

THE PEOPLE V. SIMPSON: A MADE FOR COURT TV DRAMA

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

The People v. Simpson: A Made for Court TV Drama

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Thesis Statement

The trial of O.J. Simpson became more than just the Trial of the Century because the actors actively encouraged the trial to take on a larger role and the context of the trial allowed their efforts to expand past anything previously seen.

Theoretical Framework

I will examine the trial in two separate passes, the first will focus on the participants, whose personalities drove the trial, and the second on the context that the trial occurred in.

Project Description

The actors in *The People of the State of California v. Orenthal James Simpson* each played an important role in the process that transformed a double homicide trial into a national referendum on race, police corruption, and domestic violence. The trial also met several key factors such as fame or initial interest, brutality or rarity, division, and variety which allowed the trial to stay in the public eye long enough for the technology and zeitgeist to have a chance to act upon it and become its own cultural phenomena.

DEDICATION

I would like to dedicate this to everyone who believed in me, even, and especially, when I did not.

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INTRODUCTION

Top 10 indicators of a Trial of the Century:

#6 Your trash Dumpster is emptied on Tuesday, although the trash man comes on Thursdays.

The 1935 trial of Bruno Richard Hauptmann for the kidnapping of the child of Charles and Anna Lindbergh was termed "The biggest story since the Resurrection" and the "Trial of the Century".¹ The fame of Lindbergh at the time coupled with the horrendousness of the crime, the kidnapping and brutal murder of an infant, attracted the interest of the general public. The following 60 years contained other large trials in the United States such as the Sam Shepard and the Menendez Brothers' trials which were large and influential trials in their own right. The Shepard case was a preview of what was to come with the media circus and the Menendez case which really brought courtroom TV to the forefront with the broadcast by Court TV. Each of these might have competed for the title of "Trial of the Century" but were shortly blown out of the water by *The People of the State of California v. Orenthal James Simpson*.

The question then becomes why and how this trial became the behemoth that we see today. To accurately analyze this trial and associated phenomena, it is necessary to start with some background of Los Angeles and the Los Angeles Police Department. The modern department started with changes in the 1930s that made it much harder to fire any cop and stated that the LAPD would pick its own chief. This separated the police from the rest of the government in Los Angeles. This detachment allowed the LAPD to stay largely the same as the

¹ Douglas Linder, *The Trial of Richard "Bruno" Hauptmann: An Account*, (2005).

world progressed around it; it remained largely white and male operating with a visible streak of institutionalized racism that was on its way out by the 1960s. It continued through the raid on the Dalton apartments in 1988 which would surface again nationally during the trial of Simpson to the beating of an unarmed motorist named Rodney King by several officers which happened to be videotaped.²

After the acquittal of the officers in the video in 1991, many parts of Los Angeles broke out in riots, protesting the injustices in the justice system and demonstrating in hope of a change of the system. This was not the first time that there were wide spread race riots in the city of Los Angeles either. In 1965 the majority black neighborhood of Watts was the epicenter of multi-day riots incited by another confrontation between a black motorist and a white officer. These were very destructive days with millions of dollars in property damages and many lives lost, most were protesting blacks. The assassination of Martin Luther King Jr. only 3 years later, which provoked demonstrations across the country did not have the same effect in Los Angeles due to these earlier riots. This description of social unrest in meant to show that there existed a large amount of discontent leading up to the Simpson trial.³

Orenthal James Simpson, who preferred to be called O.J., was no stranger to being in the national spotlight. While he attended the University of Southern California, he was the star player on the football team and this was exemplified best during the game against crosstown rivals, UCLA. At the last moment Simpson took the ball and ran for more than 70 yards to win his team the game, a play that is still talked about to this day. His fame did not end after college

² Jeffrey Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996).

³ Jeffrey Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996).

football but grew to greater heights in the NFL as he played for the Buffalo Bills and continued his dominating performances with a team that was built around him and his style of play.⁴

One of the reasons he was able to stay popular during this time, a period when many other black athletes were losing popularity, was because as he put it he was "OJ, not black". This attitude allowed him to not be upsetting to the large white fan base of the NFL at a time when athletes such as Muhammad Ali were protesting against the government and seen as unsafe. What was most remarkable about this stance however was that while he sanitized his image in the eyes of many white Americans he still was a hero for many in the black communities. In this way he managed to still be everyone's friend.⁵

This of course is a trait valued by advertisers everywhere, this type of universal appeal which can be transferred by association to their product. He was in many regards the original sports celebrity endorsement before Tiger Woods or Michael Jordan. It was only a short time until he started appearing in other media as well. Soon he worked on the desk at games instead of playing and then moved on to acting. He starred in TV shows, movies, and commercials. They were not always the highest quality but they kept him in the public eye, although in later years he defaulted more towards being working solely with Hertz, golfing with clients as needed. He managed to stay popular throughout this time with his relationship with Nicole Brown which often made news, for various reasons, not all good.

⁴ Jeffrey Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996).

⁵ Christopher Darden, *In Contempt* (ReganBooks, 1996).

When this final bit of terrible news for Nicole came to trial, the man behind the bench was Judge Lance Ito, a well-respected jurist who was seen as a rising star in the California courts system in the years leading up to 1994 and had previously been a deputy District Attorney. He wanted to open up the judicial process to serve as an educational process for America but was often mercurial in dealing with the media, alternating from welcoming guests in during recess to expelling reporters for chewing gum.⁶

The prosecution was led by Marcia Clark, a tough and well-practiced white prosecutor, who was used to getting along with black juries. She had just returned to the courtroom from a promotion to administration in the District Attorney's office that had not worked out well for the courtroom natural. Her partner for the majority of the trial was Christopher Darden, a smart black prosecutor who lacked courtroom experience. He had focused his career on desk work at various offices up to this point.⁷

Opposing them was the media dubbed 'Dream Team', the biggest names in criminal defense across the country led by Robert Shapiro and Johnnie Cochran, supported by lawyers specialized in cross-examination and DNA evidence. After a blunder by a Simpson's first lawyer, Robert Shapiro took over the case. He too was not much of a trial lawyer, tending to wait things out for a plea settlement. Once the trial began, Johnnie Cochran, who had more experience with trials took over as the lead. Other lawyers who were brought on to the team include, Bailey, a master at cross-examination, and Robert Kardashian, one of Simpson's good friends who renewed his license just for this case.

⁶ Jerriane Hayslett, *Anatomy of a Trial: Public Loss, Lessons Learned from the People Vs. O.J. Simpson* (Columbia: University of Missouri Press, 2008). <http://www.loc.gov/catdir/toc/ecip0824/2008031786.html>.

⁷ Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996).

CHAPTER I

LIGHTING THE FIRE

Top 10 indicators of a Trial of the Century:

#4 You receive affectionate letters from law school classmates you haven't seen in twenty years.

Each trial in the United States has the same roles, filled in their time by an ever-rotating cast. Every trial starts with a Defendant, accused of something by the Prosecution, defended by the Defense, and all of this under the guide of the Judge, this carefully orchestrated dance resembles a spark landing on tinder, most fade to nothing but a few ignite into blazes. In the case of *The People of the State of California v. Orenthal James Simpson* these roles were filled by extraordinary individuals who each made their own mark on the trial in their own way and ensured that it would become the "Trial of the Century". Of course, there is a Jury as well, arguably the most important role, but they are passive during the trial, merely observing, until the verdict.

The police department in Los Angeles has long needed to walk the fine line between respecting and even protecting the privacy of the more famous members of their city while also making sure that they did not receive special treatment because of their status. When the officers responding to the scene at 875 South Bundy Drive found pictures of O.J. Simpson around the house the entire method and mode of the investigation switched because as the lead detective said, "the reporters would beat his back-up" if he used the police radio on a case involving a

celebrity. That was the first time that Simpson's fame had a significant effect on the case but it was far from the last.

The change in protocol meant alerting him in person as soon as possible which led to Detective Fuhrman entering the premises of O.J. Simpson's house without warrant which presented its own complications later. In addition to being famous in a town full of celebrities, Simpson had also been friendly with members of the police force for years up to this point. There were reports of police officers swinging by the Simpson estate in years prior just to sit by the pool and shoot the breeze. This familiarity had shown results before: when Nicole Brown called the police about a domestic violence dispute then encounter turned into a friendly chat and a warning.

The biggest example of the deference the District Attorney's office showed O.J. Simpson and his lawyers was when they allowed him to turn himself in instead of being put in the back of a squad car like a 'common criminal'. At the appointed hour when he still hadn't shown up there was still not much panic. When the defense also admitted that they did not know where he was panic started to set in. Garcetti appeared on TV asking viewers to keep a lookout for a white Ford Bronco and sent police to guard the ports and borders. When the white Bronco was reported, TV helicopters descended upon the scene. What followed was one of the most iconic moments of the entire trial.⁸

⁸ Rex Sorgatz, "The Chase, Or: Where were You when Reality TV was Invented? 'The People V. O.J. Simpson' Recap, Episode 2," New York Post, <https://decider.com/2016/02/10/the-people-v-o-j-simpson-recap-episode-2-rex-sorgatz/> (accessed 04-04-, 2018).

A low speed procession down an empty highway of a single car followed by a gaggle of police vehicles, staying a respectful distance behind. This was considered such breaking news that channels switched away from their scheduled programming, even interrupting the NBA finals! As he drew closer to his house, crowds lined the sidewalks and bridges along his path with signs cheering him on, significantly but unsurprisingly, these crowds tended to be majority black. Anyone who didn't know who Simpson was before, knew now.⁹

This was not enough to turn the trial into "The Trial of the Century" however. Month in and month out celebrities are arrested and stand trial, and this rarely receives coverage past page 3 of the checkout aisle gossip rag. What differentiated this case from those that don't even show up on Wikipedia was the crime. Speeding, drug possession, and DUIs are all common, mundane, and offer little room for excitement excepting the occasional racial statements towards the officers involved. A double murder, and one with such passion behind it, on the other hand would make news without a celebrity involved, Ben Stein, a Hollywood writer, summarized, "Blood sells, famous innocent blood really sells."¹⁰ The fame was like lighter fluid for this blaze of a trial that burned across the American consciousness for a year, it amplified everything around itself.

The nature of the crime, which distinguished it from other celebrity misdemeanors, was also going to be the prosecution's best chance at cutting through the favorable good will built up by the defendant's fame. With a crime that is so singularly immoral, uncontestable in its evil, the prosecution hoped that if they could get the case to point at O.J. the jury would do the right thing

⁹ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997).

¹⁰ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 46.

in the face of the fame. The prosecution also wanted to use the fame and exposure that came with the trial to spread the brutality of the crime, to get that to stick in their minds, and to turn public opinion towards them. This served as kindling to the flame of the trial, ensuring that it would not fade gently into the night.

This fame and exposure worked in both directions however. As the trial gained more attention, the attorneys behind it also received their share of attention. Some of this was positive but much was negative. Darden was derided as an Uncle Tom, working with the white man against his fellow people, while comparing him to Johnnie Cochran. This comparison and its real-life match up was particularly tense and at times it got the better of Darden in the courtroom which paved the way for the infamous picture of the glove not fitting on O.J.'s hand.¹¹ Marcia Clark also faced her own demons in the press, her outfits and hair often receiving more attention than her arguments in court, some outlets even going as far as labeling her "bitch".

A similar case can be seen recently with the trial of Casey Anthony for the murder of her 2-year-old daughter. Casey did not have the benefit of being famous before her trial to spread the news and interest the public as *Simpson* did but the crime with which she was accused was arguably more brutal, a mother murdering her own defenseless child. Despite almost universal public support for the prosecution's side the lack of actual evidence to tie the crime to Ms. Anthony led to the "Not Guilty" verdict.

In the Anthony case, like the Simpson trial, the crime was brutal, the media swarmed and turned it into a national story, but it was missing some of the latter's panache and longevity.

¹¹ Darden, *In Contempt* (ReganBooks, 1996).

Marcia Clark, the one and the same, investigated it for a new TV show and it has received shout outs in songs, but still, it didn't reach the critical magnitude that *Simpson* did. One thing that it was lacking was a real divisor, something that could separate friends, even family, something like race. Very quickly, Shapiro realized their client was not going to win a murder trial or a hearing on domestic violence, but he could however, convince the jury that the LAPD was racist.

The defense had plenty of history on its side, stretching back to the beginnings of the police department all the way up to the beating of Rodney King only a few short years before the trial of O.J. The Justice department was not seen as an improvement either with the full acquittal of all the officers charged in the case. It is a story that would not seem out of place more two decades later, the national debate about race playing out in the theater of the justice system. This debate was like logs carefully arrayed around the fire ensuring a constant source of nurturing food.

There could have scarcely been a more fortuitous occurrence for the defense than that of Kathleen Bell recognizing a picture of Fuhrman and sending in a letter to the defense. This testimony along with tapes recorded by Laura McKinny, an aspiring screenwriter, that had Fuhrman saying using racial slurs proved to be an opportunity too good to pass up. Johnnie Cochran, the defense lead in the courtroom and Los Angeles' preeminent black defense attorney, took the opportunity and ran with it. It is telling that the only conviction to result from this trial was on a charge of perjury against Fuhrman in this debacle.¹²

¹² Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996).

Simpson's defense was more than just a cop on tape though, the defense was ready with big names and bigger personalities. Singularly each name would have been impressive but combined attracted almost as much attention as Simpson himself. The trial had not even reached the courthouse before Shapiro came out in the media accusing the prosecution of trying to influence the public, or exactly what he was trying to do. When Cochran took over the helm during the trial in a coup that required its own amount of coverage, he too was quick to use the media to advance positions. By the announcement of the verdict almost every member of the team had been in a feud, which if anything, helped their case by distracting the media from the real case, the sole exception seemed to be Robert Kardashian.¹³

As one of my teachers recently observed, "The Simpson trial was America's first reality TV show, it even had a Kardashian!" This was not the first time this observation had been made, and it was not even the first reality program, the genre had existed for decades at this point. That does not diminish the effect that the trial had on American culture and the media establishment in particular. The fascination with trial and its longevity can be seen in the factors presented earlier coming together but there was more. Other trials have met the three criteria in various senses and may have become great or famous trials but none became "a larger-than-life telegenic spectacle that played to global audiences" quite like *Simpson* did.¹⁴

Some of the difference could be arguably the defendant, or any of the other actors in the trial, but there is still more to it. The drama surrounding the trial was more than palatable, it drove presses. Judge Ito was the least prepared for what was to come even has he predicted it,

¹³ Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 151.

¹⁴ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997).

"The sirens of mythology pale in comparison to the allure of seeing yourself on CNN. The results, however, can be about the same." Over the course of the trial he went from "amiable and cheerful" to appearing "angry and nearly tyrannical" by the end under the pressures of the media.¹⁵

Distractions from the trial abounded, lawyers from opposing sides ripping into each other, lawyers from the same side ripping into each other, lawyers not a part of the case ripping into everyone, everyone having a go at Ito, any permutation with every other participant of the trial. These increased the visibility of the trial, keeping it in the papers and on the news desk even as proceedings languished. There was a chicken and egg paradox to the whole matter as producers made the content because that is what the viewers were watching and the consumers watched the content because that is what was being produced. The constant variety and the drama tended the blaze that the Simpson trial had become ensuring that never once fuel was lacking.

Together these factors can account for much of what twisted and molded 2 of the 20,000 homicides of 1994 into what can be definitively called the Trial of the 20th Century.¹⁶ According to Uelmen's reckoning there were 32 trials that earned the moniker "Trial of the Century" from 1900 till 1996, averaging approximately one every three years.¹⁷ It would be foolish to say that the personalities and positions of the Simpson trial alone solidified its position as the ultimate "Trial of the Century". It owes much of its distinction to the layout of America at the time, from the culture to the technology, to separate it from the Scopes Trial or even the Nuremberg Trials.

¹⁵ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 84.

¹⁶ Gerald F. Uelmen, *Lessons from the Trial* (Kansas City: Andrews and McMeel, 1996)211.

¹⁷ Gerald F. Uelmen, *Lessons from the Trial* (Kansas City: Andrews and McMeel, 1996).

CHAPTER II

FANNING THE FLAMES

Top 10 indicators of a Trial of the Century:

#2 All of the witnesses you subpoena retain their own lawyers, including the defendant's mother.

There have been many other large trials that stand out in their own right and previously bestowed with the title "Trial of the Century" that were large before being blown out of the water by *The People of the State of California v. Orenthal James Simpson*. The Scopes Monkey Trial in 1925 was one of the first really large media trials, it brought in "approximately two hundred reporters ... for newspapers across America and as far away as London."¹⁸ This trial was in many ways similar to the Simpson trial, the lawyers argued on about topics unrelated to the crime and it attracted crowds interested merely in the spectacle that was unfolding, and most importantly the issue that was being argued was deeply cultural and personal rather than dryly factual. It is perhaps the one American trial that is close to the Simpson trial in dramatizations and cultural relevance with multiple movies and a play spawned. Had more of the technology available now or even in 1994 existed 70 years earlier then it could have easily matched or surpassed *Simpson*.

A decade later the trial of Bruno Hauptmann, also known as the Lindbergh baby trial, as declared to be "Trial of the Century" and it certainly had the media circus to live up to the term. In fact, the ruckus caused by cameras and their operators during the trial led the American Bar

¹⁸ Edward J. Larson, *Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion* (Basic Books, 2008).

Association to suggest that cameras be banned from the courtroom and this precedent held for decades until cameras shrunk and became quieter. This did not fully stop the cameras at this trial as Charles Lindbergh, the father, was an American hero at this point and the crime, murdered child, was so horrific, traits that it shares with *Simpson*. This was one of the first of many clashes to come between the Court and the Camera.

Approximately another decade later, this time half the world away, cameras were not only welcomed into the courtroom, the entire room was designed around their existence. At the International Military Tribunals following the Second World War, the victors were in an odd spot. They wanted to show objectively, legally that what was done was wrong but at the same time needed to avoid a show trial that could make the now deposed into martyrs for the cause they were trying to quash. The result were trials that were remarkably fair, circumstances considered, the defendants assigned competent attorneys who were heard. The trial met some of the same points as *Simpson*, the Nazis had been in American headlines for the previous 5 years and the brutality of war was unmatched (the full extent of the Holocaust was not explored at these trials). To accomplish their other goal these trials were filmed and then assembled into newsreels and sent across the world so that the film might teach its lesson.¹⁹

This idea that the court can and should be a teacher has been central to the argument for allowing cameras back into the courtroom ever since the Lindbergh fiasco. At the 1961 trial of Adolf Eichmann by the country of Israel for crimes against the Jewish peoples during the Holocaust the courtroom was once again constructed for the express purpose of teaching a lesson. Ben Gurion, Israeli Prime Minister, envisioned the trial bringing together refugee Israelis

¹⁹ Christian Delage, *Caught on Camera*, 1. ed. ed. (Philadelphia, Pa: Univ. of Pennsylvania Press, 2014).

with those who had lived in Israel their entire lives. Like the previous war trials, this too was intended for an international audience, however some was live broadcast while the rest was distributed as newsreels. Additionally, the trial was broadcast on the radio disrupting the traditional schedule for majority of the trial. It was an important event at the time and has its place in culture but not to the same level that the Simpson trial achieved.²⁰

These government produced trials were missing something. The Nuremberg trials had the fame and brutality but among Americans at least generated little controversy and offered little in the way of surprise and variability outside of footage from freed camps. This led to public interest dropping rapidly, by the final drop of the gavel, many Americans were probably unaware that the trials were still occurring. The Eichmann trial suffered similarly, the brutality and magnitude of the charges were certain and the vividness of the witnesses' varied recollections did their part to keep public attraction but without the controversy and divide brought about by Hannah Arendt's "Eichmann in Jerusalem" the trial would occupy an even smaller nook in academia. These trials were spread not in a memetic fashion in America, rather forcibly spread by the governments putting on the trials which greatly expanded the presence of the trials past where they would have spread naturally. The trials still fulfilled their goals and were successful in their own right but did not achieve the significance that *Simpson* later would.

Back in the United States at this time, trials were not filmed, even still cameras were typically not allowed. Instead a courtroom sketch-artist captured poignant moments of the participants in lead and these would then be shared in reports about these trials.²¹ These drawing

²⁰ Christian Delage, *Caught on Camera*, 1. ed. ed. (Philadelphia, Pa: Univ. of Pennsylvania Press, 2014).

²¹ Terry Carter, *Drawn to It*, Vol. 103, (2017), 56-62.

along with reports from one or two reporters covering multiple trials at a time amounted to the typical coverage afforded by media outlets. Most of these cases didn't even get enough attention for the attorneys on either side to bother with press conferences. Larger trials might result in multiple reporters or even occasional press conferences to present their side to the public.

It wasn't just cameras inside the courtroom that were causing issues either. Throughout the 1960s the Supreme Court heard cases about media and the court system, most prominently *Estes v. Texas* and *Sheppard v. Maxwell*. In *Estes v. Texas* in 1965, Estes brought forward the claim that he had not received a fair trial due to the massive amount of pretrial publicity and disturbance in the courtroom, which the Court upheld ruling that such publicity broached the due process that every citizen is entitled to.²² In *Sheppard v. Maxwell* in 1966 Sheppard brought a similar claim to Estes, in this case the judge was more aware of the coverage and continued despite it. *Sheppard v. Maxwell* was also noteworthy in this context as Sheppard's council before the Supreme Court was none other than F. Lee Bailey who would eventually participate in *People v. Simpson*.²³

If these previous trials became bona fide blazes, then *Simpson* was a wildfire, uncontrolled with a mind of its own. The constant, ceaseless coverage of the trial was the biggest hallmark of the untamed nature of what the trial had become. It all began when Simpson failed to turn himself which in turn lead to an iconic moment in the story of the case, the infamous Bronco Chase, as network after network switched to live coverage of the procession, even eschewing advertisements. This was the point of no return. It was not just television where the trial received

²² "Estes V. Texas." *Us* 381, no. No. 256 (1965), 532.

²³ "Sheppard V. Maxwell." *Us* 384, no. No. 490 (1966), 333.

constant coverage, in the Los Angeles Times the Simpson story received almost 400 front page articles over the course of the trial and more than 3 times that in total.²⁴ Other papers might have shown a little more restraint but still carried frequent headlines of the trial, even as far away as the East Coast.

The coverage reaching so far was not a technical feat performed just for this trial, Court TV, which had been operating for only 3 years at this point, had previously broadcast the Menendez Brothers trial nationwide as well. None of the technology in fact was new, but rather it dawned on the media that the technology could be used in this manner. A remarkable side effect of this was the range of participation that the "audience" could engage in, the most important instance was that of Kathleen Bell. When she recognized Fuhrman from the images of the trial she wrote the defense and eventually was even called as a witness. When Clark mischaracterized a plastic bag found in the rear of the white Bronco, owners of the same across the country wrote in and saw her apologize for the mistake. On top of all of this participation within the trial there was also the participation within society that was created by the shared Simpson language that everyone spoke, truly becoming the zeitgeist.²⁵

While these experiences are more extreme than previous trials the biggest difference, and what truly stands out about the Simpson trial is the reflexivity that encompassed the trial. The trial became more than a trial, it became a social event. T Shirts, books, even board games were produced with O.J.'s face before the trial had even ended.²⁶ Even the most marginally involved players turned the thread of a connection into their 15 minutes of fame, and in more than 1

²⁴ Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 48.

²⁵ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 15.

²⁶ Zulekha Nathoo, *O.J. Simpson Museum Turns Morbid Merchandise into Art*, 2017).

occasion, a book. Most famous among these is Faye Resnick's supposedly tell all memoir published during the trial that so incensed Ito that he suspended jury selection.²⁷ In the end it became practically a badge of the Simpson trial to have a book, prosecution, defense, witness, juror, defendant, they all had their own story to tell, their own side to spin. The ultimate example of the reflexivity in the trial can be typified by an exchange in the courtroom shortly after the National Enquirer reported talks of a plea bargain. Cochran announced to the court, "This is a case where there is no plea bargain, will be no plea bargain and I thought I should make the record clear in that regard." Of course, though this was not for the court rather the media who he knew would report every word he just said.²⁸

This was neither the first nor the last time that the lawyers used their position in the court to speak to the nation at large while addressing the court and they could count on a response when they got home and turned on the set. Legal pundits on every network would respond to the events of each day, even going so far as to score the participants on their conduct in the day. Serious shows were not the only place a lawyer could hope to be critiqued as late-night shows across the dial parodied or spoofed events, the most memorable being "Dancing Itos" on Jay Leno's Tonight Show.²⁹ This constant cycle through the courtroom, the media, the public and back again was one of the hallmarks of the Simpson trial that was not seen before in trial

The context enjoyed by *Simpson* was decades in the making when it finally came to fruition. Like wind whipping a fire into a frenzy, the attention on the trial turned what might have been news for a week into an unstoppable juggernaut of a yearlong saga. Courts had finally

²⁷ Toobin, *The Run of His Life: The People V. O.J. Simpson* (New York: Random House, 1996)448.

²⁸ Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 169.

²⁹ Paul Thaler, *The Spectacle : Media and the Making of the O.J. Simpson Story*. (Westport, Conn. : Praeger, 1997) 91.

started opening up to television cameras a few years before and were ready to teach America everything about the third branch of government. What happened instead was a testament to the power of a camera to distort, distract, and mislead those on both sides of the lens.

Cameras were nothing new, and even trials on TV weren't novelty anymore but the unceasing coverage and constant bombardment brought social participation to television. Swapping the latest bit of damning evidence instead of juicy gossip became American watercooler talk for more than a year. When the trial and the media reached the point of reflexivity, with the world accepted as a member of the court and the court as a member of the world, that is when it became more than just a murder trial and became *People v. Simpson* as we know it today.

CONCLUSION

Top 10 indicators of a Trial of the Century:

#1 The judge takes all of your motions under submission, so the rulings can be timed for prime-time newscasts.

The People of the State of California v. Orenthal James Simpson, these words are etched into the American consciousness in a manner typically reserved for presidents or celebrities so it is easy to take for granted that if O.J. was any other black man in Los Angeles the case would have ended way sooner. There would have been no chance for him to turn himself in, and even if he had gotten in the Bronco on the highway, the pace would have been slightly faster, with far more serious results.

The fame and the money with it allowed him to hire Shapiro, Cochran, Bailey, Dershowitz, and Uelmen, among other, instead of relying on an overworked public defender. He certainly would not have had the resources to find out about the Fuhrman tapes, and even if they appeared, without the expertise and charisma of Cochran and the Dream Team, they likely would have amounted to far less. Most importantly, without the fame, no one would have paid attention to another 2 murders in America.

Plenty of other cases have this fame, have the money, have the attorneys, and have not become this Trial of the Century. It is tempting to write this off as some *je ne sais quoi* that affected one trial once, but it was the careful combination of factors that deterministically led to

the result. Some of these factors are not under human ability to control so recreating such an event would be difficult.

It is made more difficult by the dominance of the Internet over all other media. The Internet is diffuse, and not centrally controlled so another year of media focused on one topic to the extent that 1994-1995 was dominated by Simpson is incredibly unlikely. The democratic aspect of the Internet also means that the topic changes when the users organically grow tired of it, there is not the same cycle of dependence that drove ratings. The closest that we will get to a cultural event of Simpsonian proportions will be a #hashtag_movement such as #meToo or #neverAgain.

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