

# HBO's *The Night Of*: An intelligent, gripping legal drama

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The HBO television program *The Night Of* aired as an eight-episode miniseries from July to August of 2016. It is currently available to watch on HBO's online streaming service. The first episode can be streamed for free here.

Based upon the 2008 British series *Criminal Justice*, the series stars Riz Ahmed as Nasir "Naz" Khan, a young Pakistani-American man accused of a brutal murder in New York City. In depicting Naz's case and the fight to secure his freedom, the series provides a scathing indictment of the US criminal justice system.

The themes explored in *The Night Of*, including the erosion of democratic rights and due process, the official stoking of anti-Muslim and anti-immigrant chauvinism and the rigging of the criminal justice system against working class defendants are—if anything—even more pressing now than when the series first aired.

The series opens with Naz, a working-class college student living in Queens, New York, preparing to attend a party with friends. Unable to secure a ride to the party, he takes his father's yellow cab and unintentionally picks up a passenger, Andrea Cornish (Sofia Black-D'Elia). Naz decides to forego the party to spend the night with the young woman, who invites him to her home for drinking, drugs, and sex. When Naz awakes hours later, he finds her stabbed to death in her bedroom.

In a panic, he flees, only to be stopped by police shortly afterward. When officers find a knife on him that they believe could be the murder weapon, they arrest him and charge him with the crime. Detective Dennis Box (Bill Camp) interviews Naz, posing as a compassionate voice of understanding to get Naz to make self-incriminating statements.

Meanwhile, down-on-his-luck lawyer John Stone (John Turturro), referred to as a "precinct crawler" due to his reputation for defending petty criminals, offers to represent Naz. Despite the tremendous difficulties of the case, Stone is determined to ensure that Naz's right to due

process is respected. He chides Naz for speaking with Box, whom he refers to as "a talented oppressor, a subtle beast," and instructs the young man not to speak with anyone about the case. While the police single-mindedly pursue Naz's conviction, Stone launches a one-man investigation that uncovers information about the victim's past, including the existence of others who had a motive for killing the troubled young woman.

Prosecutors decide to "fast track" the case to trial, even though Box privately has doubts as to whether Naz could have committed the murder. The case becomes a media sensation, with lurid headlines treating Naz's guilt as an established fact.

The trial places an enormous strain on Naz's family. His parents become social pariahs and are targeted for racist attacks. Naz's father Salim (Payman Maadi), who co-owns his cab with two other drivers, is unable to make an income after the state impounds the cab as evidence.

While awaiting trial, Naz is imprisoned in the infamous Rikers Island prison complex. The pervasive atmosphere of violence inside the prison severely impacts the young man, who has to ally with vicious prisoner Freddy Knight (Michael K. Williams) in order to survive. In one of the series' ironies, it is only *inside* the prison that Naz learns to become a hardened criminal, smuggling narcotics and becoming an accomplice to a brutal murder.

Ultimately, the case goes to trial with the deck heavily stacked in favor of conviction, even as investigators become aware of another suspect. As the trial proceeds, it becomes clear that the trauma of the events has taken a terrible toll on Naz, no matter what verdict the jury returns.

*The Night Of* is a gripping, well made, intelligently written drama. It's an example of the kind of high quality work that can be created when talented artists turn their attention toward important social issues rather than the various sorts of bombast, self-absorption and stylistic

excess that dominate contemporary film and television (including much of HBO's own programming).

Series creators Richard Price and Steven Zaillian reportedly had a difficult time getting the show to air, facing numerous challenges including unenthusiastic HBO executives and the death of actor James Gandolfini, who had originally been cast as Stone. One senses that the artists persevered because they felt they were doing something genuinely important, and their dedication shows in the final product.

The erosion of democratic rights and due process is a major theme of the story. From virtually the first moment that police become aware of Naz's connection to the victim they immediately treat him as guilty, with one officer stating casually that "Some Muslim freak carved up a girl" before Naz is even formally charged with the crime. The news media universally presumes his guilt, all but ensuring that Naz is prevented from receiving a fair trial. The role of the Bush and Obama administrations' "War on Terror" is prominently mentioned throughout.

Police and state authorities are accurately depicted as being concerned with securing a conviction at any cost. District Attorney Helen Weiss (Jeannie Berlin) is shown coaching "expert" witnesses to make statements that would influence a jury in the direction of conviction, even when the evidence in question is far from conclusive. In one of the most damning moments of the series, Weiss becomes aware of another potential suspect but states callously that, "We've got more on the kid"; that is, the evidence against Naz is more likely to lead to a conviction, even if he is innocent of the crime.

Only the lawyer Stone fights to protect Naz's constitutional rights. The character deserves special mention. Overworked, battered by the circumstances of his life, suffering from a near debilitating case of eczema, and beset by numerous other personal, professional and medical difficulties, Stone nonetheless wages a courageous struggle to defend a young man universally reviled in the city. Without being heavy-handed or overly romantic in their depiction, Turturro, Prize and Zaillian have crafted something genuinely heroic with the character.

Stone's closing argument (given while covered nearly head-to-toe in eczema sores) is one of the most rousing moments in recent television. He stridently states: "The night Naz was arrested he lost a lot. He lost his freedom to return home to his family, to his school, to his night job that helps pay for that school. But what he didn't lose, and what none of us can lose, were his Constitutional

rights to an attorney, to a fair and impartial trial by you, his peers, and to the presumption of his innocence beyond a reasonable doubt."

Since *The Night Of* first aired, the ruling class in the United States has embarked on a historic escalation of its assault on immigrants and on constitutional protections of due process. Donald Trump regularly launches into fascistic diatribes against immigrants, calling them killers, rapists, and drug dealers. The Democrats aid these efforts while utilizing the anti-democratic #MeToo campaign to justify the weakening of protections for the accused and the overturning of the presumption of innocence.

The characters in *The Night Of* are complex and contradictory in a way that feels true to life. The acting in the series is superb, particularly from Turturro and Camp. A heightened atmosphere of tension hangs over nearly every scene, and even over the city itself, as though the case is a microcosm for much larger social tensions.

The show has certain limitations. The scenes set in Rikers Island seem somewhat speculative and reliant on clichés of prison dramas. If anything, the series downplays the systemic violence within such institutions, particularly that perpetrated by the guards.

A later section of the series, where Detective Box and District Attorney Weiss both spontaneously develop something of a conscience, isn't particularly convincing and even contradicts some of the earlier characterizations of these two. The show creators, perhaps unaccustomed to creating genuinely anti-authoritarian work in an atmosphere where most of the media and artistic establishment is staunchly pro-police, might have shied away from the deeper implications of their drama and avoided making an even stronger indictment of the state.

Nevertheless, *The Night Of* is a powerful series that tackles critical social issues. It deserves to be discovered and rediscovered by wide audience.



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