

TROUBLED WATERS: MID-TWENTIETH CENTURY AMERICAN SOCIETY ON “TRIAL” IN THE FILMS OF JOHN WATERS

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I. INTRODUCTION

Iconoclast filmmaker John Waters grew up in racially segregated Baltimore, Maryland during the stifling conformity of the 1950s and early 1960s.¹ Waters, now an openly gay man,² came of age as a filmmaker in the late sixties.³ As a young man, he lived in a closed society where racial mixing⁴ and homosexual sodomy were illegal.⁵ Furthermore, the emerging American youth countercultures—the hippies, anti-war and student movements in the 1960s⁶—greatly influenced his work. The social and political unrest during this decade often resulted in confrontations with the

* © 2009, Taunya Lovell Banks. All rights reserved. Jacob A. France Professor of Equality Jurisprudence, University of Maryland School of Law. The Author thanks the journal editors for their assistance with this Article.

1. Robrt L. Pela, *Filthy: The Weird World of John Waters* 1 (Alyson Publications 2002); see generally Barbara Mills, *Got My Mind Set on Freedom: Maryland's Story of Black and White Activism 1663–2000* (Heritage Books, Inc. 2002) (explaining Maryland's history of segregation).

2. Although not a gay activist, in the early 1970s Waters acknowledged that “a gay sensibility influenced and shaped his films.” Pela, *supra* n. 1, at 97.

3. *Id.* at 48.

4. See generally e.g. *McLaughlin v. Fla.*, 379 U.S. 184 (1964) (striking down a state statute authorizing more severe penalties for interracial cohabitation and adultery); *Naim v. Naim*, 350 U.S. 985 (1956) (avoiding a decision addressing validity of Virginia's anti-miscegenation law); Harvey M. Applebaum, *Miscegenation Statutes: A Constitutional and Social Problem*, 53 Geo. L.J. 49 (1964) (discussing the history of miscegenation laws and their constitutionality); Susan J. Grossman, *A Child of a Different Color: Race as a Factor in Adoption and Custody Proceedings*, 17 Buff. L. Rev. 303 (1968) (discussing state laws barring interracial adoptions).

5. See e.g. *Bowers v. Hardwick*, 478 U.S. 186, 189 (1986) (upholding the constitutionality of a Georgia law prohibiting homosexual sodomy), *overruled*, *Lawrence v. Tex.*, 539 U.S. 558 (2003).

6. See generally Pela, *supra* n. 1 (explaining how Waters was influenced during his youth).

authorities.⁷ Participants in these social movements used the media, especially television, to exploit their arrests and gain support for their causes prior to and during trial.⁸

It is unsurprising, given this environment, that John Waters loves trials.⁹ During his early filmmaking years he observed several high-profile court cases across the country until fans and the press began to recognize him.¹⁰ Waters finds “trials . . . the most entertaining of all American spectacles . . . better than the theater, and except for a few special cases, much more thrilling than the movies.”¹¹ In his formative years, as an outsider, filmmaker Waters used illegality and deviance to depict a fanciful world steeped in its own morality at direct odds with the popular culture and mores of the time.¹² To “shock” his audiences he used “sexual deviants,” transvestites, and fetishists who engaged in sexual and criminal behavior deemed beyond the pale by even the most adventuresome movie-going audiences.¹³ In this Article, I argue that what makes many of these early films so subversive is Waters’ use of the “white trash”¹⁴ body—people marginalized by and excluded from conventional white America—as countercultural heroes. He used the “white trash” body as a surrogate for talk about race and sexuality in the early 1960s.

7. See e.g. Wikipedia, *Students for a Democratic Society (1960 Organization)*, [http://en.wikipedia.org/wiki/Students_for_a_Democratic_Society_\(1960_organization\)](http://en.wikipedia.org/wiki/Students_for_a_Democratic_Society_(1960_organization)) (accessed Mar. 28, 2010) (examining how the student protest movement spread across America and clashed with law enforcement in the 1960s).

8. See e.g. Brian Donovan, *Trial of Harrisburg 7 Arouses Mainly Apathy*, *The Spokesman-Review* (Spokane, Wash.) 5 (Mar. 19, 1972) (available at <http://news.google.com/newspapers?nid=1314&dat=19720319&id=8MQRAAAIBAJ&sjid=LOODAAAIBAJ&pg=7224,2039908>) (reporting that the defendants in the popular “Harrisburg 7” trial “planned to use the attention [of the news media] to make the country understand the beliefs that had brought them to the courtroom”).

9. Ken Plume, *Fred, Interview: John Waters*, <http://www.asitecalledfred.com/2008/07/01/interview-john-waters/> (July 1, 2008) (accessed Mar. 28, 2010).

10. *Id.*

11. John Waters, *Shock Value: A Tasteful Book about Bad Taste* 114 (Thunder’s Mouth Press 2005); see *id.* (stating that “the lowest court . . . was reality TV before there was such a thing”).

12. See Pela, *supra* n. 1 at 18–35 (describing a scene in Water’s first film, *Hag in a Black Leather Jacket*, in which a Ku Klux Klan member presides over an interracial marriage).

13. See generally Pela, *supra* n. 1 (describing the seditious characters Waters used to shock his audience); Waters, *supra* n. 11 (detailing the plots and characters in Water’s movies).

14. The editors recognize the racially charged overtones this term carries; however, it is impossible to navigate the work of John Waters without invoking such language.

Today Waters, once an “anti-establishment voice . . . has become an institution.”¹⁵ But he remains slyly subversive, even in his later, more commercial films, like *Hairspray*¹⁶ and *Serial Mom*.¹⁷ His humorous and often shocking social commentaries condemn societal rules and laws that make his characters—and many viewers—feel like outsiders.¹⁸ I argue that in many ways Waters’ critiques of mid-twentieth century American culture reflect the societal changes that occurred in the last forty years of that century. These societal changes resulted from the civil rights, gay pride, student, anti-war, and women’s movements, all of which used social protest and the legal process as vehicles for social change.¹⁹

Murder trials, in particular, are prone to becoming media circuses because the public “want[s] to be part of the drama.”²⁰ Trials have always had an entertainment component. During the colonial era the governing elites used public trials as “overt dramas” designed to impart moral codes to youth and reinforce these codes to “the lower orders.”²¹ Public execution served a similar role until it devolved into entertainment, rather than a moral les-

15. Daniel Mudie Cunningham, *Senses of Cinema, John Waters*, “Good Bad Taste,” <http://archive.sensesofcinema.com/contents/directors/03/waters.html> (accessed Oct. 14, 2009). Waters’ status as an outsider was modified somewhat after the success of the Broadway musical, *Hairspray*, based on his 1988 film of the same name. *Id.*

16. *Hairspray* (New Line Cinema 1988) (motion picture). The 1988 film *Hairspray*, a moderate success, later became a cult classic and was adapted into a Tony Award-winning Broadway musical in 2003. It garnered such a following that Director Adam Shankman released a 2007 version, featuring John Travolta, Michelle Pfeiffer, Queen Latifah, Zac Efron, and Amanda Bynes. A.O. Scott, *Hairspray* (2007), <http://movies.nytimes.com/2007/07/19/movies/19hair.html> (accessed Oct. 7, 2009).

17. *Serial Mom* (Polar Entertainment Corp. 1994) (motion picture).

18. Pela, *supra* n. 1, at 105–110.

19. Mills, *supra* n. 1, at 145; see e.g. *Brown v. Bd. of Ed.*, 347 U.S. 483 (1954) (outlawing racial segregation in public schools); *Reed v. Reed*, 404 U.S. 71 (1971) (striking down a state law preferring males over females as administrators of estates).

20. Waters, *supra* n. 11, at 125.

21. Lawrence M. Friedman, *Lexitainment: Legal Process as Theater*, 50 DePaul L. Rev. 539, 541 (2000).

son, and was removed from public view.²² Trials, however, remained largely public arenas.²³

Today, trials, especially criminal trials, remain venues designed to “enforce[] and publicize[] a code of norms. [They] dramatize[] law and morality.”²⁴ During the colonial period, communities were small, so there was no need for an external actor, like the news media, to mediate or interpret the trial process for the public.²⁵ But things changed as towns and cities grew larger. Increasingly, the media—press, radio, television, film, and the Internet—turned both high-profile trials and certain types of criminality into entertainment.²⁶ Many years earlier, the renowned jurist Learned Hand speaking at the memorial services for another well-known jurist, U.S. Supreme Court Justice Louis Brandeis, remarked, “The hand that rules the press, the radio, the screen and the far-spread magazine, rules the country.”²⁷ In other words, the media has the power to present counter-narratives about law, trials, and criminality. In many ways, John Waters uses his films as counter-narratives of mid-twentieth century mores and as critiques of the increasingly disruptive effect of media forces in glamorizing criminality. In films like *Pink Flamingos*,²⁸ *Female Trouble*,²⁹ *Hairspray*,³⁰ *Crybaby*,³¹ and *Serial Mom*,³² Waters puts the American society of the late 1950s, early 1960s, and the media on trial.

22. *Id.* In some states, hangings attracted large crowds to parks and town centers. “Increasingly, public hangings were less a solemn, ‘civic ritual of retribution and reconciliation’ and more a festive bout of ‘drunkenness, gambling, profanity and almost all kinds of debauchery’ around the gallows.” Gilbert King, *The Execution of Willie Francis: Race, Murder, and the Search for Justice in the American South* 216 (Basic Civitas 2008).

23. Friedman, *supra* n. 21, at 542. Friedman reminds us that lynchings remained a public, albeit illegal, form of punishment because they were intended to terrorize and intimidate non-whites in particular. *Id.*

24. *Id.*

25. *Id.* at 544.

26. *Id.* at 542.

27. Gary A. Hengstler, *Pressing Engagements: Courting Better Relationships between Judges and Journalists*, 56 Syracuse L. Rev. 419, 419 (2006) (citing Jon M. Garon, *Entertainment Law*, 76 Tul. L. Rev. 559, 560 (2002) (quoting Learned Hand, *Mr. Justice Brandeis, The Spirit of Liberty: Papers and Addresses of Learned Hand* 127, 132 (Irving Dillard ed., 1959))).

28. *Pink Flamingos* (Dreamland 1972) (motion picture).

29. *Female Trouble* (Dreamland 1974) (motion picture).

30. *Hairspray*, *supra* n. 16.

31. *Crybaby* (Universal 1990) (motion picture).

32. *Serial Mom*, *supra* n. 17.

The media spectacle surrounding the trial of the Manson family especially fascinated Waters, as evidenced by the media's role as interpreter in many of his films.³³ In *Pink Flamingos*, *Female Trouble*, and *Serial Mom*, Waters slyly exposes the media's complicity in publicizing and glamorizing social deviance and criminality.³⁴ His critiques, dating back to the early 1970s, reflect the views of more contemporary legal commentators who fear that trials, like public executions, have become more spectacle and entertainment than educational opportunity. Lawrence Friedman, for example, writes that "high profile trials . . . [are s]how trials, depend[ent] on the media for their effect."³⁵

Somewhat surprisingly, given Waters' love of trials, his films are understudied, and discussion of his films in law journals is non-existent. Outwardly, Waters seems to relish this lack of attention, reportedly saying, "I pride myself on the fact that my work has no socially redeeming value."³⁶ This lack of attention, most notably the lack of scholarly commentary, may be attributed to the fact that his films are difficult to view and are offensive to many Americans.³⁷ In 1972, renowned Village Voice film critic Jack Smith referred to Waters' cult classic, *Pink Flamingos*, as

33. The 1970 trial of Charles Manson and his followers generated international publicity due both to the prominence of the murder victims and the gruesome nature of the killings. "The media's revelations focused primarily on the savageness of the killings, the absence of clues revealing the identities of the perpetrators, and certain details about the private lives and relationships of the victims." *People v. Manson*, 61 Cal. App. 3d 102, 173 (1976) (holding that the defendant was guilty of organizing the murders of prominent individuals). For a discussion of the case, see Doug Linder, *The Charles Manson (Tate-LaBianca Murder) Trial*, <http://www.law.umkc.edu/faculty/projects/ftrials/manson/mansonaccount.html> (accessed Oct. 19, 2009).

34. In *Pink Flamingos*, the media promulgates the "filthiest person alive" title, and the local media flocks to record a "live homicide" replete with acts of cannibalism and sexual perversions. *Pink Flamingos*, *supra* n. 28. In *Female Trouble*, the delusional protagonist thanks her fans who have "read about [her] in the newspapers and watch[ed] [her] on the television news shows" as she is strapped to an electric chair, awaiting imminent execution. *Female Trouble*, *supra* n. 29. In *Serial Mom*, the protagonist becomes a media sensation, wherein the media glamorizes her murderous escapades, offering a bio-pic, merchandise, and scheduled television appearances. *Serial Mom*, *supra* n. 17.

35. Friedman, *supra* n. 21, at 545.

36. The Internet Movie Database, *Biography for John Waters*, <http://www.imdb.com/name/nm0000691/bio> (accessed Oct. 7, 2009).

37. See e.g. *Pink Flamingos*, *supra* n. 28. *Pink Flamingos* follows a couple who compete for the title of the "filthiest people alive" by abducting and impregnating female hitchhikers and selling their babies to lesbian couples, using the proceeds to finance heroin dealing in schools.

the kind of film that is “so uncommercial it’s ultimately commercial.”³⁸ But other films, notably *Hairspray* and *Serial Mom*, are more commercial and accessible.³⁹

Part II of this Article examines Waters’ somewhat raw and unfocused critique of mainstream American society, while in his twenties and early thirties. I argue that, in his early films, Waters uses the “white trash” body as a cover for talk about race and sexuality. During the 1950s and early 1960s non-whites, especially blacks, were barely visible in mainstream society because of racial segregation laws and practices.⁴⁰ Additionally, blacks were marginalized on the silver screen and were portrayed largely as exotics or servants.⁴¹ Likewise, gay men, lesbians, transsexuals, and transgendered individuals were also invisible in society and in film.⁴² Waters opines that “RACE is still the best way to scare

38. Jack Smith, *Pink Flamingos*, in *The Village Voice Film Guide: 50 Years of Movies from Classics to Cult Hits 197* (Dennis Lim ed., John Wiley & Sons, Inc. 2007).

39. *Hairspray* became a mainstream film and included a cast of Sonny Bono and Ricki Lake. It was nominated for seven awards in 1989 at the Independent Spirit Awards, including Best Director and Best Screenplay (John Waters). The Internet Movie Database, *Hairspray*, <http://www.imdb.com/title/tt0095270/> (accessed Oct. 7, 2009). Likewise, *Serial Mom* featured a star-studded cast of Kathleen Turner, Sam Waterston, and Ricki Lake. The Internet Movie Database, *Serial Mom*, <http://www.imdb.com/title/tt0111127/> (accessed Oct. 7, 2009). *Serial Mom* grossed approximately \$7.8 million. Wikipedia, *Serial Mom*, http://en.wikipedia.org/wiki/Serial_Mom (last modified Mar. 28, 2010).

40. See generally e.g. The Fair Housing Act of 1968, 42 U.S.C. § 3601–3619 (2006) (demonstrating the pervasiveness of racial discrimination and requiring the enactment of The Fair Housing Act of 1968, prohibiting discrimination based on race in the rental, sale, and financing of apartments and houses); Title VII of Civil Rights Act of 1964, 42 U.S.C. § 2000(e)–2000(e)(17) (2006) (prohibiting discrimination based on race in employment); Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(a)–2000(a)(6)(b) (2006) (prohibiting discrimination by places of public accommodations involved in interstate commerce).

41. See generally Donald Bogle, *Toms, Coons, Mulattoes, Mammies & Bucks: An Interpretive History of Blacks in American Films* (4th ed., Continuum Intl. Publg. Group 2001) (chronicling the evolving cinematic portrayal of African-Americans throughout the twentieth century in film); Peter X Feng, *Introduction*, in *Screening Asian Americans* 1–18 (Peter X. Feng ed., Rutgers 2002) (discussing the Asian dynamic of racism in the American mainstream, particularly in cinematography, over the nineteenth and twentieth centuries); Clara Rodriguez, *Heroes, Lovers, and Others: The Story of Latinos in Hollywood* (Oxford U. Press 2008) (outlining that the status of Latinos in American film is more complex than that of blacks or Asians).

42. See generally Vito Russo, *The Celluloid Closet: Homosexuality in the Movies* 108–123 (Harper & Row 1987) (chronicling the latent and, at times, hostile portrayal of homosexuality on the American movie screen from the 1950s to the 1970s); Richard Barrios, *Screened Out: Playing Gay in Hollywood from Edison to Stonewall* (Routledge 2003) (interpreting movie scenes from the 1920s to modern times to portray latent homosexual attraction).

people. And sex.”⁴³ But race was perhaps too explosive an issue for southerner Waters to address directly in film during the early 1970s. As a result, he uses the “white trash” body as a surrogate to question the exclusion of non-whites, as well as sexual outsiders, from mainstream American society in the 1950s and 1960s. He addresses the racial mores of his Baltimore childhood more directly in his later film, *Hairspray*, released after the civil rights movement ended and racial integration became more acceptable.⁴⁴ Thus, *Hairspray*, unlike his other films, is a backward-looking romanticized critique of early 1960s Baltimore.

In Part III, I argue that the one consistent theme throughout Waters’ films is the role of the press in glamorizing social deviancy and, in some cases, encouraging criminal behavior. The theme first appears in Waters’ classic film *Pink Flamingos* and was the driving force of another early film, *Female Trouble*.⁴⁵ But I argue that the media’s complicity in glamorizing criminality is more fully realized in Waters’ later, and more commercially successful film, *Serial Mom*. In that film, Waters uses a 1950s icon, the all-American mom, as his serial killer protagonist—a woman who kills people who break social rules.⁴⁶ In the traditional sense, these films suggest that intense media scrutiny influences judicial outcomes.

Although the films I discuss in this Article are set largely in the 1960s, many of the themes they raise—acceptance of difference, a rejection of exclusionary mores, and the media’s disruptive role in the quest for justice—continue to have currency. John Waters, a risk taker in his early films, cleverly crosses racial and sexual boundaries avoided by most filmmakers during this era. He uses humor to make his viewers question existing social and legal norms. In many ways, his later, more commercial films deliver a less subversive message about rule-breaking.

43. Lydia Lunch & Gene Gregorits, Dreamland News, *Interview with John Waters from Sex and Guts Magazine*, http://www.dreamlandnews.com/print/articles/lydia_lunch.shtml (accessed Mar. 28, 2010).

44. *Hairspray* was released in 1988, sixteen years after the Equal Employment Opportunity Act was passed, and four years after Jesse Jackson became the first African American man to make a serious bid for the presidency of the United States. Public Broadcasting Service, *African American, World Time Line: Modern Times (1972–Present)*, http://www.pbs.org/wnet/aaaworld/timeline/modern_01.html (accessed Oct. 7, 2009).

45. *Female Trouble*, *supra* n. 29.

46. *Serial Mom*, *supra* n. 17.

II. THE “WHITE TRASH” BODY: USING CLASS AS A COVER FOR RACE AND SEX TALK

A. The “White Trash” Films

Pink Flamingos, *Female Trouble*, and *Desperate Living*⁴⁷ have been dubbed “the trash trilogy,”⁴⁸ short for “white trash.” The term “white trash” reportedly originated in Maryland in the early part of the nineteenth century as a pejorative term directed at poor whites and attributed to blacks, with whom poor whites often were in economic competition.⁴⁹ Middle-class and elite whites quickly adopted the term to “ascribe[] a deeply ambiguous, liminal status” to white servants who labored in a slave-holding society.⁵⁰ So, there is something especially fitting about Baltimore-born Waters’ use of characters who proudly proclaim themselves as “white trash.” Waters’ “white trash” characters, pioneers of bad taste,⁵¹ offer viewers an alternate world with different values or, at the very least, a rebellious and largely invisible segment of mid-twentieth century American society—a world in transition.

The term “white trash,” when it appears in legal literature, is an undefined short-cut reference to poor whites.⁵² Sociologist Matt Wray writes that the term “conjures images of poor, ignorant, rac-

47. *Desperate Living* (Charm City Prods. 1977) (motion picture).

48. Sarah Snider, Culture Wars, *The John Waters Trash Trilogy: Pink Flamingos (1972), Female Trouble (1974), Desperate Living (1977)*, <http://www.culturewars.org.uk/2007-06/trash.htm> (accessed June 19, 2007). Snider writes that trash culture “died when pornography became legal and when bodies were purportedly recontextualised in a space of ‘the sexual,’ where class and other social factors seemed to fade into the background.” *Id.* According to Waters “trash became punk, and then punk became sort of normal.” David Rimaneli & Rhonda Lieberman, *Artforum Intl. Mag.*, *Interview with John Waters*, (Mar. 1994) (available at http://findarticles.com/p/articles/mi_m0268/is_n7_v32/ai_15329499?tag=content;col1).

49. See generally Matt Wray, *Not Quite White: White Trash and the Boundaries of Whiteness* (Duke U. Press 2006) (tracing the roots of the term “white trash”).

50. *Id.* at 43.

51. Cunningham, *supra* n. 15.

52. Robert N. Strassfeld, *Torture on the War on Terror: American Innocence*, 37 *Case W. Res. J. Intl. L.* 277, 303–305 (2006); Laurence Thomas, *Equality and the Mantra of Diversity*, 72 *U. Cin. L. Rev.* 931 (2004); see e.g. Fran Ansley, *Inclusive Boundaries and Other Impossible Paths Toward Community Development in a Global World*, 150 *U. Pa. L. Rev.* 353, 393 (2001) (discussing the plant-closing movement and aspirations toward egalitarianism and economic justice); Debra Lyn Bassett, *The Hidden Bias in Diversity Jurisdiction*, 81 *Wash. U. L. Q.* 119 (2003) (portraying individuals perceived as “white trash” as slow witted and inbred).

ist whites: trailer parks and wife beaters, too many kids and not enough government cheese.”⁵³ He adds that it’s “hard to care about such people. It’s even harder to take them seriously.”⁵⁴ Historically, black Americans were similarly stereotyped as poor and ignorant with too many children.⁵⁵

A critical examination of the term “white trash” discloses a “disturbing” liminal identity that represents the merging of two different identities, “white” and “trash.”⁵⁶ Inherent in the term “white trash” is the tension between race and class with “white . . . an ethnoracial signifier, and *trash*, a signifier of abject class status. The term [“white trash”] conflates these two aspects of social identity into an inseparable state of being.”⁵⁷ Wray characterizes the words “white” and “trash” as “primal opposites.”⁵⁸ He argues that the term “white trash” “names a people whose very existence seems to threaten the symbolic and social order.”⁵⁹ Thus, the presence and triumph of “white trash” characters carries the threat of social disruption.

Without question, Waters’ muse, Divine (Harris Glen Milstead), a plus-size cross dresser, the protagonist in *Pink Flamingos*, comes across as someone whose existence and notoriety threaten existing social norms.⁶⁰ She celebrates being “white trash” and being dubbed by the press as the “Queen of Filth.”⁶¹ At first glance, Divine’s character (Babs Johnson) fits the typical definition of “white trash” because she and her family live in a trailer park.⁶² But upon closer examination, her lifestyle challenges and in some ways contradicts the “white trash” stereotype. Babs has only one child, and there is no suggestion that she relies on government benefits. In addition, black people attend her birthday party, and nothing indicates any open racism. Neverthe-

53. Wray, *supra* n. 49, at 1.

54. *Id.*

55. Yolanda Woodlee, *The Washington Post*, *One-Third of Children in Poverty*, Report Says, <http://www.washingtonpost.com/wp-dyn/content/article/2008/01/17/AR2008011702160.html> (accessed Nov. 8, 2009).

56. Wray, *supra* n. 49, at 2.

57. *Id.*

58. *Id.* at 2.

59. *Id.*

60. Snider, *supra* n. 48.

61. *Id.*

62. *Id.*

less, there are some aspects of her life designed to shock the viewing audience.

Babs' family is unconventional for the mid-twentieth century. She lives in a trailer with her mentally deranged mother, a woman confined to a playpen who loves eggs. Cotton, Babs' female or "traveling" companion, also lives in the trailer. The nature of their relationship is undefined. Based on Babs' appearance and undefined association, her sexuality is open to question. Waters deliberately sends a confusing message to his audience that appearances can be, and are, deceiving.

Babs' son, Crackers, lives in a shed next to his mother's pink and grey trailer. Waters once again teases his audience—the term "crackers" is a southern pejorative term for lower class whites,⁶³ reinforcing the portrayal of Babs and her family as "white trash." Babs' behavior clearly violates conventional social norms; she does drugs, curses, shoplifts, and fellates her adult son, at his request.⁶⁴ Yet her deviance pales in comparison with the villainous married couple, Raymond and Connie Marble, who Waters pits against her. "The Marbles . . . are mercenary, judgmental, and status-seeking."⁶⁵ Babs and her family are the "good guys" in this film.

The Marbles live in a conventional middle-class neighborhood, but Raymond is a sexual deviant who likes to flash women in the park. He and his wife, Connie, kidnap women for their chauffeur to impregnate. When the women give birth, the Marbles sell their newborn babies to wealthy lesbian couples. This

63. "[T]he first term to be widely and popularly applied to . . . poor whites in the western reaches of the British colonies." Wray, *supra* n. 49, at 34. The term evolved and in the late eighteenth century crackers were described as "a lawless set of rascals on the frontiers of Virginia, Maryland, the Carolinas, and Georgia, who often change their places of abode." *Id.* at 35 (quoting a 1766 administrative report to the Earl of Dartmouth written by Gavin Cochrane recited in Mitford Mathews, *American Words* 127 (World Publ. Co. 1959)). "Historical dictionaries cite numerous references to *cracker* after 1766, and virtually all references are imbued with connotations of criminality and unlawfulness." *Id.* at 37. "As a boundary term, *cracker* symbolically marked out a crucial difference in identity between white colonists who were lawful and properly subordinate to colonial authority and those who were not." *Id.*

64. See John Waters, *Trash Trio: Three Screenplays by John Waters* 43, 45, 51, 54 (2d ed., Thunder's Mouth Press 1996) (detailing scenes of Babs' foul language and drug use); see also Jim Hoberman & Jonathan Rosenbaum, *Midnight Movies* 150, 152 (Harper & Row 1983) (describing scenes of Babs shoplifting raw meat, relieving herself in the road, eating a dog's stool, and performing sexual acts on her son).

65. Hoberman & Rosenbaum, *supra* n. 64, at 150.

aspect of the story subtly reminds viewers that in 1972, when the film was released, most states barred gay men and women from adopting children.⁶⁶ Thus, “white trash” Babs, although deviant by mid-twentieth century standards, is more “wholesome” and family oriented than the middle-class Marbles. Yet, she and her family are not people the audience can easily embrace.

Arguably, in *Pink Flamingos*, a “cut across the gay, hippie, and teenage subcultures,”⁶⁷ John Waters critiques mid-twentieth century American attitudes toward sexuality, not white-American class distinctions. He uses the “white trash” body as a cover to talk about sex, a surrogate through which to attack mid-twentieth century sexual parochialism and repression. But his critique of mid-twentieth century attitudes on sexuality is more apparent in his next film, *Female Trouble*, released shortly after *Pink Flamingos*.⁶⁸ There is little doubt about Waters’ sexuality when Aunt Ida—who constantly nags her nephew, the straight hairdresser Gator, to turn gay—announces, “The world of heterosexuals is a sick and boring life!”⁶⁹

66. See William E. Adams, Jr., *Whose Family Is It Anyway? The Continuing Struggle for Lesbian and Gay Men Seeking to Adopt children*, 30 *New Eng. L. Rev.* 579, 579 (1996) (discussing the history and present state of adoption by gays and lesbians in the United States). Prior to the early 1970s, some states refused to allow lesbians and gay men to adopt because their sexuality was considered a sign of mental illness. Marc E. Elovitz, *Adoption by Lesbian and Gay People: The Use and Misuse of Social Science Research*, 2 *Duke J. Gender L. & Policy* 207, 216 (1995) (stating that until 1973 homosexuality was considered a mental disorder by the American Psychiatric Association); accord Charlotte J. Patterson, *Adoption of Minor Children by Lesbian and Gay Adults: A Social Science Perspective*, 2 *Duke J. Gender L. & Policy* 191, 191 (1995) (providing information about the legal status of gay and lesbian adoption in various jurisdictions and insight into the research about child development with gay and lesbian parents). “Statutes in three states—Florida, Mississippi and Utah—[still] explicitly bar adoption by gays and lesbians or same-sex couples.” Rhonda Wasserman, *Are You Still My Mother?: Interstate Recognition of Adoptions by Gays and Lesbians*, 58 *Am. U. L. Rev.* 1, 10 (2009) (discussing whether states are obligated to recognize adoption decrees finalized by courts in sister states if the adoptive parents are gay). In addition,

Appellate courts in three other states—Nebraska, Ohio, and Wisconsin—have read their statutes to bar second-parent adoption of joint applications to adopt. For example, in *In re Adoption of Luke*, the Nebraska Supreme Court affirmed a county court’s denial of a joint petition filed by a same-sex couple to permit the partner of the child’s biological mother to adopt the child without a relinquishment of the biological mother’s parental rights.

Id. at 12.

67. Hoberman & Rosenbaum, *supra* n. 64, at 137.

68. *Female Trouble*, *supra* n. 29.

69. John Waters, *Hairspray*, *Female Trouble*, and *Multiple Maniacs: Three More*

Waters' fascination with "white trash" characters may also be a subtle way of injecting race into his films. Qualifying the term "trash" with the word "white" automatically invokes its opposite, black. Stereotypes attaching to the racial label "black" often conflate race with lower class as applied to black Americans, whereas implicit in the unmodified term "white" is the class designation "middle class."⁷⁰ Thus, using white as a racial modifier for lower class makes race, especially whiteness, the only thing that distinguishes "white trash" from blacks. Waters' focus on trash, therefore, is a subtle reminder of how little separates poor whites from blacks, stereotyped as poor societal outsiders.

Although John Waters' first film, *Hag in a Black Leather Jacket*, features an interracial wedding,⁷¹ blacks are largely absent from his early films, reflecting the racially segregated reality of 1970s' Baltimore. Baltimore was the first southern city to integrate its public schools following *Brown v. Board of Education*,⁷² but school integration was nominal in the early years.⁷³ The state of Maryland resisted racial equality; it did not ratify the Fourteenth Amendment until 1959, almost five years after *Brown*.⁷⁴

B. *Hairspray*: Race, Rock 'n' Roll

By the late 1980s, Waters, older and bolder, tackled the question of race head-on in his more mainstream film, *Hairspray*.⁷⁵

Screenplays by John Waters 108, 139 (Thunder's Mouth Press 2005).

70. For a discussion on that point, see Taunya Lovell Banks, *Race Talk, Review Essay: Seeing A Color-Blind Future: The Paradox of Race*, 20 B.C. Third World L.J. 183, 191–193 (2000).

71. Hoberman & Rosenbaum, *supra* n. 64, at 139. The film, made in 1964, was seventeen minutes long and had one showing in a downtown Baltimore coffeehouse. *Id.*

72. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

73. Eric M. David, *Blurring the Color Line: The Desegregation of the Baltimore City Public Schools, 1954–1994*, 26 Urban Rev. 243, 244 (1994). Nevertheless most public schools remained overwhelmingly single-race ten years later. *Id.* at 246.

74. U.S.C.S. U.S. Const. Amend. 14, § 5 (Lexis 2009). Maryland did not ratify the Fifteenth Amendment until 1973. U.S.C.S. Const. Amend. 15, § 2 (Lexis 1999). Baltimore was the first city in the United States to enact a racial zoning ordinance segregating white and blacks residentially. Garrett Power, *Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910–1913*, 42 Md. L. Rev. 289, 289 (1983). For a discussion of Maryland's history of housing segregation, see Garrett Power, *Meade v. Dennistone: The NAACP's Test Case to ". . . Sue Jim Crow Out of Maryland with the Fourteenth Amendment"*, 63 Md. L. Rev. 773 (2004) (discussing Maryland's residential racial restrictions).

75. *Hairspray*, *supra* n. 16.

Rather than using a typical “white trash” character, Waters employs a lower-middle-class, fat, white girl Tracy Turnblad (Ricki Lake) as his protagonist, while relegating his muse Divine to the role of Tracy’s mother. Tracy and her best friend, Penny Pingleton, a middle-class, white teenager, team up with black, working class teens. Further, Penny is going steady with a *black* teenage boy, over the strenuous objections of her mother. The film is set in 1962, and many whites in the film, as in real life, oppose interracial dating and interracial marriage.⁷⁶

In 1962, not only did a majority of white Americans oppose interracial marriage, many states, including Maryland, still had anti-miscegenation laws on the books.⁷⁷ Five years passed before the U.S. Supreme Court, in *Loving v. Virginia*,⁷⁸ declared these laws unconstitutional.⁷⁹ Tellingly, Maryland did not repeal its anti-miscegenation law until after the Court agreed to hear the *Loving* case.⁸⁰

Hairspray is set nine years after *Brown*, a time when the Court’s decisions make it clear that racial integration would not be limited to public schools.⁸¹ Despite continued resistance to de-

76. Hazel Erskine, *The Polls: Interracial Socializing*, 37 *The Pub. Op. Q.* 283, 283–284 (1973). In the 1970s, “[t]he United States [led] the western world in opposition to interracial marriage.” *Id.*

77. *Loving v. Virginia*, 388 U.S. 1, 6 (1967).

78. 388 U.S. 1 (issuing landmark constitutional decision that Virginia’s statute prohibiting interracial marriage violates the Equal Protection and Due Process Clauses of the Fourteenth Amendment).

79. For judicial review of anti-miscegenation and other discriminatory laws both before and after *Loving*, see *McLaughlin v. Florida*, 379 U.S. 184 (1964) (declaring Florida statute making it a criminal offense for a white person and a “Negro” of opposite sexes, not married to each other, to live together and maintain sexual relations invalid); *Lawrence v. Texas*, 539 U.S. 558 (2003) (holding that Texas statute making it a criminal offense for two persons of the same sex to have consensual “deviate sexual intercourse” violated right to due process); *Dick v. Reaves*, 434 P.2d 295 (Okla. 1967) (finding that because Oklahoma’s anti-miscegenation statute was declared unconstitutional in *Loving* the ancestry of the intestate and the wife were immaterial to administration of intestate’s estate); *Jackson v. State*, 129 So. 306 (Ala. App. 1930) (reversing and remanding conviction of a “negro” man for violating Alabama’s anti-miscegenation statute where there was only evidence of one sexual encounter and no evidence of intent to reside together); *Weaver v. State*, 116 So. 893 (Ala. App. 1928) (affirming conviction of African American husband and white wife upon showing that defendant husband was African American within the degree named in the Alabama’s anti-miscegenation statute).

80. See 388 U.S. at 6 (“After the initiation of this litigation, Maryland repealed its prohibitions against interracial marriage, Md. Laws 1967, c. 6, leaving Virginia and 15 other States with statutes outlawing interracial marriage . . .”).

81. See e.g. *Baltimore City v. Dawson*, 350 U.S. 877 (1955) (desegregating beaches and

segregation in the state, Baltimore public schools had been nominally desegregated for almost a decade.⁸²

Yet in *Hairspray*, Tracy lives in a racially segregated world. She meets black teenagers at her school only when she is consigned to the class for “retarded” children, all of whom just happen to be black. This Waters’ touch is a not so subtle reference to attempts by some school systems to maintain segregation of blacks and whites within the school house.⁸³

The Corny Collins Show, a televised local teen dance show reminiscent of Dick Clark’s nationally televised *American Bandstand*, remains racially segregated—blacks are excluded.⁸⁴ *The Corny Collins Show* is a thinly veiled reference to *The Buddy Deane Show*, a local teen dance show that aired in Baltimore from 1957 until 1964.⁸⁵ In 1985, three years before he released *Hairspray*, Waters wrote a short magazine article about *The Buddy Deane Show* and his youthful desire to participate.⁸⁶ Thus, he uses *The Corny Collins Show* as a mirror of the closed society of his youth.

Tracy, an outstanding dancer, thinks excluding black teens from the TV dance show is unfair. Much to the distress of her

bathhouses); *Holmes v. City of Atlanta*, 350 U.S. 879 (1955) (desegregating public golf course); *Gayle v. Browder*, 352 U.S. 903 (1956) (desegregating city public transportation).

82. David, *supra* n. 73 at 244.

83. See e.g. *Hobson v. Hansen*, 269 F. Supp. 401, 515 (D.D.C. 1967) (finding that post-*Brown* school policies actually encouraged segregation). Specifically, the trial court concluded that the student tracking-system, initiated by school officials post-*Brown* and based on academic ability, tended to perpetuate racial segregation. *Id.* at 442–443. This problem continues into the twenty-first century. See Roslyn Arlin Mickelson, *Achieving Equality of Educational Opportunity in the Wake of Judicial Retreat from Race Sensitive Remedies: Lessons from North Carolina*, 52 Am. U. L. Rev. 1477, 1481 (2003) (positing, “Some of the most widespread and harmful sources of racially disparate educational processes and outcomes are . . . classrooms segregated by tracking”).

84. See The Museum of Broadcast Communications, *American Bandstand, U.S. Music Program*, <http://www.museum.tv/archives/etv/A/htmlA/americanband/americanband.htm> (accessed Apr. 24, 2009) (discussing the popularity of Dick Clark’s nationally televised program, *American Bandstand*).

85. From 1957 until 1964, *The Buddy Deane Show* aired seven days a week on WTTG-TV, instead of the nationally televised *Dick Clark Show*. Although in 1959 the *Dick Clark Show* was accused of barring black dancers, a few black dancers did appear on the show. John A. Jackson, *American Bandstand: Dick Clark and the Making of a Rock ‘n’ Roll Empire* 141 (Oxford U. Press 1997).

86. John Waters, *Crackpot: The Obsessions of John Waters* 88 (Macmillan Publ. Co. 1986). This book contains Waters’ essay, which originally appeared in an April 1985 version of *Baltimore Magazine Ladies and Gentlemen . . . the Nicest Kids in Town! Id.*

dance show rival, the affluent Amber von Tussle, Tracy also has no qualms about swimming in an integrated pool. Once again, Waters indirectly refers to real events in his hometown.⁸⁷ In 1952, black residents of Baltimore sued the city to integrate their swimming pools.⁸⁸ The court took no action.⁸⁹ Months after *Brown*, a federal district judge refused to order the pools integrated, citing state laws mandating racial segregation.⁹⁰ Ultimately, Baltimore's pools were desegregated.⁹¹ Although theoretically open to all races, the pools never became truly integrated.⁹² With the exception of a few pools in overwhelmingly white neighborhoods, the court's ruling merely transferred the use of the pools from white to black Baltimoreans.⁹³

Historian Jeff Wiltse writes that it was the "visual and physical intimacy" of swimming pools that made them "intensely contested civic spaces."⁹⁴ Similarly, the visual and physical intimacy of black and white teenagers dancing together on a televised dance show upset many white Baltimoreans in the 1960s.⁹⁵ Thus, Tracy's "liberal" attitude on racial integration raises white middle class eyebrows.

The reaction of Amber's middle-class parents is telling. Amber's father calls Tracy "[w]hite trash." Tagging Tracy as "white trash" is not only inconsistent with the stereotype that "white trash" Americans are racists, but it also suggests that Tracy's progressive racial ideas are inconsistent with conventional middle-class white American norms of the time. Further, labeling Tracy "white trash" suggests that only "white trash" would willingly associate with black Americans. Mrs. von Tussle, Amber's mother, counters with a more damning accusation, replying, "For

87. See Jeff Wiltse, *Contested Waters: A Societal History of Swimming Pools in America* 154–157 (U.N.C. Press 2007) (discussing the history of Baltimore's municipal swimming pools, which included a longstanding tradition of pool segregation).

88. *Lonesome v. Maxwell*, 123 F. Supp. 193, 194–195, *rev'd sub nom. Dawson v. Mayor & City Council of Balt. City*, 220 F.2d 386, *aff'd*, 350 U.S. 877 (1955).

89. *Id.* at 206.

90. *Id.* at 195–206.

91. The federal appellate court and U.S. Supreme Court reversed *Lonesome v. Maxwell*. *Dawson v. Mayor & City Council of Balt. City*, 220 F.2d 386, *aff'd*, 350 U.S. 877 (1955).

92. Wiltse, *supra* n. 87, at 157.

93. *Id.*

94. *Id.* at 123–124.

95. Jackson, *supra* n. 85, at 141–142.

all we know, that girl could be high yellow,” a reference to a light-skinned black person.⁹⁶ In other words, Mrs. von Tussle accuses Tracy of passing as white. Later, she asks Tracy’s mother whether her daughter is a “mulatto.”⁹⁷ On the surface, these remarks merely refer to Tracy’s dancing ability and the stereotype that black Americans are good dancers. But upon a closer examination, Waters’ positioning of the “white trash” remark in opposition to the remark about Tracy’s racial identity reconfirms his subversive use of the “white trash” stereotype as a cover for race talk.

Ironically, the debut of teen dance shows like *The Buddy Deane Show* in Baltimore, *The Milt Grant Show* in Washington, D.C.,⁹⁸ and *American Bandstand* in Philadelphia, coincided with the beginning of the Civil Rights Movement.⁹⁹ *The Buddy Deane Show* remained segregated, although in the early 1960s, the show succumbed to political pressures, and black teens appeared occasionally on all-black shows.¹⁰⁰ The show was abruptly cancelled,¹⁰¹ when, according to one source, “Deane integrated his TV dance floor. WJZ [the television station on which the show appeared] overwhelmed by an outpouring of white anger, canceled the show.”¹⁰² But, a contemporaneous news account in the Baltimore edition of *The Afro American* reported that the integration was not Buddy Deane’s choice; rather, an integrated group of protesters crashed the show.¹⁰³ The television station chose to cancel rather than integrate the show.¹⁰⁴ *The Buddy Deane Show* ended

96. Waters, *Hairspray*, *supra* n. 69, at 45.

97. *Id.* at 68. The term mulatto refers to someone of interracial (black and white) parentage. *Webster’s New College Dictionary* 736 (3d ed., Houghton Mifflin Harcourt Publ. Co. 2008).

98. Lois Romano, *Washington’s ’50s Flashback: Dance Show Host Milt Grant Meets His Grown-Up Teen Fans*, Wash. Post C1 (July 28, 1990). That show was “abruptly cancelled” in 1961 and “replaced by reruns of ‘Robin Hood’ and ‘Bold Journey.’” *Id.* Later there was a local black dance show, *Teenarama* that aired in 1963 on the WOOK-TV. Patrice Gaines, *Dance Show Fans Bop Back in Time; To Area’s Black Youth in ’60s, ‘Teenarama’ Was ‘Bandstand,’* Wash. Post B1 (August 2, 1998). Previously, “[t]he local ‘Milt Grant Show’ allowed a few blacks to come on that program on specific days of the month with a partner—no interracial dancing allowed.” *Id.*

99. Jackson, *supra* n. 85, at 230–254.

100. *Id.* at 141–142.

101. Kenneth D. Durr, *Behind the Backlash: White Working-Class Politics in Baltimore, 1940–1980* 152 (U.N.C. Press 2003).

102. *Id.*

103. *Buddy Deane Show Dies January 4*, Balt. Afro-Amer. 10 (Dec. 17, 1963).

104. *Id.*; Daniel Schechter, Ltr. to the Ed., *Buddy Deane Show*, Balt. Afro-Amer. 4 (Dec.

the same year that the Maryland legislature outlawed racial discrimination in public accommodations throughout the state,¹⁰⁵ and Congress enacted the 1964 Civil Rights Act—the first comprehensive civil rights legislation of the twentieth century.¹⁰⁶

John Waters' *Hairspray* signals this real-life change, ending with black and white teenagers dancing together on a televised show, even though the real-life ending was quite different. As one reviewer of the original film writes:

[John Waters,] who grew up in Baltimore with The Buddy Deane Show, . . . viewed local teenage stars and . . . undoubtedly fantasized about becoming like them [O]nce the adult, rational consciousness reviews the history of the show and its segregationist policy, the adult desire for the childlike memory does roam in the realm of the forbidden desire The way Waters decides to negotiate the racism and his ongoing fascination with the Show is to face the forbidden desire, to recapture what he in fact loved about the show and to make a dream-ending, a satisfactory ending.¹⁰⁷

The rise of teen dance shows in the late 1950s and early 1960s signaled a dramatic cultural shift in musical taste for teens from the big-band sound of the 1940s, so popular with their parents, to the mainstreaming of rock and roll, formerly called rhythm and blues¹⁰⁸ or “race music.”¹⁰⁹ More importantly, these shows aired during a period when the country was undergoing dramatic social change. Teen dance shows introduced black music, musicians, and singers to a white teen audience that was living in an increasingly racially desegregated world.¹¹⁰ In *Hairspray*, John Waters manages to retain his love of *The Buddy Deane Show* by constructing a fantasy ending—the show is integrated and Tracy is selected as Miss Auto Show 1962—while still

28, 1963).

105. Maryland passed its Public Accommodations Law in 1963 prohibiting discrimination in any place of public accommodation. Md. Ann. Code Art. 49B, § 5 (2009).

106. Pub. L. No. 88-352, 78 Stat. 241 (1964).

107. Renee R. Curry, *Hairspray: The Revolutionary Way to Restructure and Hold Your History*, 24 *Literature Film Q.* 165, 167–168 (1996).

108. Jackson, *supra* n. 85, at 20–24, 86–89.

109. Neela Kartha, *Digital Sampling and Copyright Law in a Social Context: No More Colorblindness!!*, 14 *U. Miami Ent. & Sports L. Rev.* 218, 221 (1997).

110. Jackson, *supra* n. 85, at 20–24, 89.

acknowledging Baltimore's hostility to racial integration in the early 1960s. Despite the fantasy ending, the original film, unlike the recent "watered" down remake,¹¹¹ is quite subversive.

In *Hairspray*, Tracy Turnblad is a symbol of the outsider in the early 1960s. She is a fat, female, working-class teenager whose racial identity is questioned. Her coalition with other outsiders, working-class black teens, to integrate the dance show conveys the idea that all outsiders should unite to end all forms of discrimination. In other words, Tracy, the "white trash" girl, with the support of her parents, becomes a crusader for social justice for all outsiders. Many times in the past, power elites tried to thwart class alliances and coalitions across racial groups,¹¹² thus Waters sends viewers a subversive message even for the late 1980s.

In 1962, mainstream white Baltimoreans viewed Tracy's progressive actions as deviant. Although there is no trial in *Hairspray*, Tracy's arrest while protesting the exclusion of blacks from *The Corny Collins Show* generates media attention. Thus, her cause is "tried" in the media. The mainstream society considers her a criminal and jails her. The media covers her incarceration. In much the same way that media coverage of civil rights protesters in the 1960s generated support for their cause, the media coverage of Tracy's incarceration turns the tide. She prevails in the end.

Although she technically commits a minor crime, Tracy, like the civil rights protestors, is civilly disobedient—protesting an unjust law. In this sense, her celebrity is different from the celebrity surrounding individuals accused of shocking crimes. In other films, John Waters critiques criminal or quasi-criminal celebrity directly, a point discussed in the next Part of this Article.

111. *Hairspray* (New Line Cinema 2007) (motion picture).

112. For discussions of this point, see Taunya Lovell Banks, *Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building*, 5 Asian L.J. 7 (1998) (discussing the advantages of Black-Asian coalitions); Dana Frank, *Where are the Workers in Consumer-Worker Alliances? Class Dynamics and the History of Consumer-Labor Campaigns*, 31 Pol. & Socy. 363 (2003) (discussing the failure of consumer-worker alliances); Nancy L. Green, *Blacks, Jews, and the "Natural Alliance": Labor Cohabitation and the ILGWU*, 4 Jewish Soc. Stud. 79 (1997) (discussing Black-Jewish labor alliances); Sunita Patel, Student Author, *Performative Aspects of Race: "Arab, Muslim, and South Asian" Racial Formation after September 11*, 10 Asian P. Am. L.J. 61 (2005) (discussing the oppression of the recent Arab, Muslim, and South Asian racial formation).

III. THE MEDIA AND THE CULT OF CRIMINAL CELEBRITY

In his book *Shock Value*, John Waters writes, “A new criminal is the hottest of all media stars; it’s the only kind of celebrity that can happen literally overnight.”¹¹³ Americans have long been fascinated by what they perceive as deviant behavior.¹¹⁴ But “with the explosion of cable television choices, the twenty-four hour news cycle, the consolidation of mainstream media corporate interests, and the ever-sprawling options on the Internet,”¹¹⁵ little *really* shocks us anymore.¹¹⁶ But Americans still could be shocked in the 1970s, and Waters’ early films were designed to shock viewers.

All of his film protagonists engage in varying degrees of legal and social rule-breaking, and the media usually glamorizes this behavior. As mentioned previously, famous murderers like Charles Manson and serial killer Ted Bundy¹¹⁷ used their day in court to ham it up for the media and charm, or frighten, American audiences as they awaited their inevitable guilty verdicts. Manson and his followers staged elaborate productions and wore outrageous garb to the trials.¹¹⁸ Bundy represented himself, charming jurors and even proposing to his girlfriend during questioning.¹¹⁹

The criminal defendants transformed these trials into human productions with the complicity of the legal system, which over the years allowed even greater media and television access to the courts.¹²⁰ Even before the media fall-out following the 1995 crimi-

113. Waters, *supra* n. 11, at 114.

114. Hengstler, *supra* n. 27, at 420.

115. *Id.*

116. “By the 1990s the world had morphed into a bizarrely Watersian place, filled with scary, captivating people.” Pela, *supra* n. 1, at 138.

117. Jon Nordheimer, *Bundy Is Put to Death in Florida after Admitting Trail of Killings*, N.Y. Times A, 1989 WLNR 2087140 (Jan. 25, 1989); David Von Drehle, *Among the Lowest of the Dead: The Culture of Death Row*, 371–374 (Times Bks. 1995).

118. Waters, *supra* n. 11, at 115–117. David Finkel, *A Life Ruled by ‘Demons’*, St. Pete. Times 1A (1989); see *Dateline NBC* (NBC June 6, 2000) (TV broad.) (airing Vincent Bugliosi, the prosecuting attorney in the Manson trial, discussing Charles Manson coming into the courtroom with an “X” carved onto his forehead).

119. Thomas Thompson, *The Women Disappeared*, N.Y. Times 12, 1980 WLNR 154695 (Aug. 24, 1980) (reviewing Ann Rule, *The Stranger Beside Me* (Norton 1980) and Richard W. Larsen, *Bundy: The Deliberate Stranger* (Prentice Hall 1980)); Von Drehle, *supra* n. 117, at 373–374; Finkel, *supra* n. 118.

120. See *Chandler v. Florida*, 449 U.S. 560, 562, 583 (1981) (holding that it is constitu-

nal trial of O.J. Simpson for the murders of Nicole Brown Simpson and Ron Goldman,¹²¹ John Waters used his films to explore the cult of criminal celebrity.

The trials of notorious criminals like Charles Manson and his followers—the Manson family—influenced Waters' early films *Pink Flamingos* and *Female Trouble*.¹²² The Manson family trials were perhaps the most sensational late twentieth-century trials before O.J. Simpson.¹²³ The media wallowed in the horrific nature of the killings and the bizarreness of Manson and his family.¹²⁴ The media circus surrounding these trials made Waters acutely aware of the cult of criminal celebrity, and he warns against it in *Female Trouble* and *Serial Mom*.

In *Female Trouble*, there is testimony that the defendant, Dawn Davenport (Divine) “seemed to idolize” serial killer Richard Speck, who was convicted for the murder of eight Chicago nursing students in 1966.¹²⁵ In *Serial Mom*, upper-middle-class suburban serial killer Beverly Sutphin (Kathleen Turner) is seen looking at a photograph of Charles Manson, while her son, a video store clerk, is addicted to slasher films. Furthermore, Sutphin's son discusses the Hillside Strangler and films about serial killers over

tional for a state to provide “radio, television, and still photographic coverage of a criminal trial for public broadcast”).

121. See Timothy Egan, *After Simpson Trial, Inquiries and Deals*, N.Y. Times A18 (Oct. 6, 1995) (noting that Simpson's first post-trial interview “was likely to be a pay-per-view special”).

122. *Pink Flamingos*, *supra* n. 28; See The Internet Movie Database, *DVD Details for Pink Flamingos*, <http://www.imdb.com/title/tt0069089/dvd> (accessed Oct. 7, 2009) (noting that commentary by John Waters is available in the 2004 DVD edition of *Pink Flamingos*). Waters admits to attending the trials of Charles Manson and his followers, Patty Hearst, the Hanafi Muslims, Watergate defendants, and the MOVE family. Waters, *supra* n. 11, at 114–122. *Pink Flamingos* is dedicated to Sadie, Katie, and Les, whom some believe are aliases for three of the Manson family women; several of Waters' films contain references to the family. Mark Turner, *John Waters and Charles Manson*, <http://www.charliemanson.com/waters.htm> (accessed Oct. 7, 2009). Waters even visited and corresponded with Charles “Tex” Watson, who was a member of the Manson gang. Waters, *supra* n. 11 at 94. *Female Trouble* is dedicated to Watson. Hoberman & Rosenbaum, *supra* n. 64 at 160.

123. *The Trial of the Century Happened Repeatedly*, Telegraph Herald D99 (Jan. 1, 2000); See Elizabeth Kolbert, *The Nation: Our New Participatory Tabloid Videocracy*, N.Y. Times 3 (July 17, 1994) (describing how “Americans have always followed spectacular crime, from the Lindbergh baby kidnapping to the Charles Manson murders”).

124. See Harry F. Waters, *Gomorrah Revisited*, Newsweek (April 5, 1976) (discussing the goriness of the Manson killings and a made-for-TV movie about the murders).

125. *Serial Mom*, *supra* n. 17; Jo Durden Smith, *100 Most Infamous Criminals*, 135–138 (MetroBooks 2004).

dinner. On a certain level, Waters suggests that by the late twentieth-century, violence and murder have become normalized in mainstream white America. More importantly, in these films the cult of celebrity either allows the murderer to go free in a swayed tribunal or leads to the commission of murder in the hopes of fame and celebrity.

Pink Flamingos, *Female Trouble*, and *Serial Mom* raise interesting questions about whether the quest for celebrity encourages criminality and whether extensive media coverage converts trials into lucrative legal entertainment, diminishing their value as morality tales. The following discussion compares and contrasts Waters' evolving notions of criminal celebrity by starting with his two early films *Pink Flamingos* and *Female Trouble* and ending twenty years later with his more mainstream film *Serial Mom*.

A. Early Waters Films

In *Pink Flamingos*, the unwanted media celebrity attracts envy, which devolves into criminality. Divine's celebrity status triggers the envy of Raymond and Connie Marble, who plot her downfall so they can be named the filthiest people alive, thus "improving" their social standing. The plot is silly and sophomoric,¹²⁶ but Waters, still in his twenties, makes several cogent statements about social values, the press, and justice that he repeats in later films.¹²⁷

Divine and the Marbles live in a parallel world where their social values stand in stark contrast to conventional middle-class American values of the late 1950s and early 1960s. Further, it is the Marbles, not Divine, who seek celebrity status by trying to harm Divine and her family. But Divine ultimately uses her celebrity status to wreak her revenge on the Marbles. At the film's

126. Film critic Roger Ebert writes:

PINK FLAMINGOS appeals to that part of our psyches in which we are horny teenagers at the county fair with fresh dollar bills in our pockets, and a desire to see the geek show with a bunch of buddies, so that we can brag about it at school on Monday. (And also because of an intriguing rumor that the Bearded Lady proves she is bearded all over).

Roger Ebert, *Pink Flamingos*, <http://rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/19720101/REVIEWS/201010319/1023> (accessed Oct. 7, 2009).

127. *Hairspray*, *supra* n. 16; *Serial Mom*, *supra* n. 17; *Female Trouble*, *supra* n. 29; *Crybaby*, *supra* n. 31.

climax, she “arranges a ‘trial’ for the [tabloid] media” where the tarred and feathered Marbles are found guilty of “ass-holism” and executed.¹²⁸ The titillated media leave the scene excited at the prospect of garnering a larger reading audience by relating the story.

The press’ reaction to the Marbles’ execution is our first clue about the media’s role in fostering the cult of criminal celebrity. The media leaves the scene thinking not about the victims, but about their ratings. Waters views news reporting as an economic enterprise, not as a public service. The press feels no responsibility for triggering the Marbles’ quest for fame, and they fail to appreciate their power as celebrity creators and fame manufacturers. Waters revisits this point in more detail in his next film, *Female Trouble*.¹²⁹

While “Divine’s character in *Pink Flamingos* inhabits the fringe of culture, [she] commits her crimes on the sly and is rarely malicious,”¹³⁰ Dawn Davenport, the self-centered protagonist in *Female Trouble*, actively seeks fame by engaging in criminal conduct. In this comedy, Waters “explores the often tenuous link between criminality and celebrity by satirising serial killers who become media spectacles.”¹³¹ At the same time, he satirizes the mid-twentieth-century American culture, which simultaneously vilifies and celebritizes criminal conduct.

In the late twentieth century, Americans increasingly desired fame, which contributed to society’s fascination with celebrity criminals.¹³² Today, Americans worship celebrity status itself, causing cultural icon Andy Warhol to remark that everyone wants his or her “fifteen minutes” of fame—his or her time to be the object of media attention.¹³³ People like Paris Hilton, who acquire fame simply for being, are dubbed “celebutantes.”¹³⁴ No Waters’

128. Hoberman & Rosenbaum, *supra* n. 64, at 150.

129. *Female Trouble*, *supra* n. 29.

130. Cunningham, *supra* n. 15.

131. *Id.*

132. Bryan Alaspa, Associated Content, *An Obsession with Fame*, http://www.associatedcontent.com/article/43349/an_obsession_with_fame.html (accessed Oct. 7, 2009).

133. Josh Tyrangiel, *Andy Was Right*, Time Mag. 200 (Dec. 25, 2006).

134. William Safire, *On Language; Ruling Jet Set*, N.Y. Times 12 (Sec. 6) (Jan. 24, 1988) (defining “celebutante”); William L. Hamilton, *Who Are You? Why Are You Here?*, N.Y. Times (Nov. 13, 2005) (available at <http://www.nytimes.com/2005/11/13/fashion/sundaystyles/13WHO.html?scp=1&sq=&st=nyt>) (discussing who was included in the 60th

film better satirizes the combination of these two phenomena, the cult of criminal celebrity and the general quest for fame, more so than *Female Trouble*.

Constructed like a true-crime bio-pic,¹³⁵ *Female Trouble* starts with the protagonist Dawn Davenport (Divine) as a high-school student going on a rampage and running away from home because she did not get a pair of “cha cha” heels for Christmas. Talentless and self-centered, she lusts for celebrity status; her sole ambition is to become a star. After meeting the “elite” hair salon owners Donald and Donna Dasher, she is transformed into a “crime model.” The Dashers convince Dawn to commit crimes under the theory that “crime is beauty.” In the film, the Dashers “are stand-ins for the media”;¹³⁶ they, instead of the media, exploit Dawn’s crimes and “depravity for profit.”¹³⁷ Drugged and driven insane by the desire for fame, Dawn murders the spectators at her stage show by firing wildly into the crowd.¹³⁸

During her trial, which is reminiscent of the 1968 Chicago Seven trial, Dawn repeatedly interrupts the prosecution’s witnesses calling them liars.¹³⁹ To prevent further disruptions, she is bound and gagged like Chicago Seven defendant Bobby Seale.¹⁴⁰

edition of *Who’s Who in America*, a “guide to American achievement”). The writer notes “*Who’s Who* is a dry reminder that celebrity for celebrity’s sake is now a seasoned American industry.” *Id.*

135. Lunch & Gregoritis, *supra* n. 43.

136. Pela, *supra* n. 1, at 120.

137. *Id.*

138. Waters, *supra* n. 69, at 211–212.

139. *Id.* at 214–218; Time, Inc., *Contempt in Chicago*, <http://www.time.com/time/magazine/article/0,9171,840376,00.html> (Nov. 14, 1969) (accessed Oct. 14, 2009). During the 1968 Democratic National Convention held in Chicago, thousands of people gathered outside to protest the Democratic administration’s policies in Vietnam. See Max Frankel, *U.S. Study Scores Chicago Violence as ‘A Police Riot’*, N.Y. Times 38, 38–39 (Dec. 2, 1968) (reporting on the findings of the National Commission on the Causes and Prevention of Violence). The Chicago police overreacted and triggered a riot. *Id.* Eight individuals were charged with conspiracy and inciting to riot. Comment, *Invoking Summary Criminal Contempt Procedures—Use or Abuse?* United States v. Dellinger—*The “Chicago Seven” Contempts*, 69 Mich. L. Rev. 1549, 1549 (1970). One of the defendants, Bobby Seale, was tried separately, and the remaining defendants became known as the Chicago Seven. *Id.* at n. 3.

140. Waters, *supra* n. 69, at 218; Sadakat Kadri, *The Trial: A History, from Socrates to O.J. Simpson* 292 (Random House 2005). Seale was the co-founder of the Black Panther Party for Self-Defense, a black militant organization in the late 1960s. *Seale v. Gramercy Pictures*, 964 F. Supp. 918, 920–921 (E.D. Pa. 1997). He was one of the eight defendants charged with conspiracy and inciting a riot during the 1968 Democratic National Convention in Chicago. Comment, *supra* n. 139, at 1549. During the trial Seale’s repeated outbursts in the court caused Chicago Judge Julius Hoffman to sentence him to four years of

When Dawn finally testifies, we realize the extent of her madness.¹⁴¹ She testifies that the Dashers thought she was beautiful and that she is “the top model in the country.”¹⁴² After the jury laughs at her testimony, the following exchange takes place between Dawn and her lawyer:

Dawn: I don’t want my trial to be held here! I want it to be downtown in a large, large theater where I belong. (*Whispering to her Defense Attorney*) You’re a terrible press agent, they won’t even let cameras in here.

Defense Attorney: I’m your lawyer, Dawn, not your press agent.

Dawn: Well, get me some of my loungeware then. I can’t be on Walter Cronkite looking like this.¹⁴³

Dawn views her lawyer as a press agent—not an advocate—someone who will negotiate her appearances on national news shows.

Turning to the jury, Dawn remarks, “Can’t you stupid people see? I’m a huge star! Just pick up the papers and you’ll see my picture on the front page. I’m only charged in this matter because I’m so photogenic! I should be on television right this minute.”¹⁴⁴

When her lawyer ends his defense, Dawn insanely blurts out, “Publicity! The death penalty! Electrocutation!!”¹⁴⁵ On the day of her execution, she tells a fellow prisoner, “Life imprisonment would be such a second-rate news story.”¹⁴⁶ As she is about to die, she thanks “all those wonderful people who were kind enough to read about me in the newspapers and watch me on the television

imprisonment for contempt and ultimately ordered Seale severed from the case. *Contempt in Chicago*, *supra* n. 139 (referring erroneously to Bobby Seales as Bobby Scales). The remaining seven defendants became known as the “Chicago Seven.” Comment, *supra* n. 139, at 1549.

141. Waters, *supra* n. 69, at 219–221.

142. *Id.* at 219.

143. *Id.* at 220.

144. *Id.*

145. *Id.* at 221.

146. *Id.* at 224. Earlier she tells her fellow prisoner, “I’m thrilled about it. Today is the big day! I feel lucky to receive the death penalty; why, it’s the biggest award I could get in my field. God, I don’t even have my acceptance speech ready yet . . . I know every word I say will be in the newspapers tomorrow.” *Id.* at 222.

news shows. Without all of you, my career could have never gotten this far.”¹⁴⁷

Although insane, Dawn understands the role of the media in creating celebrity. This celebrity status then translates into fame and adoring fans. Thus the media not only creates celebrity in its quest for money, but it also fans the flames of celebrity, converting deviant behavior into entertainment.¹⁴⁸ Dawn never expresses regret for her crimes.¹⁴⁹ Her trial and execution have none of the traits of a morality tale. She achieves her goal through crime, and her punishment only enhances her celebrity.

In the end, the media allows Dawn to speak directly to the viewing public, her fans. These fans were largely in Waters’ imagination. His vision of Dawn’s 1970s world was prescient. Today her audience would consist of those Americans who thrive on salacious daytime talk shows and nighttime reality-television shows. These voyeuristic viewers of the small screen become silent participants in the lives of people whom most would avoid in real life.¹⁵⁰

By the 1990s, the United States had entered “an era when mere transgression[s] . . . ha[d] gone toothlessly main-stream—when drag queens are talk show staples and the vicissitudes of camp, via the ‘gay studies’ industry, have acquired academic exchange value.”¹⁵¹ Given the commonality of such lecherous activities, Waters’ characters lost their shock value. He classified this era as the “pornification of America.”¹⁵² Their images are readily available on television “[a]s the mainstream and the media become more explicit.”¹⁵³ Thus, Waters’ characters become more mainstream and, in a sense, more dangerous to a civil society. Waters’ portrayal of the criminal celebrity as an affluent white suburban housewife in *Serial Mom* is a morality tale about contemporary American society, a point discussed in more detail in the next Part of this Article.¹⁵⁴

147. *Id.* at 231.

148. Pela, *supra* n. 1, at 120.

149. Waters, *supra* n. 69, at 220–221.

150. Rimanelli & Lieberman, *supra* n. 48.

151. *Id.*

152. Lunch & Gregorits, *supra* n. 43.

153. *Id.*

154. Rolling Stone, *Serial Mom*, <http://www.rollingstone.com/reviews/movie/5947287/>

B. Criminal Celebrity Updated: *Serial Mom*

The true-crime bio-pic genre, represented by *Female Trouble*, is more fully realized in the 1994 satire *Serial Mom*, about a homicidal suburban housewife who gets away with multiple murders because of her wit and social standing.¹⁵⁵ In the film, a direct attack on white middle-class “taboos of taste,”¹⁵⁶ Waters reconsiders criminal celebrity and show trials. Beverly, a conventionally upper-middle-class, Baltimore homemaker, seems like the perfect mother and wife, reminiscent of the mothers portrayed on popular television shows of the 1950s and 1960s, like *Leave it to Beaver*,¹⁵⁷ *The Adventures of Ozzie and Harriet*,¹⁵⁸ and *Father Knows Best*.¹⁵⁹ She is always impeccably dressed, even while cleaning the house.

“Beverly may look like Martha Stewart on [Quaa]ludes, but she is seething inside. It’s not the injustice of the world that she wants to avenge,” she is angry about the “little things.”¹⁶⁰ Consequently, she murders people for violating trivial social conventions like not recycling trash, not rewinding rented videos, or wearing white after Labor Day. Beverly is as insane as Dawn Davenport, but her conventional exterior protects her from immediate suspicion. After all, affluent, white, suburban moms are not expected to be serial killers.

When she is finally arrested, the media hype surrounding her trial overshadows the judicial proceeding. There is a mountain of evidence and eyewitness testimony to implicate Beverly. Her family witnessed the murders, but no one talks. Witness testimony

review/5947288/serial_mom (accessed Apr. 2, 2010).

155. See The Internet Movie Database, *Serial Mom* (1994), <http://www.imdb.com/title/tt0111127/> (accessed Oct. 14, 2009) (explaining that in John Waters’ audio commentary he described *Serial Mom* as part two of his earlier film, *Female Trouble*, and stated that both films focus on the connection between crime, celebrity, and beauty).

156. In describing Waters’ trash trilogies, one commentator wrote, “breaking the taboos of taste takes an intricate knowledge of taste hierarchies and the relative positioning of people and things in them. In this sense, Waters sees bad taste as liberating people from the shackles of accepted hierarchies.” Snider, *supra* n. 48.

157. The Internet Movie Database, *Leave It to Beaver*, <http://www.imdb.com/title/tt0050032/> (accessed June 13, 2009).

158. The Internet Movie Database, *The Adventures of Ozzie & Harriet*, <http://www.imdb.com/title/tt0044230/> (accessed June 13, 2009).

159. The Internet Movie Database, *Father Knows Best*, <http://www.imdb.com/title/tt0046600/> (accessed June 13, 2009).

160. Rolling Stone, *supra* n. 154.

and Beverly's family assuage relatives of the murder victims, reminding them that they can make money by going on syndicated talk shows and licensing TV movies. As the trial continues, all of these factors combine to help Beverly create doubt in jurors' minds and leads to her acquittal.

Beverly's guilt or innocence is judged in the courtroom, in newspapers, and on talk shows. A television movie is planned about the murders before the trial is even finished, where the details of the crimes are filled in the most convenient way to tell a plausible story for the viewing audience. The real-life actress, Suzanne Sommers, is cast to play Beverly, and she comes to the trial as herself, virtually stopping the proceeding. Beverly's trial becomes "lexitainment."¹⁶¹ This cinematic mixture of fact and fiction is disturbing because it blurs the already thin line between fiction and reality, entertainment and justice.¹⁶² Yet this plot device occurs in other films, most notably in Steven Soderbergh's 2000 film *Traffic*, in which members of Congress make cameo appearances spouting lines about America's drug policies.¹⁶³

In many respects, Waters' construction of Beverly's trial in the 1994 film prepared us for the criminal trial of O.J. Simpson a year later, which became a sensational media event that reshaped cable news.¹⁶⁴ The extent of public interest the media generated in the case was incredible.¹⁶⁵ Cable and commercial networks interrupted regular daytime schedules for two hours just to cover the police's slow pursuit of Simpson, in a Ford Bronco, as ninety-five million Americans watched.¹⁶⁶ Simpson was represented by a team of high-priced criminal lawyers who used the media "to spin

161. See Friedman, *supra* n. 21, at 539, 545–546 (explaining that "lexitainment" refers to the notion of public fascination with criminal trials).

162. See generally Richard K. Sherwin, *When Law Goes Pop: The Vanishing Line between Law and Popular Culture* (U. Chi. Press 2000) (discussing the trial lawyers' duty in a world where the media, often with the assistance of lawyers, uses real cases as sources of entertainment and distorts the legal process).

163. *Traffic* (Universal Studios 2000). The real life politicians include former Massachusetts Governor Bill Weld, Oklahoma Senator Don Nickles, Nevada Senator Harry Reid, California Senator Barbara Boxer, Utah Senator Orrin Hatch, and Iowa Senator Charles Grassley. The Internet Movie Database, *Traffic*, <http://www.imdb.com/title/tt0181865/fullcredits> (accessed July 14, 2009).

164. Kadri, *supra* n. 140, at 320–321.

165. See *id.* at 327 (describing the environment and public interest surrounding the jury verdict).

166. *Id.* at 320.

their strategies and attack opponents.”¹⁶⁷ Even more disturbing was when the trial judge, Lance Ito, “in the middle of jury selection . . . gave an extended interview to a local news show, and at one point invited both legal teams into his chambers to show them a comedy routine about himself that had just aired on Jay Leno’s *Tonight Show*.”¹⁶⁸ The media attention on the Simpson trial overshadowed equally, if not more important, trials occurring at the same time, including the trial of the men charged with the 1993 bombing of the World Trade Center.¹⁶⁹

The media consumed the trial, spinning it to give their own meanings, context, and conclusions.¹⁷⁰ Further, the cult of celebrity extended beyond the criminal defendant. The prosecutors, judge, witnesses, defense lawyers, and even some news commentators became celebrities known worldwide.¹⁷¹ Once again, Waters foresaw real life events, but even he probably did not see the long-lasting effects on media coverage of trials.

In *Serial Mom*, residents did not want to believe that an “average” housewife could brutally murder her neighbors at random. The question Waters raises in this film is essentially the same question raised in the wake of the Simpson trial—whether the media circus creates such distrust of the government’s case that the jury cannot stomach returning a guilty verdict. O.J. Simpson was an affluent man widely accepted by popular culture as an outstanding professional football player, actor, and ad pitchman.¹⁷² Initially, some Americans refused to believe he was guilty.¹⁷³ As a result of prosecutorial errors, the state failed to convince jurors of Simpson’s guilt,¹⁷⁴ even though many other

167. *Id.* at 321.

168. *Id.*

169. *Id.* at 326–327. The Simpson jury verdict was thought of as “the most dramatic courtroom verdict in the history of western civilization.” *Id.* at 326.

170. *See id.* at 320–321 (describing how newspapers and magazines began to portray Simpson following the announcement of his wife’s murder).

171. Most notable is Greta Van Susteren, a lawyer who provided legal commentary on the Simpson trial for CNN. Fox News, *Greta Van Susteren*, <http://www.foxnews.com/bios/talent/greta-van-susteren> (accessed Oct. 7, 2009). After the trial she co-hosted the cable television show *Burden of Proof* on CNN before switching to the Fox News Channel after receiving a lucrative offer. *Id.*

172. Kadri, *supra* n. 140, at 320.

173. *Id.*

174. *Id.* at 322–325. The most glaring mistake by the prosecution occurred when the prosecution had Simpson attempt to put the glove on that had been found at his residence,

Americans thought him guilty.¹⁷⁵ Due in large part to the quality of media coverage, this second group of Americans failed to appreciate how prosecutorial errors contributed to this verdict.¹⁷⁶ As a result, the Simpson trial contributed to cynicism about the ability of the American judicial system to punish wrongdoers.¹⁷⁷

Like Beverly's trial in *Serial Mom*, too much media access to the Simpson trial not only corrupted and weakened the legal system, it corrupted the impartiality of the tribunal.¹⁷⁸ With unbridled media exposure coupled with the cult of criminality, the standard of proof required for conviction becomes higher and higher.¹⁷⁹ Too often, the real trial occurs in the public forum, not the courtroom, with the general public determining guilt or innocence based on preconceived social norms and not the evidence presented at trial. While the outcome in these high-profile, media-drenched trials is not predetermined, it favors preexisting social norms, and findings of guilt require more proof than the typical "reasonable doubt" standard to convict.

But John Waters is not concerned with the impact of the media on the criminal justice system. His target is the society that creates the factors that are undercutting the integrity of that system. It is the allure of crime, celebrity status, and the economic benefits both confer on various players, the press and other participants, including the defendant, that trouble him.

IV. CONCLUSION

John Waters would probably disagree with much of my analysis of his films. He might accuse me of taking these films too seriously. But film interpretation is not limited to the filmmaker's intent; audiences may see a film in an entirely different light.

weakening the prosecution's strongest piece of evidence. *Id.* at 324. Approximately 150 million people in the United States and around the world waited to hear the verdict in the Simpson case. *Id.* at 327.

175. Opinions about the fairness of the Simpson verdict broke down along racial lines with only half of white Americans believing the outcome was fair as compared to four out of five black Americans. *Id.* at 327.

176. *See id.* at 327–328 (describing that the jury's reason for acquitting Simpson was not due to his innocence but the failure of the prosecution to prove his guilt).

177. *See id.* at 327–330 (following the verdict the media and the public immediately began questioning the jury's reasoning).

178. *Id.* at 322.

179. *Pela, supra* n. 1, at 135.

Thus, my readings of John Waters' films are but one of the multiple lenses through which his films may be viewed.

Watching these films, the viewer gets a feeling that the progressives, the misfits, and those who blur social boundaries are not the deviants in the world. Rather, the "straight society" that refuses to change is truly deviant. Waters is quoted as saying: "My films aren't meant to change anything, but if they ever did, I'd be happy. Maybe I've made trash one millionth more respectable."¹⁸⁰ Regardless of whether his films transform society's perceptions, they remind us how much has changed during the second half of the twentieth century. They are examples of the media's increasingly intrusive presence, and remind us why, for good or ill, the legal community needs to develop ways to prevent the intrusive presence of the media from undermining the moral aspect of public trials.

180. *Id.*