register training Darden had asked about. By her tone of voice and stoic facial expression, it can be reasonably assumed that the words she used had been previously determined. By doing so, it was established that Brenda Vemich was an expert and therefore a

trustworthy source to comment on the exclusivity of the Aris leather gloves, helping the prosecution connect the pair to the murderer. Vemich's answer further illuminates that one can distinguish between spontaneous and non-spontaneous oration in speech events (Gregory and Carroll 8), whereby the latter "may be sub-categorized either as reciting or as the speaking of what is written" (42). In other words, although there was no physical script the witness relied on, one may safely assume that Brenda Vemich recited a previously arranged statement. Michael Gregory and Susanne Carroll explain that "[w]hen the actor performs, having learnt his lines and rehearsed them, he is speaking what is written to be spoken as if not written" (42). In the case of a performer like Vemich, who was unfamiliar with a courtroom setting and displayed signs of perturbation, the transition between spontaneous and non-spontaneous speech events became visible to the audience.

After a short recess, it was Johnnie Cochran's turn to cross-examine Brenda Vemich. He continued Darden's inquiries about the sales receipt with the purpose of undermining the prosecution's narrative, which tried to connect the evidence gloves to the ones Nicole Brown Simpson had bought in 1990. Cochran aimed to establish that the style number Vemich claimed to be wrong on the receipt was indeed correct, and that would ultimately signify that Nicole Brown Simpson had bought a different type of leather gloves altogether. The defense attorney first asked: "So January of 1995 you called [Steph Fogelson] and you found out, did you not, that the style no. 70268 did in fact exist with Aris Isotoner gloves and in fact it had been assigned to a customer named Harry; isn't that correct?" (Court Transcript, 26 January 1995), to which Christopher Darden objected, claiming the answer called for hearsay.⁸ Cochran decided to rephrase his question: "Did you find out, in the course of your conversation, first of all, that Aris Isotoner did in fact have a style number of 70268?" and once again, Darden objected, and Judge Ito sustained. In order to obtain the answer he needed, Cochran therefore relied on numerous separate questions:

Mr. Cochran: *All right. The purpose, as I understand your call, was to find out about other style numbers were produced by Aris Isotoner; is that correct?*

Ms. Vemich: *Yes.*

Mr. Cochran: *And you had a conversation with Mr. Steph Fogelson in which you inquired as to whether or not there were other style numbers produced by Aris Isotoner, specifically whether or not there was a 70268 style number produced, did you not?*

Ms. Vemich: *Yes.
[...]*

8 Hearsay evidence is defined as "evidence based not on a witness's personal knowledge but on another's statement not made under oath" (Merriam-Webster Dictionary) and is usually inadmissible in court.

Mr. Cochran: *You asked that question, didn't you?*

Ms. Vemich: *I asked the question, yes.*

Mr. Cochran: *Just say yes or no. All right. Did you get an answer to that question?*

Ms. Vemich: *No, I did not.*

(Court Transcript, 15 June 1995)

This example illustrates the highly ritualistic nature of courtroom proceedings, and that its participants must adhere to non-negotiable rules throughout the sessions. The witness examination of Brenda Vemich also illuminates how easily certain situations can be manipulated and sensationalized for greater effect, and that no two instances necessarily produce one and the same outcome. Johnnie Cochran, for instance, decided to display the Bundy and Rockingham gloves to the Bloomindale's saleswoman the way prosecutor Darden had done before. The same white paper was laid down in front of the witness, and Cochran also took the gloves out of the brown paper bags and displayed them while the courtroom camera operator zoomed in on the pieces of evidence. The starting point was the same. The defense attorney, however, heightened the emotive impact of his cross-examination by putting on one of the bloody leather gloves on top of the white latex gloves he was already wearing. Worn on an actual hand, the glove reflected the movements of Cochran's hand, which gave it a menacing aura that was intensified by the close-up shot of the courtroom camera ("OJ Simpson Trial—June 15th, 1995—Part 2," 01:37:36). The operator also attempted to follow the movements of Cochran's hand with his virtual gaze and brought additional movement to the sequence. The assumption that Johnnie Cochran only used the evidence as a prop for maximum evocative accentuation was corroborated when Darden referenced the instance during the proceedings, and the defense attorney objected to any argument being made on the basis of his demonstration:

Mr. Darden: *Now, is there a particular way that gloves are supposed to fit on a man's hands?*
[...]

Mr. Darden: *How are they supposed to fit, Miss Vemich?*

Ms. Vemich: *They are supposed to fit like a glove. They are supposed to fit tight. They are supposed to fit tight and snug and they stretch and they are not supposed to be baggie.*

Mr. Darden: *And they were on Mr. Cochran's hand?*
[...]

Mr. Cochran: *Assumes a fact not in evidence. Move to strike.*
(Court Transcript, 15 June 1995)

During Cochran's display, the camera operator also captured an image that is symbolic of the conflict that shaped the Simpson trial: the attorney put on one leather glove, while the other hand remained in the white latex glove. As he held up both

hands next to each other in a close-up shot, there was a visible contrast between the white latex and the dark leather. The image represented the figurative contrast between white and African Americans in the US with the attorney at the forefront of the argument.

It Doesn't Fit

After the witness statement of Brenda Vemich and in order to demonstrate that the blood-stained gloves in evidence belonged to O.J. Simpson, Christopher Darden decided to have the defendant try them on in front of the jury. This decision, televised live by Court TV, is considered one of the most memorable moments of the trial and the day the prosecution lost their case. Inaudible for anyone but the judge, the attorneys, and the court reporter, Johnnie Cochran requested that the courtroom camera be restricted to a wide shot of O.J. Simpson during the presentation to limit visibility—a request Judge Ito denied, allowing camera operator Chris Bancroft to use pan and zoom techniques as he desired. Simpson was first ordered to put on white latex gloves to protect his hands from touching the evidence. Bancroft closed in on O.J. Simpson as the defendant slowly obeyed the judge, visually creating an analogy to the football player's life: born and raised in a poor neighborhood, Simpson strived to escape his background and be accepted into the world of the wealthy and predominantly white upper-class community, thereby slipping over the figurative whiteness of the majority.

With the goal to establish that the murder gloves did not belong to him, everything O.J. Simpson did, every expression he made, served this purpose. He grimaced and panted as if he were doing hard labor to demonstrate how difficult it was for him to even put on the latex gloves. Noticeably, he turned his head to the right towards the jury and subsequently towards Judge Ito to ensure his trouble was not lost on the spectators (“OJ Simpson Trial—June 15th, 1995—Part 3 (Last part),” 35:48). In this particular sequence, Chris Bancroft repeatedly adjusted the courtroom camera to keep Simpson's face in the frame as it carried a lot of potential to provide non-verbal expressions to the audience. In performances, the face is often of particular importance, the “the stock-in-trade of theatre” (Schechner, “Magnitudes of Performance” 37), to use Schechner's expression. Even before the pioneer of Performance Studies pointed to the significance of the visage, psychologist and professor Paul Ekman praised the face for being “the most skilled nonverbal communicator and perhaps for that reason the best ‘nonverbal liar,’ capable not only of withholding information but of simulating the facial behavior associated with a feeling which the person is in no way experiencing” (Ekman 23). After he was handed the first Aris glove, for instance, Simpson stood up as directed by Ito, and a slight grin appeared on his face when he realized that it would not fit his hand (“OJ Simpson Trial—June 15th, 1995—Part 3 (Last part),” 36:12).

Escorted by two deputies, who seemed to emphasize his celebrity rather than defendant status, O.J. Simpson was then asked to stand in front of the jury panel so they could consider the evidence on him (36:22). The subsequent Court TV sequences alternated between close-up and medium shots of either Simpson's hands or his upper body. It is noteworthy that the athlete required little instruction on how to demonstrate the gloves to the jury. Simpson wiggled his fingers, put his arms up and down, with his palms and then backside up and to the side (36:34) as if he were posing for a photoshoot. He went through a process Goffman calls "externalization" (Goffman, *Relations* 11) or "body gloss" (11), "whereby an individual pointedly uses over-all body gesture to make otherwise unavailable facts about his situation gleanable. Thus, [...] the individual conducts himself—or rather his vehicular shell—so that the direction, rate, and resoluteness of his proposed course will be readable" (11). Although Goffman based his observations on the way pedestrians carry themselves on the street, his findings also apply to the "intention display" (11) inside the courtroom. Simpson's body became the "site of truth" (Andrejevic 326) in the field of "bodily empiricism" (326). He wanted people to believe that he was innocent and simply incapable, both mentally and physically, of committing murder. This stance was externalized in the way the athlete tried on the gloves. The pulling and tugging were accompanied by repeated headshaking, shrugging, and grimacing to express his inability to satisfy the prosecution's request ("OJ Simpson Trial—June 15th, 1995—Part 3 (Last part)," 37:04-37:54).

In a concluding theatrical gesture, while facing the jury, O.J. Simpson held both hands up, "as though he were holding up the [foot]ball at the goal line" (Clark 408), to make palpable that he could not have worn those gloves. Two deputies stood to either side of the defendant. This particular impression of O.J. Simpson, also shot by the still camera, was widely circulated in the media and is still the first image that appears in a Google search for "O.J. Simpson gloves." In the background, Johnnie Cochran and Robert Shapiro visibly provided encouragement and support, while there was little presence of the prosecution in the camera frame. Christopher Darden was visually absent, and only Marcia Clark's grey suit filled a small portion of the screen on the upper right corner (38:04). The rare presence of the prosecution team on camera is symbolic of how their significance was diminished in court, when a power shift gave prominence to Simpson's performance.

The Glove Demonstration on *American Crime Story*

ACS' approach to the day of the glove demonstration on episode seven, titled "Conspiracy Theories," is entirely presented and assessed through the eyes of the main characters. In contrast to the original 1995 coverage, which was displayed from the considerably more distant and neutral perspective of the courtroom camera, the director of the television series relied on Marcia Clark's and Christopher Darden's

character portraits and their presumed romance to illuminate the thought processes behind the failed experiment.

In the immediate scenes preceding the June 15 events, Darden invites Marcia Clark to join him for a weekend trip to Oakland to celebrate his childhood friend's birthday. The two meet the friends at a bar, where the name O.J. Simpson inevitably surfaces. One of Darden's friends inquires about Simpson's preparation for the movie *Frogmen*, which "showed him all these kinds of techniques, how to sneak around and kill people with knives, cut throats and slash their legs, all that" (ACS, disc 3, episode 7, 22:23-30), and wonders why the prosecutors did not use this information in court, to which Darden responds: "Because the jury would be able to separate from TV and real life. Look, we're strong enough without that kind of crap" (22:33-39). There lies irony in the prosecutor's response, and this rhetorical tool was used repeatedly in the series to reiterate the errors of judgment made in the case.

Later in the evening, Darden walks Clark to her hotel room. There is palpable romantic tension between the two. After a few seconds, however, Darden breaks the silence with a sobering "Good night" (26:57), and the smile on Clark's face disappears. She responds with a likewise sobering "Good night, Darden," using her partner's last name to reestablish a professional distance between them (27:13). In the next shot, the prosecutors are back at the Criminal Courts Building in Los Angeles on the day of the glove testimony. To illumine the contrast between the playful weekend and the rigor of the workplace, the cinematographer of the TV series noticeably shifted the lighting of the sequences from a dim grey in the corridor of the hotel to bright, sharply contrasted nuances of black and white in the legal offices. The dulling effects of the alcohol and dusky lights are replaced with the sterile harshness of office lamps.

The atmosphere between the prosecutors has also notably changed. Marcia Clark in particular acts dismissive when she declines the coffee Darden brought her or when she asks him to leave her office door open, which she had not done prior to their trip to Oakland. To the audience, Marcia Clark appears angry and disappointed as she seeks distance from Darden. Her attitude only changes for a short moment when her colleague exclaims: "Listen, I think you and I should just go for it" (28:08). This utterance was certainly chosen by ACS' screenwriters due to its ambiguity. Considering the prior events in Oakland, Christopher Darden might have gathered courage to finally admit his feelings for Clark. She interprets his statement thusly, and a smile appears on her face. However, Darden continues with, "Let's make O.J. put on those gloves" (28:13), to which Marcia Clark immediately objects. In the context of the prior events, it initially appears as if she is agreeing with him on account of feeling rejected and less because Darden's proposal is an unwise strategic decision. The path taken in the series with regard to the romantic relationship between Marcia Clark and Christopher Darden exemplifies how the producers used the guise of objectivity to create an emotional, yet unproven, story

arc to frame the O.J. Simpson case, “allow[ing] for the construction of an exciting, and yes, sensationalist narrative” (Schmid 193), where “emotional truth is prized far more than literal truth” (194).

As indicated above, throughout the series, and particularly during the episode “Conspiracy Theories,” *American Crime Story* employs the irony of hindsight to illustrate the complexity of the Simpson trial. Irony is created by highlighting the main participants’ assessment of their winning chances and the TV audience’s superior role in knowing the confirmed outcome of the verdict. Kevin Glynn asserts that irony is indeed a key characteristic of “tabloid television” (Glynn 6):

[Tabloid television] prefers heightened emotionality and often emphasizes the melodramatic. It sometimes makes heavy use of campy irony, parody, and broad humor. It relies on an often volatile mix of realistic and antirealist representational conventions. It resists “objectivity,” detachment, and critical distance. It is highly multidiscursive. (7)

In the series, the image of the brown leather gloves is repeatedly operationalized to create an ironic effect. In the beginning of the episode, for instance, Detectives Philip Vannatter and Tom Lange present new-found evidence to the two prosecutors, namely a credit card receipt that proves Nicole Brown Simpson bought the same pair of Aris gloves the murderer had worn during the killings. At the realization that there is now evidence connecting the defendant to the crime, Marcia Clark confidently states: “This is it. This is not a story. This is cold, hard proof. The gloves. The gloves are our conviction” (ACS, disc 3, episode 7, 8:50-09:00). In retrospect, her belief is highly ironic because, apart from Detective Mark Fuhrman (who also found the gloves), the brown leather gloves were the pieces of evidence that worked against the prosecution and were in fact detrimental to their trial strategy.

Another ironic moment is established when Darden and Clark argue about the advantages and disadvantages of having O.J. Simpson put on the leather gloves in front of the jury. Darden asserts: “We need a big one. Big moment, right? [...] The idea of O.J. just standing there, in front of the cameras and the jury, wearing those gloves...” (28:32). As Clark rejects the idea, Darden continues to insist that having the glove demonstration in court will be advantageous to the prosecution:

Marcia Clark: *Chris, come on. We're going downstairs to get our conviction today. We have his gloves with all the DNA, everybody's blood, the fibers, all of it. We have a receipt that proves he owned them. We're done. We've been dealt a king and a ten. I don't know why you want to ask the dealer for another card.*

Christopher Darden: *Because I know it's an ace.*
(28:37-28:56)

Ironic effects also arise from the interaction between O.J. Simpson and his defense attorneys. During recess on June 15, for instance, Robert Shapiro—at this point excluded and barely accepted in the group—realizes that the leather gloves will be too small for Simpson’s hands. He steps to the defense table and beckons the rest of the team over, then asks his colleagues: “Are any of you interested in something other than a conspiracy theory? Some real, demonstrable evidence? A little bit of real lawyering?” (31:17-26). It is left to the audience to interpret Shapiro’s comment and to decide whether his statement represents the truth or merely a critique by ACS’s creative team.

The fictional adaptation of the glove demonstration illuminates that the editing and necessary omission of specific parts can distort the factual sequences and catalysators of particular events. The long witness testimony by saleswoman Brenda Vemich, for instance, is completely absent from the television series. During most of the June 15 proceedings, Christopher Darden also rarely captured the courtroom camera’s gaze. ACS took a different approach and tied the decision to have O.J. Simpson try on the brown leather gloves to the prosecutor’s hurt ego. In contradiction to the original coverage, in the series, it is Darden who dominates the sequences as he tries to enforce his strategy on Marcia Clark. Since ACS benefited from hindsight to reveal the strategic thinking of both the prosecution and the defense, the viewers learn about the chess-like nature of court proceedings and how Cochran and his colleagues provoked Christopher Darden into the glove demonstration. Initially, they pretend not to want their client to try on the evidence, which Darden interprets as a sign of anxiousness, convincing him that his idea will ultimately persuade the jury to convict Simpson. When he finally asks Judge Ito for permission to hand the gloves to the defendant, the defense team backtracks and does not object to the request. In accord with the existing rivalry between Christopher Darden and Johnnie Cochran (see chapter 2.2, “Pin-Up, Hero, Villain, Fool: The Cast of the O. J. Simpson Trial”), it is also the latter who ultimately sways the prosecutor in the matter:

- Johnnie Cochran:** *Your Honor, sidebar.*
- Judge Ito:** *Counsel, approach the bench.*
- Johnnie Cochran:** *Your Honor, I see where this is going, and I’m not having it.*
- Judge Ito:** *And where is that, Counselor?*
- Johnnie Cochran:** *There’ll be no demonstrations involving my client. If Mr. Simpson chooses to testify, and we want to have him try on the actual gloves in evidence, that’s one thing. Further, I submit the timing is inappropriate, Your Honor.*
- Christopher Darden:** *Is that right, Johnnie?*
- Johnnie Cochran:** *That’s right.*
- Christopher Darden:** *For who?*
- Judge Ito:** *Opposing counsel hasn’t asked for anything of the kind, Mr. Cochran.*

- Johnnie Cochran:** *Your Honor, they just tried to bring these ringer gloves in here.*
- Christopher Darden:** *And they seem to be overly concerned about what I might or might not want to do before I've even done it.*
- Judge Ito:** *He can ask for whatever he wants to ask for, Mr. Cochran. You can object if you want to object. Now let's proceed. (34:07-38)*

Immediately afterwards, Darden' filmic pendant asks Simpson to try on the evidence gloves, which ultimately proves to be a mistake. At the end of the episode, Darden even phones the Goldman family and apologizes for his strategic failure as tears fill his eyes (39:28).

While the television series oftentimes attempts to stay as true to the original proceedings as possible, it neglects to incorporate the most basic elements of legal proceedings or depicts them in ambiguous terms. For instance, Robert Shapiro is shown walking over to the witness stand during a 15-minute recess, where the brown leather gloves are displayed unprotected and unguarded, and even puts them on his bare hands (ACS, disc 3, episode 7, 30:32). This constitutes a gross misrepresentation of trial standards considering every piece of evidence has to be handed carefully to prevent contamination. Furthermore, when Darden prepares to pass the gloves to the defendant later in the episode, he only puts on one latex glove on his right hand. This seems illogical as he would thereby be unable to handle the murder gloves with both hands. In the original footage, Darden is evidently seen putting on two latex gloves before touching the brown leather gloves ("OJ Simpson Trial—May 24th, 1995—Part 2 (Last part)," 01:09:30).

In adapting the actual glove demonstration in front of the jury, the creative team behind ACS took further liberties in comparison to the Court TV broadcast. Many of those decisions change the dynamic of the events, thereby losing their essence along the way. One of the most noteworthy deviations stems from actor Cuba Gooding Jr.'s portrayal of O.J. Simpson. There is little left of Simpson's confident celebrity persona in Gooding's interpretation of the athlete. In the original footage of June 15, O.J. Simpson's demonstration of how the gloves did not fit was deliberate, but less exaggerated than the actor' interpretation of the football player. The real O.J. Simpson tried to follow the instructions of the judge precisely. In doing so, he reinvigorated the positive image of being uncomplicated and law-abiding in front of the jury. Deliberately, he avoided any provocative eye-contact with Darden or Clark with his sole focus laying on the jury and Judge Ito (e.g., 38:59, 39:03). The behavior Simpson continuously displayed was exemplary of what David Shulman calls "impression management" (Shulman 3), referring back to Goffman's observations that people are "self-reflective and strategizing actors who work consciously to cultivate a desirable impression" (2). It is only after he returned to his seat that Simpson dared expressing any disapproval of the prosecution's tactics.

Other actions taken by O.J. Simpson's filmic pendant further convey ambiguous messages. During the main glove experiment, for instance, Christopher Darden requests for Simpson to make two fists, while wearing the leather gloves, to prove that he could have held a knife in his hands to commit the crimes. In 1995, O.J. Simpson clenched his fingers and stretched them out towards the jury panel. Both arms were waist-high, palms down ("OJ Simpson Trial—September 27th, 1995—Part 3," 39:07). In the series, however, Simpson first clenches his right hand and lifts it above his head (*ACS*, disc 3, episode 7, 37:32). The raising of a black-gloved fist immediately evokes images of the Black Power salute, a symbol that first shook the 1968 Olympics, when African American sprinters Tommie Smith and John Carlos used this gesture to protest racism in the United States. The Black Power salute was not received without controversy; having O.J. Simpson evoke this image in the TV series thus adds a provocative element to his actions that was not evident in this particular moment in 1995. The director aimed to hint at Simpson's desire to sway the African American jury in favor of acquittal by reminding them of their joint roots, but the moment was arguably inapt because it took away from the persuasive simplicity of Johnnie Cochran's concluding argument in September 1995: "If it doesn't fit, you must acquit." The genius of his reasoning lied purely in its plainness: if the gloves were too small, they could not belong to O.J. Simpson, and there was no other indisputable evidence linking the athlete to the crimes. Consequently, he needed to be acquitted. The introduction of a civil rights nuance to the leather gloves at this particular time adds a distortive significance to the piece of evidence.

The sway of Simpson's celebrity status is also considerably reduced in the episode. For instance, in 1995, Simpson was escorted to the jury panel by two deputies, one in the front and one in the back. The officers seemed more congruous to personal protection for O.J. Simpson than for the rest of the people present. In *ACS*, however, there is only one deputy behind Simpson. The symbolic image of the famous defendant in the middle of law enforcement is therefore lost in the filmic adaptation. Also, little of the celebrity's acting background and performance of impression management is incorporated into the fictional series. Instead, O.J. Simpson actively challenges and mocks Christopher Darden during the glove demonstration while standing in front of the jury panel (37:56). After the failed experiment, the two exchange a long look (37:54), whereby one realizes defeat and the other victory. Equivocally, Darden concludes the demonstration with "No, your Honor. I have nothing. I have nothing further" (37:58) while Simpson victoriously hands him the blood-soaked leather gloves.

Other cinematographic decisions further affect how the events surrounding June 15 can be perceived differently to the original coverage. The courtroom operator in 1995 provided numerous close-up shots of Simpson's hands to direct the attention of the viewers to the most significant details. This approach allowed for a more intimate look at the hands of the man who had allegedly killed two people

wearing the exact same items. The white color of the latex gloves Simpson wore underneath shone through the holes of the evidence, reminding the viewer of the brutality of the murders. According to Béla Balász, close-up shots possess a “lyrical charm” (Balász 199), revealing not only “what is really happening under the surface of appearances” (199), but also “the poetic sensibility of the director” (199). Rather than depict the main evidence accurately, however, episode director Anthony Hemingway refrained from close-up impressions of Simpson’s hands. Instead, the camera stays in medium shots of either the defendant’s upper or lower body and wide shots to capture the reactions of the jury and spectators (e.g., *ACS*, disc 3, episode 7, 36:15). In doing so, the creative team lost the natural intensity in the courtroom, which then had to be artificially added by means of suspenseful music (35:00). A beat, similar to a heartbeat, resonates throughout the demonstration, fading in and out in synchronization with the rising and falling tension.

Other seemingly trivial modifications in the filmic adaptation further reveal a shift in focus and accuracy. In the original footage, for instance, Marcia Clark remained seated for most of the proceedings, whereas in the series, she is standing, and her presence is much more palpable. When Darden unexpectedly asks the defendant to grab a pen with his right hand to imitate him holding a knife, it is also Marcia Clark who hands her colleague a yellow marker on *ACS* (37:41). Immediately, the camera pans up to reveal her startled face. There is an evident symbolic meaning behind the decision to have her hand the marker to Darden. The gesture can be interpreted as a sign of surrender and helplessness despite Clark’s lead position. In reality, she never gave her colleague a pen. Although she was standing in the background at this point, Marcia Clark’s hands remained entrenched in front of her (“OJ Simpson Trial—September 27th, 1995—Part 3,” 39:25).

Nevertheless, by repeatedly addressing the hierarchical structure within the prosecution team, the series’ creators give viewers intimate insight into the workings of teams and the negative consequences that can arise when one of the members disrupts the established party line. Marcia Clark and Christopher Darden functioned as an ensemble with a particular performance goal (i.e., to convince the jury of O.J. Simpson’s guilt and secure a conviction). The courtroom as the workplace equaled the theatrical stage. Clark served as the lead performer and Darden assumed the position of support performer who should not upstage the lead. In the TV series, Marcia Clark repeatedly also repeatedly asserts that she is in charge of the trial strategy to remind her colleague of his place in the team: “Let me be clear. This is my case. You work for me here. And when I say drop it, you drop it. Are we clear?” (*ACS*, disc 3, episode 7, 28:22). As the lead prosecutor, Clark was responsible for the dramaturgical circumspection (Shulman 85) and for eliminating factors that might hurt the prosecutorial narrative. When Darden went against her order by having Simpson demonstrate the gloves in front of the jury, he infringed on the principles of “dramaturgical loyalty” (85), which “encourages [fellow performers] to

perform appropriately in the mutual performance and not ruin the show” (85) and caused a noticeable break in the prosecution’s appearance of having a united front. The audience’s harsh focus on and sole blaming of the male prosecutor for many failures during the complex trial are indicative of the social nature of this evaluative process: “[T]he evaluative orientation is not directed towards the group. It is almost always the individual and not the group, that is, the ways of acting within the community and not the community itself, which become the object of evaluation” (Alberoni 120). However, although Clark and Darden certainly argued about the failed glove experiment before and after the proceedings, there was never an open conflict in court. Individual actors performing as a team withhold information from the audience that might hurt the collective goal of the group. Especially in workplaces, society calls for coordinated activity and in a public setting such as a courtroom, attorneys working for the same side aim to sustain the image of unity. ACS exaggerates emotions and reactions for dramatic effect, thereby contorting the atmosphere in the courtroom and the behavior of the “performance teams” (Shulman 23).

Lastly, the following example shall demonstrate the occasional patronization of the television audience. As previously established, the glove demonstration constitutes one of the most memorable moments of the trial, and the fact that the leather gloves appeared too small for O.J. Simpson’s hands is an axiom that has certainly been pointed out in most conversations about and written accounts on the case. During the experiment in court, however, the jury and spectators were left to judge the procedure for themselves. In fact, there was a prolonged silence in the courtroom, indicating that the spectators were internally processing the visual information. ACS took a different approach and had O.J. Simpson directly speak to the jury and comment on the presentation: “These gloves are too small. Too tight. They won’t fit” (ACS, disc 3, episode 7, 37:08-14). This divergence poses problems, for it misrepresents the judicial process. A defendant cannot address the jury at his own discretion in the middle of the proceedings. The fact that the fictional Marcia Clark and Christopher Darden did not object distorts the actual legal sequences and steps of a trial even further. During the factual proceedings of September 22, 1995, Marcia Clark protested vehemently, even begged Judge Ito to deny the defense’s request to have their client make a short closing argument to the jury:

I urge the court strenuously to exercise control here, take the waiver and do not permit basically allocution, that is, testimony without any cross-examination. It is inappropriate and it is done very deliberately by the Defense for a clear purpose. Please don’t do this, your Honor. I beg you. I beg you. (Court Transcript, 22 September 1995)

Having Simpson comment on the size of the gloves arguably patronizes the television audience. Instead of giving viewers the opportunity to judge the experiment for

themselves, even if it only constitutes a reenactment for a television show, they are denied the same opportunity for analytical thinking and processing of the information the original spectators had in 1995. Although the Court TV broadcast was equally suggestive at times, the courtroom camera transferred its subjective messages more subtly and unobtrusively. By contrast, the series is openly critical of all trial participants, particularly the jury. Several sequences in the seventh episode suggest to the television audience that the jurors were not wholeheartedly committed to fulfilling their public duty and often appeared bored of the proceedings. Prior to the glove demonstration on *ACS*, for instance, Christopher Darden tried to establish that the glove found at the crime scene and Simpson's home belonged together. When an expert witness stated that it would be practically impossible for the gloves not to be a pair, the prosecutor turned around to see the effect the statement had on the jury. Simultaneously, the camera panned to the panel and revealed that the jurors looked absent and tired, and their attention was evidently somewhere else. Instead of listening attentively, they seemed to daydream and play with their fingers or earlobe (29:28). Against this background, *American Crime Story* offers a potential explanation for why Christopher Darden was keen on presenting the gloves on Simpson's hands, namely because he felt his team was losing the case. In this respect, *ACS* is quite ambiguous. While it portrays Darden as ego-centric and careless throughout most of the seventh episode, the series simultaneously tries to explicate his decision-making from different points of view and places blame on other parties as well.

3.2.3 From Crisis to Schism: How a Verdict Divided a Nation

In the third stage of Victor Turner's model of the social drama, the Crisis reaches a peak, threatening "the group's unity and its very continuity unless rapidly sealed off by redressive public action, consensually undertaken by the group's leaders, elders, or guardians" (Turner 8). Redressive action is often ritualized and initiated in the court of law, where reason and evidence are employed to provide justice and reestablish peace in the community. Over the course of the process, however, new conflicts and challenges can arise and hinder that goal: the Simpson case, for instance, revealed a fundamental flaw in the American justice system by unearthing the growing gap between the rich and the poor and the concomitant access to or denial of adequate legal representation. Another divisive element in the case proved to be diversity, which "ignited many deep-seated passions about race and the law" (Fox, Van Sickel, and Steiger 40). In the courtroom, the prosecution and defense team, who were composed of both white and African American attorneys, feuded over the question of race relations in the US while the presiding judge and criminol-

ogist Dennis Fung⁹—both of Asian descent—were harshly criticized for their behavior and performance in the case. The “virtual rainbow of color, gender, ethnicity, and class” (Abramson 55) was therefore a contributing factor to the sensationalization of the case. The origin of each main player was reinforced to a degree that it became a stigma that determined public perception. As will be demonstrated in the following analysis, even the final verdict in the criminal case, O.J. Simpson’s acquittal, failed to provide the closure the nation seemingly sought.

On October 2, 1995, after nine months of court proceedings, Judge Ito announced that the jury had “buzzed three times” (Court Transcript, 2 October 1995), signaling it had reached a verdict in the Simpson case. Due to the absence of several attorneys that Monday, however, Ito postponed the announcement until the following day at 1 p.m.; a decision CNN remarked on with “Judge Lance Ito is going to make the world sit on the edge of their seats and wait” (“Simpson Jury Reaches a Verdict,” *CNN.com*, 2 October 1995). In the meantime, nine national and dozens of local television channels planned and prepared the live coverage of the trial finale. David Bohrman, for instance, the special-events producer at NBC, set up a control room at Rockefeller Center in New York City that was kept manned and operational at all times, so that the network could begin transmitting new developments in the case within seconds, thereby underlining television’s most distinct characteristic: speed of delivery (Cooper and Bailey 136). NBC’s signal “would carry to a huge outdoor screen in Times Square (called the Jumbotron) to millions of TV sets in America, and through its international channel, to most of Europe. The Simpson verdict was to be a worldwide communal gathering of stupendous dimensions” (Thaler, *Spectacle* 269). The mediatised nature of the trial allowed for increased “temporal, spatial, and social spread of media communication” (Hepp and Krotz 5) as the verdict was not bound to any restrictions of “technologically based media of communication” (32). According to Paul Thaler, the delay of the announcement was one of the key factors that “allowed the media to gather their forces and, in effect, ratchet up the public frenzy” (Thaler, *Spectacle* 270). *The Washington Post* reporter Howard Kurtz, for instance, titled the imminent decision “the most dramatic courtroom verdict in the history of Western civilization” (Kurtz, *Washington Post*, 3 October 1995), comparing Ito’s postponement to a presidential election that “had been held but the results put under seal.” Speculation about the verdict was at an all-time high, he wrote, as “[f]or one last news cycle, [...] the climax hung in the air, unknown and unknowable.”

9 As a witness for the prosecution, LAPD criminologist Dennis Fung presented blood evidence to the jury that pointed towards O.J. Simpson’s guilt. During cross-examination, however, defense attorney Barry Scheck successfully attacked Fung’s methods of collecting and transporting DNA evidence by providing visual proof that contradicted the criminologist’s statements on the witness stand.

On the morning of October 3, the LAPD stationed policemen around the Criminal Courts Building; all armed, some dressed in riot gear, facing the thousands of spectators that had been moved behind barriers in an attempt to control the masses. News helicopters swarmed above the courthouse, transmitting images of tumultuous crowds and heavily armed police officers to television screens, thereby raising the level of social tension even further. CNN, for instance, reported:

In the hours before the verdict was announced, [...] [a] swelling crowd was moved out of the area in a police sweep at 8 a.m. Police stressed they did not expect any unrest in the black community after the verdicts and said the alert, which put hundreds of extra police on the streets, was merely a precautionary measure. Earlier Tuesday, the Justice Department said it was making contingency plans to coordinate any use of Federal law enforcement resources, should state and local officials in Los Angeles request them after the verdict. President Clinton was briefed on the possibility of assisting California authorities. ("Not Guilty," *CNN.com*, 3 October 1995)

CNN's reporting paradigmatically proves Thaler's point that the media coverage preceding the verdict announcement ultimately served as advertisement for the concluding proceedings through its subjective method of reporting. Additionally, "[p]ortrayals of social reality reflect the subjective judgments of news organizations in their representations of human nature, social relations, and the norms and structure of society" (Fox, Van Sickle, and Steiger 11). The aforementioned segment, for instance, only addressed possible unrest in African American communities, thereby exploiting racial tensions in the US from the perspective of the dominantly white culture by invoking old images of street riots in Los Angeles to heighten public anxiety.

Meanwhile in court, in the first matter of the day and in the absence of the jury, Lance Ito explained: "[The jurors] have uniformly indicated their desire that their private information remain confidential. They have also indicated to the court unanimously a desire not to speak to the attorneys, including after the conclusion of the trial, and not to speak with the news media either" (Court Transcript, 3 October 1995). The revelation of this demand only minutes before the announcement of the verdict in the so-called Trial of the Century served as an intriguing opening to the proceedings that, in combination with the tense pre-verdict media coverage, set the stage for the final performances in the O.J. Simpson story. Following this proclamation, Judge Ito asked Deputy Trower to bring in the jury to initiate the verdict phase of the proceedings. As several minutes passed, the courtroom camera operator seized the opportunity to film the attorneys and the defendant before the trial's culminating point. He first zoomed in on the defense team, stopping at a medium long shot which allowed him to capture Robert Kardashian, O.J. Simpson, Johnnie Cochran, and Robert Shapiro in the same frame. From this perspective, the TV audi-

ence was close enough to observe and compare their overall behavior without being able to discern their facial expressions in great detail, yet (“OJ Simpson Trial—Verdict—October 3rd, 1995,” 01:50). This particular camera shot also transmitted a first general sense of the atmosphere in the courtroom. Cochran and Shapiro, for instance, both kept their hands interlocked to appear anchored but repeatedly tapped them on the wooden table on which they rested, thereby involuntarily exposing their agitation (01:52). In terms of performance modes, Annette Hill speaks of “acting up” (Hill, *Reality TV* 62), whereby the performer attempts to “create a good impression of [themselves] to others, perhaps keeping [their] emotions in check” (62). Small details matter in this kind of performance mode and are exaggerated by television’s adamant stare. While Cochran and Shapiro tried to radiate calmness, Robert Kardashian fumbled on the sleeves of his suit (“OJ Simpson Trial — Verdict — October 3rd, 1995,” 01:45), while O.J. Simpson made eye contact with his attorneys for reassurance. A long shot of the camera then revealed prosecutor Christopher Darden’s trembling leg (01:41), and both he and Cochran habitually touched their noses (01:56). The fact that they were all unaware of performing different stress-management techniques subsequently turned the camera’s images into some of the most authentic of the entire trial. John Corner uses the term “selving” (Corner 51) and the expression “disclosure of personal core” (51) to describe this process, “whereby ‘true selves’ are seen to emerge (and develop) from underneath and, indeed, through the ‘performed selves’ projected for us, as a consequence of the applied pressures of objective circumstance and group dynamics” (51); or, in other words, the transition from “front-stage to back-stage self” (Hill, *Reality TV* 69–70). In the aforementioned moment, the O.J. Simpson trial notably met a particular expectation viewers have of reality television:

Reality TV viewers classify programmes according to fact/fiction criteria. [...] A fundamental characteristic of reality TV is its ‘see it happen’ style of factual footage. The ‘see it happen’ style of the reality genre ensures that viewers often classify programmes within the genre according to how real they appear to be. (53)

Those moments of authenticity observable minutes before the adjudication constituted what Hill describes as emotional performances the participants “played out in a mediated public space” (72).

The announcement of a verdict itself is a highly ritualized procedure whose theatricality further points to the performative character of courtroom proceedings. Herbert Blau notes on the topic that

what seems to be confirmed by the pursuit of unmediated experience through performance is that there is something in the very nature of performance which [...] implies *no first time*, no origin, but only recurrence and reproduction, whether improvised or ritualized, rehearsed or aleatoric, whether the performance is

meant to give the impression of an unviolated naturalness or the dutiful and hieratic obedience to a code. That is why a performance seems *written* even if there is no Text, for the writing seems imbedded in the conservatism of the instincts and the linguistic operations of the unconscious. (Blau 258, emphasis original)

The human interaction involved in the process can thus be understood as “a ‘syntax,’ a set of rules, that [can] then be analysed as text” (Shephard 19). Out of the 14 minutes that the proceedings lasted on October 3, only three minutes encompassed the actual acquittal of O.J. Simpson. But due to the ceremonial nature of courtroom sessions, the announcement was prolonged by several performative sequences, which are observable even in the case transcripts. At first, Lance Ito asked his clerk, Deirdre Robertson, to hand the envelope containing the verdict to a deputy, so that he could then pass the envelope to juror number 1, Madam Foreperson:

The Court: *All right. Mrs. Robertson, would you—do you have the envelope with the sealed verdict forms, please?*

The Clerk: *Yes, your Honor.*

The Court: *Would you give those to Deputy Trower. And would you return those to our Foreperson, juror no. 1. Madam Foreperson, would you please open the envelope and check the condition of the verdict forms.*

(The Foreperson complies.)

(Court Transcript, 3 October 1995, emphasis original)

The theatrical aspects of the proceedings were first demonstrated by Ito’s rhetorical question, whether his clerk was in possession of the sealed verdict forms. He thereby officially initiated the sentencing phase of Simpson’s criminal trial. Next, Deputy Trower walked over to the clerk, who was sitting on the left side of the courtroom and to Ito’s right, to be handed the envelope and then made his way to the jury panel on the other side of the room. As he did so, the camera focused on O.J. Simpson in a medium close-up shot to capture his facial expressions as he closely watched the clerk’s every step (“OJ Simpson Trial – Verdict – October 3rd, 1995,” 03:30). Ito then asked Juror number one to “check the condition of the verdict forms,” and the transcript indicates in italics that the “Foreperson complies.”

Several observations illuminate the rising tension in the courtroom during the review of the verdict forms. First, apart from the occasional rustling of paper, there was absolute silence. Indeed, it was so quiet that the microphones repeatedly picked up sounds of somebody’s deep breaths (04:04), indicative of spectatorial anxiety. Second, since the camera operator continued focusing on O.J. Simpson, the silence forced the audience to concentrate their attention exclusively on the defendant and the attorneys next to him, allowing viewers to observe details they might not have noticed if there had been any other distractions on the screen. For instance, a still

medium close-up shot revealed a short exchange between Robert Shapiro and O.J. Simpson, even though the attorney was not visible in the frame and no words were spoken. Simpson's facial expressions, however, gave enough context for the audience to be able to figurately read between the lines. In the shot in question, Simpson seemingly looked at Shapiro, who, judging by his client's reaction, offered a glance of encouragement, whereupon O.J. Simpson raised his eyebrows and pressed his lips together in resignation (03:50).

As the jury foreperson continued skimming through the verdict forms, O.J. Simpson's agitation visibly rose. He began blinking rapidly and when compared to Johnnie Cochran—who was also in frame but displayed no apparent emotional reaction—assumed almost comic traits (04:08). Simpson's eyes also indecisively wandered to and away from the jury, clearly exposing his irritation through his facial expressions (04:36). At one point, he seemed to be lost in an inner dialogue as he was captured mumbling to himself (05:35). What seem to be trivial actions initially, can, according to Richard Schechner, be understood as powerful elements of a performance. He asserts that “[b]eing is existence itself, all that is. ‘Doing’ is the activity of all that is” (Schechner, *Performance Studies* 4). The “showing doing” (4) is consequently a performative act, the “pointing to, underlining, and displaying doing” (4). Following this train of thought, the courtroom camera became a necessary agent to establish the performative nature of the Simpson trial. The fact that the audience was able to observe the “being” and “doing” of the celebrity defendant underlines the theatricality of his trial and illustrates that performance not only emanates from “identities” (6) but also from “corporeality” (6), i.e., when the mere physical presence and its visibility become part of the ritual.

After the juror's confirmation that the forms were in order, the envelope containing the verdict was handed back to Deputy Trower and subsequently the clerk who was entrusted with the task of publicly reading the jury's decision. Judge Ito's instructions beforehand served as a reminder of the sensational nature of the Simpson trial:

The Court: All right. [...] Ladies and gentlemen of the jury, I'm going to ask that you carefully listen to the verdicts as they are being read by the clerk, Mrs. Robertson, as after the verdicts have been read, you will be asked if these are your verdicts. And I would caution the audience during the course of the reading of these verdicts to remain calm and that any—if there is any disruption during the reading of the verdicts, the bailiffs will have the obligation to remove any persons disrupting these proceedings. [...] Mr. Simpson, would you please stand and face the jury. Mrs. Robertson. (Court Transcript, 3 October 1995)

Slowly, O.J. Simpson rose and turned towards the jury panel. As the clerk began reading the verdict, the tension reached its climax, signaling what *The New York Times*

later labelled the moment “the country stood still” (Kleinfield, *NY Times*, 4 October 1995):

The country stopped. Between 1 and 1:10 P.M. yesterday, people didn't work. They didn't go to math class. They didn't make phone calls. They didn't use the bathroom. They didn't walk the dog. They listened to the O. J. Simpson verdicts. Airplane flights had to wait. [...] Finance ceased. [...] It was an eerie moment of national communion, in which the routines and rituals of the country were subsumed by an unquenchable curiosity. Millions of people in millions of places seemed to spend 10 spellbinding minutes doing exactly the same thing.

During a lecture at Harvard University in 1955, linguistic philosopher J.L. Austin introduced the concept of the “performative sentence” (Austin 6) to the academia. A performative sentence, also known as a “performative utterance” (6) or a “performative” (6), implies that “the issuing of the utterance is the performing of an action” (6), whereby “to say something is to do something; or in which by saying or in saying something we are doing something” (12, emphasis original). Austin distinguished between “contractual” and “declaratory” performatives (7), depending on the nature of the spoken action. A verdict and its public announcement can be understood as a declaratory performative utterance. In the Simpson case, it was read by the clerk Deirdre Robertson as the defendant and the defense and prosecution attorneys stood and ceremonially faced the jury:

The Clerk: “Superior Court of California, County of Los Angeles. In the matter of *People of the State of California versus Orenthal James Simpson*, case number BA097211. We, the jury, in the above-entitled action, find the Defendant, Orenthal James Simpson, not guilty of the crime of murder in violation of penal code section 187(A), a felony, upon Nicole Brown Simpson [and Ronald Goldman] [...]. [...] We, the jury, in the above-entitled action, further find the special circumstances that the Defendant, Orenthal James Simpson, has in this case been convicted of at least one crime of murder of the first degree and one or more crimes of murder of the first or second degree to be not true. Signed this 2nd day of October, 1995. Juror 230.” Ladies and gentlemen of the jury, is this your verdict, so say you one, so say you all? (Court Transcript, 3 October 1995, emphasis original)

With these words, O.J. Simpson was officially cleared of all charges and released from prison as a free, and in the eyes of the law, innocent man. Due to the double jeopardy clause in the American jurisprudence, he would never have to stand another criminal trial for these particular charges again.

The Aftermath

The verdict marked the legal ending of a social drama that had captivated the American public for over a year. After the announcement, talk show host Geraldo Rivera, who covered Simpson's criminal trial in great detail, declared on *Rivera Live*:

“Not Guilty” is our inevitable title. It’s—it’s the end of an incredible saga, an incredible story, an incredible chapter of American history. The defining story of our times, certainly the defining story for the end of the twentieth century here in the United States of America. (Rivera Live, 3 October 1995, qtd. in Fox, Van Sickle, and Steiger 109)

As Fox, Van Sickle, and Steiger point out, with his statement, the talk show host implied that the murder trial of O.J. Simpson was “more important than the Vietnam War, the civil rights movement, Watergate, [...] the AIDS crisis, or any presidential election” (109), calling Rivera’s assessment a hyperbole that illustrates the priorities of the American people in the era of tabloid justice. Statistics and media reports support the scholars’ assessment: an estimated 150 million Americans became watching participants of the verdict announcement. According to Nancy King, this made the Simpson finale “the most watched television event ever, topping President Kennedy’s funeral and the Apollo 11 moon landing” (King 145). The acquittal caused a variety of reactions, both inside and outside the courthouse. In the courtroom, the first three visible responses stemmed from O.J. Simpson, Johnnie Cochran, and Robert Kardashian who dominated the television screen for most of the sentencing procedure in a medium close-up shot. Cochran released a triumphant “Yes!” and then proudly patted his client on the shoulder (“OJ Simpson Trial – Verdict – October 3rd, 1995,” 06:59). Simpson himself seemed to be on the verge of tears, as he inaudibly whispered “Thank you” towards the jury (06:58), and due to the camera’s position above the jurors’ heads, also implicitly to the television audience. Robert Kardashian, who was standing in front of him, closed his eyes for a moment to process the judgment, then looked around the courtroom in what seemed to be disbelief or shock (07:04).

As the clerk pronounced that O.J. Simpson was also found not guilty of murdering Ronald Goldman, a howl erupted in the courtroom, and the camera operator panned towards the sound, passing the faces of other spectators on the way, then stopping in the corner of the room where the Goldman family was seated. Kim Goldman, the male victim’s sister, had broken down in tears while her father Fred was pressing her against his shoulder (“OJ Simpson Trial – Verdict – October 3rd, 1995,” 7:46). Fred Goldman himself was visibly in shock, his mouth stood open as he stared into blank space. Seconds later, he shook his head in disbelief and started mumbling to himself (7:54). Also captured in the frame of the shot was Tom Lange, one of the two lead detectives in the case, who turned his frowning face to the jury in disapproval (“OJ Simpson Trial – Verdict – October 3rd, 1995,” 07:51). From there, the

camera moved towards the back of the courtroom and focused on the Brown family who, in contrast to the Goldmans, listened to the verdict without a strong visible reaction (07:57).

As the clerk finished the formalities, which consisted of asking each individual juror whether the verdict of not guilty was their true verdict, the courtroom camera panned back towards the defense table, where Simpson was hugging and shaking hands with his attorneys (08:17). In the background, Kim Goldman's cries and sobs accompanied the scene, illuminating the vexed character of the case. No matter the ultimate outcome, there would always have been a party on either side of the courtroom who felt that they lost. According to Annette Hill, such sentimental circumstances allow reality TV to make claims of authenticity: "Moments of extreme emotions are experiences by participants and then fed back, like emotional reverb, through reactions of judges, a live crowd and the viewing public. In this way, the moment's moment is a combination of performance, reaction and extreme emotion" (Hill, *Reality TV* 74). Consequently, however, it is also this focus on emotional performance that causes the genre to intervene in the "production of subjectivity" (78).

To conclude, the camera operator panned to the left towards the prosecution table, halting at a medium close-up shot of Christopher Darden, Marcia Clark, and William Hodgman ("OJ Simpson Trial – Verdict – October 3rd, 1995," 08:44). Additional close-up shots of the prosecutors allowed a more detailed observation of their emotional state. Darden, for instance, gazed into the distance (08:49) while Clark sat motionless with folded arms as her eyes moved from one juror face to the other (08:56). It is noteworthy that the camera operator did not halt overly long on faces that expressed little visible reactions to the verdict. The televised murder trial was a performance with the purpose of entertainment, reflected in his decision to, for instance, repeatedly film Kim Goldman's emotional breakdown (09:34, 11:56) instead of the stoic faces of Nicole's family. The same approach can be observed with regard to the Simpsons on the other side of the courtroom. They only entered the TV screen ten minutes into the proceedings, and the camera almost immediately zoomed in on Jason Simpson, the defendant's son, who hid his face in his hands as he cried tears of joy (10:00).

As Lance Ito exclaimed that "[t]he Defendant having been acquitted of both charges, [...] is ordered transported to an appropriate Sheriff's facility and released forthwith" (13:32), Simpson exhaled audibly, and the camera slowly panned to the right and up to the seal above Judge Ito's head, where the Court TV broadcast ended. As the jurors exited the courtroom, Simpson and his defense team stood and faced the twelve people who had acquitted the football star, and in a gesture of victory, Simpson clenched and shook his fists to signal them, "We did it" (12:42). The photograph of him in this position and his grey-brown suit, which is now part of the

Newseum in Washington, D.C., became memorable pictures of the O.J. Simpson murder trial.

Outside Lance Ito's courtroom, in contrast, "pandemonium reigned" (Gibbs 209). On the one hand, a great number of African Americans erupted in cheering, hugging each other in the face of victory. Many white Americans, on the other hand, remained still or shook their heads in disbelief and disappointment. According to Lilley, "teletitigation arouses skepticism, not reassurance. Hence it has a radicalizing effect rather than a stabilizing one" (Lilley 172), leading back to the last stage of Victor Turner's model of the social drama. In the last stage, following the Breach, Crisis, and Redressive Action, the social drama is brought to a conclusion by either "the restoration of peace and 'normality' among the participants, or [...] social recognition of irremediable or irreversible breach of schism" (Turner 8–9). In this respect, the O.J. Simpson case resists categorization. Although the athlete was acquitted of the murders by a jury of his peers and legally received absolution, he was found liable for the deaths of Nicole Brown Simpson and Ronald Goldman and ordered to pay the victims' families over \$33 million in punitive damages after the civil suit in 1997. Thus, in the American justice system, he is in effect not guilty of, yet liable for one and the same matter. By comparing past and current polls pertaining to public perception of O.J. Simpson's guilt or innocence, it can be argued that the breach caused by the criminal case was indeed irremediable. In July of 1994, a CNN poll revealed that 60% of African Americans and only 15% of white Americans believed Simpson was not guilty (Hunt 19). Support for the defendant increased to 78% in the first group, whereas 75% of white Americans believed the jury had rendered a false judgment in October 1995 (19). Although emotions have considerably subsided twenty-five years after the verdict, new data from a *Washington Post-ABC* poll suggests that public opinion on the matter remains divided: 83% of white Americans are certain of O.J. Simpson's guilt in contrast to 57% of America's black population (Ross, *Washington Post*, 4 March 2016). This indecisiveness is reflected in the nation's ongoing interest with the case. There is neither palpable conclusion nor moral closure. In fact, the Simpson verdict contributed to the "reversion to the phase of crisis" (Turner 9, emphasis original) as it stands in direct opposition to our "implicit compulsion to finish an episode once begun" (Brissett and Edgley 49). Turner argues that "[i]f law and/or religious values have lost their cultural efficacy, endemic continuous factionalism may infect public life for long periods" (9). Barbara Myerhoff situates such antinomies of public perception in the disputable practices of the media, when she argues that "[n]either catharsis nor transformation can occur, so disuse and inauthentic are the ways mass entertainment genres handle distress" (Myerhoff 248). Indeed, the emotional response to the case has echoed for many years after the acquittal. The 2016 documentary *O.J.: Made in America* (2016), the FX series *The People v. O.J. Simpson: American Crime Story* (2016), and feature-length movies such as *The Murder of Nicole Brown Simpson* (2019) indicate that the American

people have not yet fully come to terms with this case and quite notably, might not even want to. As Frank Kelleter argues in *Media of Serial Narrative* (2017):

Even finished tales seek to continue and multiply themselves. Popularity and repetition have always worked hand in hand, from the daily bedtime story to such standardized entertainment formats as the detective novel or the TV medical drama. Commonly, such genres provide smooth endings, but what paradox is inherent in the fact that they do so again and again, without redeeming overall conclusion to their perpetual acts of narrating? (Kelleter 8)

Kelleter's observation indicates that there is an "essentially episodic and situational character of social life" (Brissett and Edgley 48) which resists conclusion and encourages repetition.

The Verdict on American Crime Story

The previous chapter established the shaping role of cameras in the Simpson proceedings, which facilitated the mediatization and exploitation of the case by molding numerous overwhelmingly sensationalized narratives surrounding the murder of two people. A detailed look at *American Crime Story's* adaptation of the verdict reveals a new perspective on the fascination with and appeal of an event most viewers already knew the ending to. The last episode of the TV series, simply titled "The Verdict," is an hour-long finale that offers the audience a look into the jurors' sequestered lives and eyes, blending factual information with new creative elements to illustrate events that occurred behind the scenes. For director Ryan Murphy, this was the goal of the concluding episode.

The first scene opens with a black screen and a distant rattling of metal chains in the background. One is immediately reminded of a prison environment. Then, a medium-close up shot captures the shackled hands of an African American man in a blue L.A. County jail jump suit. The white wristband he is wearing provides a scan code and additional information that identify him as a prison inmate. Although one can assume that the African American man is O.J. Simpson, at this point, nothing distinguishes him from any other inmate. Without being able to see the person's face, he could be any prisoner. Then, however, the camera pans up and finally confirms that the shackled man is indeed O.J. Simpson being escorted by two guards to a yet undisclosed location (*ACS*, disc 4, episode 10, 00:06). Thereupon, the director provides subtle visual clues to indicate that the defendant is not, as previously implied, a regular prison inmate. None of the guards have physical contact with Simpson, and he walks freely in front of them. There is also symbolic meaning behind placing the athlete between a black and a white officer, knowing that the final episode deals with a verdict which ultimately divided the nation in black and white supporters and critics. The distance and freedom that the two law officials grant O.J. Simpson is also visually illustrated by having him exit the frame first, followed by the

men who are supposed to keep a close eye on the prisoner and be in charge of the situation (00:15).

In the next scene, a dark wooden door opens, and Johnnie Cochran and his associate appear in the frame. Standing in a small room, Cochran effusively gestures towards an assortment of carefully folded socks in different colors, two pairs of expensive-looking leather shoes, and numerous leather belts that have been laid out in front of Simpson for selection. In the background, a number of suits and ties ranging from beige to black are displayed on a clothes hanger ready for fitting. Like a mentor, Cochran encourages Simpson with a self-confident “Today’s the day” (00:19). These first sequences are exemplary of the role playing in the Simpson case and indicative of how easily the perception of the participants was changed and manipulated. At one moment, O.J. Simpson looked like a regular inmate who wore the same cheap prison jump suit every detainee was forced to wear. Within minutes, however, he was able to strip this role and, with the help of his defense team, slip into his familiar role of a wealthy and popular celebrity, unjustly accused of murder. Fittingly, right after Cochran’s comment, the two prison guards free the defendant of his shackles, granting him the space to transform himself (00:23). A similar contrast between Simpson’s jail and celebrity persona is painted towards the middle of the episode when he is depicted preparing for the verdict announcement. O.J. Simpson is in his cell, dressed in the blue jail suit and stooped over a simple sink as he tries to shave while looking into the small mirror placed in front of him. On the sink, a bar of cheap soap and a bottle of mouthwash account for all of his toiletries (23:35, 23:53). A wide shot of the cell reveals the simplicity of his sleeping place: a concrete bunk bed, a thin mattress, and a brown wool blanket become symbolic of the absence of luxury, reminding the viewer of Simpson’s inmate status. At the same time, the series highlights his celebrity in an unambiguous way. There is a close-up shot of the cell wall, where the athlete engraved “OJ WAS HERE” (23:38) with a pen, much like an autograph or benediction. Moments later, he is literally asked to give his autograph, when a jail guard steps up to his cell:

Guard: *It’s a big day, huh, O.J.?*

O.J. Simpson: *The biggest.*

Guard: *Hey, man, I just want you to know guarding you in here, it’s been a pleasure. There’s a lot of real assholes that come through this place and you’ve always been a stand-up guy.*

O.J. Simpson: *Thanks, Eddie. [...]*

Guard: *And, uh, I was hoping before we go in, that maybe you could sign this. For my kid.*

O.J. Simpson: *Uh, sure, Eddie, no problem. I could do that.*

Guard: *Thank you.*
(23:51-24:24)

Back in the changing room with Johnnie Cochran, a series of close-up shots depicts O.J. Simpson dressing in formal clothes for the final session in Judge Ito's courtroom. The sequence is reminiscent of popular superhero costume reveals, particularly observable in older Batman movies, for instance in *Batman* (1989) or *Batman Returns* (1992), where Bruce Wayne is shown suiting up piece by piece for his next mission. In a similar fashion, Simpson is shown putting on his figurative costume, consisting of a clean white shirt, expensive golden cufflinks, brown leather shoes, a belt and tie as well as the now famous grey-beige Armani suit (00:32-40). In this context, it is fitting to consider Ernest Sternberg's remarks concerning the expressive power of clothes and colors. The scholar believes that whereby dark suits convey authority, light brown suits, similar to Simpson's in color scheme, imply cordiality (Sternberg 13), and as the previous chapter has shown, approachability was the defendant's main strategic goal in his defense.

Another noteworthy detail becomes visible in this shot upon close observation. The camera films Cochran and Simpson from the side in a slight low angle shot (ACS, disc 4, episode 10, 00:46), thereby capturing the opposite wall of the interrogation room. Unobtrusively, yet dominantly, a small CCTV camera, strategically placed in the middle of the frame, focuses its voyeuristic glance at the two interlocutors, and by extension, the television audience. The low angle shot adds further intensity to the camera's adamant stare because it assumes the highest visual angle in the room, whereby the viewers are forced to look up from a subordinated position. This scene constitutes one of many cinematic references to the mediatization of the O.J. Simpson case and the presence of the camera in even the most private moments of the proceedings.

Throughout the last episode of the series, events that happened months apart from each other are fused into seemingly one day of proceedings. For instance, *American Crime Story* coalesces Simpson's short closing statement on 22 September,¹⁰ which prosecutor Marcia Clark tried to prevent, with the announcement of the verdict on October 3. For viewers unfamiliar with the factual sequence of events, the concluding proceedings might seem more extensive than they actually were. However, the filmic adaptation itself stays true to the original visual material. Although the defendant spoke in the absence of the jury, both the original and the fictional Marcia Clark point to "the realities of this case" (01:20) and accentuate that the courtroom camera and the media were weak spots in the attempt to shield the

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

jury from obtaining knowledge about the case outside the courtroom. Actress Sarah Paulson repeats original statements and the physical gestures of the real Marcia Clark, but her tone of voice and pleading with Lance Ito appear more aggressive and desperate on television, whereas in 1995, Clark seemed centered as she tried to plead reason into the judge. Likewise, the series includes, and rightly so, Johnnie Cochran's response to Clark's objection, as it once again illustrates how the attorney elevated certain issues pertaining to the Simpson case to social issues in the US in general. In this particular instance, Cochran argued that the prosecution's protests constituted violations against his defendant's right of free speech. Originally, he debated: "There seems to be this great fear of the truth about anybody speaking in this case. This is still America and we can talk, we can speak. Nobody can stop us" (Court Transcript, 22 September 1995). It is noteworthy that his use of the personal pronouns 'we' and 'us' remains vague and open to interpretation. It is unclear whether Cochran refers to the defense team or the entire African American community in general, whereby the court becomes an enabler of injustice in that it silences free speech. *ACS* preserved Cochran's ambiguous statement and his purposeful use of personal pronouns to add emotive impact to his arguments: "My goodness. There's a great deal of fear of the truth in this case. Your Honor, this is still America. Can we still talk?" (*ACS*, disc 4, episode 10, 01:40-48).

Likewise, the television series depicts the public pressure and consequent inner struggle Judge Ito was subjected to considering many of his motions were taken out of the context of the criminal trial and applied to social issues and debates in the entire United States. In the aforementioned case, if he ruled against the defense who argued for free speech, Ito would appear complicit in the attempt to silence "the truth in this case." In this regard, historian Walter L. Hixson asserts:

The actors in the criminal justice system—police, prosecutors, defense attorneys, judges, and juries—succumbed in varying degrees to the external pressures that roiled the administration of justice. [...] Popular trials such as the [the Simpson case] contain all the features that captivate the public: drama, narrative, rhetoric, and advocacy. Such cases tend to obscure the criminal or legal issues in question, as they provide an opportunity to advance other causes before, during, and after the courtroom proceedings. (Hixson 2)

While adhering to the original court transcripts in some instances, there is a perceptible exaggeration of emotions for dramatic purposes in the series in other cases, in particular with regard to Cuba Gooding Jr. and his impersonation of O.J. Simpson. An analysis of the original footage reveals differences that give ground to criticizing his performance. During the original trial, there is no truly tangible moment during which Simpson broke character and showed any facet of his role other than the self-confident and innocent man and father. During his speech on September 22, he expressively underlined this image by speaking clearly and distinctly to all

present. This becomes observable with regard to his emphasis of certain words as, for instance, in “I am mindful of the mood and the stamina of this jury. I have *confidence*, a lot more it seems than Miss Clark has, of their integrity” (Court Transcript, 22 September 1995, emphasis added). The fictional character appears exhausted and weak as the actor inserts prolonged pauses in his monologue that were absent in Simpson’s 1995 plea for acquittal (e.g., ACS, disc 4, episode 10, 02:23). As Emily Nussbaum writes in *The New Yorker*, although “Cuba Gooding, Jr., captures the football star’s gasbag egotism [he] falls short of the regal charisma that drew people to [O.J. Simpson]” (Nussbaum, *New Yorker*, 31 January 2016).

One can also observe the series’ repeated and more prominent focus on other participants in the case. During Simpson’s short speech, the camera cuts to a medium shot of Robert Kardashian to capture his reaction to the defendant’s argument (ACS, disc 4, episode 10, 02:15). This seemingly trivial shot is, on the contrary, quite suggestive. As was demonstrated in the chapter “The Bronco Chase,” Kardashian was significant to the structure of the series. Oftentimes, his conflicting views, doubts, and insecurities pertaining to O.J. Simpson dominated and shaped the narrative of an episode. Initially, he was certain of his friend’s innocence and even agreed to renew his practice license to be able to join the defense team. However, with new information surfacing on almost a daily basis (e.g., the polygraph test Simpson failed), Kardashian began questioning his friend’s innocence. Thus, capturing the attorney’s reaction when Simpson speaks of the “misrepresentations made about myself and *my Nicole*” (02:12, emphasis added) becomes a powerful visual tool to externalize the attorney’s inner struggles. This assumption is further supported by the fact that Kardashian lowers his glance upon hearing the seemingly innocent words “my Nicole” (02:13), which, in accordance with the prosecution’s argument, could be interpreted as an indication that Simpson considered his ex-wife a possession, and if he could not have her, nobody else could.

Similarly, quick cuts between Simpson, his family, and the Goldmans serve as a reminder of how differently his speech was perceived by all parties, thereby offering a perspective of the situation the courtroom camera did not originally provide in 1995. When Simpson speaks of his children, the camera cuts to Fred and Kim Goldman who wince at the painful irony of his statement: “I have four kids. Two kids I haven’t seen in a year” (02:42). While Simpson’s children are alive and well, the Goldmans have lost an important part of their family, one they can never bring back. Simpson’s pain of not having seen his children for a year is thereby relativized against the background of the murders. Hence, the series temporarily succeeds in placing emphasis on the victims who were so often neglected during the 1995 trial. When Simpson’s speech continues with, “And every week, they ask me, ‘Dad, when are you coming home? – How much longer?’” (02:46), there is another quick cut in the sequence, this time to Simpson’s mother and oldest son, Jason, who look tense and

worried. In contrast to the Goldmans, they hope for their son's and father's acquittal and release.

As indicated above, Marcia Clark's performance during this particular part of the trial is more exaggerated, aggressive, and accusing than the prosecutor's original interaction with Judge Ito and O.J. Simpson in 1995. In the television series, Clark challenges the celebrity defendant directly to take a seat in the witness chair if he really wishes to rectify wrong assumptions about him and the female murder victim: "You want to address misrepresentations about you and Nicole? Take a seat in the blue chair, and we can have a discussion" (2:58-3:02). A medium close-up shot has the prosecutor face the camera as she dares Simpson to testify (03:00). The latter, likewise captured in the shot, is filmed laterally in contrast, with his gaze directed toward the ground, thus presenting Simpson in a subordinate position to the prosecutor who seems much more dominating and present through the frontal perspective. Clark's original request, however, diverges notably from the filmic adaptation. First, she never spoke to Simpson directly, since all motions are to be passed through the judge and are then redirected to the defendant's attorney(s). Second, due to the ritualized nature of motions, Marcia Clark's original inquiry sounds formal and even respectful: "May I also ask, your Honor, for the court to inquire of Mr. Simpson, perhaps he would allow me then the opportunity, since he would like to make these statements to the court, I would like the opportunity to examine him about them. May he take a seat in the blue chair and we will have a discussion?" (Court Transcript, 22 September 1995). This alludes to the fact that, as was observable with the series' characterization of Al Cowlings (see chapter 1.3, "From Chase to Arrest"), many protagonists on *American Crime Story* display a more aggressive and angry tone to their actions than their real-life counterparts. While exaggeration is an important part of dramatic television, it misrepresents people for the sake of entertainment and tension, similar to the way the main players in the case were sold as epitomes of specific social roles in the media in the 1990s.

ACS also parts with its literary source, Jeffrey Toobin's *The Run of His Life*, to continue the dramatic arc of the show, noticeable in the way the main players are shown receiving notice and reacting to the information that the jury had reached a verdict. Toobin, for instance, shared in his account that he heard the news during a conversation with Scott Gordon, a policeman from Santa Monica. Upon ascertaining that jury deliberations were over, he exclaimed: "You're shitting me.... Don't shit me like this.... I know you're shitting me..." (Toobin 428). In the TV adaptation, however, it is none other than Judge Lance Ito who utters a surprised "Are you shitting me?" (ACS, disc 4, episode 10, 21:18) when he learns that the verdict is in. Having Ito curse constitutes a stark contrast to the personality the viewers experienced in 1995 during the original trial and his image as a weak judge. This verbal contrast, in combination with a zoom-in shot to create surprise, is effective in demonstrating that even an experienced judge such as Lance Ito did not expect the jury to come to a deci-

sion within four hours. Johnnie Cochran reacts in a similar way (21:33), while Robert Shapiro exclaims: “My God, they’ve discussed this case less than anybody in America” (21:51).

The scenes leading up to the announcement of the verdict are a combination of cinematic and stock shots. In particular with regard to the tense situation in Los Angeles, the archival footage of the measures taken by the police took in preparation for the adjudication as well as the partly tumultuous demonstrations of both white and African American citizens in the city (23:05) was used to enhance the authenticity and the emotional appeal of the newly filmed television scenes. One particular choice of stock images stands out in the series, namely the inclusion of short clips from Oprah Winfrey’s talk show, considering her proliferation in American popular culture. According to Kimberly Springer, “Oprah Winfrey’s embodiment, her cultural productions, her actions, and her ideology constitute *The Oprah Culture Industry* (TOCI). The sheer number of productions and enterprises indicates TOCI’s extensive reach into American lives, media, and culture” (Springer xii). Similar to O.J. Simpson, Winfrey was able to seemingly transcend race, which allows her to attract a highly diverse audience. In 1994, media scholar Janice Peck described Winfrey “as a comforting, nonthreatening bridge between black and white cultures” (Peck 91), and her influence continues undisputed. Therefore, Winfrey’s comments on the Simpson case from 1995 transition smoothly into the modern filmic adaptation of 2016.

In the clip in question, the TV personality is standing in front of her audience as she proclaims that “history is in the making” (ACS, disc 4, episode 10, 23:18), referring to the pending announcement of the verdict in the Simpson murder case. She then turns around and asks her viewers, “Who’s nervous? Is anybody nervous here?” (23:24). A panning medium shot of the panel reveals an equal number of African American and white audience members raising their hands, as they shyly smile at their hostess. Later, after the announcement of the verdict on ACS, another clip is inserted from the talk show to demonstrate Winfrey’s reaction to the acquittal in her studio. While two female African American audience members jump up from their seats in joy and start cheering, Winfrey remains emotionless, even stoic, with her arms folded in front of her chest, looking away from the exhilarated women. At a closer look, one can also observe a white woman in the background staring at the two audience members in disapproval (30:29). An initially collective group was visibly divided into two opposing parties while the hostess attempted to remain impartial. The reactions of both Winfrey and her audience thus allude to the fact that

participating in rituals and the emotional energy emanating from them builds into greater social integration and a “society,” as partaking in interaction rituals “chains” people to the larger social body. The inverse also occurs in that interaction ritual chains “gone wrong” can produce negative energy and damage the social body. (Shulman 65)

In order to further enhance the authentic factor of the fictional series, cinematographer Nelson Cragg also simulated the grainy images of the 1995 courtroom camera by means of different color palettes and camera angles. Each location or set required specific color grading adjustments to convey the atmosphere of the era and the site of filming. For the sequences in the District Attorney's Office, for instance, the creative team used blues, greens, and grays to relay the industrial nature of the building, and "[t]he Kardashian house was driven by a skin-tone peach color that was popular in the mid 1990s" (Hogg, *Sound & Picture*, 28 September 2016). Similarly, the color scheme of the courtroom sequences encompasses warm-toned browns, beiges, and mustard yellows to accentuate the wooden interior of the place. In contrast, the camera used to record the proceedings in 1995 did not allow the deliberate adjustment of color palettes due to the limited technological possibilities of the era and was therefore depended on the bright lighting of the courtroom lamps that did not serve any artistic purpose. Thus, to recreate the impressions of the Court TV footage, the ACS shots in question are brighter and far less rich in color (e.g., ACS, disc 4, episode 10, 28:07). In addition, the images appear pixelated and only transfer the same fixed angle shots the 1995 courtroom camera displayed, although the television series was recorded on a professional 2K resolution ALEXA camera. In an interview, Cragg stated that producer

Ryan [Murphy] originally wanted to shoot on 35mm film. It's a period piece, from 1994, so we both liked the idea of a little bit of grain in capturing the look of that era. But the reality of how I wanted to shoot the show—to run many, many cameras and shoot lots of footage—it just wasn't feasible to shoot film with 20- to 30-minute takes and four to five cameras. So we ended up shooting digitally. (Kaufman, *Creative Planet Network*, 25 February 2016)

The immediate events surrounding the verdict announcement are very closely based on Jeffrey Toobin's *The Run of His Life*. This observation becomes particularly apparent with regard to the portrayal of jury deliberations. Due to the secret nature of those conversations, the show's creators had no original material to base their adaptation on and therefore relied more closely on the narrative and the dialogues the author provided. For instance, Toobin presents a detailed account of what happened on the morning of the first and ultimately last day of jury deliberations: "At 9:16 A.M. on Monday, October 2, the twelve members of the jury settled into chairs in the deliberation room just across the back hallway from Ito's courtroom" (Toobin 425). In the television series, the scene in question opens with a close-up shot of a clock that shows 9:16 a.m. with the next tick (ACS, disc 4, episode 10, 17:28). Once everyone settled down in the deliberation room, the foreperson, Armanda Cooley, "asked her colleagues for advice about how to proceed. She had never before served on a jury" (Toobin 425). In the filmic adaptation, Clooney's insecurity is expressed as well and almost word-for-word, as she exclaims: "Okay. I've never been a foreperson before.

I've never even been on a jury before, so if any of you have suggestions, I'm open to hearing them" (ACS, disc 4, episode 10, 17:29). Toobin continued with: "After a little more discussion, it was agreed that Cooley would conduct a vote by secret ballot, just to get a sense of what everyone was thinking" (Toobin 425). Subsequently, in the TV series, one juror suggests: "Why not take a vote? [...] I mean, just to get a sense of the room" (ACS, disc 4, episode 10, 17:40).

In other instances, the close relying on Toobin's material worked to the series' disadvantage, when certain words were taken out of their literary context. For instance, in the true crime account, Toobin writes: "Goldman had bruises on his knuckles. If they were from fighting back, why didn't O.J. have any bruises on his body?" (Toobin 426). The author uses the male victim's last name and the defendant's first name for reference. In ACS, it is an African American juror who raises the very same question: "Goldman had injuries on his hands, like he was defending himself. Why didn't O.J. have any marks on him?" (ACS, disc 4, episode 10, 20:08). In this instance, the TV director decided to let a juror ask the question Toobin had posed from his first-person authorial perspective, which subsequently changes the connotation of the question on television. Having a black juror refer to the white murder victim by his last name and the African American defendant by his nickname creates different parameters of distance between the juror, Ronald Goldman, and O.J. Simpson. The last name suggests that the juror aims to establish more figurative space between herself and the victim, or that there is no emotional connection to Ronald Goldman at all. By referring to the suspect as "O.J.," however, she indicates sympathy towards Simpson and a personal connection to some degree. Hence, the sentence, as written in *The Run of His Life*, communicates far less antagonism than in the series.

There are also numerous illustrative examples of how events on ACS are rendered incorrectly for greater dramatic effect. In the TV series, for instance, the process of jury deliberation is told from a perspective that favors the assumption that the only two white jurors in the room were forced to render an acquittal. The show's director creates strong racial tension, whereby the black jurors assume the roles of the oppressors and the white jurors are portrayed as the oppressed. According to Toobin, it was "Carrie Bess [...], a single black woman with grown children and a civil-service job—[who] volunteered to tabulate the responses on a blackboard" (Toobin 425–426). On ACS, however, it is "Anise Aschenbach (the defense's white 'demon'" (426), i.e., one of the two white jurors who tallies the votes (ACS, disc 4, episode 10, 18:29) and later advocates to convict O.J. Simpson. Furthermore, although it is not revealed who wanted to acquit or adjudge the defendant, the second vote for conviction is immediately attributed to the only other white juror in the group. All eleven heads turn towards the end of the table, where the woman is seated. Visually, the TV audience is placed in the seat of said juror through a Point of View shot. This technique, also known as a first-person shot, allows the viewers to see and experience the emotions of the character in question as they happen. With regard to the deliberate creation of

racial tension in the show, it is a particularly notable shot because it places an overwhelmingly white TV audience in the figurative shoes of another white person who was a minority inside the deliberation room in 1995.

The Verdict Announcement

The main verdict announcement commences almost thirty minutes into the last episode of *American Crime Story*. There is a loud bang of the gavel, and a close-up shot of Simpson's face fills the TV screen for several seconds (25:54), giving the audience the opportunity to look the defendant in the eyes and analyze his facial expressions. With such detailed camera perspectives, the conveyed messages depend on the talent and the demeanor of the actor, since the viewers receive their cues only from a professional playing a character and not the real person. In this regard, the TV adaptation allows for a much more intimate observation of the athlete through the close-up, as the courtroom camera usually halted at a medium shot, in which Simpson was only shown from a lateral perspective. According to Béla Balázs, the close-up perspective establishes an intimacy between the actor and his audience that lets the latter decipher the actor's subtle shades of meaning through the face:

Facial expression is the most subjective manifestation of man, more subjective than speech, for vocabulary and grammar are subject to more or less universally valid rules and conventions, while the play of features [...] is a manifestation not governed by objective canons, even though it is largely a matter of imitation. This most subjective and individual of human manifestations is rendered objective in the close-up. (Balázs 316)

Although *ACS* uses the close-up to its advantage to display emotion, the quality of the shot, however, always depends on the quality of the acting.

Following the establishing shot, the layout of the courtroom and the seating of the participants and spectators are established through several successive flash cuts (*ACS*, disc 4, episode 10, 26:17), i.e., quick shots that help set the stage for the following longer scenes and record the presence of certain characters, such as the prosecution, the defense, or the victims' families. The director placed importance on authentic gestures, and the sequences prior to the official reading of the verdict, such as the anxious folding of their hands by Cochran and Shapiro (26:01) or the way Marcia Clark folded her arms in front of her as a means to protect herself (26:03), coincide with the original footage. The information about the initiation process provided in the series, however, is partly inaccurate even though most of the scenes take place in judicial environments and buildings. While *American Crime Story* is not a documentary, but a dramatization of the Simpson trial, omissions or alterations in such a complicated and highly polarizing case are potentially problematic, particularly from the perspective of an uninformed viewer who bases their judgment of the events on the television show. For instance, as a result of the limited time available

per episode, the foreperson responsible for checking the accuracy of the signed jury forms finishes her task in a mere twenty seconds (27:50), whereas the actual procedure lasted for two minutes, allowing the tension in the courtroom to constantly rise.

Nevertheless, similar to the courtroom camera operator, *ACS*'s director did recognize the potential of Deputy Trower's walk from the clerk to the jury foreperson to mirror the agitation in the courtroom. In consistence with Court TV's footage, the focus of the camera is a close-up shot of O.J. Simpson who closely follows the Deputy's steps with his eyes (27:25). In *American Crime Story*, however, the already existing tension is further intensified as all background noises fade away, and the Deputy's footsteps become the only perceptible sound in the courtroom, with every step echoing like a heartbeat. Additionally, this particular scene was slowed down in post-production, with the effect that Trower's walk assumes a dooming quality; comparable to the march of an executioner before the final judgment as observed by the condemned. Analogous to the way the position of the courtroom camera transformed the television audience into a second jury panel in 1995 by establishing feelings of belonging and recognition (if only illusionary), in the series, the director used Point of View shots to directly place the audience in the proverbial shoes of a jury member. E.g., as the jury walks along the hallway towards the entrance of the courtroom, viewers essentially become one with the panel as the cameraman strides among the actors (26:33). Thereby, the audience can experience the feeling of being a part of the process of decision-making in the Simpson case and the excitement of entering a room where all eyes are, at least for the moment, set on them.

With regard to style and cinematic realization, the adjudication and immediate reactions to the acquittal offer the richest material for analysis. The show reaches the peak of tension in the seconds preceding the reading of the verdict. There is complete silence in the courtroom apart from the minimalist sound of a heartbeat, symbolizing universal dread and anxiety (29:13), and it slows down to almost a stop in the seconds before Deirdre Robinson utters the words "not guilty." Stock footage of citizens holding hands, praying, or covering their mouths in anticipation while staring at their TV sets are intertwined with fictional scenes from inside the courtroom (29:34). Then, resulting from the possibilities of post-production, the television screen is "cut in half" by means of the split screen technique, which allowed the creative team behind *ACS* to demonstrate emotionally charged juxtapositions simultaneously. The split screen first captures the reactions of Marcia Clark and O.J. Simpson to the acquittal. Both close their eyes at the announcement; one in defeat, the other with relief (29:41). Next, the show juxtaposes the Goldmans and Simpson's close family as they break down in tears; once again, one family sobbing in defeat while the other cries tears of joy (29:44). The subsequent split screen shots contrast other spectators' reactions in a rapid sequence to display as many emotions as possible: e.g., Christopher Darden vs. Robert Shapiro (30:07) and Judge Ito vs. Denise

Brown (30:09). These fictional reactions are combined with stock footage of public responses. The split screen illustrates America's division among racial lines as African American citizens erupt in joyous celebrations while white Americans freeze in disbelief at the outcome of the trial (30:16). The shots replace each other in quick succession, which increases the pace of the sequences in question, simulating the turmoil that took over the country shortly after the acquittal. The display of different public sentiments also illustrates how a verdict announcement, if televised, becomes a social event on a large scale:

Elocution [has always been] a social event. The audience gathered to witness the speaker through a collective that brought friends and strangers together to meet and greet. This event was a moment of communal experience, listening together to what they heard—from reserved claps of appreciation to uproarious laughter to the insulting taunts of hecklers—they listened and responded together. The event was also a ritual with its customary beginnings and endings; it was a ritual of information gathering, persuasion, affirmation, and change. (Madison and Hamera xiii)

According to Richard Schechner, public gatherings and demonstrations, as seen during the Simpson trial and particularly on October 3, constitute evidence for the long social history of “unofficial performances” (Schechner, “Future of Ritual” 49) that characteristically take place “in [...] locales not architecturally imagined as theatres” (49). The streets of Los Angeles became a stage for social expression as critics and supporters of O.J. Simpson prayed, sang, and screamed for the conviction or release of the accused. Meanwhile, in the crowd, other citizens captured the gatherings on their camcorders and, in turn, became spectators of the spectators. In his 1962 *Introduction to Modernity*, French philosopher and sociologist Henri Lefebvre wrote: “[A] town is a place with a way of living which demands participation and encompasses spectacle [...]. A town creates situations; and it is within the context of the urban milieu that the creative activity of situations, and thus of a style and a way of living, is best undertaken” (Lefebvre 345–346). Around a decade later, in 1977, Yi-Fu Tuan alluded to the relationship between the urban space and performativity, when he wrote that “the city was and is an elaborate conglomeration of innumerable stages for the performance of private and semi-public dramas” (Tuan, *Space and Place* 173–174).

According to anthropologist Milton Singer, all these elements made the Simpson trial a “cultural performance” (Singer, *Traditional India* xiii) which is characterized by a “definitely limited time span[,] at least a beginning and an end, an organized program of activity, a set of performers, an audience, and a place and occasion of performance” (Singer, *Great Tradition* 27). Herein lies the “paradoxology of performance” (Davis 27). Scholars, such as Schechner, point to the cultural and historical limitlessness of performance, “yet it is always embodied or embedded at particular places

in specific times” (26). O.J. Simpson’s criminal trial is forever bound to one particular courtroom and the proceedings to a specific time period (1994 to 1995). Taking those thoughts further, I argue that it was the courtroom camera which levered out the ephemerality of this performance event and captured its liveness through a gavel-to-gavel coverage. And it is this very liveness that creates “the notion that the live performance seems to have a self-evident realness and value that the purportedly secondary ‘mediated’ ones do not” (Madison and Hermera xxi). The last day of O.J. Simpson’s criminal trial, as captured in both the original footage and on *ACS*, demonstrated not only the spectacle and performances happening inside the courtroom, but also how the entire city of Los Angeles became a significant part of this reality show on a broader level.