

## MEDITATIONS ON THE TRIAL OF THE CENTURY\*

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Certainly we witnessed the “Trial of the Century” *ad nauseam* and pondered the fascination with which the United States watched the conversion of a murder trial into a three-ring media circus. *Much* has been written not only on the trial itself, but also on the nationwide coverage and perception of the participants. The major players, Chris Darden, Johnnie Cochran, Marcia Clark (pending at this time), Mark Fuhrman (due out in February), and a long line of witnesses, friends, and family members have all seemed eager to get out their side of the story, their interpretation of the “facts,” and even their definition of what constitutes “proof” and for whom. Even as I write, Orenthal James Simpson is in court again, this time for the civil trial for “wrongful death;” the saga goes on and on and on...

So why another book on what has become the most hackneyed conversation/media topic in years? And how did we get there? At the heart of this fascination, of course, is the embodiment of so much of what American society has come to center itself around: money, power, celebrity, and the pervasive question of race relations, the thorniest problem in the history of the U.S. And the naivete of the white American public, truly *shocked* at the verdict handed down by a jury the majority of whom were African Americans. What about the evidence? Heavily circumstantial, yes, but so much of it, all pointing in one direction. But whose evidence? And, perhaps more importantly, whose circumstances?

Readers should not come to this book looking for the “truth” about who murdered Nicole Brown Simpson and Ronald Goldman. Its real value is the diametrically opposed presentation and interpretation of the trial (and of the media coverage) as set out by two highly qualified journalists, one black and one white, who sat in the courtroom daily and engaged in heated discussions over what was unfolding before them. This is the postmodern condition at its best: nobody, and I mean *nobody*, takes the discourse at face value. Reality is multiple, perception conditioned by past experience, both personal and historical, and mediated by television. And the saddest commentary of all is the little optimism over the future of race relations in the U.S., unless a lot more people read this book and make an effort to understand the other side, not just of the trial, but of life in the U.S. in general and the criminal justice system in particular.

Tom Elias, then a reporter for Scripps Howard News Service, and Dennis Schatzman of the Los Angeles *Sentinel* (an African American weekly) have structured their arguments here in such a way as to examine in great detail all of the major (and minor) points of conflict of the trial. After the “Introduction” on who these re-

porters are and why they were thrown together (sharing the same courtroom seat, according to Judge Ito's pairing of many "strange bedfellows"), ten chapters, one on each contention, are divided equally between the two reporters, beginning each time with Elias' perception as a white male followed by Shatzman's as a black male. (I point out their gender as well as race for reasons I will explore below.) Although they sometimes respond to the arguments presented by the "Other" in each chapter, the final Chapter 11 is particularly given over to "A Face-to-Face Debate," mostly a summary of previous positions, but also yielding concessions on both parts.

Chapter I, "The Verdict," registers their perception of the dividing of America into two racial bands the day the verdict was handed down: the jubilation of black America, the dismay and disgust of whites. It also introduces what the main lines of argument will be in the remaining chapters, principally that Elias believes that this case was about celebrity rather than race until the defense lawyers introduced "the race card," while Shatzman was certain from the very beginning that race was/is always the overriding factor simply because O.J. Simpson is an African American male. While Elias will hammer at the blood, the DNA and the domestic violence issue, Shatzman, a former magistrate, piles up one legal offense to black people after another over the last 350 years, starting with and taking precedence from Jamestown, Virginia, in 1640 (See Chapter 2), right down to the 1991 shooting of 15-year-old Latasha Harlins by a Korean shopkeeper who was "punished" with a slap on the wrist. I do not mean to imply that Schatzman does not present his version of the "evidence" under scrutiny as well as his own; he does, often provocatively and coherently. I simply want to point out that the basic philosophy of both authors will tinge not only their interpretation of the "data" but also the discourse they use.

Both journalists point up the oppressor's fear of the oppressed, and both imply that the verdict was interpreted as revenge for past wrong-doing. But while Elias states that

because the jury's tactics involved no riots or looting, they aroused even deeper fears than did the urban uprisings which have swept through Los Angeles, Washington, Detroit and other major cities in the last half of the 20th century (p. 27).

Shatzman notes the old "one-two" Joe Louis combination of African Americans: twelve days after the verdict, "1.18 million mostly black men (the actual count conducted by Naval Intelligence via laser-heat head count) snubbed their noses at white America" (p. 31). As to the reaction of black people around the country, Shatzman emphasizes the self-serving arrogance of white America, quoting a black caller to a radio talk show dealing with the outcome:

What are you saying to us? I watched and listened to the trial from gavel to gavel. I know exactly what went on. I just want to let you know that I am not crazy, okay? But are you saying to us that because we are black and supported the acquittal of O.J. Simpson, that we are wrong; and because you are white, and disagreed with the verdict, that you are right? Is that what you're saying?

When Johnnie Cochran was criticized for employing the Nation of Islam for security, Shatzman shoots back that 1) they don't carry guns (good point) and 2) they

are cheaper to employ (since when does Johnnie Cochran have money problems?) But Cochran *had* to know that using “Farrakhan’s boys” was making a political/racial statement and sending clear signals to the American public, black and white.

In Chapter II, “The Crime,” both men give their initial feelings concerning their assignment as reporters: Elias’ reluctance to get involved with the case at all; and the inevitability of Shatzman’s covering the trial, for as his editor at the *Sentinel* said when he summoned him, “You know the deal” (p. 51). For the reality of the criminal justice system, as he perceives it, is that “the easiest person in America to convict, whether the defendant is actually guilty or not, is a black man” (p. 52). Statistics, of course, prove that Schatzman is devastatingly right, so it was with great sympathy that I myself watched Simpson flee before he was supposed to turn himself in, a fact which many whites found damning but which was thoroughly understood by the black community who cheered him on. Shatzman found the circumstances of the murder “strange” from the very beginning: Simpson was a *loud* boisterous person and the murders were committed in the quiet of the night with no one hearing anything; moreover, he alleges that Simpson’s demeanor on his flight to Chicago, which reflected no particular concern or distraction, distances him psychologically from the murder. The first justification I found quite credible; Elias does not get around to contesting that one until the final face-to-face debate. The second, however, had already been answered quite sufficiently by Chris Darden in his book, *In Contempt*, who, in reviewing his own personal history as a prosecutor, recounts grisly tales of murderers quite calmly going on with life after committing atrocities, like playing cards with buddies while the corpses of young women rotted in the next room.

Both men shed light on their own personal pasts: Elias explains his emotional identification with the terror of the victim of an abusive relationship (he himself was terrorized as a child by an older brother), and Shatzman demonstrates his copious knowledge of the criminal law system with respect to black men (he refuses to say criminal *justice* system) and, for example, the focus of the media in covering the Los Angeles Rebellion (he refuses to use the term *riots*) as well as the role of the police. Perspective is everything.

The following chapter, “The Preliminary Hearing,” introduces three other major themes of the trial proceeding: politics, money and celebrity, plus police bungling of the case. Witnesses that were judged “unreliable” because they sold their stories to the press, a preliminary judge more worried about re-election than the case, leaks of information (true and false) to the press trying to influence the trial before it was actually underway ... and again Elias’ insistence that racial issues never entered the proceedings until much later, contrasted with Shatzman’s sarcastic disbelief in the reliability of police agents where African Americans are concerned.

The selection of “The Jury” dealt with in Chapter 4 reads like a case study in Mission Impossible, and the only reason I could follow it was because I had read of similar procedures in John Grisham’s *A Time to Kill* (also a racial trial but with the tables turned). Vying for a sympathetic jury while eliminating possibly unsympathetic members (you can read this in black and white) underlay the ostensible practice of trying to find jurors who were not already influenced by the media before the trial. Elias is disgruntled over the consequent elimination of well-informed, well-educated members of the jury pool (the only potential juror that was an expert in DNA was judged unacceptable after a record *seven seconds* deliberation), while Shatzman finds in this an attack on the intelligence of black people in general. I understand his dis-

gust over the national (white) opinion continually expressed in the media (and the fact that black people's access to nationwide coverage is severely limited), but I don't think that is what Elias means.

Tom Elias' conviction that Nicole Brown was a victim of domestic violence which culminated in her murder is set out in great detail in the chapter concerning "Domestic Violence." He alleges that Simpson's celebrity status ensured that he would not be prosecuted for physically abusing his wife and concludes that perhaps Simpson therefore came to believe he was as untouchable in the law system as he was on the football field. Certainly the documentation presented here, much of which never made it to court, is damning as far as Elias is concerned, and he offers several theories as to why the prosecution didn't make more of the "motive" theory. The prosecution team "consistently declined to answer questions about why they used so little of the domestic violence information available to them. Instead, prosecutors focused only on a few incidents, clearly believed these had not played very well with the jury and then all but abandoned the entire subject area until the trial's very end" (p. 123). Clearly Elias found this highly frustrating and labels it "one of the major miscalculations that disillusioned many of the millions who watched the trial and allowed O.J. Simpson to leave court a free man." (p. 124).

Schatzman's main answer to the domestic violence issue is basically an "everybody-does-it" approach. "Many celebrities have been abusers...But –and this is a big *but*– that kind of behavior doesn't make you a murderer" (p. 131). No quarrel with the argument, but just because Dudley Moore, Burt Reynolds, Warren Moon and even, he alleges, Christopher Darden himself have abused the women in their lives (but didn't kill them), doesn't mean that establishing wife abuse as a consistent pattern of behavior isn't a valid argument for motive. As Elias points out, fully one third of the women murdered by the men in their lives were victims of domestic abuse. I will review the logic of his rebuttal in more detail below.

Just about the only area in which Elias and Schatzman do agree is discussed in Chapter 6, "The Judge and the Judicial System": Judge Lance Ito is thoroughly bashed from both sides. Elias discusses the decision to allow cameras into the courtroom (Ito seemed to imply that reporters are not trustworthy), but was disturbed to see Ito's "personality and conduct" warped by their presence. Fred Goldman (Ron Goldman's father) in an interview with Larry King on CNN (November 25th, 1996, European edition) stated that he was in favor of cameras in the courtroom so that the American people can see what is happening in their courts. He seemingly fails to understand, however, that cameras can also be manipulated, can distort reality and bias viewers, and (law of scientific experimentation) condition the proceedings simply by observing/recording them. We are no closer to the truth, Elias asserts, if major decisions are being made at the sidebar out of view of the camera. Moreover, we should remember that the "truth" as recorded on camera has been manipulated for both prosecution and defense in the recent cases of Rodney King and Latasha Harlins, cases which were thought to be so clear-cut precisely *because* they were recorded by the camera. The revelation that Judge Ito himself was "controlling" the court via camera using his own personal "joy-stick" is one more example of the postmodern transformation of the trial from subject to object. But Elias' most serious complaint is of the Judge's role in jury selection; he reiterates his worry over the survival of the un-fittest.

Shatzman gives Ito points on his quick wit and his ability to retain all the information that was thrown his way, but accuses him of "extreme sissiness" (p. 149) when

showing emotion in the courtroom (an event that reminds him of Edmund Muskie's dashed hopes for the presidency on the same basis), and criticizes his "penchant for being a stargazer" (p. 152), a characteristic that evidently irritated a lot of the press corps. He is most upset with the Judge for not allowing more of Mark Fuhrman's racist comments into the courtroom; if he let the 911 tapes in ("which in my opinion said absolutely nothing" [p. 152]), then Fuhrman's comments about planting evidences would have been equally relevant.

The introduction of "Mark Fuhrman and the N-word" (Chapter 7), according to Elias, ensures the racial turn of the case. But as he reviews Fuhrman's statement that "whenever he stopped a car bearing a racially-mixed couple and they were doing nothing wrong, he would invent an offense" (p. 163), Elias acknowledges that this "impacted heavily" on the jury. It was relevant because Fuhrman had been summoned to the Simpson home as early as 1985 on a domestic-violence call and he well knew their marriage was interracial. Nevertheless, the journalist returns to insist on the abuse Simpson inflicted on Nicole Brown while they were married.

Alarm bells started ringing in Schatzman's head, this journalist says, when Fuhrman first stated that 1) when he found the bloody glove behind Kato's bungalow, he got a rush of adrenalin, and 2) that, "back at the scene of the murders, he was standing on the balcony and saw *them*—meaning the gloves—lying in the foliage" (p. 169). This was judged to be a slip of the tongue by white reporters, but coupled with his intention of planting evidence and the history of the abuse of black men who mate with white women, Schatzman finds it "worth seriously noting." He also reiterates his position that simply because this trial is about a black man accused of murdering a white woman, it automatically touches "the racial fibers in our bodies" (p. 170).

Schatzman is bitter that no one in the white press corps took Fuhrman's racism seriously until it became potentially damaging to the prosecution's case. "Now what am I to glean from that? Essentially, that the racism of a person is no big deal to white people unless it's exposed in an embarrassing way" (p. 170). Unfortunately this is too close to the truth. Given the environment and race hatred that is still all too prominent in the United States, Schatzman is completely convincing in his assertion that "Fuhrman's comments about his planting evidence and performing racist acts against black men with white women is just as admissible as Ron Shipps's testimony that he heard Simpson say he once dreamed of killing Nicole" (p. 175).

Fuhrman's documented racism and the incriminating interview on tape plus the courtroom demonstration of Simpson struggling to put on the glove (subject of "The Witnesses") were apparently the two most important pieces of "evidence" on which the jurors based their verdict. Elias outlines a procession of witnesses whose credibility was automatically challenged by the opposing team of lawyers, and whose testimony was so predictably on the side of whoever was paying the tab that it came to be almost ludicrous. The havoc created by experts challenging experts on the subject of the time of the murders, whether the victims struggled or not, the quantity, mixture, availability of blood, the breakdown of DNA, moves even Elias to write that "this allowed some jurors to conclude that the scientific evidence may have been unreliable" (p. 183).

The defense hammered hard at the mistakes of the lab scientists and technicians and the mishandling of the evidence, and discredited prosecution witnesses on the basis of their personal habits (drinking and drug use). So well does Elias criticize the presentation of the witnesses and the witnesses' presentations that he actually makes a better case for "reasonable doubt" in this chapter than his co-author who lapses into

such sarcasm that he almost undermines his own arguments. Again, the money angle surfaces, first, with regard to the experts paid to testify for and against the defendant, and secondly, with regard to the reliability of witnesses who sold their story to the mass media.

But so sarcastic does Schatzman become that he is misleading in some information: he professes belief that Jill Shively (who alleged that Simpson almost collided with her in his Bronco just after the time the murders were committed) was not called as a witness, not because she had sold her story for \$ 5,000, but because “The district attorney’s office found out she was lying” (p. 200). Says Schatzman, “That excuse doesn’t hold water with me because the men who sold Simpson a hunting knife back in May 1994 were also paid for their stories,” leading the reader to believe that they were called as witnesses. But Elias, in Chapter 3, has already stated that Camacho sold his story to the *National Enquirer* “but was never called as a witness in the actual trial” (p. 69), while Schatzman in the same chapter sates that “needless to say, the knife that Simpson purchased from Ross Cutlery was not the knife used in the double murder” (p. 84). I confess to being a little confused on this point; if, as Schatzman points out in Chapter 9, the knife was never recovered, how do we know which one was used? Maybe something more than the knife is missing.

What this chapter does provide is a genuine contrast in perception and interpretation of the same events. Cf: the case of potential witness Mary Ann Gerchas as presented first by Elias (pp. 192-193) and then by Schatzman (pp. 200-201). I am afraid that whom you believe will depend on which side of the case you stand on. It’s a wonderful example of why the two sectors have such a hard time understanding or believing each other.

Elias’ review of “The Evidence” (Chapter 9) is well-argued and convincing and presents the view so many white people held to be unassailable. Hence the shock of white America who simply could not believe so much evidence could be discarded at the cry of “racist.” It would be important for African Americans to read this chapter as dispassionately as possible, not looking to be convinced (everybody has already made up his/her mind about this case anyway), but to understand why whites became so utterly convinced of Simpson’s guilt.

Schatzman, however, spends most of his section in this chapter discussing 1) other famous white Americans who got off the hook in spite of the compelling evidence against them, and 2) the offenders in the Rodney King and the Latasha Harlins cases who were acquitted (or given a “non-sentence”) in spite of the fact that the beatings/shooting were recorded on video. Although conceding that the blood and DNA belonged to Simpson, he insists that this does not give us the whole story, and brings up broken spider webs where Fuhrman supposedly retrieved the glove; in short, “evidence is as evidence does.”

It’s always easier to criticize than to do, so Chapter 10, “The Lawyers,” is a free-for-all on what the prosecution should have done to get a conviction and the snaky rhetoric of the defense team (Elias), and a critique of each lawyer on the case, one by one (Schatzman). Both show great respect for prosecutor William Hodgman, who nearly lost his life to a heart attack from overwork, but whose style and demeanor in the courtroom won him kudos from both sides, and whose retreat from the case may have partially determined the outcome.

Schatzman introduces his theory on racism in this chapter: whites are racist (he has spent many pages documenting that one) but the anti-white attitudes of blacks are

not racist but *tropistic*. I was skeptical at first, but he may have a point in his terminology. The *Webster's International Dictionary* gives *racism* as "the belief that certain races of people are by birth and nature superior to others" and *tropism* as the "involuntary orientation by an organism or one of its parts that involves turning or curving and is a positive or negative response of a source of stimulation" (like sunflowers, I guess). According to Schatzman, "blacks in America are not racists *per se*. Blacks are tropistic. This means that they are responding to the racism that is heaped upon them day after day, and thus often react by showing hatred toward whites" (p. 242). For this to be a valid argument you would have to exclude the Farrahkan company, but Schatzman has already ruled out his inclusion in any discussion saying that white people only attack him when they have no other arguments.

Schatzman is excellent in his comments on Garcetti who proved to him that "prosecutors are politicians first and attorneys *second*" (p. 245). I wish that this even-handed critique were more evident in other sections of the book where his tone is so strident as to obscure his arguments and cause his readers to "tune out."

As I noted at the beginning, in the "Face-to-Face Debate" of the last chapter, both journalists reiterate their allegations but are also ready to cede some ground. Elias continues to summarize the blood and DNA evidence ("As usual, Tom, you have bored me with your blather about all the evidence" –Dennis Schatzman, p. 265), while Schatzman returns once again to the history of race relations in America. In the end they are probably both right: Elias is willing to concede that Fuhrman could conceivably have planted the glove, and Schatzman acknowledges that Simpson was *probably* at the scene of the crime, but that does not mean he committed the murders. Both celebrate their ability to agree to disagree and still continue to respect each other, and both insist on the need for dialogue, understanding and mutual respect for the "Other" for any real progress to be made.

Because personal politics have influenced so much of the perception and interpretation of the *text* (in the widest sense of the word), perhaps it would only be fair to insert my own before I embark on a critique. As a white, Southern born-and-bred female whose research has led her to delve deeply into African American Studies, on the one hand, and Feminist Theory, on the other (after all, the hands are joined and coordinated by a single body), from the beginning I felt great sympathy (I wanted to say *empathy*, but do not wish to sound arrogant) for both sides. I do remember hoping fervently that Simpson had *not* committed the murders, though as the evidence on the domestic violence issue mounted, I became more and more sickened. So it was with great interest that I ordered this book, thinking it might provide an invaluable lesson for my doctoral students on the perception of race in the U.S. I now want to take up this critique with an eye to how the discourse reads and what insights might be afforded from its interpretation.

Tom Elias is consistent, orderly and convincing in his arguments, sometimes even for the defense, as in Chapter 9 when he cites the confusion created for the jurors by the many experts called in to testify. His faith in the scientific "objectivity" of the evidence, even circumstantial evidence, probably speaks for the vast majority of white westerners reared on the "truth" and validity of science. But it is astounding to me that he can argue continually throughout the book that race had nothing to do with this case until the defense introduced it. (In Chapter 8, he presents a modification of his terminology when he says that the murders were not racially *motivated* - but that is very different from alleging that race was not a factor in this trial). I find this so

incredible I am inclined to chalk it up to the fact that he is a first generation American (of parents who were forced to immigrate because of the Nazi pursuit); otherwise, I can only speak of his unremitting ignorance of race relations in the U.S., or of his self-delusion. The latter might explain the wholesale reaction of dismay on the part of so many the day the verdict was announced. White America may just have deluded itself into believing that race is not an overriding factor in so much of American life today. (“Most whites figured like me, that this was a crime of passion committed by a jealous celebrity” [p. 187].)

Schatzman, of course, is spot on: “But the fact that a black man is accused of killing two white people, particularly a beautiful blonde white woman, automatically makes it a race case” (p. 70). For his part, however, Schatzman insists that it is this obsession with race that turned the trial into such a media event, refusing to acknowledge that, as Elias affirms, the celebrity of a former football player turned actor, and much beloved by the American public at large, gave the case a fascination scarcely seen in other “race cases.” A fallen hero.

Schatzman, as a former magistrate and a veteran reporter for an African American public, has a large repertoire of insult and injury at hand, and uses this information to build a powerful psychological background for African Americans who consequently disbelieve in the American “justice” system in general and in the LAPD in particular. He quotes retired New York Supreme Court Justice Bruce Wright: “Law and not justice is what is emphasized in America” (p. 251). In this endeavor he is absolutely convincing.

But I have two major problems with Schatzman’s presentation (please note that it is his discourse I am talking about, not his arguments). In the first place his frequent resort to sarcasm is annoying. (This may be a very personal “reader’s response”; there is nothing that will make me angrier quicker than the use of sarcasm in a discussion/debate –it’s such a cheap shot, and *to me* reveals a lack of convincing argument.) I can see how this manner of speech/writing would play well to an African American reading public, but while they might be entertained, they are already convinced of his arguments. I would have preferred that this black journalist write persuasively for the much larger white public who seriously need an education in African American perception. Schatzman has disparaged an excellent opportunity for reaching that public by so often making his points sarcastically.

Secondly, as a woman, I have trouble with his recurring bouts of misogyny. On one occasion in Chapter 10, he actually prefaces his remarks about Shawn Chapman and Sara Caplan by stating, “My comments about them are strictly sexist in nature and I make no apologies for them,” (p. 245) and proceeds to criticize Chapman’s legal performance (“a bust”) but to admire her “waving her hair in the air,” while Caplan was “the belle of the ball.” I *might* be able to forgive this little outburst (but then again, maybe not; saying you are a racist doesn’t excuse you from being one; saying you’re a sexist, doesn’t excuse you either) if it had been the only incursion into sexism. But Schatzman betrays his lack of respect for women at every turn. Jennifer Thomas is an “air head” (so how can she function as the *Sentinel’s* chief financial officer even if she is the publisher’s wife?); Lisa Kahn “knew what she was talking about (concerning domestic violence) ... but was boring as hell;” “Sara Caplan, ...(was) by far the sexiest attorney to grace the courtroom at any time during the trial” (p. 80); Patti Jo Fairbanks is “cruelly known as “Fatty Jo” (p. 84); Marcia Clark “batted her eyelashes” whenever Judge Ito had an inclination to rule in favor of the defense.



Moreover, his critique of Ito for “sissiness” and of Darden for “bitching and moaning” reveal a macho attitude that will not sit well with feminist readers.

To his credit, Schatzman records a lot more respect for Marcia Clark, who Elias has knocked down as arrogant and media struck (first, because of the new hairstyle, and secondly, because she used a private toilet rather than the public one). Schatzman acknowledges the personal turmoil of this woman (who, *I* could understand, needed a little privacy): “compounding her already tough job of trying to make lemonade evidence out of lemons, Clark had to battle her estranged husband Gorden (what a scumbag) Clark over the custody of their two young boys” (p. 246). Elias didn’t even mention that in his critique, so I was pleased, I admit, that Shatzman did. Let me mention right here that Elias is himself not free from racial/gender stereotypes: In Chapter 10 he blithely writes that

It seemed to me that the eight black female jurors viewed the three African American lawyers as potential sons, and the one they most liked, the one they most admired, was Cochran. (p. 239)

I have an incredibly hard time imagining that type of statement being made with an exchange of either genders or races. And Elias also relates Suzanne Childs’ former marriage to “author and screenwriter Michael Crichton,” as if this were somehow relevant to her professional activity. Again I have trouble imagining the inverse.

Some of Shatzman’s arguments also lead to shaky logic at times. On the issue of domestic violence, his weakest argued chapter, the logical inference would be:

Darden (or others) abused his live-in girlfriend.  
Darden did not kill his girlfriend.  
Darden is not a murderer.

Not: Darden abused his live-in girlfriend.  
O.J. abused his wife.  
Darden didn’t kill his girlfriend.  
O.J. didn’t kill Nicole.

You could only make this inference logically by adding the word “necessarily” in the last premise, but that wouldn’t rule out the logic of presenting domestic violence as a motive.

He alienates me again when he insists he himself will only tolerate one slap from a woman and after that she takes her physical well-being into her own hands, confusing “self-defense” with retaliation. All it takes (certainly *in most cases*) to defend yourself as a man from a woman’s slap, is to grab her wrist. And if you are really getting slapped around, you can always call the police; just like women. (Sorry, couldn’t resist that low-ball.)

These personal remarks together with Schatzman’s later reference to the rumors of Nicole Brown’s abusive behavior toward the maid and toward Simpson himself, seem to imply that the journalist wants to make a case for “self-defense” for Simpson’s abusive behavior toward his wife! It is hard to imagine the ex-football giant being afraid of abuse by this much smaller female. And with respect to the 911 tapes, he

justifies Simpson's yelling at his ex-wife for having oral sex on her couch in her condominium while the children were in the house (concern for the children is most often a smoke screen for other agendas by spouses of both sexes), but is seemingly unconcerned with the implications: Simpson was watching her through the window. Even when Schatzman finally admits that Simpson was *probably* at the scene of the crime that night (which doesn't make him a murderer), the only explanation he offers for the man's being there is, "Maybe he was going to stop off and look through the windows, as he liked to do, at a time when she would believe he couldn't be there ..." Excuse my dismay, but this sounds an awful lot like stalking. I don't know of any woman who wants to be observed "through the windows" by her ex-husband, no matter what she is doing.

So why didn't the domestic violence issue "play well" in court? For all the exhaustive arguments set out on both sides, in my view, and to me amazingly so, neither Elias nor Schatzman deal with what to my mind is the most pervasive subtext of the trial, and which would offer a cogent explanation to questions left unanswered: the domestic violence no-run in court, no apparent jury interest in the blood and DNA arguments, the susceptibility to Cochran's blatant racial defence, the willingness to slur all police officers involved in the case because of Fuhrman's racism. Schatzman touches on the issue, but never completely explores it, when he finally says (in the final chapter on page 262) that "it drives white people crazy when some black man takes one of their women" (here we go again: women as property), and notice above he makes the point that Nicole is *blonde*, which is set out as a contrast to the *black* man.

The "racial fibers in our body" are so deeply touched by this case because, once again, the stereotype of the black male as predator, as threat to the white (blonde) woman is played to the hilt. For generations this supposed "threat" was used to keep both black men and white women "in line," segregation firmly entrenched and women dependent on males for their "protection." By far the uppermost justification for lynching a black man during Reconstruction and thereafter (remember lynching was a phenomenon that arose *after* the abolition of legal slavery to keep the social order in tact) was the threat of the rape of white womanhood. In Bebe Moore Campbell's *Your Blues Ain't Like Mine* (1992) the white racist who murders a young black northern teenager during the Civil Rights era out of racism and his own insecurity, explicitly tells his wife and everybody who will listen that he did so to *protect* her from the advances of a black man.

History and literature are full of these stereotypes of the black man as savage, ravaging the white maiden: "Birth of a Nation," *The Leopard's Spots*, the newspaper descriptions of Bigger Thomas in *Native Son*, George Wallace's warning to voters, during his gubernatorial fight for re-election, of exaggerated black male genitals pursuing their daughters, right down through the use of Willie Horton in George Bush's campaign against Michael Dukakis in the Presidential elections. Without understanding this, how else can we explain the veritable *dismay* of Black America when Anita Hill (even though she herself is black, perhaps even because of it) publicly accused Clarence Thomas of sexual misconduct, or more to the present point, when reputable *Time* magazine *darkened* O.J. Simpson's photograph on its cover after he was accused of murdering his *blonde, white* wife? Photo-enhancement? No, this again plays to the black man's "uncontrollable lust" for the white woman in white mythology. Even in spite of the fact that Simpson was an "honorary white," who reveled in his power,

status and money within a white society, who married a white woman, who had all but turned his back on the black community, African Americans could not psychologically afford to convict a man of their own background and confirm the stereotype imposed by whites for so long. Especially not Simpson, a man who had “made it” in the white world.

Evaluated in this light it makes sense that the domestic violence issue did not “play well” with the jury, the majority of whom were African Americans. To have allowed this abusive relationship to play itself out in the courtroom would have been to confirm white America’s “worst fears”: no matter how high the black man rises, no matter his importance, his celebrity, his power, his money, underneath he is still a savage, a threat to “our” women. Elias again and again expresses disbelief and consternation that the prosecution did not emphasize its domestic violence case against Simpson, believing to the end that this type of violence was not race-related. After all, black women are the victims of battering as well. But Nicole Brown Simpson was white, not black, and the racial implications were too overwhelming to ignore. Even with all the evidence in play, the prosecution probably did everyone a service by not pressing its case. I seriously do not believe that it would have varied the outcome.

In the end, and as a woman, I sympathize enormously with Nicole’s terror and abuse at the hands of a violent husband. She became entangled with a man, like so many others independently of race, who simply would not let her out of his life. Did Simpson kill her? There is a lot of circumstantial evidence that points decidedly in his direction. Did a murderer go free? Perhaps, but if so, white America has only itself to blame.

\* Elias, Tom and Dennis Schatzman. *The Simpson Trial in Black and White*. Los Angeles: General Publishing Group Inc., 1996. pp. 288.