

Rendering Justice

Media, Testimony, and Witnessing in the American Court of Public
Opinion

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FORWARD

This dissertation is the culmination of five years of reading, watching, discussing, and writing about media. The media objects I use as case studies in this project are American or, in instances where the provenance of a media object it is not immediately clear, about American society, the American legal system, and/or American media events. This focus on American media is both a result of the fact that I am an American living in the United States and a reflection of my contention that all media is engaged in a complex cycle of production and reproduction of the culture in which it is positioned even within the increasingly globalized age of the internet. I.e., my decision to center American media in this project is because I seek to better understand American culture.

Raymond Williams described “culture” as “one of the two or three most complicated words in the English language,” due to its numerous distinct usages across intellectual disciplines.¹ For the purposes of this dissertation, my use of the term culture encompasses two of these conceptual categories: 1) “culture” as the particular way of life of a group of people, abstract or specific, and 2) “culture” as “the works and practices of intellectual and especially artistic activity.”² Following from these definitions, my analysis of culture in the following chapters includes, and is particularly interested in, highly idealized or generalized practices that may or may not be representative of the behaviors of actual individuals (e.g., the combination of behaviors or traits attached to the phrase “all-American” or “as American as apple pie,” and so on), or attributed to a specific culture that may or may not exist (e.g., the idea of the existence of a single “internet culture”). Media, especially the entertainment and infotainment media I focus on in this dissertation, is easily understood as falling within the second dimension of culture, but

media is also a critical component of the creation and reproduction of culture. As Williams notes, all early uses of the word “culture” referred in some way to processes of cultivation, to the tending to or improvement of an object or an ability. This connection between culture and cultivation evokes Marshall McLuhan’s famous description of media as that which extends humanity’s perceptual abilities—e.g., the electric light as a medium allows us to take in more visual sensory information.³ This idea of media as cultivating new ways of seeing is figuratively demonstrated by Benedict Anderson’s genealogy of the imagined community; the advent of mass media via the invention of the printing press laid the conditions for the development of imagined communities—the perception of shared group membership and connectedness with people one doesn’t know and will likely never encounter—based on modern concepts of national identity.⁴ Media therefore can be understood not only as products of culture, but as technologies that help cultivate the practices, way of life, and way of seeing that are valued within a particular culture. Not only did mass media allow for shared identities and affiliations between people across large geographic areas, but the ritualized consumption of the media itself (e.g., the daily reading of a national newspaper) functions as a kind of cultural practice. While it may be less common today for large communities of people to all consume the same media at the same time, I argue that the increased access and connectedness offered by modern forms of digital media (influenced by earlier mediums of television broadcasting, print media, and by legacies of ritual public spectacle) has led to the development of more niche imagined communities identified by their practices of media usage and consumption. The online imagined communities I discuss in this dissertation include the wonks (Chapter One), the citizen sleuths (Chapter Two), Anons (Chapter Three), and the users of Black Twitter, now “X,” (Chapter Four). In the upcoming chapters I will

theorize how these communities reflect the logics of a quintessentially American cultural practice of the trial despite their online and globalized character.

Finally, I want to speak briefly about my writing style. In addition to drawing from critical theory and a close reading of media texts, my analysis in this dissertation also engages in the time-honored practice of giving testimony. This testimony concerns my personal experience as a jurified spectator: an individual media user and consumer who perceives their own judgements as having equal, if not more, legitimacy than the expertise of institutions that have traditionally evaluated knowledge (e.g., those on the courts, science and medical institutions, academia, and so on). Of course, in my case my claim to expertise is informed by my association and training at an elite academic institution, but my most important qualification is that I am an avid consumer of the types of media I analyze in this dissertation. As I will discuss in the following chapters, I have dropped everything I was doing to tune into a livestreamed verdict delivery, listened to true crime podcasts while cleaning my apartment, and shared memes and viral videos about Karens with my friends and family members. In acknowledgement of this, I include reflections on my experiences with both specific media texts and larger media genres throughout my dissertation. Additionally, I occasionally provide my personal opinions and judgements of these texts—and, more rarely, of the people featured in these texts such as Alex Jones in Chapter One and Mike Smith, the director of *Out of Shadows*, in Chapter Three—that delve into topics such as their quality, politics, and what aspects of them provoked an emotional reaction.

I provide this overview of my testimony not as an apology or confession, but as evidence for my argument that the forms of jurified spectatorship I discuss in this dissertation are an inescapable and defining aspect of our current American zeitgeist. As I will make the case for in

the following four chapters, we are all jurified spectators. My theoretical foundation is inspired by the work of Black feminist scholars who have demonstrated that the Western intellectual practices of objectivity and distance from the subject of study are not the only ways to conduct meaningful research.⁵ As such, I argue that my personal experience of the training I have received within academia—a traditional authority on knowledge—combined with my position as a jurified spectator offers a unique perspective on the crises of meaning facing American society today.

Chapter Notes

¹ Raymond Williams, *Keywords: A Vocabulary of Culture and Society*, 2nd ed. (New York, N.Y: Oxford University Press, 1985).

² Williams.

³ Marshall McLuhan, *Understanding Media: The Extensions of Man*, 2nd ed. (Routledge, 2001).

⁴ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 1983).

⁵ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 2nd edition., Perspectives on Gender (New York: Routledge, 2000), <https://doi.org/10.4324/9780203900055>.

INTRODUCTION

The Cultural Life of the Trial

“Do you swear to tell the truth, the whole truth, and nothing but the truth, so help your black ass?”

This is the question, a play on the well-known oath used in American courtrooms, that Dr. Dre poses to Ice Cube at the beginning of gangsta rap group N.W.A.’s (Niggas with Attitude) hit song “Fuck Tha Police.” The song, which appears on the group’s 1988 debut album *Straight Outta Compton*, stages a trial of the Los Angeles Police Department for anti-Black racism and policy brutality. “Prosecuting attorneys” MC Ren, Ice Cube, and Eazy-E recount their experiences of being racially profiled and assaulted by police, reenact a police raid of Eazy-E’s house, and describe their fantasies of killing cops in graphic detail. The song concludes with “Judge Dre” ultimately finding the LAPD guilty of being “redneck Whitebread, chicken shit motherfucker[s]” as the anonymous police officers are dragged off to jail while protesting the trial’s unfairness and, ironically, demanding justice.

“Fuck Tha Police” (hereon referred to as “Police”) not only appropriates the form of the trial but also provides its own testimony. As I will argue in this section, the testimony of “Police” lies not only in N.W.A.’s account of their own lived experiences, but in the song’s ability to resonate with listeners who were not from nor had ever been to Compton. At their peak, N.W.A. was broadly popular with Black audiences—bridging the East vs. West Coast rap divide—and attracted a large audience of young, suburban White listeners.¹ For many in the latter category, *Straight Outta Compton* likely represented their first exposure to Black critiques of vision,

power, and authority. By referring to N.W.A.'s discography as testimony, I am also recognizing that the ability to record is an inherently political act. Like vision and the ability to make visual, which I discuss later in this chapter, the ability to record—whether visual, audio, or audiovisual—is an exercise of power: the power to preserve aspects of human memory and culture that would otherwise be ephemeral.² In recording “Police,” N.W.A. recorded their own lived testimony of the police brutality, oppression, resistance that came with living in Compton in the 1980s. Moreover, “Police” demonstrates the perennial appeal of the trial as a form for seeking justice outside of the courtroom. The widespread popularity of “Police,” as well as the institutional efforts to suppress the song by American political and moral authorities, provide us with an introduction to the contemporary struggles facing today’s increasingly jurified society.

The trial at the center of “Police” differs from an “official” trial in many obvious ways. MC Ren, Ice Cube, and Eazy-E are positioned simultaneously as the cops’ victims, their prosecutors, and as witnesses providing testimony. Notably, though the voices of the LAPD officers are heard throughout the song, they are not called to take the stand and seem to have no attorneys to defend them. Despite these differences, the combination of verses that make up “Police” are nonetheless still recognizable as a trial within the popular concept of what a trial is supposed to *do*: seek justice. The discrepancies from the official trial form are themselves central to N.W.A.’s conception of justice, which centers on providing a space for victims of police brutality to testify to their lived experience, to offer an indictment of the entire law enforcement apparatus rather than holding individual officers responsible, and to fantasize about enacting revenge.

While “Police” was not cut as a single and never had a music video, I argue that the story of the trial told in the song’s lyrics has a visual accompaniment in the music video N.W.A.

produced for the album's opening track, "Straight Outta Compton." The video begins with shots of the members of N.W.A. walking through the streets of Compton intercut with extreme close-ups of police officers, including a White male police officer with sunglasses. Unlike the shots of N.W.A., these extreme close-ups rarely capture the full figure of the officer or their position in the context of their surroundings, focusing instead on their hands—which are shown handling a baton, holstering a gun, stroking a chin and mustache, and circling Compton on a map. As the video progresses, N.W.A. are confronted and chased by an interracial group of police men and women who arrest them and put them into a black police van. As the other members of N.W.A. are taken to jail, Eazy-E drives alongside the police van in a convertible, taunting the officers, as other residents of Compton throw rocks at the retreating van.



Figure 1: N.W.A. deliver their verses from the streets of Compton, authenticating their testimony.



Figure 2: The map of Compton serves as a representation of the surveilling gaze of the police. The red outline evokes the segregation practice of “red lining.”

The visuals of “Compton” convey a parallel narrative to the lyrics of “Police.” By following their movements through the streets of Compton with the camera staying mostly at eye level or lower, the video positions the members of N.W.A. as belonging in Compton, as much a part of the neighborhood as the buildings and urban landscape that make up the video’s setting. This identification with the landscape of Compton itself emphasizes the song’s promise at the beginning of the video to show the audience the “strength of street knowledge”—a knowledge that is not just *of* the streets but can only come *from* the streets. The video contrasts N.W.A.’s street knowledge with the authority of the police, who the video identifies with a top-down surveilling gaze through its shots of police gathered around a map of the greater Los Angeles area with Compton outlined in red. Not only are the police situated outside of Compton, but the shots implicate both the police and the map itself as technologies of oppression and surveillance. This connection is further emphasized by the reflective black sunglasses worn by the officers in the video, denying the audience the ability to identify with them through eye-contact while simultaneously calling attention to the police’s vision as a terrorizing force for the exercise of

power; a power that is exercised vertically onto the residents of Compton including the members of N.W.A., who are shown being violently pushed against police vehicles and arrested. However, the power of the police to terrorize is not totalizing. While the other members of N.W.A. are arrested, Eazy-E mocks the police with his continued freedom and with his verses: “See, I don't give a fuck, that's the problem. I see a motherfuckin' cop; I don't dodge him.” Eazy-E’s gleeful rejection of the police’s authority, his refusal to hide from them but rather to tactically retreat and plan his future revenge—“But I'm smart, lay low, creep a while”—is the true strength of street knowledge. Eazy-E’s verses create a sense of continuity between “Compton” and “Police.” As the video ends, there is the sense that the police van might keep driving to the courthouse, only to see Ice Cube and MC Ren go straight from the van to the counsel table and the police to the defendant’s seat as the rock-throwing residents of Compton file into the jury box.



Figure 3: In contrast with N.W.A’s street knowledge that stems from lived experience, the police only see Compton through the lenses of control and surveillance. Here, the police officer’s surveilling gaze is made visible through the reflection of the city in his sunglasses.



Figure 4: Eazy-E taunts the police. Although the police officer is positioned to be higher than Eazy-E in the frame, the open-top convertible and the brightness of the open space surrounding Eazy-E in contrast with the dark interior of the police van emphasize his freedom and agency.

As testimony, “Police” and “Compton” demonstrate the power of what scholars have referred to as “hidden narratives”: the critique of power and the powerful represented in stories of symbolic victories over the powerholder.³ While these hidden narratives may exist on the margins of the social order, the popularity of N.W.A. demonstrates how hidden narratives can operate openly through media. The resonance of N.W.A.’s testimony could not be confined to Compton despite concentrated efforts to limit the reach of “Police.” The song’s popularity prompted FBI assistant director Milt Ahlerich to write an unprecedented warning letter to Priority Records, in which he accused “Police” of “advocating violence and assault” against law enforcement.⁴ Notably, Ahlerich claimed never to have listened to the song and noted that, to his knowledge, the FBI had never previously taken an official stance against a piece of art.⁵ When the group went on their national tour in 1989, Ahlerich’s letter inspired an informal campaign by police departments across the country to refuse to provide police protection for N.W.A.’s concerts. Mindful of the controversy, N.W.A. generally chose not perform “Police” live while on

tour. When N.W.A. refused to comply and began to play the song at their Detroit concert, the group members were temporarily detained by police.⁶ The targeting of N.W.A. by the police and FBI as well as by influential political organizations such as the Parents' Music Resource Center, or "PMRC," for promoting violence demonstrates the dominant popular conception in American culture of the relation between injury and media technologies: that media representations of violence beget more violence or, to take this line of thinking further, that representations of violence are themselves acts of violence.⁷ Within this dominant social script, the violences of racial profiling, premature death, and urban poverty are made invisible while rap's fantastical subversion of the positions of powerholder and victim are legible as violence. Condemnations of N.W.A.'s music fail—or outright refuse—to recognize the larger significance of the group's provocative appropriation of the nation's founding and most iconic institution and this message's resonance with multiple subsections of the American public.

It's therefore not a coincidence that the legacy of "Police" is intimately intertwined with a set of real-life trials centering anti-Blackness, police brutality and corruption, and miscarriages of justice. While N.W.A. were on their national tour, five Black teenagers were arrested for the brutal assault of White jogger Patricia Meili in Central Park. Media coverage following the teens' arrest echoed the sentiments expressed in the FBI letter to Priority Records: speculating that the teens, who would become known as the Central Park Five, had been inspired by gangsta rap music to go "wilding"—a direct reference to rapper Tone Loc's popular song "Wild Thing."⁸ The members of N.W.A. would also directly connect their music to contemporary headline trials. In 1991, Eazy-E compared N.W.A.'s music to the Holliday tape, referring to the footage captured by Los Angeles resident George Holliday on his camcorder of the beating of Rodney King by four White LAPD officers.⁹ Like the Holliday tape, "Fuck Tha Police" bore witness to the

everyday experiences of surveillance and violence of Black LA residents at the hands of police while simultaneously serving as evidence. N.W.A. were not the only ones to make such comparisons; “Fuck Tha Police” was evoked in signs, chants, and graffiti immediately preceding and during the LA riots following the acquittal of the four officers for King’s assault and the sentencing of Korean store owner Soon Ja Du to a mere \$500 fine following her conviction for the murder of 15-year Latsha Harlans, a resident of Compton.¹⁰ In all the retrospective analysis of the LAPD trial and the LA riots as a media spectacle on a scale which had previously been unprecedented in American media history, the role of rap as a form of, not just early, but predictive, reporting has been largely overlooked in media scholarship. As Ice Cube noted following the LA riots: “Anything you wanted to know about the riots was in the records before the riots.”¹¹ The word “records” here has a double meaning, referring to the albums as physical material and evoking the act of recording as giving voice to and creating a collective archive of Black complaint. Part of the power of recording is that, once something is recorded, these records can not only be listened to and viewed by others, but they can be played back, slowed down, played in reverse, sampled, edited, spliced together with other recordings, and reproduced by others for their own projects of memory and cultural production and preservation.¹² N.W.A.’s recorded testimony now circulates within the public imagination and will continue to gain new meanings as it tactically replayed and remixed for different political, commercial, and artistic purposes—as an example, “Police” saw a 300% increase in online streams during the protests following the murder of George Floyd.¹³

One final example of how testimony can be taken up and used for purposes very different than the original context in which the testimony was recorded is the, in my opinion, underappreciated diegetic appearance of “Police” in a pivotal scene in Jordan Peele’s 2019

horror film *Us*. In the scene, a wealthy White nuclear family is attacked and killed by their mutilated doppelgangers, the “Tethered.” The song’s operations in this scene are multiple: its usage marks *Us* as a culturally Black horror film in the vein of Peele’s debut film *Get Out* despite the former film appearing to be less “about race” on a superficial viewing.¹⁴ The context of the song’s deployment in the film world demonstrates the fluidity between the genres of horror and comedy that is a hallmark of Peele’s horror films: a dying White victim (played by Elizabeth Moss) begs her home’s “Ophelia,” an Amazon Alexa-like device, to call the police but the device, either in error or due to malicious supernatural influence, plays “Police” instead. As a moviegoer who remembers the spontaneous, uncomfortable laughter in the theater during this absurd moment of technological failure, this scene has stuck with me as a demonstration of what Mark Seltzer refers to as the “shock of contact between bodies and technologies” that characterizes the mass attraction to public spectacles of violence and trauma in our culture¹⁵--an attraction which belongs to the trial as much as it does to the horror film.



Figure 5



Figure 6: The shock of contact between bodies and technology.

Like the “Compton” music video, *Us* also uses its visual field to reflect the power dynamics of this scene. The camera follows Moss head-on as she crawls across the floor while her and her husband’s doppelganger stand behind and in front of her, respectively, and slightly off to the side. Only their legs are visible in the frame, evoking the multiple street-level shots of N.W.A. in the “Compton” music video. The framing of the scene represents a complete reversal of power and the monopoly of violence between the previously subterranean Tethered and their surface-dwelling counterparts. Despite their voicelessness,ⁱ the Tethered can use the recorded testimony of “Police” to articulate their unspoken rage. The deployment of “Police” takes a scene of violent spectacle that could otherwise be considered a kind of “White-on-White” violence and renders it within the contexts of anti-Blackness, police brutality, and miscarriages of justice.ⁱⁱ The framing of the scene uncomfortably evokes the too many video recordings of police executions and assaults of unarmed Black people, including of course, the Holliday tape. There is even a moment as Moss is begging for life when her husband’s Tethered reaches out his hand to her,

ⁱ With the notable exception of Lupita Nyong’o’s doppelganger character “Red.”

ⁱⁱ Though, arguably, this connection is established even before the song plays when, prior to the violent home invasion sequence, Moss confronts her husband (played by Tim Heidecker) about a figure she believes she saw lurking around the house, whom Heidecker jokingly exclaims must be O.J. Simpson.

only to pull away as she reaches for it and smooth back his own hair—a stunningly cruel gesture that immediately reminded me of the mustache stroking cop in the “Compton” music video. The evocation of the specter of police brutality complicates our impulse to read the scene as a fulfilled fantasy of retributive justice and blurs the boundary between victim and perpetrator of violence. Ultimately, the scene, the song, and the trial all seek to grapple with what it means to seek justice: When is violence an appropriate response to injury? What exactly does collective justice look like? Are some injuries and injured bodies more deserving of redress than others? These questions ultimately form the basis are at the heart of what I refer to as the trial’s cultural life.

The centrality of the trial to N.W.A.’s “Police,” as well as the song’s role in public discourse and popular culture over the past 37 years, provides an example of what I refer to as the cultural life of the American trial outside of the courtroom. The cultural life of the trial refers to how the image of the iconic American jury trial not only provides a framework for legal disputes but for adjudicating moral, epistemological, and political disputes more broadly. While the power to legally enforce a court’s verdict might be the sole privilege of the state, the *idea* of the trial, its form, its significations, and its meanings circulate widely and are appropriated for various artistic, social, and political projects by individuals and groups of all social positions for many different ends.

In this project, I argue for an understanding of the trial as possessing a cultural life that extends outside the courtroom to all aspects of American culture, structuring our ideals of justice, guilt, and innocence. The trial’s cultural life includes, but is not limited to, representations of real and fictional trials in popular entertainment media, expressions of public opinion on the outcomes of highly publicized trials in television broadcasts, online forums, and water cooler

conversations, and the iconic image of the six-person jury trial that most Americans think of when they imagine their possible “day in court.” The cultural life of the trial is inclusive of the afterlives of trials: the public reaction to verdicts, retrospective analysis of lawyers’ performances, or even the proposal and passage of new legislation as a direct response to the outcome of a trial. However, while the term “afterlife” temporally situates these events as proceeding from the official resolution of a trial, “cultural life” instead acknowledges that the forms, outcomes, and representations of trials are influenced by narratives that precede a trial’s commencement and that the rendering of a verdict does not mark the end of a trial’s productive function. In other words, specific trials have afterlives, but *the* trial has a cultural life.

By asserting that the trial has a cultural life, I am therefore arguing that the trial is much more than a civic event; it is a ritual of sense-making, a frame of reference that we use to ask fundamental questions about living in a society.

Genealogies of Spectacle

The cultural life of the trial traffics in iconic images and narratives. It is important to note that my use of the term “iconic” differs from the term’s usage in semiotics to refer to a sign in which the signifier shares a non-arbitrary resemblance with the thing being signified (e.g., onomatopoeic words like “twang” and “cough,” as well as most visual images in which the signifier “resembles” the referent, though what is considered a legible resemblance is still culturally formed).¹⁶ While I do look at visual imagery (among other kinds of significations) in this project, I am not focused on the issue of resemblance and so my use of the term “icon” should be distinguished from what semiotician Charles Sanders Peirce calls indexical and symbolic signs. Rather, I am referring to the capacity of images, narratives, and other cultural forms to operate as signs within several different contexts and therefore to generate a range of

meanings that exceed their original moment of production.¹⁷ My use of the term iconic therefore has more in common with Roland Barthes' concept of myth as an order of signification that expresses collective, culturally specific values while appearing universal, timeless, and/or natural.¹⁸ Like cultural myths, the defining characteristic of iconicity is appropriation.¹⁹ⁱⁱⁱ In becoming iconic, signs become abstracted; icons have their link to their original context obscured in the process of receiving new meanings and associations, though this history is never completely erased. Iconic images and moments from individual trials—such as Johnnie Cochran's famous "If it doesn't fit, you must acquit" proclamation during the OJ Simpson murder trial—offer ideal examples of this. On the level of literal interpretation, Cochran's famous line is a jury instruction; it is intended for a specific audience (the jury) for a specific purpose (to influence a verdict). And yet, 30 years after the jury rendered their verdict, Cochran's words continue to be repeated, parodied, and misquoted (often as "if the glove doesn't fit—" to more closely align Cochran's statement with the similarly iconic image of Simpson trying on the glove) even by those who did not witness the Simpson trial as it happened.

The persistent recurrence of iconic images and moments from trials in American popular media and public discourse must therefore be understood as doing more than simply referring to the existence of the original trial. At the very least, these trial icons have the potential to influence the presentation and outcomes, or at very least, public perception of, future trials. The cultural life of the trial is not merely an archive of images and soundbites from individual trials, but a language within the American cultural imagination based on the (real or imagined) experiences of being on trial and of watching trials either as a juror or as a spectator; as well as

ⁱⁱⁱ However, to say that the defining characteristic of the icon is its appropriation does *not* mean that iconicity is natural, i.e., that iconicity originates from an intrinsic characteristic of the sign. Iconicity, like the sign itself is culturally constructed.

justice, which the trial and the American legal system as a whole promise to transform from an abstract concept into a reality.

At its most basic level, the trial attempts to render justice into a reality by evaluating a claim to injury and setting the terms for redress of that injury. Both criminal and civil trials seek redress for injury, though criminal law seeks redress through the criminal justice system—with restitution ranging from fines to incarceration to state-sponsored execution—while civil law defines redress in economic terms. In the context of the trial, the category of “injury” includes both the medical category of physiologically caused trauma or death, and the psychoanalytic notion of trauma as an “an ‘entirely ‘psychical’ wound.’”²⁰ Ultimately, I argue that it is impossible to fully distinguish between physiological and psychical injury either within the courtroom or in the trial’s cultural life. As I will discuss in more detail in my section on rendering, this is because the trial is a technology that breaks down the boundaries of public and private, individual and collective, externally caused injury and psychic wound.

To summarize, in both criminal and civil cases, the trial is the point in which encounters and conflicts between individuals become matters of public concern. The law—civil and criminal—is where people turn when they are negatively affected by the actions of others but have no other viable means of stopping these actions or holding these others accountable.²¹ This transformation of individual into collective injury is especially evidenced by the styling of cases as “The People vs.” when a state or federal government brings criminal charges against a defendant. The idea of a trial as a collective remedy is also demonstrated by the centrality of the spectator to the trial proceedings. As is apparent to anyone who has experienced even something as quotidian as flipping through publicly broadcasted television channels, the trial is a central subject of American entertainment and news media. While the modern experience of trial spectatorship is

characterized by viewing through a screen—whether that be a television, computer, or phone screen—trial watching as an American national pastime predates the screen. In colonial America, the trial was a ritualized public spectacle, part of a legal process in which both the trial and the subsequent punishment were open to the public.²² While access to the more punitive functions of the criminal justice system is now restricted—for instance, the administration of the death penalty is generally a private affair overseen by only a handful of approved witnesses²³—the Fourth Amendment of the United States’ Constitution continues to guarantee citizens the right to a public trial.

American courtroom architecture interprets this right to a public trial by arranging the space of the trial in a way that privileges the spectator.²⁴ While the jury is positioned to the side of the judge, the audience is positioned so that they have a front-facing view of all proceedings.²⁵ The spatial logic of the trial mimics the logic of theater and foreshadows the logic of the screen, as the trial is positioned as a performance for the audience.²⁶ The prioritizing of the audience within courtroom architecture gestures towards the primary question regarding the trial’s role in society today: Who is the ultimate arbiter of the trial’s narrative: the appointed jury or the spectating audience?

As it would be impossible for an entire public outside of the smallest communities to witness a trial in person, the history of the trial is also a history of media. Some of the earliest forms of mass-circulated print media in the North American British colonies were gallows confessions and sermons, and the widespread consumption of these media could be considered one of the first instances of an American popular culture.²⁷ The media’s role in transforming the individual injury at the center of the trial into a national event—or even a “human story”—cannot be overstated. Lizzie Borden’s trial and acquittal for double murder in 1892; the Scopes “Monkey”

trial concerning the legality of teaching evolution in public schools in 1925; the trial of Bruno Richard Hauptmann in 1935 for the kidnapping and murder of Charles Lindbergh Jr.; OJ Simpson's "trial of the century" and controversial acquittal for double murder in 1995; George Zimmerman's trial and acquittal for the killing of unarmed teenager Trayvon Martin in 2012; the many civil suits against Donald Trump; and so on—all of these cases and their coverage in the media during and after court proceedings convey messages about the boundaries of acceptable behavior in a society, about who is included within the category of "American public" and who is not, and about our pathologies, obsessions, and anxieties regarding whether these boundaries will hold.²⁸ As previously mentioned in the forward, print mass media further transformed the trial from a local event to a national spectacle—connecting geographically remote individuals through both the ritual of the trial and the ritual of reading about the trial—and giving rise to the trial's cultural life.²⁹

The accessibility of trial-watching only intensified with the advent of the televised trial. As a new medium, television sought to distinguish itself from cinema and photography by laying claim to an aura of immediacy and liveness the older mediums could not possess.³⁰ The televised trial not only placed its audience back in the courtroom but promised an even more "lively" experience of the trial than in-person spectators or even jurors had access to. The camera—and by extension the television audience—could be present in the courtroom for sidebars and discussions between attorneys and the judge that jurors were not allowed to witness, and the network could provide its audience with immediate and continuous interpretation and commentary from experts while the trial was ongoing.³¹ Channels dedicated to trial content such as CourtTV could therefore promise their audience access to both the "new" (the liveness and immediacy of the televisual medium) and the "old" (the heritage of trial-watching as an

American national pastime and civic duty). Digital media technologies inherit television's demand for liveness and intensify this demand by connecting not only those who could tune into a regional or national broadcast, but anyone around the globe with an internet connection. In addition to increased connectivity, digital media technologies offer individuals the ability to more easily disseminate information in both targeted and promiscuous ways. Ironically, while our contemporary culture might be hyper-mediated, there are less *mediators* than ever before. This blend of socio-technological inheritance from new and old media continues to define the presentation of the trial's role in American culture today—from Zoom court to trial livestreams.

My goal in presenting this brief history of trial mediation is not to pinpoint the precise moment when the trial entered the American cultural imagination, but rather to provide necessary background information for understanding how the trial's current cultural life, as well as contemporary trends in spectatorship, are shaped by their historical, social, and technological context. Central to the trial's cultural life is the trial's iconicity. To be iconic implies movement—from one space to another, to a different historical moment or context, and to changes of meaning—and never in human history has information been able to move as quickly and to spread as widely as it now does every second of every day, via digital media. This is not an entirely new phenomenon; television legal dramas and programs like *Judge Judy* and its many imitators have been and remain extremely popular. In fact, the trial and the legal processes surrounding it are such common subjects of entertainment media that the idea that depictions of law enforcement and the justice system in popular culture may affect jurors' expectations for prosecutors and state evidence has been a reoccurring source of anxiety for legal scholars and professionals.³² However, I am less interested in whether audience perceptions of the law affect the outcome of trials as I am in the ways in which the cultural life of the trial and contemporary

spectatorship take up, challenge, and appropriate the questions of justice, injury, and redress that are raised in the official legal trial. Dramatic changes to social order are rarely pioneered in the courtroom. Rather, the official trial serves as a staging area for different narratives and visions already circulating within the public sphere about what American society should be like.

Rendering

As I stated in the previous section, the trial is a process for rendering justice by evaluating a claim to injury and setting the terms for redress of that injury. In this section I wish to pay more attention to the word “rendering.” Rendering has multiple meanings. On the one hand, rendering can refer to the technological processes involved in the production of images, such as the development of photographs and the creation of digital images.³³ On the other hand, rendering can also describe a process of making and becoming new subject positions.³⁴ This definition of rendering coincides with the use of the verb “to render” in a legal context, as in “to render a verdict.” The jury’s pronouncement of a verdict produces a new social and legal status for the accused.^{iv} The material differences between these two subject positions could not be starker—in 24 states, the difference between a guilty and not guilty verdict in a criminal case can mean life or death.³⁵ This new status also corresponds with a new way of seeing, or rather, of being seen. If an individual is found not guilty of the crime of murder and proceeds to write a memoir in which they confess to the exact crime for which they were acquitted, they are nonetheless considered not guilty “in the eyes of the law”—the law here having a very different perception than the assuredly outraged public in this hypothetical example. The new status that comes with the rendering of a verdict may also be enforced by surveillance technologies:

^{iv} As I will discuss in Chapter Two, the rendering of a verdict also affects the way in which a subject is constructed *retroactively*—there are entire genres of media devoted to restaging the events of a crime in ways that promise to make visible an accused’s guilt or innocence in the afterlife of a trial verdict.

electronic ankle monitors, cameras inside jails and prisons, controlled communication with and access to information from the outside world, and so on.

What connects these two dimensions of rendering is the primacy of the visual. Drawing from W.J.T Mitchell's founding hypothesis of visual studies, I hold that the supremacy of the visual—that is, the cultural presupposition that vision is the primary means of gaining sensory input about the world—is a generalizable characteristic of most human cultures.³⁶ Visual culture therefore includes as its object of study both the realm of visual images as well as the ways in which vision itself is culturally constructed, learned, and cultivated.³⁷ To render an image—to make something visual—carries with it the implication that we will learn something true and authentic about an object by viewing it. The language of American English (“I saw it with my own eyes”) as well as the American legal system (US Supreme Court Justice Potter famous description of his test for obscenity as “I know it when I see it”) both testify to this notion of vision as a specific, learned way of seeing that is intimately connected to the fields of art, science, law, and media, among others.³⁸ Visual technologies are critical to how these fields and institutions not only cultivate but collectivize specific shared ways of seeing.³⁹ From photography that allowed for the temporal aura of a moment in time to be captured and preserved in an image, to the X-ray—which legal experts in the late 19th century feared would displace the centrality of human testimony if allowed as evidence in a courtroom—new visual media technologies emerge within the supremacy of vision by promising to make visible the invisible and thereby advance humanity's perception of the world around us.⁴⁰

However, vision is not only a culturally constructed way of seeing, but a vehicle for the exercise of power. The primal scene of vision is the face-to-face encounter with the Other—the perception and recognition of difference.⁴¹ Vision becomes an exercise of power when that

perception of difference is rendered meaningful, as through the practice of *visualization*: making the invisible (e.g., good and personality bad traits, familial, geographic, or racial history, a predilection to criminal behavior, true victimhood, and so on) visible. The process of visualization operates within a hierarchy of culturally constructed meanings and values through the creation of visual signs such as stereotypes, caricatures, and classifications.⁴² Criminality and victimhood are both invisible states of being that have historically been visualized, and these will be discussed in upcoming chapters, but it is race that occupies a central position within my theory of rendering. This is because race is both produced and is productive. Race is produced in that it is neither purely biological nor purely cultural, but instead the product of both culture and biology mediated by technologies of visualization.⁴³ Though “race” as a concept may have its origins in the recognition that human beings demonstrate a limited range of visible phenotypic differences, race as culturally constructed way of seeing—as a hierarchy of value and meaning, and as an expression of power—has been produced and cultivated over centuries via social and technological practices: chattel slavery and economic exploitation, scientific classificatory schemes, positive and negative eugenics, legal categorizations, national borders, the mapping and segregation of public spaces, and technologically mediated surveillance regimes, among many others.⁴⁴ The sheer extent of the disciplinary, institutional, and epistemological *work* put into the construction, teaching, and reproduction of race puts the lie to the claim that the solution to racial injustice is as simple as deciding not to “see color.”

Race’s status as a production is obscured by the projection of race onto and into bodies; race is assumed to emerge from, and to be visible within, the raced body.^v The raced body, and

^v Following Richard Dyer’s proposal to make Whiteness visible, I argue that all bodies are raced rather than accepting the dominant framing of Whiteness as a “lack” of race. This foundational assumption of work’s theory of race is represented in my choice to capitalize both “Black” and “White” as descriptors of racial categories. As

particularly non-White bodies, therefore serve as constant sites of production as they move through the world and come into contact with other bodies and objects, an experience famously articulated by Frantz Fanon in *Black Skin, White Masks*. Fanon describes his encounter on a train with a White child who points at him and shouts “Look a Negro!” as the sudden forced awareness of his status as “an object in the midst of other objects.” He writes, “the glances of the other fixed me there, *in the sense in which a chemical solution is fixed by a dye*. I was indignant; I demanded an explanation. Nothing happened. I burst apart. Now the fragments have been put together again by another self” (emphasis added).⁴⁵ For Fanon, the vision of the White child is simultaneously destructive and productive. It is objectifying; his sense of self prior to the encounter is violently destroyed—“burst apart”—only for him to be “put together again” this time as “a Negro,” with all the schemas that culturally constructed category entails. Notably, Fanon describes this taking apart and remaking through the language of the technical process of rendering images, describing the gaze of the White child as fixing him like a chemical solution is fixed by a dye. Fanon’s description of this event thereby provides us with an example of the technological process of rendering in which race and vision both operate as the technologies through which rendering is performed and the products of this process of rendering. I will further analyze these encounters in which race is recognized, produced, and visualized in Chapter Four.

In addition to the ways in which race produces itself, race also produces economic and cultural value; for instance: the value of the labor extracted through race-based chattel slavery as well as what has been called the “possessive investment” in or “psychological wage” of

Dyer’s work and my analysis in Chapter Four demonstrates, Whiteness is something that must be produced and maintained through technologies of visualization such as surveillance in opposition to Blackness.

Whiteness.⁴⁶ Blackness produces an excess of cultural value through its use as a boundary marker of the ontological limit of the human,⁴⁷ through which productive binaries emerge: human and non-human animal,⁴⁸ public and private,⁴⁹ free and enslaved,⁵⁰ citizen and non-citizen, and so on. Race is therefore a technology of rendering even as it must be constantly maintained and made visible through technologies of rendering.

However, it is important to remember that vision is not a one-way exercise of power.⁵¹ As bell hooks describes in her theory of the oppositional gaze, though slave owners punished enslaved Black people for looking at White people, Black people still looked.⁵² While it may at times feel that the White gaze—the exercise of visualization as a dominating force for the maintenance and reproduction of race—is totalizing, hooks and other scholars of Black critical theory, visual studies, and postcolonial theory remind us that the oppressed have always defiantly claimed the right to look back, to look at themselves, and to cultivate their own ways of seeing that are oppositional to dominant modes of vision.⁵³

My project uses the insights offered by hooks' theory of oppositional spectatorship to in turn look at the cultural life of the trial. It is tempting to refer to the trial as nothing more than a vehicle for the expression of power by the dominant group. However, to dismiss the trial offhand in this way would ignore how marginalized groups have historically navigated the legal system to seek redress for injustice and to intervene in the reproduction of injustice through the creation of legal precedent. The old idiom challenging the alleged futility of voting feels relevant here: if “it” didn’t do anything, then “they” wouldn’t have tried so hard to keep you from doing it. The decisions of the Supreme Court of the United States on civil rights provide perhaps the most visible and consequential example of this. Even when the attempts by marginalized people to seek justice fail—such as the in *Dred Scott v. Stanford*, which held that enslaved Black people in

the United States could not be considered American citizens, and therefore had no rights that free, White citizens were obligated to respect, including the right to sue a White citizen—these cases nonetheless teach us about the nature of the dominant power which can allow us to more effectively resist in the future. Additionally, even “failed” suits represent a record of resistance.^{vi} This is especially significant in the case of the trial, where the record of resistance is also a legal record. And as we have previously discussed, the ability to record is an inherently political and powerful act.

The trial provides an ideal form for studying the oppositional gaze because the form of the American courtroom trial is inherently adversarial. As I analyze in more detail in Chapter One, the archetypal American trial centers on the competition between two opposing narratives. Using the hypothetical example of a murder trial, these narratives can be as simple as “The defendant did it” vs. “The defendant didn’t do it.” However, it is more likely that these opposing narratives will involve complex negotiations with legal definitions, existing legal precedent, and the alleged spirit in which these laws were intended to be interpreted. This is to say nothing about the trial’s spectators, who might possess any number of conflicting opinions and interpretations of the events they’re witnessing. What is especially profound about the trial form is how this public ritual to restore order and strengthen community bonds instead makes visible the ways in which what the trial promises us—justice and repair—is ultimately impossible. As psychoanalysis tells us, once an injury has been experienced it is impossible to return the injured body to its original state of wholeness. The impossibility of this task only becomes starker when remembering that the trial first renders the individual injury into a collective one and therefore

^{vi} I initially mistyped the word “resistance” here as “existence,” a mistake that struck me as profoundly appropriate, as dominant structures of power and vision often seek to obscure the existence of resistance by, or the very existence of, marginalized people.

must seek to repair not one injured body, but an injured American public. A public which exists, not as a cohesive whole or as a democratic town hall where every voice and opinion has equal standing, but as a fragmented collection of publics and counterpublics with different abilities to mobilize power and make their voices heard.⁵⁴

The Jurified Spectator

As previously described, for Black people and other marginalized groups in America, seeking justice through the court system has always involved a conscious negotiation with the trial and the Constitutional law from which it derives its authority. This negotiation comes with the understanding that the American public that our country's founding legal documents claims to serve and represent historically has not included—and in many cases, has been defined against—them. However, in recent times, the authority of the trial, as well as that of other traditional sites of knowledge production, has come under challenge not from concerted efforts by marginalized groups to enshrine their civil rights, but from what I have termed the rise of the jurified spectator. The rise of the jurified spectator refers to the interconnected phenomena of increased access to information via media technologies, disillusionment with traditional sources of authority in favor of alternative facts and epistemologies,⁵⁵ and digital media strategies that prioritize increased individualization of user experience and habitual information updating.⁵⁶ All these trends contribute to the increased prominence of the jurified spectator in American culture. Though, as my use of the term “jurified” implies, the contemporary jurified spectator proceeds from the institution of the jury and the importance of public spectatorship as the source of the trial's legal authority. The jurified spectator of today is therefore less of a break from the logic of the traditional trial form than it is a new interpretation or intensification of it.

The jurified spectator challenges the trial's process of rendering by attempting to claim for the individual the authority to produce meaning and justice. Importantly, I argue that the jurified spectator's process for rendering itself appropriates the form of the trial: an emphasis on adversarial narrative competition, the importance of evidence collection and examination, and the prioritization of the dramatic reveal and discovery.⁵⁷ I argue that it is because the cultural life of the trial is so immediately accessible to the American public, so lively, that the trial has become the default model for adjudicating injury, disputes, and crises in our culture more broadly. However, while the official trial makes a claim for impartiality and the jury is specifically instructed to avoid consuming information related to a case, the jurified spectator makes a claim to individual expertise based on the breadth and depth of their accumulation of various kinds of information. This information is not generally hidden or secret but accessible to anyone with some knowledge of navigating the internet,^{vii} and its relevance to the issue at hand may only be felt or understood by the jurified spectator themselves. Ultimately, it may be more accurate to say that the jurified spectator's claim to authority rests on their own vision, and on their ability to render chaotic, inexplicable, and traumatic events into something comprehensible, cohesive, and ultimately explainable, if still traumatic. The jurified spectator does not "solve" crises, per se, but they do render meaning from crises in ways that minimize the feeling of chronic disturbance or malaise of living under late capitalism. In this way, the goal of the jurified spectator, intentional or not, is directly identifiable with the historical project of the trial as a public ritual to restore order and strengthen community bonds.

^{vii} This is true even for the conspiracy theorists I discuss in Chapter Three. For instance, a major thesis of the QAnon-inspired documentary *Out of Shadows* is that the evidence for the Satanic elite's control over entertainment and news is right in front of us. Even Q, the anonymous 8chan poster who claims to be a government insider, posted their alleged insider information openly on an online forum.

While the trial and its jury may have the ultimate authority inside the courtroom, the jurified spectator holds court in the spaces of digital media. Occasionally, the authority of the jurified spectator and the authority of the legal system clash explosively in the battle for meaning, such as in Chapter One's close reading of Alex Jones' civil damages trial for defaming the family members of victims of the Sandy Hook school shooting. In other cases, jurified spectators instead try to work with the legal system or act as judicial watchdogs, such as with some of the true crime content creators and fans I discuss in Chapter Two.

However, it is important to note that simply because the jurified spectator has the potential to disrupt the trial's process of rendering does not mean that the alternative form of justice they promise is any more just. For the conspiracy theorists behind the documentary film *Out of Shadows*, which I discuss in Chapter Three, justice ultimately represents the takeover of the entertainment industry and government by like-minded conspiracy theorists. In other words, *Out of Shadows* seeks to position its paranoid, conspiratorial way of seeing as the only legitimate exercise of vision and to forbid oppositional ways of seeing and spectatorship. At the same time, the complete individualization of vision and the ability to render meaning, as in conspiracy epistemology, is also extremely undesirable. As I describe in Chapter Three, these epistemologies render communication between individuals impossible, foreclosing the possibility of coming together to imagine alternative ways to seek justice and prepare for the future. In Chapter Four and in my conclusion, I instead turn towards the potential alternatives for seeking justice, including those provided by the tradition of Black complaint.

Chapter Overview

In Chapter One, I build on the groundwork I have provided here on the cultural life of the trial by outlining the three phases of the iconic trial form: opening arguments, evidence

examination, and closing arguments. This formal analysis, which draws from the work of Carol Clover and Linda Williams' scholarship on trial narratives and melodrama, is supplemented by a close reading and personal recounting of excerpts from the livestream of Alex Jone's Connecticut damages trial. I also use this chapter to disclose and reflect on my own role as a spectator, using my experience as a viewer of Alex Jone's Connecticut damages trial and as a fan of the infotainment broadcast *Knowledge Fight*—"the world's only podcast dedicated to analyzing Alex Jones"⁵⁸—as an example of how jurified spectatorship is developed. By analyzing the trial form and proposing my own experience as a form of evidence, this chapter further theorizes the jurified spectator as emblematic of the larger trend of the democratization of authority, meaning, and expertise that arose out of the information revolution.

Chapter Two directly follows my line of analysis in Chapter One by asking the question: why does the trial continue to enjoy such a productive and prominent cultural life in American society when, in practice, most cases never go to trial? To attempt to answer this question, I examine the contemporary multi-media genre of true crime. Drawing from my formulation of rendering, Mary Anne Doane's work on televisuality, and Wendy Chun's analysis of habitual new media, I argue that contemporary true crime media habituates its viewers into a particular way of seeing and receiving information. This new way of seeing is characterized by contemporary true crime media's open-ended structure and lack of closure, which privileges the development of the jurified spectator and invites a specific form of participatory engagement which I refer to as "paranoid optimism," drawing from Eve Sedgwick's critique of paranoid reading and Lauren Berlant's theory of cruel optimism. Through a close reading of Matt Orchard's true crime YouTube video essay "The Endless Riddle of JonBenet Ramsey" as well as fragments of other select media objects, I theorize true crime as a media genre that cultivates and

rewards jurified spectatorship and identify the figure of the citizen sleuth as an instance of how the true crime genre seeks justice through putting the trial “on trial.”

In Chapter Three, I return to the topic of conspiracy that I first mention in Chapter One when discussing Alex Jones’ defamation cases, and to the concept of paranoia, introduced in the previous chapter, as a way of seeing and a formal category rather than as a pathological diagnosis. In this chapter, I define the term “conspiracy epistemology”: the larger system of beliefs and practices that that go into how the conspiracy theorist “knows” that their conspiratorial claims are true. I present conspiracy epistemology as a more useful term for discussing the concerning trend in rejecting the authority of institutions that have traditionally evaluated knowledge claims, such as academic and scientific institutions, in favor of sets of “alternative facts” drawn from stigmatized sources such as popular culture, political ideologies, and Eastern and Western religious traditions. This chapter brings together notable scholarship in the field of conspiracy studies—including the work of Michael Barkun, Susan Lepselter, and Richard Hoffstadter—through a mapping of the emergence of the QAnon conspiracy movement and its subsequent, strategic disavowal. Through a close reading of the 2020 QAnon-inspired conspiracy documentary *Out of Shadows*, this chapter argues that conspiracy epistemology seeks justice by placing reality itself on trial.

In response to my work over the last three chapters to outline the limitations of the trial as a means for seeking justice, I put forward my own alternative model of seeking justice in Chapter Four. In this chapter, I articulate the theory of Black complaint as an alternative model of seeing and seeking justice. Drawing from feminist theories of complaint, including Sara Ahmed’s analysis of complaint as non-reproductive labor, and Simone Browne’s work on dark sousveillance, I analyze the late 2010s viral video trend of alliteratively nicknamed White

women (e.g., “Permit Patty,” “Cornerstore Caroline”) calling the police on Black people and the later Karen meme as a practice of putting White supremacist practices of visualization on trial. I argue that these memes, viral videos, and the Black online counterpublics in which they initially circulated suggest an alternative form for demanding redress for Black injury outside the American criminal justice system.

These chapters are interventions into the areas of media and culture that have captivated my interest as a jurified spectator. Despite the seriousness of many of the topics I discuss, the process of researching and writing this dissertation has been punctuated with humor and hope. For this reason, I chose to conclude my dissertation by considering the role of pleasure in seeking justice via an analysis of the 2023 Montgomery Riverfront Brawl and the viral memes that followed. I end by briefly identifying a few current media events and cultural phenomena that did not make it into this dissertation as case studies. These final materials are not intended to undermine the interventions I have made in this dissertation or to imply that it is not a complete body of work. Rather, I present these possible lines of future inquiry in acknowledgement of the fact that the digital logic of the update renders the work of viewing, critiquing, and re-imagining American media and public culture a continuous and life-long project.

Chapter Notes

¹ Felicia Angeja Viator, “Not Only Compton: Gangster Rap, Policing, and Protest,” in *The Routledge History of Police Brutality in America* (Routledge, 2023); Tricia Rose, *Black Noise: Rap Music and Black Culture in Contemporary America*, Music Culture. (Hanover, NH: Wesleyan University Press, 1994).

² Steve Jones, “Ban(Ned) in the USA: Popular Music and Censorship,” *Journal of Communication Inquiry* 15, no. 1 (January 1, 1991): 73–87, <https://doi.org/10.1177/019685999101500106>.

³ Rose, *Black Noise*.

⁴ Dave Marsh Pollack Phyllis, “Wanted for Attitude: The FBI Hates This Band,” *The Village Voice* (blog), September 2, 2020, <https://www.villagevoice.com/crackdown-on-culture-the-fbi-hates-this-band/>.

⁵ Pollack.

⁶ Rose, *Black Noise*.

⁷ Mark Seltzer, “Wound Culture: Trauma in the Pathological Public Sphere,” *October* 80 (1997): 3, <https://doi.org/10.2307/778805>.

⁸ Viator, “Not Only Compton.”

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- ⁹ Viator, 307.
- ¹⁰ Viator.
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CHAPTER ONE: Forms of Justice: The Iconic Trial and the Rise of the Jurified Spectator

Confessions of a Trial-Wonk

For a long time, my interest in trials was restricted to their verdicts. I was aware of the ways in which high profile trials tended to produce iconic images and signs. But I am a generation too late to have memories of watching the headline trials of the 1990s that I now read and teach about. When I would tell my students that in the trial of the four LAPD officers who brutally beat Black motorist Rodney King at a traffic stop, I would suggest that the acquittal of the officers might have resulted from the defense's decision to replay the video of King's assault repeatedly for the jury. The repetition robbed the footage of its interpretive power—by focusing on specific frames from the whole, the defense effectively disenchanted the camera lens, reducing the video to just one more ambiguous piece of evidence in a larger narrative and introducing reasonable doubt into the minds of the jurors who no longer trusted what they saw with their own eyes. However, I was not unaware that this was an analysis I had constructed based on accounts of those who witnessed the trial as it was ongoing and had lived its before and immediate after. Who was I to talk about the interpretive power of a video played again and again in the courtroom when I only knew of the trial and its video evidence through retrospective coverage?

Answering this question requires dealing with issues of identification, a crisis of meaning, and the ongoing disillusionment in traditional arbiters of knowledge. However, the simple answer is that my authority to comment on the trial of four LAPD officers comes at the trial's own invitation. In the United States, the underlying framework of our legal and political system holds that laws are created by and for the people. Citizens are guaranteed the right to a trial before a jury of our peers, and those 6-12 individuals are understood to represent us, the “we the

people” of the nation, and hold the ultimate authority to render justice. A trial that was not in any way public—that is, a trial with neither a jury nor witnesses, either in-person or mediated—would be considered illegitimate and highly suspect. Of course, at no point in history has the trial fulfilled its promise to represent all of “us” or guarantee justice for all. Despite this, marginalized and disenfranchised populations within the United States have historically advocated to have their demands for justice heard within the court system and continue to use the trial to attempt to drive meaningful social and legal change.^{viii} It is the trial’s promise to deliver “our” justice that results in such strong, public reaction when “our” expectations for the trial’s outcome are not met. The colloquial “court of public opinion” is a result of the trial’s interpellation of us as jurors via the basic tenants of American law as well as through the trial’s print, film, broadcasting, and, increasingly, digital mediations.

In our current information age, there is more trial media than ever before. To use myself as an example, typically my awareness of a high-profile or landmark case will emerge from (in no particular order): headlines from news aggregators, the introduction of a television news segment overheard in passing, a new documentary on the first page of Netflix, or a video titled “Case Updates” with a thumbnail image of a shocked face transposed over an image from a courtroom recommended by the YouTube algorithm. Within this hyper-mediated discourse, it becomes easy to lose touch with the trial at the center of it all. What is the trial? What are its phases and characteristics? What are its stakes and, most importantly, what do we want the trial to do?

^{viii} Examples of this are too numerous to elaborate on in any depth, but some that come to my mind are women across the country suing their states for their restrictive anti-abortion laws, the anti-discrimination lawsuits Black feminist legal scholar Kimberlie Crenshaw referenced when she coined the term “intersectionality,” and the Dred Scott case itself which was, ultimately, an enslaved Black family’s attempt to secure their freedom and set a legal precedent through which others could escape slavery.

In this chapter, I argue that the formal structure of the trial is critical to the trial's cultural life. The form of the trial pervades all aspects of American culture, structuring our ideals of justice, guilt, and innocence. I am less interested in how the trial's iconicity influences jurors' perceptions of the trial than I am in how the spectator—the American public—views *themselves* through the framework of the iconic trial. What I seek to explore in this dissertation, is how we—which I refer to as the jurified spectator or the jurified audience throughout this chapter—use the trial form as a framework for making sense in and of everyday life. This jurification of the spectator is inextricable from our current media ecosystem, where we are each bombarded by a constant stream of information that we access through a web of networks, platforms, and algorithms that promise us unlimited and unprecedented connection with others while simultaneously intensifying societal division, feelings of alienation and isolation, and a hyper-individualist approach to knowledge and communication.

I begin this exploration of the jurified spectator in the courtroom itself. Drawing on my own experiences following Alex Jones' multiple defamation trials.

In 2022, conspiracist Alex Jones was the defendant in two civil cases. The plaintiffs in both cases were family members of victims or first responders to the Sandy Hook Elementary School mass shooting that killed twenty students and six adult staff members in 2012. As the owner and voice of the radio show and website *InfoWars*—which produces conspiratorial, far-right and religiously fanatic content—Jones repeatedly made false claims that the Sandy Hook shooting had been manufactured, that it was a government plot to confiscate Americans' firearms, and that no children or educators had been killed. Jones also used *InfoWars* to platform other Sandy Hook conspiracists who tacitly encouraged listeners to stalk and harass the family

members of those killed in the shooting. As a result, Jones was named as the defendant in four separate defamation cases from Sandy Hook families and first responders.^{ix}

What became known as the Sandy Hook “truther” movement is the first predominantly online conspiracy epistemology to emerge from a mass tragedy, and its influence can be seen in the life cycles of later conspiracies such as Pizzagate—the 2016 online hysteria that children were being trafficked by powerful members of the Democratic party in the non-existent basement of a popular DC pizza restaurant¹—and various forms of Covid-19 denialism, particularly those conspiracies that hold that the existence of the novel virus was a hoax and its fatalities were exaggerated or outright fabricated.^{2x} By establishing a genealogy between Sandy Hook conspiracies and these later conspiracies, I am gesturing not only to the ways in which their content is similar—for instance, all allege a massive cover-up by the media and politicians—but also to the larger system of beliefs and practices that go into how the conspiracy theorist “knows” that Covid-19 is a hoax and that the victims of a mass shooting were actors. This practice of seeing and understanding is what I refer to as conspiracy epistemology, which I will discuss at length in chapter three. For now, what is important to note is that I define contemporary conspiracy epistemology as a way of seeing the world characterized by a relentless and improvisational practice of “borrowing” or making connections between seemingly disparate

^{ix} The two defamation cases I will be focusing on in this chapter are *Lewis v. Jones* in Texas and *Lafferty v. Jones* in Connecticut as these are the two cases that have resolved. For clarity, throughout this chapter I will refer to them as “the Texas case” and “the Connecticut case” respectively. However, Jones is also currently the defendant in *De La Rosa v. Jones*, an ongoing case that similarly alleges that Jones defamed parents of a Sandy Hook victim, as well as in *Fontaine v. Jones*, a case which stemmed from Jones’ alleged misidentification of the perpetrator of the Stoneman Douglas High School shooting. The court proceedings in each case were livestreamed either by the court itself or authorized third-party media organizations.

^x In fact, during Jones’ Texas defamation trial, the plaintiffs’ attorney presented texts from Jones’ phone from a former InfoWars editor who complained to Jones’ that the media company’s claim that a hospital was using dummies in place of real Covid patients was “Sandy Hook all over again” (Brittany Shammas and Kim Bellware, “Sandy Hook Lawyers Say Alex Jones’s Attorneys Accidentally Gave Them His Phone Contents,” *Washington Post*, August 4, 2022, <https://www.washingtonpost.com/nation/2022/08/03/alex-jones-sandy-hook-phone/>.)

pieces of information—including various current events, political philosophies, religious traditions, and especially texts from popular culture.³ This practice is highly individualized, relying on a conspiracist's own perception and feelings of resonance towards various knowledge claims, a kind of intuition that is reinforced, modified, and updated via the conspiracists continued practice of conspiracy epistemology. In its customizable and user-centered character, contemporary conspiracy epistemology resembles the structures of the digital landscape that conspiracists use to create meaning and disseminate their worldviews.⁴ Ultimately, the takeaway here is that the massacre at Sandy Hook occurred at a specific technological and socio-political moment that resulted in a dramatic “update” to contemporary conspiracy epistemology. Before Sandy Hook, it was uncommon for individual private citizens who lost loved ones in a mass casualty event to feature in conspiracy epistemology as conspirators; after Sandy Hook this unwanted and traumatic scrutiny has become inevitable⁵

I had been keeping tabs on Jones as part of my research on the epistemology of conspiracy theory, part of which included regularly tuning in to the podcast *Knowledge Fight* hosted by Dan Friesan and Jordan Holmes. Described as “the world’s only podcast dedicated to analyzing Alex Jones,”⁶ the podcast began in January 2017 and initially followed a popular format for web media in which one host, Friesan, watched episodes of *InfoWars* in advance of recording, at which time he would summarize the narrative of each episode with clips and excerpts from *InfoWars* to the second host, Holmes, whose incredulous and outraged reactions served as a surrogate audience perspective. Though I had initially started listening to *Knowledge Fight* because I was interested in how other researchers were studying and reporting on contemporary conspiracy culture, I quickly became a fan or, as the community of listeners refers to themselves, a “wonk”—a play on the term “policy wonk,” which refers to an individual who

takes an “unnecessary interest”⁷ in issues of American public policy, also used by *Knowledge Fight* listeners as shorthand for a nerdy, borderline obsessive interest in something (e.g., someone who listens to a lot of true crime podcasts could be a “true crime-wonk.”) The figure of the wonk represents the democratization of information in the internet age, the idea that anyone can claim the title of expert on the basis of consumption in both the informational and economic sense; “wonk” is also the name of a subscriber tier on the podcast’s Patreon, a platform that allows creatives to monetize their content on a subscription model.⁸

However, perhaps unlike other forms of armchair experts, the usage of the term “wonk” within the podcast’s audience always carries a level of irony and unseriousness. To be a wonk and engage in wonkery is a form of infotainment: the presentation of information in a style more typically associated with entertainment media.⁹ Friesan and Holmes’ brand of humor (inspired by their experiences as stand-up comedians) blended with their in-depth analysis of *InfoWars*, conspiracy culture more broadly, and contemporary and historical far-right movements into a deeply knowledgeable and accessible series of interventions into some of the most violently reactionary segments of American culture perfectly embodies the concept of infotainment. Even the title *Knowledge Fight* as an obvious play on words of *InfoWars* both mocks its target while also tacitly accepting Jones’ characterization of mass media as an arena in which different ideologies and visions for the future of society combat each other in an “information war.” However, unlike Jones, Friesan and Holmes weaponize unselfconscious comedy alongside a nerdy, almost obsessive approach to current events, public policy, and history. While the term infotainment is sometimes used derogatorily, I argue that *Knowledge Fight* offers an ideal example of how, rather than glossing over information to obtain mass appeal, infotainment in the

information age can instead foster engagement by offering their audience big-picture analyses via an exhaustive exploration of smaller, seemingly unrelated events.

One such segment is the realm of Sandy Hook truthers. *Knowledge Fight* has dedicated multiple episodes to an extensive analysis of Alex Jones' coverage of Sandy Hook and the development of his stance that the 2012 school shooting was a false flag operation. As the civil proceedings against Jones for defamation got underway, *Knowledge Fight* released several episodes analyzing the public depositions of Jones and several other *InfoWars* employees, and it featured the plaintiff's attorney in the Texas case, Mark Bankston, as a guest on multiple episodes.^{xi} While I most likely would have been interested in the outcomes of Jones' cases regardless, this more detailed coverage of the trial process—which carried a sense of somehow coming from an insider with “behind the scenes” knowledge despite the proceedings being public—piqued my interest in what was going on in the courtroom. What follows is an abbreviated summary of some of the key context for these trials:^{xii}

On December 14th, 2012, 20-year-old Adam Lanza entered Sandy Hook Elementary School in Newtown, Connecticut and killed twenty students and six staff members. Within hours of the shooting, Alex Jones had already begun to lay the groundwork for the claim that the murder of twenty-six people was a hoax designed to advance gun control policies, stating on the air: “My gut is, with the timing and everything that happened, this is staged.”¹⁰ Over the following months and years, Jones and *InfoWars* would continue to repeat the narrative and build resonance for their audience that the Sandy Hook shooting was a hoax. A recurring piece of

^{xi} Friesan would eventually reveal that he had been approached by the Texas plaintiffs' attorney during trial preparations as an expert due to his role on the podcast.

^{xii} For more context see *Knowledge Fight's* “formulaic objections” series of episodes and Elizabeth Williamson's reporting in her book *Sandy Hook: An American Tragedy and the Battle for Truth*.

“evidence” cited by Jones was that the parents of murdered students—or as Jones would say in one clip, “The people who claim that they’re parents”¹¹—were fake crying and performing the role of a grieving loved one for the media. This claim referred to edited clips of a speech by Robbie Parker, father of murdered student Emilie Parker, in which Parker appears to smile nervously and ask “Start?” before giving an emotional statement to the media about his daughter.¹² Jones argued that the clip captures a behind-the-scenes moment of Parker before and after getting into the character of a grieving parent. In the spring of 2014, Jones made the claim that an interview between CNN reporter Anderson Cooper and Veronique De La Rosa, mother of murdered student Noah Pozner, was faked with a blue screen.¹³ Later that year, *InfoWars* published an article titled “FBI Says No One Killed At Sandy Hook,” which misrepresented the FBI’s official report on the shooting.¹⁴ In 2017, *InfoWars* employee Owen Shroyer claimed that the account given by Neil Heslin, father of murdered student Jessie Lewis—in which Heslin stated that he held his son’s body after the shooting—was impossible and that Heslin was lying.¹⁵ In April of 2018, three parents of children murdered at Sandy Hook filed two lawsuits against Jones in Texas, where Jones lives. A month later, thirteen family members and one former FBI agent who had responded to the shooting filed a lawsuit against Jones and *InfoWars* in Connecticut.¹⁶ By the end of that year, another Sandy Hook parent would also sue Jones, bringing the total of Sandy Hook suits to four.¹⁷ The exact number and nature of the claims Jones and *InfoWars* made alleging the shooting was a hoax are unknown because the defendants refused to cooperate with discovery. This refusal, along with what judges in Texas and Connecticut referred to as “flagrant bad faith” and “callous disregard” for the judicial process resulted in default judgments in all of Jones’ Sandy Hook cases.¹⁸ The courts had officially held

Jones liable for defaming the Sandy Hook families; his trials would therefore now focus on determining what would constitute an adequate redress for the plaintiffs' damages.

When the damages trials commenced, first in Texas then in Connecticut, I alternated between watching the official courtroom livestream and the streams produced by authorized third-party media, both of which were uploaded to YouTube, and reading the new threads on *Knowledge Fight's* unofficial subreddit, where fellow wonks would summarize the day's events for those who could not watch the streams, share their impressions of the lawyers' performances, and speculate on what evidence, testimony, and lines of questioning would be presented next in the proceedings. This hypermediated viewing of the trial is clearly reflected in my memories of the verdict in the Connecticut case. I remember seeing the new comment on the subreddit that the jury had finished deliberating. I immediately pulled up another tab on my computer for the courtroom livestream, which first displayed only a black screen before switching to a viewpoint of the judge's empty desk as the court slowly reconvened. At the same time, I sent a message to my friends through the Facebook messenger app on my phone that a verdict would be coming down soon—I had kept them updated on the events of this case and the Texas case, and they were by that point invested, though not to wonk levels, in the outcome. Meanwhile, the subreddit thread continued to fill with new comments from wonks expressing their excitement and anxiety for the verdict as well as reminders about how the processes of assigning compensatory and punitive damages worked, as this had been a site of confusion for many wonks following the verdict in the Texas suit.^{xiii}

^{xiii} At the risk of getting into legal minutia beyond the scope of this analysis, "compensatory" and "punitive" refer to different categories of damages that are assessed and awarded on distinct criteria. In Jones' Texas defamation suit, both compensatory and punitive damages were determined by the jury, whereas in the Connecticut case compensatory damages were awarded by the jury while punitive damages were awarded

As I remember it, the mood on the subreddit was one of cautious optimism as the court official prepared to deliver the jury's verdict. The CourtTV camera through which I was viewing the courtroom zoomed in on the part of the courtroom where the plaintiffs were sitting and focused on a closeup of Robbie Parker as the jury announced an award for the first charge for \$60 million. The camera continued to focus on Parker as he placed his face in his hands, seemingly overcome with emotion, as the official continued to read off the awards for each of the plaintiffs and as the *Knowledge Fight* subreddit exploded.

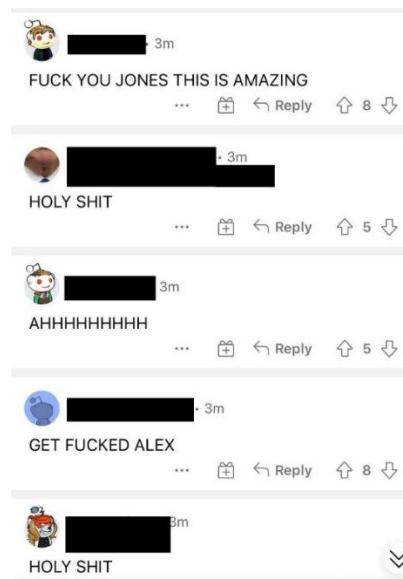


Figure 7: Live reactions to the Connecticut damages trial verdict in a trial watch thread on the Knowledge Fight subreddit
Screenshot taken and redactions added by author.

While the trial was underway, the wonks on the subreddit had made it clear that the only outcome of the trial that would be acceptable to them was a damages award so financially debilitating that it would cause *InfoWars* to stop operating. Any other penalty, no matter how severe, could not be seen as an unambiguous win. This conclusion was tacitly encouraged by

by the judge later. Different states, including Texas and Connecticut, also have laws capping punitive damages at certain amounts, though there are circumstances where these caps may be determined not to apply..

Friesan and Holmes' commentary on their podcast and explicitly stated in plaintiffs' attorneys' opening and closing arguments in court. This narrative, along with the camera focus on the family members as the award was itemized, contributed to a deeply heightened emotional charge in the subreddit: gleeful, vindictive, relieved, and above all, moved. The experience for the wonk viewer of following the trial through the commentary of the hosts of a podcast of which they were already fans and with whom they possibly already cultivated a parasocial relationships, along with the inherently affective and narrative persuasion of the trial structure, had led to an effusive outpouring of feelings.¹⁹ I know this to be the case because I messaged my friends to say as much when I described how I gave up trying to calculate the total amount of the judgement as more plaintiffs were named: "I'm literally shaking." Shortly after, I again emphasized how the magnitude of the verdict had caused me to have a physical reaction: "I literally gasped so loud at the first judgement for Robbie Parker." One of my friends responded that they were "so happy" for me. Only later would I ask why they had felt moved to say that they were happy for *me*. What did any of this have to do with me? When had a legal victory for the plaintiffs, a group of people I had never met, become my victory? Why had I felt it necessary to describe how I "literally" shook or gasped out loud to convey the significance of the trial to those who weren't watching, and why had I had such an embodied reaction in the first place? The answer was obvious: I had become a trial-wonk.

The trial-wonk understands the underlying assumption of American law—that it is by and for "us," we the people—as interpreted through the logic of new digital media. Through continuous, obsessive engagement with mediated trial content, the trial-wonk identifies themselves as an expert and believes that their opinion—their judgement—is more authoritative than that of the judge or jury. They are not "there," in the courtroom, but they have access to the "there" along

with an unending stream of commentary and information about the case, the trial, and even the individuals involved. The idea of jury sequestration is antithetical to the trial-wonk; justice can only be rendered through collection and curation of information until all facts are known.

Breaking from both traditional Enlightenment ideas of empirical reasoning and legal standards of evidence, emotions and intuitive “gut” reactions are important data to the trial-wonk. As both my messages and the screenshot from the *Knowledge Fight* subreddit in the immediate verdict aftermath demonstrate, emotional outbursts and physical responses like crying, shakes, and tremors play a significant role in the trial-wonk’s determination of whether justice was truly rendered. These affective responses signal a kind of catharsis: the fulfillment of a narrative arc and the affirmation that the wonk’s work was ultimately worthwhile rather than a waste of time.

The trial-wonk might sound like a caricature of every stereotype about frequent users of digital media, or the “terminally online”—obsessed with unimportant minutiae, emotionally excessive, overly invested in the lives of strangers, and so on. However, I argue that the trial-wonk is not a figure on the fringes of society, but is in fact just one instance of the larger phenomenon of what I have come to call “jurification” or the “jurified spectator.” The jurified spectator is also the armchair expert, the Monday night quarterback, the citizen sleuth, and the concerned mom doing “her own research” about her children’s vaccine schedules. The trial form explicitly hails all of “us”—the American public—as jurors, and in turn we use the trial form to interpret and shape our own interactions with media, social institutions, and each other. The jurified spectator is no longer content just to watch; they want their consumption to *do* something: to affect change, to render justice. To remix the words of bell hooks, the jurified spectator wants their look to shape reality.²⁰

In the next section, I explore how I came to understand the trial form through my own justification while watching Alex Jones' Connecticut trial. By doing so I hope to raise questions about what a trial *is* in our contemporary media saturated landscape. Which carries more authority, the trial in the Connecticut courtroom or the trial in the court of public opinion? And who has the best claim to the label of "public opinion" anyway—the wonks condemning Jones or the InfoWarriors celebrating him as a political martyr?

The Trial Form

When considering the question of what the trial is in our contemporary media landscape, it is necessary to discuss the trial form. As I stated in the introduction to this dissertation, at its core the trial is about the articulation and evaluation of a claim to injury followed by the setting of the terms for redress to render justice. The question with which this section is concerned is how the trial formally approaches the goal of rendering justice: what are the procedures for evaluating claims to injury and determining redress?

Perhaps the best representation of the trial form is the trial as depicted in classic Hollywood cinema. The courtroom scenes in *Inherit the Wind* (1960), an adaptation of the stage play of the same name which presents a fictionalized version of the 1925 Scopes "Monkey" Trial, provide an illustration of the trial form as it is traditionally rendered in film. The courtroom scenes in the film largely use only two kinds of shots. The first is the narrow close-ups of the questioning of witnesses on the stand. In these moments, the camera captures the sides of the actors faces—evoking perhaps, the view from the juror's box, which is off-screen and to the left—with the figure of the attorney on one end and the figure of the witness on the other framing the scene, directing the viewer's eyes to move across the scene from the left to right foreground before perceiving what's happening in the center back of the frame. This intimate framing creates a

sense of claustrophobia; the camera's focus on the truly exorbitant volume of sweat and shine on the actors' faces and clothes further evoke the feeling of a stifling and cramped courtroom along with a metaphorical sense of the trial is "heating up" as underdog defense attorney, Henry Drummond (Spencer Tracy), fights to defend his client's innocence against the bombastic preaching of prosecuting attorney Matthew Brady (Fredric March).



Figure 8: Defense attorney Harry Drummond cross-examines one of Bertram Cates' students in the foreground while the prosecuting attorney and gallery look on.

The second category of shots are the shots of the counsel, including hapless ex-schoolteacher defendant Bertram Cates (Dick York), at their tables and the gallery of spectators shot head-on. Occasionally, this camera angle reverses, showing us the judge head-on as if from the perspective of one of the attorneys arguing at the bench. These shots are wider than the previous category of shots, using close-ups sparingly to emphasize the reactions of specific spectators to the events of the trial. Visually, these shots do not guide the film viewer's focus nearly as much as the framed closeup shots, allowing the audience much more agency to direct their vision to different elements of the scene.



Figure 9



Figure 10: Two examples of wider courtroom and gallery shots. Though there is still a defined foreground and background, it is less immediately clear where the eye should be drawn to.

Notably absent from both categories of shots are the reactions of the jury members. In fact, the jury is almost never seen onscreen outside of the delivery of the verdict and in moments where one of the attorneys addresses the jury directly—and in these moments the camera is more likely to be positioned *behind* the jury box, focusing on the face of the attorney while capturing only the back of the jurors' heads. The absence of the jury from the screen makes space for the film audience to assume the role of juror. While traditional film theory might lead us to assume that the viewing audience is invited to identify with the trial audience, I argue that *Inherit the Wind* instead positions its gallery of spectators as an object of spectatorship. Or, in other words,

the reactions of the courtroom audience are presented as a piece of evidence to the film-audience in the larger allegorical trial that the film's narrative explicitly articulates: the trial of an American society that would put a Bertram Cates on trial. The film even invites the viewer to pass judgement on the judge, who, unlike the jury, has a prominent onscreen role in the film and thereby is also offered to the viewer as an object of spectatorship. Given that the film's jury ultimately renders the wrong verdict—"wrong" in both the sense in which it contrasts with the moral narrative of the film and in that the verdict in the real-world case the film's trial is based on was overturned on appeal—*Inherit the Wind* could be argued to pass the authority to render true justice to its viewers and in doing so the film anticipates the increased participation of the jurified spectator as both jury, investigator, and prosecutor that I will discuss in more detail in future chapters.

There is one other courtroom scene in *Inherit the Wind* that will prove illustrating for the trial form that I will discuss in the rest of this chapter. This is the scene that unfolds in the courtroom after the verdict is delivered and court is adjourned. The choreographed, highly ritualized form of viewing that the film-audience had become accustomed to is immediately broken as the courtroom explodes into activity, all of which is captured by the camera as it maintains an overhead perspective from behind the judge's bench that lays out the entire interior space of the courtroom to viewership. Gallery members begin to file out of the courtroom, media representatives snap pictures of Cates and his attorney, vendors begin to hawk their wares to the gathered spectators, and a child bangs the judge's gavel over and over in a mockery of the order and narrative cohesion of the trial. Notably, the collective attention of the courtroom spectator is only recaptured by a new equally dramatic spectacle: the collapse of the prosecuting attorney.



Figure 11: In this shot there is no longer any guidance for where the viewer's eye should focus. The visual and narrative clarity of the trial has been destroyed.

The iconic trial form in the U.S. depicted in *Inherit the Wind* and other classic Hollywood films is modeled on the Anglo-American trial. The Anglo-American trial's process for rendering justice rests on two key features: the ultimate authority of the jury and the presentation of the public trial as a contest between two parties (prosecution/plaintiff vs. defendant). While this framing of the trial might seem self-evident because of the iconic trial form's proliferation in popular culture through films like *Inherit the Wind*, the Anglo-American trial's approach to rendering justice is somewhat of a procedural and philosophical outlier when compared to the trial as it exists in continental Europe. The most relevant differences for my analysis are procedures regarding the collection and presentation of evidence and the role of judicial authority. The Anglo-American trial is fundamentally adversarial; the prosecution/plaintiff and the defendant both present evidence they collected separately to support their competing narratives about the injury, event, or accusation in question.²¹ The job of the jury, or judge in the case that the defendant has opted out of their right to a jury trial, is to evaluate the evidence presented to them and come to their conclusion regarding the guilt or innocence (in a criminal trial) or liability (in a civil case) of the defendant. The stakes of this narrative contest are

extremely high, as the jury has virtually unlimited discretion to determine its verdict based on the jurors' interpretations of evidence and personal convictions, up to and including jury nullification.

By contrast, the continental European trial takes the form of a judicial inquiry, with the job of evidence collection and evaluation being the responsibility of the judge and other officials and taking place pre-trial and out of the public eye. While the Anglo-American trial prioritizes case-specificity in rendering justice, the continental trial privileges uniform decision-making and a hierarchy of judicial authority that minimizes the role of laypeople.²² The different approaches to justice between the Anglo-American trial and the continental European trial are perhaps best represented by the major role the written dossier of the investigation plays in European trial, forming the basis of the judge's decision-making and often being read from in court, whereas the Anglo-American trial has no equivalent to the dossier.²³ If the European trial could be said to privilege the written word, the Anglo-American trial instead privileges oral testimony and visual evidence; with the spoken words and gestures of witnesses, cross-examination, and visual spectacle playing a much larger role in iconic trial imagery and narratives than written text.²⁴ I provide this brief comparison between two different trial forms for the purpose of highlighting the characteristics of the Anglo-American trial that have contributed to the trial's enduring cultural life, including its popularity as a subject of representation in media. Ultimately, the priorities and procedures of the trial in many ways precede the logics of the screen and spectatorship that lie at the heart of cinema, television, and now digital media user experience.

Having discussed how the Anglo-American trial's procedural and philosophical approach to evidence and judicial authority influences the iconic trial form, I will now introduce the three

phases of the iconic trial as they appear in the trial's cultural life. As identified by Carol Clover, these three phases are: opening statements, evidence evaluation, and closing arguments.²⁵ When I argue that these three phases make up the iconic trial, and that the iconic trial should be understood as a cultural form, I am arguing that, via these phases, the iconic trial operates as a "rhetorical and technical template" for producing meaning.²⁶ Within the iconic trial, these phases organize the back-and-forth narrative competition, which provides a structure for the jurified audience to render meaning out of the collection of legal rulings, precedents, theories, and procedures that make up the individual trial. The American public has been familiarized with these phases through iconic mass media representations of trials, including fictional trials which while modeled after "real" courtroom trials often differ from official Anglo-American trial procedure in significant ways. Media representations of both real and fictionalized, filmic trials work in tandem to shape the American public's perception of what rendering justice looks like.

For this reason, I will be using the three phases of the iconic trial to organize my analysis of Jones' Connecticut defamation trial. This is not an exhaustive analysis of all aspects of the trial, but rather an exploration of my role as a jurified spectator. As a result, I will be focusing on the aspects of the trial that most captured my attention at the time, that continue to hold my interest, and what I felt compelled to talk about with others at the time and in the process of writing this chapter. For certain points, I will provide screenshots of the recording of the trial livestream taken by and uploaded to the YouTube channel Law&Crime, one of the multiple channels covering the trial that I followed at the time. My analysis of what this trial means is therefore also an analysis of how I came to render meaning from a trial in Connecticut involving a group of people I have never met, centered on a tragedy that happened to a town to which I've never been.

Opening Statements

It is popularly imagined that the object of the trial is to uncover the truth of a specific situation or injury. In reality, both the iconic and individual trial are less concerned with a philosophical discovery of the truth than they are with a truth of “exhausted possibilities.”²⁷ This truth of exhausted possibilities is reached, not through detached, objective analysis of the situation in question, but through a combative, theatrical, and back-and-forth narrative competition between the prosecution/plaintiff(s) and the defense/defendant(s). Both sides aim to convince the jury, not of the factuality of their narrative, but on the idea that their narrative is the “least doubtable.”²⁸ ^{xiv} The purpose of the opening statements phase of the trial is for both parties’ legal counsels to introduce their narrative of the event on trial and to present their client’s claims to injury and their desired redress.

In the opening statements of Jones’ Connecticut damages trial, plaintiffs’ attorney Chris Mattei directs his statement to the jury—who never appear on camera at any point during the trial. Mattei outlines the plaintiffs’ claim to injury: they are a collection of grieving families and first responders who were exploited by Alex Jones, a con man, Mattei states, who made a living off encouraging paranoia his audience’s paranoia, for money. In a PowerPoint that alludes to evidence that will be presented later, Mattei argues that spikes in *InfoWars*’ viewership and social media impressions correlated with their publication of videos and articles calling Sandy Hook a hoax. In the last lines of his opening arguments, Mattei states his plaintiffs’ demand for redress:

^{xiv} Some trials have a judge and jury, some trials only have a judge, but the *iconic* trial is always a jury trial. The enduring and sacrosanct concept of facing a jury of your peers is a key way that the trial renders the private individual into a collective representation.

justice in this case means stopping Jones—that is, rendering an economic penalty so severe he is either deterred from future defamatory coverage or can no longer afford to operate at all.

Mattei not only uses his opening statements to lay out his clients' narrative of their injury and their proposed redress, but also makes a case for the necessity of the trial itself. Mattei claims that the plaintiffs do not actually want to be litigants in a civil case, but that they are compelled to protect the memories of their loved ones as well as future victims of mass tragedies that Jones might target. Mattei's statement that the Sandy Hook families only brought suit against Jones as a last resort could be seen as an attempt to reassure the jury that his clients are not greedy, overly litigious civil plaintiffs—common stock characters of the iconic trial.²⁹ Instead, Mattei's statement frames the decision to bring suit as an act of familial and public responsibility—as a way of honoring loved ones and protecting other families from the injuries they have experienced from Jones' conduct. In this characterization, Mattei brings the plaintiffs' narrative of the case into the realm of melodrama. Melodrama describes a cultural form or genre that seeks to move its audience to powerful feelings, primarily through representations of the suffering of virtuous individuals.³⁰ As Linda Williams describes, melodrama is a perpetually modernizing cultural form, beginning with 19th century theater and the sentimental novel before moving to the film screen, the small screen, and to media representations of real events—including, of course, the trial.³¹ Though its origins are not American, Williams nonetheless argues that melodrama represents “the best, and most accurate, description of the serious narrative and iconic work performed by popular American mass culture, broadly conceived.”³² The cultural life of the trial is thereby inextricable from the form of melodrama, as well from other melodramatic media genres. When Attorney Mattei uses his opening statement to re-frame the civil trial's economic form of justice into a familiar narrative in which justice is viewed as

protecting the memories of the dead and protecting others from bad actors, he is engaging in a kind of melodrama. Mattei's narrative of his clients' case offers a softer form of melodrama by self-consciously avoiding excessive appeals to sentiment or dwelling on the individual suffering of the Sandy Hook family members. Instead, Mattei addresses the jury directly by appealing to their reasonableness and inherent sense of justice. This statement obviously seeks to legitimate the trial form—if the jury were not presumed to be reasonable and fair, how could a trial ever promise to deliver justice? This argument for the trial's legitimacy would not be particularly noteworthy if it were not for how the defense would go on to argue that the trial was in fact illegitimate.

In the iconic trial, claims in favor of the defendant's guilt—or liability, in the case of civil damages—generally have the initial advantage in the narrative competition of the trial.³³ After all, if the case was without merit, why would there be a trial in the first place? It could be argued then that one of the jobs of the defense during opening statements is to make a case for why the trial they are participating in should not be taking place, or at least not in the form that it currently has. In his opening statements, Jones' attorney Norm Pattis makes a very direct argument for the trial's illegitimacy by claiming that Jones is the victim of a politically directed court system. If Mattei's opening statements were focused on what redress was owed the Sandy Hook families, Pattis attempts to decenter the plaintiffs from the trial by instead focusing on Jones' claim to injury: being subjected to unjust civil litigation. Unlike the plaintiffs' attorney who frames the suit as a tool of last resort against bad actors, Jones' attorney frames the suit and the default judgement as a punishment for his client's political outspokenness in direct defiance of his First Amendment right to freedom of speech. While it may seem that Pattis' opening shifts us away from Mattei's narrative of personal victimization to a narrative of political victimization,

both are ultimately forms of melodrama. Specifically, the defense's opening draws from the rhetoric of political melodrama.³⁴ The opening argument's characterization of Jones as the ultimate political scapegoat draws on a melodramatic model of citizenship centered on the "visible emotions of suffering bodies, that, in the very activity of suffering, demonstrate worth as citizens," as the basis of its claim for the trial's illegitimacy, indeed, it's un-Americanness.^{xv}

Interestingly, despite rewatching both counsels' opening statements and closing arguments, I failed to identify anywhere where Pattis explicitly articulates his client's demand for redress, though we can safely assume that Jones' idea of a just verdict would be an extremely low or non-existent damages award. The lack of focus in Pattis' opening statements on economic damages or any other concept of redress reflects both the defense's refusal to comply with the trial form and the defense narrative's larger focus on Jones' victimization as his claim to injury. Throughout opening statements, Pattis insinuates that the civil case against Jones is influenced, or even directed, by a variety of external forces, such as political groups advocating for gun control, Democratic party members including former presidential candidate Hillary Clinton, and a shadowy group of global elites. It is important to note that, as Jones earned a default judgement by refusing to cooperate with discovery, the defense will not actually be able to introduce evidence of the existence of such a conspiracy. As a result, the defense's case throughout the trial

^{xv} Ironically for Jones, this melodramatic a model of citizenship was pioneered by 19th century American abolitionists and feminists (See: Williams).

is based on the appeal to paranoid feelings and a sense of injustice, rather than on the presentation of an evidence-based argument.

One element that stood out during Pattis' opening statement for me as a spectator was how his presentation of his client's narrative was repeatedly interrupted by objections from the plaintiffs' attorney, largely on the grounds that Pattis was attempting to introduce evidence that had already been determined to be inadmissible by the judge's previous rulings. These moments break the spectators'—which includes both the jury and the viewing audience—sense of narrative flow. At one point, the judge calls a sidebar in response to one objection, and the opening statement is literally put on pause, with the attorneys for both sides abandoning the figurative stage of the courtroom to huddle next to the judge's bench—evoking an image of students being scolded by the teacher at the front of the class.



Figure 12: This image from the Connecticut courtroom superficially resembles the sideways close-ups in *Inherit the Wind* but lacks intimacy. The livestream audience cannot hear these sidebars unless there happens to be a “hot mic” moment.

From my perspective as a jurified audience member, these interruptions during Pattis' opening statement undermined his argument's claim to authority. My most generous interpretation was that Pattis was ignorant of the purpose of the opening statement phase within the iconic trial and of the rules concerning the admission of evidence in the courtroom. My least generous interpretation, influenced by my pre-existing opinion of Jones' as a conspiracist and far-right agitator, was that Pattis was attempting to introduce certain prohibited talking points—such as Jones' claim that he was “deplatformed” by social media or that *InfoWars* was already bankrupt—that would then influence how the jury interpreted the evidence presented later.

I acknowledge that my interpretation of the defense's actions from the very beginning of the trial was highly critical, perhaps even paranoid. The amount of pre-existing knowledge about the case and the beliefs I held about the parties involved would have undoubtedly disqualified me from sitting on the jury. However, this knowledge instead qualified me as a jurified spectator, as a trial-wonk. In fact, I argue that the jurified audience—the collective viewers watching on livestream—was actively solicited multiple times throughout the trial, particularly by the defense. One instance of this was when Pattis incorporated the plaintiffs' attorney's interruptions to his opening statement into his narrative as proof of his clients' unfair treatment by the legal system. Pattis somewhat petulantly points out to the jury that he had not objected during Mattei's opening statements, an argument that also prompts an objection from the plaintiffs' attorney that is upheld by the judge. The jury is later instructed not to hold objections against the attorney who made them. However, regardless of the legal status of Pattis' comments, they had become a part of the trial's mediated record: a moment that could be remembered, rewatched, and referenced later, if not by the jury, then by trial watchers. This forced me to consider the question, what if the defense's narrative was not primarily intended for the jury, but for the audience “at home?”

The iconic trial form is defined by adversarial, narrative competition. During opening statements: the plaintiffs' presented their narrative of Jones as a typical "prophet of deceit"³⁵ who exploited grieving families to the jury. The opening statement of the plaintiffs' attorney further present a narrative roadmap for how the jury will eventually conclude that rendering justice in this case means awarding significant damages to the Sandy Hook families. In contrast, the defense' narrative is that the Alex Jones is the true victim of this case, a claim that the defense will advance by presenting the jury with evidence that the damages trial itself is being used as a political weapon to silence Jones. While it may be technically possible to convince a jury to rule that a trial is illegitimate, I argue that the more likely goal of Jones' defense narrative is not to gain a verdict in his favor but to become an icon of political persecution. Specifically, Jones' wants to be an icon to his audience: *InfoWars* viewers, fans who buy his products and merchandise, and those who are otherwise likely to be sympathetic to Jones' collection of grievances about the media, culture, and politics. Jones' Connecticut trial therefore provides us with a case study of what it looks like when one party in a trial does not recognize the trial's legitimacy to evaluate injury and determine redress. The trial form that is intended to help us render meaning instead finds itself under attack, forced to justify its own existence. This tension introduced in the opening statements comes to a head in the next phase of the trial: the evidence examination.

Evidence Examination

The opening statements of the iconic trial attempt to present an ordered account of the parties' claims to injury and terms for redress: a narrative through which the jury will determine verdict that favor their claims over the opposition. The evidence examination phase loses the pretense of order established by the previous phase, instead taking the form of a fragmented

collection of *fabula*: testimony, objects, and interpretations that serve as the building blocks of multiple potential narratives, of which many are contradictory. Clover describes this phase of the trial as taking place in a different tense than the opening statements and closing arguments: the evidence presented was gathered in the past and is now being presented to the jury out of order and removed from the context of their creation and discovery.³⁶ Adding on to the temporal ungroundedness inherent to the collection of evidence is how the presentation of the evidence is done via “turn-taking”: the plaintiff/prosecution present their evidence and witnesses, with the defense having the opportunity to cross-examine each one, before resting their case and ceding the stand to the defense, now with the plaintiff/prosecution having the opportunity to cross.³⁷ For the jury and the spectator, this split structure creates what Clover describes as the “characteristic experience of the adversarial trial”: that of being pulled rhythmically back and forth between the narratives of the plaintiff/prosecution and the defense.³⁸ In the face of this back and forth, the narrative cohesion of the opening statements—the postured simplicity, obviousness, and clear rationality of the attorneys’ claims—is exposed as an illusion.

As described earlier in this chapter, the expectation for the jury during evidence presentation in the individual trial is that they will examine each piece of evidence separately and refrain from forming any conclusions about the case based on incomplete information. However, this instruction is ultimately impossible. Rather than leading to rational, objective analysis, the breakdown of narrative cohesion during the evidence examination phase achieves the opposite, instead catalyzing a proliferation of paranoid speculation.³⁹ American jurors are aware of the existence of evidence tampering, omission, prosecutorial misconduct, and attorney incompetence, but even putting aside questions of what the jury *isn't* being shown, there is no shortage of possible unofficial narratives about the evidence that *is* presented: Are the lawyers

for the prosecution engaging in an affair? Is the expert witness a hack? Is the defendant demonstrating true remorse or is it all an act?⁴⁰ These hidden narratives reflect what Lynne Joyrich refers to as the soap-like narrative form of the trial, a modern televisual form of melodrama.⁴¹ However, unlike the soap opera and other fictional media melodramas, the trial's legitimacy requires that these hidden narratives not be revealed; while there is no practical way to eliminate these unofficial narratives of the trial, they must remain just that, unofficial.^{xvi} These hidden stories must not be given voice during the trial, and unless an enterprising juror gives an interview or writes a book on their experiences after the trial, the existence of these unofficial narratives themselves remains only speculative.

The jurified audience, however, is not bound by any expectation to remain objective and refrain from articulating (our)their paranoid speculations. As I discussed earlier, unofficial narratives also proliferate through the viewing audience and, if we accept the idea that we are a nation of trial-wonks, throughout the American public itself.^{xvii} The broadcast trial and its digital inheritor have constructed entire media ecosystems catering to the unofficial narratives of the spectator. Netflix has built an entire genre of documentaries and docuseries on just these paranoid speculations, while video-sharing platforms like YouTube play host speculations from professional and amateur legal commentators alike which can rack up tens or hundreds of

^{xvi} Of course, in the inevitable instance that such hidden narratives are occasionally revealed and validated, the trial's authority to render justice is thrown into crisis. For instance: the reveal that Fulton County District Attorney Fani Willis and Special Prosecutor Nathan Wade in Donald Trump's Georgia criminal election interference case were former romantic partners.

^{xvii} The analysis I provided at the beginning of this chapter for the not-guilty verdict of the four LAPD charged with assaulting Rodney King could be considered an unofficial narrative of the trial. The sentiment that OJ Simpson was acquitted at his murder trial as a kind of reparation for the LAPD verdict is another kind of shared unofficial narrative. Indeed, many of these stories could only be considered "hidden" in the sense that they are not recognized by the official record of the trials themselves.

thousands of views.^{xviii} Providing a platform for these hidden narratives is economically productive, as these views translate to ad revenue for the channels. It is also epistemologically productive, as it is via the articulation of our paranoid speculations and our engagement with the speculations of others that we draw our justification for placing our own judgements about a case on the same level as the jury's. Following this exaggeration of the trial's logic, which aims for a truth of exhausted possibility, the spectator who engages in the most speculation is the one who gets closest to the truth.

If this logic sounds like the justification of a conspiracy theorist, it is perhaps because the connection between the trial's approach to creating meaning from chaos and conspiracy epistemology are worth further consideration (see Chapter 3). For now, I'd like to use this exploration of the trial's unofficial narratives to direct us back to Jones' defamation case. As previously described, the evidence examination phase is characterized by a back-and-forth pulling of the jury's and spectator's attention between the narratives of the plaintiff and the defendant. The plaintiffs' case in Connecticut rested largely on testimony, particularly the testimony of the plaintiffs themselves. When called upon for direct examination, the plaintiffs offered testimony about their children, spouses, siblings, and parents: who they were, how they lived, and the trauma that began the day they were murdered at Sandy Hook elementary school. This testimony had one theme in common: Jones did not cause the wound that had been opened that December day in 2012, but he contributed to its festering by broadcasting his claims that the Sandy Hook shooting was a hoax, connecting the family members to alleged plots to take away the rights of American citizens to own firearms and engage in free speech, and by stochastically

^{xviii} For example, during the celebrity civil trial of Depp vs. Heard, videos with titles like "Did Amber Heard Get Botox Around the Time She Had Facial Injuries?" racked up hundreds of thousands of views.

inciting his followers to engage in further harassment. The plaintiffs' attorney presented further evidence that Jones and *InfoWars* had profited from their attacks on the families and that they had turned mass tragedy denialism into a successful business model that they planned to continue implementing for the foreseeable future. Some of this evidence came from the testimony of experts on online disinformation, but much of what I argue was the most memorable and compelling evidence came from the depositions and testimony of *InfoWars* employees as well as images and videos from *InfoWars*' own website that were shown in the courtroom on television screens.

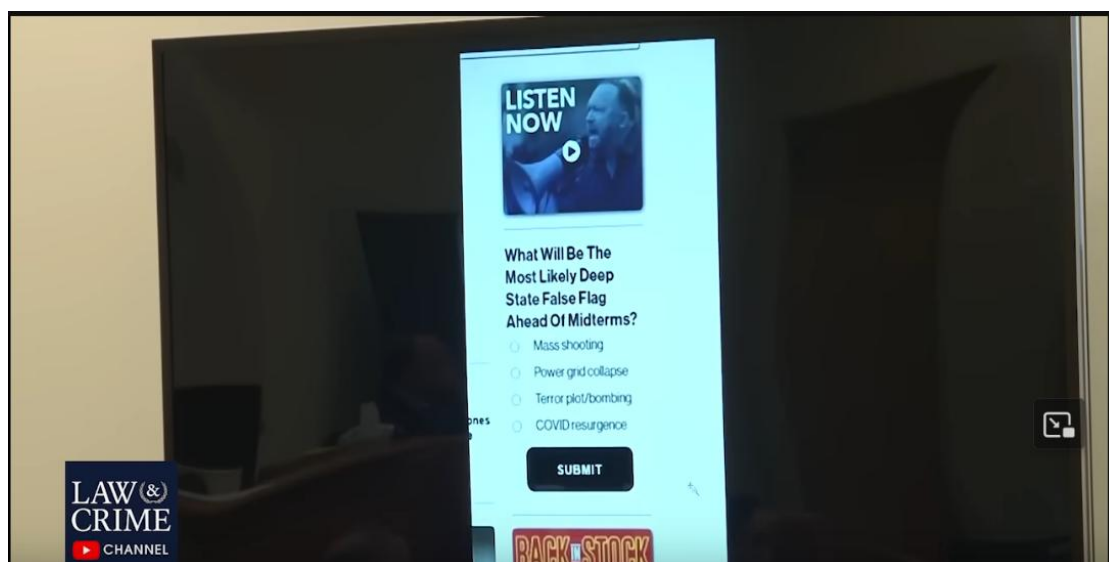


Figure 13: An example of the plaintiffs' visual evidence taken directly from the InfoWars website. The image displayed in court is a screenshot of a poll on the InfoWars website asking visitors to the site to guess the next "Most Likely Deep State False Flag Ahead of Midterms," with the first multiple choice option being "Mass shooting." Interactive elements like this poll are common tactics to increase viewer engagement on online platforms, which the plaintiffs' argued was an example of Jones' capitalizing on Sandy Hook conspiracies.

However, the testimony I want to focus on here is that of Alex Jones himself. Jones' time on the stand was a major focus of media coverage of both his Texas and Connecticut trials. Through media reporting, some readers might be aware of how, while Jones was under examination in his Texas case, plaintiffs' attorney Mark Bankston revealed to the courtroom and its digital audience

that Jones' attorneys had inadvertently sent a copy of Jones' phone to the plaintiffs, proving that Jones had lied about turning over all communications regarding Sandy Hook during discovery. The dramatic elements of this moment from the Texas trial—the defendant caught in a lie by a clever attorney, the fortuitous timing that allowed for previously unknown evidence to be entered during the trial, and attorney Bankston's charismatic delivery—clearly demonstrate the dramatic character of the iconic trial reflected in media representations of both real and fictional trials—from Cochran's "If it doesn't fit, you must acquit" to Elle Woods' revelation of the intricacies of perm maintenance in *Legally Blonde*. The moment was so obviously dramatic that Jones himself referred to it in court as Bankston's "Perry Mason moment," referencing the popular legal television drama.

Compared to the "Perry Mason moment" of dramatic revelation and discovery in the Texas trial, Jones' testimony in the Connecticut trial is better characterized as melodramatic, though not in the same sense as the familiar courtroom melodrama depicted in film and television. Rather, if the phone data reveal from the Texas trial felt like an iconic television moment with carefully scripted twists and dramatic confrontations between the plaintiffs' attorney and the defense, then Jones' testimony in the Connecticut trial felt like a video posted online in which it is clear that the subject desperately wants the clip to go viral, despite the pretense that the video is candid, unstaged, or authentic. Jones appeared to exclusively view his own case through the framework of the iconic trial rather than the real one. And, as Jones' "Perry Mason moment" comment in his Texas trial suggests, he believes that everyone else in the courtroom is also operating under the same frame—that they are all performing for the camera and its audience rather than presenting their case to a jury.

The misalignment of Jones' courtroom demeanor with the standards of the real trial was demonstrated in Jones' inability to follow the judge's orders regarding courtroom conduct when he is on the stand and, most interesting to me, a seeming inability to understand the trial's structure. The judge reminded Jones at multiple points throughout his time on the stand to respond only with "yes," "no," or "I don't know" to the plaintiffs' attorney's questions and to wait for the judge to rule on relevant objections before speaking. Each time Jones would acknowledge the judge's instructions, often appearing contrite, before disregarding them almost immediately once the attorney started questioning him again. I call attention to Jones' behavior because the behavior of those on the stand, demeanor evidence, has value as evidence for the judgement of the jury and the spectator, who will no doubt compare Jones' chaotic disregard for decorum against the Sandy Hook families' serious and subdued mannerisms.

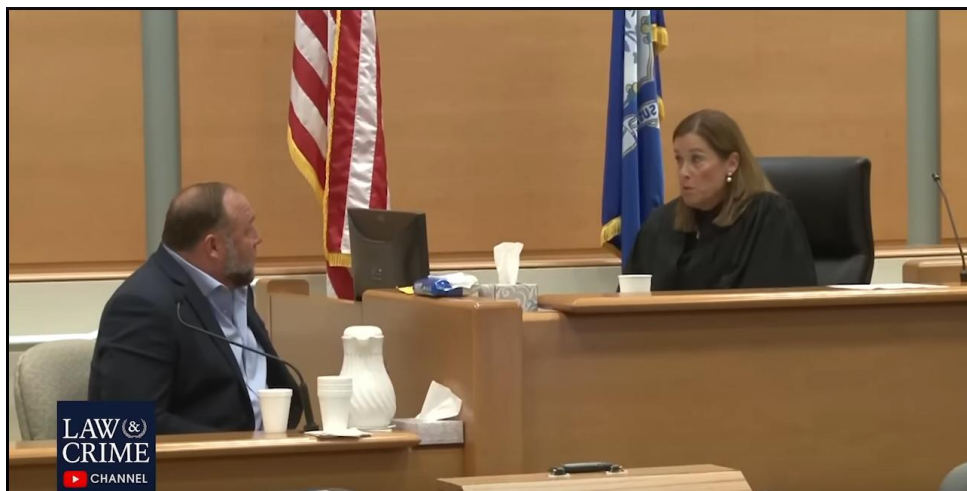


Figure 14: Alex Jones admonished by judge for his conduct during direct examination

But I also note that, while Jones' refusal to obey the rules of the courtroom seems to be a manifestation of his rejection of the trial's legitimacy, his behavior is not totally in keeping with that view either. For instance, at one point Jones' playfully calls the judge's attention to an instance where he successfully refrained from answering a question that his attorney objected to

and had stricken from the record, commenting that he had remembered “that time.” In those moments, Jones attitude was more reminiscent of an actor attempting small talk with his coworkers between takes rather than a beleaguered political prisoner. Jones’ conduct in the courtroom conflicted with *InfoWars*’ own coverage of the trial, some of which entered the record as evidence submitted by the defense. Most notable was a thumbnail image of the Connecticut judge photoshopped to have lasers shooting out of her eyes used to promote *InfoWars*’ coverage of their founder’s trial. In a way, *InfoWars*, through their defiant characterization of the trial as a “kangaroo court” in headlines and thumbnail images, presented a more authentic performance of Jones as a beaten but unbowed political prisoner than Jones himself did.



Figure 15: Photoshopped image of the judge with laser eyes.

Continuing with the idea of performance, throughout Jones’ testimony were many different instances in which Jones attempts to appeal to his *InfoWars* audience. The most dramatic of these appeals was Jones’ repeated attempts to co-opt the direct examination. As described previously, the evidence examination phase follows a back-and-forth structure between the plaintiffs’ attorney and the defense attorney within which Alex’s testimony is just one piece of evidence

presented to the jury. Since he was called by the plaintiffs' attorney, it follows that Mattei will perform his direct examination of Jones first before defense attorney Pattis can cross-examine his client. What instead happened is that Jones continually tried to turn the direct examination into a platform like his own *InfoWars*' broadcasts: derailing lines of questioning to launch into unprompted political rants and personal attacks on the plaintiffs' attorney. Jones appeared to take the place of his own attorney during proceedings, talking through Pattis' attempts to object, prompting one—iconic, in my opinion—moment when the judge frustratedly asks Pattis whether he's objecting to Mattei's questioning or to his own client.

The most explosive clash—arguably the Connecticut trial's closest approximation to the Texas trial's "Perry Mason moment"—comes when Mattei confronts Jones with the reminder that the Sandy Hook family members are present in the courtroom. The Law & Crime channel cameras pan to the family members in the galley, their facial expressions largely inscrutable, with a few registering disgust or sadness. Mattei proclaims that his clients are real people to which Jones responds with the non sequitur: "Just like all the Iraqis you liberals kill and love." Mattei reminds Jones that his clients lost family members and loved ones, to which Jones dismissively responds: "Is this a struggle session?" While the judge visibly reacts (eyes widening, taking in a sharp intake of breath, and shaking her head) Jones continues, decisively pointing his index finger down onto the witness table as he declares in response to no apparent question that he's "done apologizing" for his statements about Sandy Hook.^{xix} He points accusingly at Mattei as he repeats: "I don't apologize to you. I don't apologize to you." Unlike other viral clips of Jones ranting about chemicals turning frogs gay, Jones' voice throughout this

^{xix} The existence of the lawsuit clearly expresses the plaintiffs' opinion as to whether Jones' alleged multiple previous apologies were perceived as sufficient.

encounter is loud but measured, his tone one of contempt rather than anger. If anyone could be said to be yelling, it would be defense attorney Pattis, who, towards the end of Jones' declaration, can be heard repeatedly shouting "objection." The judge requests that the line of questioning moves on, and the dramatic moment that I will refer to from hereon as the "I don't apologize" scene comes to an end rather anticlimactically, though not without a brief dramatic hiccup when Jones expounds on his theory that the 2012 Aurora movie theater shooting involved "CIA mind-control."



Figure 16: Plaintiffs' attorney Mattei directs Jones' attention and the camera towards the Sandy Hook family members in the audience galley.



Figure 17: Alex Jones says he's done apologizing for Sandy Hook hoax claims

Following the trial as a spectator, I noticed that media reporting tended to focus on Jones' declaration of "I don't apologize" as the trial's most iconic moment.⁴² The comparisons between the "I don't apologize" and the "Perry Mason moment" spectacles characterize Jones' "I don't apologize" declaration as an unintentional disclosure, brought on by his heated back-and-forth with attorney Mattei, that effectively sums up the case for the jury and the jurified audience. However, the problem with this comparison is that the "I don't apologize" statement is directed to the plaintiffs' *attorney* rather than the plaintiffs to whom, in the same segment of the direct examination, Jones claims that he has in fact apologized multiple times. Jones therefore distinguishes his anger towards Mattei from his feelings towards the Sandy Hook families—once again destabilizing the trial's presumption that the attorney represents their client through their actions in the courtroom. More importantly, unlike the "Perry Mason moment" in Texas which revealed allegedly hidden communications from Jones about Sandy Hook, this moment in the Connecticut trial reveals no new information to the jury or to the audience about the legal case at hand. The effect of this moment is to confuse the spectator, rather than to elucidate.

This is particularly the case with Jones' non sequiturs, which receive no real response or resolution during the direct examination because they have no official relationship to the legal case for damages. These moments embody the narrative confusion and proliferation of paranoid speculation intrinsic to the trial form as well as the improvisational borrowing characteristic of contemporary conspiracy epistemology. Jones' dismissive reference to the trial as a "struggle session" provides us with the clearest insight into the actual claims to injury and demands for redress at stake in this trial, as well as to the crisis of meaning and justice facing the role of the trial in American society today. This term historically refers to the phenomenon during China's Maoist Cultural Revolution where individuals would be publicly accused of real or imagined crimes against the party. However, a quick Google search of the term "struggle session" alongside modern terms such as "woke" and "cancel culture" pulls up several opinion pieces, blogs, and news articles that demonstrate how the term has gained a new life among those aggrieved by current diversity, equity, and inclusion initiatives in the workforce, as well as targets of online backlash following "problematic" public comments.⁴³ Jones' use of the term within this context, along with Jones' other seemingly unrelated comments about liberals and the U.S. invasion of Iraq, clearly demonstrates his attempt to redefine the trial from the issue of economic damages to feelings of victimization, dispossession, and political grievance. Rather than attempting to provide evidence for his own claims to injury, Jones' use of the term struggle session to describe his own trial seems designed to illicit sympathy from those members of the audience that share similar feelings of partisan persecution and political aggrievement.

What makes this moment especially significant for me is the fact that Jones' "Is this a struggle session?" comment comes directly after Mattei described how the plaintiffs' in the audience lost their family members in the Sandy Hook tragedy. Within the historic origin of the

term struggle session, Jones remark dismisses the families' suffering as exaggerated if not entirely faked for the purposes of humiliating and punishing him. This is not entirely different from the negative stereotype of civil litigants as greedy malingerers, but, given the nature of the defamatory claims for which Jones has been found responsible, his use of this specific term comes off as particularly malicious. Or perhaps, "malicious" is not the most accurate descriptor, as this moment during the trial makes it clear that Jones's narrative of his defense is not about the Sandy Hook families at all. Considering the vast political conspiracy of which Jones imagines himself at the center, the individual, private injuries of the Sandy Hook plaintiffs are inconsequential. The suffering of the families was entirely interchangeable with the myriad of other traumas—like civilians killed in Iraq—that "liberals" (members of the conspiracy) opportunistically pretended to care about. This fungibility of evidence is a key characteristic of contemporary conspiracy epistemology—the specifics of each piece of information are less important than the feelings and impressions the conspiracist attaches to them. It is also a tactic of political melodrama intended to create what Elizabeth Anker refers to as "felt legitimacy," or a subjective affective experience that generates the legitimization of state action.⁴⁴ However, rather than the state, Jones' melodramatic narrative places himself as the sovereign whose action is legitimated by the conspirators' attacks against him.

In dismissing the relevance of the families' injuries, Jones thereby rejects the very foundation of the trial form: the transformation of individual injuries into collective ones. Within Jones' narrative of the trial, and within his conspiratorial epistemology more generally, there is no distinction between the public and the private, the personal and the political. In this view, the civil trial is not a tool for private individuals to intervene in the harmful actions of other individuals or remote media conglomerates—which the Texas-based *InfoWars* would almost

certainly be considered by the families of Newtown, Connecticut—but a political tool wielded by the state to suppress dissidents. The civil case against him can be labeled as a means of political persecution—a “struggle session”—because that is how Jones *feels* about it. Jones therefore has no reason to direct his narrative to the jury—who by their role in the trial are necessarily complicit in his persecution—instead using his time on the stand to perform to those in the audience that might feel similarly to him. The narratives of Jones and the plaintiffs are not so much competing as they are arguing past each other—with the plaintiffs’ case following the more traditional trial form and Jones’ appealing to the jurified spectator who has already made up their mind on the case.

Before analyzing what significance this difference in narratives has on the continued ability of the trial to serve as a cultural form for rendering meaning and understanding justice, I would like to briefly explore the Connecticut trial’s closing arguments, the phase in which the trial reestablishes narrative coherence, or at least attempts to.

Closing Arguments

As previously stated, the closing arguments phase of the trial is the trial’s attempt to reestablish the narrative coherence that was broken by the evidence examination phase. In closing arguments, the attorneys for the two parties attempt to interpret the evidence in a way that supports their side’s narrative as presented in the opening statements. However, in real life, unlike fiction, the trial rarely provides full narrative closure—the hidden speculations introduced in the evidence examination phase are simply too numerous to disprove.⁴⁵ The attorney’s closing arguments in the Connecticut damages trial illustrates this tension between the promise of resolution and the limitations of the trial form. These discrepancies are especially notable in the livestream as, unlike in the example images taken from *Inherit the Wind*, this courtroom footage

is not edited and the cameraperson is, at the time of the recording's initial capture, ignorant of the trial's outcome as the viewer. For this reason, it is perhaps better to consider the camera's movements and focus during the livestream as its own form of audience reaction and participation, rather than as an external choice to direct the audience's vision as in traditional filmmaking.

The plaintiffs' attorney's closing argument in the Connecticut case follows the familiar trial form set out from the opening statements. Mattei appeals to the jury's assumed values of honesty and responsibility and reminds them of their own familial relationships as they approach their task of rendering a verdict. Mattei restates that his clients' motivation in bringing the suit was not money but their responsibility as parents and family members to defend the memories of their deceased children and loved ones. This is familiar rhetoric from the opening statement, but Mattei's closing argument does introduce a slight twist. Mattei argues that Jones and his attorney do not respect the authority of the jury or the trial itself and have instead been cynically using the trial to increase *InfoWars* viewership and sales just like Jones had allegedly used Sandy Hook hoax claims to do. As a spectator, it was an odd but invigorating experience to hear my own hidden narrative of the trial validated by the plaintiff's attorney. This addition to the plaintiffs' narrative of the trial—that Jones was not only a conman but was using his own trial to continue the con against his audience^{xx}—seemed a direct attempt to provide an explanation for the strange behavior and testimony presented during the evidence examination phase.

However, even this explanation is derailed when the defense presents their closing argument. Unlike the plaintiffs' attorneys', Pattis breaks from the trial form entirely by refusing

^{xx} It is also notable that the plaintiffs' definition of a conman is virtually indistinguishable from a description of a typical media producer.

to offer any narrative coherence. Rather than attempting to reintroduce order, Pattis' closing argument offers contradictions and combines auditory information overload with a complete lack of visual stimulation. Unlike in the iconic trial, the livestream of Pattis' closing argument offers little to no visual interest for the audience. The camera slowly tracks Pattis' repetitive movements of walking to and from the counsel table, picking up and flipping through papers, and looking down at his notes, back up at the jury (who are of course off-screen), and then back down again. The camera's adjustments are not quite smooth, suggesting the presence of a camera operator who is manually directing the spectators' vision, but these miniscule zooms and tremors do not capture anything of interest and appear purposeless. When Pattis presents the jury with a 19-minute clip of Jones on *InfoWars*, the camera does not move away from the courtroom's television screen once. For the virtual spectator, this moment creates a strange effect of watching three screens at once: that of their personal device and that of the camera recording the courtroom's television. This slightly disorienting effect does little to distract from the excruciating experience of watching a recording of Jones' ramble about topics unrelated to the trial for 19 minutes, without even a shot of the live reactions in the courtroom breaking through the monotony.

This lack of visual interest means that, throughout Pattis' almost hour-long closing argument, the responsibility to determine what information is important falls almost entirely on the spectator. This proves somewhat difficult, as the defense' closing is full of contradictions. Pattis begins by stating that we live in a time of great political division before arguing that the case is not political. He interprets the jurors (whose faces the virtual audience cannot see) as openly hostile to him and his client but also tells them that he trusts them to deliver a just verdict. He warns the jury not to speculate as to Jones' motives for his behavior on the stand but later

invites them to speculate on whether the plaintiffs might have exaggerated their claims to injury “for the sake of politics.” The one significant, and the most consistently engaging, thread through Pattis’ closing argument is his repeated appeal to political melodrama, in which he claims the status of moral victim not only for his client but himself as well. Pattis complains throughout his argument that he will be attacked, “maligned,” “ridiculed,” and “dragged through the mud” for his defense of his client either by the plaintiffs’ attorneys or by an unseen audience. He demonizes the plaintiffs’ attorneys, who he claims presented their evidence out of context to villainize his client and characterizes as ambulance-chasing lawyers, at one point claiming that for the plaintiffs “it doesn’t mean a thing if it doesn’t go kaching,” a statement so inappropriate that it prompts an admonition from the judge in open court. Most bizarrely, Pattis engages in frequent appeals to religion. He refers to Jones as a “mad prophet” and a scapegoat for the evils of the world and ends with what he refers to as “The Trial Lawyer’s Prayer,” a pastiche of The Lord’s Prayer that compares the role of the defense lawyer to that of a penitent Christian at the mercy of their god. Despite his closing arguments relying almost entirely on melodramatic appeals for pity and sympathy, Pattis criticizes the plaintiffs for relying on melodrama over evidence of economic damage and strongly chastises the jury that sentiment has no place in their deliberations. Ultimately, Pattis’ closing argument is not given in the model of a cinematic conclusion to a dramatic, or even melodramatic, trial, but rather in the model of the soundbite that circulates widely online and can be easily broadcasted on shows such as *InfoWars* alongside a curated collection of similar clips in support of an affective narrative of grievance.

Perhaps the only attempt in Pattis’ closing argument to re-introduce narrative cohesion is a brief argument that Jones did not defame the Sandy Hook families for money, as the plaintiffs’ attorney claimed, but because he had been so disillusioned by American institutions that he truly

believed it was possible for the tragedy to be a hoax. This is, perhaps, like Jones' comments about a "struggle session," an attempt to generate felt legitimacy by suggesting that Jones' characterization of Sandy Hook as a hoax was justified in light of how many things the American media and government has allegedly lied about. Pattis suggests that the jury could restore some faith in the justice system for "some people, including viewers" by rendering a fair verdict, a verdict that Pattis implies should be a low damages award. Pattis' argument about why his client pushed Sandy Hook conspiracy theories embodies my earlier description of the jurified spectator—the armchair investigator, the citizen sleuth, etc.—whose authority carries more weight than institutions. Jones, Pattis' argument suggests, was justified in his treatment of the Sandy Hook families because he believed that he knew better about what happened in Sandy Hook elementary on December 14th, 2012 than the news media, the FBI, and the family members themselves. Regardless of whether this is an accurate description for Jones' motivations, it is significant that Jones' position is not unique within Pattis's argument—the "viewers" have also lost faith in American institutions, including the law. The true injured party in this case are the unknown number of jurified spectators who no longer recognize any claim to truth other than their own. This moment represents the transformation of the individual into collective injury in action—Jones' persecution has become the viewers' persecution. Jones becomes an icon for the viewers who can seek redress for their own social and political grievances through him. However, Pattis' proposed just verdict—an award of no or low damages to the plaintiffs—cannot possibly fulfill the demand for redress that he has articulated. Pattis' argument assumes that the trial—which has already been deemed illegitimate by Jones and like-minded viewers—can legitimate itself. But if the trial is unjust, how could any verdict it produces ever be considered just? Ironically, given how the defense based their narrative of the trial on feelings of

victimization, an extremely punitive verdict would offer more support to Jones' narrative than a lenient one. This was exactly what happened: when the billion-dollar verdict was read in court Jones was live in his *InfoWars* studio to stream his reaction for his audience, cheering and whooping as new proof of his victimization unfolded for the camera.⁴⁶

Afterlives

I want to give the Sandy Hook families the last word in my coverage of Jones' Connecticut trial. By attempting to transform into an icon of political censorship and resistance, Jones erases the humanity that is at the center of his case. The ultimate question of the Connecticut and Texas trials was not how much money did Alex Jones owe the Sandy Hook families, but what do the living owe the dead? An attempt to answer this question can be seen in the recorded testimony of the Sandy Hook families and first responders. Repeatedly in both the Texas and Connecticut trials, the parents, spouses, and relatives of victims stated their belief that they had an obligation to defend the memory of their loved one. The damage they had suffered because of Jones' hoax claims stemmed not only from the denial that their loved one had died, but the denial that their loved one had lived. The testimony of family members during the Connecticut trials, serves as a record, not primarily of suffering, but of life lived. What the records of these trials prove more than anything is that Noah Pozner, Emilie Parker, Jesse Lewis, and 23 other people just like them—and entirely unique—lived and were loved so much that the people who loved them wanted to make sure no one forgot them, even after they were gone.

The struggle for meaning over the Connecticut trial—the plaintiffs' narrative of care and remembrance vs. the defense's narrative of victimization—betrays the fundamental limitation of the trial's claim to render justice by determining redress. The trial does not have the ability to repair the injury that is at the center of its case: the loss of a loved one, and especially the loss of

a child. This is a fact that becomes especially clear in civil litigation, in which trauma is rendered in cold economic terms. Not even the historic Connecticut damages awards could ever hope to make up for the untimely murders of twenty-six people and the resulting traumatic fallout, intensified by malicious lies, that continues to affect an entire community. In the light of these facts, it is no surprise that the jurified audience seeks solace in the spectacle of the iconic trial—the continuous consumption of information, the sharing of speculation and hidden narratives on public forum, and the unwavering trust in one’s own judgement over so-called experts—over the unfulfilling reality of the official verdict. For Jones’ audience and Jones himself, this rejection of the official trial means continuing to produce and disseminate conspiratorial content, buying and selling merchandise, and vocally denying any responsibility for defaming the Sandy Hook families’ as though nothing has happened. But while Alex Jones may still be on air, so is *Knowledge Fight*, which continues to catalog, report, and critique the dangerous fearmongering of Jones and his fellow travelers. While *InfoWars* has been embroiled in bankruptcy court, *Knowledge Fight* promoted the gofundme campaign of Erica Lafferty, daughter of murdered Sandy Hook principal Dawn Hoschsprung, to pay for her cancer treatment.⁴⁷ While the iconic trial can be a rejection of reality outside one’s own judgements, the iconic trial can also be a method of seeking justice that the official trial is unable or unwilling to provide. The rejection of traditional knowledge-producing and meaning-making institutions such as the judicial system should concern us, but at the same time the increasing centrality of the jurified spectator in issues of public life may provide opportunities to explore new ways of rendering justice. These alternative means of seeking justice and rendering meaning will be further explored in the next chapter, “Justice Denied: The Paranoid Optimism of True Crime.”

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CHAPTER TWO: Justice Denied: The Paranoid Optimism of True Crime

The Vanishing Trial

Having used the last chapter to theorize the figure of the jurified spectator, it is now necessary to acknowledge a disconcerting fact: most legal cases are not brought before a jury. In fact, in 2015, only 3% of federal criminal cases made it to trial.¹ Similarly, of the 92,240 criminal convictions made at the state level between 2010-2011, only about 2% were reached by a jury trial with the vast majority—97%—instead obtained by plea bargain.² Between the 1980s and 2000s, criminal and civil cases alike have decreased at both the federal and state level.³ There are myriad reasons for why such a small number of civil and criminal cases today make it to trial. One factor may be the modern trial's increased complexity.⁴ As opposed to early American trials that functioned as just the first phase of a public spectacle of criminal justice, modern trials instead follow a very intricate narrative and procedural framework, as demonstrated by last chapter's analysis of the three phases of the iconic trial. More elaborate legal procedure, broadening definitions of evidence influenced by scientific and technological developments, and the increased involvement of lawyers have all contributed to the increased length and cost of trials, thereby providing incentive to avoid bringing cases to trial to begin with.⁵

For criminal cases specifically, there are several other factors that may be contributing to the decrease in the absolute number of cases brought to trial. These include the Sentencing Reform Act of 1984, which provides sentencing guidelines to courts based on a defendant's previous offenses and the severity of the offense in question.⁶ In contrast with the jury's nearly

unrestricted power to render their verdict in the iconic trial form, these sentencing guidelines limit the court's discretionary power to deliver sentences outside these guidelines. Sentencing guidelines and other processes that disincentivize criminal defendants from proceeding to trial are a major contention of the 2020 documentary *The Vanishing Trial*. Directed by filmmaker Wynette Yao and produced by the non-profit Families Against Mandatory and the National Association for Criminal Defense Lawyers, the documentary articulates the concept of the "trial penalty," referring to a piece of statistical evidence presented in the film that holds that the average post-trial sentence is three times longer than sentences agreed to in plea bargains.⁷ As a result, the film argues, American citizens are effectively punished with longer sentences for insisting on their right to have their day in court.

The Vanishing Trial is particularly relevant to my analysis because of how the film puts the trial, or lack thereof, on trial. The film features a collection of talking head interviews with an array of experts—defense attorneys, prosecutors, judges, and legal scholars and activists—who testify to the workings, but primarily the failings, of the American criminal justice system. Through these interviews, the film positions the decrease in criminal trials and increase of plea bargains as a crisis of justice.⁸ The stakes of this crisis are starkly highlighted by the film's presentation of the experiences of four individuals—Erik Weyent, Chris Young, Sandra Avery, and Kevin Ring—who chose to proceed to trial rather than accept plea deals and were punished with the trial penalty once convicted. The difference in the identities and criminal histories of the film's subjects (Ring is a former congressional staffer convicted of white-collar crime; Avery is a woman, a recovered drug addict, and a survivor of domestic violence; all the subjects except Young are White) call attention to what the four have in common: They all believed that it was their responsibility to take their case to trial. Through these four personal stories, the film

articulates the tension between the cultural life of the trial—which holds that every American has the right to defend themselves in court in front of a jury of their peers, who have the ultimate authority to render the verdict—with the criminal justice system as it exists in practice, in which defendants are discouraged from taking their cases to trial by the threat of additional charges, and in which the jury’s judgement is proscribed by mandatory sentencing guidelines.

The Vanishing Trial is not infotainment. However, what the film does have in common with contemporary true crime media is a fascination with returning to and restaging the “scene of the crime,” which for the documentary equates to its subjects’ encounters with the criminal justice system. The film does this through cinematic reenactments of the subject’s arrest (or for Weyent, the contested event that forms the basis of his criminal conviction) and major moments in each subject’s movement through the judicial system. Notably, this often includes sentencing, but there is never any reenactment of the actual trials themselves. In addition to reenactments in which the subjects are played by actors, Avery and Ring also appear in the film and are interviewed. Weyent does not appear himself in the documentary, but a recorded interview of Weyent from prison is featured in the film. Young is the only one of the four subjects to neither appear in the flesh nor have any recordings of him featured. Rather, Young is visually represented entirely by one photograph and through his actor, Adrian Arthur, who also delivers Young’s statement to the judge during sentencing. Young’s role in the documentary therefore raises additional questions about the problems of representing absence. The film is not only about the disappearance of the trial from legal practice, but also about how the vanishing trial leads to the vanishing of people from public life. In the introduction and previous chapter, I discussed how the trial serves as a recording of the life of an individual. As he is serving a life sentence without parole, Young’s trial similarly serves as the primary record of his life, which

The Vanishing Trial attempts to animate through its reenactments.^{xxi} Given that the questions of returning, restaging, repairing, and reanimating are all key issues for the contemporary true crime genre, as well as for the jurified spectator turned citizen sleuth, it is beneficial to look more closely at *The Vanishing Trial*'s representation of Chris Young.

The film depicts a reenactment of the moment Chris Young was arrested at age 22 as part of a drug ring bust. The camera fades from a photograph of the real Young to a scene in which actor Adrian Arthur plays Young going to meet a fellow drug dealer who, unknown to Young, was the leader of a much larger drug trafficking conspiracy. A pair of lights suddenly emerges from the dark background, and the camera focuses on Arthur's face as he turns around, skin awash in blue from police headlights. The reflections of the police lights on Arthur's face are reminiscent of tears—the “supreme metonym for the expressivity of interior states”⁹— as he is confronted by a squadron of officers (some masked, some shouting, others framed so that they are largely faceless) with their guns drawn. The camera continues to track Arthur's face and body in slow motion as he struggles to make sense of what he is seeing. Eventually, he is forced to the ground and handcuffed, his mouthed questions drowned out by the aggressive and incomprehensible shouts of the officers.

Traditional film theory has identified the close-up of the human face as the moment when the face—the mark of individual uniqueness, conventionally understood as the window into the interiority of the subject and as a public expression of private thoughts and feelings—becomes rendered as generalizable through the duration and scale of the shot.¹⁰ Yet, when we look at an image of a face on screen for too long, and with a level of detail not normally possible for the

^{xxi} Young was granted executive clemency by the Trump administration in January 2020, the same year the film was distributed.

human eye, we begin to question what it is we are seeing, or if there was ever anything to see in the first place. Arthur's performance in this scene offers us a demonstration of the close-up's power to simultaneously communicate everything and nothing: Is Arthur's haunted expression meant to testify to Young's stated ignorance of the larger criminal conspiracy he will eventually be charged with? Or does it testify to his crushing knowledge of the imminent loss of his future, freedom, and individuality?



Figure 18: Chris Young (Adrian Arthur) looks towards the camera as he is caught in police lights.

The Vanishing Trial attempts to make Arthur's close-up legible by following Young's movements through the criminal justice system, but the memory of Arthur's unfathomable expression unsettles the film's attempt to return us to the world of information about a network of bureaucracy, sentencing guidelines, and secretive plea bargains. The film explains that since Young refused to accept a plea agreement that would require him to admit to his role in the conspiracy, he was charged under statutes that, because of prior convictions, would trigger a mandatory life sentence if he was convicted. Young was convicted, and the film presents a reenactment of Young's sentencing hearing where Young gives a moving appeal for leniency. Most significantly, Arthur (as Young) thanks the judge for "treating [him] like a man, and for

looking at [him] like a man.” This line stands out, not only because we the audience are not technically “looking at” Young, but also because of how Young’s statement so effectively summarizes the documentary’s project of reestablishing humanity within a dehumanizing criminal justice system. Much like the N.W.A. songs discussed in the introduction, the documentary is a record of Young’s testimony: a record intended to indict the trial itself.

The film also interviews with Kevin Sharp, the former judge who sentenced Young. Sharp describes Young’s life sentence as a waste and attributes the case to his eventual decision to resign. Sharp’s description of feeling reduced to a mouthpiece for the mandatory sentencing guidelines, unable to make use of any discretionary or interpretive powers, further demonstrates the documentary’s emphasis on the defendant’s right to receive individual, personalized judgement, to be looked at like a man, during and after their trial—a right that the documentary alleges is being wrongfully denied to the American public. Importantly, while *The Vanishing Trial* focuses on the individual circumstances of Young’s case and its perceived injustice, the goal of the documentary is not to overturn Young’s or any of the other subjects’ convictions or to secure them a pardon or commutation. Rather, the film renders these individuals’ experiences with the criminal justice system into a collective crisis. The film invites the viewer to imagine themselves in the place of their subjects. The documentary’s online distribution further highlights how the stories of injustice presented in the documentary are intended for wide public consumption and identification. While the film acknowledges that certain groups, such as young Black men, are more vulnerable to the trial penalty than others, the injustice the film centers is ultimately an injustice for all.

I discuss the vanishing trial, the phenomena and the film, because it raises the central question of this chapter: What does it mean that the cultural life of the trial continues to occupy such a large role in the American imagination while the courtroom trial now represents a very small minority of most Americans' experiences with the legal system? I argue that this discrepancy gestures towards the increasing importance of the jurified audience in American culture over the past several decades. In its exploration of the trial penalty, *The Vanishing Trial* captures the feeling of powerlessness felt by both defendants and judges who are disincentivized from or outright denied the right to craft their own narratives and render their own interpretations of criminal cases.

I noticed similar expressions of frustration from fellow wonks following Alex Jones' civil case (as discussed in Chapter One) whenever the topic of damages caps was brought up. What was the point of having a jury render an award for damages if a law made by legislators totally ignorant of the facts of the case at hand would ultimately undo their decision? They were equally frustrated after the trials when Jones continued to remain on air and deny his liability for the Sandy Hook families' injuries despite the verdicts. The phenomena of the vanishing trial, along with unsatisfying outcomes of cases that do make it to trial, raise doubts over the trial's ability to fulfill its promise to render justice and set the terms for redress. If the legal system cannot be relied on to guarantee justice, where can the jurified audience turn? One increasingly popular alternative is true crime media.

True Crime: Crisis as Information

If trial as a media spectacle occupies the status of network event—a crisis (treated like a catastrophe) that cuts through the noise of all other news stories and scheduled programming to

capture a large share of media attention—then true crime media is better understood as part of the constant stream of background information that penetrates daily life that the network event defines itself against.¹¹ The connecting thread between these different media forms and temporalities is the jurified spectator. The citizen sleuth that I will discuss in this chapter is prefigured by the trial's jurified spectator. Perhaps the most telling example of the significant recognition of the jurified spectator's legitimacy is the racially split reaction to the O.J. Simpson trial's not guilty verdict. In a way, the Simpson trial jurified a nation, with White and Black spectators advancing their own competing narratives of guilt or innocence in the court of public opinion. As Williams argues, jurified spectators of the Simpson trial were prompted to adopt either the pro- or anti- "Tom" narrative, referring to the character of Uncle Tom in Harriet Beecher Stowe's *Uncle Tom's Cabin* who has since developed his own cultural life in the American melodramatic imagination—representing both the Black victim of White violence and the Black perpetrator of violence against White people, particularly White women.¹² Scholars of the Simpson case have similarly noted that the prosecution's focus on a narrative of gendered intimate partner violence as adversarial to the defense's claim of police corruption and racism demanded that both the jury and the jurified spectator accept the legitimacy of gender-based trauma at the expense of the legibility of racial trauma, or vice versa.¹³ Ironically, this familiar understanding of public perception of the trial as split either along racial lines, or along racial and gender lines, renders the perspectives and experiences of Black women illegible—a failure to see that might have affected the outcome of the trial itself, given that eight out of 12 members of the predominantly Black jury were women.¹⁴

Regardless, the split public opinion regarding Simpson's guilt has come to form a significant part of the Simpson trial's cultural life, as demonstrated by the countless media

documentations of spectators' split reactions to the rendering of the not guilty verdict. News media footage before the verdict's delivery depicts the hundreds of trial watchers gathered on the street outside the courthouse. When interviewed by reporters, spectators state their conviction that the verdict will vindicate their own conclusions regarding Simpson's guilt or innocence. The voluminous amount of media coverage following the verdict's delivery invariably features one repeated tableau: Black spectators cheering, celebrating, and hugging, while White spectators look tearful or stone-faced. While White reactions to the verdict may have been visually overwhelmed by the spectacle of Black celebration, Williams argues that White resentment following the verdict was instead expressed through increased hostility towards affirmative action and other policies aimed at increasing racial equity.¹⁵ Ultimately, reactions to the Simpson verdict lend credibility to the argument that the American public is itself a jury made up of multiple competing publics and counter-publics and was, in some ways, more important than the actual jury. Moreover, media coverage of the Simpson verdict further demonstrates the way in which the discrepancy between the jurified spectators' judgement and the trial's judgement constitutes a crisis: a crisis that true crime media attempt to repair.

While the reality of the American criminal justice system has been moving away from trials towards plea bargains, true crime media continue to allow individuals to be judged by a jury of their peers in the form of the audience. Like *Knowledge Fight*, true crime is a form of infotainment, or the presentation of information about the world in forms that are evocative of entertainment media.¹⁶ In other words, true crime is "crime fact that looks like crime fiction."¹⁷ True crime media and its consumers share much in common with the figure of the wonk described in the previous chapter. The true crime genre relies on and encourages our desire for information, especially for what is normally private or taboo. Fans of true crime media are

rewarded for continuing to read up, tune in, and log on not only with more information about lurid and sensational crimes, but also with increased familiarity with the rules of the genre which will allow them to more effectively parse information in the future. True crime media is reliant on cliché:¹⁸ the victim had a *smile that lit up a room*, the suspected murderer was a *loving husband and father*, and the town where the crime occurred was a place where *things like this don't happen*. The reward for the avid consumer of true crime media is the knowledge that these clichés are not to be taken at face value—obviously, things like this *do* happen here, or we wouldn't be hearing a story about it. In true crime media that covers the chronology of a specific case, familiar clichés invite the true crime fan to anticipate and attempt to predict the details of the tragedy about to be restaged. Speaking as someone who has consumed a fair amount of true crime media, when an episode of *Dateline NBC* describes a man as the “perfect husband and father,” I immediately suspect that I will be treated to a description or reenactment of him dismembering his family with an axe at some point during the broadcast. The fact that the crime happens is a foregone conclusion; it is *how* we get from the idealized cliché to the brutal reality that provides the mystery of the true crime narrative. The true crime genre thereby plays a similar role for its audience as the trial's cultural life does: its project is to take a specific event—in this case, a crime—and render it meaningful to both the individual spectator and to a collective public in new forms.

True crime is a multi-media genre that, like the trial, requires active engagement from its audience to render meaning. The true crime audience is therefore a jurified audience: the true crime media consumer is directly invited to speculate and come to their own conclusions regarding key details of real-life crimes. However, what distinguishes the true crime jurified spectator from the spectators in a courtroom gallery is that true crime media acknowledges their

audience's ability to affect the outcome of actual cases. While the idea that public opinion or sentiment might affect the outcome of a trial may be contrary to most American's understanding of the law, television programs such as *America's Most Wanted* and *Unsolved Mysteries* have solicited the public's help in solving cases and apprehending fugitives for decades. With the rise of the internet, a new archetype of the true crime fan emerged: the citizen sleuth. Also called amateur investigators, websleuths, or digilantes, these individuals gather information from the internet—often by crowdsourcing—to help solve unsolved cases.¹⁹ The citizen sleuth's relationship to the official criminal justice system is profoundly ambivalent, with instances of law enforcement both asking citizen sleuths for help solving cases and condemning citizen sleuths for disruptive behavior.

While it could be argued that this precariousness is a result of the perception that the citizen sleuth is attempting to lay claim to the authority that has traditionally belonged to law enforcement, I argue that the citizen sleuth more directly lays claim to the field of journalism, specifically “yellow journalism,” a derogatory label that emerged in the United States in the late 18th century to describe sensationalized reporting of crime and other dramatic current events.²⁰ Despite the criticism that yellow journalism was more focused on circulation and sales rather than informational reporting, the professional field of journalism as we understand it today emerged from the new methods of investigation and visual and textual representation pioneered by the journalists, activists, and moral reformers from this time period.²¹ “White slavery”—the trafficking, forced prostitution, and sexual exploitation of White women—was a major focus of these early journalistic exposé, creating a throughline between the field of journalism and the contemporary genre of true crime for which the image of missing or murdered White women and girls continues to be a central focus.

While I will explore the role of race and gender in true crime media later in this chapter, for now the most important takeaway is that the contemporary citizen sleuth represents the democratization of the field of journalism, comparable to how the jurified spectator represents the democratization of the official trial. No professional or academic qualifications are required to call oneself a journalist, so the citizen sleuth can claim the title of expert while working completely independently of any newspaper or any other publication, and the citizen sleuth can make their investigations easily accessible through a variety of mediums, including blogs, web videos, and podcasts. However, this democratization, both of journalism and of the trial, is perhaps illusory. While more people may be involved in the projects of journalism and seeking justice, hierarchies of power and of meaning—particularly those surrounding race and gender—are still operative. The citizen sleuth may also be subject to external economic influences, as citizen sleuths may be compensated financially for their work through monetized subscription services such as Patreon and ad revenue, as well as direct donations. As a result of this legacy, the citizen sleuth is a complicated figure within the cultural life of the trial, associated both with the necessary disruption of outdated paradigms and authorities that results in progress and increased public good, as well as the worst excesses—sentimentalism, spectacle, narcissism, “it bleeds it leads” style reporting, and so on—of modern society.

Like the iconic trial, the citizen sleuth has become a ubiquitous feature of both true crime and crime fiction media, and the range of these representations demonstrates the sleuth’s complex and precarious role in the process of rendering justice. Netflix’s true crime docuseries *Don’t F*** With Cats* is one example of media that represent citizen sleuths as the heroic underdogs (no pun intended). The docuseries covers the crimes of Luka Magnotta, which culminate in the murder of 33-year-old Chinese university student Jun Lin in 2012, arguing that

they could have been prevented if law enforcement had taken seriously the tips of an online group of websleuths dedicated to unmasking a serial animal abuser. In the docuseries, the websleuths' obsessive attention to detail, their characterization as digital natives, and their ability to crowdsource information from across the globe—such as identifying the country where a video was filmed through the design of a wall outlet visible in a screenshot—emphasize their competence over that of the police, who are depicted as incurious, restricted to their local jurisdictions, and not only unable to navigate online spaces, but as viewing the internet as an entirely separate and discrete space that has no effect on the “real world.” Here, traditional authorities—in this case, law enforcement and the criminal justice system—are depicted as unable to keep up with the technological innovations of an increasingly globalized world, with citizen sleuths emerging as the future of a democratized, digitally networked form of justice.

However, in other representations, the citizen sleuth is more reminiscent of the negative stereotypes of the wonk described in the previous chapter: obsessive, overly emotionally invested, blurring the boundaries between public and private. An example of this kind of misguided citizen sleuthing that unfolded in the media is the investigation conducted on certain reddit subreddits following the Boston Marathon Bombing, which falsely identified missing Brown University student Sunil Tripathi as the bombing suspect. This misidentification spread widely on social media and, since its occurrence, has often been cited as an example of the limitations and dangers of online crowdsourcing in ongoing investigations.²² If the citizen sleuths in *Don't F*** With Cats* represent an idealized “us” that highlights the values of crowdsourcing and public discourse, the citizen sleuths involved in the Boston Marathon bombing investigation are a pathologized “them”: ego and neuroses gone amok in the echo chambers of the internet.

The figure of the citizen sleuth features heavily in the contemporary true crime genre's democratization of the criminal justice system, or what some researchers have termed "seeking justice elsewhere."²³ In our hypermediated world, the trial has been put under a microscope, and it is now easier than ever to make visible instances of corruption, inefficiency, and miscarriages of justice, as well as to share one's own experiences—positive or negative—with the criminal justice system. Much like in *The Vanishing Trial*, the increase in the availability of information about the failings of our criminal justice system can create a sense of powerlessness and dispossession, as well as cultivate feelings of anxiety and anger. While older examples of true crime media often prioritized closure in their representation of criminal investigations by directing the audience's anger towards the individual criminal and fulfilling the audience's desire to see him punished, contemporary true crime often offers a more complex narrative of crime and injury and, by extension, a more complicated concept of justice. Like the citizen sleuth, contemporary true crime media claims to follow the leads, examine the evidence, and ask the questions that courts cannot or will not, and in doing so these media often make a claim to injury that is additive to or even exceeds the original crime: the "real" injury is inept or corrupt police, wrongful convictions, racial profiling, violence against women, systemic poverty, and so on.

Rather than reassuring its audience that justice has already been rendered, contemporary true crime media often places the responsibility for seeking justice on the audience. One method through which true crime media does this is through open-endedness. True crime media has traditionally centered on the revisiting and restaging of the event, and contemporary true crime media often forgo a conclusion entirely, collapsing the boundaries of past, present, and future.²⁴ This is especially evident in the popular true crime subgenre focused on unsolved and cold cases, which have not received a conclusion or justice from the legal system. However, true crime

media can also reflect this lack of closure in its form: for example, a serialized podcast that is organized into multiple seasons and that frequently revisits previously covered topics and provides updates on ongoing cases. In other instances, true crime media might cover the initial crime and then continue to follow the trial and any subsequent legal challenges or appeals that come after a verdict. Contemporary true crime media therefore follow the logic of what digital media scholar Wendy Chun refers to as the update. The update exists within what Mary Ann Doane refers to as “the penetration of everyday life by media,” in which there are three different organizations of the media “event” (moments deemed important or newsworthy enough to be covered by media): information, crisis, and catastrophe.²⁵ Information refers to the presence of a consistent stream of newsworthy events; its main role is filling time. Crisis, in distinction, is an event that demands resolution within a specific, limited time. The trial represents the preeminent media crisis event and further demonstrates that the key characteristic of the crisis is human agency, not only to resolve the crisis, but also for attribution of the cause of the crisis. The catastrophe represents the most temporally condensed media event and has no single subject. The catastrophe often carries an element of technological failure, particularly that which results in the abrupt cessation of the communication of information. Perhaps unsurprisingly, the catastrophe is also fascinated by death and particularly deaths that embody the “shock of contact between bodies and technologies” (e.g., plane crashes, nuclear meltdowns, manufacturing plant explosions, and so on).²⁶

While Doane claims that the difference between crisis and catastrophe lies in the catastrophe’s lack of a subject and its inability to be temporally contained, I am not convinced that this distinction is useful for analyzing digital media. Writing in 1988, Doane argues that television as a medium blurs the boundaries between the categories of information, crisis, and

catastrophe by rendering all media events as catastrophes, which it accomplishes by decontextualizing the event, pulling it out of time, and by effacing human agency. In this way, Doane argues that television flow renders all crisis as either information (part of “normal” flow) or catastrophe (as sudden and disruptive as a natural disaster). In 2025, the internet has arguably become the new “preeminent machine of decontextualization,” while also attempting to recenter human agency via the figure of the intentional, opinionated user. Digital media could therefore be understood to have further blurred the boundaries between the three categories of event to the point that crisis (as catastrophe) is further rendered as information, with the agency of the jurified spectator tasked to analyze the event and render it meaningful. In this way, the temporality of the contemporary media event could be considered information as crisis.

Within this framework, the update is both the series of crises that interrupt the information flow of everyday life and the user’s response to crisis—hence Chun’s claim that we are constantly updating to stay the same, just to keep up. Chun’s statement that “things no longer updated are things no longer used, useable, or cared for [...] Things and people not updating are things and people lost or in distress” reflects both the anxiety of catastrophe as technological and physical death and the crisis’ demand for the subject to take action to resolve the situation before it is too late.²⁷ The update, then, is not only a habit, but a mandate; a practice which we are dependent on for our continued existence. The desire to keep up with crisis as information results in an idealization of paranoia as a way of *seeing*: as a way of “seeking, finding, and organizing knowledge.” Eve Sedwick identifies several characteristics of paranoia that are useful for thinking about the specific way of seeing cultivated by true crime media: paranoia is anticipatory, it is a theory of negative affects, and it places its faith in exposure. As previously described, true crime media trains its viewers to anticipate crisis (e.g., the wholesome family

man turned ax-murderer), fulfilling the main project of paranoia, according to Sedwick, that there “must be no bad surprises.” True crime media also both seek to assuage and cultivate negative affects which can then be directed towards specific ends, which I will discuss in more detail later in this section.

Finally, and most importantly, true crime media is deeply invested in exposure and the supremacy of the visual; the belief that making the crisis visible is a necessary and, indeed, *catalyzing* step towards the resolution of the crisis. Within the idealization of exposure, to update something is a demonstration of care. This certainly appears to be the case for the volunteer citizen sleuths behind the Doe Network, a web-based non-profit which seeks to locate missing people and identify unidentified remains.²⁸ For the Doe Network, updates take the form of the addition of new missing person profiles to their databases, tips submitted to the network, and the closure of cases the network has previously investigated. Like in the testimony of the Sandy Hook families discussed in the previous chapter, these updates are viewed as the ultimate acts of care because they create or add to a record of existence. As Chun states: “To be is to be updated.”²⁹

True crime’s relationship with the update is defined by what Lauren Berlant refers to as cruel optimism: a situation in which “something you desire is actually an obstacle to your flourishing.”³⁰ True crime media must constantly put out new content just to avoid being buried under the constant deluge of new information available to consumers, and yet this same unending cycle of updates and information consumption is often credited with bringing attention to unsolved cold cases and touted as a new avenue for pursuing justice. The continued consumption of true crime media similarly reinforces the importance of engaging in a paranoid

way of seeing—or else the viewer risks becoming a character in a true crime narrative. This paranoid anticipation often directs attention towards a fantasy of violence and victimization that distracts from both the recognition of the reality of crime and violence in America, as well as from efforts to address broader social conditions that allow for the reproduction of violence and injustice. True crime’s cultivation of what I refer to as “paranoid optimism” is the subject of the last section of this chapter.

In addition to contemporary true crime’s adoption of digital media habits and structures, the embrace of uncertainty in current true crime media could be seen as a reflection of the disorder, precarity, and discomfort that defines modern life under neoliberal capitalism.³¹ However, it’s important to note that uncomfortable affects like uncertainty can also be directed towards specific legal and political ends.³² For example, hearing stories from crime victims who were mistreated by the courts told in popular true crime media could serve to mobilize listeners to advocate for changes to the legal system that would benefit victims of crime.³³ Ultimately, despite an increased propensity towards open-endedness, true crime’s cultivation of uncertainty nonetheless still functions as a means of rendering order and meaning out of chaos. Towards this end, unresolved true crime narratives prioritize the judgement of jurified spectator. I previously mentioned the legacy of true crime media soliciting information from its audience to be passed onto official investigatory channels.

However, an audience’s participatory engagement cannot be fully dictated by the media being consumed.³⁴ While not every spectator embodies the archetypal citizen sleuth, true crime fans do create their own narratives and render their own judgements about cases. This process of consuming curated information and developing one’s own narrative is a primary draw for true

crime media, an appeal that streaming platforms such as Netflix have even capitalized on in their marketing.³⁵ However, true crime fans no longer have to rely on Netflix or other large media corporations to produce media for them. Thanks to video and audio sharing platforms such as YouTube and Spotify, anyone can upload and disseminate their own true crime media.

For the rest of this chapter, I will be focusing on YouTube true crime content rather than the more well-known true crime podcast. This is in part because true crime podcasts and the podcast medium in general are still an emerging and niche field of scholarship, while visualizations and reenactments have long been central to true crime media. Additionally, YouTube is the largest user-generated content video-on-demand system and the second most visited website in the world.³⁶ In addition to its free website, YouTube offers an array of different paid products, including YouTube Premium for an advertisement free viewing experience, YouTube Music, and YouTube TV. With over 500 hours of content uploaded to YouTube every minute, the platform has become a ubiquitous facet of everyday American life.³⁷ For the past few years, I have been one of its daily users, and true crime visual media has been a large part of my usage. I first began to seriously consume true crime media in the mid- to late 2010s, at which time most of my experience with the genre was through podcasts. My preferred true crime podcast was *My Favorite Murder* (from here on referred to as *MFM*). I enjoyed the breadth of topics covered on *MFM*—which covered a different case each episode, in addition to listener submitted stories—as well as the podcast’s presentation style, which was defined by hosts Karen Kilgariff and Georgia Hardstark’s informal, humorous and familiar rapport. During this time, I listened to *MFM* voraciously, and even recommended it to several friends, among whom the podcast’s catchphrase “Stay sexy. Don’t get murdered” became something of an in-joke.

There's not one singular reason why I stopped listening to *MFMM*. Rather, my falling off from the podcast can be summarized by two general points, the first being that I gradually became dissatisfied with the podcast's presentation of justice. Specifically, I began to feel that the hosts defined justice primarily, if not exclusively, in terms of whether perpetrators of crimes received what Kilgarriff and Hardstark considered to be long enough prison sentences. This is by no means an issue unique to the hosts of *MFMM*. True crime media's concepts of justice often blur the boundaries between the desire for closure for victims and the desire for retribution for perpetrators. As described earlier, the negative feelings evoked by true crime media's presentation of crime can effectively be directed towards different political and legal ends. For instance, politicians might garner support for a proposed law by naming it after a high-profile crime victim. These ends can also include support for a more punitive administration of the law within the criminal justice system, via longer prison sentences, three strike laws, and even the preservation of the death penalty.

There is nothing inherently harmful about directing strong feelings generated by a specific narrative towards socio-political ends—this is in fact a key function of any iconic narrative or image. However, as footage of high-profile cases of police brutality and extrajudicial execution became national spectacles in the mid- to late 2010s—and concepts such as prison abolition and defunding the police subsequently entered mainstream public discourse—I became increasingly dissatisfied with the visions of justice presented by *MFMM* and other popular true crime media. What was the use of recounting stories of other people's trauma if all we could imagine in response were harsher punishments? Were we supposed to believe that the thousands of impoverished Black people, like Chris Young, caught up in an expansive and dehumanizing

criminal justice system were an acceptable price to pay on the off-chance that a Ted Bundy or John Wayne Gacy also showed up on the court docket?

The second reason I moved away from *MFM* and true crime podcasts in general is not nearly as high-minded as the first. In addition to struggling with the popular true crime genre's limited conception of justice, I had also become too jurified. While the appeal of podcasts like *MFM* for me was their casual style—as though you, the listener, were sitting in the same room listening to your friends, the hosts, discuss true crime—it was this same style I eventually grew tired of. I had begun researching well-known true crime cases on my own, reading long-form reporting, news articles, and the opinions of other citizen sleuths. I had come to my own conclusions about many of these cases and would roll my eyes if I heard a host get a fact about an investigation wrong or repeat a debunked claim. I critiqued 40-minute podcast episodes for not going into what I judged to be an appropriate amount of depth, for not considering an alternate possibility enough, or for spending too much time on a line of inquiry I deemed fruitless. In short, I had become too opinionated, too judgmental, too jurified.

This description may not paint the most flattering picture of myself, but I do believe that in these moments I embodied the quintessential characteristic of the jurified spectator. Our contemporary media environment does not just cater to jurified spectators; it creates jurified spectators. Through my own consumption of information—in this case, true crime media and crime reporting—I had achieved a level of expertise that made me, in my own opinion, a qualified judge of truth and falsehood, as well as the meaning and insignificance of specific narratives and images. My expertise was such that I viewed my judgement as more valid than that of other self-purported experts. In this case, these experts referred to the media creators, real

judges and juries, and, most relevantly, other jurified spectators. And this judgement was not a unique manifestation of my own narcissism, but rather a mode of viewing and engaging with the world cultivated by the technological structures of the media that shaped my everyday life, as well as the pervasive cultural form of the iconic trial. My personal experiences with true crime media thereby provide a case study in support of this chapter's main argument: that digital true crime media, as part of the cultural life of the trial, substitutes the jurified spectator in place of the actual jury.

Endless Riddles

For this section, I have chosen to engage in a close reading of a video essay titled “The Endless Riddle of JonBenét Ramsey,” uploaded to YouTube by the channel *Matt Orchard – Crime and Society* on December 26th, 2021. At the time of this writing, the 1:45:51 long video has been viewed a total of 1.4 million times. I will be referring to this media text as a video, and specifically as an example of long-form online video media, rather than as a film. This is a distinction I make not out of a sense of elitism, but in acknowledgement of the elements of the text that could only exist in a piece of online video media. One such element is the role of the video's creator himself, Matt Orchard. Though he never appears in the video—choosing instead to narrate entirely through voiceover—“The Endless Riddle” presumes an ongoing relationship, or at least familiarity, with Orchard that is characterized by viewer interactivity. The video begins with a playful “shameless plug” for the viewer to subscribe to Orchard's Patreon. The YouTube interaction metrics underneath the video further indicate that Orchard's channel has 254,000 subscribers and that “The Endless Riddle” has been “liked” 31,000 times at the time of this writing.³⁸ Responses from viewers to a pinned comment from Orchard underneath the video

express optimism that Orchard's channel will "explode" on YouTube and compare him favorably to other YouTube true crime content creators.³⁹

This overwhelmingly positive response to Orchard's video is particularly interesting because of what the video does not do. Namely, it does not make a definitive claim as to who killed 6-year-old JonBenét Ramsey in the early morning hours of December 26th, 1996. However, it provides something even more valuable than answers in our current media ecosystem: information and feelings. "The Endless Riddle" positions itself as a space where the theories and narratives of the jurified spectator can be articulated and validated. This is shown in the structure of the video itself which, rather than following the chronology of the case, organizes itself around what the video presents as the three major categories of narratives about JonBenét's murder: The Ramseys Did It (RDI), Burke Did It (BDI), and an Intruder Did It (IDI). In addition to the video's content, the comment section underneath the video also offers a space where viewers can share their own theories of the case, give their interpretation of the video's presentation, and upvote or downvote the comments of others. These elements of the video are all characteristic of the YouTube interface and contribute to a space where the jurified audience's judgement is both sought out and prioritized.

Despite, or perhaps because of, these markers of the video's specific online context, the "The Endless Riddle" draws stylistically from various forms of legacy media, including film, television, novels, and journalistic reporting. The video is split into a prologue, four chapters, and an epilogue with title cards introducing each section. Most of the visuals in "The Endless Riddle" are clips from pre-existing news footage and interviews about the case, though Orchard also utilizes stock footage and, at one-point, original voice acting with visual demonstratives.

The hybrid style of “The Endless Riddle” blends old and new media together to create a style that is part documentary, part investigative journalism, part sharing true crime gossip with friends, and part red string conspiracy board. The popularity of channels like Orchard’s also demonstrates how accessible it has become for true crime fans and citizen sleuths to create their own media. This media familiarizes new viewers with the narratives regarding a certain case and can be cited in turn by future fans and citizen sleuths. As part of the cultural life of the trial, these videos can influence their viewers’ understanding of these high-profile cases. As someone who was less than a year old when JonBenét Ramsey was murdered, I can attest that my understanding of the case and its subsequent entrance into the public imagination via national media coverage has been largely informed by independent online videos, podcasts, and forum threads created by fans and interested individuals, not by law enforcement or large media organizations and certainly not by any trial, because there hasn’t been one. In the absence of an ongoing legal investigation, the jurified spectator is somewhat justified in feeling that the responsibility for cracking the case has fallen to them.

However, as stated previously, what is most interesting about “The Endless Riddle” is what it does not do: provide authoritative proof of the identity of JonBenét’s killer, or even as an exhaustive summary of the facts of the case. Instead, “The Endless Riddle” begins by stating that the video will not provide any answers or closure for its audience. In fact, as Orchard states in the prologue, “this might end up being the most frustrating video you’ve ever watched.” This frustration may lie in the video’s form: “The Endless Riddle” differs from more traditional true crime media in that the video restages the investigation and litigation of the crime in the public eye rather than providing a chronology of the event itself. By doing so, the video foregrounds the ways in which the jurified spectator’s knowledge is limited by the initial investigation, by the

subsequent shelving of the murder as a cold case, and by the unavoidable fact that we, the viewers, were not there in that house the night JonBenét was killed. Later in the video, Orchard contrasts this inherently limited knowledge of the event with the idea of a “magic movie screen” that would show us a true account of what happened that night in December 1996. The figure of a “magic movie screen” evokes the underlying dream of all mass communications technologies: the transparent and objective transference of information between individuals.⁴⁰ Since a magic movie screen does not exist, all other mediated attempts to disseminate information will invariably produce some level of misinterpretation, anxiety, and frustration. It is this impossibility to provide a complete and truthful account of the event that Orchard references when he offers his disclaimer. “The Endless Riddle” thereby simultaneously appeals to the desires of the jurified spectator for information and validation, while also identifying the limits of the citizen sleuth’s underlying claim: that acquiring more knowledge will eventually, inevitably lead to real justice.

Since the magic movie screen is out of reach, the “Endless Riddle” instead seeks a form of knowledge that more resembles the iconic trial’s truth of exhausted possibilities. After the prologue, the video is divided into three acts focused on the various narratives proposed about the crime’s perpetrator and the pieces of evidence presented as support for one narrative over the others. As mentioned, these three narratives are: The Ramseys Did It (RDI), Burke Did It (BDI), and an Intruder Did It (IDI). While the video frames itself in terms of these three culprit-focused narratives, the video is also structured around specific pieces of evidence—physical objects, moments of time, and disputed facts. Among those in the know about the case, the pieces of evidence identified in “The Endless Riddle”—the ransom note allegedly from a “small foreign faction,” the bowl of pineapple, the broken basement window with the suitcase underneath,

among others—have been given iconic status, achieving a narrative significance on the level of the human actors. For the jurified audience, any and every single piece of evidence could be the basis for an entire narrative, and any narrative that wants to be considered as credible by the audience must account for several such pieces of evidence. The middle segment of “The Endless Riddle” thereby resembles the evidence examination phase of the iconic trial, with the main difference being that the speculations and hidden narratives of the jury are given center stage. Each example that Orchard provides of a RDI, BDI, and IDI narrative is attributed to a specific person or media text (a detective who investigated JonBenét’s murder, an internet commenter, a CBS documentary), but in a very real way these narratives belong to all of us—the jurified audience.



Figure 19: Red and gold ornaments on a Christmas tree from the prologue of “The Endless Riddle”

Another difference between “The Endless Riddle” and the impossible magic movie screen is that Orchard’s video doesn’t present pure information, but in fact has its own narrative. This narrative shapes every aspect of the video, including the order in which pieces of evidence are presented, how long is spent on each theory, and how the visuals are represented on the screen. The video shares one key concern with *The Vanishing Trial* despite its decidedly

infotainment style: the restoration of individual humanity in the face of traumatic and violent absence. Even as he covers the elements of the RDI, BDI, and IDI theories as well as the facts of the case, Orchard clearly aims to center JonBenét herself in the story of her murder. In doing so, “The Endless Riddle” presents a narrative about family, foreclosed futurity, and the consequences of rendering the most traumatic moment of someone’s life into a public media spectacle.

Like in the iconic trial, Orchard’s narrative is most coherent in its opening and closing moments. The video begins and ends with stock footage of traditional Christmas imagery—a Christmas tree, wrapped presents, glittering Christmas ornament—over which a choral rendition of “Silent Night” plays. In the prologue, the image cuts to a black screen against which animated snowflakes are falling, behind which a photograph of the Ramsey family, which also appears to be taken around Christmas time, slowly emerges into view. The entire time this imagery is being shown, Orchard narrates over the visuals to deliver first the aforementioned disclaimer and a brief description of the case. Besides the disclaimer, the prologue of “The Endless Riddle” is peak true crime cliché: The sentimentality, nostalgia, and innocence evoked by the Christmas imagery is first made suspicious by the grim style of narration, then undercut entirely by Orchard’s pronouncement that, on the morning after Christmas, a “a six-year-old’s lifeless body is found in her own home.”⁴¹ This opening immediately establishes for the audience that the crime that has occurred is not only crime against a child, but a violation of the figuratively sacred family space—a child is murdered in “her own home”—during a period of literally sacred time—the murder took place either in the late-night hours of December 25th or the early morning hours of the 26th. The true crime genre operates exactly within this interplay of the cliché and the taboo, at the intersection where the private becomes public. And it is exactly this intersection that

Orchard identifies as the original injury at the heart of this case: we, the public, should have never known JonBenét's name, and the fact that we do is proof that something has gone horribly wrong in American society.



Figure 20: A family photo of the Ramseys fades into view from behind a foreground of white snowflakes.

While the presentation of the group Christmas photo of the Ramseys in the prologue sets up the story to follow as a familiar family tragedy, this narrative and its attempt to focus on JonBenét becomes more complicated as the video continues. Over the next three acts, the family structure is broken apart, first by JonBenét's murder and then as the surviving family members are put under the microscope in isolation as Orchard explains the three categories of theories about the case. Notably, "The Ramseys" of RDI refers only to the parents: John and Patsy. Though RDI narratives technically group John and Patsy together, "The Endless Riddle" further singles out both members of the couple by presenting two examples of RDI, one in which Patsy is the murderer and John the accessory, and one in which the guilty parties are reversed. Though he is also a Ramsey, Burke Ramsey, the older brother of JonBenét, is separated from his parents into the BDI category of theories. "The Endless Riddle" further emphasize that BDI narratives

exist in a different conceptual category to RDI by presenting video footage of Burke without his parents being interviewed by a child psychologist and appearing as an adult on popular daytime talk show *Dr. Phil*. Also in this chapter, Orchard introduces the idea that Burke has suffered injury from the media speculation surrounding his sister's murder by mentioning a lawsuit filed by Burke against *CBS* for airing a documentary accusing him of being JonBenét's killer. This inclusion is significant for how it lays the groundwork for the video's theme of the act of revisiting^{xxii} a tragedy as a reopening and compounding of the wounds of the original event, a cycle in which the jurified spectator, the video's viewer, is complicit. That this reflection is reserved for the video's chapter on Burke, rather than on John and Patsy Ramsey, further emphasizes the video's theme of lost innocence and foreclosed futurity—only nine-years old at the time of his sister's murder, Burke grew up in the shadow of one of the most infamous American true crime cases of all time.

Finally, the fourth chapter focuses on theories that the murderer was an unknown intruder, which ironically, while acquitting John, Patsy, and Burke of any wrongdoing, also depart from the family story framework by placing the murder of JonBenét within the stranger abduction/murder subcategory of true crime stories. However, the return to a more familiar stranger danger narrative does not provide a relief of the negative feelings evoked by the previous chapter. Unlike the other two theories presented in "The Endless Riddle," IDI asserts a fundamental *lack* of knowledge: we don't know the identity of the person who killed JonBenét. Moreover, IDI disregards many of the most important pieces of "evidence" in the case according to citizen sleuths as irrelevant or, conversely, accepts them just at face value. Ultimately,

^{xxii} Or a literal restaging, as occurred in the CBS documentary

accepting IDI at this point in “The Endless Riddle” requires the jurified spectator to come to the uncomfortable realization that the countless hours of sleuthing and media consumption, of which this video is a part, has led to nothing conclusive, except, perhaps, the victimization of a grieving family.



Figure 21: A close-up shot of a photograph of JonBenét Ramsey smiling.

Ultimately, the epilogue returns to JonBenét Ramsey. More specifically, the epilogue makes multiple explicit attempts to humanize JonBenét, to reestablish her individual humanity after having identified her with the act of her murder for the entire video. Most notable of these are the prolonged close-ups of JonBenét’s face in various photographs taken of her while Orchard describes her personality and childhood interests. However, rather than providing closure, these close-ups instead prompt the viewer to reflect on whether we know anything more about who JonBenét was than we did before we began watching. Like in *The Vanishing Trial*, the close-ups of JonBenét call our attention to absence: JonBenét’s lost adulthood, the person she would become if she had been allowed to grow up. In this sense, JonBenét herself is the “endless riddle” to which the video’s title refers.

The terrible irony of “The Endless Riddle” is that, even if the video can be seen an attempt to preserve the memory of JonBenét’s life (much like how, in the previous chapter, family members of Sandy Hook victims viewed their lawsuits as a way of respecting their children’s memory), even this attempt cannot overcome the fact that the record of her life is inextricable from her death as a media event—an inevitable effect of rendering an individual tragedy into a collective one.⁴² As Orchard states in his conclusion: “To say that she deserved more than to become known as the victim of one of the most infamous crimes of the 20th century would be the understatement of the 21st.”⁴³

JonBenét’s murder as a media event provides the viewer with another problem. By becoming a media event, JonBenét has become iconic. That is, her image and story have movement. Before I watched “The Endless Riddle,” I had listened to multiple podcast episodes about the murder of JonBenét. I had attended a standup comedy performance in which opening comic did a skit about undergoing genealogical DNA testing and discovering that he was the murderer of JonBenét. I watched an episode of the comedy show *Broad City* in which Illana Glazer tries to sell a rare commemorative JonBenét Ramsey beanie baby. I had also seen the iconicity of JonBenét’s case be discussed in the context of true crime media and race or, more specifically, true crime’s relationship to Whiteness. The murders and disappearances of White children, especially girls, have been the foundation of the American true crime story for centuries, from recent-day Amber Alerts and Megan’s Law to yellow journalists’ presentation of the trafficking of White woman and girls as “White slavery” in the late 18th-early 19th centuries.⁴⁴ Within American culture, White children have long functioned as powerful symbols^{xxiii} of both

^{xxiii} I use the term “symbol” to highlight the irony that, despite the sheer volume of rhetoric associating children with the futurity of the nation and of the importance to protect children, children in the United States have very few legal

individual and national well-being, futurity, and innocence.⁴⁵ Children who are victims of violent crimes often become powerful icons precisely because this quality of innocence exacerbates the violation of the injury and heightens the demand for justice. Indeed, a presumption of innocence is often required for an individual to be rendered in the media as a victim whose injuries require redress and public attention in the first place.⁴⁶ In order for the symbol of the innocent White child to exist, other people must be excluded from this category: Black and Brown children, poor children, queer children, children from the Global South, and children of other marginalized groups are excluded from the iconic image of the innocent child deserving of protection and justice. These children are instead rendered as prematurely adult—as “thugs,” “fast” women, and “military-aged men.” In the rare situation that they are recognized as children, it is often preceded by a pathologizing label that identifies them as a threat to the American dream rather than an iconic part of it: “anchor baby,” “crack baby,” “juvenile delinquent,” “at-risk youth,” etc. Meanwhile, the disappearances and murders of actual White adult women tend to receive such a disproportionate amount of media coverage compared to missing and murdered persons from marginalized groups that a name has been coined for the phenomenon: Missing White Women syndrome.^{47xxiv}

In “The Endless Riddle,” Orchard does not display the well-known photographs of JonBenét performing in child beauty pageants, and he explicitly addresses his decision to relegate JonBenét’s history as a pageant star to a small mention. While I do not wish to criticize

protections or rights. In many ways, children are the most dispossessed and politically marginalized group in America. My analysis of children as a symbol in American culture therefore does not reflect the lived experiences of actual children.

^{xxiv} The fact that White women and girls occupy practically the same status as media events testifies to Lauren Berlant’s observation that women in America are politically theorized as eternal children. See: (Berlant 1997).

Orchard for his editorial decisions to not show these images, I strongly disagree that they are irrelevant. In my analysis of the JonBenét Ramsey case as both a jurified spectator and a scholar of media, the photographs of a White pageant star with blonde curls, blue eyes, and frilly, ruffly outfits is central to what rendered her case as newsworthy. More than that, they are iconic. The excess of signifiers of Whiteness, innocence, and Americanness—with her features so obviously groomed and manicured that they strike many observers as creepy or unnatural—is what makes JonBenét’s murder one of the most infamous crimes of the 20th century. JonBenét’s murder as a media event is peak true crime cliché: “this kind of thing” doesn’t happen to girls like JonBenét. And because this kind of thing doesn’t happen to girls like JonBenét, it becomes up to us, the jurified audience, to discover what went wrong—who did “it,” and why, and how? Crimes against individuals in more marginalized social positions—a Black child in foster care, a trans sex worker, or an unhoused IV drug user, for example—are much more likely to be viewed in statistical terms rather than in endless riddles. There is a reason that JonBenét’s close-ups are iconic and Chris Young’s are not. Orchard’s “The Endless Riddle” rightfully identifies the importance of true crime media that center and honor the personhood of victims, but it is the jurified audience who are left to grapple with the question of exactly who possesses enough innocence, humanity, and media interest to be considered a victim. How can true crime media seek justice elsewhere when we can’t see those who are most in need of it?

You’re So Paranoid You Probably Think This Crime Is About You

As previously discussed, contemporary true crime media projects the responsibility for providing closure outwards to its audience, and this includes the question of what do we—the spectator—do now once the video, podcast, or television episode is over? Web videos such as “The Endless Riddle” may therefore refuse to present a single authoritative conclusion while

simultaneously providing a space for viewers to do so in the comment section provided beneath the video. In the face of the lack of an official, legal resolution to the case and despite, or perhaps because of, Orchard's implication of his own video and his audience in the ongoing injustice, finding meaning and certainty from the tragedy becomes its own form of rendering justice.



Figure 22: Comments on “The Endless Riddle” that show viewers discussing their theories of the case.

Paranoia thereby becomes a defensive mechanism against the open-endedness of contemporary true crime media. Paranoia forecloses surprise; thus, the true crime fan confidently testifies to knowing the identity of an unidentified perpetrator. Paranoia places faith in exposure, and so the true crime fan believes guilt or innocence to be self-evident if enough information is presented, consumed, and organized. The relationship between paranoia and the logic of the trial becomes evident here, as many commenters on “The Endless Riddle” mimic the form of the evidence examination phase of the iconic trial in which a theory of the event is reached through an analysis of discrete pieces of evidence outside of their original contexts. In doing so, these comments bypass the more abstract issues of absence, spectacle, and complicity that Orchard raises and instead fall back on a subject more familiar to the true crime fan: attempting to identify the individual(s) responsible for the crime through determining a truth of exhausted possibilities. This tendency towards paranoia, and the use of the trial form to resolve the larger

social and moral issues raised by true crime media, is what I refer to as *the paranoid optimism of true crime*.

As previously mentioned, cruel optimism, as theorized by Laure Berlant, is a relationship that exists when “when something you desire is actually an obstacle to your flourishing.”⁴⁸ While some would argue that all attachments are necessarily optimistic, cruel optimism is distinct from other forms of attachment because the same object, icon, or idea that we turn towards to achieve what we want is actually preventing us from attaining that goal or state.⁴⁹ The cruel optimism of true crime therefore describes how our attachment to the genre of true crime and its associated logics—the form of the iconic trial as well as televisual and digital media’s logic of the update and the continuous streaming of information—prevent us from addressing the causes of real life violence and seeking more productive forms of justice.

An example of how the cruel optimism of true crime works in practice is presented in a 2021 *Gawker* article titled “True Crime is Rotting Our Brains.” In the article, the author describes how the popularity of true crime media from *MFM* to *Dateline* has fostered an obsessive and paranoid way of thinking among the young women of her generation: “constantly looking behind you, carrying a safety device, always being hyper-aware — these aren’t normal ways to live. It’s not healthy, and it’s certainly not sustainable. And yet I see women proclaiming that this is necessary, that this is the way you need to move through the world as a woman.”⁵⁰ The article paints a picture of young female true crime fans who look to true crime media for insight into how to avoid being the victim of gender-based violence—a liberatory goal—and instead find themselves pressured to view themselves through pre-existing patriarchal standards of women’s behavior: don’t travel alone, don’t go out at night, and so on.

A series of videos on the popular social media app TikTok that went viral in 2022 demonstrates a similar true crime-style obsession. In the videos, a young White woman describes how she collected her own hair and handwriting samples, fingerprints, medical records, and various other pieces of personal information into what she refers to as an “In Case I Go Missing” binder, a dossier that could be referenced by law enforcement in the event that the video uploader goes missing or is murdered. While comments on the widely viewed videos accused the uploader of watching too much true crime, looking at the uploader’s profile reveals that the videos were posted by a business account for a company that sells document and keepsake organizers and folios, including the “In Case I Go Missing” binder.⁵¹ Rather than being merely an instance of an individual who has formed a cruelly optimistic attachment to true crime media, the “In Case I Go Missing” series of videos instead provides an example of a company attempting to capitalize on this attachment. The advertisement combines paranoid optimism with both commodification and the demands for emotional and reproductive labor placed on women by encouraging the company’s customers to anticipate and “solve” their own murders by buying a product.



Figure 23: A screenshot from the “In Case I Go Missing” series of TikTok videos.

Both the *Gawker* article and the “In Case I Go Missing” TikTok videos perfectly exemplifies the cruel optimism of true crime’s cultivation of a paranoid way of seeing. In each case the object—true crime media and the true crime-inspired “In Case I Go Missing” binder—that these women hope will liberate them from patriarchal oppression instead leads them to internalize the same system they are trying to escape. The *MFM* catchphrase “Stay sexy, don’t get murdered,” which highlights women’s agency by celebrating “sexiness,” on the one hand, while implying that violence is something women bring on themselves, on the other, also demonstrates the cruel optimism of true crime. However, I want to highlight that, despite what the title might suggest, “True Crime is Rotting Our Brains” makes a case for something other than the familiar misogynistic trope of bad media damaging the psyches of silly women. For the young female true crime fans that the author describes, the true crime media they consume have become the evidence they use to create a working theory of “the case”: the culprit is the existence of gender-based violence—harassment, assault, and murder—as well as the quotidian

anxiety of living as a woman existing under patriarchy. However, like evidence presented in the evidence-examining phase of an official trial, the “evidence” offered by true crime media has been removed from its original context. The creator of a podcast episode or YouTube video must choose what information to include in their coverage of any given case, a choice that is influenced by genre and audience expectations as well as financial motivations (as seen with the “In Case I Go Missing Binder”) and the content guidelines of the hosting platform. Because this media is produced within a patriarchal society, it is also possible, even likely, that true crime media that attempt to address systemic misogyny within a community or institution will nonetheless end up relying on sexist cliches and tropes to tell its narrative.^{xxv} Paranoid optimism thereby serves as patriarchy’s alternative to social consciousness.

The kind of paranoid cruel optimism demonstrated in this article and the tiktoks could be seen as a toxic extension of the attempt to visualize the victims of violence and injustice as seen in true crime and true crime-adjacent media such as “The Endless Riddle” and *The Vanishing Trial*. When discussing the “In Case I Go Missing” video with a class of undergraduates, one of my students opined that the creator of the videos had a case of “main character syndrome.” A colloquial term for someone who views themselves as the center, the protagonist, of the world around them, “main character syndrome” gained popularity on social media as an indictment of selfish, inauthentic, and attention seeking behavior that appears to be increasingly prevalent online.⁵² In the context of true crime media, main character syndrome could be ascribed to the stereotypical citizen sleuth and the paranoid true crime fan, but also to how true crime media

^{xxv} See Pâquet’s analysis of the podcast “The Teacher’s Pet” on of how true crime narratives reproduce misogynist stereotypes and narratives (2021).

represents crime victims in general. True crime media is incentivized to portray each crime as uniquely horrific and tragic but also relatable and generalizable enough for the viewer to identify and empathize with the victim or, failing that, as being close to them (the common cliché that a murdered woman was someone's "wife," "daughter," "mother," or sister) rather than emphasizing shared social problems and conditions. This incentive to market the crime victim to an audience not only leads to the proliferation of sexist narratives within true crime media, but it intersects with the previously described associations between Whiteness, innocence, and idealized citizenship to erase non-White and otherwise marginalized people from true crime's picture of "true" crime. Within the rhetoric of true crime media, the idea of "becoming a statistic" is often positioned as a fate worse than death, but statistics can be useful at identifying misconceptions and injustice. As the *Gawker* article notes, in the US, men are more likely to be murdered than women, with young Black men between the ages of 18-24 having the highest homicide victimization rate out of any other demographic.⁵³ However, as previously mentioned, true crime media disproportionately features White women and girls as victims. Even more significantly, violent crime rates in the US fell 49% between 1993 and 2022, but surveys regularly show that most Americans believe crime rates are increasing.⁵⁴

The popularity of contemporary true crime media alongside a paranoid viewpoint that our world is becoming increasingly unsafe in ways unsupported up by facts creates the ideal environment for the formation of relationships of cruel optimism. These attachments to beliefs about the state of the world can and do lead to actions. These actions could be individual and mostly harmless—like pulling out strands of hair to put in a binder—or they could be actions towards specific legal and political ends with collective consequences—for instance, voting for politicians who promise more punitive mandatory sentencing guidelines—that not only don't

make us safer but actively perpetuate violence and injustice. Ultimately, while true crime media might be a form of seeking justice elsewhere in the sense that this media and audiences' engagement with it does not have direct legal outcomes, when viewing this media through the full context of its production, reception, and circulation it becomes clear that there is no "elsewhere" that can be totally separate from legal realities, racial and gendered frameworks of meaning, or the structures and limitations of the medium itself. The democratization of journalism may make it easier for individuals to access information and seek justice than ever before in history, but this ease of access can obscure the entrenchment of racial and patriarchal hierarchy in media and public spaces. What the paranoid optimism of true crime teaches us is that there will be no individual solutions to collective problems.

Chapter Notes

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CHAPTER THREE: “Tell-a-vision”: The Media of Conspiracy Epistemology

Enjoy the Show

On October 28th, 2017, the following was posted to 8chan’s /pol/ board.

Hillary Clinton will be arrested between 7:45 AM - 8:30 AM EST on Monday - the morning on Oct 30, 2017.

This post, made by an anonymous user, was the beginning of the conspiracy movement that would come to be known as QAnon. The poster, Q Clearance Patriot, better known as simply “Q,” would go on to make nearly 5000 posts on 8chan and its successor 8kun between 2017-2022. In these posts, they^{xxvi} claimed to be a government insider in possession of secret intelligence regarding then President Trump’s plan to usher in the coming “Storm”: a mass arrest of politicians and bureaucrats within the government who have been secretly working against US interests, referred to as the “Deep State,” the cabal, or the “black hats,” among other names.¹ Q was not the first 8chan user to post under the guise of being a government insider, but their claims received greater attention and acceptance from the site’s users than previous insider “anons” (the term for 8chan’s anonymous users). Q’s posts, referred to as “drops” as a shorthand for “intelligence drops,” quickly outgrew 8chan—much like how QAnon would eventually outgrow Q—as the drops were spread to more mainstream social media sites like Facebook. QAnon adherents, called “Anons,” greatly extended Q’s reach by creating websites and apps such as QAlerts to maintain updated, searchable archives of Q drops that were more accessible to

^{xxvi}As I state later in this chapter, there have been many attempts to identify Q, with some investigators believing that multiple individuals at various times have posted under the “Q” tripcode. With this in mind, I will refer to Q as “they.”

individuals who did not know how to navigate 8chan—or who Anons were afraid would be scared off by the site’s other content, which included neo-Nazi, incel, and other extremist speech, child sexual abuse materials, and the manifestos of mass shooters before the site’s internet service was ultimately terminated by Cloudflare in 2019.²

The increased accessibility of Q drops amplified one of the main themes of Q’s posts: that by reading the drops, readers became active participants in the Storm. Though “active” is perhaps misleading, as Q rarely expressed anything that could be read as a command to action to their followers. While Q occasionally referred to Anons as “digital soldiers,” much more frequent was Q’s instruction to “Enjoy the show.” This catchphrase, sometimes preceded or followed by the rhetorical “Got popcorn?,” imagined the coming Storm as a pre-scripted piece of media that Anons would gleefully experience as spectators, as opposed to soldiers on the front lines. Q’s penchant for film metaphors was also expressed through their use of the phrase “Where we go one, we go all,” a line from the trailer for the 1996 film *White Squall* (often misattributed by anons to John F. Kennedy), which became a key phrase of the QAnon movement, often abbreviated as WWG1WGA. Q’s refusal to provide concrete direction for their followers, as well as their frequent references to media and to media as metaphor, directly lead to the key features of QAnon’s conspiracy epistemology. These features are 1) an individualized, consumption-driven experience of the conspiracy that operates via the logic of the update, and 2) an unwavering belief in the power of media as both an evil tool for propaganda used by the conspirators and a vehicle for Anons to expose the conspiracy and achieve justice.

Throughout this dissertation, I have used the phrase “conspiracy epistemology” alongside and in place of the more familiar term “conspiracy theory.” The study of epistemology, the

overarching theory of knowledge, seeks to investigate the standards we use to assess knowledge.³ However, as I have suggested throughout this dissertation, “to know” something is often analogous to “seeing” something. I argue that epistemology is also a specific way of seeing or perceiving the world. When I use the term conspiracy epistemology, I am therefore referring not to the individual statements of belief that we understand as conspiracy theory (e.g., the moon landing was a hoax) but to the larger system of beliefs and practices that that go into how the conspiracy theorist “knows” that the moon landing was a hoax—a way of knowing that is deeply invested in the supremacy of vision and of visualization. As I discuss at length in my introduction, vision—direct perception of the world—is something that must be trained and cultivated. This cultivation of a specific way of seeing may occur via a formal program of study, for example, training in the scientific method, but ultimately the factor that distinguishes a trained eye from an untrained one is experience. In other words, epistemology is a habitual way of seeing which must be acquired through personal experience.^{4xxvii} Conspiracy epistemology therefore encompasses what other scholars have referred to as the cultic milieu—the ideological and social environments that support the collectivities, individuals, and communication technologies associated with the development of a cult or conspiracist’s beliefs⁵—but also includes, and is particularly preoccupied with, the media and images (what digital humanities scholar Matthew Hannah refers to as “visualizations of bad information”⁶) produced and disseminated by conspiracy theorists for the purpose of justifying their views to others and by doing so convince others to adopt an alternative set of facts.

^{xxvii} In addition to the role of experience in cultivating habits of scientific observation, Black feminist scholars have also identified experience as a key characteristic of the relationship between power and epistemology. For instance, Patricia Hill Collins’ standpoint theory describes how one’s racial and gender position in society effects the validation of knowledge claims that challenge dominant White, male Eurocentric epistemology.

My use of the term conspiracy epistemology also reflects my contention that while the claims of conspiracy theorists might seem irrational—that is, lacking consistent internal logic—to non-conspiracists, conspiracy epistemology is deeply invested in questions of truth and meaning. At its core, conspiracy epistemology is an intensification of the modes of jurified spectatorship I described earlier in this dissertation. The jurified spectator’s participation is accepted, encouraged, and even necessary in specific situations and spaces of rendering—such as the trial—and the relationship between traditional gatekeepers of knowledge can be adversarial, cooperative, ambivalent, or a negotiation of all three modes. In contrast, the conspiracist’s relationship with traditional sources of knowledge is necessarily adversarial. This is because conspiracy epistemology bases its truth claims in stigmatized knowledge: claims of fact that have been rejected or simply ignored by conventional institutions—academic, scientific, medical, etc.—that have traditionally distinguished between true and false claims.⁷ Stigmatized knowledge claims are extremely varied in origin and genealogy; for example the, assertion that the earth is flat, the discredited alleged link between childhood vaccinations and autism, and astrology could all be considered stigmatized knowledge claims or sources of stigmatized knowledge.^{xxviii} What unites stigmatized knowledge claims is their necessary opposition to accepted knowledge—if a stigmatized knowledge claim were to be validated and accepted as legitimate by institutional authorities of knowledge production, it would cease to be stigmatized knowledge and would immediately be excluded from the framework of conspiracy epistemology.

^{xxviii} Given its broad definition, it’s important to distinguish between the stigmatized knowledge claims of conspiracy epistemology and what Black feminist scholars have identified as the stigmatization of the experience-based knowledge of multiply marginalized people by dominant, White, male, Eurocentric epistemologies. For clarity, I will refer to the former as “stigmatized knowledge” and the former as “subjugated knowledge” (Collins 2000). While a more in-depth analysis of how contemporary conspiracy epistemology often draws from feminist theory and the language of Black-led social justice movements for legitimacy for their own conspiracy claims is needed, this analysis is beyond the scope of this chapter.

The relationship between conspiracy epistemology and traditional authorities that evaluate knowledge claims is therefore always adversarial. But rather than modeling the structure of the traditional jury trial in which the adversity between the prosecution and the defense is a purely formal relationship to which both parties have agreed to participate for the duration of the trial,^{xxix} the relationship between conspiracy epistemology and accepted knowledge more resembles the relentless, chaotic, and often extremely personalized hostility observed, for example, from Alex Jones towards the plaintiffs' attorneys, the plaintiffs, and the court itself during his civil trials. I am particularly interested in the ways in which the conspiracist, like Jones, reject the temporal and spatial boundaries of the official trial and instead adopt the framework of narrative competition as their de facto mode through which they encounter the world. In other words, the conspiracist always occupies the position of jurified spectator—what I have taken to calling conspiracy epistemology's project of placing reality on trial. This is not only significant because of the personal and professional hardships such a position often causes for the conspiracist,^{xxx} but also because of the problems conspiracy epistemology poses for the continued functioning of a democratic society that presupposes the existence of a shared consensus reality.

My project in this chapter is to map the logics of conspiracy epistemology using QAnon and the documentary *Out of Shadows* (2020) as a case study. Recently, a concerted effort has emerged to expose the identity of Q, most notably by Cullen Hollback in his documentary series *Q: Into the Storm* (2021). Such exposure is not the project of this chapter. Rather, I am interested

^{xxix} As a self-confessed trial-wonk, one aspect of watching trial livestreams commented by legal professionals is the consistency in which trial lawyers state that, against the assumptions of their laypeople viewers, opposing prosecutors/plaintiffs' attorneys and defense attorneys often hold each other in respect and can maintain cordial or even friendly relationships with each other. This kind of distinction between the personal and professional is not present within conspiracy epistemology.

^{xxx} For personal stories of how conspiracy thinking affects conspiracists' relationships with friends and family members, see the forum [r/QAnonCasualties](#).

in theorizing the complicated knot of facts, beliefs, and behaviors that make up QAnon epistemology. One fact that needs to be confronted is that QAnon outgrew Q. Q has not posted to 8kun since November 2022, and, prior to that, there was a period of a year and a half (from December 2020 to June 2022) in which Q was also absent. However, rather than being thrown into confusion and disorder from the loss of their prophet, QAnon continued not only to persist, but to become more complex and influential. The period of Q's first major absence included arguably the most significant event to emerge from the QAnon movement: the 2021 January 6th attack on the United States Capitol, which resulted in the deaths of four protestors the day of the event and the deaths of five police officers in the days and weeks following.⁸ Photos and videos taken the day of the attack, as well as the subsequent federal investigation and trials that followed, revealed the presence of multiple far-right and anti-government organizations and ideologies in the insurrection, but QAnon was one of the most visible, in no small part due to the involvement of the "QAnon Shaman," Jacob Chansley, who stormed the Capitol bare-chested in a horned headdress and face paint.⁹ While "QAnon" proper has become increasingly less visible and politically relevant since January 6th, I argue that the ideas and logics of QAnon epistemology have entered mainstream American conservative politics and are visible in the current right-wing culture wars regarding trans rights, critical race theory and DEI, and public health.^{xxx} Much like QAnon outgrew Q, conspiracy epistemology has outgrown the label of "QAnon."

^{xxx} The research and much of the writing for this chapter was completed before the beginning of Trump's second term in office. Since then, QAnon has achieved multiple political victories; most significantly, the pardoning of many January 6th insurrectionists (including Chansley), and the appointment of Kash Patel, a right-wing media personality and children's book author who is mentioned by name in a 2018 Qdrop, as the Director of the FBI.

Patterns of conspiratorial thinking have been the subject of much more formal scholarship than the modes of jurified spectatorship that I analyzed in previous chapters. I will refer to the work done by other conspiracy researchers throughout this chapter for the definitions of concepts like stigmatized knowledge, improvisational millennialism, paranoid style, and apophenia. However, I will also be expanding on these concepts within the framework of conspiracy epistemology through a mapping of the conspiratorial logic of *Out of Shadows* (hereon abbreviated to *OoS*). This mapping goes beyond simply identifying the ways in which the documentary demonstrates conspiracy epistemology. Rather, in addition to how the technologies are used to disseminate conspiracy beliefs, my reading of *OoS* also theorizes how the logic of conspiracy epistemology itself models a specific way of experiencing media in the digital age. This experience is the prioritization of continuous consumption of information, the democratization of expertise, and the logic of the update. As Chun writes: “Things no longer updated are things no longer used, useable, or cared for [...] Things and people not updating are things and people lost or in distress.”¹⁰ Conspiracy epistemologies like QAnon avoid crisis by constantly updating to remain relevant, to remain *resonant*, and to be of use.

The Truth is Out There

“Why do you believe what you believe?” This is the question *OoS* asks its viewers in the first seconds of its runtime. In voice-over narration while the film displays a dizzying montage of seemingly unconnected images that will come to characterize the film’s style—a shot of the earth from space, the opening animation of the educational program *Bill Nye the Science Guy*, birds flying against a blue sky, footage of Mr. Rogers from *Mr. Rogers’ Neighborhood*, and an illustration of Plato’s allegory of the cave, just to name a few—the documentary’s director and

main subject, Mike Smith, answers his film's question with another question: "Because, at some point in your life, you trusted the information that somebody was giving you?" As previously described however, the images shown on the screen while Smith asks his questions are not simply of "somebody" imparting information, but of media. Specifically, children's media. *OoS* thereby places itself within the discourse of children as the ideal model of citizenship discussed in the previous chapter—a paradigm in which political desires are indefinitely deferred to future generations, with the child standing in for the fantasy of the "good life" that we desire in our present.¹¹ *OoS*'s preoccupation with children's media, as well as the later interview segment on the Pizzagate child-trafficking conspiracy, positions the film within the long legacy of appeals to protect children being used as a tool for cultivating negative affects—for instance, "erotic hysteria" and panic over the idea of children being exposed to sexuality¹²—which can then be mobilized for reactionary right-wing political ends. Media is thereby understood in *OoS* via an infantile framework that positions its audience as passive receptacles for information, blank slates that are "programmed" by the programming they consume. The opening of the film thereby immediately positions media as our primary vehicle for understanding the world, before asking the viewer: "If they were deceiving you with the stories they tell you, would you be able to recognize that?"

In its first minute, *OoS* effectively outlines its conspiracy epistemology. This epistemology is representative of QAnon epistemology, despite QAnon and Q themselves not being explicitly mentioned in the documentary. Smith defended Q on Twitter after the film's release in a statement in which he also states he believes Donald Trump was chosen by God to expose the Deep State, and the documentary heavily features hardcore QAnon proponent Liz Crokin, a former gossip columnist turned online provocateur, who dedicates most of her screen-

time to defend the legitimacy of Pizzagate, a conspiracy theory I briefly described in a previous chapter that directly influenced the early QAnon movement.¹³ As a result of these ties, I believe the film's lack of direct reference to Q or QAnon is representative of an intentional choice to distance the documentary, its subjects, and its conspiracy epistemology from the baggage associated with Q, 8chan and 8kun, or anyone who has committed violent actions in the name of Q/QAnon. I argue that the omission of Q from *OoS* is more than an attempt to avoid criticism; it is an attempt to create greater resonance with its prospective audience. If it were to give its epistemology a name, a concrete origin story, or a prophet, *OoS* would be restricting its viewers' ability to incorporate its message into their own conspiracies. Instead, the film focuses on popular targets of QAnon conspiracies that also feature in conspiracy narratives more broadly, (e.g., the degeneracy of Hollywood, Satanic cabals, and intelligence agencies such as the FBI and CIA, etc.) to unite multiple generations of American moral panics. Conspiracy epistemology is improvisational and ever-updating, and conspiracy media must therefore provide its audience with as much "evidence" as possible while simultaneously avoiding drawing hard ontological lines in order to remain useful to as many different conspiracy narratives as possible.

This choice to appeal to a broader audience, as well as the documentary's style that evokes a kind of visual free association,^{xxxii} are cinematic interpretations of the three key principles of conspiratorial thinking that have been identified by conspiracy theory researcher Michael Barkun. These key principles are:

1. Nothing happens by accident.
2. Nothing is as it seems.
3. Everything is connected.¹⁴

^{xxxii} Actual verbal free association also plays a role in the documentary, as I will discuss later.

Just as the rules of evidence govern how objects and information are to be evaluated during the trial, these three principles provide the framework for how conspiracy epistemology interprets information and renders meaning from the world. The first principle, nothing happens by accident, demonstrates conspiracy epistemology's investment in a universe of causality and the existence of objective truth, while the second two principles outline what constitutes evidence and how the conspiracist should examine it.

To lean into QAnon's media-centered epistemology, in popular culture, these three principles of conspiracy epistemology are clearly embodied in the character of FBI Special Agent Fox Mulder from *The X-Files*. I refer to Fox Mulder to highlight that—despite the colloquial sense of the conspiracist as irrational, unserious, and living in a state of personal entropy—conspiracy epistemology is fundamentally a process of making order and meaning from chaos. This truth is “out there”—beyond the reach of, or purposefully obfuscated by, the traditional authorities of academia, science, and world governments, but able to be arrived at through individual study and observation. “Individual” is a key word here because, while conspiracists may refer to themselves as “researchers” and even collaborate on media projects like *OoS* or on self-published essay anthologies, as I will describe later in this chapter, conspiracy epistemology's idea of research is a highly individualized, affective process of building networks of feelings and associations that is fundamentally unreproducible. This characteristic of conspiracy epistemology again brings us back to the character of Fox Mulder, for whom conspiracy is not a hobby but a profession. Mulder's status as FBI agent lends him the aura of authority and power that conspiracists desire, despite their expressed suspicion of the

very agency from which he derives this authority.^{xxxiii} Conspiracy epistemology thereby aspires to the status of conventional institutions of knowledge production, and conspiracy media often mimics the form of academic scholarship, documentary filmmaking (as in the case of *OoS*), or news media. As Q asserted in a 2019 drop: “We are the news now.”¹⁵ However, as previously mentioned, this aspiration is impossible to achieve, as any authority that becomes the accepted arbitrator of knowledge within the dominant social order ceases to be a legitimate source of information within conspiracy epistemology.



Figure 24: The conspiracist as they view themselves (David Duchovny as Fox Mulder in *The X-Files*).

The second two principles describe conspiracy epistemology’s approach to information. As I have suggested, in conspiracy epistemology, truth is something that that is known affectively. The statement “everything is connected” is therefore both a statement of fact and a statement of feeling—specifically, of apophenia: “the experience of perceiving connections between random or unrelated objects.”¹⁶ These feelings of significance are what I have referred

^{xxxiii} If I were to lean into the logic of conspiracy epistemology, I would say that Fox Mulder’s role as the archetype of the contemporary conspiracy epistemologist feels predictive of Patel’s appointment as FBI Director.

to in this and previous chapters as “resonance,” borrowing the term from Susan Lepselter.¹⁷

Conspiracy epistemology provides us with a visualization of apophenia/resonance through the image of the conspiracist’s ubiquitous corkboard covered in newspaper clippings connected by red string and thumbtacks. The clippings—that is, the stories that make up the clippings’ content or even the text of the clippings themselves, reordered to reveal a hidden code—are random or unrelated objects and events. The red string represents the feelings of connection—the color red, with its associations with blood and viscera perhaps hinting at the internal, fleshy origins of these perceived linkages (“gut instinct,” “I feel it in my bones,” etc). Both the events (the news story) and resonance/apophenia (the red string) are evidence within conspiracy epistemology.

The conspiracist privileges the experience of apophenia because, according to conspiracy epistemology, the world around us cannot be trusted to accurately present itself: “Nothing is as it seems.” Conspiracy epistemology positions apophenia as the correct response to a paranoid experience of reality. The conspiracist must take it upon themselves to present the world as it really is, a task in which they are aided by modern digital technologies which allow them to quickly create and widely disseminate conspiracy media. This media includes those that on the surface appear to be indistinguishable from examples of traditional legacy media, like *OoS*, as well as images and videos that are specifically designed to court online engagement and virality, such as The Great Awakening Map below.

accident” relates directly to Sedgwick’s claim that paranoia’s main imperative is to guarantee that there are “no bad surprises,” which conspiracy epistemology fulfills by foreclosing the very possibility of surprise. An example of this anticipatory paranoia, which can be seen in *OoS*, is the belief that conspirators use the media to preemptively broadcast their evil intentions and goals through fictionalized entertainment media and subliminal messages as part of the mass “programming” of the public (a concept that, incidentally, also demonstrates paranoia’s faith in exposure). In this framework, if you are surprised by a new event or catastrophe, it’s only because you weren’t paying attention.

While I could go through all three of Barkun’s principles of conspiracy theory once more and describe, in detail, all the ways in which they relate to Sedgwick’s five characteristics of paranoia, I feel that such a discussion would be superlative. I don’t believe most of us need much explanation to conclude that conspiracy epistemology is fundamentally paranoid. However, Sedgwick’s analysis of paranoia as a strong theory provides a useful frame of reference for conspiracy epistemology. For Sedgwick, a strong theory is a framework for explaining the world that, in its attempt to claim wide-reaching explanatory power (“strength”), tends towards circular reasoning, tautology, and inevitability. In short, paranoia is a way of seeing the world that promises to help individuals avoid the experience of negative affects via the constant awareness and anticipation of negative affects; a practice which, paradoxically, leads to more and repeated experiences of negative affects, foreclosing the possibility of any other way of seeing the world.¹⁹ Conspiracy epistemology’s exaltation of paranoia is therefore another example of cruel optimism, a label that also accurately describes conspiracy epistemology’s relationship to the update.

The idea of paranoia as a feedback loop of negative affect that spreads and grows more encompassing, and thus more explanatory, with each experience directly mirrors the digital logic of the update. It also shares similarities with Richard Hofstadter's "paranoid style," a term he coined in his seminal essay on conspiracy and American politics to describe the reoccurring tendency in American political discourse to assert the existence of vast conspiracies of hostility and persecution directed, not towards individuals, but against "a nation, a culture, a way of life."²⁰

However, while Sedgwick's characterization of paranoia is centered on seeing and reading, Hofstadter consistently describes his subject as a "spokesperson" of the paranoid style. Hofstadter's use of the term "spokesperson" positions the paranoid style as something that has an autonomous life separate from the person who expresses it. In one striking passage, Hofstadter theorizes that the paranoid spokesperson acts as a medium for the paranoid style: "he is not a receiver, he is a transmitter."²¹ The characterization of the paranoid spokesperson as a transmitter offers us a new way of thinking about the role of conspiracy epistemology within our contemporary media environment. Our communications technologies—the telephone, live streaming, and video sharing platforms—are developed to try and realize the dream of "communication": the reconciling of the self with the other.²² Each new medium therefore carries and is animated by the dream of transparent, objective communication and the fear of miscommunication and misconnections.²³ However, the paranoid spokesperson, the conspiracist, does not communicate. For the conspiracist, communications technologies—and particularly the internet—function as a tool for the mass dissemination of stigmatized knowledge claims. While online conspiracy media certainly is designed to create a sense of collectivity or connection, the same technology that allows us to send a message to another user on the other side of the world

also makes it ultimately impossible to know who, if anyone, is reading it. Add to this the conspiracist's, and especially the anon's, tendency to strategically disavow their conspiracy beliefs to avoid scrutiny or confrontation with others, and it becomes even more difficult to truly know how persuasive any given piece of conspiracy media is. For these reasons, I argue that, for the paranoid spokesperson, the actual reception of their information by another individual must be considered a secondary goal, subordinate to the habitual transmission of information, and the subsequent reification of their conspiratorial way of seeing, as its own end.

Similarly, I contend that the paranoid spokesperson *is* a receiver, but only for information that does not challenge their conspiracy epistemology and that can be used to support their conspiratorial claims. Written in 1964, Hofstadter's argument, grounded in the metaphor of broadcast media, that the paranoid spokesperson does not need to be a receiver because "He has all the evidence he needs,"²⁴ does not foresee the demand digital media technologies would create for continuous, immediate access to information. For the contemporary conspiracist, the process of reception and transmission instead proceeds as follows:

Information received → Information filtered through conspiracy epistemology, what does not resonate (i.e., is not useable) is discarded → Conspiratorial claims disseminated.

This is above formula is possibly the closest we will get to establishing a scientific method for conspiracy epistemology.

The Improvisational Millennialism of Conspiracy Epistemology

The moment in *OoS* that best embodies the logic of conspiracy epistemology which occurs about halfway through the film's runtime, is also the scene that inspired the title of this chapter. In a scene that exemplifies all three principles of conspiracy epistemology, Smith argues

that the evil conspirators (“they”) have been broadcasting their intentions to the ignorant public for decades. The evidence for this, Smith claims, lays in his intuitive, improvisational wordplay. Using an image of what appears to be the Merriam Webster online dictionary, Smith concludes that the definition of the word “entertain” is “to bind the mind.” Similarly, Smith claims that the place name Hollywood refers to the usage of the wood of the holly tree by ancient Druids to cast spells, for which they would use the help of a “medium” to “channel” their spells. Smith presents this word association as evidence that our modern communications technologies were created by the conspirators to control, influence, and “program” the masses. This culminates with Smith’s instruction to his audience to say the word “television” out loud, at which point the phrase “tell a vision” appears on the screen over black-and-white footage of a man and his son watching television.

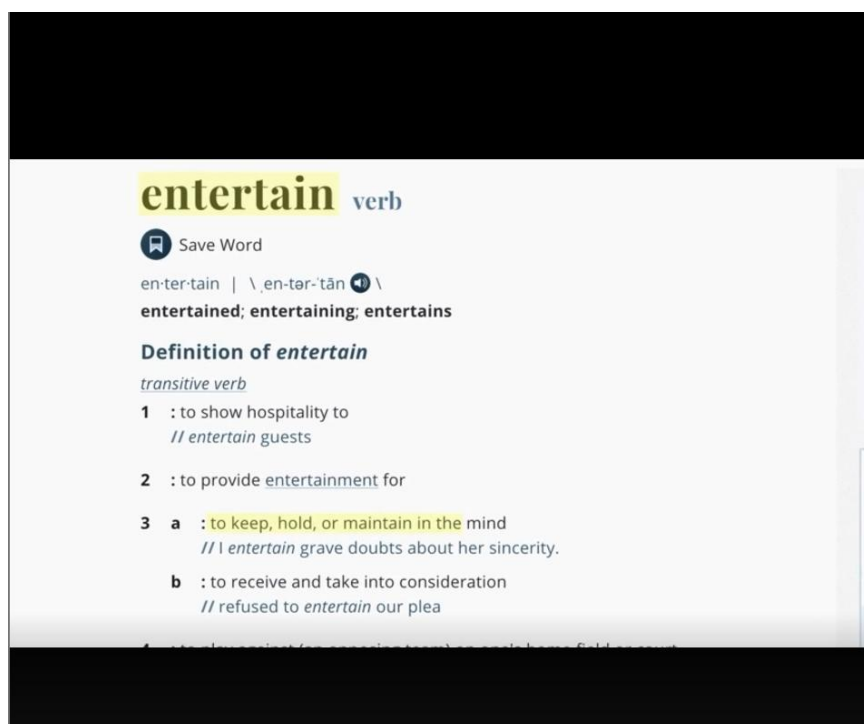


Figure 26: A screenshot of the online Merriam Webster Dictionary entry for the verb “entertain.”



Figure 27: A black-and-white image of a man and a boy watching television. Both individuals are similarly engrossed by the television screen, further highlighting the film's understanding of media audiences as infantile, passive spectators.

This moment is central to the entire film, as it clearly establishes several major characteristics of conspiracy epistemology. Firstly, it states the core assumption of conspiracy epistemology that all the workings of the world—including those of the evil conspirators who control everything—are knowable through individual observation. After all, knowledge of the true origins of our mass media technologies is accessible to us just from the words used to describe features of these technologies. Secondly, Smith's claims for a conspiracy based on word play are totally divorced from the actual etymology of the words or even their colloquial use. Looking at Figure 3, we can clearly see how this image demonstrates the earlier formula I laid out for the conspiracist's reception and transmission of information. Even though we can see that the word "entertain" has several definitions that do not map onto Smith's conspiracy claims, the viewer is expected to ignore the information right in front of us—to not "see" it—and to only focus on the definition (helpfully highlighted in yellow) that feels resonant with the film's larger

narrative. This selective perception of information illustrates that, within conspiracy epistemology, the feeling of trueness or connection is the most important evidence for actual truth. Finally, Smith's attempts to engage in a form of citation by using the dictionary reveals the film's commitment to resembling *the form* of scholarship while discarding the methodology and findings of academic research in fields like linguistics, communication and media studies, or anthropology. This moment thereby illustrates the inherent tension within conspiracy epistemology: the desire to be viewed as and to take the place of the traditional authorities of knowledge^{xxxiv} while rejecting the processes and standards of evidence with which these authorities use to evaluate knowledge.

Smith's rendering of discrete pieces of information (as represented by clips and still images) into conspiracy claims hinges on the acceptance of a specific Christian metaphysics, the truthfulness of Smith's description about the ancient Druidic religion, and the acceptance that the Ben Stiller comedy film *Zoolander* (2001) depicts accurate behind-the-scenes information about our government and media industries. This assortment of seemingly unrelated sources of knowledge demonstrates the importance of improvisational millennialism to conspiracy epistemology. Millennialism refers to a vision of the future centered on an imminent apocalypse that imagines the toppling of societal institutions followed by a heretofore never experienced period of human flourishing.²⁵ While originating from early Judaic and Christian thought, millennialism is not strictly religious. Marxism has been considered by some scholars to be a kind of "secular millennialism," which is characterized by a strong faith in transcendent, but not religious, forces.²⁶ What is central to both religious and secular millennialism is the promise that

^{xxxiv} Here we see the parallels between the conspiracist and the jurified trial spectator who seeks to be recognized as an expert on the same levels as the judge and official jury.

all current and past suffering will be made worthwhile through the transformation of society, rather than through rewards and punishment in the afterlife. The repetition of the phrases “Trust the plan” and “Enjoy the Show” by Q and Anons demonstrates the centrality of millennialism—arguably humanity’s oldest conspiracy—to QAnon epistemology.

Because QAnon is neither strictly religious nor strictly secular, QAnon thereby provides a case study of improvisational millennialism: a form of millennialism defined by “relentless and seemingly indiscriminate borrowing” from Western and Eastern religious traditions, New Age spirituality, political philosophy, and popular culture.²⁷ Improvisational millennialism is of particular interest to my analysis because, while millennialism has been a persistent trend in human thought throughout written history, improvisational millennialism requires a foundational element of modern society: mass communication technology. Modern communications technologies allow everyday individuals access to unprecedented volumes and varieties of knowledge. Media technologies that can provide continuous streams of new information, like the internet, increase the accessibility of rejected and stigmatized knowledge.

As internet users, we are told that we are all connected by the world wide web regardless of geographic distance, language barriers, and lived experience. When using social media sites, whose platforms further encourage this feeling of connection through visual and linguistic direct address, we are constantly clicking on icons and images to reveal more images, texts, and videos. On video-sharing platforms such as YouTube, this feeling of connection is ever present; watching a video involves also being made aware of the column of thumbnail images on the right side of the current video which have been curated by the YouTube algorithm based on the user’s interest. Watching a video to completion triggers YouTube to display another recommended video that

will automatically begin to play after a few seconds if the user has not disabled the autoplay feature. The principle that everything is connected is so widely associated with Wikipedia that a common game for users involves successively clicking random hyperlinks on Wikipedia article entries to try and eventually reach a specific, pre-determined entry.²⁸ This is to say that, while conspiracy epistemology may appear to be highly irrational and even alien to non-conspiracists, the key principles of conspiracy epistemology already structure the online spaces that the majority of American households have access to.²⁹

Improvisational millennialism also helps structure conspiracy epistemology's ultimate project: to identify and assign responsibility for the moral problem of evil.³⁰ We can connect this directly with the project of the trial—to evaluate claims to injury, determine the party responsible for the injury, and decide upon the appropriate redress. *OoS'* improvisational millennialism is made visible through the strange montage of images that appear on screen as Smith delves into his spiritualist associations with the words “medium,” “channeling,” and “programming”; images which Smith alleges offer proof of Satanic elite's stated goal of using mass media to engineer a docile and morally corruptible American public. These images include woodcut illustrations of vaguely occult subjects, vintage logos of the Big Three television broadcasting networks (ABC, CBS, and NBC), and a clip from singer Katy Perry's 2014 music video for her single “Dark Horse.”

While Smith's narration provides the viewer with a desired interpretation for the juxtaposition of these images, ultimately the viewer is trusted to use their justified expertise to make meaning from this montage. I argue that these images do more than simply refer to the individuals, collectives, and companies that Smith believes to be at the center of the conspiracy.

Rather, this paranoid visual transmission of information both visualizes the conspiracist's habit of apophenia and invites the viewer to build their own resonances with the images. The temporal difference between the provenance of some of these images—notably the 1960s psychedelic NBC “Laramie peacock” logo vs. the clip from Katy Perry’s 2014 music video—suggests both the vastness of the conspiracy and the filmmakers’ desire to provoke an affective reaction, even if merely nostalgia or the pleasure of recognition, in as many viewers as possible. Interestingly, the montage also visually models the experience of flipping through television channels. In this classic case of paranoid projection, the presentation of images in this scene could be understood as *OoS*, attempting to “program” us in the same way the film alleges “they” are doing.



Figure 28: One of many illustrations of occult subjects that appear in the film.

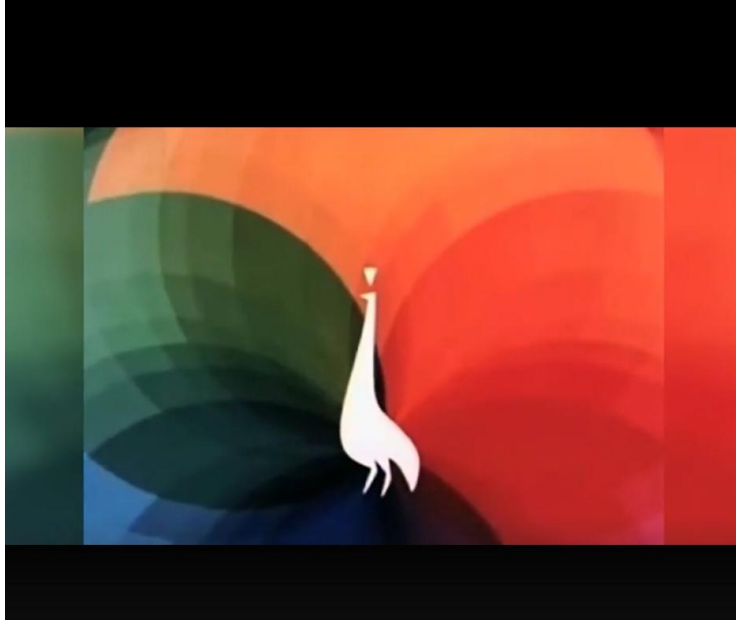


Figure 29: NBC's "Laramie Peacock" logo, first aired in 1962.

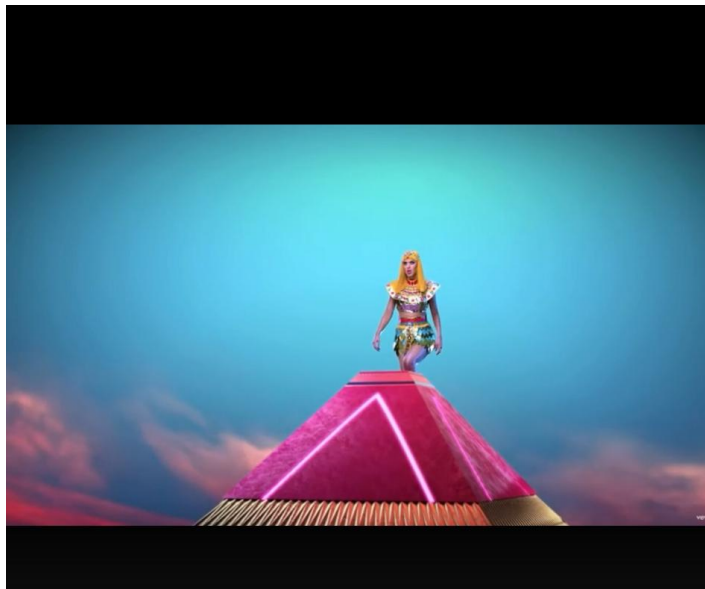


Figure 30: Image of Katy Perry from her "Dark Horse" music video (2014). This music video, as well as Perry's Grammy performance that same year, provoked accusations, including from Alex Jones' InfoWars,³¹ that the singer was engaged in witchcraft, had sold her soul to the devil, and was a member of the illuminati.

As we will see, in conspiracy epistemology, “evil” is defined in terms of injury. It took me somewhat by surprise that it was conspiracy epistemology, out of all the chapter subjects in this dissertation, that was most deeply entrenched in the politics of injury, victimhood, and trauma. As a superconspiracy—a conspiracy belief that operates as a kind of superstructure, capable of accommodating and explaining a potentially unlimited number of other conspiracy theories and stigmatized knowledge within its worldview³²—QAnon perhaps most clearly embodies how conspiracy epistemology’s preoccupation with evil manifests in a paranoid wound culture: the public fascination with trauma, its causes, and the spectacle of the wounded body.³³ Through its catalogue of conspiracies— from 9/11 being an inside job, to the Covid-19 virus as a “pandemic” engineered as an excuse to inject us with microchips, to the belief in a flat earth being purposefully covered up by NASA scientists—conspiracy epistemology not only renders individual injury (real or imagined) into an injury of the body politic, as the trial does, but it also renders imagined injuries against collectives into deeply felt individual wounds—“They” are lying to *you*. They hate *your* family, *your* nation, and *your* way of life. In the conspiracy epistemology of QAnon, “nothing happens by accident” is another way of saying “everything happens for a reason”: there is no injury, no suffering, and no trauma that is not the result of intentional acts taken by evil actors. It seems strangely appropriate, then, that *OoS* and QAnon imagine modern media—the technologies through which we have continuous, 24-hour access to information and which render crisis legible as information—as the primary medium through which “they” injure “you.”

Millennialism allows QAnon to not only offer its believers a cause for their injuries but also reassure them that they will receive justice for them. For Anons, the coming Storm represents no less than the removal of the sources of all evil from the world. QAnon conspiracy

media abounds with speculation that the Storm would therefore lead to, among other things, the erasure of debt and poverty, the elimination of diseases believed to be created by the Deep State, and the re-invigoration of the American nation state.³⁴ Perhaps the key injury Anons hoped to have redressed was the disbelief, concern, and mockery they had received from family, friends, and colleagues who did not share their belief in QAnon. The Storm and the time that would follow immediately after came to be known by Anons as “The Great Awakening,” a term that invokes both the image of the ignorant masses “waking up” after “taking the red pill”^{xxxv}—becoming aware of the evil of the Deep State—and the series of religious revivals that occurred across North America in the 18th and 19th centuries.³⁵

What stands out about *OoS* is that, while it engages in the mechanisms of improvisational millennialism, when it comes to the promise of the millennia itself, the film and its subjects come up short. What is next for the viewers who—assuming they have resonated with Smith’s claims—just discovered a fundamental and terrible truth about our world? *OoS* doesn’t seem to know. One interviewee suggests that “good” people should make “good” media to convince people of “good” values—taking control of the means of (media) production in a kind of moral tug of war between the conspiracists with an apparently agency-less public as the rope. Smith’s answer is similar but directly contradicts itself, imaging a future of media with no “filter” but also without “violence or gratuitous sex.” Smith’s version of the future sounds like a revamp of the Motion Picture Production Code—the religiously inflected film industry guidelines, in place from 1934-1968, that dictated how American films represented morally charged topics such as

^{xxxv} Notably, the language used to refer to non-conspiracists “waking up” and “taking the red pill” (often simply shortened to “being pillled”) is also drawn from popular media, in this case *The Matrix* series of movies by the Wachowski Sisters. It also shares similarities with the term “woke” as used within Black American culture. However, because of its proximity with Blackness, being “woke” and “woke ideology” are more often figured as evil within conspiracy epistemology.

violence and so-called sexual deviancy (including pre-marital sex and interracial relationships)³⁶—not particularly glamorous or spectacular when compared to the cabal of shadowy Satanists the documentary has spent its entire run establishing as our media present.

Like the film's avoidance of the words "Q" and "QAnon," I argue that *OoS*'s lackluster conclusion demonstrates an ongoing update to conspiracy epistemology. As seen in their very first drop, Q made specific claims about the future which have universally failed to come to pass. Extensive scholarship has been done on the stages of denial, rationalization, and increased fervor experienced by members of millennialist groups to reduce cognitive dissonance following the failure of their apocalyptic and salvific prophecies.³⁷ However, *OoS* represents an entirely different strategy for avoiding the disconfirmation events experienced by previous conspiracy movements: rendering the coming of the millennia as secondary to the cultivation of the millennialism. Or, to refer again to the framework of the iconic trial, *OoS*'s conspiracy epistemology is entirely centered on an always ongoing evidence examining phase and the search for hidden narratives. Conspiracy media does not communicate, and the trial of reality never ends. The film does not need to consider how the verdict will be enforced if there will never be a final verdict.

After too much time spent trying to find a message, an end goal, of *OoS*, I have concluded that in contemporary conspiracy epistemology, the process of making conspiracy claims is the point. The exhaustive work of making connections, finding hidden clues, and transmitting that information are their own goals. The true draw of conspiracy epistemology lies not in the realization of the coming millennia, but in the ongoing everyday practice of conspiracy: the cultivation of apophenia, the repetition of certain actions—for example, reading

Q drops again and again, looking for “crumbs” and scraps of hidden information and “baking” them until there is a *feeling* of legitimacy, a resonance with a kind of gut knowledge, a quick *zing* of pleasure at making connections between things that would have previously seemed unrelated. Some commentators on QAnon have called it “joyless.”³⁸ However I do not believe that to be the case for QAnon or conspiracy epistemology in general. I believe that conspiracy epistemology can be pleasurable in the way that training an algorithm like Instagram or TikTok can be pleasurable. Unlike *OoS*’ imagined passive and ignorant media public captivated by the shadows on the cave wall, we *know* that by liking, disliking, or scrolling past certain content we are shaping our digital window to the world in a way that will hopefully be more enjoyable for us to view.

Conspiracy epistemology similarly offers its users a new way of seeing. In *OoS*, no matter how dark the plot he is explaining may be, Smith always looks thrilled to be sharing it. There is a palpable sense of jubilation in his voice when he engages in his wordplay. As a viewer who decidedly does not subscribe to conspiracy epistemology, I laughed out loud when the words “tell a vision” first appeared on the screen, but in retrospect I don’t think my reaction was born out of condescension or even the absurdity of Smith’s fake etymology. I think there was a sense in which Smith’s satisfaction and excitement was contagious even through the extremely low-quality video I was viewing. It is not a surprise that some researchers of QAnon have referred to it as a game.³⁹

However, even if conspiracy epistemology may at times be fun, at no point is it ever “just” for fun. I want to return to the Chun quote I have continued to return to in the past two chapters: “Things and people not updating are things and people lost or in distress.” In *OoS*,

Smith divulges the details of his own personal journey down the rabbit hole of conspiracy epistemology: He used to work as a stunt man in the film industry before a workplace injury ended his career. It was the pelvic floor therapist he sought treatment from who introduced him to the idea that a cabal of Satanic elites were trafficking and abusing children. In the gap left by the abrupt end of his film career, Smith discovered a new spiritual calling to search for the truth—which he characterizes as trusting his gut feelings.^{xxxvi} While not discussed in the documentary, Pizzagate promoter Liz Crokin shares a similar personal trajectory into conspiracy epistemology marked by personal health struggles and professional hardships: in 2013, Crokin contracted meningoencephalitis that left her unable to work and resulted in her losing her job as a journalist.⁴⁰ Only afterwards did Crokin’s online presence come to increasingly focus on child sex-trafficking and other far-right conspiracy theories. While I do not intend to attribute Smith and Crokin’s embrace of conspiracy epistemology entirely to their own personal traumas, the similarities between their experiences demonstrates the appeal of conspiracy epistemology to those who are “lost or in distress.” For two people who reordered their lives after periods of great personal tragedy around a sense of purpose derived from their conspiracy epistemology, it is easy to see how the idea that the world *isn’t* controlled by a group of elite Stanic brainwashers and child abusers would be more distressing than the possibility that it is.

I also find it particularly interesting how much time both Smith and Crokin spend in the documentary describing their former careers in the industries that they go on to demonize as playing key roles in the Satanic conspiracy: film and news media. While there is certainly an argument that this disclosure serves primarily to establish Smith and Crokin’s credibility to their

^{xxxvi} It’s worth noting that Smith’s voice-over describing his “research” process is accompanied by a close-up of a computer screen that shows someone scrolling through a Twitter account, the bio of which contains “#QAnon.”

audience (American conspiracy epistemology has long been infatuated with the figure of the “renegade, or the ex-conspirator⁴¹), I also argue that it is through their continued attachment to their former industries that we can best understand the way that conspiracy epistemology updates itself. One of the ironies of the update is that it often destroys the thing it seeks to preserve, as in the writing over of a previously saved file.⁴² In *OoS*, we witness Smith and Crokin updating their recollections of their past careers to better fit within their own conspiracy narratives: Smith describes that once he started researching conspiracy theories, he realized that he had seen signs of Satanic activity in his fellow film industry professionals. Smith goes so far as to describe his career in Hollywood as an “illusion,” referring perhaps simultaneously to the alleged conspiracy taking place under his nose, his own experience of suddenly and unexpectedly losing his livelihood, or even the idea of film as creating the illusion of life from still images.

However, conspiracy epistemology does not fully rewrite the personal histories and attachments of the conspiracist. It does not escape me that despite their distrust and allegations of pure evil and maliciousness directed at their former industries, Smith and Crokin are still doing some form of their old careers: making film and engaging in journalism. As Hofstadter notes: the enemy within conspiracy narratives “seems to be on many counts a projection of the self: both the ideal and the unacceptable aspects of the self are attributed to him.”⁴³ Perhaps the enemies in *OoS*’ conspiracy narratives are so invested in popular and mass media because the film’s creators value these same forms. Just as conspiracy epistemology aspires to be accepted by conventional knowledge institutions, Smith and Crokin are still clearly preoccupied with watching, reading, and making media despite their worldview holding that these forms operate as vehicles for human suffering. Perhaps this is why *OoS* is preoccupied with identifying and reading evidence for its conspiracy narrative into Disney films, Katy Perry music videos, and the sounds of words

at the expense of imagining the millennium. Ultimately, *OoS* does not want a mass overthrow of societal institutions followed by an entirely new way of being. It wants things to fundamentally stay the same, with the minor update that now the conspiracists are in control, instead of the conspirators. It is not surprising then, that justice within conspiracy epistemology is so often imagined in terms of retribution against the conspirators ("The Storm") and validation and legitimization from the masses ("The Great Awakening") rather than in terms of transformation or repair.

Just Because You're Paranoid Doesn't Mean They Aren't Coming to Get You

While writing this chapter, I have been forced to answer the question of what makes the work I've been doing in this dissertation different than the work of conspiracy epistemology? After all, the analytical moves I make across and within these chapters involve making connections between seemingly unrelated things—trials and software updates, for instance—and, as a media scholar, my work often involves conducting close-readings of examples of media from popular culture just as conspiracists hyperfocus on the details of the texts they discuss. I often reflect on my decision to refer to the project of this chapter as the mapping of QAnon epistemology, a term that invariably brings to my mind images like the "Great Awakening" map—QAnon's attempt at visualizing the definitive conspiracy red-string corkboard.

In our current socio-political climate, there is a non-negligible contingent of people on the right, including some with significant power and influence, who would call my references throughout this dissertation to systemic racism, hierarchies of oppression, and the alienation of capitalism a kind of conspiracy thinking. On the other side of the political spectrum, there are (in my opinion, much more grounded) criticisms on the kind of theory that has variously been called

the hermeneutics of suspicion, symptomatic reading, and reading against the grain, among other terms. Bruno Latour, recognizing conspiracy epistemology's mimicry of the form of critical theory, proclaimed in 2004 that critique was dead following the proliferation of conspiracy theories in the public discourse following the terrorist attacks of 9/11. On a less catastrophic note, Sedgwick's formulation of paranoia takes shape as part of her critique of what an overemphasis on paranoid reading among intellectuals that blinds us to possible alternative ways of reading and seeking justice—alternatives which Sedgwick and other scholars have attempted to theorize variously as reparative reading, surface reading, and with the grain reading. Considering these criticisms, what then is the difference between my critical theory and conspiracy theory?

Firstly, I am not convinced of any meaningful difference between so-called paranoid and/or symptomatic reading and so-called reparative and/or surface reading. Moreover, I argue that these proposed alternatives to paranoid or symptomatic reading are just as liable to the failures and limitations of vision as the mode they are criticizing. For instance, in an introduction to a special issue on surface reading, Stephen Best and Sharon Marcus write that the “surface” that is to be the object of the issue is:

what is evident, perceptible, apprehensible in texts; what is neither hidden nor hiding; what, in the geometrical sense, has length and breadth but no thickness and therefore covers no depth. A surface is what insists on being looked *at* rather than what we must train ourselves to see *through*.⁴⁴

As I have argued in this chapter and across this dissertation, there is no seeing without rendering as a process of producing meaning. The very idea that we can learn something about a text by looking at it already carries with it all the baggage of the entire history of visibility. That is, there is no way to “look at” without training to “see through.” This same problem applies to theories of surface reading based on affect and receptiveness to a text. Affect helps position us in

relation to other bodies and objects around us and creates attachments to certain subjectivities and ways of being but affect, even the most fleeting and slippery of physical sensations, does not precede the process of rendering. Sara Ahmed explains that the very act of feeling always already involves interpretation, judgement, and rendering using the example of a child who encounters a bear in the woods and, afraid, runs away: “Why is the child afraid of the bear? The child must ‘already know’ the bear is fearsome”⁴⁵ Ahmed concludes: “fear is not in the child, let alone in the bear, but is a matter of how child and bear come into contact [...] Another child, another bear, and we might even have another story.”⁴⁶ The assumption that there exists a self-evident “surface” of a text—or of any body or object—that does not require interpretation provides cover for the things we “already know” that have the potential to do harm but of which we are unconscious of or unwilling to interrogate. The familiar appeal to the “common sense” knowledge that trans women are men, that fetuses are people, and that immigrants don’t have the same rights as American citizens are all contemporary demonstrations of claims to self-evident knowledge that are currently being used to justify the restriction, brutalization, and removal of categories of marginalized people from public life.

This is to say, I don’t believe that there is one singular thing critical theorists can do to refute accusations of similarities to conspiracy theory. Nor do I think that there should be. As I have argued throughout this chapter, the distance between conspiracy epistemology and the ordering logic of everyday life is artificial at best. At worst, this manufactured distance deludes us into thinking that it’s not possible for us to ever be persuaded by conspiracy epistemology. Additionally, paranoia is not inherently a bad thing. The recognition of the individual and collective injuries one has experienced as part of a marginalized group has long been a key step towards political and social justice organization, as demonstrated by the significance placed on

the project of “consciousness raising” across different activist groups.⁴⁷ Rather, I argue that it is important to be aware of the nature of one’s paranoia and to allow oneself to be surprised as much as possible. As I have previously described, surprise is impossible within conspiracy epistemology, in part because information is fungible for the conspiracist. Well-intentioned fact-checkers often find themselves frustrated when conspiracists brush off their attempts to debunk specific claims by simply presenting a new piece of information or pivoting to another conspiracy narrative without acknowledging the untruthfulness of their original claims. This phenomenon is similar to the rhetorical technique known as a Gish Gallup (a debate technique that involves overwhelming your opponent with misinformation, non-sequiturs, and other fallacious arguments that creates an illusion of correctness or expertise through quantity rather than quality of information)⁴⁸ but crucially, for the conspiracist it is not only a technique for winning an argument, but a reflection of the role specific pieces of information and data play within conspiracy epistemology. The truthfulness of a given piece of evidence for the conspiracy is less important than how the information contributes to the conspiracist’s feeling that the conspiracy narrative is true. The conspiracist therefore resists being surprised by new revelations or insights from new pieces of information because, in the end, nothing is ever truly “new” for the conspiracist.

In my work, in contrast, I aim to be open to being surprised by the specific details and context of the media technologies and texts I am discussing. If, instead of *OoS*, I had decided to center this chapter on the conspiracist text *QAnon: An Invitation to the Great Awakening* (2019), the arguments I made in this chapter would have been different, not only because of the differences in subject matter, but also the difference in medium (film vs. print text) and production context (original documentary vs. anthology of original and previously published

material by various named and anonymous authors). Though I find it theoretically useful and critically provocative to draw comparisons between media objects of varying mediums, provenance, and “high” vs. “low” value, this theoretical and critical usefulness comes from engaging directly with these differences. By recognizing what is different about the media objects I study, I am better able to identify the larger trends that persist across multiple media objects and environments, such as the principles of conspiracy epistemology that I have outlined in this chapter.

However, ultimately the most important distinction between my work and conspiracy epistemology is that I want my work to communicate. The original project of this chapter was always, if not to reconcile myself with the conspiracist, then to try to understand the epistemology that provides the foundation for conspiratorial thinking and belief. It is for this reason that I have repeatedly stressed that conspiracy epistemology is not uniquely alien or irrational but rather resembles key features of our modern world: the logic of digital, and televisual, media and the increased justification of the American public. Similarly, I have attempted to historicize the QAnon movement by connecting it to Hofstadter’s notion of the paranoid style from the mid-20th century and with the phenomenon of millennialism which has persisted for thousands of years in order to argue that contemporary epistemology does not represent a radical break with older forms of what could be considered conspiratorial or paranoid thinking, but rather represents an update of these much older forms and ideas in response to our current social, political, and technological environment.

I am not the only one doing this work. Researchers of contemporary conspiracy epistemology come from all walks of life, but they are united in their goal to more effectively

communicate with people who are both like and unlike them—whether that be through academic publication or social media outreach. A particularly notable example in that second category is the online presence of Abbie Richards (@Abbiesr), a creator who publishes videos and graphics about conspiracy theory and disinformation on Tiktok, Instagram, Twitter, YouTube, and her own website. Her viral conspiracy chart directly mimics QAnon’s tendency towards “visualizations of bad information” in both its interactivity and its visual attributes—the text within the inverted pyramid is strikingly like that of the Great Awakening Map—but Richards’ conspiracy instead seeks to help users recognize common conspiracy language circulating online. Richards’ conspiracy chart encourages users to direct their desires to research that might otherwise be captured by conspiracy epistemology towards the collection of knowledge about conspiracy theories instead. In doing so, digital media content like Richards’ appeals to the jurified spectator and to those who seek pleasure in being “in the know.”^{xxxvii} Importantly, dis- and mis-information outreach such as Richard’s also gestures towards the idea that surprise—the failure to anticipate the negative affects produced by first-time contact with conspiracy claims—can be just as radicalizing as paranoia.

^{xxxvii} Anecdotally, I have noticed that the percentage of “wonks”—fans of the political comedy podcast Knowledge Fight—that are also interested in researching conspiracy theory is quite high.

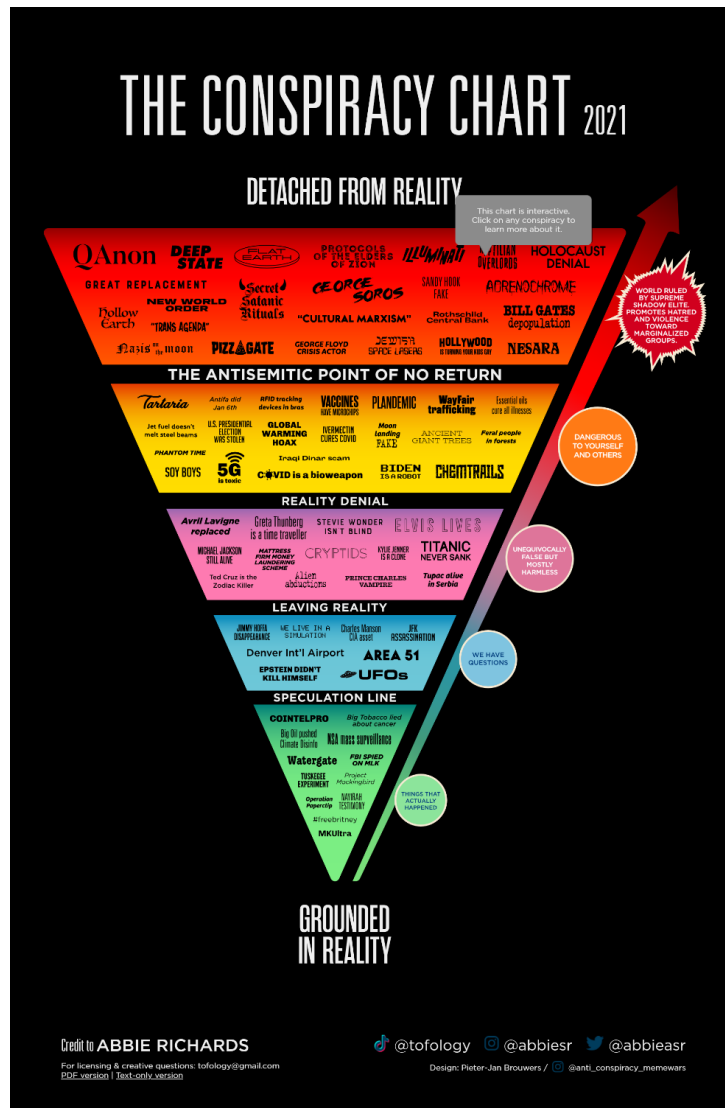


Figure 31: Abbie Richard’s viral conspiracy chart, designed by Pieter-Jan Brouwers.

Unfortunately, I am skeptical that this chapter will result in meaningful communication with conspiracists, as I doubt most conspiracists would be receptive to engaging with the arguments and questions I ask here. At the very least, I hope this chapter will produce more meaningful communication about contemporary conspiracy theory that allows us to better understand and navigate a world in which questions of injury and justice have become increasingly more pressing while consensus has become increasingly more elusive.

Chapter Notes

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- ¹ Will Sommer, *Trust the Plan: The Rise of QAnon and the Conspiracy That Unhinged America* (Harper Collins, 2023); Mike Rothschild, *The Storm Is Upon Us: How QAnon Became a Movement, Cult, and Conspiracy Theory of Everything* (Melville House, 2021).
- ² Timothy McLaughlin, “The Weird, Dark History of 8Chan,” *Wired*, August 6, 2019, <https://www.wired.com/story/the-weird-dark-history-8chan/>.
- ³ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 2nd edition., Perspectives on Gender (New York: Routledge, 2000), <https://doi.org/10.4324/9780203900055>.
- ⁴ Lorraine Daston, “On Scientific Observation,” *Isis* 99, no. 1 (2008): 97–110, <https://doi.org/10.1086/587535>.
- ⁵ Michael Barkun, *A Culture of Conspiracy Apocalyptic Visions in Contemporary America*, 2nd ed., Comparative Studies in Religion and Society; 15 (Berkeley: University of California Press, 2013), <https://doi.org/10.1525/9780520956520>.
- ⁶ Matthew N. Hannah, “A Conspiracy of Data: QAnon, Social Media, and Information Visualization,” *Social Media + Society* 7, no. 3 (July 1, 2021): 20563051211036064, <https://doi.org/10.1177/20563051211036064>.
- ⁷ Barkun, *A Culture of Conspiracy: Apocalyptic Visions in Contemporary America*.
- ⁸ Laura Dugan and Daren Fisher, “Far-Right and Jihadi Terrorism Within the United States: From September 11th to January 6th,” *Annual Review of Criminology* 6, no. Volume 6, 2023 (January 27, 2023): 131–53, <https://doi.org/10.1146/annurev-criminol-030521-102553>.
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CHAPTER FOUR: Memes on Trial: From Permit Patty to Karen

Introduction

“You can hide all you want, the whole world gonna see you, boo.” This line, spoken from behind the cellphone camera by the woman filming, is the main intervention of the 2018 viral video of Alison Ettel, soon to be better known as “Permit Patty,” calling the police on a young Black girl selling water on the sidewalk. In the video, Ettel claims that the girl was selling water without a permit, which prompted her call. As Ettel is on the phone with the police, she ducks behind a wall to avoid being captured on video.

“Permit Patty” is one instantiation of what I am calling the alliterative name meme. The videos within this meme have multiple points of origin: some are filmed by the individual being harassed, some by family members of the victim, and some by bystanders who may be Black or non-Black. What links these videos are the memetic, alliterative hashtag names the videos received as they circulated on Black online satellite counterpublics: BBQ Becky, Permit Patty, Cornerstore Caroline, and so on etc. These alliterative names came to be associated with these videos, and with the women featured in them, through their origin and initial circulation within what André Brock Jr. calls online Black satellite counterpublics such as Black Twitter (now X)—independent, but not private, online publics that occupy space on mainstream social media platforms.¹ Brock describes Black Twitter as “an online gathering...of Twitter users who identify as Black and employ Twitter features to perform Black discourses, share Black cultural commonplaces, and build social affinities.”² Videos such as the one of Ettel circulated on online satellite counterpublics is an example of a Black cultural commonplace: the shared experience of

being surveilled and policed in public by White people, and in particular by White women. These alliterative names are significant in that they mark these videos as part of a genre, forming a visual archive of encounters with anti-Black surveillance. Another notable feature of the alliterative name meme is that its focus is not on explicit representations of Black injury or trauma. In contrast to other familiar forms of representing anti-Black violence such as bodycam videos of police brutality, in many instances of the meme, the Black victim is not onscreen because they are the one behind the camera.

The question of visibility, of which bodies form the subjects of these memes and which are the objects, evokes Simone Browne's formulation of dark sousveillance.³ Browne defines dark sousveillance as those tactics used by Black people to render ourselves "out of sight" of the "totalizing surveillance of the White gaze."⁴ Browne connects dark sousveillance to the practices through which Black people resisted slavery and warned each other of police, with White citizens acting as police after the passage of the Fugitive Slave Act of 1850.⁵ While the videos and images that make up the alliterative name meme operate within the legacy of dark sousveillance, I argue that the function of these memes is just as much, if not more, about mobilizing surveillance technologies to turn the gaze back on Whiteness and White supremacy as it is on rendering Black individuals invisible or illegible to these technologies. This combination of rendering out of sight and of making visible is demonstrated in the Permit Patty video, in which the woman behind the camera is never seen, and both she and the child selling water bottles go unnamed in contemporary media reports about the video while Ettel's name and face were constantly reproduced.

This idea of turning a cumulative gaze back on Whiteness, White supremacy, and the experience of living while Black is what I refer to as the Black complaint: the legacy of critical intervention into the reproduction of anti-Blackness. Like dark sousveillance, the Black complaint centers how Black people mobilize traditional technologies of surveillance. These include not only the cellphone camera but also the social media sites to which these videos are uploaded, the television news channels that take up and add to the virality of these images, and the social mechanisms of public shaming and the legal apparatus that respond to and evaluate claims to injury and determine the means of redress. The Black complaint thereby also serves as a record of testimony—this category of media objects that claim to provide evidence of individual existence and meaning.

Whiteness And the Regime of the Visual

While the alliterative name and Karen memes often have sonic components, my analysis of these memes focuses on their visuality. As I've argued throughout this dissertation, the visual is the privileged sense and site of knowledge in Western culture. Similarly, I have made the case that visuality is not just a descriptor of all visual images, but is a practice of the “visualization of history,” or “the making of the processes of history perceptible to authority.”⁶ Visuality is one component of the process of rendering, or the technological and visual production of meaning and the making or becoming of certain kinds of subjectivity.⁷ As I described at length in my introduction, race is both a product of and a technology for rendering. Race is a way of seeing—an epistemology, a hierarchy of value and meaning, and an expression of power—that is neither purely biological nor purely cultural, but instead the product of both culture and biology mediated by technologies of visualization. This production of race—and the production of

meaning through race—is an ongoing and continuous process. As race is projected onto and within the body, raced bodies become sites of production of race as they move through the world and come into contact with other bodies, objects, and the contours of public spaces.

This chapter takes a closer look at these encounters in which race is produced. While Frantz Fanon's description of his encounter with a White child on a train that I present in my introduction provides us with the archetypal example of the rendering of Blackness—an encounter that is epistemologically productive even as it is psychically (and, as we see from recorded images of racial violence against Black people like the Holliday tape, often physically) destructive—this chapter will instead focus on the ways in which these public encounters are also productive of Whiteness. In doing so, I am particularly interested in how these memes make perceptible what Browne refers to as the “cumulative white gaze:” a way of looking that emerges under the totalizing surveillance of slavery, in which White citizens were entrusted with the responsibility to police and respond to Black fugitivity.⁸ The cumulative gaze persists post-slavery, with the cellphone camera lens, the 24-hour news day, and viral internet content contributing to a modern cumulative gaze as much as individual White citizens do. The cumulative nature of the contemporary White gaze stems, not only from the sheer amount of “eyes” present in our hypermediated society, but also from the number and varieties of discourses and narratives that circulate within this visual network about Blackness. In other words, Blackness can be understood as the ultimate icon in American culture, accumulating significations for an innumerable litany of anxieties and narratives about pathology, criminality, and deviance.

Within what Christina Sharpe refers to as the weather, “the atmospheric condition of time and place” where “antiblackness is pervasive *as* climate,”⁹ the Black body is rendered as the preeminent crisis: a disturbance requiring intervention to bring about a resolution.¹⁰ The cumulative gaze emerges within totalizing climate of anti-Blackness as a “resolution” for the “crisis” of Blackness that tautologically maintains and reproduces the rendering of Blackness-as-crisis.

However, it is important to note that the cumulative White gaze does not only produce Blackness and Black bodies, but also Whiteness and White bodies. As I argued in my introduction, the White body is also a raced body. Whiteness therefore must be produced and maintained just as much as, if not more than, Blackness. As scholars like Richard Dyer have argued, Whiteness as a category, its boundaries, and its allegedly intrinsic characteristics that supposedly justify its bearers’ racial superiority have and continue to be extensively and actively produced, theorized, and historicized by White people.¹¹ This maintenance and reproduction comes not only from card-carrying members of White supremacist and Neo Nazi groups, but also via scientific, media, and legal technologies of visualization that operate under the assumption that race is an inherent property of bodies even as they actively produce race. Therefore, my analysis of the alliterative name and Karen memes in this chapter center on how these memes make Whiteness visual.

Additionally, just as I have previously argued that vision is not a one-way exercise of power, White people are not the only people capable of looking at and theorizing Whiteness. In addition to the oppositional gaze—the Other’s right to look back, to look at themselves, and to cultivate their own ways of seeing that are oppositional to dominant modes of vision—bell hooks

also theorizes the existence of a Black imagination: this includes shared images of Whiteness and White people created by Black people as projections of negative stereotypes of Black people placed back onto White people (e.g., Black stereotypes of White people as “dirty” or excessively emotional) or developed through lived experience via a “critical ‘ethnographic’ gaze.”¹² Both origins for the images of Whiteness are relevant to my analysis in this chapter—to quote hooks, stereotypes “however inaccurate, are one form of representation” that stand in for the real—however, the later mode of production is more interesting to me. Within hooks’ theory of the critical ethnographic gaze, images of Whiteness in the Black imagination serve as evidence of and testimony for the racially productive encounter between White and Black bodies. The alliterative name and Karen memes could therefore be considered a recording or mediation of the Black imagination. These memes perform their own project of accumulation: creating an archive of recorded testimony of quotidian Black experiences of anti-Blackness. These archives of memes and videos not only testify to the existence and power of the Black critical gaze, but they also train us to take up the Black critical gaze ourselves. As I argued in Chapter 3, seeing is something that must be taught and learned. In the case of the alliterative name meme, the alliterative hashtag itself became a signifier that its users align themselves with the cultivation of a Black critical gaze. In the video of “Cornerstore Caroline,” a viral video of a White woman falsely accusing a young Black child of inappropriately touching her in a convenience store, a bystander can be heard referring to the woman, Theresa Klein,¹³ as “Cornerstore Caroline” as the encounter is still ongoing, signifying his familiarity with the meme and suggesting its influence over how the situation played out. These memes therefore offer their viewers what Sara Ahmed refers to as a “phenomenology of the institution,” an increased perception and understanding of

the ways in which institutions and environments we might otherwise take for granted are constructed, maintained, and *rendered*.¹⁴

Woman Calls Police On Black Family For BBQing At A Lake In Oakland

A black Yale graduate student took a nap in her dorm's common room. So a white student called police

A white woman allegedly hit a black teen, used racial slurs and told him to leave a pool. Then she bit a cop

Figure 32: A selection of headlines involving recorded encounters in which White women called the police on or otherwise attempted to police the behaviors of Black people. My collection of these headlines during the late 2010s additionally testifies to my own process of being taught to see with a Black critical gaze.

Significantly, these memes do not only serve as testimony but also stage their own trial in the court of public opinion. The encounter between Ettel and the cameraperson mimics the adversarial form of the trial in which the narratives of the prosecution and the defense compete for the jurors' acceptance. In the video, Ettel attempts to justify her decision to call the police on the grounds that the child was allegedly selling water without a permit. The lack of permit that inspired Ettel's alliterative hashtag functions as Ettel's claim to injury that she attempts to redress by calling the police to report the supposed misuse of public space. However, the video's narrative and the Black counterpublics online who viewed it argued a different narrative: that Ettel's call to the police was an act of anti-Black surveillance and expressions of White supremacy. In this narrative, it was Ettel's actions that caused injury, not just to the child in

question but to Black people and race relations in the United States as a whole through Ettel's deployment of the policing White cumulative gaze. As viewers of the video online loudly pointed out, this injury was determined to be worthy of redress, either through the circulation of the video and subsequent damage to her reputation or actual legal charges for making a frivolous call to emergency services. These accounts of injury are validated as these memes circulate in and beyond Black online counterpublics. These memes bypass the judicial system to rely on public pressure and shaming as its own form of redress. Ettel herself reported that she resigned from her job after her company was confronted with backlash from the Permit Patty video's circulation.¹⁵



Figure 33: Alison Ettel, aka “Permit Patty” (Source: Tesema).

Within the framework of the trial, memes such as Permit Patty can be understood as an attempt to seek to proclaim the existence and authority of a Black critical gaze. The provocative statement of the Permit Patty viral video—“You can hide all you want, the whole world gonna see you, boo”—testifies to faith not only in the visual to represent the reality of the Black critical gaze but also to faith in the logics of exposure that I have discussed in previous chapters. While the jury's gaze holds the authoritative power in the courtroom trial, the Permit Patty video

reclaims the power of rendering through the sousveillant gaze of the camera to stage a trial in which the audience is the jury. The woman filming calls attention to how Ettel tries to avoid the camera, implicating this action as an attempt to avoid culpability and redress to the viewer. The obvious verdict of the video is that Ettel is guilty of what she is accused of, and the video's narrator seems to have faith that the internet will show her video to those who will recognize and support this verdict.

The alliterative name memes provide visual evidence to the testimonies of Black people about their specific experience of being surveilled and policed by specifically the *White female* gaze—a visual practice that is overlooked and undertheorized within the dominant paradigm of vision that centers (White) women as the naturalized object of the (White) male gaze. In this way, the alliterative hashtag meme place race *and* gender “on trial” by calling our attention to the ways in which White womanhood is both rendered and engaged in processes of rendering. The rendering of race as a biological trait, as something that originates within the body, similarly renders the White cisgender female body as the primary site of racial (re)production.¹⁶ Just as the White gaze becomes cumulative via its rendering as a property right of Whiteness, the body of the White woman is similarly rendered as the property of the collective White race. Anxiety surrounding sex and attempts to control women's sexuality in Western culture is therefore fundamentally racial in nature, because the failure or refusal of the White woman to be faithful to the White man and give birth children whose paternity is unquestioned is rendered as a threat to the futurity of the White race.¹⁷ As Dyer notes, many of the iconic images and narratives in Western film history demonstrate this tension between the White woman as the naturalized and passive object of male visual pleasure and as a source of betrayal, emasculation, and even

death.^{18xxxviii} Eden Osucha similarly describes this tension as the “contradictory symbolic function of the white female body” as both a naturalized object for male visual consumption and as a “privileged signifier” of domesticity within the conventional separation of private and public spaces.¹⁹



Figure 34: Amazon Prime thumbnail for the Investigation Discovery true crime show *Wives with Knives* (2012-2017). I’ve shown this image to students in my courses as an extremely literal example of the tension between the role of (White) women as the naturalized object of the (White) male gaze and the paranoid male fantasies of betrayal, emasculation and/or castration, and death, either by the denial of futurity in the form of (White) children or, in this case, from massive blood loss.

This contradictory symbolic function is at odds with the image of White women in the Black imagination, as represented in the alliterative name and Karen memes. Ironically, the suspicion that is characteristic of the contradictory symbolic figure of the White woman’s body within the White male gaze is also present within the Black imagination, though here this suspicion stems from the historical reality that White women play a key role in the maintenance

^{xxxviii} See also Laura Mulvey, “Visual Pleasure and Narrative Cinema,” in *Feminist Film Theory*, ed. Sue Thornham (Edinburgh University Press, 1999), 58–71.

of White supremacy. White women were key catalysts of lynch mobs, both as active agents and as an imagined collective of victims of Black male sexuality. White women were able to use their gendered status as caregivers and nurturers to police the moral and racial hygiene of their communities, a form of patriarchal power still embraced by White women in current-day White nationalist movements.²⁰ White refusal to acknowledge the existence of a Black imagination arguably played a role in the infamous OJ Simpson verdict, as I described in Chapter Two, in which Linda Williams argues that the prosecution failed to consider that the predominantly Black and female jurors might view the prosecution's presentation of Nicole Brown Simpson, as well as the testimony and demeanor evidence of Nicole's sister Denise Brown, through a lens informed by White women's role in the legal and extrajudicial scapegoating of Black men.²¹

Like the Simpson case, *Osucha* reminds us that the contradictory symbolic function of the White female body is not only reflected in fictional films, but in American law as well. According to *Osucha*, early discourses surrounding the right to privacy centered on images of White women, and these discourses moved from the court of public opinion to the courtroom in *Roberson v. Rochester Folding Box Company* (1902), which offered the test case for the right to privacy. The civil case was brought by Abigail Roberson, a young White woman who alleged that her image was being used by the Rochester Folding Box Company to market flour. Rochester's use of Roberson's image to market a common pantry staple could be seen as an example of the White woman's role as the privileged signifier of domesticity. However, Roberson argued that the public circulation of her image on a commercial product constituted a defacto form of injury to Roberson's reputation and her well-being. The judge of the first trial ruled in Roberson's favor, but the verdict was overturned on appeal, and the verdict of the appellate court was upheld by the New York Court of Appeals. However, in response to public

outrage surrounding the final judicial decision, the New York state legislature added two new statutes to the state's civil rights laws in 1903, which were some of the first laws in the United States to establish a legal right to privacy.²²

The case of *Roberson v. Rochester* thereby offers a historical precedent for the rise of the jurified spectator by providing an example of the cultural significance assigned to the public's response to a trial, a response that, in this case, was taken up and codified into law. The case is also significant in how the formulation of privacy as the freedom *from* media representation, a concept articulated by Roberson as well as the influential 1890 *Harvard Law Review* article titled "The Right to Privacy" from which Roberson's case drew heavily, equates media with the public sphere and also gestures towards the discourses surrounding media spectacle and injury that I discussed in Chapter Two and briefly in Chapter One. Most significantly, in both *Roberson v. Rochester* and "The Right to Privacy" article, privacy—defined as the lack of media visibility or "publicness"—is rendered as a kind of property right.

Osucha contrasts the right to privacy-as-property embodied in *Roberson v. Rochester* with the trademark history of Aunt Jemima, the image of a Black woman styled as a stereotypical "mammy" used to market pancake mix. Aunt Jemima was first debuted in the 1890s and—despite the fact that her fictionalized origin was based on a real formerly enslaved woman^{xxxix}—Osucha notes that there was no similar outcry for the alleged real "Aunt Jemima's" right to privacy as there had been for Roberson.²³ Nor was Aunt Jemima a unique occurrence, as Osucha argues that she was just one example of "commodity racism": the "reproduction and proliferation of racist iconography in the emergent mass culture" following the engineered failure of

^{xxxix} This backstory was marketing ploy used to appeal to White nostalgia for the antebellum southern plantation. In reality, Aunt Jemima's likeness instead was inspired by Blackface minstrel performance (Osucha 2009).

Reconstruction and formalizing of Jim Crow laws in the legal code.²⁴ Images and caricatures of Black people were available to purchase in virtually every category of commercial good, from consumables such as pancake mix to minstrel-inspired home décor, becoming a kind of American national visual culture.²⁵

The rise of commodity racism happening concurrent with the codification of the legal right to privacy indicates that privacy was initially rendered as an exclusive property of Whiteness. This right to privacy-as-property was also gendered, and it was seen as necessary for the circulation of images of White women to be carefully controlled, primarily by White men. However, neither Black men nor Black women were understood as having a right to privacy. Not only were Black people rendered public figures—able to be looked at, surveilled, and policed by any White person—but images of Black bodies were also rendered as naturalized commercial and consumable objects following the Emancipation Proclamation’s decree that American citizens could no longer legally own the real thing. This legacy of commodity racism and the refusal of the right to privacy has persisted through the advent of digital media, which I will discuss later in my analysis of the “Bed Intruder Song.” Moreover, Osucha’s analysis of the Roberson case demonstrates that the “race trial” staged by the alliterative name and Karen memes also seeks to negotiate of the boundaries of public and private. The cameraperson’s mockery of Ettel’s attempt to hide her face after attempting to criminally punish a young Black girl for her use of a public space highlights the racialized double standard of the right to privacy.

However, while I believe that memes like Permit Patty have a lot to tell us about the private/public binary, the operations of anti-Black surveillance, and the persistence of Black Americans’ dedication to claiming the right to look, I am skeptical of relying on the virality of

these memes to provide actual redress for the injuries of anti-Blackness. Ultimately, my skepticism stems from the idea that the form of the trial, and its associated logics of exposure, can fulfill its promise to render justice in the case of White supremacy and the climate of anti-Blackness which, as the example of privacy in this section demonstrates, are inextricable from the legal bases of our rights. In the previous chapters I have described faith in the logics of exposure as one characteristic of paranoia: a way of seeing and understanding the world that promises to protect us from negative affects and encounters via the constant awareness and anticipation of negative affects and encounters. Like in my previous chapters, I am not using the term paranoid in a diagnostic or pathological sense. As this chapter has hopefully stressed, Black people have very good reasons to be paranoid of White people. However, I am skeptical that the visual representation of paranoia via the Black critical gaze present in memes and viral videos will address the reasons *why* Black people are paranoid, that Nicole Fleetwood refers to as “the expectation that the representation itself will resolve the problem of the black body in the field of vision.”²⁶ In the next section, I will argue that the Karen meme offers the ultimate evidence that we cannot rely on exposure alone to render justice for us. Instead we must consider an alternative form for challenging White supremacy and the climate of anti-Blackness: the Black complaint.

The Karen and the Complaint



Figure 35: Amy Cooper aka “The Central Park Karen”(Source: Cooper).

In the past few years, there has been a shift from unique, alliterative names to one name: Karen. Although it is hard to pinpoint when this transition occurred, some have identified coverage of Amy Cooper, a White woman caught on video harassing and calling in a police report against Christian Cooper (no relation), a Black birder in Central Park, as signaling the dawning of the age of Karen.²⁷ The change is not in name only; the content of Karen videos and the connotations of the name have also changed. Karen no longer refers only or primarily to a White woman who calls the police on Black people, but has expanded to include White women who harass service workers, White women who refused to wear masks during the height of the COVID-19 pandemic, or any White woman who display some sort of behavior in public that is seen as inappropriate. Karen is a public nuisance or, alternatively, to use online terminology current at the time of this writing, “cringe.”²⁸

This shift has also led to the Karen meme itself being put on trial. If for Roberson, the public circulation of her likeness was perceived as injurious *despite* her acknowledgement that

the image was “flattering,”²⁹ the Karen’s decidedly negative significations are obvious enough that the label is perhaps more obviously injurious. In one commentary published in *The Atlantic*, Helen Lewis writes, “You can’t control a word, or an idea, once it’s been released into the wild. Epithets linked to women have a habit of becoming sexist insults; we don’t tend to describe men as bossy, ditzy, or nasty...And so Karen has followed the trajectory of dozens of words before it, becoming a cloak for casual sexism as well as a method of criticizing the perceived faux vulnerability of white women.”³⁰ For Lewis, Karen’s Whiteness is an excuse, a justification to rebrand familiar misogynistic stereotypes and insults as anti-racist activism. Thanks to the internet, Black and White men across the globe and the political spectrum are united in their hatred of Karen.³¹

Ironically, however, Lewis’s article is complicit in this a similar kind of revisionism when she uses the Karen meme as the basis for a feminist analysis that centers White womanhood at the expense of Black female subjectivity. In her analysis of Karen’s circulation and reception, Lewis argues that White women and Black men are both victims and accomplices of racism and sexism, and presents White men as their shared oppressor, but she doesn’t attempt to incorporate Black women into this framework.² Lewis’s failure to adequately consider Black women’s perspectives in her analysis of Karen is disappointing considering the centrality of Black women to the work of complaint and because Black women often captured the videos that make up the alliterative hashtag name meme, including Permit Patty.

However, Lewis correctly identifies that the Karen meme became estranged from its engagement with dark sousveillance and Black complaint once the meme went viral. I argue that this estrangement lies in the very expectations placed on a viral video or image. As I described

earlier, the alliterative name and Karen memes originated in online Black satellite counterpublics. These online spaces are independent but not hidden from mainstream White online public spaces, and, as a result, narratives, discourses, and images are able to move between these online publics. Studies of online Black practices and counterpublics expose the illusion of a singular public sphere. Furor over “cancel culture” and the anti-Karen backlash do not so much demonstrate the supposed free market of ideas as they exemplify “clashes between strong and weak publics” online.³² “Going viral” therefore should not be considered an abstract measurement of popularity, but rather used to describe a kind of movement: the movement of an image, video, or discourse from a small, weak public to a larger, stronger one.

As the Karen meme spread beyond Black social media spheres where it originated and into a mainstream, White audience, Karen lost her link to a specific conception of race and the American public. In this process, Karen was given a new narrative, a new trial, that was based on her perceived excessive displays of emotions, her allegedly unseemly public behavior, and her physical appearance, such as the “Karen haircut.”³³ In contrast to the alliterative name meme, while the racial critique of the Karen meme may still be legible in some contexts and to certain audiences, it is no longer *required* that the Karen video or image engage with anti-Blackness at all. Rather, like the logic of digital media, Karen’s meaning is determined by the individual viewer and the rules, norms, and expectations of the specific online space to which it is posted. The meme is still gendered, but as Lewis points out, even Donald Trump has been called a Karen.³⁴ After moving from predominantly Black to predominantly White online spaces, the Karen meme now has little to say about anti-Blackness as climate, instead testifying to the contradictory symbolic function of the White woman’s body as simultaneously representing both the ideals of a race and nation and its worst excesses.

I focus on this shift from the alliterative name meme to the Karen meme to highlight the limitations of attempting to use the trial form to expose and redress anti-Black injuries. The trial relies on visibility and exposure, and these memes follow this logic by presenting videos of anti-Black harassment to online audiences of thousands. However, as Stuart Hall identifies in his media theory of encoding, decoding and multiple viewer interpretations, the problem at the heart of all media forms reliant on mass dissemination is that there is no way to guarantee that viewers will see what producers intend for them to see to see.³⁵ Viewers decode and render the meme within the context of the cultural codes to which they have access to, a context in which social power determines who has the ability to assert meaning *and* determines which interpretations are considered legitimate or, as I described in Chapter 2, as “common sense.” The existence of multiple potential decodings is acknowledged in the trial, but the trial obscures the role of social power through the fantasy of the objective and rational jury. Jurors do not have to accept the narratives given to them by the prosecution or defense; they are allowed to discard and reinterpret evidence according to their own narratives and speculations and can even nullify the trial itself. However, the positioning of the jury as the ultimate source of judicial authority does not mitigate the fact that not all meanings and interpretations; there is a dominant cultural code through which we, including jurors, are encouraged to render meaning.³⁶ Anti-Blackness is one such dominant cultural code. In the American legal and media tradition, it has been the case that evidence of injuries—real or alleged—of certain groups have been given much greater weight than others, often at the expense of Black life. Seeing a Karen video and concluding that the video’s producer or the meme itself is misogynist does not represent a failure to see properly, but rather an active decision to render the video within a dominant discourse of anti-Blackness, to

not see the Black complaint. This is not a failure of the trial form; it is the success of the hegemonic code.

By using the trial form to attempt to legitimate Black injuries, we therefore find ourselves operating within the standards of visibility and representation that are fundamentally hostile to acknowledging anti-Blackness as anything other than the actions of individual bad actors. A potential alternative to the trial form lies in the Black complaint.

“Hide Your Kids, Hide Your Wife”: The Forgotten Complaint of the “Bed Intruder Song”

My theorization of Black complaint draws from Sara Ahmed’s analysis of complaint as a form of non-reproductive labor: the labor of intervening into a situation in the hopes of preventing the reproduction of a problem.³⁷ As Ahmed argues, “not reproducing an institutional legacy could be described as *the work of complaint*.”³⁸ The legacy of Black complaint as non-reproductive labor is grounded in the tradition of Black critical theory and Black radical thinkers. Of note is the anti-lynching activism of Ida B. Wells-Barnett. Born in 1862 to enslaved parents, Wells-Barnett investigated and wrote commentaries on lynching, which she published first in the Black newspaper the *Memphis Free Speech* and later in two pamphlets, *Southern Horrors* and *The Red Record*.³⁹ Wells-Barnett’s writing on lynching functions as both testimony—recording the facts of each case she researched alongside lynching statistics—and intervention. Her claim that, rather than being a response to the alleged crimes of Black individuals, lynchings were a reaction of an anti-Black climate to Black success and a product of White patriarchal anxieties towards the possibility of sexual relationships between Black men and White women reflects the real and symbolic importance of White women to the production of race.⁴⁰ She further emphasized the necessity for Black people to protect themselves and their families when the

legal system refused to, including advising her readers to take up arms. Wells-Barnett's work, along with that of countless other Black men, women, and queer individuals, provide us with a model of Black complaint. It is this model that I drew from when describing the alliterative name meme as a visual archive of collective experience. Black complaint is both a recording and an intervention.

My theory of Black complaint also draws from Meredith Clark's and Lisa Nakamura's work on complaint as a form of marginalized digital labor. Just as the pamphlets, memoirs, novels, and manifestos of the Black radical tradition have historically sought to prevent the reproduction of lynching, discrimination, economic exploitation, and sexual violence against Black people, the viral videos of Permit Pattys and Karens do the work of non-reproductive labor by attempting to stop the reproduction of quotidian anti-Black surveillance. Nakamura argues that the labor of calling out "toxic social environments in digital media" largely falls on women of color and that this labor is not compensated—except with "affective currencies" such as likes—even though it benefits all users in online spaces and creates space for new kinds of communities.⁴¹ Though Nakamura considers such labor to be reproductive, the call-out better maps onto Ahmed's concept of the work of complaint as non-reproductive. In creating new kinds of online communities, the work of the call-out intervenes to stop the reproduction of harmful behaviors and toxic environments. Similarly, Clark argues that the call-out, "dragging," and "cancel culture" are all digital discursive practices that originated in online Black countercultures.^{xl} The call-out and the memetic hashtag are labors of education and community

^{xl} It is worth that the phrasing of "canceled" itself is borrowed from the language of television programming. To refer to a person as "being canceled"—the rendering of an individual into a form of information that's circulation or flow can be stopped—therefore can be considered within the context of digital media's intensification of televisual logics in Chapter Two.

management, and, within this frame, being “canceled” should be read “as a last-ditch appeal for justice”⁴² However, as Clark points out, these discursive practices are not often viewed as legitimate complaints in White mainstream online and offline spaces—where these practices are instead rendered as fundamentally irrational witch hunts and “cancel culture.”⁴³

The refusal to render the call-out as a complaint represents what Ahmed describes as methods for stopping complaints. A key feature of the history of Black complaint is that the complainant themselves becomes the source of complaint. In the spring of 1892, Wells-Barnett condemned the “old thread-bare lie that Negro men rape white women,” noting that the frequency of this justification for lynching threatened to expose to a larger audience both the sexual agency of White women and their frequent willingness to incite lynchings to avoid patriarchal sanctions.⁴⁴ In response to her claim, the office of the *Free Speech* was destroyed by a White mob, and Wells-Barnett was forced to flee Memphis. Notably, Wells-Barnett reproduced a response to her complaint from a contemporary White newspaper in *Southern Horrors*:

If the negroes themselves do not apply the remedy without delay it will be the duty of those whom he has attacked to tie the wretch who utters these calumnies to a stake at the intersection of Main and Madison Sts., brand him in the forehead with a hot iron and perform upon him a surgical operation with a pair of tailor's shears.⁴⁵

The threats made against the author of Wells-Barnett’s commentary—assumed to be a Black man—demonstrate how Black complaint is rendered as itself injurious as a method of stopping complaint. Not all complaints are non-reproductive labor.⁴⁶ The reproduced excerpt expresses the White complaint to Wells-Barnett’s words by using the trial’s adversarial and punitive framing of redress: if the Black community did not remedy Wells-Barnett’s allegedly injurious comments about White women, it would be the “duty” of all White male citizens to seek redress on behalf of White women by torturing the Black complainant. Wells-Barnett’s

intervention into the crisis of lynching was rendered by the White community as the source of injury (notably using similar logic to the argument that Rochester's image of Roberson was injurious) to those who benefit from the reproduction of a problem, environment, or, to draw from Sharpe, the prevailing weather.

Though they operate in different historical contexts, Wells-Barnett's work of complaint and the alliterative name meme's transformation into the Karen meme both demonstrate how the exposure of Black complaint in mainstream White public spaces operates as a tactic of stopping or drowning out Black complaint. For Wells-Barnett, the mob violence represented an attempt to stop her complaint by silencing her, both metaphorically by destroying the office of *Free Speech* and literally via the threats made against her life. However, silence and erasure are not the only ways to stop complaint. In a reversal of the logics of visibility, the circulation of a complaint outside of the space in which it was created and for whom it was intended, particularly online, can be a very effective way of stopping complaint. The alliterative name meme's transformation from a visual archive of collective experience into the contested and de-racialized Karen meme is not the first time that Black complaint has been revised and reframed by the White supremacist logics of viral internet content. One example I remember as a Black zillennial is the popular 2010 "Bed Intruder Song."



Figure 36: Antoine Dodson in his original local news interview (Source: Carvin).

In the summer of 2010, Huntsville, Alabama, resident Antoine Dodson was recorded by local news reporters discussing his interruption of a home invasion and attempted sexual assault of his sister, Kelly. In contrast to the conversational if restrained tones of the White news anchor and reporter who introduce the segment, Dodson—with his red bandana, expressive head gestures, and the unidentifiable white object that he points at the camera—stands out as visually distinct from the typical local news ambience. Dodson never appears to answer a question during the segment but instead addresses his statement directly to the television audience and to the home invader. As he speaks the phrase that would soon be heard by millions, Dodson draws out his words as if to make sure those watching can hear him clearly, before speeding up in time with the back-and-forth punctuating movement of his head: “He’s climbing in your windows, he’s snatching your people up, trying to rape them, so you need to hide your kids, hide your wife, and hide your husband, because they’re raping everybody out here.”⁴⁷

The clip quickly went viral. Most notably, it was remixed by the White YouTubers the Gregory Brothers into the “Bed Intruder Song” and uploaded to their YouTube channel schmoyoho. The music video for the “Bed Intruder Song,” which at the time of writing has 157 million views on YouTube, is largely made up of Dodson’s interview footage. Dodson’s impassioned address to his community becomes the chorus becomes the chorus of a parody R&B hit, with the autotuned clip of Dodson instructing viewers to “hide your kids, hide your wife” being repeatedly looped with zooms in on Dodson’s face cut to the beat. A White news woman and Kelly Dodson, the victim of the attempted crime, appear in the video for just one autotuned line. The focus of the video is clearly Antoine Dodson and, to a lesser extent, the Gregory Brothers themselves, who appear dressed as television news reporters rapping and dancing against a virtual “Live” broadcast background. The “Bed Intruder Song” proved incredibly popular, reaching #89 on the Billboard Charts and was the most viewed video on YouTube in 2010 after professionally produced music videos.⁴⁸

The “Bed Intruder Song” was only the first in a series of songs and memes made from remixing a Black person’s account of a traumatic or newsworthy event that went viral online in the early 2010s. Other notable examples include a 2012 local news interview with Kimberly Wilkins, also known as “Sweet Brown,” about an apartment fire that spawned the memetic sound bite and the gif “Ain’t nobody got time for that” as well as a song “I Got Bronchitis,” the latter of which prompted Brown to file a lawsuit against Apple Music.⁴⁹ A year later in 2013, Charles Ramsey’s account of helping rescue three kidnapped women in Cleveland was turned into the hit song “Dead Giveaway,” also by the Gregory Brothers.⁵⁰ The memes were so popular that they escaped online containment, being referenced in the opening theme, produced by the Gregory Brothers, of the Tina Fey comedy sitcom *Unbreakable Kimmy Schmidt* (2015), which features a

Black neighbor (Mike Britt) providing an autotuned hyperbolic account of the White female protagonist's rescue from an underground apocalypse cult bunker. While the narrative context and lyrics of the parody song appear to be a direct reference to Charles Ramsey's interview and to the Gregory Brothers' "Dead Giveaway," the styling of Britt in the video, particularly his black durag, is more evocative of Dodson—suggesting that these memes have formed their own image archive of Blackness.



Figure 37: YouTube thumbnail image for Charles Ramsey's original interview, uploaded by News 5 Cleveland.



Figure 38: YouTube thumbnail of the Gregory Brother's remix of the Unbreakable Kimmy Schmidt theme, uploaded by Netflix.

As a teenager on the internet at this time, I can testify that familiarity with these videos and meme songs was necessary to navigate online humor. While I won't pretend that I didn't laugh along with everyone else, I distinctly remember that something about these videos always made me slightly uncomfortable. Perhaps it was that the subject matter at the center of the original interview—attempted sexual assaults, fires, and kidnappings—did not feel like things that should be taken so lightly, though this kind of edgy internet humor was hardly novel. I think it's more likely that my misgivings were more driven by a self-conscious investment in representational identity politics. The image of Blackness in this meme appeared to me, a teenage Black suburban aspiring social justice warrior, as stereotypical; furthering the idea that all Black people were poor, prone to folksy turns of phrases and silly sayings, and naturally (or, rather, unnaturally, as compared to White people) high-spirited and energetic. It seemed to me that the reason it was okay to find these videos funny was that the Black people at the center of them weren't *really* suffering from the terrible events they recounted in their interviews, not in the way the presumed White viewer would. Even Dodson, so clearly angry in his interview footage, was fair game to laugh at because his mannerisms were so animated. The looping and visible cuts in the edits of the “Bed Intruder Song” video and the juxtaposition of crime scene footage with images of the Gregory Brothers dancing in dark sunglasses, were all meant to give the viewer permission to laugh. What I didn't realize at the time, what my persistent feeling of unease was trying to tell me, was that I was witnessing a form of digital commodity racism. That this genre of videos is a testament to the fact that every aspect of Blackness, including Black pain, is rendered as a consumable object within American culture, as endlessly remixable and memeable.

Rewatching the “Bed Intruder Song” now, I am struck instead by the strength of Dodson’s complaint. The most iconic aspect of the video is Dodson’s own words, which include Dodson’s instruction to the viewer described above as well as his address to his sister’s attacker while pointing at the camera: “You don’t have to come and confess that you did it. We’re looking for you.” Dodson’s instructions to the attacker place the video’s viral sound back within the context of an attempted crime, a jarring reminder that Dodson’s original statements were an expression of the claim to injury, both by Kelly, who is herself interviewed in the segment, and by Antoine on his sister’s behalf. Notably, Dodson doesn’t appeal to the viewer for help locating the attacker. Instead, he co-opts the television camera as a platform through which he will speak the arrest of sister’s attacker into being. I have previously highlighted the phrase “rendering a verdict,” which refers to the practice of reading the jury’s decision to a court. In this segment, Dodson renders his own verdict against the attacker, assuring him that they have proof of his guilt through their own testimony and that they will find and bring the attempted rapist to justice. Dodson’s declaration “You [the attacker] can run and tell that, homeboy” therefore performs a strikingly similar intervention as the Permit Patty video’s “The whole world gonna see you, boo,” both evoking a certainty that their respective interventions into an unjust situation will render real justice.

Rewatching Dodson’s original interview, I see now that the rendering of Dodson’s impassioned demand for justice—a process that was as much the work of the collective online community as it was the Gregory Brothers’—is a part of the legacy of strategies for stopping Black complaint. The commodification of Dodson’s interview into the “Bed Intruder Song” maintains the climate of anti-Blackness by suggesting that Black complaint and Black grief is only legible to White culture when it can be consumed as entertainment. The success of the

remixed video's circulation online also obscures the fact that the original video's complaint has gone unanswered. An *Us Weekly* article from 2010 notes that the Dodsons were able to move into a new house after the Gregory Brothers split the proceeds from "Bed Intruder Song" with them, before stating "Incidentally, he [Antoine] tells *Us* police still have no leads" on Kelly's attacker.⁵¹ At the time of this essay's writing, Kelly Dodson's attacker has still not been caught, though Antoine Dodson has been arrested several times.⁵²

In addition to the problem of making Black complaint legible in a way that cannot be revised or commodified, the "Bed Intruder Song" demonstrates the limitations of relying on the logics of visibility to bring about justice. It also raises the question of what constitutes redress. While we might feel comfortable saying that the arrest of Kelly's attacker would most certainly constitute some kind of justice, can adequate redress for an anti-Black climate be determined so easily? Regarding the alliterative name and Karen memes, does charging the White women at the center of these encounters offer justice for victims of White supremacist surveillance? Christian Cooper notably refused to participate in the criminal case brought against his harasser, Amy Cooper, the "Central Park Karen," writing in the *Washington Post*, "I've said all along that I think it's a mistake to focus on this one individual. The important thing the incident highlights is the long-standing, deep-seated racial bias against us black and brown folk that permeates the United States."⁵³ Christian Cooper's statement illustrates the limitations of turning to a trial-based framework of injury and redress for justice in a system that has historically held the Black body simultaneously responsible for and insensate to injury. The trial's approach to injury is designed to consider only individual claims to injury removed from their context within larger systems of oppression and violence. The criminal trial, therefore, cannot be relied on to dismantle the climate of anti-Blackness and may even reproduce this climate by directing

attention towards individual agents of White supremacy and away from systems. The focus on shaming and mocking the individuals at the center of the alliterative name and Karen memes online similarly diverts our attention from the more difficult, less fun work of intervening in the reproduction of anti-Blackness as climate. As the commodity racism of the “Bed Intruder Song” demonstrates, embracing memes over the registers of Black grief and activism they represent is to be complicit in the silencing and revision of Black complaint. Christian Cooper’s refusal to participate in the prosecution of his harasser reminds us of the foundational non-reproductive project of Black complaint.

Conclusion

We will not solve the problem of anti-Blackness by making memes, but they can provide us with a phenomenology of the institution—in this case the institution of White supremacy and anti-Black surveillance—that can inform our future work of complaint. The potential of the Black complaint as a form for addressing anti-Blackness and considering redress lies in its changeability. I wish to conclude by directing us back to the weather, which Sharpe refers to as where “antiblackness is pervasive *as* climate” but also as that which “produces new ecologies”⁵⁴ Sharpe’s definition of weather also describes the work of complaint, which produces new ecologies through its intervention into singularities of a toxic climate even when the individual complaint is stopped by the dominant institution. Considering the work of complaint allows us to view Permit Pattys and Karens as singularities of an anti-Black climate. Recognizing that the weather “necessitates changeability and improvisation,” that it creates the conditions for new potentialities,⁵⁵ allows us to appreciate these memes and viral videos for what they are—not failures but stopped complaints that nonetheless advance a phenomenology of Whiteness and White supremacy. The history of Black complaint is a history of failure, blockage, and

derailment.⁵⁶ The weather changes, and the way we consider exposure, injury, and justice will have to change with it.

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CONCLUSION

“Fade in the Water”

It seemed like August 3rd, 2023, would be just another normal day, until my TikTok FYP^{xli} began to show me a series of trending videos out of Montgomery, Alabama. I braced myself for another atrocity, having long become accustomed to learning about natural disasters, mass casualty events, and other crises from the front pages of social media platforms. However, as I scrolled and searched the trending tags, this newest social media spectacle surprised me in the best way.

The very first videos of what would become known as the Montgomery Riverfront Brawl, often shortened to just the Montgomery Brawl, offered little indication of the dramatic scene that would soon unfold. In these short videos uploaded to social media, passengers of the Harriot II riverboat complain that the boat is unable to dock at the waterfront due to a pontoon boat already docked there. According to later news reports, the captain of the Harriot tried for approximately 45 minutes to request via the Harriot’s PA system that the pontoon boat’s owners move their vessel, but these requests were ignored.¹ In the videos, frustrated passengers of the Harriot can be heard chanting the lyrics to rapper Ludacris’ “Move Bitch” as the riverboat’s co-captain, Damien Pickett, and a 16-year-old crew member are dispatched to the dock to move the pontoon boat. Shortly after, Pickett, a Black man, is aggressively confronted and attacked by the White owners and passengers of the pontoon boat as the passengers of the Harriot look on, and film, in horror.

^{xli} “For You Page:” a personalized feed of content curated by the algorithm of the popular social media app.

The order of the events that happened next have, by this point, mostly been established by later news reporting. However, the TikTok FYP, like the feeds of many popular social media platforms, does not present content to users in the order it was posted. For this reason, I witnessed the Montgomery Brawl in fragments via videos ranging from a few seconds to several minutes in length, saw the same event from multiple different angles, and saw other people's reactions to these videos, in immediate succession. Therefore, rather than present a complete chronology of events, I will instead highlight the most iconic images to emerge from the Montgomery Brawl and make note of the online reception and reaction to these images in the hours and days immediately following the event's virality:

- Just before Pickett is attacked by the White boaters, he removes his cap and throws it into the air. This moment has since been referred to by viewers of the Brawl videos as a kind of signal for what was to come.
- Pickett fights back but is outnumbered and beaten by the White boaters.
- A Black teenager leaps from the Harriot and swims over to the dock to defend Pickett. The footage of this moment would become one of the most iconic images to come out of the Montgomery Brawl, with the teen himself becoming the subject of online commentary and memes, including being dubbed "AquaMayne" and "Scuba Gooding Jr."
- The Harriot successfully docks. More, mostly Black, crew members and bystanders confront Pickett's assailants.
- In undoubtedly the most iconic image to emerge from the Montgomery Brawl, a Black man (often simply referred to as "Unc" in online memes and discussions) is captured on video attacking White boaters with a white folding chair.

The reaction to the videos of the Montgomery Brawl from Black online counterpublics was immediate and virtually unanimous: the Black bystanders and crewmembers of the Harriot had successfully intervened in a White supremacist, anti-Black attack and had doled out punishment to the perpetrators without the help of any predominantly White institution. While the FBI investigated and found no cause for hate crime charges to be brought against any of the suspects arrested during the brawl, some witnesses claimed that the White boaters shouted anti-Black

slurs at Pickett.² Regardless of what exactly was said, it was clear that the images captured of the brawl—particularly the images of Pickett being beaten by several White men—resonated with Black viewers, particularly in the context of the countless videos of Black people murdered or severely injured by police and White citizens over the past decades. As far as many viewers were concerned, the Black brawlers had prevented Pickett from becoming another Trayvon Martin, Ahmaud Arbery, or Rodney King. The brawl’s location in Montgomery, Alabama also struck many, including myself, as deeply symbolic given the city’s role as the birthplace of the civil rights movement. There is no shortage of fight videos on the internet, but anyone who watched the videos of the Montgomery Brawl that day or the next morning knew that this one was different.



Figure 39: Tiktok video of a person “practicing” swinging a folding chair (Source:@kulbreezy773).

That difference lies primarily in the iconic images and memes the videos of the fight produced and what they signified to their users. Chief among these memes was the image of the white folding chair. Users of Black Twitter almost immediately began to upload videos of

themselves posing with and swinging similar plastic folding chairs, splicing footage from the brawl with clips from blockbuster Black-led Hollywood films such as Quentin Tarantino's *Django Unchained* (2012) and Marvel's *Black Panther* (Ryan Coogler, 2018). Others compared the events of the brawl to the lyrics of Jason Aldean's "Try That in a Small Town," a popular country song at the time that attracted controversy after critics claimed it expressed support for vigilantism and lynching. In the music video for "Small Town," Aldean is shown performing in front of the Maury County Courthouse in Columbia, Tennessee—the site of the 1927 lynching of Henry Coate, an 18-year-old Black teenager—leading to the criticism that Aldean's ode to small-town camaraderie masked the anti-Black practices of surveillance and violence I have described throughout this dissertation.³ While Aldean took to Twitter to dispute the allegations that "Small Town" endorsed lynching—claiming that the song was about the "feeling of a community that I [Aldean] had growing up, where we took care of our neighbors, regardless of differences of background or belief"⁴—Black online counterpublics were unconvinced. Instead of "Small Town," the Montgomery Brawl memes found their soundtrack in Detroit Rapper Gmac Cash's "Montgomery Brawl." In a reversal of the commodity racism of "The Bed Intruder Song" discussed in the previous chapter, "Montgomery Brawl" represents a Black-centric media event from a distinctly Black perspective through a comedic recap of the brawl with lyrics like "And we got the first black man to swim to a fight" and "Shoutout bro with the chair."

In addition to the title "Montgomery Brawl," other names that the event was given online included the "Alabama Sweet Tea Party" and "Fade in the Water"⁵—two names that align the brawl with a culturally and historically important part of the founding narrative of the United States and with "Wade in the Water," a spiritual sung by enslaved Black Americans. What W.E.B. Du Bois' referred to as a "Sorrow Song" is transformed by way of a pun—a "fade" being

a specific hairstyle popular with Black men—into something deeply ironic, confrontational, and celebratory.⁶ These references to American history, and to the role of Black people in this history, not only serve to contextualize the events of the brawl and as a defense of its Black participants; they also testify in the court of public opinion to Black Americans' right to belong to the American imagined community. Indeed, the Montgomery Brawl memes, like the alliterative name and Karen memes, go even farther by implying that their Black subjects better represent the idealized values of American citizenship than their White antagonists.



Figure 40: Many memes about the Montgomery Brawl, including this one of Django (Jamie Foxx) wielding the iconic folding chair, draw from popular entertainment media and/or the legacy of American slavery (Source: @BigKneeCuh on Twitter).

Since the brawl, some commenters have argued that the white folding chair represents an entry into the archive of unassuming everyday objects that become iconic through their use in protests.⁷ Another example of this phenomenon was seen in 2020, when cans of soup became an

internet meme during the nationwide protests following the murder of George Floyd, after an interview in which President Donald Trump baselessly claimed that protesters were throwing cans of soup at police. In the subsequent short-lived meme, dubbed “soup for my family” after a particularly bizarre soundbite from Trump’s interview, internet users filmed themselves reenacting what these alleged soup-throwing attacks would look like. The meme’s popularity culminated in at least one instance of an individual bringing a can of soup to a protest and repeating the “soup for my family” line to gathered media.⁸ I contend that, despite their different origins, the Montgomery Brawl memes are as overtly political as the “soup for my family” meme. Like the alliterative name and Karen memes discussed in the previous chapter, the popularity of the Montgomery Brawl among Black online counterpublics was due largely to how the videos of the brawl were understood to testify to the reality of quotidian experiences of anti-Blackness.



Figure 41: A still of two young people pantomiming Donald Trump’s “soup for my family” interview (Source: @arinsquirrel98). At the time of this writing, the video has 1.7 million likes and has been shared 144k times.

I've chosen to end this dissertation with the Montgomery Brawl because it represents three key trends I have identified throughout this project. Firstly, the Montgomery Brawl's iconicity demonstrates the increased significance of public opinion in rendering justice and the decreased importance of official responses in the public eye. What stood out to me about the Montgomery Brawl memes is how little they center the police's response to the brawl or the criminal charges and trials that followed. I contend that this is because the viewers of these videos had already collectively rendered their verdict on both the physical fight at the dock and the event's media coverage and online reputation. Just as digital media technologies have increased the speed at which we consume information, the justice of jurification has long outpaced the rendering of justice from the American legal apparatus.

The response to the videos of the brawl also demonstrates something rarely seen in contemporary public discourse: general consensus. As discussed previously, the dominant interpretation of the video was that Pickett was a hero, that the White boaters were at fault, and that the bystanders who intervened were the vehicles of justice. My experience was that the support for brawlers on TikTok was interracial, with a diverse collection of users making videos cheering on "AquaMayne" and "Unc with a chair." Even the responses from traditional authorities seemed to support this popular interpretation of the brawl, with Montgomery's mayor stating that: "It's easy to Monday-morning quarterback the situation when you're not in it, but I certainly understand those who took the notion to try to defend ... someone they thought was being mistreated."⁹ The Montgomery Brawl therefore demonstrates how the appeal to the public as the ultimate source of authority for rendering justice can be used to create feelings of connection between individuals and a sense of belonging to an imagined community.

The way that the Montgomery Brawl was able to so effectively unite public opinion further demonstrates how digital media structures that privilege engagement and connectivity shape the way their users make sense of and communicate information. I experienced first-hand how engagement with videos of the Montgomery Brawl trained the TikTok algorithm to show me more videos and memes about the fight. While I am not in the business of creating content for social media platforms, I understand that online content creators are similarly habituated to produce content about trending topics to most effectively disseminate their content to others. The trend of users filmed themselves swinging chairs offered viewers of the original brawl videos an opportunity to participate directly in the viral moment, much like how conspiracy media also invites their consumers to actively and creatively engage with the text. The Montgomery Brawl memes' references to and appropriation of images from popular films, video games, and songs—what Henry Jenkins refers to as “textual poaching”¹⁰—similarly evoke the improvisational borrowing and investment in entertainment media seen in contemporary conspiracy epistemology. This is significant, as the Montgomery Brawl demonstrates that this style of online participatory culture is not unique to conspiracy epistemology or inherently paranoid, opening the potential for this kind of participatory engagement to be used in the project of seeking real justice.

Finally, the Montgomery Brawl represents another example of recorded media as testimony. However, in this case, there is a sense that the videos of the unfolding crisis—a Black man attacked by several White people—both recorded the memory of the event and intervened to resolve it. In this way, the videos of the Montgomery Brawl not only provide testimony or evidence, but they effectively serve as the courtroom itself. As Gmac Cash's song states: “Ayy, now y'all done started some shit so we gon' finish it/And this time everybody 'bout to witness it.”

When considering how digital media technologies work to create a sense of immediacy and engagement through witnessing, the “we” in Gmac Cash’s song can be interpreted as referring to both participants of the brawl and the viewers of the video. Additionally, despite representing allegedly anti-Black violence, the memes and original Montgomery Brawl videos do not operate within the traditional binary of the pro- and anti-Tom images and narratives of victimhood that have defined the representation of Blackness in the American cultural life of the trial that I discussed in Chapter One. Instead, Pickett is rendered as neither the victim nor the perpetrator of injury, but as a hero.

Ultimately, the celebratory and playful nature of the Montgomery Brawl memes remind us of the critical importance of reclaiming pleasure in looking in order to develop an oppositional gaze.¹¹ In Chapter Three, I conclude that conspiracists already understand that cultivating pleasure in looking is necessary for developing a conspiracy epistemology—that is, a specific way of seeing and rendering meaning from the world around them. Similarly, I have argued in Chapters One and Two for the value of infotainment—as demonstrated by the podcast *Knowledge Fight* and true crime media—as a medium for preserving testimony and seeking justice elsewhere. The radical practice of reclaiming pleasure in looking is also legible in my introduction’s analysis of the images of Eazy-E posturing and mocking the cop from the freedom of his convertible N.W.A.’s “Straight Outta Compton” music video. Ultimately, public spectacle—of which the trial remains the preeminent American example—always contains some element of viewing pleasure even as it concerns the high-stakes project of rendering justice. In other words, the growing significance of the jurified spectator to public life can be explained, in no small part, because it is *fun* to be jurified. Ultimately, I am arguing that pleasure—and especially Black pleasure, and the pleasure of the marginalized subject—therefore needs to play

a central role in the ongoing projects of seeking justice and developing new ways of seeing, as well as within future scholarship in the fields of media and visual culture studies.

My future research will further theorize the intersections between legal and popular culture, the democratization of knowledge in digital media spaces, and the operation of racialized visibility. Since I began writing this dissertation, many media events have occurred which could each be the focus of their own chapter, the Montgomery Brawl being just one example. Additionally, these media events often develop further meaning (dare I say, resonances?) with current political and social events. For example, while the Montgomery Brawl memes' lack of focus on the legal outcomes of the fight may have seemed of little consequence in 2023, given the second Trump administration's current attempts to undermine the rulings of the judiciary branch and eliminate due process, the Montgomery Brawl's representation of a broader trend towards the decreasing significance and authority of judicial rulings in the public eye now carries serious and immediate implications for civil liberties and protections of Americans and non-Americans alike. These alarming developments in American politics stress the renewed importance for scholars in American, media, and visual culture studies to engage in timely and relevant interventions into the phenomenon of jurification.

Some other issues for future study might include the increasing prevalence of the amateur genealogist/forensic analyst as a new sub-type of the citizen sleuth I theorize in Chapter Two, a figure that opens possible lines of future inquiry into the fields of surveillance studies and biopolitics. Another potential topic of interest that brings together the American legal system, contemporary conspiracy epistemology, and the changing status of the expert is the American sovereign citizen movement: a specific movement within contemporary conspiracy epistemology

based in a reimagined narrative of American history that holds that its followers—sovereign citizens—are separate, sovereign individuals exempt from following laws or paying taxes.¹² However, it is also my hope that my theories of the jurified spectator, rendering, and conspiracy epistemology are put to use in future studies of media texts, objects, and events far outside the scope of this dissertation. As I have contended throughout this project, the nature of American media culture today is constantly updating; as I am writing this, new user-generated content is being uploaded, social media platforms are rising and falling in popularity, and on and off-line counterpublics are developing different (and potentially contradictory) ways of seeing and rendering meaning. The four previous chapters of this dissertation offer models for future interventions that aim to contribute to our collective understanding of the project of seeking justice in the Information Age. In other words, my invitation to the reader of this dissertation is to do your own research.

Chapter Notes

¹ Alta Spells Andone Nouran Salahieh, Ryan Young, Devon M. Sayers, Dakin, “Fourth Person Charged in Connection with Brawl at Montgomery Riverfront Dock,” *CNN*, August 9, 2023, <https://www.cnn.com/2023/08/09/us/montgomery-boat-dock-fight-what-we-know/index.html>.

² Andone.

³ Emily Olson, “How Jason Aldean’s ‘Try That in a Small Town’ Became a Political Controversy,” *NPR*, July 20, 2023, sec. Music, <https://www.npr.org/2023/07/20/1188966935/jason-aldean-try-that-in-a-small-town-song-video>.

⁴ Jason Aldean [@Jason_Aldean], “In the Past 24 Hours I Have Been Accused of Releasing a Pro-Lynching Song (a Song That Has Been out since May) and Was Subject to the Comparison That I (Direct Quote) Was Not Too Pleased with the Nationwide BLM Protests. These References Are Not Only Meritless, but Dangerous.” Tweet, *Twitter*, July 18, 2023, https://x.com/Jason_Aldean/status/1681382697875144717.

⁵ Stephanie Holland, “Best Memes, Reactions to the Montgomery Riverboat Brawl,” *The Root*, August 7, 2023, <https://www.theroot.com/fade-in-the-water-here-are-the-best-memes-reactions-t-1850714646>.

⁶ W. E. B. Du Bois, *The Souls of Black Folk*, ed. Brent Hayes Edwards (Oxford, UNITED KINGDOM: Oxford University Press, Incorporated, 2009), <http://ebookcentral.proquest.com/lib/brown/detail.action?docID=415969>.

⁷ Frank Rojas, “Place to Sit, or Symbol of Resistance? The Evolution of the Folding Chair,” *The New York Times*, August 26, 2023, sec. Style, <https://www.nytimes.com/2023/08/26/style/folding-chair-alabama-riverfront-brawl.html>.

⁸ Jamie Ross, “Daunte Wright Protester Says He Brought ‘Soup for My Family,’” *The Daily Beast*, April 15, 2021, <https://www.thedailybeast.com/daunte-wright-protester-says-he-brought-soup-for-my-family-gives-cheeky-wink-to-camera/>.

⁹ Rojas, “Place to Sit, or Symbol of Resistance?”

¹⁰ Henry Jenkins, *Textual Poachers: Television Fans and Participatory Culture* (Taylor and Francis, 2012), <https://doi.org/10.4324/9780203114339>.

¹¹ bell hooks, "The Oppositional Gaze: Black Female Spectators," in *Black Looks: Race and Representation* (New York: Routledge, 1992), 115–33.

¹² J. M. Berger, "Without Prejudice: What Sovereign Citizens Believe," 2016.

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