

Reality TV: Deja Vu All Over Again? **Kristen Fuhs**

Reality Crime Television in the 1950s

Nonfiction and reality crime programming has been a staple of network and cable television in the United States since the debut of *America's Most Wanted*, *Cops*, and *Unsolved Mysteries* in the late 1980s. However, contemporary nonfiction and reality-based programs about the American criminal justice system have a much longer historical precedent. Advancements in technology – both cinematic and forensic – have altered the format and focus of these programs, but the ideological and political underpinnings of these programs have changed little over the past 60 years.

Although documentary television in the postwar era had been primarily journalistic in nature – historical programs that drew on pre-war and wartime newsreel footage – the realist impulse that emerged in the wake of WWII found its way into genre fare that showcased the subjects of true crime and legal justice. Many of these programs evinced a concern with the authenticity of their subject matter and some modeled the modes of interactivity and participatory culture that we've come to associate with contemporary reality television. *Gang Busters* (NBC, 1952), for example, took its stories from actual police and FBI files and broadcast pictures of the country's most wanted criminals at the end of each episode while inviting viewers to call in with information.

Live and unscripted courtroom dramas also proliferated in the 1940s and 50s. *Famous Jury Trials* (DuMont 1949-52), *Your Witness* (ABC 1949-50), and *The Black Robe* (NBC, 1949-50) all reenacted real cases in a courtroom setting. *Stand by For Crime* (ABC, 1949) and *Armchair Detective* (CBS, 1949) relied on audience participation, inviting viewers and guest stars to solve reenacted cases. *They Stand Accused* (DuMont, 1949-1952, 1954) also acted out courtroom cases on live television; but, in this series, although actors were cast to play witnesses, practicing attorneys "litigated" the trials while the studio audience rendered final verdicts as the jury.

For the purposes of this roundtable, however, I'd like to draw our attention to a little-known television program that NBC aired during the 1957/58 television season. *The Court of Last Resort* was a scripted program that drew on actual wrongful conviction cases to profile miscarriages of justice and the legal experts who worked to right them. As originally conceived, the program would have been quite distinctive for its time. The initial idea had been to film the program as a series of investigative documentaries exploring individual cases of wrongful conviction. Like contemporary programs such as *Crime 360* (A&E, 2008-) or *Forensic Files* (TruTV, 2000-), it was to combine nonfiction footage with interviews and dramatized reenactments in order to publicize actual cases and engage the public in a political conversation about the social and moral implications of wrongful conviction.

However, differences of opinion between the show's creators, the sponsor and the producer ultimately resulted in a bastardization of the show's original conceit. Rather

than film each episode as a documentary, actors were hired, real stories were fictionalized, and a ruling logic of “fiction with the illusion of reality” was agreed upon. On the one hand, this was a practical industrial concession: budgetary restrictions, technological limitations, and the time constraints involved in filming a weekly program made a scripted series easier and more economical to produce than a documentary (circumstances of production that have clearly changed in the intervening decades.) But, a “fiction with the illusion of reality” ethos also had epistemological and ideological implications regarding how truth was to be represented in televised true crime narratives.

Even though *The Court of Last Resort* eventually eschewed a documentary format, it might still be read as a model for later socially conscious documentary and reality-based television about the inner-workings of the criminal justice system. Although “fiction with the illusion of reality” was an ideological and epistemological compromise, the producers hoped this style would still allow for a sort of provocative mimesis in which viewers would be able to see the social reality underlying the recreation. Like later reality and documentary television programs that raised ideological issues about the nature of surveillance and the construction of community, *The Court of Last Resort* tried to model behavior by engaging viewers in the process of effecting direct social change.

This tension between reality and representation is one that is still present in debates about reality television and so looking back to *The Court of Last Resort*, along with other unscripted and reality-based legal programs of the era, allows us to explore the enduring social, political, and ideological influence these programs have had on public perceptions about crime and the American legal system. They reaffirm the unshakable power of the true crime narrative – both on industrial business models and on audience imaginations.