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STRONG IN THE STRUGGLE

SIMPSON, O.J. (VERDICT)

1994-1995

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# TV GUIDE

July 30–Aug. 5

\$9c

# WE, THE TV JURY

How and why  
we watched the  
true-crime story  
of the century

**PLUS: Top TV trials**

O.J. Simpson  
and Nicole  
Brown  
Simpson

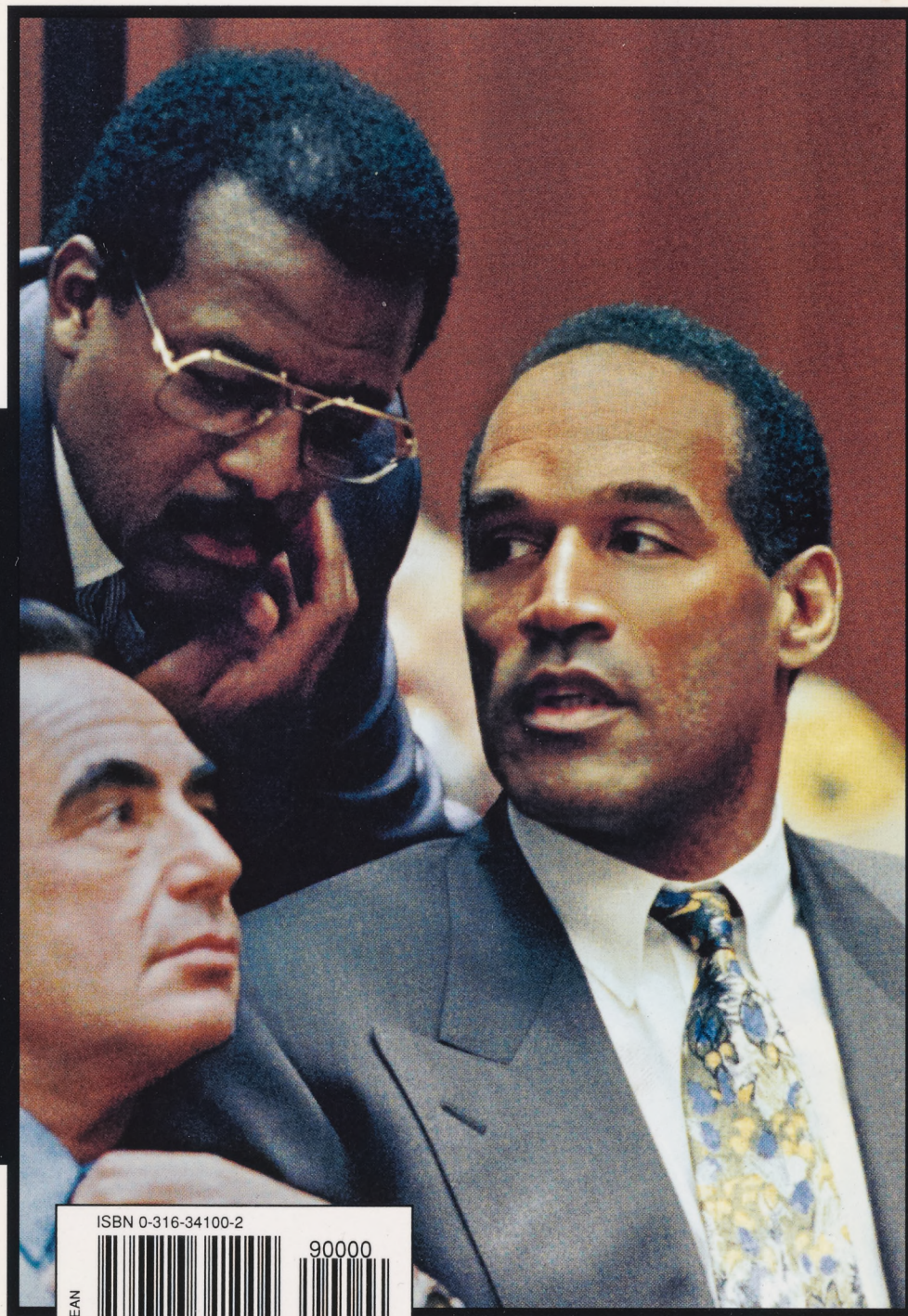




One of the most spectacular athletes in college and professional football history, O.J. Simpson attended the University of Southern California, where he was named an All American and won the 1968 Heisman Trophy. A major career with the Buffalo Bills and the San Francisco 49ers saw him named NFL Most Valuable player for 1975 and inducted to the Pro Football Hall of Fame in 1985. As a star commentator, Simpson has covered sports on network television for the past twenty-four years, including stints with both ABC and NBC. He is a television producer with his own production company, a successful movie actor best known for his role in the *Naked Gun* series, and a celebrity spokesperson for major corporations, including Hertz Rent-a-Car and Nabisco.

For the last thirty years Lawrence Schiller has interviewed some of the most prominent figures of our times. In the months of November and December of 1994, Mr. Schiller had numerous face-to-face conversations with O.J. Simpson and assisted O.J. in shaping his words into this book. Mr. Schiller formerly worked for *Life* and the *Saturday Evening Post* and is now an Emmy Award-winning producer and director of television mini-series and motion pictures.

Jacket design by Howard Ian Schiller  
Courtroom photograph by Haywood Galbreath/H.G. Star-1  
PRINTED IN THE U.S.A.



O.J. Simpson in court, conferring with his attorneys, Johnnie Cochran, Jr. (top), and Robert Shapiro.

I WANT TO TELL YOU by O.J. SIMPSON

LITTLE, BROWN

# I WANT TO TELL YOU

S. *by* O.J. Simpson

*My Response to Your Letters,  
Your Messages, Your Questions*

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In this book, O.J. Simpson speaks out for the first time since his arrest for the deaths of his ex-wife Nicole Brown Simpson and Ronald Goldman in June of 1994. *I Want To Tell You* is an emotional and factual self-portrait of O.J.'s mind at this critical time.

As O.J. waits to be judged by a jury of his peers, his commentary, thoughts, and reflections are juxtaposed with letters selected from the more than 300,000 he has received from people across the United States, since being incarcerated at the Los Angeles County Jail.

At last, and in his own words, O.J. talks about:

- His Innocence
- His Life with Nicole Brown Simpson
- His Kids
- The Media
- The Judicial System
- Spousal Abuse
- Religion
- Racism

Here is the real O.J. Simpson, the human side of the athlete and public figure who was an American icon long before the events of last June brought him under the scrutiny of the public eye. Today O.J. sits, confined to a five-by-eight-foot jail cell, a man deprived of his most basic freedoms, awaiting his trial and the future.

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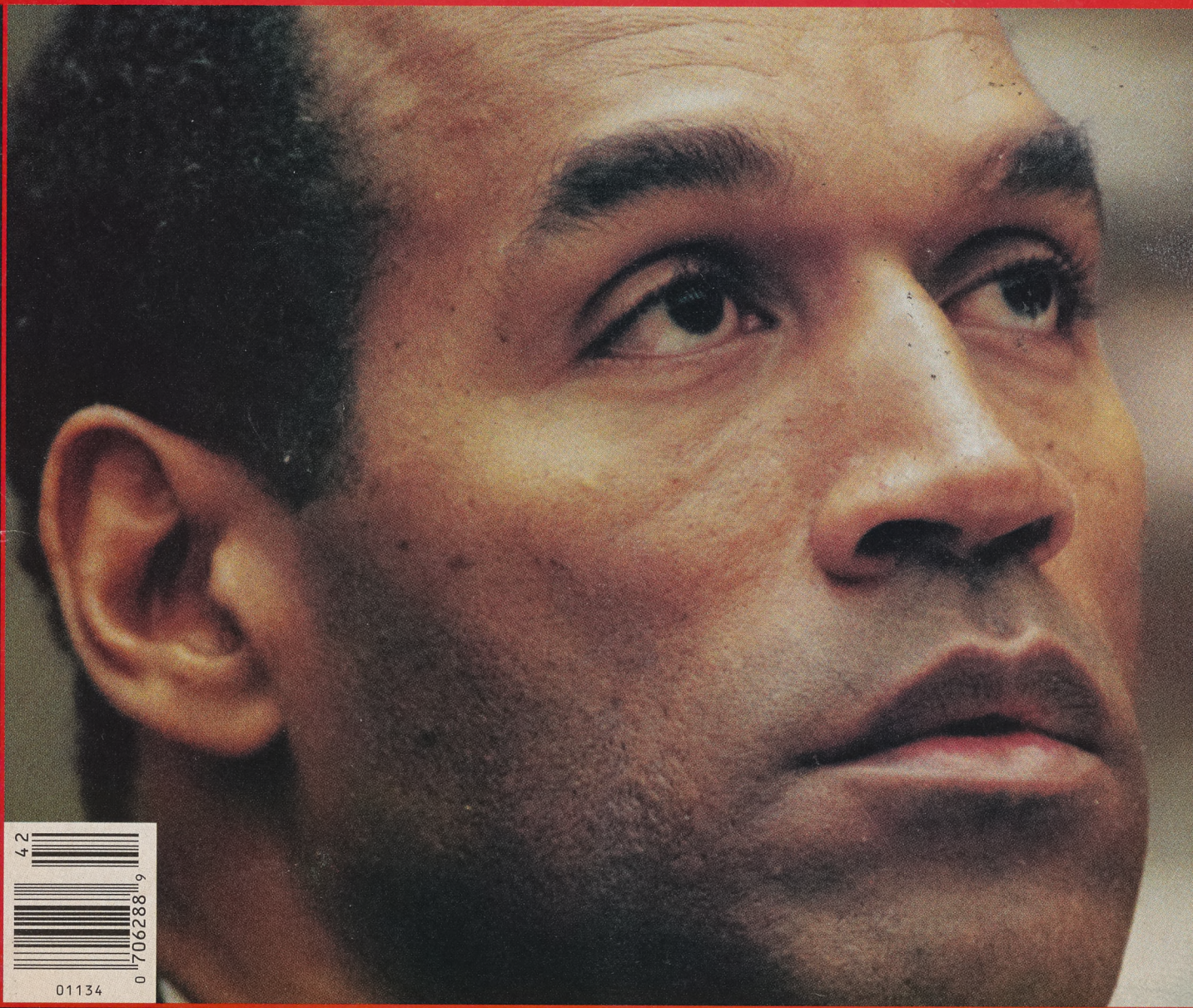
SPECIAL REPORT

# The Verdict

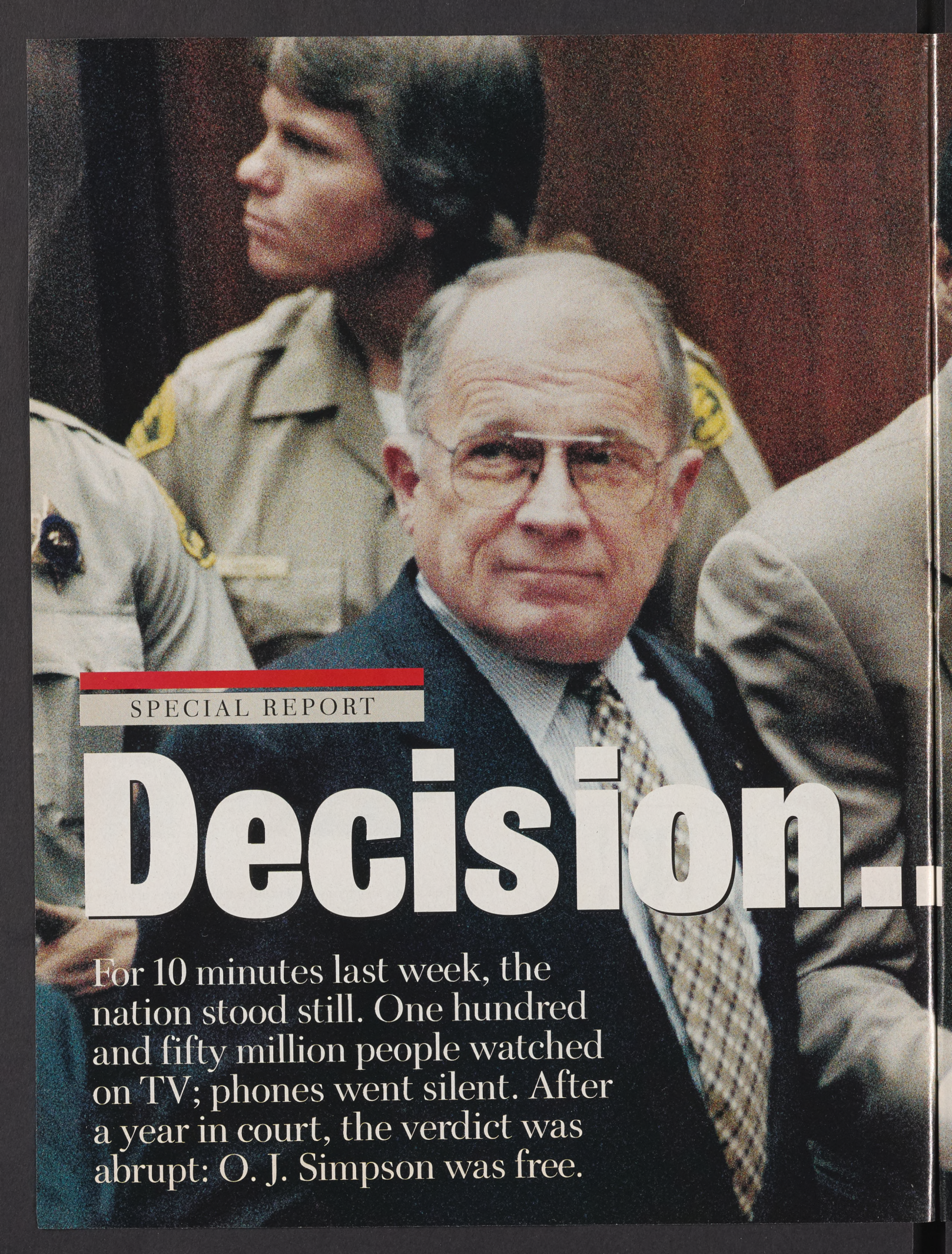
Whites vs. Blacks • Inside the Jury • O.J. and His Kids

# Newsweek®

October 16, 1995 : \$2.95





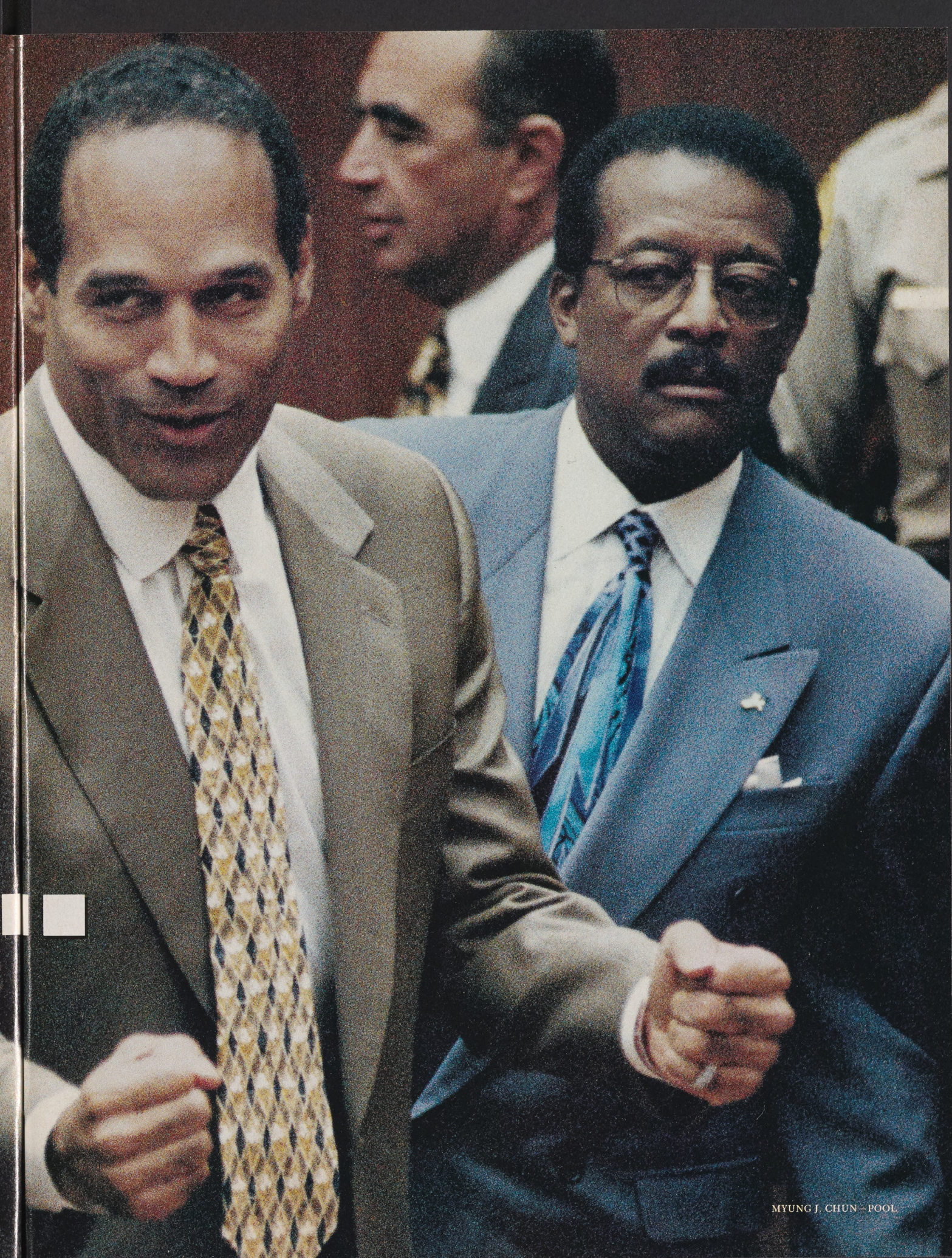


SPECIAL REPORT

# Decision...

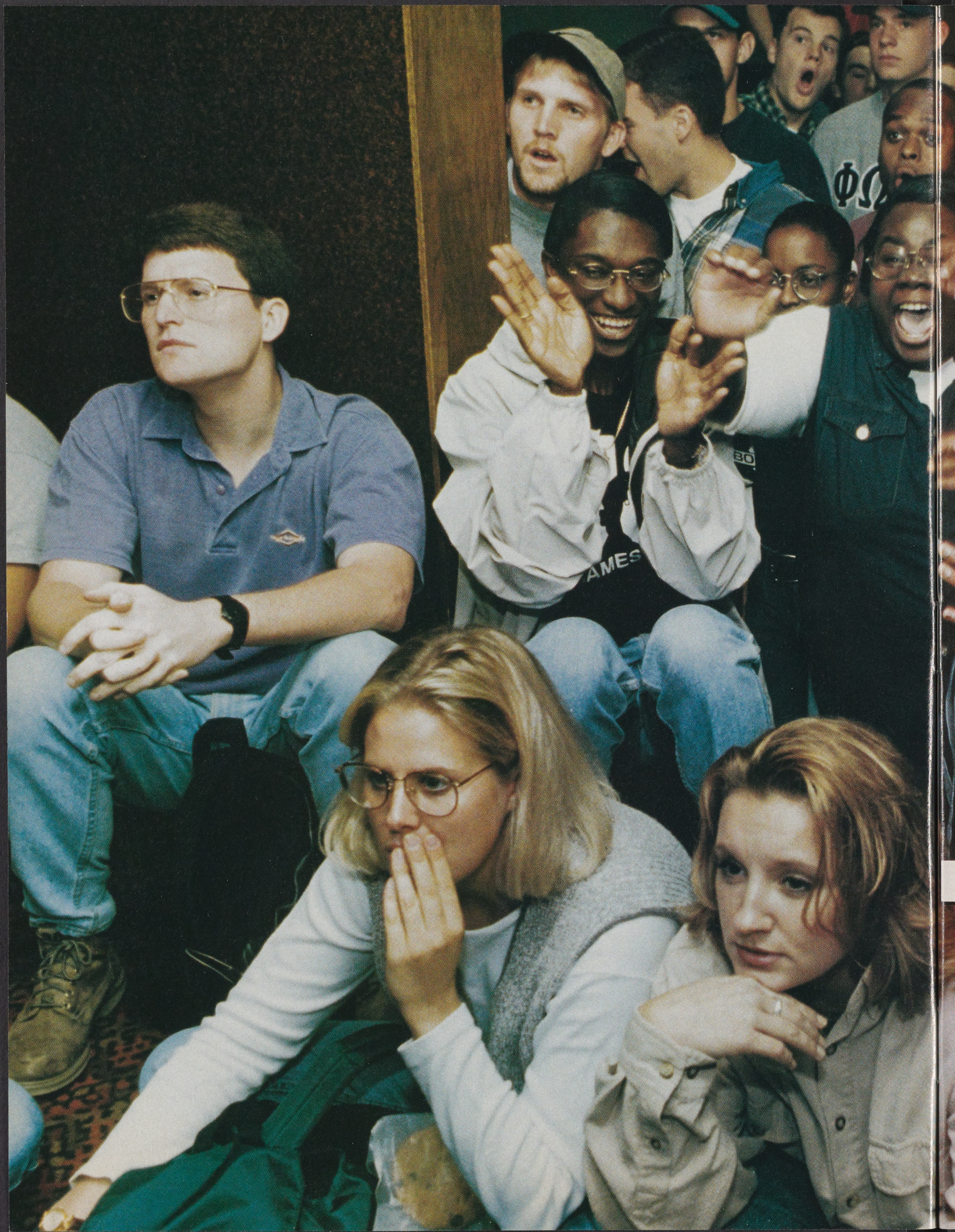
For 10 minutes last week, the nation stood still. One hundred and fifty million people watched on TV; phones went silent. After a year in court, the verdict was abrupt: O. J. Simpson was free.






MYUNG J. CHUN—POOL









**Cheers and tears:** While some black students at Augustana College in Rock Island, Ill., celebrated the acquittal, their white classmates watched in silence

# ...and Division

LARRY FISHER—QUAD CITY TIMES



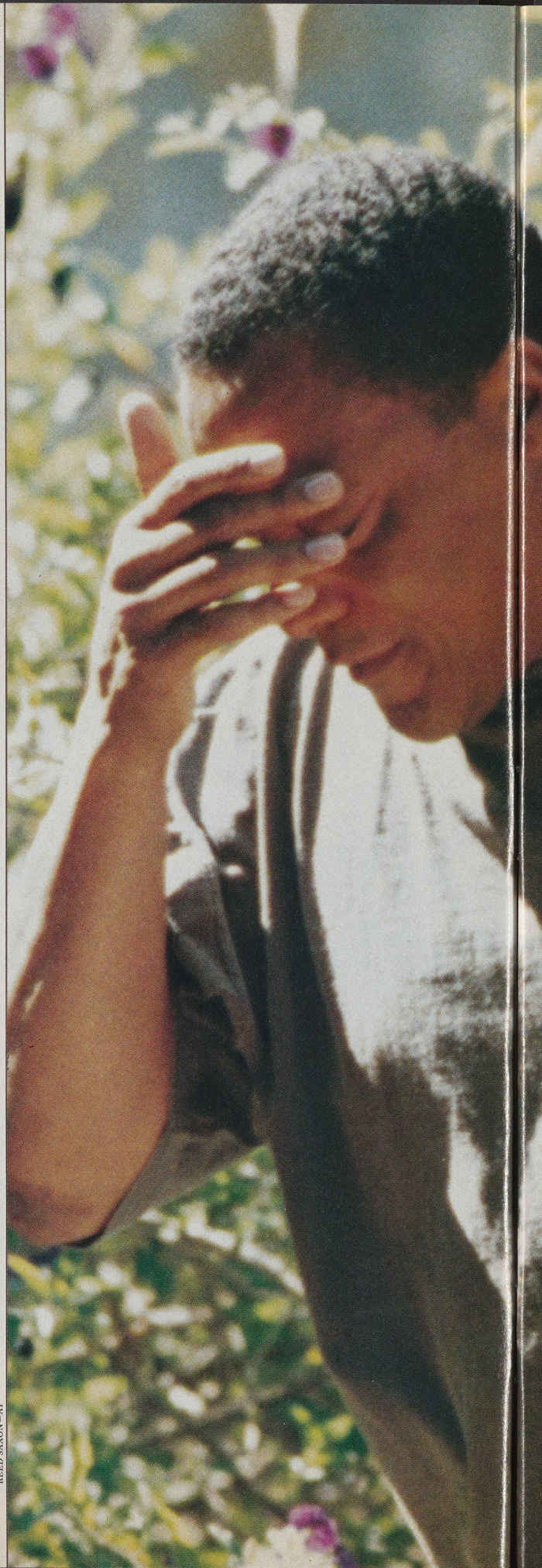
THE REACTION

# Whites v. Blacks

Were we watching the same trial? After the verdict, the two communities talked past each other, with passionate misunderstanding. By Mark Whitaker

**I**T WAS JUST AFTER 1 P.M. EAST COAST time last Tuesday, the moment when America stopped. At a small midtown Manhattan law firm, the managing partner had invited the entire office to the conference room to watch the O. J. Simpson verdict. Delaying lunches, holding calls, some 50 lawyers and 25 support staff gathered around the TV. About a dozen of them were blacks or other minorities, but it was the kind of place where people thought that skin color wasn't a big deal. One attorney had conducted an e-mail poll; 33 lawyers predicted "guilty," 11 "not guilty." But it was office-pool, spectator-sport stuff. Then the clerk began reading the verdict—"... we the jury ... find the

REED SAXON-AP







**Going home:**  
*The key figure in  
a national  
spectator sport  
returns with  
Cowlings (left)*

REED SAXON — AP





**Behind the scenes at Rockingham:** On the night of his acquittal, Simpson parties with Kardashian and lawyer Skip Taft (background)

defendant Orenthal James Simpson not guilty of the crime of murder . . . upon Nicole Brown Simpson, a human being . . .” — and the air of professional detachment evaporated. From the corner where the black lawyers and assistants had gathered came loud whoops and yells of approval. Throughout the rest of the room, there were gasps and mutterings of disgust. One of the firm’s most respected young attorneys, a white woman, vented her rage. “This is a travesty,” she said. “I feel like going out and murdering someone myself.”

Across the country last week, the national soap opera that had been the O. J. Simpson trial suddenly turned into a racial Rorschach test. For the past 16 months, most Americans had consumed the proceedings as entertainment, from the 95 million peo-

ple who watched the slow-motion Bronco chase to the weekly critiquing of Marcia Clark’s hair, “Kato” Kaelin’s surf-speak and Judge Lance Ito’s erratic command of the courtroom. As Barry Scheck and Johnnie Cochran chipped away at the often hapless prosecution witnesses, and O.J. tried on the glove that didn’t fit, it became accepted wisdom that Simpson would somehow walk, whether he committed the crime or not. Then came the powerful closing arguments, the jury’s quick request for the limo driver’s damning testimony and the stunning announcement that a verdict had been reached after less than four hours of deliberation. “It must be ‘guilty,’” millions of Americans, most of them white, believed.

When it wasn’t, much of white America felt a surge of outrage—that justice had

been mocked, that the jury had ignored overwhelming evidence, that a wife-beater many still believed guilty of a grisly double murder had been set free. “Do you know how to riot?” a white talent-agency executive called a friend in L.A. to ask. In offices and bars and around kitchen tables, the indignant gathered to commiserate in what some called the white community’s Rodney King uprising. On talk radio and computer online services, the talk was even rawer. “I was considering Colin Powell for president,” read a CompuServe posting from someone identified as Peter J. Doucette, “[but] I do not trust blacks now. They have proven that they are worse racists than any whites.” On Rockingham Drive in Brentwood, as the newly freed Simpson partied inside with friends, a dozen protesters

**In this NEWSWEEK Poll, 85% of blacks agree with the jury’s verdict of not guilty; 80% think the jury was fair and impartial.**

FOR THIS NEWSWEEK POLL, PRINCETON SURVEY RESEARCH ASSOCIATES TELEPHONED 760 ADULTS, OCT. 4-6. THE MARGIN OF ERROR IS +/- 4 PERCENTAGE POINTS FOR TOTAL SAMPLE, +/- 5 FOR WHITES, +/- 7 FOR BLACKS. THE NEWSWEEK POLL © 1995 BY NEWSWEEK INC.





FRED GRAVES-ZUMA

**Tears at Ascension Cemetery:** Nicole Brown's sister Tanya, mother, Juditha, and family friends visit her grave after the verdict

gathered in candlelight outside his home, chanting "Murderer, murderer!"

Yet while millions of whites fumed, much of black America celebrated. As the verdict was read, one network cut away to a group of black law students at Howard University screaming and dancing for joy. In black neighborhoods from Harlem to Simpson's boyhood home of Potrero Hill in San Francisco, motorists honked their horns and people came out in the streets to cheer and share the news. Watching this, many whites felt even more angry—and stunned. How could anyone cheer when two mutilated victims were still dead and their families were in such pain? Did this mean that for blacks racial solidarity trumped everything—hard evidence, reason, conscience? Watching the races watch each other, the Rev. Eugene Rivers, leader of a black church called the Azusa Christian Community in inner-city Boston, felt a profound sense of despair. "This is accelerating America's descent into a state of psy-

chological apartheid," he lamented. "The level of polarization is amazing."

As it turned out, the fierce emotions on both sides had very little to do with what went on in the jury room. When the acquittal came back so swiftly, many commentators assumed that the largely black jury had engaged in what legal experts call "jury nullification"—ignoring the evidence to send a broader message, in this case to the police. But when the 10 women and two men who had sat through 126 witnesses and 133 days of testimony finally went home, they seemed far more exhausted than outspoken. Most withdrew from public sight, although there were reports some were holding out for big money to talk. Those few who did speak seemed mystified at all the fuss, and insistent that they had called the case based on the evidence as they saw it. The numerous police missteps and whatever they learned about Det. Mark Fuhrman's racism clearly led them to distrust the cops' testimony. But they also had common-

sense questions about the rest of the evidence: Why wasn't there more blood? Why didn't the glove fit? How could Simpson have cleaned himself up in such a short period of time?

**T**HAT SO MANY AMERICANS refused to accept the jury's finding showed what TV in the courtroom had wrought: the 150 million people who watched the verdict all considered *themselves* jurors. And if you listened to them closely, it was clear that for both whites and blacks, the trial had long since ceased to be strictly a legal matter and had come to stand for larger, deeply felt causes. For many whites, the issue was domestic abuse. Only a small minority of bigots ever viewed Simpson as a symbol of black male violence. Until the murders, most whites saw him at best as the kind of star athlete and entertainer who "transcends race," at worst as a harmless pitchman. What changed that forever was



the airing of the 911 tapes—of O.J. ranting and beating down the back door of the Gretina Green condo, of Nicole pleading with the operator that “He’s f---ing going nuts . . . He’s going to beat the s---t out of me.” That haunting voice, and the photos of Nicole’s swollen and bruised face after beatings that evidently had gone on for years, convinced many whites, women in particular, that Simpson was perfectly capable of killing his ex-wife. From then on, the DNA findings and all the other prosecution evidence only hardened that sense of certainty.

**F**OR MANY AFRICAN-AMERICANS, meanwhile, the trial turned into a parable about the criminal-justice system. For them, the clincher was the Mark Fuhrman tapes, with their hateful boasting that “anything out of a nigger’s mouth . . . is a f---ing lie” . . . and that “if you did the things that they teach you in the academy, you’d never get a f---ing thing done.” Those tapes confirmed what many African-Americans had always known or suspected—that many white cops hate black people, and see nothing wrong with violating civil rights or tampering with evidence to put away anyone they’re convinced deserves it. The Fuhrman factor evoked a powerful story in the African-American experience: of the black man fighting a system that’s rigged against him. So when blacks applauded the verdict, many were cheering less for the literal event than its allegorical significance—for a different ending to the story. As legal scholar Lani Guinier, Bill Clinton’s ill-fated nominee to serve as assistant attorney general for civil rights put it, “The rejoicing is not that somebody got away with murder, but that somebody beat the system.”

In fact, until this case, few African-Americans ever saw O.J. Simpson as a hero. “Most [black] people called him an Oreo, if not a Tom,” says Joseph Lowery, head of the Southern Christian Leadership Conference. After his acquittal, black newspapers called on Simpson to show more commitment to African-American issues, rather than retreating to his white suburb and country

club. For many blacks, the real hero of the trial was Johnnie Cochran. As sociologist Elijah Anderson of the University of Pennsylvania points out, it was Cochran, with his skill at indicting the police but also his mastery of ethnic code words, clothing and symbols, who managed to turn O.J. into a “race man”—the kind of historical figure that African-Americans believe they must defend at all costs. And after years of watching shrewd, high-priced lawyers win freedom for rich white clients, from Claus von Bülow to William Kennedy Smith, many blacks relished the spectacle of a masterful black defense attorney winning one for a wealthy brother.

How profoundly will the sullen O.J. af-

it may be hard for the candidates to keep ducking the controversy next week, when hundreds of thousands of blacks will converge on Washington for the Million Man March organized by Nation of Islam leader Louis Farrakhan. Fallout from the O.J. verdict is likely to be a theme, and Cochran and even Simpson himself are expected to attend.

In the short term, some experts expressed hope that the verdict would focus attention on bigotry and unequal treatment in the justice system. Attorney General Janet Reno said the Justice Department would investigate the LAPD for the kind of violations Fuhrman bragged about. Joe Hicks, an African-American community leader in Los An-

geles, was among many black and white commentators who called for a nationwide probe of police misconduct—and warned that inaction would result in making it harder to prosecute and convict criminals. But there was just as much evidence that disgust over the Simpson outcome might simply leave whites determined to make it more difficult for black juries to acquit black defendants. Prospects suddenly brightened for a California amendment that would allow “non-majority” verdicts of 10-2, as well as new proposals that would limit “peremptory challenges” that allow lawyers to exclude jurors on the basis of race. As N. Don Wy-cliff, the black editorial-page editor of the Chicago Tribune, put it: “White people are feeling now the same anger and frustration over the justice system that black peo-

ple have felt for a long time. I fear the reaction will not be, ‘Hey, now I see what the other guy has been saying all this time.’ It’ll be, ‘Let’s get back.’”

More than a few whites were talking about getting back in other ways. Long before the O.J. trial, political and public support began to dry up for welfare, affirmative-action and other government programs that disproportionately benefit minorities. It’s become increasingly fashionable to argue that the civil-rights movement was about giving blacks equal protection and opportunity as individuals—but that there’s no reason society has to respond to demands for group preferences



**Sobs of disbelief:** As the courtroom clerk read the ‘not guilty’ verdict, Ron Goldman’s sister, Kim, wept openly. Around the country, millions of white TV viewers felt for her anguish—and shared her sense of outrage

termath affect the already testy state of race relations? Last week the nation’s political leaders did little to calm things down. President Clinton, who found time to watch the verdict off the Oval Office, issued an innocuous statement about needing to respect the verdict but sympathize with the victims’ families. Except for conservatives Patrick Buchanan and Robert Dornan, who denounced the verdict, most of Clinton’s GOP challengers tried to stay out of it, too. Even Colin Powell, whom many are calling on to run for president in part because he is seen as a potential racial healer, talked only mildly of the need to “work toward reconciliation.” But

**54%** of whites disagree with the jury’s not guilty verdict; **32%** agree with it. **50%** think the jury was fair and impartial; **37%** think it was not.



forever. Now, the sight of what many whites viewed as African-Americans uncritically celebrating the acquittal of a guilty man simply because he is black is likely to deepen this impatience with "grievance politics" and "groupthink." Watching blacks portray Simpson as the victim of a racist system, one white writer from the Midwest, a longtime liberal, complained, "Why is the problem *always* the job or the schools or the police? Why is the problem *never* because 'one of us' did something wrong?"

Indeed, what was different—and disturbing—about the racial talk last week was that so many white liberals sounded fed up. Many middle-class professionals who have always supported integration, maintained office and social friendships with African-Americans and resisted the backlash against affirmative action were appalled by what black novelist Dennis Williams called the "end-zone dance" over the Simpson acquittal. It made them wonder aloud whether they really knew African-Americans as well as they thought they did, and whether the racial gap wasn't much wider than they had believed. "Many whites are extremely saddened by what they've seen," said Michael Dawson, a black political scientist at the University of Chicago who studies public opinion on racial issues. "The idea that many blacks *across class lines* could actually believe in a police conspiracy seems incredible to them. The notion that race can trump both class and gender also troubles them. They're mystified—how can a murderer possibly be a hero?"

Listening to this white anguish, some blacks merely shrugged that they've known for a long time that race relations are lousy. Others worried privately that the trial's bitter aftertaste would endanger the already embattled black political agenda. But still other African-American leaders saw an opportunity for a radical re-evaluation of what the priorities of the debate on race should be. The reaction to the Simpson verdict did indeed show that blacks and whites don't understand each other, they argued, and proved that Martin Luther King's vision of a harmonious, colorblind society is nowhere in sight. So rather than spend so much energy and money trying to promote integration, perhaps both blacks and whites should focus on strengthening imperiled institutions in the black commu-

nity. For example, the Reverend Rivers argues that instead of spending \$40 million a year on busing, Boston should pour that money into predominantly black, inner-city schools. "Maybe it's time that the traditional liberal assumptions about race be completely rethought," he says. "What does equality mean?"

Such thinking has led some black intellectuals and inner-city leaders to revisit a proposition that for decades would have seemed heretical for African-Americans to suggest: that "separate but equal" may not be such a bad idea. Their argument is that whites may not want to live alongside blacks—and vice versa—but everyone has a social interest in seeing that black schools

less. While the media focused on the celebrations, a NEWSWEEK Poll found that a quarter of blacks surveyed thought that Simpson was guilty. And an even greater number regretted the in-your-face rejoicing. "I cringed at those scenes of jubilation," said the Rev. Emanuel Cleaver, mayor of Kansas City, Mo., "not because I didn't know how black people felt, but because of the fear and misunderstanding it would generate." Meanwhile, NEWSWEEK's Poll found that a third of the whites agreed with the verdict, and half thought the jury had been fair and impartial. And along with the images of disagreement, the final chapter of the trial also brought moving personal scenes of racial understanding: Juditha

Brown sharing tender moments with O. J. Simpson's mother outside the courtroom; black prosecutor Christopher Darden crying on the shoulders of Ron Goldman's sister and stepmother as they displayed not only their disappointment but the friendship they had formed.



**Smiles of joy:** Across the aisle, Simpson's daughter Arnelle, son Jason and sister Shirley exalted at the verdict. Much of black America cheered, too—not just for O.J. but for a victory against 'the system'

are better so they produce employable workers, that inner cities have jobs so their residents don't turn to crime and drugs, and that black neighborhoods get the same kind of "community policing" that whites are clamoring for, to help restore black faith in the justice system. In an unlikely intellectual convergence, black advocates of this new agenda agree with white conservatives that this effort must start with black self-help. Where they differ is in arguing that it will also require government money and a commitment on the part of middle-class whites to see their tax dollars go to schools and businesses outside their own neighborhoods. As the Reverend Rivers puts it, "If we're going to stay separate, the equal part has to be nonnegotiable."

Yet as the nation began life without the O.J. trial, far from all whites or African-Americans saw the racial impasse as hope-

**P**ERHAPS ONLY IN America could a media circus as surreal as the Simpson trial become a vehicle for a national conversation about race. Yet as painful as it was, the fact that both whites and blacks felt so free to vent their frustrations represented a kind of progress in a nation where for so long both groups have been afraid to confront each other with their true feelings. It was also a uniquely Ameri-

can notion, after all, that we could shed the baggage of 300 years of slavery, segregation and legal discrimination in 30 years. To no historian's surprise, it hasn't quite worked out that way. But blacks can't help dealing with whites, if for no other reason than that they still hold most of the nation's political and economic power. And whites can hardly give up on the relationship, either, if only because none of America's most pressing social issues—from education and crime to competitiveness, entitlements and the national debt—can be addressed without black participation. The emotions of last week may prove that "for better" is farther away than we thought. But if the races don't keep working at what divides them, it could easily be for worse.

With JOHN McCORMICK in Chicago, MARK STARR in Boston, VERN E. SMITH in Los Angeles and HOWARD FINEMAN in Washington





**Meet the press:** 'I'm just for justice,' said Moran (in yellow), 'that's all I'm for'

DAMIAN DOVARGANES—AP



# How the Jury Saw It

Given the jurors' background, the verdict that stunned many Americans may have been a foregone conclusion. By Mark Miller and Donna Foote

**K**EPT OFF CAMERA, KNOWN ONLY BY THEIR numbers, they were obscured by all the courtroom posturing and squabbling. Day after day, the jurors remained unreadable, frequently taking copious notes, at other times drifting off when testimony dragged. Only a few hinted at their ultimate destination: the alternate juror who nodded when Johnnie Cochran invoked the

pain of hearing the "N word," the juror who winked at the defense table just before the verdict was announced. But aside from the juror who gave Simpson a clenched-fist salute when it was all over, the jurors did nothing in court to indicate how they could have unanimously decided O. J. Simpson's fate so quickly. After 253 days and 126 witness testimonies, the jury took less than four hours last week to vote to set Simpson free, according to juror Brenda Moran, who talked to *NEWSWEEK* as she was leaving CNN's "Larry King Live" with her lawyer. Said Francine Florio-Bunten, a juror who was removed from the panel in late May because she was supposedly writing a book, "I spend more time shopping for pantyhose than they spent deliberating."

The instant analysis focused on race, with predictable hyperbole. According to CNN, prosecutor Marcia Clark bitterly declared that "a majority black jury will not convict in a case like this." (The D.A.'s office later said she had been misquoted.)

Juror Moran protested that race had had nothing to do with the decision, which, she said, was based solely on the lack of evidence. Actually, a reconstruction of the jurors' long sequestration and very short deliberation makes clear that they were motivated by a variety of different factors, some of which were the facts of the case.

Aside from his skin color, O. J. Simpson was not tried by a jury of his peers. Wealthy and educated, Simpson considered himself beyond race and moved in mostly white circles. The nine blacks, one Hispanic and two whites on the jury were working- and middle-class and believe that racism is still pervasive in southern California. But in a literal sense, the jury was made to order for Simpson's acquittal. A jury consultant who worked briefly with the prosecution told *NEWSWEEK* that from the beginning, the jury was predisposed to believe that Simpson was innocent. During the course of the trial, as 10 jurors were removed for various reasons and replaced by alternates, the jury

became even more pro-defense. While racial attitudes were undoubtedly a factor in their final decision, class was also important. By background and disposition, most of the Simpson jury, like many blacks, were highly suspicious of police and prosecutors. But they were also inclined to forgive or at least excuse domestic abuse, and were often bored and sometimes confused by scientific evidence. These attitudes were skillfully manipulated by the defense's Dream Team and heavily reinforced by the jurors' nine-month sequestration—or, as most jurors regarded it, their captivity.

A computer analysis, obtained by *NEWSWEEK*, indicates why the odds were long against conviction. Before the trial, DecisionQuest, Inc., a jury-consulting firm advising the prosecution, conducted a sophisticated evaluation of the answers given by prospective jurors before they were selected. DecisionQuest initially rated the jurors on a scale of 1 to 7, with 7 representing the ideal prosecution juror. But the state disregarded this analysis: of the nine blacks, four were 2s and two were 3s; the one Hispanic was a 4, and one white was rated a 7. Allowing such a hostile jury to be chosen was only one blunder committed by the outclassed Los Angeles D.A.'s office (following story).

It is, of course, impossible to know the private thoughts of each juror, and last week most of them refused to talk as some tried to negotiate lucrative book deals while others fled the media glare. But a few jurors did speak out, and from their comments, along with those of family members and



several jurors who were removed from panel during the course of the trial, the view from the jury box becomes more clear. Given the perspective of the jurors, the verdict that stunned many Americans may well have been a foregone conclusion.

The jurors could empathize with the defendant because they felt like prisoners themselves. The fifth floor of the Hotel Inter-Continental, where the jurors lived, was described by one juror, Lionel Cryer,

as a "high-priced jail." Jurors were locked in their rooms at 11 (midnight on Saturday) and awakened at 5:30 a.m. Sheriff's deputies routinely searched their belongings for diaries or other contraband. Conjugal visits were limited to five hours, once a week. The continuous presence of guards may have reminded the jurors of the constant intrusions of the law in the daily lives of many blacks. Nationally, according to a survey made public last week, one out of

three black men in their 20s is on parole, in prison or somehow under the supervision of the justice system.

Prosecutor Clark believed that the eight black women on the panel would be appalled by Simpson's well-established history of abusing his wife. But she badly miscalculated. According to the jury experts on both sides, poorer black women may be more tolerant of spousal abuse. Instead, one knowledgeable prosecution source

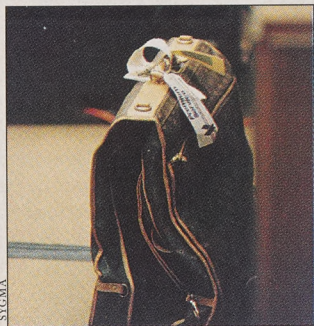
# Mysteries That Linger, Questions That Ache

The verdict is in, but certainly not all the answers

**F**OR TRIAL AND CONSPIRACY buffs, the game has only begun. The lingering questions in the case:

**What was in the defense team's "mystery envelope"?**

Judge Lance Ito revealed that in a closed session last March. As NEWSWEEK reported earlier, O. J. Simpson's 15-inch stiletto was inside. Prosecutors had suggested the knife was missing and hinted it was the murder weapon. When it turned up at the estate, the defense wanted to use it as evidence that the police search was sloppy—but it didn't get the chance. Prosecu-



**The garment bag:** Why was Kardashian left holding it?

tors determined it wasn't the knife in question, so they argued that it was irrelevant.

**What was in the garment bag Robert Kardashian carried off?**  
TV footage showed O.J.'s



**The sealed envelope:** So where's the murder weapon?

Louis Vuitton bag bulging when he returned from Chicago, but it was empty when it was brought to court. Kardashian says he picked it up simply "to be a gentleman" and that police barred him from the estate when he tried to return it. Kardashian never testified, citing attorney-client privilege, but he has said that Simpson aide Cathy Randa later retrieved the bag and that he never looked inside. Randa told ABC News the bag contained "golf clothes, a suit," which she hung in the closet. Kardashian scoffed: "Do you think O.J. would come home from Chicago and bring bloody clothes with him, knowing his house was ringed with police?" A Chicago cop testified that two plastic laundry bags were missing

from Simpson's hotel room.

**Where was O.J. at the time of the murders?**

The defense offered several weak alibis—that he was practicing his golf swing in the yard, taking a shower or packing for his flight. Last week Simpson called the Larry King show to say he was the shadowy figure that limo driver Alan Park saw enter the house, but that he was just setting his bag outside. Why do that with no lights on? The question may come up again in interviews and civil suits.

**What were the three thumps Brian (Kato) Kaelin heard?**

Prosecutors claimed O.J. bumped into the air conditioner outside Kato's room as he dashed home after the murders, and dropped the bloody glove then. The defense said they might have been a signal

**After questioning:** Can he account for his whereabouts?



between the real murderers.

**Where was O.J. headed in the white Bronco?**

He said he was going to visit Nicole's grave, but that didn't explain the passport, disguise and \$7,000 that police found inside. Was he planning to take his kids to Disneyland incognito, as defense attorneys claimed? Or was he bound for Mexico, as Al Cowling's ex-girlfriend charged?

**Where's Kato the dog?**

Nicole's Akita initially went



**Satchmo (né Kato):** Was he the only eyewitness?

to stay with O.J.'s son Jason, who changed the dog's name to Satchmo, since "Kato" brought back sad memories. Reporters have been asking about his whereabouts now, but family members aren't answering. Akitas are fiercely loyal to their owners, and this one may have seen the murders. Animal watchers will be interested in his reaction to O.J.

**If not Simpson, who killed Nicole and Ronald Goldman?**

O.J. vowed to find out—but his attorneys won't say whether they are pursuing the "Colombian drug lords," the mob hit men or the foiled burglars mentioned previously. The LAPD is looking no further.



speculated, the jurors were critical of Clark as a white woman who was trying to emasculate Simpson. Going for a conviction on spousal abuse might have been justified, said Moran, but trying to connect it to murder was "a waste of time."

Lacking an eyewitness or a murder weapon, the prosecution had to build a circumstantial case—the "trail of blood" leading to Simpson. But the jurors were irritated and often bored by the prosecution's meandering presentation and the incessant interruptions tolerated by Judge Lance Ito. He guaranteed a low education level by automatically rejecting anyone who read a newspaper during the jury selection process. Only two of the jurors graduated from college, and most said they derived their information from tabloid TV, a factor DecisionQuest found correlated directly with the belief that Simpson was not guilty. One declared that she read nothing at all "except the horse sheet." The jurors eventually tuned out during the weeklong interrogation of the state's hapless LAPD criminalist Dennis Fung. "I remember coming in the courtroom, heard them say 'Fung,' and I thought, 'Again?'" said Florio-Bunten.

**Bloody glove:** The Fung testimony was a "watershed," said Florio-Bunten, because the case veered off from the murder to the incompetence of the LAPD. Some jurors were very skeptical of Det. Philip Vannatter. Why did he carry a vial of Simpson's blood out to the defendant's home in Brentwood, rather than immediately hand it over to the police lab in the same building? "Why didn't he book it?" asked juror Brenda Moran. She thought Vannatter was lying when he testified that he didn't regard Simpson as a suspect on the night of the murder when he and Detective Fuhrman went out to Simpson's house. She suspected that their real purpose was to plant the bloody glove.

In hindsight, Johnnie Cochran's final fulminations against Fuhrman—comparing him to Hitler—were probably overkill. Most jurors just concluded that he was a racist and not credible. They didn't even need to hear the tapes of him using the N word. But the Fuhrman issue was crucial in bringing around a white juror, Anise Aschenbach, a 61-year-old retiree. The defense was worried about Aschenbach as a possible holdout against acquittal. Serving as a juror in an earlier murder case, she had held out for conviction and eventually prevailed. But as she listened to testimony that Fuhrman said that "niggers" should be piled up and "burned," Aschenbach visibly recoiled in the courtroom. She later told her daughter that she thought Simpson proba-

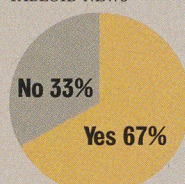


**It's the cops, stupid:** Jurors like Gina Rosborough said race was not a factor

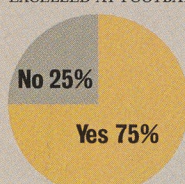
## A Tough Room to Work

The prosecution's jury-consulting firm found the jury favored the defense in the Simpson case from the start. Jurors liked athletes, didn't much like the legal system and were regular tabloid-television viewers.

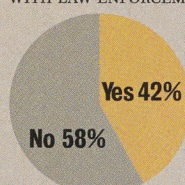
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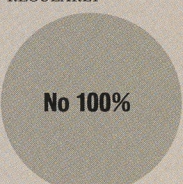
BELIEVE OJ UNLIKELY  
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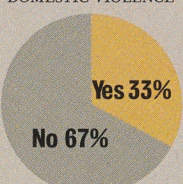
JUROR OR FAMILY MEMBER  
HAD NEGATIVE EXPERIENCE  
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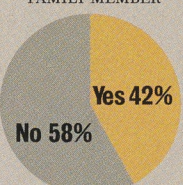
READ NEWSPAPER  
REGULARLY



FRIEND OR RELATIVE  
WHO WAS A VICTIM OF  
DOMESTIC VIOLENCE



OKAY TO USE PHYSICAL  
FORCE ON  
FAMILY MEMBER



SOURCE: DECISIONQUEST, INC.

bly was guilty, but that she distrusted Fuhrman. After hearing of his virulent racism, she could not rule out the possibility that he had planted the bloody glove.

For months, the real question was whether there would be 12 jurors left to vote. By June, Judge Ito was down to his last two alternates. The 10 jurors had been

dismissed for a variety of causes, from staring too intently at other jurors to secretly keeping notes for a book. Florio-Bunten was removed after an anonymous letter from a receptionist alleged to the judge that she was marketing a book to be called "Standing Alone for Nicole." Florio-Bunten vigorously denied the charge, but she was dropped anyway. Prosecutors suspect that she was set up by the defense, which wanted her off the panel. During the trial and before, both sides challenged jurors they regarded as unfavorable, but the defense was more successful. Gone were jurors who called themselves Republican or independent or indicated that racial discrimination was "not a problem" in L.A.

**Black buzzer:** The actual deliberation was polite and orderly. The jury foreman, Armanda Cooley, 51, a tax collector for L.A. County, suggested they "just dig in" to the evidence—45,000 pages of testimony and 1,105 exhibits. But Moran suggested they take an anonymous vote first. Seated around a white Formica table, the jurors tore up scraps of green paper from steno notebooks, wrote down their verdicts and dropped them into a glass jar. The vote was 10-2 to acquit. It quickly became clear one of the holdouts was Aschenbach. But as other jurors raised their doubts—Why wasn't there more blood on Simpson? Why was there blood on the glove, but not on the ground?—she and the other holdout, who has not been identified, came around. By lunchtime, the vote was 12-0 to acquit. At the time, the jury's request to rehear the testimony of Allan Park, the chauffeur who picked up Simpson the night of the murder, was seen by the waiting world as highly significant. Actually, it was an afterthought. Moran just wanted to check the accuracy of her notes about O. J. Simpson's clothing that night. At 3 p.m., the foreman pressed a black buzzer three times, notifying Judge Ito that the jury had reached a verdict.

Moran says she is writing a quickie book titled "Parallel Universe: Inside the Simpson Jurors." Chapter headings include "How We Lived and Suffered Inside the Sequestered Hell" and "How We Dealt With the Racial Divisions." Six other jurors have approached a book publisher, NEWSWEEK has learned, and various tabloids have offered five-figure payments for their stories. The Simpson jury may have suffered, but no longer in silence.

With THOMAS HEATH, DANIEL GLICK,  
PETER KATEL, ANDREW MURR,  
RANDY COLLIER and CHARLES WALTON in  
Los Angeles and EVAN THOMAS in New York

**66%** of blacks think Simpson probably did not commit the murders; **74%** of whites think he probably did.



# What Went Wrong

At the beginning prosecutors said they had a 'mountain of evidence.' At the end, the jury said it was a molehill. A look at the fumbles.

O. J., WE'VE GOT SORT of a problem." It was Monday, June 13, 1994, about 1:30 p.m., and O. J. Simpson sat in a small, windowless interview room on the third floor of Parker Center, the blandly modernist headquarters of the LAPD made famous by the cop show "Dragnet." To get to the room, Simpson walked down a corridor lined with black-and-white photos of detectives from past years. If his interrogators made this case, their pictures might one day hang there, too: Det. Tom Lang and his partner Philip Vannatter, both veteran cops and members of the LAPD's elite Robbery-Homicide unit. In the early morning hours that Monday, the two detectives had taken over the investigation into what police already knew would be a high-profile case: the murders of Simpson's former wife Nicole Brown and her friend Ronald Goldman. It was Vannatter who cut to the chase: "O.J., we've got sort of a problem."

"Mmm hmm," Simpson murmured.

To the cops O.J. looked like he was up to his neck. "I know I'm the No. 1 target, and now you tell me I've got blood all over the place," he said. For Lang and Vannatter it was a moment when the key was just about to slip into the lock. A suspect was in the cross hairs. Everything was pointing toward the usual suspect in a domestic slaying. As a prosecutor would later say, the evidence, including O.J.'s blood, began to resemble a "mountain."

By any traditional accounting of crime evidence, that wasn't much of an exaggeration. How, then, did the most publicized trial in American history end in such a stunningly swift and complete repudiation of the prosecution and the LAPD? How did the key drop, the case fail?

It wasn't easy. It took a combination of bad luck and bad judgment. At several critical points, a NEWSWEEK examination



DAVID SPRAGUE—POOL

*This story was written by LARRY REIBSTEIN and reported by MARK MILLER and DONNA FOOTE in Los Angeles and TESSA NAMUTH in New York*



shows, the state badly misread the jury and which factors would influence it. While the defense seemed to hit the right emotional buttons, the prosecutors listened with a tin ear. They insisted on emphasizing Simpson's prior abuse of Nicole as the motive, when the jury couldn't have cared less. They embraced rather than jettison former detective Mark Fuhrman. They shrouded a devastating pile of scientific evidence with impenetrable DNA-speak. They declined to offer the jury Simpson's initial statement to the police. They pushed to get more Afri-

can-American women on the jury on the mistaken belief they would be appalled by the charges.

This was an able, experienced, hard-working team that tried hard and lost badly. But it was also up against a wily defense team that approached the case like a political campaign, using heavy polling and focus groups. One such focus group rated the lawyers during the case—and every prosecution lawyer ranked lower than any of the main defense lawyers. It took another focus group to persuade Simpson, who was call-

ing many of the shots, not to put maid Rosa Lopez on the stand; the focus group didn't believe her.

A guide to where the case went wrong:

**The Venue.** It was perhaps the most critical decision that prosecutors made: where to try Simpson. In sprawling Los Angeles, cases tend to be tried in courthouses closest to the crime. For Simpson that would have been in Santa Monica, an affluent, mostly white area, about four miles from Bundy. But the courthouse there had been damaged by an earthquake and its security was



**Postmortem blues:**  
*The defense team's mock juries found weaknesses in the prosecution's case. Clark and Darden were unpersuasive.*



not adequate for the coming frenzy. Should Los Angeles D.A. Gil Garcetti move the case downtown, where control was better, access was more convenient, a grand jury was already sitting? He moved the case. But going downtown meant drawing jurors from surrounding neighborhoods. They tended to be black and Hispanic and not terribly well educated; that profile favored the defense. This was not a decision taken lightly. Garcetti might have tried for the

Van Nuys courthouse, but the Menendez brothers were filling the pews. Or he might have bused in a jury pool from the white West Side, out by Rockingham, but that could well have sent his political career up in smoke. Garcetti, after all, had won his job after the previous district attorney lost the first Rodney King beating trial before an all-white jury.

**Jury Selection.** The racial makeup of the potential jurors wasn't the state's only

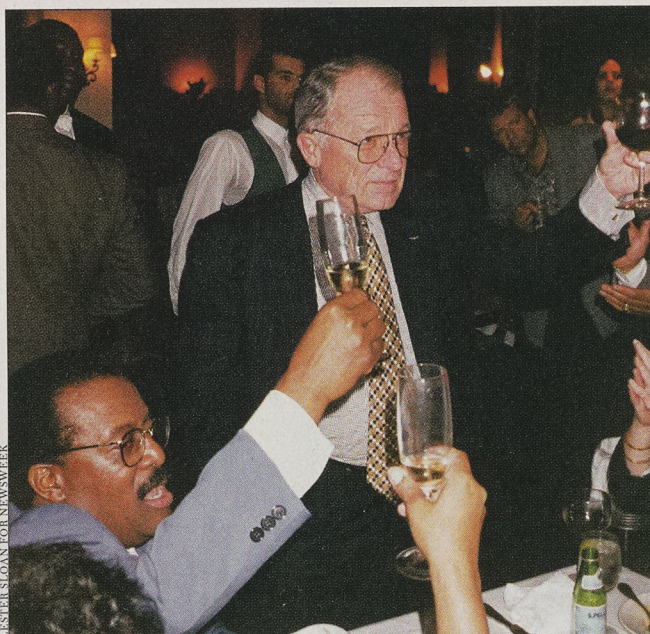
problem. It was little noticed that Judge Lance Ito had also winnowed the jury pool to people who were often poorly educated or informed. To prevent bias, he eliminated potential jurors who admitted to watching TV and radio shows or visiting bookstores. But that tended to leave jurors who might be more easily swayed by the defense's arguments and less able to ingest arcane scientific evidence. Donald Vinson, who had advised the prosecution as a jury consultant

# After the Game, a Bunch of Sore Winners

What 'Dream Team'? In victory there was bickering.

**L**AST WEEK, AS THE Dream Team lawyers took turns carving each other up in public, Robert Shapiro described himself as "spent," saying he just wanted to get away from it all. An amateur boxer, he said he dreamed about running off to a training camp in the mountains to work off the frustration. But such an easy escape was just a fantasy. Last Friday, as he took his morning exercises, Shapiro banged his head on the floor and was knocked cold. The mat had slipped from under his feet. It was that type of week.

They had started out so close. Shapiro was the defense team's architect, taking over after original attorney Howard Weitzman bowed out. F. Lee Bailey was his friend of 25 years, and godfather to Shapiro's oldest son; Shapiro defended Bailey on drunk-driving charges in 1982. Johnnie Cochran came aboard as a top trial attorney. But behind the scenes—and occasionally in public—they began bickering. Once the verdict came in, they were ready to air some of the dirty laundry. Shapiro accused Cochran of playing the race card "from the bottom of the deck" and said he was "deeply offended" by Cochran's comparison of



The victors, the spoilsports: Bailey toasts Cochran and crew

Det. Mark Fuhrman to Hitler.

Bailey called Shapiro a "sick little puppy" who had been willing to sell their client out in a plea bargain; and Cochran, in an interview with NEWSWEEK, called Shapiro "hypocritical" and spiteful: "It's like winning the Super Bowl—because you didn't play, you come out and attack your teammates." Shapiro said he would never work with Cochran again, and never talk to Bailey. At the law-

yers' victory celebration at the Hollywood restaurant Georgia last Tuesday, as Cochran raised a toast to "the greatest team ever assembled," Shapiro was conspicuously absent. "Let's just say I have a holiday [Yom Kippur] to observe," he told NEWSWEEK.

Rumors of a rift within the defense camp began to float as early as last fall. By the opening of the trial in January, as Cochran assumed charge of the team—according to de-

fense sources, at Simpson's bidding—the feuding was out in the open. After an unflattering story in a New York tabloid, Shapiro accused Bailey's two investigators of leaking derogatory information about him to the press, and banned them from his offices. He told the Los Angeles Times that he wanted to diminish Bailey's role in the trial because "We can't have snakes in the bed trying to sleep with us." Bailey responded that Shapiro's remarks hurt the defense's chances. According to one source, it was Simpson who held the team together. "It's my f---ing life that's on the line," he told them.

**Too tired:** But the camp remained fractured throughout the trial. After Cochran's surprisingly speculative opening remarks, one defense member called the approach "blatantly unethical." Later, Shapiro drew attacks from his colleagues for coming to court wearing a blue LAPD ribbon.

By the end of last week, Shapiro said he was too tired to continue the sparring with his former colleagues. "It's immeasurable the toll it has taken on the people involved in any aspect of this case." He announced that he was effectively closing down his defense practice and joining the prestigious litigation and entertainment firm, Christensen, White. But as a sore winner, his figure remains diminished, even as Cochran's has grown. "I wish him well," says Cochran, "but . . . nobody's going to trust him." With colleagues like this, who need adversaries?

MARK MILLER, DONNA FOOTE and VERN E. SMITH



but was soon dismissed, says his analysis found that of the 307 potential jurors the "vast majority were predisposed to believe Simpson was innocent."

It got only worse for the state. NEWSWEEK learned, for example, that three quarters of the final jurors replied on questionnaires that they believed that Simpson was unlikely to murder because he excelled at football.

Could prosecutors have done anything to get a better jury? Yes, but probably not enough to make a significant difference in the jury's composition. Marcia Clark decided early on that African-American women would be more sympathetic to her argument that the motive for Nicole's death was spousal abuse. Vinson counseled otherwise but he was largely ignored. The prosecution could have exercised more of its peremptory challenges to reject jurors perceived as pro-defense. But the U.S. Supreme Court itself had limited Clark's hand. Ruling in 1990, the court held that prosecutors may not bounce potential jurors solely because of their race. To make matters dicier, defense lawyers Robert Shapiro and Johnnie Cochran accused Clark of doing just that—and in the racial tinderbox of L.A., the prosecution backed off.

**The Mark Fuhrman Disaster.** The defense conducted focus groups and surveys before jury selection and then throughout the trial. The research showed that Fuhrman was perhaps the most critical element that sank the prosecution case, according to Jo-Ellen Dimitrius, the defense jury consultant, in the first public disclosure of the private research. How did the state get caught making this villain its witness? Garcetti insisted his office "did everything humanly possible to check out" Fuhrman before he testified, and found nothing negative. That's a difficult case to sustain. As NEWSWEEK reported in March, Fuhrman told prosecutors in a mock cross-examination that he had made racist remarks in the past. They were also aware of racist statements he had made to psychiatrists in the early 1980s, when he filed for a disability retirement.

Clark didn't help her cause with her sympathetic questioning or comforting arm on his shoulders after he testified. At least one government source thinks the state should

never have called Fuhrman in the first place. "Without Fuhrman we might have had a hung jury," he told NEWSWEEK.

Was this witness really necessary? Fuhrman, among the first officers at Bundy and Rockingham, was essential primarily to introduce the bloody glove that he testified he found at the Rockingham estate. And prosecutors wanted to wave that bloody glove in front of the jury because it matched the one found at Bundy. But it opened the door to

blood, prosecutors presented the evidence in a lengthy and confusing way. Lisa Kahn, a deputy D.A., admits to perhaps putting on an "overly technical" DNA case, acknowledging that it was a defensive response to the anticipated attack from defense DNA lawyers Barry Scheck and Peter Neufeld. Prosecutors weren't helped either by a sloppy and inefficient LAPD crime lab and witnesses like criminalist Dennis Fung, who stumbled badly under cross-examination by Scheck. "They could have put James Watson [discoverer of DNA] himself on the stand and it would not have made a difference," Neufeld said. Garcetti didn't disagree, telling NEWSWEEK it was an "embarrassment" that the city didn't provide enough money for "at least an acceptable if not a first-class laboratory. And now here it is. We're paying. Big time, we're paying."

**The Gloves That Didn't Fit.** It was a monstrous error, and one that prosecutors now concede they brought on themselves. They realized it would backfire when they saw that Simpson was wearing a pair of latex gloves. Christopher Darden, who asked Simpson to try on the gloves, acted spontaneously and without any knowledge of whether the gloves would fit Simpson, according to one prosecution source. Clark has defended Darden but it remains unclear whether

he alerted her before he turned to Simpson.

**O.J.'s Statement.** Prosecutors opted not to introduce Simpson's statement to police, in which he talked about his finger bleeding and denied any complicity in the murder. John Martel, who consulted with the state on trial strategy, said he had hoped—wrongly, as it turned out—that withholding the statement would put pressure on Simpson to take the stand. That never happened, and the prosecution never got to confront Simpson.

This is all Monday-morning quarterbacking, of course. In the end, nothing may have made a significant difference. The Dream Team may have been too good, the jury too skeptical, the evidence too weak. But after a rout, questions need to be asked, for the prosecutors don't stand up on their own. By word and deed, they represent The People. ■



DAN MCCOMB—SPOKESMAN REVIEW-SYGMA

**The Fuhrman files:** The prosecution may have erred in embracing him. Jurors wouldn't buy a murder case from this man.

Fuhrman's racist remarks, charges of a cop conspiracy, and the devastating day when Simpson tried on the glove and it did not fit.

**The Abuse Motive.** The state isn't legally required to offer a jury a motive for a crime, but in this case it thought it had a pretty good one: Simpson's history of beating Nicole led ultimately to her murder. The jury didn't buy any of it—something the defense already knew it wouldn't. Focus groups, according to Dimitrius, indicated that jurors wouldn't be swayed by evidence that Simpson had physically abused his wife. So while the prosecution dramatically laid out pictures and tape recordings of the abuse incidents between Nicole and Simpson, the defense took the opposite tack—opting not to call some rebuttal witnesses.

**The DNA Morass.** Perversely, the state's most damaging evidence—the DNA blood results—hardly mattered. Despite the astounding statistics linking Simpson to the

**60%** of whites think prosecutors handled their case as well as could be expected; **46%** of blacks think they made serious mistakes.



# O.J. Faces His Future

Acquitted of a heinous crime, he may still have to prove his innocence in civil court, and he confronts the possibility of a custody fight for his children. But remember, he'll always be famous—and he'll never go hungry. By Jerry Adler

**A**T 48, THE FACE IS STILL smooth and blandly handsome above the broad right-angled shoulders, the voice the same husky drone. He is still, indisputably, O. J. Simpson, a celebrity in that peculiar American way of being famous for being famous. When he was arrested last year he was no longer in demand as an athlete, broadcaster or actor, yet he retained all the perquisites of greatness, including a girlfriend straight from the pages of *Playboy* and a job as a corporate glad-handler and golfing partner. He's still the same person, except that a substantial majority of the public now believes that he slaughtered his former wife and an innocent stranger with a knife. His attempts to re-establish himself as a hero, therefore, will be an interesting test of the Warholian proposition that in America fame itself obscures every other attribute of a personality—including, ultimately, whatever one was famous for in the first place.

Of course, he isn't in this alone. Any number of people would be happy to help shove Simpson back into the limelight, for their own reasons of vanity, ideology or, mostly, money. His "surprise" call to "Larry King Live" during Johnnie Cochran's appearance Wednesday night was actually suggested by King and orchestrated by Cochran, who beamed in his client's lavish gratitude. Afterward, the producers were

literally dancing with joy. "If we had God booked and O.J. was available," King proclaimed, "we'd move God." Simpson and Cochran were both planning to attend next Monday's Million Man March on Washington, sources told *NEWSWEEK*; the event, billed as a day for black men to rededicate themselves to their families, was conceived by Nation of Islam leader Louis Farrakhan and has been endorsed by many mainstream African-American groups. But there are also plenty of people who don't want Simpson joining their parade just yet. Cochran conceded that "I don't expect that corporate America is going to have him as a spokesperson." And his fame won't help him in civil and family court, where the same question supposedly decided by the jury last week can in effect be asked again—with no guarantee the answer will be the same.

**'Hugs and smiles':** His life is still on hold, circumscribed by the armada of satellite trucks that have descended on his home, the camera crews perched on 12-foot ladders, the hordes of reporters, demonstrators, street preachers and gawkers kept at bay by hired guards. He spent his first hours of freedom with family members and close friends—a celebration that was covered by the tabloid *Star* for a payment said to be close to \$1 million—although there was no sign of his former girlfriend, Paula Barbieri, who had stopped visiting him in jail some time ago. His friends expect him to leave

soon for a vacation, destination undisclosed.

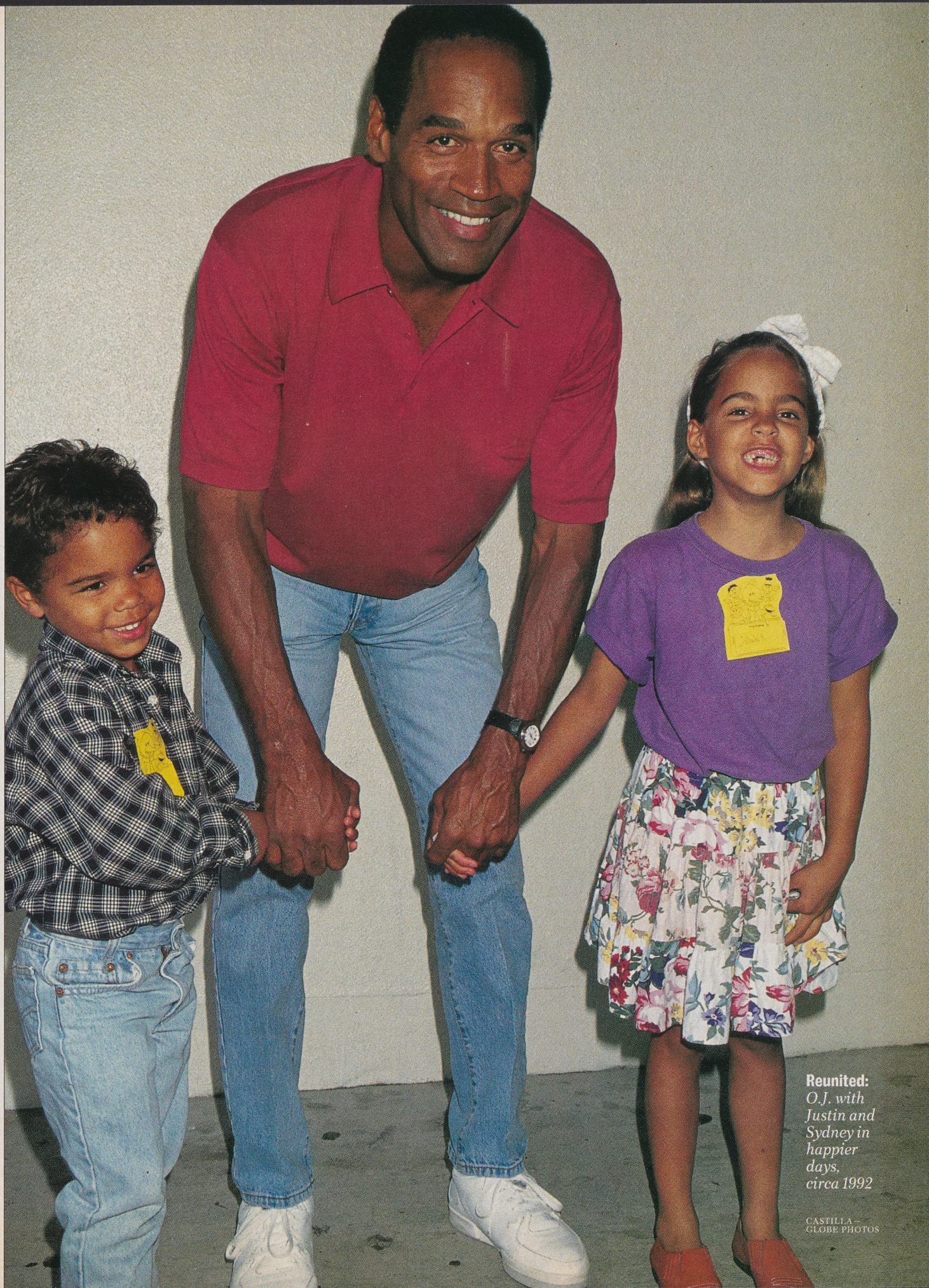
Simpson's two younger children—Justin, 7, and Sydney, 9—visited him last week but returned the next day to the home of their grandparents Lou and Juditha Brown, who were awarded temporary guardianship after Simpson's arrest. The past year obviously has been hard for the children, especially Sydney. Sheila Weller, who wrote a best-selling book on O.J. and Nicole's marriage ("Raging Heart"), reports that sources close to the Brown family portrayed Sydney as being upset about the prospect of seeing O.J. again. For three months after Simpson's arrest last year, Weller says, "Sydney refused to get on the telephone with O.J. unless he was truthful to her" about why he couldn't see them. When they finally spoke, according to Weller's sources, Simpson said only that he was away because "he had information the police needed. . . . When the call was over, Sydney said, 'My Daddy doesn't know how to be honest with me'."

On Simpson's side, his friend and lawyer Robert Kardashian said "there were lots of hugs and smiles" at the reunion—and, he insisted, there were no reporters present this time. Still, Simpson gave no indication of when he planned to move the children back to his home. Legal experts say the Browns could, if they chose, fight Simpson for custody, with a slim-to-fair chance of winning. Family-court judges in California have latitude to act in "the best interest of the child." The Browns could point to Simpson's documented history of abusing Nicole to show that he was a poor risk as a father, or they could cite his jet-setting lifestyle—"a father who is always on the road, probably looking for a girlfriend, a job or whatever," as Juditha Brown described it to the *Los Angeles Times* last week. Their lawyer, John Q. Kelly, says that the couple would decide whether to fight for the children "depending on how the environment evolves." Kardashian said he expected the issue to be resolved amicably. "He and the Browns have always had a good relationship," he told *NEWSWEEK*. "He wants the children to see their grandparents."

Simpson also faces a contentious legal fight in the wrongful-death suits filed by the families of the two victims. Few accused murderers have assets worth going after, but Simpson is rich—or was, before paying an estimated \$10 million in legal bills—and presumably will be again. Acquittal in the criminal trial actually complicates his situation in civil court. Immune to prosecution now, he has no privilege against self-incrimination and can be asked to defend himself under oath. The case will be decid-

**87%** of blacks think Simpson should have custody of his two young children; **54%** of whites think he should and **32%** think he should not.





**Reunited:**  
O.J. with  
Justin and  
Sydney in  
happier  
days,  
circa 1992

CASTILLA—  
GLOBE PHOTOS



ed on a "preponderance of evidence"—a much looser standard than "reasonable doubt"—and juries can make awards in the millions. Not to speak of the anomalous moral position Simpson would then occupy, having been acquitted of murder by one jury, but ruled responsible for the same deaths by a second.

Which is why those who would like to see him rehabilitated may need to act fast. "He's not broke, but he's going to have to earn some money," says Cochran. "I know initially he's going to be writing another book. People want to hear his story. A pay-per-view program is under discussion. Those two things are going to be blockbusters." Jay Bernstein, a former publicist for Simpson, now a producer, says the market for Simpson's story consists of, basically, "the people already on his side . . . those who are totally against him [and] those on the fence," which makes for a fairly inclusive audience. Industry sources compare Simpson's potential draw to Mike Tyson's fight last month (which grossed \$65 million from 1.5 million viewers) and to Colin Powell's book (a reported \$6 million advance). But they may not be reckoning with the resistance to Simpson, from people like pay-per-view executive Jeff Bernstein (no relation to Jay). "We would not carry such an event," says Bernstein, a vice president of Request Television, which did not shrink from bringing Howard Stern's New Year's Eve special into American living rooms. "Our feeling is that it's in bad taste. There's been enough of a media circus already."

Still, Simpson has the good fortune to live in a country where no celebrity goes to bed with an empty stomach. But what of his soul? Some members of the African-American community expressed hopes last week that some good will come out of Simpson's troubles if they remind him that he's still black. "It's too bad he has to come back as a fallen hero, but he does need to return," says Los Angeles Urban League head John Mack. "His face should be seen everywhere black people are in need." That would be a big change for him; Simpson, said one prominent black filmmaker, "was just as white as anybody on 'Melrose Place' when I met him a few years ago. I won't be shaking his hand at the next black function." Yet for many white people, questions of social conscience and penitence were beside the point. Ron Hardy, a Los Angeles restaurant owner and a friend of Nicole's, hopes that wherever Simpson goes there will be someone to call him a murderer or throw a drink at him. But he also suspects that sooner or later Simpson will be back on the A-list for dinner parties, restaurant openings and movie premieres. After all, he's a celebrity.

With VERN E. SMITH, ALLISON SAMUELS, PATRICIA KING and DONNA FOOTE in Los Angeles and TESSA NAMUTH in New York

# One Verdict, Clashing Voices

## How could blacks and whites react so differently? A NEWSWEEK forum on why O.J. split the nation

**Lani Guinier**, professor of law at the University of Pennsylvania

Talking about race for people of color in this nation is the natural thing to do. Blacks carry race around with them all



the time. But for whites, talking about race is uncomfortable. It's a wild card. Whites believe blacks rejoiced in the verdict because it was

a payback for white racism, or that blacks are gloating because a black man got away with murdering two white people. It's much more complicated than that. There is a deep-seated distrust of authority in urban America. Our urban policy for blacks is the criminal-justice system and, for many blacks, it is not a fair system. Blacks are cynical and distrustful of that authority, and they are much more likely to scrutinize the authority's case against a defendant. The rejoicing is not that somebody got away with murder, but that somebody beat the system.

**Daryl Gates**, former L.A. police chief

I don't think there is another individual who feels more betrayed than I do and than other police officers do [by Mark Fuhrman]. I have absolutely no sympathy for the guy. I'm so angry at him. But given all that, you can't fire people for holding



certain thoughts. I've looked at Mark Fuhrman's personnel record, and it's unremarkable. There are a few complaints. But I don't think

there are any more than the average 20-year police officer. If he were calling people the N word every single day, you'd have people lined up outside Parker

Center to complain. They weren't. I still believe Fuhrman needs to stand up and explain himself. He's betrayed a lot of people. He's really hurt the department, hurt its image. [But] I don't think it's a problem of the police department. I think we need more reform in our society than in law enforcement.

**Donna Ferrato**, author of "Living with the Enemy" and anti-domestic-violence activist

O.J. is really no different from any other batterer. But he's got money and prestige. He's a commodity. What really breaks my heart is seeing all of the women dancing and cheering when he was acquitted . . . Nicole Brown Simpson is one of our sisters, and she was slaughtered like a filthy dog on her doorstep. That's no cause for anybody to dance and shout for joy.

The defense team was very, very clever to weight that jury with women. Women are snowed by charming men like O.J.



This verdict is a wake-up call to the battered-women's movement to start focusing on what do we do with the batterers. We need to work on changing the men. Nothing is going to change until we do that. We're letting the men get off scot-free; this is just the latest example. We've got to get the abusers out of the homes.

**Andrew Hacker**, author of "Two Nations"

This was a real win for black Americans who don't get that many wins. You could see people shouting and cheering. When Joe Louis beat Max Schmeling, it was the same thing. I could see white people saying, all right. Black people won. But do they have to jump up and down in glee? We [whites] have a protocol on how blacks should behave. There are good blacks like Colin Powell, iffy ones like Jesse Jackson and bad ones like Farrakhan, and the gleeful reception of the



verdict isn't the kind of behavior we like to see. Might there be less support than there now is for affirmative action? For inner-city hospitals, for tailor-made districts with black majorities?

**Paul Weyrich**, conservative activist and president of the Free Congress Foundation I am troubled that we are now talking in terms of a jury system that works for one group and doesn't work for another. I heard a black spokesman say this is the first time the system worked for "us," and



and that now whites are upset. The fear [on whites' part] is not that the jury system is somehow going to be fair to the blacks for the first time, but that it is not

going to do justice when a serious crime is committed. Regardless of the merits of the O.J. case, you have to say, after Mark Fuhrman and what's happening in Philadelphia [where police are accused of manufacturing evidence against blacks], that we have to address the very real, deep-seated mistrust of the system on the part of law-abiding black people. I am very surprised at how deeply fine, decent, churchgoing blacks feel about the system. And this has made me take another look at it.

**Armstrong Williams**, syndicated columnist and radio talk-show host

This case was a travesty of justice, a miscarriage of justice. It has had me in a slump all week. It hurts me. When I saw the families crying, it broke me up inside because they thought the man who killed their family members has got away, and you know they were right. The students at Howard, for instance, were just kids who are consumed with race. They are a small element in black America. At my company, where there are many black men, it was somber, so sober. We didn't feel [the images of celebrating blacks] represented us. This has to do with America's racist past. America used to let its black sons and daughters get lynched and discriminated against. It wasn't until recently that the system became colorblind. [Still], blacks believe there is an elite system in place to oppress them. They are wrong.



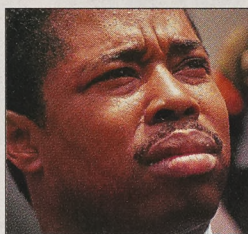
**Eric Adams**, chairman of the Grand Council of Guardians, a black police officers group African-Americans had their Rodney King case, and now the rest of America has its version of Rodney King—the O.J. case.

At the crux of both is the L.A. police. I know how well a good detective can set up a crime scene to make it look any way he wants it to. The power a law-enforcement officer has in shaping a case is unbelievable. And in the eyes of a racist, O.J. is just a million-dollar nigger.

At my precinct in New York after the verdict, the atmosphere was hostile. The white officers were angry. At the same time, you could see black cops quietly acknowledging to each other what was going on—O.J. became a symbol of attacking the system. When I go in to work, white officers will hit the soda machine and get a free soda. When I hit the machine and get a soda, they say, "We need to fix that machine." When I heard the O.J. verdict, it was as if all of black America hit the soda machine. And now that we got our free soda, everybody wants to fix the machine.

**Wilbert (Bill) Tatum**, publisher and editor in chief of *The Amsterdam News*

I'm thrilled because the American system of justice worked. But I'm disturbed at the same time, because almost three quarters of white America—including lawyers—reacted like spoiled children, saying the system did not work the way they wanted it



to; therefore there must be something wrong with the system and it must be changed. Evidence be damned. Timeline be damned. Impossibility be damned. And damn that beacon of American jurisprudence: that in order to be convicted, the case must be proven beyond a reasonable doubt. We look at it through different prisms. We bring our sum total of experience. My sum total of experience says to me, cops are crooked until they prove they're not.

**C. DeLores Tucker**, chair of the National Political Congress of Black Women

I was the first black to serve on the zoning board of Philadelphia. It was around this time that my husband—then a young businessman—was accused of stealing someone's wallet in a discount store, because he was the only black male present when a white lady discovered her billfold was missing. They made us both leave

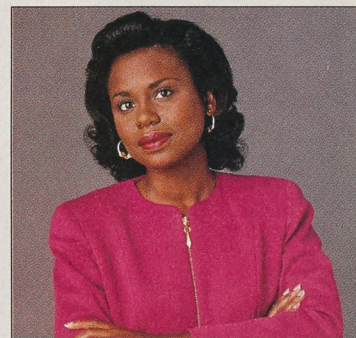


the store and wanted to arrest us, but of course they found nothing. It's humiliating. Every African-American person has had that kind of

experience. Racism is a fact of life. Today it's worse. That's why I took on a crusade against gangsta rap—because we're teaching our youth to look like gangsters, act like gangsters. Today they're looked on as thugs, rapists and drug addicts. Those types exist in every ethnic group, but for African-Americans it's the dominant perception. ■

**Anita Hill**, professor of law at the University of Oklahoma

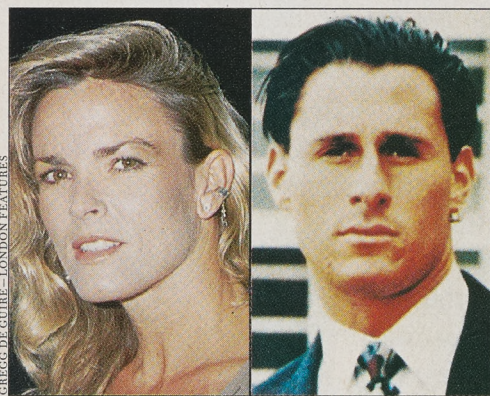
At least one juror, an African-American woman, said she felt the evidence about domestic violence was irrelevant. Yet spousal abuse resonates deeply with many African-American women who regularly witness such offenses. It is a dilemma for those of us who can relate to both sides' theories of the case, because the parallel between the racism the [black] community is decrying and the violence against women it is largely ignoring does not escape us. Whatever you think of Simpson's guilt or innocence, there was uncontroverted evidence of his abusive behavior. Lest the message be to disregard domestic violence, we ought to pause and recognize our interest in ending this form of abuse.





# An American Spectacle

**T**HE IMPROBABLE IMAGES TRANSFIXED THE WORLD ... A BEAUTIFUL blonde with bruises, a luckless waiter, a bloodstained walkway, two innocent children and a football hero suddenly charged with two gruesome murders. Millions of viewers watched on live television as the celebrity fugitive led a phalanx of police cars and helicopters on a low-speed chase around Los Angeles before surrendering. They stayed riveted for months as attorneys postured, police officers lied and forensic experts debated the fine points of hair, blood, fiber and stitches on leather gloves. Then there were still more unforgettable moments: a father in agony, a prosecutor in tears, another ride down a freeway—this time to freedom—and a nation divided more than ever by the shades of its skin.



JUNE 12, 1994

## The Murders

NICOLE BROWN SIMPSON AND RONALD L. Goldman are brutally slashed to death outside Nicole's Brentwood condo while her two young children sleep upstairs. Neighbors hear a dog's frantic barking and summon police, who find the bodies shortly after midnight. Days later, the walkway is still covered in blood. Dueling forensic experts analyze it for months seeking clues to the murderer.

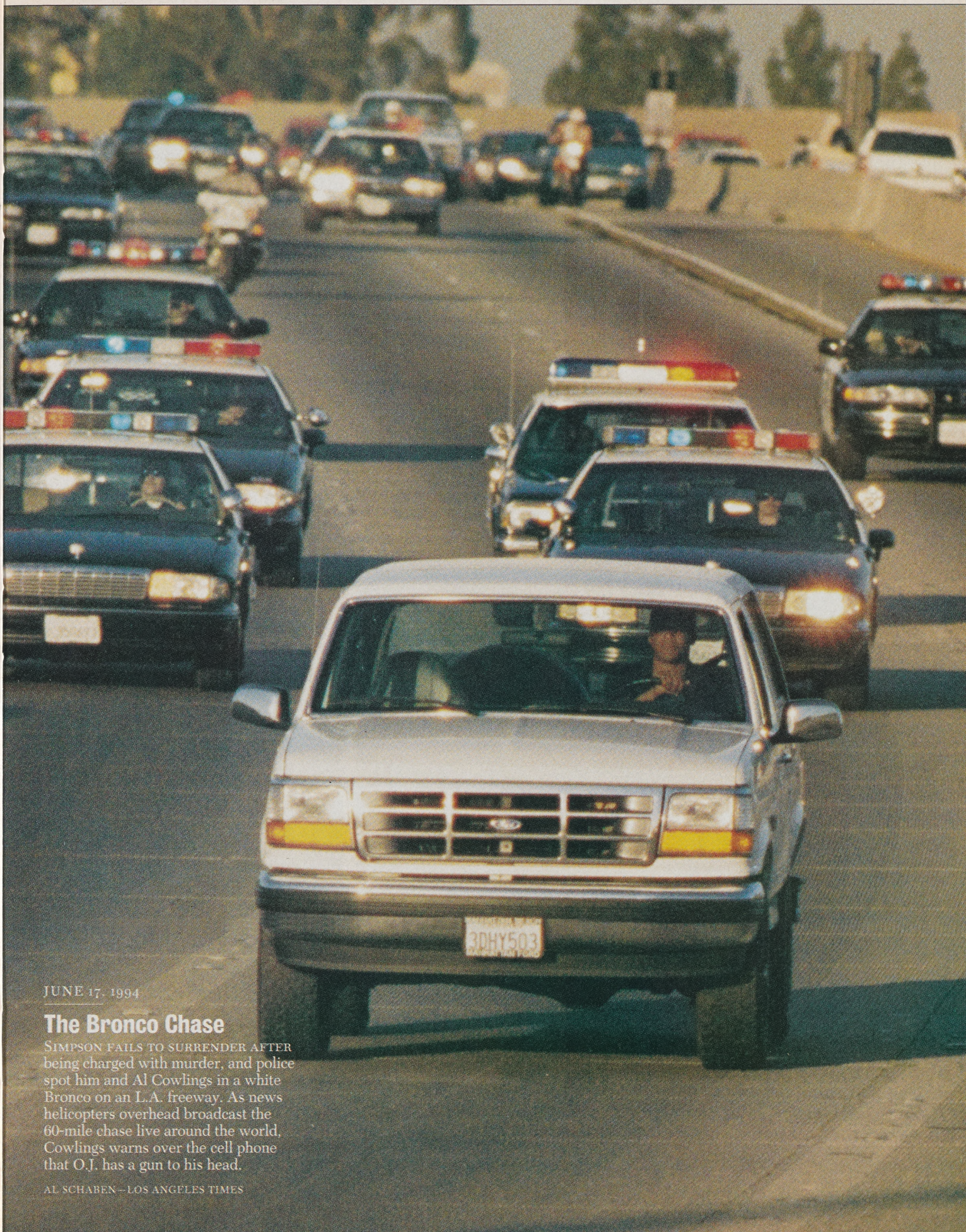


JUNE 16, 1994

## The Funeral

A STUNNED O. J. SIMPSON, WHOM POLICE sources were already calling a prime suspect, attends the burial of his ex-wife with their children, Sydney and Justin. He didn't see them again for 15 months.





JUNE 17, 1994

## The Bronco Chase

SIMPSON FAILS TO SURRENDER AFTER being charged with murder, and police spot him and Al Cowlings in a white Bronco on an L.A. freeway. As news helicopters overhead broadcast the 60-mile chase live around the world, Cowlings warns over the cell phone that O.J. has a gun to his head.

AL SCHABEN — LOS ANGELES TIMES

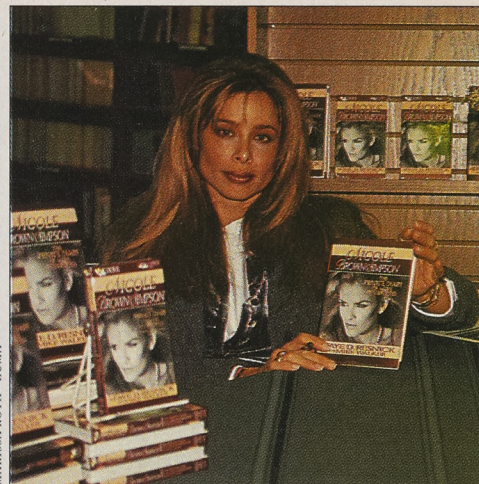




JUNE 20, 1994

## The Arraignment

LOOKING HAUNTED AND HAGGARD, SIMPSON HEARS THE CHARGES AGAINST HIM AND pleads 'not guilty' to two counts of murder in the first degree. Two days later authorities made public the tapes of Nicole's frantic calls to 911—and reports were leaking out that a bloodstained glove found at O.J.'s home matched one recovered at the crime scene.



MARISSA ROTH—ZUMA

OCT. 17, 1994

## 'The Private Diary'

FAYE RESNICK PUBLISHES A RACY TELL-ALL, alleging that O.J. often beat his wife. The defense calls it a 'drive-by shooting'; Judge Lance Ito warns potential jurors not to read it.

NOV. 7, 1994

## Camera in the Courtroom

ITO ALLOWS A SINGLE VIDEO CAMERA TO FILM the trial for television—turning attorneys into daytime soap stars and letting millions of viewers play amateur juror.



STEVE STAHR—SABA



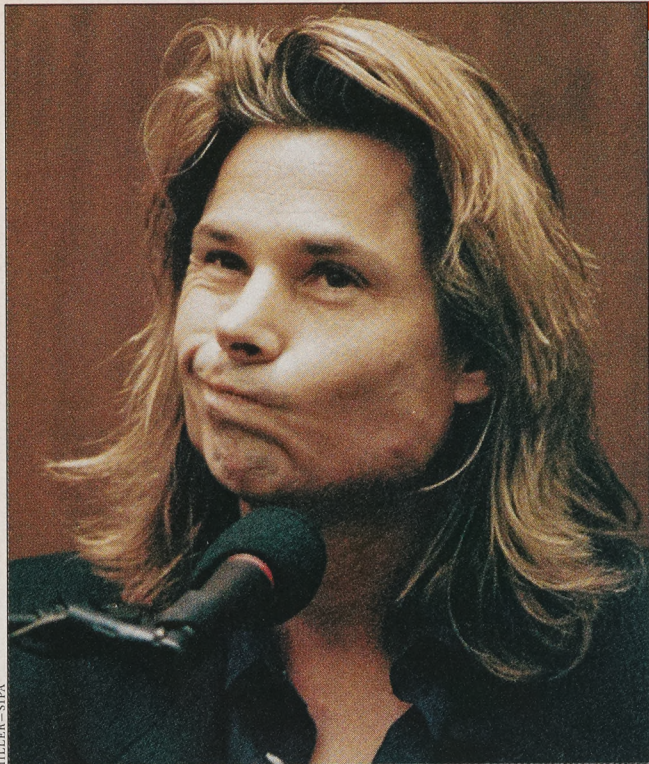
LISA ROSE—GLOBE

FEB. 3, 1995

## An Agonized Sister

DENISE BROWN SOBS AS SHE RECALLS HOW O.J. humiliated her sister in public, slammed her around and berated her for gaining weight. The defense questioned her only briefly.





MILLER—SIPA

MARCH 21, 1995

## The Houseguest

BRIAN (KATO) KAE LIN, FECKLESS hanger-on and houseguest, says he returned from McDonald's with O.J. at 9:35 p.m.—and didn't see him again until 11:15.

JUNE 15, 1995

## The Gloves Don't Fit

AT THE PROSECUTION'S ILL-considered request, Simpson struggles to put on the bloody leather gloves—over protective latex—and declares: 'Too tight.'



SAM MIRCOVICH—REUTER

MARCH 9, 1995

## The Racist Detective

MARK FUHRMAN TESTIFIES that he found a bloody glove—and insists under cross-examination that he hasn't used the word 'nigger' in 10 years.

SEPT. 5, 1995

## The Telltale Tapes

JURORS HEAR FUHRMAN USING A racial slur in interviews with Laura Hart McKinny. The public heard more—and was appalled.



TODD BIGELOW—BLACK STAR

SOME 'GOOD 'OL BOY'  
A NIGGER IN A BAR.'  
(MCKINNY TRANSCRIPT  
P. 1.)

TED SOQUI—POOL





SAM MIRCIOVICH—POOL

SEPT. 22, 1995

## The Speech

WITH THE JURORS OUT OF the courtroom, Simpson is asked officially if he waives his right to testify—and makes an impromptu speech instead: 'I did not, could not and would not have committed this crime.' Prosecutors strongly objected, fearing his words would somehow reach the jury.

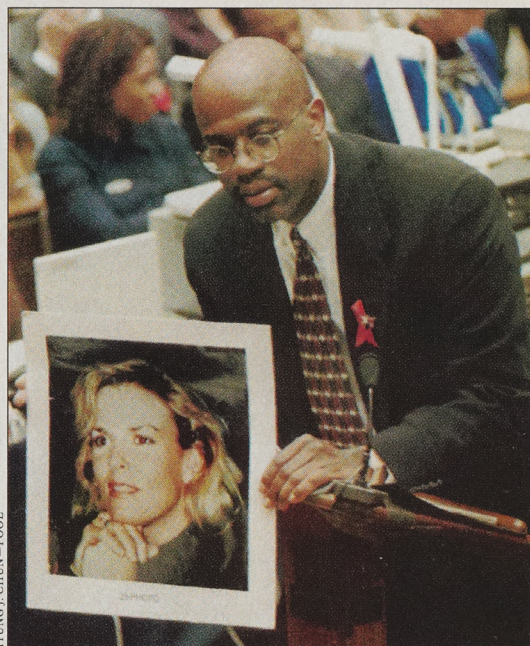
OCT. 3, 1995

## The Ride Home

IN AN EERIE RE-ENACTMENT of the Bronco chase, motorists honk and cheer as Simpson is driven home in a white van after his release. While news helicopters clattered overhead, O.J. embraced Al Cowlings in the driveway of his Brentwood estate, and disappeared inside, now a prisoner only of the press.



PAUL MORSE—LA TIMES



MYUNG J. CHUN—POOL

SEPT. 29, 1995

## Closing Arguments

PROSECUTOR CHRIS DARDEN MAKES AN EMOTIONAL rebuttal to the defense's summation—and pleads with jurors to remember Nicole. After the verdict, Darden breaks down and tells reporters he isn't sure he would ever practice law again.



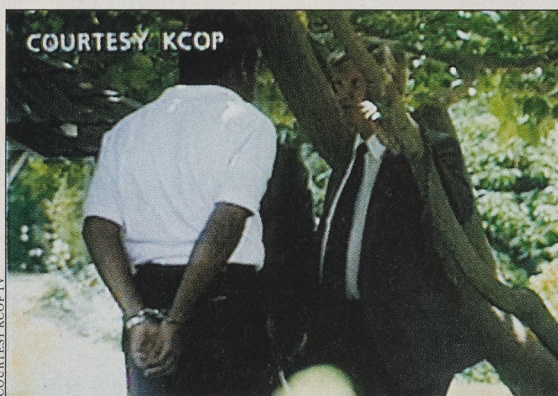
# Disorder in the Court

Bye-bye to juries, Court TV and the Fifth Amendment? The Simpson case could mean big changes in the criminal-justice system. By David A. Kaplan

**G**ET READY TO O.D. ON MORE O.J. THE trial is over, but the recriminations are just beginning. After all the analyses about race and gender, class and wealth, television and excess, *California v. O. J. Simpson* was still about the criminal-justice system. The LAPD investigated, the D.A. prosecuted, an armada of hired guns defended, one judge presided and

12 jurors acquitted. Now the international second-guessing of their actions is giving way to talk of dramatic changes in the legal system. Participants acknowledge that the trial—involving the most famous murder defendant in U.S. history—was totally unrepresentative of American justice. For one thing, most defendants don't have the millions to hire Johnnie and F. Lee, Barry and Bob; reasonable doubt has an unreasonable price. Yet the magnifying effect of the all-O.J. media coverage is inexorably driving legislators and other reformers. It's happened before. When a jury found John Hinckley Jr. insane after his attempt on President Reagan's life, many states cut back on the insanity defense.

Long after *NEWSWEEK* runs its last O.J. cover story and "Nightline" sets its sights on Colin Powell's running mates, criminal justice will have to deal with the cleanup of



Arrested at Rockingham: O.J. in handcuffs

the Simpson case. The chore won't be pretty. Some proposed changes amount to tinkering. Some, like fixing the LAPD, continue efforts begun long before O.J. took a Bronco ride. Other reforms, involving the Constitution itself, would require fundamental restructuring of the way courts do business. For prosecutors in particular, many changes will have to be subtle. Prose-

cutors will have to rethink how they present DNA evidence (and what to do if they don't have any); what to do with state witnesses who have shown any racial animus and how to deal with defense lawyers eschewing plea bargains and emboldened by the belief that urban juries will be out to "send a message." As the O.J. debate changes venue, here's a look at the possible future of American law:

**Hang the jury?** Ordinary citizens have been the heart of Anglo-American criminal justice for centuries. Ideally, 12 jurors reflect the common sense of a community. The Simpson jury shows the system at rock bottom. Nobody applauds the swiftness of its verdict or the internal rancor over the past year. But more significant, the case may illustrate that our entire premise of juries is flawed. *Either* possible verdict was going to be illegitimate to a major segment of society; that's no way to promote confidence in criminal justice.

Many Western democracies don't have juries, including Italy, France, Germany, Japan, Israel and the Scandinavian countries. But don't expect an end to juries here. That would require outright repeal of the Sixth Amendment—not likely even in the archconservative era symbolized by Justice Clarence Thomas. Is the American jury an anachronism, an institution that no longer works in the day of jury consultants, complex scientific testimony and racial polarization among diverse juries? Most lawyers, judges and lay folk still say it's better than the alternatives. More plausible changes to the jury system include: seating the first 12 people called, unless someone is connected to the parties or the alleged





ERIC DRAPER—AP

**Cameras in the Colosseum:** Ito had a tough job, but he lost control of the trial, and TV may cease to be a fixture in American courtrooms

crime; letting the judge alone interview prospective jurors, rather than letting the lawyers window-shop; eliminating all peremptory challenges. Los Angeles D.A. Gil Garcetti told *NEWSWEEK* he wants "mandatory jury service"—no excuses allowed. At the other end of the reform spectrum are those who say it's unfair to stop lawyers from striking jurors based on race and gender. The Simpson case, they say, proves that mandating blindness is naive.

**Rewrite the rules.** Many critics say it's time to change constitutional dos and don'ts that favor defendants. The Fifth Amendment allows an accused criminal not to take the stand. Fair enough, says Harold Rothwax, a respected criminal-trial judge in Manhattan. But why shouldn't the jury be allowed to factor that into its verdict? For now, because the U.S. Supreme Court says so. "Common sense screams that you draw an adverse inference from that," he says. In many countries of West-

ern Europe, defendants don't even have the right to refuse to testify. Nonunanimous verdicts—10 to 2 or 11 to 1—are also likely to become more common, though that is more a result of the Menendez hung juries last year than the Simpson trial.

**Treat jurors as humans.** If you're going to have juries, be nice to them. "Sequestration should almost never be done, especially in a long trial," says Chief Judge Jon Newman of the 2d U.S. Circuit Court of Appeals. In the Simpson case, it was worse for jurors because they were led to believe they'd get out sooner. No wonder they deliberated so quickly. How to keep jurors from hearing inflammatory material like the Fuhrman tapes? Repeated warnings from the judge and then take your chances, Newman says. In the Oklahoma City bombing case, lawyers for both sides have asked the judge not to lock up the jury.

Another suggestion: let jurors participate more in the trial. Arizona will soon allow

jurors to ask witnesses questions—funneled through the judge. They'll also be able to consult with each other during civil trials. Putting time limits on cases, reducing the number of sidebar conferences and limiting the number of counsel are other ways to civilize jury service. Like it or not, say prosecutors and defense lawyers, jurors will be citing the experience they saw on TV and expect better. Some proposals aren't so kind. One state senator in California wants to figure out a way to *require* jurors to deliberate for a certain period.

**Shut the lawyers up.** Even members of the Simpson defense agreed last week they yabbered too much outside the courtroom. It will be harder for that to happen again in California. Last week an ethics rule went into effect limiting what lawyers can tell the media. Those kinds of limited "gag orders" are likely to be more commonplace after the Simpson trial.

**Calm the judge down.** Don't expect Lance

**44%** of blacks think there will be efforts to root out racism in local police departments as a result of the trial; **58%** of whites think so, too.



Ito to be on anyone's short-list for the Supreme Court next year, unless Larry King is elected president. Legal experts give Ito good marks for his specific evidentiary rulings—like keeping out most of the Fuhrman tapes—but skewer him for losing control of the lawyers and his courtroom. He was “too courteous,” says Harland Braun, an L.A. defense lawyer. Judge Rothwax cites the time Ito scolded defense lawyer Peter Neufeld, “That’s the 13th time I’ve asked you not to ask that question.” Several weeks later Neufeld appeared in Rothwax’s courtroom and was told by the judge, “Peter, you’re not even going to go past the first time.” Neufeld’s response: “Don’t blame me. Judge Ito let me do it.” Rothwax claims the Simpson trial would have taken three or four months under him. “Ito delighted in the trial and enjoyed it for as long as he could,” Rothwax says.

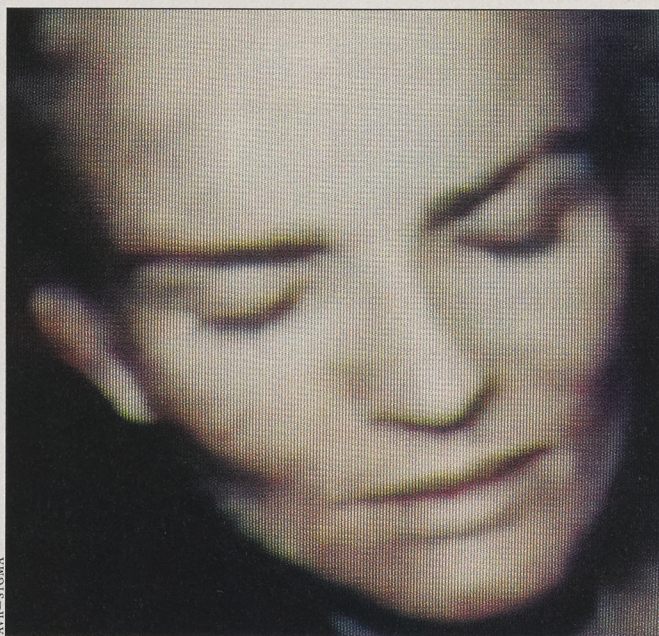
**Clean up the police stables.** Between Mark Fuhrman in Los Angeles and other scandals in cities like Philadelphia, police have their work cut out. While Attorney General Janet Reno announced last week that the Justice Department would investigate the LAPD, reform will have to begin at the recruiting level. But even with more minority hiring and sensitivity training, can any forensics specialist or crime-scene analyst withstand a Barry Scheck cross-examination? “If only an ideal investigation will meet jurors’ expectations,” says Northwestern law professor Ronald Allen, “there will be no convictions. There’ll be anarchy.”

**Pull the plug.** In the last decade, the trend has been to let TV cameras into trials. It’s what has given Steven Brill at Court TV new reason to live—and his cable channel in fact did an admirable job of covering O.J. soberly. Still, Ito’s bad courtroom example and the Ringling Bros. atmosphere have reversed the trend. The judge in the Menendez double-murder retrial beginning this week has barred cameras. So, too, the judges in the Selena and Polly Klaas murder trials. Mississippi has gotten rid of them altogether, except in the rarest case; California Gov. Pete Wilson wants to do the same thing. It’s easy to understand those sentiments. For all the chatter about educational value, most TV coverage of O.J. was packaged as entertainment—a slower, poorly acted version of “Murder One.” Thank goodness we still have Hollywood.

With DANIEL MCGINN in New York, GINNY CARROLL in Houston, ANDREW MURR in Los Angeles, STEVE RHODES in Chicago and CLAUDIA KALB in Boston

# Why Batterers So Often Go Free

Women jurors rarely sympathize with victims of domestic violence By LynNell Hancock



Haunting souvenir: Beaten Nicole, bruised and disfigured

WHEN THE O.J. VERDICT WAS read to a rapt and riven nation, one woman in Madison, Wis., felt all over again the barrel of a gun pressed to her temple. Two months after Nicole Brown Simpson was brutally murdered, Jennifer, as she asks to be called, found herself just a “fraction from death.” She had told her husband she wanted to end their marriage of 20 years. Four days later, “out of the sky blue” he covered her face with his hands, grabbed a loaded pistol from the night stand, held it to her head and said, “You go call the f---ing cops. You know what happened to Nicole, so go call your f---ing cops.” Jennifer fled to a shelter for battered women the next morning. Though her husband begged her to come home—initially tracking her whereabouts by monitoring police radios—she has never returned. “I have lived this case in Nicole’s shoes,” says Jennifer. “My husband is very charming, a PR man like you would not believe.” Jennifer is convinced that if he had pulled the trigger that night, he would be walking free today.

O.J.’s acquittal resonated loudly among those blacks who have experienced decades of injustice in the criminal-justice system. Yet women and victim advocates say the quieter message is equally dire: men can beat their wives, perhaps even kill them, and go unpunished. About 1.8 million women are abused every year—one every 16 seconds, according to Murray Straus, codirector of the University of New Hampshire Family Research Lab. “O.J.” has already entered the lexicon as a verb for torture. Before Nicole’s death, abusers commonly said, “‘Bitch, I’m going to kill you,’” says Rob Schroeder, director of Safespace, a public shelter in Miami. “Now they’re saying, ‘Bitch, I’m going to O.J. you.’” A Boston woman told shelter workers her husband branded her leg with a hot iron, threatening to out-O.J. O.J. And one Orange County, Calif., license plate was framed with a personal warning: “If O.J. walks, my ex-wife better start running.” Abuse experts worry that Simpson’s release may force victims to retreat into their private hell, discouraging them from seeking legal help. Standing in the dark just minutes from Simpson’s Rockingham-estate celebration party, Denise Brown told a gathering of candle-carrying protesters the verdict was saying, “You can rape, you can stalk, you can kill, and it’s quite all right.”

**Prelude to murder:** How did the panel of two men and 10 women so swiftly dismiss O.J.’s violent past as a prelude to murder? There were police reports of a half-clothed Nicole hiding in fear by her door. There were Nicole’s haunting souvenirs in the safe-deposit box—photos of her bruised face, O.J.’s tortured apology, a will naming her middle sister, Dominique, as guardian of her children. “It’s like writing: In the event of my death,” said prosecutor Marcia Clark in her closing statements. “She knew. He’s going to kill me.”



One answer may lie, ironically, in the gender of the jurors. Jury studies show that women have a particularly hard time sympathizing with battered women who bring their attackers to court. Female jurors are more likely than men to blame the accuser for her injuries. They tend to comb the testimony for any indication why this unsettling woman before them is exaggerating—why she could never be them. “It’s too scary for many women to realize they, too, are vulnerable to being victimized,” says Joan Zorza, senior attorney at New York’s National Center on Women and Family Law, “so they think it’s her fault.” If gender biases were not enough to keep the jury skeptical, Nicole was also rich. She owned a condo, a flashy car and sexy clothes. She wasn’t

a majority of black women believed Simpson was framed by the LAPD. Barbara Cochran Berry, defense attorney Johnnie Cochran’s ex-wife, told *NEWSWEEK* her recent book alleging physical abuse at Johnnie’s hands was received with sympathy by whites. African-Americans, however, considered it a work of treason. In an odd twist to the blame-the-victim impulse, black women often see domestic violence through the prism of race—and class—not gender. By portraying her prominent husband as arrogant, petty and sometimes brutal, Berry had betrayed not only Johnnie, but all black men. (Cochran denies his ex-wife’s allegations.) Racism, it’s believed, can do more damage than a fist. “In O.J. they see their sons,” says Donna Ferrato,

was named as the key suspect in Nicole’s brutal slaying, calls for help from battered women’s shelters increased by 25 percent, says Robert Geffner, president of the Family Violence and Sexual Assault Institute in Tyler, Texas. “They saw Nicole, and they finally recognized the danger they were in.” Many police departments are taking abuse cases more seriously. Five years ago “only the heinous beasts who broke bones” were arrested in Dade County, Fla., says Schroeder. Now arrests are up, and more batterers are getting treatment. Even corporate America is waking up. State Farm Life Insurance, once skewered for denying a woman insurance because she was a victim of domestic violence, has just launched a family-abuse prevention campaign.



**Avenging angel:** At the grave, flowers, notes and tears from other victims of abuse

trapped by poverty, says Ann Jones, author of “Next Time She’ll Be Dead,” a book about battering. She could, less affluent women may think, have bought herself a bodyguard.

Black women in particular find domestic-abuse evidence to be a tough sell—especially when the defendant is a black man. Long before juror Brenda Moran called the domestic-violence evidence a “waste of time,” jury experts—including the prosecution’s own—predicted black women on the panel might turn a deaf ear to Nicole’s 911 calls for help. Polls throughout the trial showed that

author of “Living With the Enemy” and co-founder of the Domestic Abuse Awareness Project. “They get very protective.”

Even with such a high-profile setback for domestic-abuse victims, family-violence experts see some hopeful signs. As media coverage of the case and its aftermath continues to expose spousal abuse, attitudes may slowly change. After all, advocates say, Anita Hill may not have bumped Clarence Thomas from the Supreme Court, but her case helped bring sexual harassment into the open. Ever since O.J.

**Gruesome link:** Still, awareness by itself has yet to stop the worst forms of violence. Four women a day die at the hands of their husbands, ex-husbands or boyfriends, according to an analysis of FBI homicide data by James Alan Fox of Northeastern University—the highest rate in nearly two decades. Black women are three times as likely as whites to be killed in domestic violence. Prosecutors need to do a better job of making this gruesome link between murder and abuse very clear for jurors, say legal experts. Courts need to be more aware that children in violent homes are at high risk of being harmed. Richard Gelles, head of the University of Rhode Island’s Family Violence Research Program, found that six out of 10 batterers also abuse their children. “We have to work even harder to protect battered women and their children,” Gelles says, or they “will believe the criminal-justice system can’t help them.”

Other victim advocates think it’s time the courts and police focus less on just protecting the woman and more on reforming her abuser. “Batterers can be turned around,” says Donna Ferrato, through treatment, fines, even jail time. “Imagine if back in 1989, O.J. had to pay a \$50,000 fine, go to a batterers program for a year and maybe be censored by Hertz.” Nicole, she thinks, would still be alive.

With KAREN SPRINGEN in Chicago,  
TESSA NAMUTH and SUE MILLER in New York,  
PATRICIA KING in Los Angeles and bureau reports

**52%** of blacks think there was not enough evidence to convict Simpson; **46%** of whites think his topnotch expensive lawyers turned the tide.



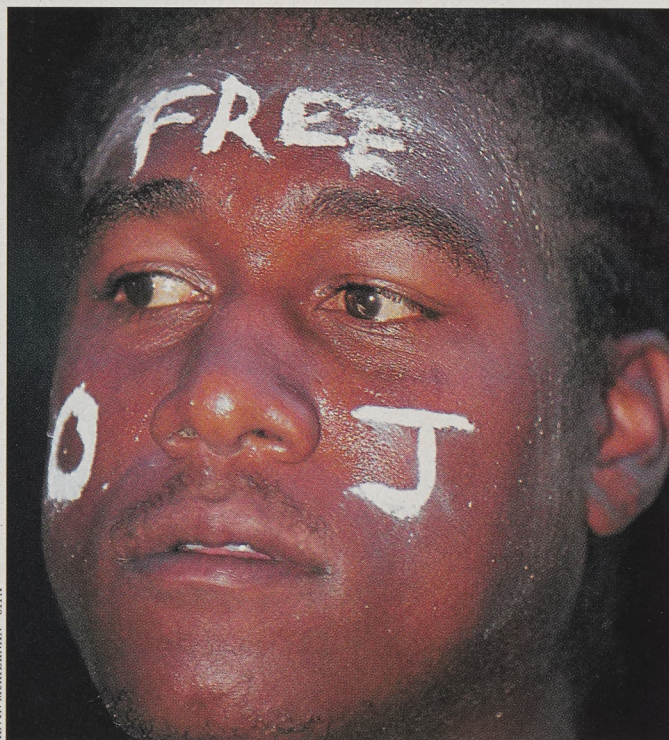
# The Silly Season

Common sense has been in short supply in O.J. land. Hence all the speculation about what the Simpson case says about American justice—as if your prototypical defendant has access to big-bucks lawyers with fancy experts and mind-bending sophistry. By Ellis Cose

**I**N ONE OF THE MORE memorable moments of the O.J. Simpson trial, prosecutor Christopher Darden begged jurors not to “choke on [the] smoke,” not to let passion overwhelm good sense. Perhaps his warning would have been better directed at the rest of us. One can debate (and millions will, ad nauseam) whether the jury reached the proper verdict at the proper time, but the decision on the public is clear. We were never capable of setting aside our preconceptions about the case, and never succeeded in untangling it from our own obsessions.

We formed our opinions early. And, facts and testimony be damned, we stood our ground. That was as true of whites, according to the polls, as it was of blacks. (Pollsters have not shown much interest in the opinions of Latinos, Asians and others on the matter.) The only difference was that, for the most part, the races came down on different sides. In July 1994 a Gallup poll commissioned by USA Today and CNN found 68 percent of whites saying Simpson was guilty and 60 percent of blacks calling him innocent. That was less than a month after the murders and before a scintilla of evidence had been presented at trial. It was even before Los Angeles Municipal Court Judge Kathleen Kennedy-Powell found sufficient evidence to try Simpson. The opinions of blacks and whites, in short, rested on something other than deep knowledge—and they were not much subject to change.

The trial therefore became, for many of us, not a search for truth, or even for justice (in the limited legal sense of the word), but a test of whether the system would verify



KEVIN MAZUR—SIPA

what we thought we already knew. Worse, it became a litmus test for questions it could not conceivably answer. Can black jurors be impartial? Will wife-beaters be punished? Can the courts be fair to a black man? Can murdered innocents find justice? No single trial could carry that weight.

Common sense should tell us that the Simpson trial says roughly as much about the ability of black jurors to render justice as the William Kennedy Smith and Lorena Bobbitt trials (both had all-white juries) say about the ability of white jurors to understand the law. Or as the John De Lorean trial (where there were videotapes, for God's sake) tells us about the competence of California jurors to evaluate evidence. But common sense has been in short supply in O.J. land. Hence all the speculation about what the Simpson case says about the quality of

U.S. justice—as if your prototypical accused killer has access to a battalion of big-bucks lawyers with their fancy experts and mind-bending sophistry. In fact, the typical defendant is more likely to end up with an overworked public defender with no budget and barely time enough to learn the client's name.

Though the Simpson case raises some interesting and important questions, it is so unusual as to be useless in answering them. Just over 1 percent of men charged with murdering their wives are acquitted, according to a study of large urban counties released last year by the U.S. Justice Department. Nearly 90 percent are convicted or plead guilty, with the remainder of the cases either dismissed, rejected for prosecution or otherwise disposed of. It is not so easy for a husband to get away with murder, whatever we may believe happened with O.J.

**Unsophisticated:** Nor is it clear that race was the most relevant reason for Simpson's exoneration. (Few people seem to remember that the two whites and one Latino on the jury also quickly made up their minds.) Larry Stephen, chief of the special prosecutions division for the U.S. Attorney's Office in

Newark, thinks that the jury's lack of sophistication was the key. The Simpson jurors, after all, were not particularly notable for accomplishment—presumably, in part, because highly successful people are generally reluctant to spend a year away from their regular work. In a circumstantial-evidence case, says Stephen, he always looks for people who are smart and well educated, who understand, among other things, that beyond reasonable doubt does not mean beyond any doubt.

This is not to say that race is irrelevant to juror behavior. Georgetown University law professor Emma Jordan believes a history of lynchings, biased white juries and police harassment has given blacks a jaundiced view of American justice. And the enactment of drug laws that fall more heavily on blacks than on others, she be-





DICK KRAUS—NEWSDAY

lieves, has aggravated the sense of injustice.

A report released last week by the Sentencing Project, a Washington-based advocacy group that promotes alternatives to prison, brought home the reason many blacks are frustrated. Nearly one third of black males in their 20s are either in prison or jail or on probation or parole, the study says. One reason, concluded the authors, was that blacks had become cannon fodder in America's war on drugs. In 1992, the most recent year for which statistics were available, nearly 90 percent of all defendants sentenced to state prisons for drug possession were either black or Hispanic. The statistic is even more stunning when

set next to surveys by the National Institute on Drug Abuse that indicate blacks constitute only 13 percent of monthly drug users.

Though Attorney General Janet Reno has advocated evenhanded treatment, the Justice Department has resisted changes in the mandatory-sentencing guidelines that require much higher penalties for use of crack (considered an inner-city drug) than for possession of powder cocaine (which is more popular among the affluent). Consequently, a dealer holding less than \$1,000 worth of crack can receive the same sentence as someone with \$50,000 worth of powder cocaine. And if a crack trafficker is black, he may be more likely to be arrested

and convicted than his white counterpart. A Los Angeles Times investigation last spring reported that though many whites use crack, not a single white had been convicted of a crack offense in an L.A.-area federal court in nearly a decade.

Michael Tonry, a professor of law and public policy at the University of Minnesota, claims that the disproportionate impact was intentional. "Crime-control politicians wanted more people in prison and knew that a larger proportion of them would be black," he asserts in his book, "Malign Neglect: Race, Crime and Punishment in America." Whatever politicians' intentions, the result is that more and more

**14%** of blacks say they have more confidence in the justice system now; **37%** of whites say they have less. Most people say the verdict made no difference.





blacks are finding their sons, brothers and lovers in prison.

Despite that, many prosecutors dispute the notion that black jurors coddle other blacks. If the evidence is "tight" and her presentation is credible, "I get convictions with juries that are predominantly African-American and Latino," says Patricia Gatling, an assistant district attorney in Brooklyn, N.Y., and past president of the National Black Prosecutors Association. Stephen, who is also black, concurs. "I prefer black jurors," he says. Though they are often more suspicious of police testimony than whites, he believes their suspicions are generally well founded. Blacks are more likely to know "how cops really are outside the sterile environment of the courtroom," explains Stephen.

Even if black jurors believe police have been abusive, a not guilty verdict is far from

a foregone conclusion. For as suspicious as many blacks may be of police, they are even more fearful of malevolent thugs. Black communities are "most impacted by crime," points out Stephen; so law-abiding residents are eager to put miscreants behind bars. As one big-city prosecutor put it, "African-Americans understand what it's like to live in a neighborhood infected by drug dealers." Nonetheless, Gatling fears that some white prosecutors will take the Simpson case as evidence that blacks don't belong on juries. "If they knew my 71-year-old mother from Mississippi," she says, "not a prosecutor out here wouldn't want her."

In the rush to judgment that has followed the Simpson trial, however, some people are having a huge problem seeing not only black jurors but blacks in general as individual human beings. Many have also lost track of an important fact: that we have a

**O.J. mania:** *Celebrating at a Wyandanch, N.Y., beauty salon. But was race the most relevant reason for Simpson's acquittal?*

legal system that, in order to ensure that the wrongly accused go free, ends up exonerating some people who are guilty. Many Americans clearly believe the Simpson team took unfair advantage of that system. Others believe a black man finally made it work the way whites have all along. Wherever one stands, we should be able to agree on two things: that the verdict and the way it was arrived at were anything other than typical; and that the real sources of racial tension in this country lie not with the O.J. jurors or even with his attorneys but in our inability to see racially charged events through anything other than a racially polarized lens.

With MICHAEL ISIKOFF in Washington



# White and Blue

We expected more blacks to look beyond race to facts, as many whites had during the Rodney King trial. When so many blacks didn't, it shocked us—and hardened us in ways that shocked us even more. By Jonathan Alter



**Fighting words:** Is there really any value in learning how divided we are on race?

I FELT WHITER LAST WEEK THAN I HAVE EVER FELT BEFORE, and I didn't like it. Sometimes feeling self-consciously white can be uncomfortable but illuminating; for instance, I understand the value of those times when I've been the only white person in a room or neighborhood. But this bone-whiteness was deeper, and tinged with an alarming and widely shared purple resentment. In my case, the resentment didn't boil over into the racism now found on the Internet and talk radio. It didn't prevent me from sympathizing with a similar sense of injustice that blacks have historically felt. Yet I was plenty upset all the same, especially at the jubilation that many blacks (by no means all, it's important to note) expressed after O.J. walked. And I don't buy the argument that it's socially useful to learn just how divided we are on race. I wish we'd left this scab unpicked.

Yes, Fuhrman is vermin, and the prosecution should never have tried to prop him up. Proving that the lead detective is a liar would be fatal to many other criminal cases, even ones without racial issues. And obviously it would be good if the fallout from the case forced law enforcement to be less sloppy and arrogant.

So why the white rage? The flash point was less the non-guilty verdict itself than the continued insistence that the man is genuinely innocent. When you repeat a lie long enough and loud enough it

lives. To have framed Simpson, the level of conspiracy required by detectives *other than* Mark Fuhrman is virtually impossible logistically, no matter how racist the LAPD might be. If believing a conspiracy is unreasonable and ignoring voluminous unrefuted blood and motive evidence is unreasonable, then doubt itself is unreasonable.

Jurors now insist they were not sending a message. Fine. But anyone who closely followed the trial would have to acknowledge that the jury seemed in deep denial about many prosecution arguments. To every point raised by juror No. 8 on "Nightline," for instance, the prosecution had a convincing response, which apparently didn't get aired in the jury room. Unless they're lying, the jurors talked about the case with each other for a far shorter time than 100 million other Americans talked about it with each other. Whatever the verdict, the victims and their families deserved better than that.

**Real killer:** As for other possible killers, the suspects were inadvertently narrowed in a little-noticed comment by Robert Shapiro on "Larry King Live" last week. Shapiro casually said Ron Goldman was an "innocent bystander." That takes care of most of the defense's theories about drug conspiracies and the like. We now know the real killer is *someone else* with a major grudge against Nicole Brown specifically. Go get 'em, O.J.

Of course such specifics don't really explain the strength of emotion among many whites who consider themselves to be enlightened on matters of race. Perhaps the key is that we assumed, unthinkingly, that

we occupied some kind of demilitarized zone with moderate blacks. If it wasn't color-blind, it was at least color-farsighted, with certain common values allowed to share the foreground. Suddenly that zone was gone, at least as far as O.J. was concerned. Black moderates are familiar with the pressure to fall in line with a "black" position. They feel it again in this case. But for many white moderates, it's jarring to find ourselves identifying not with a set of racially idealistic principles but with the so-called "white" position. We expected more blacks to look beyond race to facts, as thousands of whites had during the Rodney King trial. When so many blacks didn't, it shocked us—and hardened us in ways that shocked us even more.

Here's the intentionally provocative message that Ben Stein, an L.A. writer, e-mailed Frank Rich of The New York Times last week: "When O.J. gets off, the whites will riot the way we whites do: leave the cities, go to Idaho or Oregon or Arizona, vote for Gingrich . . . and punish the blacks by closing their day-care programs and cutting off their Medicaid." Stein might have added that more than a few overwrought whites could end up deciding that they weren't so keen on Colin Powell for president after all. And Powell's failure to show leadership last week by criticizing the rejoicing didn't help bridge the gap.





OLGA SHALYGIN—AP

**Goldman's sister, Kimberly, at his grave:** Jurors deliberated less than most Americans did. Did the families deserve more than that?

Even if predictions of post-Simpson backlash are grossly overblown (and let's hope they are) the basic white frustration remains: that race trumps spousal abuse, factual consistency and just about anything else. As early as the first polls, the Simpson case was perceived as racial—and perception became reality. But the truer subtext was always about money and celebrity and the sale of "reasonable doubt" to any defendant who can afford to plant it. If the same case had been brought against a defendant who wasn't rich and famous, it wouldn't matter whether he—or the jury—was black or white. He'd be on death row. That should be more than a TV truism about this case; it should stimulate thinking about how to take big money out of the courtroom. (One idea: limit compensation for expert witnesses to what government experts receive, which would allow poorer defendants to afford them.)

It's just as bad for whites who didn't follow the case to assume Simpson's guilty as it is for blacks to assume he's innocent. But for blacks who *did* review the tremendous evidence, cheering was

repugnant. Harlon L. Dalton, a black Yale law professor and the author of a perceptive new book called "Racial Healing," says that some black friends of his have admitted that they think Simpson did it, but can't say it publicly for fear of being seen as traitors to their race. That may be the saddest news of the week.

The Simpson case did not create all of these racial tensions, but the structure of today's "Crossfire" culture has worsened them. Over time, the adversary principle at the heart of the legal system—opponents fight and justice emerges—has been adopted by the media and the outside world. Now we have a full-blown adversary culture, where the clash of ideas is aimed mostly at producing entertainment. It's not just that arguing yields more heat than light, it's that the heat obliterates the light—at least on race. Maybe no real healing is possible on this one—maybe blacks and whites need to talk to each other more, but not about O. J. Simpson. So let's give it a rest, at long last, and work hard to find some other terrain on which to reacquire ourselves. ■

**67%** of whites think racial issues raised in the trial increased racial tensions; **52%** of blacks agree.



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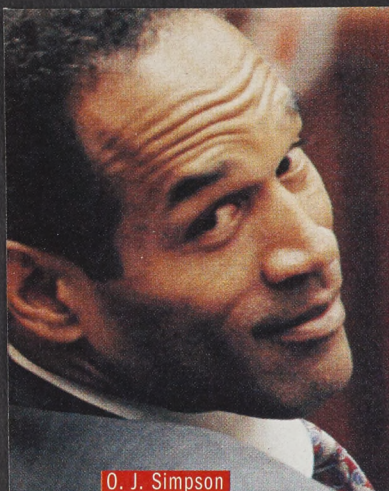
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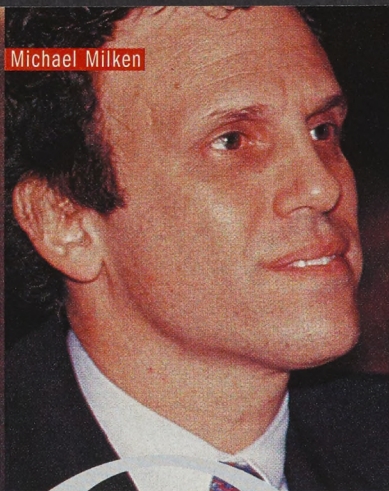
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PLUS  
Jacob Weisberg on  
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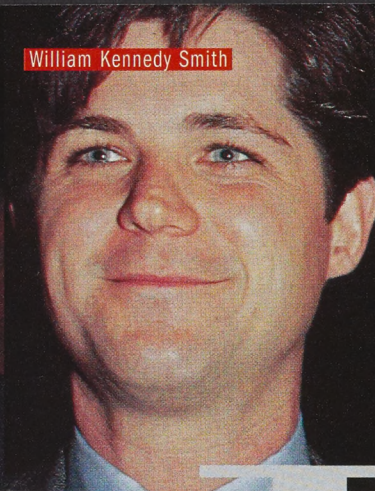




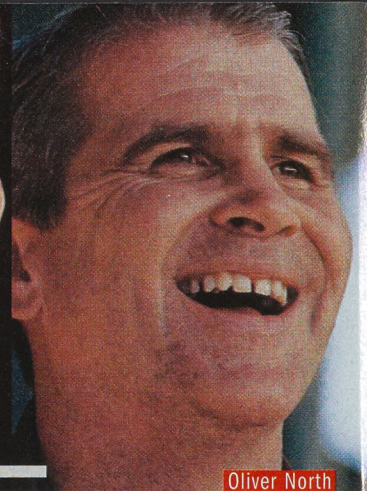
O. J. Simpson



Michael Milken



William Kennedy Smith



Oliver North

# The Untouchables

By Tad Friend

White or black, if you've got the bucks, you can duck the heat. Some notes on a modern-day rite of passage.



Radovan Karadzic



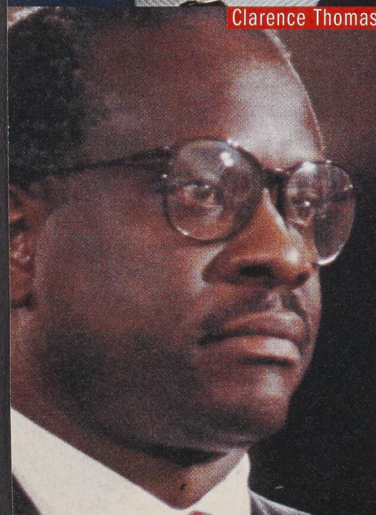
Mike Tyson



Kurt Waldheim



Don King



Clarence Thomas



Claus von Bülow



Marion Barry



Michael Jackson



AS YOU MAY HAVE HEARD, O. J. SIMPSON walked. And the first thing he did, Disney World being out of the question, was have a party at his Rockingham estate. O.J. would see his small children Sydney and Justin the next day in a tasteful reunion, with only the *Star* present to take exclusive photos for upwards of \$500,000; right now, as Nicole's father said, he had "some wild oats to sow." Near where police had found O.J.'s blood-saturated socks, white-gloved waiters hovered with offerings of shrimp, steak, and chicken. The wingding featured champagne on the balcony; Simpson's mother, Eunice, arriving in a cream Rolls-Royce; and "curvy nude model" Paula Barbieri—as the New York *Post* delicately put it—arriving for the night. The whole fiesta was filmed for later airing on O.J.'s expected \$10 million pay-per-view interview. A classy homecoming, in short, one bespeaking the humility that has enabled Simpson to endure these monstrous false accusations.

Wait. That little bubble of sarcasm was wholly inappropriate, and I apologize. I still catch myself thinking that a man who is *manifestly guilty of butchering two people like pigs in a slaughterhouse and who should spend the rest of his life vainly scraping at his bars with a dull toothbrush* might give thanks for his freedom in a more seemly manner. Might even feel a pang of, oh, I don't know, guilt.

But that's old thinking, yesterday's morality. The fact is that today powerful men walk or do only token time, feel no guilt, and often cash in even bigger than before. In the old days Fatty Arbuckle's career was ruined, Nathan Leopold and Richard Loeb received lengthy sentences for murder, and Robert Mitchum served time for smoking pot. Nowadays, punishment, like taxes, is for the little people.

Witness sculptor Carl Andre (acquitted of pushing his wife out the window after an argument); John DeLorean (acquitted of drug possession, conspiracy, and distribution, despite an incriminating videotape); the director John Landis (acquitted of the involuntary manslaughter of actor Vic Morrow); Washington fixer Clark Clifford (indicted but never tried—because of ailing health—on charges of bribery and conspiracy in the secret acquisition of First American Bank by BCCI); Senator Alfonse D'Amato (found by the Senate Ethics Committee to have conducted his office in an "improper and inappropriate manner," but not charged with influence peddling to Wedtech, Unisys, and many other companies); and Michael Milken (did time but just rehabilitated with a \$50 million bouquet from Ted Turner for his fine work in getting Turner together with Time Warner).

Witness also the merry Iran-contra gang: Oliver North and John Poindexter, whose felony charges were reversed on an

evidentiary technicality; Caspar Weinberger and Robert McFarlane, who were pardoned by outgoing president George Bush; Bush himself, whose claim to be "out of the loop" was undercut by Weinberger's handwritten meeting notes; and Ronald Reagan, who gave investigators three different versions of what he knew and when he knew it.

All these guys knew other guys who knew the guys to know; they were upheld by their network; they had top lawyers. Lawyers! The one moment in the Simpson trial when I admired a defense lawyer's probity was when Robert Shapiro stood in court to denounce Johnnie Cochran for making racist detective Mark Fuhrman the issue. "Not only did we play the race card, we dealt it from the bottom of the deck," Shapiro said, apologizing to humanity in general. Oh. My time line is off—Shapiro said that *after* the verdict, when the race card had already trumped for his client.

The piety we heard from so many commentators, including President Clinton, to the effect that the jury system, whatever its flaws, blah, blah, blah, is a dusty civics lesson that shouldn't even be taught in the third grade. The truth is: If you can afford to hire Johnnie Cochran—or Roy Black or Richard "Racehorse" Haines or Gerry Spence or Thomas Puccio or Alan Dershowitz—at \$400 an hour, you'll probably get away with it. While Martha "Sunny" von Bülow lies in a coma from insulin injections, her husband, Claus, is a glam socialite with a roguish cachet (yes, yes, acquitted in the retrial with Puccio at his side after Dershowitz won an appeal). We kinda think you did it, Claus, but you're so darn Continental and debonair.

Does anyone doubt that if Susan Smith, who drove her kids into a lake, had had enough money to hire Leslie Abramson, she'd be home right now eating microwave popcorn? Abramson, Erik Menendez's fiercely mothering attorney, would connect the dots of victimization: sexually abused by her stepfather; rejected by her boyfriend; hasn't she suffered enough? Gina Grant, too, suffered considerable abuse before she clubbed her mother thirteen times with a candlestick. But she worked hard, aced her SATs, and was set to go to Harvard until the university caught wind of the whole, um, you know, the thing that happened. If Grant had had Johnnie Cochran, she'd be blowing froth off a cappuccino in Harvard Square.

Of course, both Smith and Grant would have done better if they were men. Guys have license. Judges and juries find their flaws natural and forgivable (of Dershowitz's celebrity clients, Patty Hearst and Leona Helmsley fared least well). But even prominent men need a fortune to be convincing as poor victims. Former House Ways and Means chairman Dan Rostenkowski is having trouble defending

against charges that he misappropriated more than \$640,000 simply because, after spending \$3 million on lawyers, he's broke. Robert Vesco, now languishing in a Cuban prison for marketing a supposed wonder drug, was a fool to flee America. He should have taken the \$224 million he embezzled, hired about 500 lawyers, and gotten himself off on a technicality like a man.

So clear is it that money buys reasonable doubt that we should simply codify it: Henceforth, anyone who can afford to hire Johnnie Cochran is not guilty. Simple as that. When the prosecutor says, "Isn't this you on the videotape, killing your whole family down to your daughter's gerbils, Puff and Spanky, and then illegally hooking yourself up to a premium cable channel?" you simply say, "May it please the court, my attorney [dramatic pause] . . . Johnnie Cochran!" Pandemonium in the court, and you're escorted home in a white minivan.

Let's allocate society's resources where they can be effective. In the future, we should only try poor people, preferably those with marginal IQs who don't speak much English and have never heard of the *Miranda* decision. And let's reconsider the whole idea of court-appointed lawyers. If Colin Ferguson can do such a masterful (and cheap!) job defending himself—even while missing a few toys in the attic—this is clearly an area where private enterprise should replace government intervention.

In employing the Cochran standard, we will simply be adopting our foreign-relations paradigm for domestic use. The U.S. has expressed distaste for—and finally bombed the positions of—Bosnian Serb leaders Radovan Karadzic and General Ratko Mladic (charged with crimes against humanity for their gleefully announced blood "feast" against Muslims, which required killing 200,000 civilians and raping up to 20,000 women). Yet we winked at the ethnic cleansings carried out by Croatian president and unreconstructed anti-Semite Franjo Tudjman.

So, too, we insisted that Pol Pot's Khmer Rouge, which killed at least 1 million Cambodians during the seventies, be part of recent election negotiations. And remember George Bush shamelessly toasting the late Philippine dictator Ferdinand Marcos: "We love your adherence to democratic principles"? We brought that policy home in 1990, when Imelda Marcos was acquitted of stealing \$222 million from the Philippines and investing it in Manhattan real estate. Somehow, she was able to afford Gerry Spence.

What a benevolent country! The O.J. case was rife with troubling portents about spousal abuse and racist police, but the bottom line is that—finally!—a prominent black reprobate can go as scot-free as a (continued on page 101)





Mailer and Muhammad Ali in 1965.

# Black and White Justice

By Norman Mailer

Two different views of the American legal system collided head-on. The author of *The White Negro* explains how the shock waves will be felt for decades.



On Monday night a week ago, when everyone in America was agog that the jury in the O. J. Simpson trial had come back with a decision in less than four hours, I was having dinner with a close friend, Ivan Fisher, the defense attorney. Ivan, like many another good lawyer, could not decide in that hour what the verdict would be, but he was certain of one thing: The jury had reacted in anger.

Indeed, they did. The anger was vast. And I would say it came out of looking at American life from a black point of view. It was my aim in this interview, steered by my son Michael, with whom I've often talked about these issues, to try to present such a point of view.

**MICHAEL MAILER:** I can remember you were saying a year ago that the O. J. Simpson case is going to be the worst thing that's happened to black-white relations in a long time. You remarked that no matter whether O.J. was acquitted or found guilty, these relations were going to get even worse.

**NORMAN MAILER:** Most blacks consider it vainglorious for any white to dare to speak from their point of view, but I am a novelist, and my occupation does require me to try to enter people's minds. I'd be happier in a world where women could write about men, men about women, and the Japanese could have real insights into the Irish. So I'll plunge ahead. I'll say that right now, whites are very angry. They feel that the jury paid no attention to the evidence, nor to the trappings of the law, which virtually demand that a jury argue the evidence back and forth before moving on to a decision.

Of course, these whites are not taking account of the attitude of most blacks toward American justice. Blacks see it as white justice; therefore, it's not justice. It's a game waged by players, sometimes very skillful players. When one team has considerably more money than the other, the varsity ends up playing the junior varsity. That's been the black experience going to court. Poor blacks have court-appointed defenders. So they see it as a game they usually lose.

As whites, however, we strive to hold on to the idea that justice is a chalice and our law courts are the altar. We don't care to recognize that not only in criminal cases, but even more in civil cases, a trial remains a game. Sometimes it is played for low stakes, sometimes for very high stakes, sometimes by mediocre players, occasionally by extraordinarily skillful players; but even at its best, the most we can say for the process of law in the courts is that it is a game where even justice may occasionally be served.

**M.M.:** The person who plays the game better wins? Regardless of the issues of justice?

**N.M.:** Exactly.

**M.M.:** Surely not all people in the legal system, including the Simpson jurors, believe justice to be a game?

**N.M.:** I think the black attitude in general—and of course I am generalizing; sometimes you can only encounter the truth by marshaling your generalizations against others—but yes, I think the general black attitude might be that white people place a huge emphasis on innocent or guilty because that way they can discard large social questions, sweep them off the court. A focus on in-

dividual innocence or guilt works to the white Establishment's advantage.

Once you say that justice must be served in every individual case, it enables you to take one hundredth of the highly imperfect social body and pretend that this is justice for all. Thereby whites can even feel a little less guilty about racism, disproportions of wealth, and the homeless. But from the black point of view, it's a shell game. The whites are holding the pea.

By now, blacks are suffused with a sense of the evils that have been done to them over several centuries. From a black point of view, it almost doesn't matter whether O.J. is innocent or guilty. He is not guilty because this game has to be won. That will give a little recompense to the past. By black logic, it's neither good nor proper to allow the O.J. case to be sequestered away from all their other ills. So to hell with whether whites feel that it was a terrible injustice that O.J. went free. Let whites recognize that there were immense numbers of injustices that blacks suffered and for which they received no compensation. O.J. is their reward.

In effect, blacks are saying: "We are not interested in serving your white justice. We prefer our kind. Our justice is obtained from being able to arrive at our own sense of personal balance. And that can only come from

## WHITES DON'T LIKE TO LOOK AT BLACK LOGIC, WHICH SEES REAL JUSTICE COMING FROM REAL SOCIAL CHANGE.

emotional compensation. Compensation for what has been done to us in the past."

**M.M.:** Aren't you also saying that in this case, blacks are benefiting from a system that usually is slanted to favor whites?

**N.M.:** I don't think they're trying to benefit from the system. Rather, they're saying: "We don't give a damn about your kind of justice. Your justice elevates minor questions over major ones. Then you can delude yourself that these minor questions are taking care of the whole."

Let me give an example that is a little off to the side. When I was running for mayor of New York in 1969, several influential whites came to us and said, "If you could develop a good welfare program, people might begin to take you seriously." So Jimmy Breslin and I went up to talk with a women's welfare group in Harlem, and on the top floor of a tenement was a small apartment and two big, powerful black women sitting there at a long table. We never got a chance to open our mouths. One of them said, "Mrs. Goldplate on Fifth Avenue, she says I'm being paid welfare and I got a Cadillac. I say, 'My Cadillac is in the garage all the time and it's twelve years old and I can't afford the payments.' And she's got a Rolls-Royce and a chauffeur." The other one said, "Mrs. Silverspoon over on Park Avenue, she says I have five illegitimate children and I'm receiving welfare money for all of them. I say, 'Fuck her.' I gave birth to my children. She didn't. She had seven abortions."

Then this woman said, "We want our share of the waste."

Where was an answer? Could we pretend that there was not prodigious waste at the top? We all know the example of Lee Iacocca asking his workers at Chrysler to



settle for a little less while he's making \$17 million a year.

**M.M.:** All right, blacks want their share of the waste. Great. Do two wrongs make a right?

**N.M.:** As far as blacks are concerned, that's just another trap: That's whitey's game to say, "Two wrongs don't make a right." But whitey is defining the rules. But when people are poor, emotional satisfaction is the name of the game. That's often their only capital.

**M.M.:** Okay, the jury voted to acquit. Are you going to say that such a verdict lessens the gap between blacks and whites? Or is it just an expensive way of enlarging the anger that whites feel toward blacks?

**N.M.:** Yes, we're even farther away from bridging anything. The verdict was good for black emotion but terrible for whites. They now feel that black reactions are totally irresponsible. How can you live and work, whites will claim, with people who have no regard for the facts, and don't live emotionally in our society, don't understand our feelings? Of course, blacks feel the same way about whites. My anxiety from the beginning has been that if we can't find some way for blacks and whites to come together, this country is going to head for fascism.

**M.M.:** Into American fascism? It's the only place we go from here?

**N.M.:** We won't go that far unless there's a serious de-

**M.M.:** What about Johnnie Cochran bringing in Nation of Islam men to serve as his bodyguards?

**N.M.:** Before it's over, O.J. will have them onboard as well. The unhappy fact is that a black celebrity who feels his life is threatened can look for no better security than with Farrakhan's men.

**M.M.:** Americans are so wrapped up in their need for soap opera that last night on TV, a psychologist was actually counseling people about the symptoms of withdrawal that the end of the trial would likely induce. What advice would you give?

**N.M.:** Soap operas to fill the void! It's all part of the spiritual plague. The world is suffering not only from ecological damage to nature but from bad spiritual ecology. And very much so in America.

**M.M.:** Bad spiritual ecology? You had better outline that one.

**N.M.:** Start with the assassination of JFK. Then two more terrible assassinations, Martin Luther King and Bobby Kennedy. Vietnam through all of that. Then Watergate. And the years in which Ronald Reagan and George Bush tripled the national debt in order to combat the Evil Empire. Whites can see these events in many a way, but from a black point of view, one may arrive at more consensus. For blacks can see themselves as inhabitants, willy-nilly, of a powerful, vain, imperial-minded

## EVEN AT ITS BEST, THE MOST WE CAN SAY FOR IT IS A GAME WHERE EVEN JUSTICE IS OCCASIO

pression. But if we have a major economic wipeout in America, we're on the way toward barbed wire. If liberals think Republicans are getting too tough on blacks now, consider what will happen in a real depression. As soon as there are riots in the ghettos, a lot of unused army bases will become holding camps. We'll have a de facto fascism with increasing repression of the media. The only thing we can be certain of is that however the leaders will describe it, it won't be called fascism.

**M.M.:** Will this be entirely the fault of the whites? Aren't some kinds of black intransigence also helping to bring it on?

**N.M.:** Of course. Blacks have to make their large move toward white people. If blacks don't give some remission of century-old sin to whites, then we're never going to get together and things will just get worse for the blacks. And eventually, worse for whites.

**M.M.:** If the verdict had been guilty, would more damage have been done to this country? In terms of black-white relations?

**N.M.:** I think blacks would have been confirmed in their rage and would feel it was a continuation of the domination and warping of their lives by the police.

**M.M.:** As a leader of the Democratic Party, will President Clinton be helped or hurt in his reelection bid?

**N.M.:** I don't think it'll do Clinton any good. It certainly divides two of his groups, blacks and women. Women's groups are going to feel that blacks don't care that Nicole was brutally murdered. Ron Goldman's father, no matter the extent of his suffering, certainly seems determined to start a war between blacks and whites. When he said, "The prosecution didn't lose today, America lost," that's an open appeal to racial antagonism.

country that's shooting itself in the foot. Only they are the foot.

**M.M.:** But how does that make the Cold War relate to O.J.'s case?

**N.M.:** [Laughs.] They both belong to bad spiritual ecology. For 40 years, we were led to think of the Russians as godless, materialistic, and an Evil Empire. When the Cold War ended, we suddenly discovered that Russia was a poor Third World country. They had not been equipped to take over the world. In fact, they were just trying to improve a miserable standard of oppressive living, and couldn't. They had to spend too much on arms buildup. We didn't win the Cold War; we bankrupted the Russians. In effect, it was a big bank exhausting the reserves of a smaller one.

Now, people in America didn't necessarily think all that through. But they felt it. It was as if for 40 years we had all been magnetic filings, all lined up in the same direction. There we were, unified against the Evil Empire. Now it's as if a big switch has been thrown. The magnetic field no longer exists. All the filings are free to scatter. We don't have an external enemy to hate any longer. But we still have 40 years of hate and fear built up toward an Evil Empire that isn't there anymore. So everyone in America is now reeking with random, quickly focused hate for just about everyone else in America. And that has been the background for this case. It has brought us together like nothing since the Cold War. We were in a magnetic field again.

**M.M.:** With one critical difference. Even if it has had all our attention, there have been two sides. The anti-Simpson forces are full of intensity, often virulent. And the pro-Simpson side has been full of paranoia. And will



even equate Fuhrman to Hitler.

**N.M.:** Yes. The anti-Simpsonites have the DNA evidence; the pro-Simpsonites have police corruption. The whites are outraged that no jury attention seems to have been paid to DNA, which would claim a 7 billion-to-one certainty that it was O.J.'s blood. Well, the blacks can ask, who tampered with the blood?

Besides, there is reasonable doubt. Two people are slaughtered in a bloodbath, and only a few drops of blood are found in O.J.'s house? Blind maniacal rage followed by cool, cleanly deportment? Separated only by twenty minutes? How can there not be reasonable doubt? blacks ask. Seven billion to one, say whites. Fuhrman, say the blacks. A myriad of blacks have been railroaded into jail because they didn't have the money to play the high-professional-skill game called Justice in the Law Courts.

**M.M.:** There are still a great many whites suffering over the verdict.

**N.M.:** Whites do cling to law. They grew up with it. For some, it's the last thing left to believe in. Go to law, and get justice. Whites don't like to look at black logic, which sees real justice as coming only from real transformations of society emerging from the depths of a democratic process. With endless contradictions and paradoxes.

## THE LEGAL SYSTEM IS THAT NALLY SERVED.

So I say again: Let's try as whites to look at things from the black point of view, at least a little. Maybe a few blacks will even come to look at whites from more of our point of view. Until the two races begin to understand the great divide between their basic premises, we are nowhere. Take a very large generalization: Whites, for example, believe in technology. Blacks, I would say, have more belief in divine forces, dark and light.

**M.M.:** Why does technology have to be seen as an enemy to the black people? Why can't it be perceived by them as a way of getting up to the next level of their relationship with whites? Why does it have to be a spiritual argument versus a technological one?

**N.M.:** Let's save that discussion for another place. I'll only say here that I believe terrorism seems to increase right along with technology. So we may never get to have as much technology as we expect. The real problem is to see whether human nature can become generous enough to create vital societies with or without technology.

**M.M.:** You've been saying that from a black point of view, O.J. was the protagonist and the legal system was the antagonist. Yet in this soap opera, the deaths of a beautiful woman and of a handsome young man were relegated to the balcony. What can you say about Nicole's voice?

**N.M.:** Nicole's voice? You mean her voice on that 911 call?

**M.M.:** Yes. This case has been much more concerned

with O.J. than with Nicole. What now can we say on her behalf? Where are her rights?

**N.M.:** Yes. [Pause.] Let me think on it before I answer. This may be the toughest question you've asked. Because it's true. Her rights were not particularly observed in this case. She does not exist as a person so much as a victim. And a victim means less to most people than a person. But the prosecution decided that that 911 call in 1993 where she's pleading for protection could hardly be emphasized enough. The defense decided that to move into other aspects of Nicole was to open their defense to God-knows-what. It might have required putting O.J. on the stand. The defense thought they had a winning case, and they were right. They took the gamble they would win without him on the stand.

**M.M.:** All right. What about Nicole?

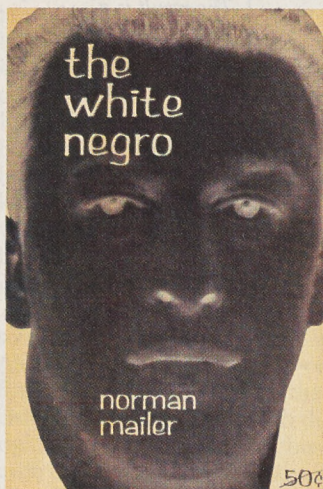
**N.M.:** The key problem for all involved was that O.J. and Nicole had a complex marriage. There was an awful lot going on back and forth. It wasn't that O.J. was simply a brute even if we do know that he was violent toward her on at least a couple of occasions. But the last recorded occasion of direct physical violence on her was, I think, in 1989.

Nicole was an exceptionally beautiful woman, and it's possible she gave him a very difficult time. I'm not trying to justify brutality against women. I am the last man

whose personal history would permit that. I am saying that when you get into interpreting a marriage that turns violent, there's a good deal going on between man and woman. And in his case, both prosecution and defense, for different reasons, decided not to explore that marriage. Their avoidance was strategic, even political. Each side thought it was best for them not to get into the relationship. Not deeply. The prosecution didn't want the defense to muster witnesses who might testify that Nicole had done grievous things to O.J. From the prosecution's point of view, Nicole's image must not be tarnished. And the defense, to repeat, didn't want to pursue a situation that could require putting O.J. on the stand.

So the question, along with everything else that's awful about this case, is still out there, hanging out there. Nicole has become the specter in this case. She haunts us. And she will become an obsession to all women who are prodigiously concerned about male violence toward their sex. It also arms many women who are intensely political and implacable. They become more totalitarian in their mind-set. But then, there's obviously an oppressive mind-set of the left as well as of the right.

The net effect of this case is to increase the potentiality for totalitarianism in America. And if you say, "What do we do about it?" because that's always the basic American question—"What do we do about it?"—sometimes you just have to stop and feel the emotional and philosophical fatigue of an unhappy matter and after contemplating it for a long, long time, all you can say is, "I don't know yet." After all, it's not the only one of our problems. We have many, some of them immense, and maybe out of the sum of these problems (because democracy, one hopes, one always hopes, has





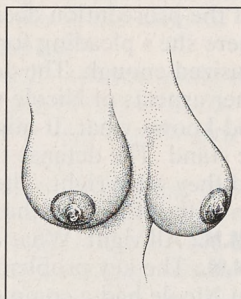
# You can be more comfortable with your figure.

If you experience discomfort in your back or shoulders caused by the weight of your breasts, or you feel self-conscious about your breast size, you may want to consider a breast reduction.

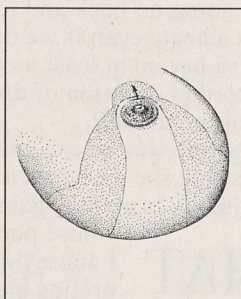
Breast reduction surgery is performed to reduce the size and weight of the breasts, alleviate discomfort associated with large breasts, and may improve a woman's overall appearance. It can make you feel more attractive and slimmer, and may make it easier to fit into clothing.

In some cases, this procedure is covered by your medical insurance plan.

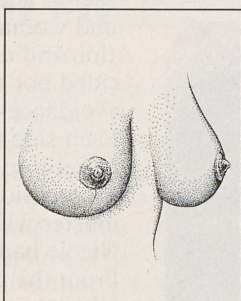
If you have been considering cosmetic surgery, and would like more information, call me at (212) 832-0770 to schedule a complimentary consultation.



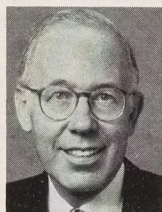
*Common appearance of a woman with large, pendulous breasts. The areola, the dark skin surrounding the nipple, is frequently enlarged in overly developed breasts.*



*Breast reduction surgery involves incisions to enable the removal of excess tissue, fat and skin on the sides of the breasts, shown by the shaded area. The nipple-areolar complex is repositioned to a higher level.*



*The result is a woman with breasts that are smaller and in proportion with the rest of her body. Her breasts are well-contoured and natural looking.*



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*James J. Reardon M.D.*

resources yet untapped), we will find solutions, or at least continuations. But at this moment, all I can say is that if you're dealing with someone who's not well and he or she suddenly comes down with one more abominable illness, you can't pretend that something good has happened. I repeat: The O.J. case was a spiritual plague for America from beginning to end, no matter who won.

**M.M.:** Let me ask you—Gus Van Sant's new movie, *To Die For*, chronicles the ambition of an on-air correspondent who will do almost anything to increase her fame and fortune, even if it involves murder. O.J. stands to make between \$50 million and \$100 million off this murder trial. What does this say about the nature of celebrity?

**N.M.:** There are a lot of people, and I might be one of them, who would propose that celebrity has become our first national disease. It's the price we pay for having neither gods nor leaders nor a society we can respect. Nor even the promise of the future. Because technology is an enormous and often sinister presence in the lives of many Americans. So there is not even a future that we can anticipate. And when you don't have a sense of what the next ten or twenty years are likely to bring, since life is changing so quickly, then the media gods of the moment become enormous. In the *Times* today, somebody from an advertising agency said that he thought O.J. was guilty but added, of course, there's so much money to be made from this that we cannot ignore him.

**M.M.:** Anything good about the case?

**N.M.:** One odd advantage. The case may force us to scrutinize those ways in which making money is no longer permissible. The basic tenet of latter-day American capitalism is that if you make money, it's all right. Money is its own cleansing agent. It will even clean your soul. So goes the logic. If people make enough money, everything else will take care of itself. Well, it may not. And about the time that people realize that O.J., innocent or guilty, is making \$50 million to \$100 million on a tragedy, we may start to say, What is there in our values that has such lack of value that we get into nothing but anomalies and distortions in our public life? There's got to be a curb on outrageous wealth. There are simply too many poor people around.

## WHY HIDE?

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# The Truth Card

By Jacob Weisberg

Why guilty white liberals need to say what everyone knows:  
The man did it. Bowing to racial anger is just a trap.

**F**OR ANYONE TRYING TO figure out why the American liberal has become an endangered species, the response to the O. J. Simpson verdict would be a pretty good place to start. In the immediate aftermath of the verdict, no one to the left of George Will could be heard to utter what was obvious to even the most casual of observers: that Simpson was a brutal murderer going free, that the jury had been a terrible failure, and that there was some kind of sick moral inversion about African-Americans celebrating his acquittal as a victory.

The postgame analysis has instead found shelter in Talmudic dissections of process. "They never found the smoking gun, or knives," said Jesse Jackson, as if the murder weapon were always required these days to obtain a guilty verdict. Among other points, the New York *Times's* next-day editorial noted that police hadn't gotten blood samples to the lab quickly enough or adequately secured Simpson's Bronco after impounding it as evidence—"In the end, this will be remembered as a case that was disrupted by the police." In the Washington *Post*, Richard Cohen expressed his hope that "once the emotions of the moment have run their course, maybe a smug American majority will ponder why African Americans had so little faith in the criminal justice system." Cohen concluded his column by saying he finally sympathized with his grandmother, who believed Ethel and Julius Rosenberg were innocent on the basis of Jewish persecution in other lands.

It may be worth recalling what we heard from these same voices in response to another outrageous verdict in Los Angeles, in April 1992, when a mostly white jury acquitted four white LAPD officers on charges of brutalizing Rodney King. "We're looking at a miscarriage of justice," thundered Jackson. "The whole process undermines the credibility of the criminal-justice system in this country." The *Times* editorial page called the Simi Valley verdict "shocking," saying it fed "suspicions that racism played a big role in the case." The *Post's* Cohen criticized George Bush for failing to let the public "use him to vent our outrage at the King verdict."

Then-candidate Clinton's first reaction was "to wonder whether this is a just verdict." Barry Scheck, later to become famous as a Simpson lawyer, endorsed in *The New Republic* the notion that the jury had come to the wrong decision partly out of a racial motive. When it came to Rodney King, few denied the undeniable: Justice had been ill-served, a jury was wrong, and the fiasco had something to do with misplaced racial solidarity.

Politics aside, is there a difference between the two cases? Not much. The evidence in the Simpson case pointed as conclusively—if not with the same videotape obviousness—toward guilt. To doubt that O.J. committed the crime, one must believe not just that the LAPD had a few rogue or racist cops but that the entire system of justice—police, prosecutors, and laboratory technicians of many races—was enmeshed in an immense, diabolical conspiracy. That's not reasonable doubt. It's radical skepticism, clinical paranoia. For the New York *Daily News* to write, in its lead story, that the verdict "left the killer's identity a secret that died with the victims' last breaths" is more than tabloid bathos; it suggests that a legal technicality is the same thing as the truth.

Even the few Republicans who had something to say—Bob Dole, Lamar Alexander, and Orrin Hatch—only affirmed their own respect for the jury's decision. Could it be that for all the vaunted rightward drifting going on these days, even the backlash brigade buys into the idea that a racial double standard is an appropriate payback for slavery and segregation and poverty? As riots spread throughout Los Angeles after Simi Valley, no one worried about the implications of criticizing the jury. And there was widespread agreement that a way must be found around the sticky little problem of double jeopardy, so the Rodney King cops could be tried a second time. A way was, thanks to the Bush Justice Department. Only in the Simpson case, with whites as the victims, and blacks siding with the defendant, is respectable opinion cast back on idolatry toward the criminal-justice system.

What does it mean that millions of blacks seemingly approved of the O.J. acquittal and that a majority say they would

have voted the same way themselves? If most blacks think Simpson was innocent on the basis of empirical information, it testifies to a distorted sense of reality. One suspects, however, that when blacks say they think Simpson is innocent, most of them mean something else: They are expressing racial solidarity and political alienation. "He became every black male who's ever been involved in the criminal justice system," Wilbert Tatum, of the *Amsterdam News*, told the Washington *Post*. "It was the black male in America who was on trial." In some instances, this identification with O.J. took particularly ugly forms. The *Times* reported that at black Morehouse College in Atlanta, a roomful of students erupted in hoots of derision when the faces of the Goldman and Brown families flashed on the TV screen. (Imagine if a white audience were shown celebrating the Rodney King verdicts.)

Liberals who preach tolerance should have no tolerance for such sentiments, which embody not only reverse racism but a form of moral relativism as well. Instead of demanding equal justice, this kind of identity-based politics asserts that equality can never exist and instead claims for blacks a judicial exemption. In the Simpson trial, the premier exponent of this idea was Johnnie Cochran, with his Fruit of Islam phalanx, his casting of the white detectives as "devils," and his exhortations to the jury to "do the right thing" by sending a message about the system. Like Tawana Brawley's lawyers (and, oddly, like a French post-structuralist), Cochran implicitly suggested that truth was not paramount. He tried to convince jurors—to paraphrase the Brawleyites—that the prosecution's case was less important than the fact that black people are framed in this country every day.

Few argue directly that we should excuse Simpson because Mark Fuhrman exists. But by refraining from criticizing a verdict laden with extrajudicial freight, the white Establishment is guilty, at the very least, of patronizing behavior. To humor black chauvinism treats African-Americans as less than adult, less than full fellow citizens. White America owes blacks the duty of strong criticism no less than black America owes the same to whites. Blacks who feel victimized by society should sympathize with the genuine victims in this case—Nicole Brown and Ronald Goldman, and their families—not with the victimizer who happens to share with them the superficial characteristic of skin color.

African-Americans who revel in the Simpson verdict, like those who celebrated Mike Tyson's release from prison or Lemrick Nelson's acquittal on the charge of murdering Yankel Rosenbaum in Crown Heights, (continued on page 104)



**The Truth Card** *continued from page 33*  
suffer not just from a distorted morality but from a faulty sense of practical reality as well. Blacks are certainly harmed by racially biased policing around the country, but they also need law-enforcement protection more than any other group. To claim the dysfunction of the criminal-justice system as vindication—the position several African-American participants took in the “Nightline” town meeting last week—is closer to art-film nihilism than a viable program for change.

This message is merely the latest manifestation of Afrocentrism, the shift from ideals of integration to the sour comfort of separatism, from an idea of justice to an idea of power. For African-Americans, it means forsaking a hard struggle that can be won in exchange for one that cannot. If blacks choose to fight for power instead of for justice, the result will be more of what we saw in the November election—white America’s assertion of its own vastly greater power, its accelerated withdrawal from the ghetto, and the further demonization of the poor. Republicans have gotten shrewder about racial politics. Instead of putting themselves in the compromised position of playing to prejudice, conservatives have learned to appeal to a color-blind ideal that, after the civil-rights movement evolved toward nationalist assertion, seemed theirs for the taking. Thus conservatives reject affirmative action on the basis of an ideal of social equality; welfare, with the argument that some are “riding in the wagon” instead of helping to push, in Phil Gramm’s phrase.

Republicans may find it not worth their while to politick the Simpson verdict. If they attack the extreme views of the O.J. apologists, they may find themselves answering for people in their own party who try to capitalize on prejudice—Pete Wilson, Jesse Helms, Pat Buchanan—not to mention the militia fetishists, the devotees of Pat Robertson’s New World Order, the Oklahoma City and Whitewater fantasists. Those who have indulged Representative Helen Chenoweth’s nutbag views of Waco and Ruby Ridge cannot now blame anyone for having a lurid imagination.

The Simpson verdict is some of the worst racial news in years. It has demonstrated, to those who still had any doubt, that the era of racial progress has now given way to a fracturing of black and white America into alternate universes. We will not appease this drift by pandering to the claims of identity, relativism, or superstition. We simply cannot ratify the notion that there is a white reality and a black reality. A nation that lives with separate realities is Bosnia, not America. There is no white reality or black reality about Simpson’s guilt. There is only the reality of his guilt, and the tragedy of his exculpation. ■

conducts. WQXR, 96.3 FM.  
**Casper Citron**—10/14 at 10 P.M.: Director and producer Peter Yates talks with actor Matt Kessler about his starring role in *The Run of the Country*, an Irish love story. Gerard Schwarz, musical director of the New York Chamber Symphony; Nick Pileggi, author of *Casino*, the story of the underworld’s control of Las Vegas. Doug Frantz, author, talks about his book *Friends in High Places: The Rise and Fall of Clark Clifford*. WNYC, 820 AM.

## Exhibitions

**Paris Modern: The Swedish Ballet 1920–1925**—An exhibition devoted to the radical synthesis of poetry, dance, music, and film. This avant-garde dance company was influenced by modern art and predated the idea of performance art. On view will be drawings, costumes, set designs, three-dimensional stage models, posters, and photographs. 10/10–11/13 at the Fashion Institute of Technology’s museum, Seventh Ave. at 27th Street. Also, the Dance Critics Association will sponsor a symposium on the Swedish ballet on 10/14, 10–5 P.M.

## Events

**Arts of Pacific Asia**—10/13–10/14: The first of two international special-focus antiques fairs. At Gramercy Park’s 26th St. Armory; call 627-4434 for information.

**St. Ignatius Loyola Antiques Show**—October 13–15: Co-housed by Wallace Hall and the Seventh Regiment Armory, this promises to be an unusually affordable show. Hours are 11 A.M. to 8 P.M. Friday and Saturday, and 11 A.M. to 6 P.M. on Sunday. Admission is \$10. On Thursday evening, there is a benefit preview from 6 to 9; tickets for that are \$50 per person. Call 914-677-5040 for further information.

**Fifth Avenue Art and Antiques Show**—October 11–16: Twenty-five mostly European dealers show their merchandise in a landmark building; call 249-4865 for location and further information.

**The Sixteenth Annual Autumn Crafts on Columbus Fair**—10/14–15, rain or shine, 10 A.M. to 5:30 P.M., Columbus Ave. from 77th to 81st Sts. (behind the American Museum of Natural History). At least 150 exhibitors will be on hand; admission is free. Call 866-2239 for further information.

## Tours

**Italian Ellis Island**—10/14 at noon: Explore the museum and grounds of the island with a special emphasis on the Italian immigrant experience. The tour includes an exclusive talk on the history of American immigration. \$15 adults, \$13 students and seniors. Call Big Onion Walking tours at 439-1090 for meeting site.

**“From Naples to Bialystok to Beijing”**—10/14 at 1 P.M. The multi-ethnic eating tour featuring the historic and

gastronomic delights of the Jewish East Side, Chinatown, and Little Italy. \$12 adults, \$10 students and seniors. For more information and meeting place call 439-1090.

**Gotham Ghost Mobile**—Explore the most haunted city in America in time for Halloween—from Central Park to the Battery, from Greenwich Village to the Theater District. Also, see the film sites of famed horror movies. Call 662-5300 for more information and meeting place.

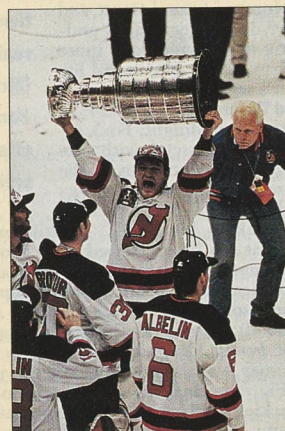
**The East Village**—10/15 at 1 P.M.: Explore the neighborhood made famous by radicals and immigrants alike. The East Village combines the history of German, Ukrainian, and Jewish immigrants with that of labor activism and the famous Second Ave. Stage. Among the stops: St. Marks-in-the-Bowery, the Labor Lyceum, and the former homes of Albert Gallatin, Peter Stuyvesant, and Emma Goldman. \$9 adults, \$7 students and seniors. Call 439-1090 for meeting site.

## The Written Word

**Kazuo Ishiguro and Edna O’Brien**—10/10 at 8: Ishiguro reads from his strenuously Kafka-esque new novel, *The Unconsoled*, and O’Brien reads from her novel *House of Splendid Isolation*. 92nd St. Y, at

## Talent Adieu, Lemieux

**T**he New Jersey Devils won the 1994–95 Stanley Cup by their strict adherence to The System—coach Jacques Lemaire’s “neutral-zone trap,” a strategy that de-emphasizes individual play and stresses cohesive team defense and hard checking. And in the swamp fiefdom of owner John McMullen and G.M. Lou Lamoriello, no one is above a system that has no room for stars. So when right-winger **Claude Lemieux** (below, holding Stanley Cup), the playoff MVP and one of the greatest clutch players in hockey, challenged the validity of a contract he signed last season, he knew that his career as a Devil was over. The hold-out was a bewildering gambit by Lemieux, an almost-desperate attempt to force a trade. “I knew damage would be done the moment I decided to follow that route,” he said. “It is the background of John McMullen and Lou . . . that if somebody challenges their authority, he would no



longer be with the team.” Indeed, it has been Lamoriello’s M.O. to get rid of such troublemakers soon after protracted contract-haggling. (Well, at least those he deems expendable; the G.M. worked out a new deal with Martin Brodeur, 23, possibly the best young goaltender in the NHL.) And so, after losing his arbitration hearing, Lemieux was traded last week to the Colorado Avalanche. “It’s a business decision,” remarked Lamoriello. “It’s nothing personal.”

And in fact, Lamoriello may be proved right in the end. Even without Lemieux, the Devils won all their preseason games. And with the signings of Brodeur and defenseman Scott Niedermayer, the Devils are a favorite to win the championship again—if they have the discipline to play under The System. **JOHN DIOSO**



**Post House**—Clubby and comfortable, this handsome dining room specializes in good quality and big portions. The peppery Cajun-style steak is a favorite, especially with a side order of French fries or onion rings. There are dishes with decidedly less cholesterol—poached salmon, say, or lemon chicken—but this isn't a place to watch your waistline. Seriously. 28 E. 63rd St., in the Lowell Hotel (935-2888). (E) AE, CB, DC, DS, MC, V

**The Restaurant at the Stanhope**—You're standing on the steps of the Metropolitan Museum, parched, exhausted, and in search of that perfect watering hole. The Stanhope is back, serving tasty American fare. 995 Fifth Ave., at 81st St. (288-5800). (M) AE, DC, DS, MC, V

**Sel & Poivre**—Stanching the flow downtown for bistro fare. Regulars find what they are looking for in this elegant, muted space. 853 Lexington Ave., bet. 64th and 65th Sts. (517-5780). (M) AE, CB, DC, MC, V

**Sign of the Dove**—Because the room is lush and romantic, this restaurant has sometimes been overlooked in the pantheon of memorable New York institutions. Right now, chef Andrew D'Amico is among the city's best, turning out eclectic cuisine that draws from influences all over the world. The prix fixe lunch is a good way to test D'Amico's talents. 1110 Third Ave., at 65th St. (861-8080). (M) AE, MC, V

**Toraya**—A Japanese teahouse offering an enticing assortment of confections, green teas, and desserts. 17 E. 71st St. (861-1700). (I) AE, CB, DC, MC, V

#### Above 60th Street, West Side

**Cafe des Artistes**—A smartly run, wonderfully romantic bistro with frolicking nudes on the walls. Open and serving all the time. Stop in before or after a jaunt to Lincoln Center. 1 W. 67th St. (877-3500). (M-E) AE, CB, DC, MC, V

**Caffe Popolo**—Italian on the Upper West Side, with everything we've come to expect: gourmet pizzas, classic pastas, and homemade tirami su. In warm weather, eat outdoors. 351 Columbus Ave., nr. 76th St. (362-1777). (I) AE, DC, DS, MC, V

**China Fun**—Oodles of noodles, every which way, plus dim sum and Cantonese barbecue dishes. Try the Shanghai weekend brunch. 246 Columbus Ave., nr. 71st St. (580-1516). (I) AE, MC, V

**Ernie's**—Lively Northern Italian restaurant with soaring ceilings and floor-to-ceiling windows, serving a variety of pizzettes, pasta, and meat dishes. 2150 Broadway, nr. 75th St. (496-1588). (M) AE, DC, MC, V

**Hi-Life Bar & Grill**—Big-city brasserie with retro feel. During the week, the mahogany French doors, an overstuffed banquette, and the oversize goldfish tanks provide a cozy refuge for the neighborhood. Fine food that ranges from steamed dumplings to strawberry sundaes. After dinner every weekend, a D.J. tilts the place toward a party. 477 Amsterdam Ave., at 83rd St. (787-7199). (M) AE, DC, MC, V

**Iridium**—Amid every restaurant's struggle for uniqueness, this unusual American bistro has found its own. Its award-winning decor has been described as "Dali Meets Disney" and is based on musical movements. Late-night jazz and Sunday brunch specials make it a welcome complement to Lincoln Center. 44 W. 63rd St. (582-2121). (M) AE, DC, DS, MC, V

**Picholine**—Chef Terrance Brennan's French-Mediterranean cuisine is as beautiful to look at as it is delicious to eat. Try the risotto, smoky with tender duck and wild mushrooms, and velvety foie gras with peach coulis, and save room for a glass of port to accompany the amazingly rich and well-chosen cheese course. 35 W. 64th St. (724-8585). (E) AE, DC, MC, V

**Restaurant 222**—Cozy and romantic, with the feel of a townhouse. Frank Valenza runs a tight ship at this neighborhood American dinner spot. 222 W. 79th St. (799-0400). (E) AE, DC, MC, V

**Santa Fe**—If it's not the margaritas, then it's the pink faux-adobe walls and desert tones that give this southwestern spot such a soothing feel. One of the quietest Tex-Mex places in the city. 72 W. 69th St. (724-0822). (M) AE, DC, MC, V

**Wells**—A talked-about chicken-and-waffle combination. One way or another, this restaurant has been a neighborhood mainstay for nearly 60 years. 2247 Adam Clayton Powell Jr. Blvd., at 132nd St. (234-

0700). (M) AE, MC, TM, V

**West 63rd Street Steakhouse**—Mahogany tables and red suede walls make this nice-ified steakhouse less stultifying than its midtown brethren. Twenty-foot ceilings allow for a spectacular view of Lincoln Center, and there are seafood and pasta for those who enjoy the company of a meat-eater. 44 W. 63rd St. (246-6363). (M) AE, DC, MC, V

## Brooklyn

**Cucina**—A labor of love. Northern Italian in an elegant and very well appointed room. Sensational antipasti. 256 Fifth Ave., nr. Garfield Pl. (718-230-0711). (M) (\$)

**Gargiulo's**—On its own block, with a fortress to fend off the encroaching pathos of Coney Island. Great food and service passed down through the family. The 100-foot Styrofoam octopus is gone, a casualty of the recent renovation. When pressed, Louis Russo will tell you he cooked it. 2911 W. 15th St., nr. Surf Ave. (718-266-4891). (I) AE, DC, MC, V

**Peter Luger's**—Steak for one, steak for two, steak for four, and creamed spinach. Apply for your own house credit card, or bring cash. 178 Broadway, at Bedford Ave. (718-387-7400). (E) (\$)

**The River Cafe**—It's always worth crossing the bridge to sit waterside, enchanted by the skyline and a celebration of contemporary American cooking that predates the throng. Outdoor seating in season. 1 Water St. (718-522-5200). (E) AE, CB, DC, MC, V

**Two Tom's**—Firehouse-kitchen ambience and a waiter who tells you what you want to eat. The double-rib pork chops are peerless, and the escarole is great, too, but refuse the mercilessly overcooked pasta when it's offered. Eat early during the week and call ahead on weekends. Regular private parties make getting a table frustrating, but it's always worth the trouble. 255 Third Ave., nr. Union St. (718-875-8689). (I) (\$)

## Queens

**Elias Corner**—Mix with the locals in Astoria as they queue up for a table at this Greek fish tavern. Don't wait for a menu; it won't come. Instead, eyeball the counter as you enter. If the offerings look like today's catch, they are. The owner fetches the fish each morning. Opt for the deep-fried, pinky-size bait fish over the squid. 24-01 31st St., at Astoria Blvd. (718-932-1510). (M) (\$)

**Ralph's Italian Restaurant**—Solid, hearty Italian food in a conventional restaurant setting. Dine under the chandeliers and try the osso buco, one of Ralph's specialties. 75-61 31st Ave., Jackson Heights (718-899-2555). (I) AE, DC, TM, V

**Stick to Your Ribs**—Deservedly heralded as New York's best barbecue, this cozy Queens joint draws fans from much further than across the East River. The barbecued Texas beef is sublime. 5-16 51st Ave., Long Island City (718-937-3030). (I) (\$)

**Water's Edge**—East River views floor-to-ceiling windows; every table has a view of Manhattan. Quiet and elegant. 44th Dr. at the East River (718-482-0033). (E) AE, CB, DC, MC, TM, V

## Bronx

**Cafe Sevilla**—A cozy Spanish restaurant that people travel to from as far away as Yonkers. Try the chicken and rice and the seafood gumbo accompanied by sweet and garlicky plantains. 1209 White Plains Rd., nr. Westchester Ave. (718-792-3367). (M) AE, MC, V

**Harry's Jerk Center and Restaurant**—An authentic island experience; not that polished resort ambience, the dirt-road-in-the-hills thing. 296 E. Gun Hill Rd., at Burke and Wilson Aves. (718-798-4966). (I) (\$)

## Staten Island

**Aesop's Tables**—Arrive by ferry or bridge to this charming bistro and garden that serves inventive, bold Mediterranean fare with an emphasis on handpicked fresh seafood. 1233 Bay St., Rosebank (718-720-2005). (M) AE, DC, DS, MC, V

## The Untouchables *continued from page 27*

prominent white reprobate. Boxing promoter Don King's odyssey shows how far we've come. Thirty years ago he served four years for manslaughter, but he cleanly beat a 1985 federal indictment for tax evasion. Just charged again with nine more counts of insurance fraud, he'll walk out free and proud.

Mike Tyson and Marion "The Bitch Set Me Up" Barry semi-got away with it. Tyson served three years for the sexual assault of a beauty-pageant contestant, but he scored \$25 million in a 90-second comeback fight with a palooka; Barry served six months for an infamous crack possession, then was re-elected mayor of Washington. "Get over it," he told old-school moralists. Clarence Thomas mostly got away with it (his nomination to the Supreme Court confirmed, so able to deal a lethal blow to affirmative action, but left deeply embittered). And now Michael Jackson has totally gotten away with a reported payment of \$15 million to the family of the boy he allegedly molested. Given the singer's wealth, this is less a punishment than a tip.

In our gorgeous mosaic, any member of a historically disadvantaged group who can afford to hire Johnnie Cochran should now feel free to run amok. Bully for Senator Ben Nighthorse Campbell if he decides to strangle a few liberals to prove his new GOP bona fides. If autograph seekers pester Hideo Nomo, he has our permission to club them like baby seals. And Stephen Hawking—cowabunga!

Instituting the Cochran standard carries little downside, as most of these rich guys have only one or two or three or four spectacular crimes in them. How likely is it, really, that William Kennedy Smith, now a physician with a special interest in fetal-alcohol syndrome, would get another chance to employ his seduction techniques at one of the family compounds? The old "I'm a Kennedy, you should try it" line has pretty much lost its appeal. And the chance that former U.N. secretary general Kurt Waldheim would join another Nazi unit that commits atrocities in Yugoslavia is near zero, as he's almost 80 and the Yugoslavs want younger, more vigorous soldiers to commit their atrocities. Nor can Lyle and Erik Menendez kill any more of their parents, as they're in jail and, for that matter, orphaned.

And I think we all feel pretty confident that O.J. will be too busy chatting with Larry King, making infotainment deals, and assembling enemies lists to butcher anyone else like a pig in a slaughterhouse. The only ticklish scenario would be if curvy nude model Paula Barbieri makes him really, really mad by, say, disagreeing with him in public, talking to another man in the checkout line, or growing old and wrinkly. And if I were her, I wouldn't. ■