April and the Simpson Trial

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There was a story some years ago about a penitentiary in Texas where state prison officials asked inmates to volunteer to help train their tracking dogs. The inmates would be dressed up in padded clothing, given a head start, and then the hungry hounds would be loosed, with the prison officials riding on horseback after them. It became quite a sport, the chasing of what they called the "dog boys," and it eventually embarrassed (though scarcely enough) quite a number of politicians (who had joined in the frolic) when the degree to which it had become a jolly pastime, like fox-hunting, came to public light.

The degree to which official exercises of power become major-league sports events gives me a lot of pause these days, as I cautiously turn on the television from time to time, searching for the weather report while trying to avoid the swamp of O.J. Simpson mania. Sooner or later, I fear, it will sweep me away too, in the excruciatingly slow, molasses-motioned displacement of afternoon soap opera by the industrial-strength suds of Court TV opera.

Although I had promised myself that I would be the one lawyer in the United States to refrain from writing about the Simpson case, I'm increasingly troubled by the way it severely pushes the limits of whatever justice was supposed to be afforded by the notion of a public trial. The unprecedented eclipse of trial by theater—rivaled only perhaps by the coverage of Dr. Sam Shepherd in the 1950s—has whetted a public appetite for lurid speculation as well as spectacle. It is an appetite, I fear, that will be satisfied by neither a guilty nor a not-guilty verdict, for surely so much melodrama is building to a better denouement than that. The public wants great pulp fiction: say, for Marcia Clark to have Johnnie Cochran’s baby while O.J. and Detective Fuhrman commit suicide in a double homosexual interracial love pact, and just for good measure Judge Ito is discovered to be heading up an international cocaine cartel whose operations he directs from his chambers during the commercial breaks.

Of course, this is why juries get sequestered—it's a way of limiting not the public viewing of the trial but the mob's metaphorical climbing-into-the-witness-box and influencing the outcome by noisy, string-'em-up gladiatorial rhetoric and rumor-run-amok.

Still troubling to the unsequestered of us, however, might be the extent to which the public airing of the Simpson trial is being used to divert political attention from some very great divisions rending this nation. "Maybe the Simpson trial will undo the misperceptions created by the Rodney King thing," said one commentator on a morning news show—barely two days after publication of the Mollen Commission report, which detailed police excesses in Harlem and the Bronx, including racketeering, narcotics dealing and even attempted murder. This seemingly pervasive sentiment astonishes me for a number of reasons: It reduces black anxiety about the justice system to superficial and singular television encounters—the Rodney King "thing" may have "created" a bad impression, but look, "the system" is apologizing, by making up for it with O.J. Simpson. It trivializes or ignores the day-to-day experiences of blacks who are treated as "suspect profiles" at best and suffer a range of abuses in contacts with the justice system that go from negligence to outright brutality. And it dangerously misreads the discontent of a significant population that is not merely disaffected but enraged, whose fury is barely reflected in the staggering rates of black criminalization and imprisonment.

The Simpson coverage takes a bizarre trial and mythologizes it into the mundane.

The O.J. Simpson trial bears very little resemblance to the circumstances—in courtrooms or elsewhere—that occasion so much black distrust of the justice system. But the self-congratulation proceeds apace: Now maybe they will see that justice is color-blind, say so many of the high-priced pundits who crowd the airwaves. Yeah yeah, except all sides agree that this trial is hardly typical. How many black or white people can afford a team of defense lawyers like O.J.’s? How many black or white people could command the audience that he does? How many black men could lead the Los Angeles Police Department on a slow chase around the city and survive to spawn a publishing industry of True! Inside! stories, all sure to be best sellers?

The Simpson coverage takes a singular trial—possibly one of the most bizarre of the century—and mythologizes it into the mundane. The simultaneous failure to cover the Mollen Commission report with anything like the same spotlight allows such mythologizing to trump empiricism in dangerous ways. And when the empirical becomes so thoroughly disconnected from political belief structures, it’s a formula for social tension.

"Do you think blacks will riot if O.J. Simpson is found guilty?" a reporter asked me during the preliminary hearing. The question made me laugh. "Are you serious?" I asked before I realized that he was. Of course, the last laugh may turn out to be on me, but it still seems preposterous that anyone could think that angry black crowds would storm the streets—of what, Brentwood?—just because a black man was found
guilty. The question struck me as revealing a total lack of understanding of the riotous passion that caused the infuriated, blind eruptions in Los Angeles—as though the reporter expected that anytime any black man is convicted, no matter what he does, black communities will scream foul. What a total lack of understanding of the seething social desperation that the Simi Valley verdict blew open.

Even acknowledging that there are plenty of blacks who don’t believe that any black man can get a fair trial in the United States, those beliefs alone hardly cause riots. How random and shallow the discontent must seem if O.J. Simpson is made the measure of black oppression, just another example of playing the race card.

If O.J. Simpson is believed by many whites to be enjoying the typical trial of a black man (you know, mired in the indulgences of due process, time-consuming and more expensive than the national budget), then Colin Ferguson, the man who opened fire on a crowded car on the Long Island Rail Road, has been figured as the typical black man (you know, always complaining, always blaming, paranoid). I don’t know how to say this gracefully, but there’s paranoia and there’s paranoia, and Colin Ferguson is insane. He thinks there are ninety-three counts against him because the year of the shooting was 1993. He was sleeping at the time. Mario Cuomo is part of a plot to set him up. The witnesses are all lying and the dead aren’t really dead. Yet a judge found him competent to stand trial and all the headlines self-righteously proclaimed his raising of that old defense, The white man did it. That’s what they all say! Well, he’s crazy if he thinks we’ll believe that one! Isn’t there something completely upside down about ruling an insane man sane so that society can waggle their heads and call him insane? The oft-pared but fundamentally contradictory logic is: He’s just acting this way to convince the court that he’s crazy. That is, he’s plotted and planned his insanity. Doing insane things just proves the demonic rationality of his warped but “normal” paranoid black mind. What is the function, one must begin to wonder as he babbles and soars in a world of his own, of “normal”—izing Ferguson as the quintessential black mind?

Meanwhile, in the not-too-distant background, Susan Smith, who confessed to killing her children after precipitating a nationwide manhunt when she told authorities a black man did it, is figured as someone who is guilty as sin but simultaneously filled with pluck and remorse, ready to shoulder her full “responsibility” by stepping right on up to the electric chair like a pitcher to the mound.

What are these stories we are telling ourselves? We can’t sequester the public imagination, but shouldn’t we be just a little more careful in how we rush to mythologize our fears, our demons, our mental inventions? Shouldn’t we be a little more careful about digging ourselves deeper into the entrenchment of our division?

Would it help to make a reality checklist? A scorecard of sorts, just to keep the myths trimmed, like fingernails, every so often, so they don’t get dangerous or poke someone’s eyes out or just plain paralyze us?

§ The Simpson trial is hardly the normal trial of a black man, even though it symbolizes the domestic abuse of many “normal” citizens, black and white.

§ Colin Ferguson is not your average black man, even though he expresses fears of the white world that are familiar to many blacks.

§ Blacks who talk a lot about social inequities are not per se insane, even though I appreciate that there are many white people who find them very annoying.

§ Colin Ferguson is not your average urban American terrorist. In fact, until Ferguson, the suspect profile of those who went into public places and shot randomly was the lonely, reclusive or recently divorced, troubled, middle-aged white man.

§ If Susan Smith does die in the electric chair and O.J. Simpson doesn’t, perhaps we as a nation could refrain just a moment before intoning that white women die for their crimes while black men who commit double homicides don’t. Perhaps we could just make room for a host of competing considerations such as: A woman who kills her children is always more abhorred than a man who kills his wife in the so-called “heat of passion” and/or kills a man he thinks is his wife’s lover. The death penalty is administered variously by state governments, differently in South Carolina and California. Seeking the death penalty is a matter of prosecutorial discretion. O.J. is a star, dadgummit, and nobody likes to see American heroes executed. If O.J. were “Willie” Horton, he’d fry. And if Susan Smith had murdered almost anyone but her own children, she probably would not.

§ Blacks and Latinos form a solid majority of our national prison population. They are convicted more frequently and sentenced for longer terms than their white counterparts. Blacks end up on death row in numbers vastly disproportionate to whites who commit the same crimes.

Now that all the boxes are checked off, are these factors really a source of comfort to those who think that black men
are out there “getting away” with things while white women, even murderesses, are out there doing their bit to uphold the social order? Or shouldn’t this complicated play between exceptionalizing trends and normalizing extremes give us a frisson of a decidedly more sinister sort? How does a democratic order rationalize the craving for catharsis that countenances this savage running of the bulls, this chasing of the dog boy, this stoning of the one marked village idiot? These are not times for easy prescriptions, but when the executives of Entertainment Tonight are thus exuberant, one has to wonder if Justice hasn’t been just a wee bit seduced by the thrill of the hunt.

STILL THE STUPIDEST PARTY

Newt Gingrich and Other Blunders

NOEL E. PARMENTEL JR.

“Voters gave Republicans a second chance. This time they better not blow it.”

—William Schneider on CNN’s Inside Politics

Here’s the deal, see. You’re the G.O.P. and you just won the big one. Now to draw a bead on the White House, where lurks Sidney Zion’s “Where is George Bush now that I need him?” In poetic justice Bill Clinton is now the patsy, blamed for everything not his fault while getting no credit for his many accomplishments. Worse, the Karacter Kops are on his case. With wide-open windows of Republican opportunity, high contrast is the way to go, right? Credibility. Ethics. Family values. Patriotism. Best put best foot forward.

For Republicans, after a forty-year drought, the irreversible first impression would be everything. With the Clintons now widely perceived as irrelevant, nothing would reveal more about the nature of the new majority than its choice for Speaker of the House. Here was who would set the national agenda, perhaps even become de facto President. He better look good. Surely even Republicans would see that.

Free to choose from the entire House membership, the G.O.P. was blessed with an embarrassment of riches: Henry Hyde of Illinois, popular as his separated-at-birth twin Tip O’Neill; John Kasich of Ohio, a Perot pet who might keep Ross the Boss on the reservation; Christopher Shays of Connecticut, conscience of the Congress. There were even more adventurous choices who would have made the history books: San Antonio’s Henry Bonilla (who makes fellow Tejans Gonzalez y Cisneros look like Cheech & Chong) or Connecticut’s FemiNazi (Not!) Nancy Johnson (no wooden nutmegs there). All in all, an impressive array.

So here goes nothing. Push the envelope, please. The winner is? Would you believe Newt Gingrich? Way to go. Newt who? Sure, the buck starts there. But this bucko? The only White House wannabe with more demerits than the live-in couple? The ersetz Gauliter of Boys Town with the voicebox of A Guy Named Joe McCarthy? And, like his soundalike, has he got a mouth on him.

Cobb County Caliban

Like Al Smith, when Republicans make a mistake it’s a beauty. The daddy of all boners was a bad judgment call by craven party brass in favor of a sawdust Caesar they hoped would respect them in the morning.

Up to the election, few “normal Americans” had ever heard of Gingrich. Now, since the Cobb County Caliban launched his unfriendly takeover bid for the Party of Lincoln, Newt’s Coach’s Corner is giving All Day/Every Day/L.A./O.J. a run for the ratings. At Christmas there was a modest proposal to give state orphans a chance, give the little bastards their due: Here’s looking at you, kids. No room at the inn? No problem. At Gingrich gulags, Tots R Us. Lost in the uproar was any appreciation of classic G.O.P. timing.

Family values? The guy’s close to his mother, even if she spilled the beans to Connie Chung. Did Connie go too far? Maybe you hadda be there. And none of that Judge Wapner crap for this hot hubby. When you want out in Hot’Lanta, just lie doggo till the little woman comes out of a cancer operation. Then you spring the divorce papers on her in the recovery room. O.K., he’s no Ashley Wilkes.

When you got it, flaunt it. And Newt’s such a good-looking devil, it’s plain to see why Republicans would insist upon him as celeb spokesman for their Twelve-Step update, the Contract With America. The Speaker is trying his best to elevate these bromides to the exalted level of The Federalist Papers. (Never mind that the Contract is to the Federalist what Bob Packwood’s diaries are to the private papers of Henry Adams.)

Other than providing tea and sympathy to a bunch of neo-Poujadistes set to win anyway (the political climate being what it was), Gingrich had little to do with the election results. There was no reason for G.O.P. lemmings to walk the plank when the real founder of the feast was the former Hillary Rodham. Once this Joan of Ark. massed her Army of the Potomac (which, living off the land, blew a cool half-billion of sacred taxpayer $$$ to produce a 1,342-page Magaziner Mouser-piece), the Federal Period was over. Accordingly, in impressive homage to George Romero, she revived barely enough Living Dead White Males to give the G.O.P. their point-and-a-half “blowout.” Hummelstown’s Own Ma Gingrich ought to wash Newtie’s mouth out with soap. He owes the First Lady big-time. Virtually unassisted, she liberated this 900-pound guerrilla (previously more or less confined to Zoo Atlanta) into the general population. But en garde, G.O.P. Not even St. Hillary can guarantee to keep testosterone levels up and adrenaline flowing her way once L.D.W.M.s again have George Steinbrenner and Mike Keenan to kick around.

White Dwarf or Sneaker of the House

It’s an understatement to say that Newt Gingrich has been a P.R. disaster for the G.O.P. With all that baggage, how did