

The Trial of Orenthal James Simpson by Doug Linder (2000)

Although the 1995 criminal trial of O. J. Simpson for the murders of Nicole Brown Simpson and Ronald Goldman has been called "a great trash novel come to life," no one can deny the pull it had on the American public. If the early reports of the murder of the wife of the ex-football-star-turned-sports-announcer hadn't caught people's full attention, Simpson's surreal Bronco ride on the day of his arrest certainly did--ninety-five million television viewers witnessed the slow police chase live. The 133 days of televised courtroom testimony turned countless viewers into Simpson trial junkies. Even foreign leaders such as Margaret Thatcher and Boris Yeltsin eagerly gossiped about the trial. When Yeltsin stepped off his plane to meet President Clinton, the first question he asked was, "Do you think O. J. did it?" When, at 10 a.m. PST on October 3, Judge Ito's clerk read the jury's verdict of "Not Guilty," 91% of all persons viewing television were glued to the unfolding scene in the Los Angeles courtroom.

June 12, 1994

Exactly what happened sometime after ten o'clock on the Sunday night of June 12, 1994 is still disputed, but most likely a single male came through the back entrance of Nicole Brown Simpson's condominium on Bundy Drive in the prestigious Brentwood area of Los Angeles[LINK TO MAP]. In a small, nearly enclosed area near the front gate, the man brutally slashed Nicole, almost severing her neck from her body. Then he struggled with and repeatedly--about thirty times--stabbed Ronald Goldman. Ronald Goldman was a twenty-five-year-old acquaintance of Nicole's, who had come to her condominium to return a pair of sunglasses that her mother had left earlier that evening at the Mezzaluna restaurant. (A person would later post a sign outside the Mezzaluna reading, "Don't forget your sunglasses.")

Just after midnight, Nicole's howling Akita, with blood on its belly and legs, attracted the attention of a neighbor, who then discovered the two bodies. The ill-fated investigation of the Brown-Simpson and Goldman murders began.

Nicole Brown Simpson's ex-husband, former football great and media personality O. J. Simpson, meanwhile, was aboard American Airlines flight #668 to Chicago. Simpson had taken off from Los Angeles at 11:45 after receiving a ride to the airport in a limousine driven by Allan Park, an employee of the Town and Country Limousine Company. The limousine had left the Simpson estate on Rockingham Avenue[LINK TO MAP OF SIMPSON ESTATE] about half an hour late, after Park called to report at 10:25 that no one answered his ring at the door. Park observed a man he assumed to be Simpson enter his house at 10:56.

Police called Simpson early Monday morning at the O'Hare Plaza Hotel in Chicago, where Simpson had planned to attend a convention of the Hertz rental car company. When informed that his wife had been killed, Simpson did not ask how, when, or by whom. He did--according to his later testimony--smash a glass in grief, badly cutting his left hand. Prosecutors would have a different explanation for the injury. Simpson boarded the next flight to Los Angeles, arriving home about noon to find a full-scale police investigation underway. Police tape stretched across his front gate and cardboard tags marked bloodstains on the driveway.

The Investigation Focuses on Simpson

Los Angeles police questioned Simpson for about a half hour that day. They asked Simpson a number of questions about the deep cut on his right hand. Simpson initially claimed not to know the source of the cut. Later in the interview he suggested the hand was cut when he reached into his Bronco on the night of the murders, then reopened the cut when he broke a glass in his Chicago hotel room after being informed of Nicole's murder. From the standpoint of the police,

the interview was remarkably inept. Officers did not ask obvious follow-up questions and whole areas of potentially fruitful inquiry were ignored. So unhelpful was this interview that neither side chose to introduce it into evidence at the trial.

Eventually, however, police accumulated enough evidence indicating Simpson's guilt in the murders that they sought and obtained a warrant for his arrest. Under an agreement worked out with Simpson's attorney, Robert Shapiro, Simpson was to turn himself in at police headquarters by 10:00 on the morning of June 17, the day following Nicole's funeral. When Simpson didn't show by the agreed upon time, police told Shapiro that they would be driving to his Brentwood home to pick him up. Sometime after one o'clock, four officers knocked on Simpson's front door. Soon they and Shapiro discovered that Simpson had disappeared--off, it turned out, on perhaps the most famous ride in American history since Paul Revere warned Bostonians of the arrival of the British. Simpson left behind a letter. Addressed to "To whom it may concern," it had all the markings of a suicide letter. It ended: "Don't feel sorry for me. I've had a great life, great friends. Please think of the real O. J. and not this lost person. Thanks for making my life special. I hope I helped yours. Peace and love, O. J." Around 6:20 a motorist in Orange County saw Simpson riding in the white Bronco of his friend, A. C. Cowlings, and notified police. Soon a dozen police cars, news helicopters, and some curious members of the public were following in pursuit of the Bronco. The slow-motion chase would finally end with Simpson's arrest in his own driveway. After making the arrest, police discovered \$8,750 in cash, a false beard and mustache, a loaded gun, and a passport in Cowlings' vehicle.

For the prosecution, the biggest mistake of the trial may well have been to file the Simpson case in the downtown district rather than--as is normal procedure--in the district in which the crime occurred, in this case Santa Monica. Implausibly, the prosecution explained its decision as an effort to reduce the commuting time of prosecutors and better accommodate the expected media crush. More likely, the decision was a political one, based on concerns that a conviction by what would be a largely white jury in Santa Monica might spark racial protests--or even riots similar to those that occurred following the trial of four LAPD officers accused of beating Rodney King. The prosecutors probably believed that their case against Simpson was so strong that even the more racially diverse jury likely in downtown Los Angeles would have no choice but to convict.

Filing downtown would be only the first of many decisions that may have cost prosecutors the case. The decision of prosecutors not to seek the death penalty cost prosecutors the advantage of not having a "death-qualified" jury, which numerous studies suggest, would be more likely to convict. (A death-qualified jury is one from which all jurors whose opposition to capital punishment might prevent them from imposing a death sentence have been excluded. Typically, excluded jurors are disproportionately black and female.) Prosecutors also would be criticized for ignoring the advice of their own jury consultants, who urged them to use their peremptory challenges--to the extent that they might do so constitutionally--to exclude black and female potential. (Once the trial began, there would be other blunders. To name just a few: the decision to have Simpson try the glove used in the murder, the decision to call Mark Fuhrman to the stand, and the strategy of presenting so much evidence from so many witnesses over so many weeks that the case lost much of its force.)

On July 22, 1994, Simpson answered the question "How do you plead?" at his arraignment with "Absolutely one hundred percent not guilty, Your Honor." Months of discovery, jury selection, and hearings on issues such as whether to permit cameras in the courtroom and the admissibility of DNA test results followed.

The Trial Begins

The opening day of trial--Tuesday, January 24, 1995-- finally came. Under drizzling skies, reporters and camera person converged for what writer Dominick Dunne called "the Super Bowl of murder trials." Judge Lance Ito in his opening remarks told those assembled in the courtroom that he expected to see "some fabulous lawyering skills." Christopher Darden led off the prosecution's opening statement by portraying Simpson as an abusive husband and a jealous lover of Nicole Brown Simpson. Darden told jurors, "If he couldn't have her, he didn't want anybody else to have her." Marcia Clark followed with a statement laying out the facts proving Simpson's guilt that the prosecution would establish during the trial. The next day Johnnie Cochran gave an opening statement for the defense in which he presented a confused timeline of events and suggested that Simpson was so crippled by arthritis that he couldn't have possibly pulled off a double murder. Cochran told the jury that the defense would prove that the evidence against Simpson was "contaminated, compromised, and ultimately corrupted."

Over the next 99 days of trial, the prosecution put forward 72 witnesses. The first set of witnesses suggested that Simpson had the motive and opportunity to kill. The second set of witnesses suggested that Simpson had in fact used his opportunity to kill his ex-wife and Ronald Goldman.

The first group of witnesses included relatives and friends of Nicole, friends of O. J., and a 9-1-1 dispatcher, all produced to demonstrate Simpson's motive and his history of domestic abuse. Nicole's sister, Denise Brown, described seeing O. J. at the dance recital of his daughter, Sydney, on the day of the murder. She testified that Simpson looked "scary," like a "madman." She told of a dinner attended by her, Nicole, and other friends in which O. J. grabbed Nicole's crotch and said, "This is where babies come from, and this belongs to me." Tearfully, she told of an incident in which an enraged Simpson picked up her sister and threw her against a wall. Ron Shipp, a friend of O.J.'s, testified that Simpson told him, "I've had some dreams of killing Nicole." A 9-1-1 dispatcher took the stand so that the prosecution might play for the jury a terrifying 9-1-1 call from Nicole describing an ongoing assault by Simpson.

The prosecution next produced a set of witnesses--including limousine driver Allan Park, Kato Kaelin, and officers of the LAPD--to establish a timeline of events that left Simpson with ample opportunity to commit murder. Limo driver Allan Park proved to be one of the prosecution's most effective witnesses. Park testified that he arrived at the Simpson home on Rockingham at 10:25 to pick O. J. up for his scheduled flight to Chicago. He said he rang the doorbell repeatedly, but received no answer. Shortly before 11:00, according to Park, a shadowy figure--black, tall, about 200 pounds, and wearing dark clothes-- walked up the driveway and entered the house. A few minutes later, Simpson emerged, telling Park he had overslept. Park testified that as he entered the limo, he carried a small black bag (which the prosecution hoped the jury would conclude contained the murder weapon). Park testified that Simpson would not let him touch the bag. The bag has never been seen since. A skycap at the Los Angeles Airport testified that he saw Simpson near a rubbish bin.

Simpson house guest Kato Kaelin, one of the trials more colorful characters, testified that he and Simpson returned from a run for Big Macs and french fries at 9:36. After that, Kaelin couldn't account for Simpson's whereabouts. He told of hearing thumps on his wall just before 11:00, about the same time that Park witnessed the shadowy figure enter the house. The prosecution also produced telephone records that show Simpson used his automobile cell phone to call his girlfriend, Paula Barbieri, at 10:03. The defense did not attempt to explain why Simpson would make a call on his car cell phone at a time he claimed to be in his backyard practicing his golf stroke.

Finally, the prosecution began to put forward witnesses directly tying Simpson to the two murders. The evidence was technical and circumstantial, relating mostly of the results of blood, hair, fiber, and footprint analysis from the Bundy crime scene and Simpson's Rockingham home. The most compelling testimony--if one assumed the accuracy of the testing--concerned two RFLP tests. The first indicated that blood found at the crime scene could have come from only 1

out of 170 million sources of blood--and that O. J. Simpson fit the profile. The second came from blood found on two black socks at the foot of O. J.'s bedroom. According to prosecution testimony, only 1 out of 6.8 billion sources of blood matched the sample. Nicole Brown Simpson might well be the only person on earth whose blood matched the blood found on the socks. On cross-examination of the prosecution's DNA experts, the defense had little choice but to begin to develop the theory that either the blood samples were contaminated or they were planted by corrupt police officers .

The LAPD officer who found a bloody glove outside Kato Kaelin's bedroom turned out to be a godsend for the defense's corrupt-police theory. The officer, Mark Fuhrman, testified for the prosecution on March 9 and 10. In his book about the trial, Robert Shapiro wrote: "A suddenly charming Marcia Clark treated him like he was a poster boy for apple pie and American values." Three days later, F. Lee Bailey began a bullying cross-examination of Fuhrman in which he asked the detective, whether, in the past ten years, he had ever used "the n word." Fuhrman replied that he absolutely never had done so. It was a lie.

A second prosecution disaster followed. Prosecutor Christopher Darden, confident that the bloody gloves belonged to Simpson, decided to make a dramatic courtroom demonstration. He would ask Simpson, in full view of the jury, to try on the gloves worn by Nicole's killer. Judge Ito asked a bailiff to escort Simpson to a position near the jury box. Darden instructed Simpson, "Pull them on, pull them on." Simpson seemed to struggle with the gloves, then said, "They don't fit. See? They don't fit." Later, it would turn out that there were good reasons why they didn't fit--the gloves may have shrunk because of the blood, photos would turn up showing Simpson wearing ill-fitting gloves--but the damage had been done. Later, Cochran would offer the memorable refrain, "If it doesn't fit, you must acquit."

A field trip that included the judge, the jury, lawyers for both sides, the defendant, and a bevy of trailing media types illustrates how the defense early on in the trial saw the race issue as playing to its advantage on a jury that included nine African- Americans. The trip to the Bundy Avenue crime scene and Simpson's Rockingham home was intended to provide the jury with a better basis for understanding testimony concerning locations of bodies, gloves, and socks. The defense saw it as an opportunity to put a favorable spin on Simpson's life. Before the jury arrived at Simpson's home, down came a picture of Paula Barbieri, O. J.'s girlfriend. In its place, up went a Norman Rockwell print from Johnnie Cochran's office that depicted a black girl being escorted to school by federal marshals. Pictures of Simpson standing with white golfing buddies were replaced with pictures of his mother and other black people. A Bible was installed conspicuously on an end table in the living room. The tour seemed to go wonderfully well for the defense. As the group toured his home, Simpson pointed to a backyard play area and said, "That's where I practiced my golf swing."

The Dream Team Takes Center Stage

The strategy of Simpson's defense team, called the "Dream Team" in the media, was to undermine the prosecution's evidence concerning motive, suggest Simpson was physically incapable of committing the crime, raise doubts about the prosecution's timeline, and finally to suggest that the key physical evidence against Simpson was either contaminated or planted, or both.

On July 10, 1995, Simpson's daughter Arnelle took the stand as the first defense witness. She would be followed by Simpson's sister and his mother, Eunice Simpson. By the time Simpson's mother finished her testimony, it was apparent to some courtroom observers that jury members were showing more empathy for the Simpson family than for the families of the victims.

As successful as it turned out to be, the defense effort was not without its own miscalculations. After Simpson's doctor, Robert Huizenga, testified that O. J.--despite looking like Tarzan--was in about as good of a condition as "Tarzan's

grandfather" and suffered from arthritis and other problems, the prosecution produced a video taken shortly before the murders. The video showed Simpson leading demanding physical exercises. Especially embarrassing for the defense was a quip on the tape from Simpson as he performed an exercise that consisted in part of punching his arms back and forth. Simpson suggested people might try this workout "with the wife."

The most talked-about aspect of the defense case undoubtedly concerned Mark Fuhrman, the LAPD officer who had found the bloody glove and who, as a prosecution witness, denied using the word "nigger." It turned out that Fuhrman had used "the n word"--many times--and it was on tape. Laura Hart McKinny, an aspiring screenwriter from North Carolina, had hired Fuhrman to consult with her on police issues for a script she was writing. McKinny taped her interviews with Fuhrman, who not only used the offensive racial slur, but disclosed that he had sometimes planted evidence to help secure convictions. Needless to say, the defense wanted McKinny on the stand, and they wanted the jury to hear selected portions of her tapes. The prosecution strenuously objected, arguing that McKinny's testimony was irrelevant absent some plausible evidence suggesting that evidence was planted in the Simpson case. The prejudicial value of the testimony, the prosecution insisted, would exceed its probative value. Judge Ito, somewhat reluctantly, allowed the defense evidence. Ito's decision opened the door for the defense to offer its rather fantastic theory that Fuhrman took a glove from the Bundy crime scene, rubbed it in Nicole's blood, then took it to Rockingham to drop outside Kaelin's bedroom so as to frame Simpson.

It may not, however, have been Fuhrman, but rather a soft-spoken Chinese-American forensic expert named Henry Lee that won Simpson his acquittal. Lee had solid credentials, smiled at the jury, and provided what seemed to be a plausible justification for questioning the prosecution's key physical evidence. Lee raised doubts with blood splatter demonstrations, his suggestion that shoe print evidence suggested more than one assailant, and his simple conclusion about the prosecution's DNA tests: "Something's wrong." He might have, as Christopher Darden speculated after the trial, been the person who gave the jury "permission" to do what they wanted to do anyway: acquit Simpson. Jury forewoman, Amanda Cooley, called Lee "a very impressive gentleman." Another juror agreed, describing Lee as "the most credible witness," a person who "had a lot of impact on a lot of people."

The Jury Acquits

By the time closing arguments began in the Simpson case, the trial had already broken the record set by the Charles Manson case as the longest jury trial in California history. The jury had been sequestered for the better part of a year and was showing signs of strain and exhaustion. Judge Ito was under attack for the allowing the trial to drag on and his seeming inability to keep lawyers under control.

Marcia Clark's summation for the prosecution sought, among other things, to do damage control on the Fuhrman issue. Clark denounced Fuhrman as a racist, the "worst type" of cop, and as someone we didn't want "on this planet." But, she told the jury, that doesn't mean there was a frame-up. She took the jury again through the prosecution's "mountain of evidence" as puzzle pieces on a video screen accumulated to reveal the face of O. J. Simpson. Christopher Darden followed Clark, telling the jury that Simpson could be "a great football player" and "a murderer" as well.

Johnnie Cochran's summation for the defense added controversy to an already very controversial trial. His co-counsel, Robert Shapiro, was later to condemn his closing for "not only playing the race card, but playing it from the bottom of the deck." Cochran compared the prosecution case to Hitler's campaign against the Jews:

There was another man not too long ago in this world who had those same views, who wanted to burn people, who had racist views, and ultimately had power over people in his country. People didn't care. People said he's crazy. He's just a

half-baked painter. And they didn't do anything about it. This man, this scourge, became one of the worst people in the world, Adolf Hitler, because people didn't care, didn't stop him. He had the power over his racism and his anti-religionism. Nobody wanted to stop him....And so Fuhrman. Fuhrman wants to take all black people now and burn them or bomb them. That's genocidal racism. Is that ethnic purity? We're paying this man's salary to espouse these views...

The jury spent only three hours deliberating the case that had produced 150 witnesses over 133 days and had cost \$15 million to try. As America watched at 10 a.m. PST on October 3, 1995, Ito's clerk, Deidre Robertson, announced the jury's verdict: "We the jury in the above entitled action find the defendant, Orenthal James Simpson, not guilty of the crime of murder." Simpson sighed in relief, Cochran pumped his fist and slapped Simpson on the back. The Dream Team gathered in a victory huddle. From the audience came the searing moans of Kim Goldman, Ron's sister, and the cry of his mother Patti Goldman, "Oh my God! Oh my God!"

Simpson announced after the verdict that he would devote the rest of his life to tracking down the real killer of his ex-wife, but he would soon be preoccupied with a civil trial. The trial, held in Santa Monica, would take just three months and would produce a very different result. Simpson was forced to testify, clumsily trying to explain the unexplainable. Photos showing Simpson wearing the size 12 Bruno Magli shoes that he claimed not to own turned up first in one newspaper, then in others. The judge in the civil trial, Hiroshi Fujisaki, proved he was no Lance Ito, and prevented the Simpson defense from introducing fanciful theories of a top-to-bottom conspiracy. After seventeen hours of deliberation, the jury concluded--using the preponderance of the evidence test applicable in civil cases--that O. J. Simpson had wrongfully caused the death of Ronald Goldman and Nicole Brown Simpson. The jury ordered Simpson to pay compensatory damages of \$8.5 million and punitive damages of \$25 million. Under California law, however, Simpson can continue to survive on the \$25,000-a-month income from a judgment-proof pension fund.

The Simpson trial demonstrated the polarization of racial attitudes on issues such as law enforcement that still exists in our country. It may be for that, more than anything, that the trial will be remembered. But it had other effects. It created a greater awareness of domestic violence issues, provided lessons in how not to run a criminal trial, slowed the trend toward the use of cameras in courtrooms, and created a new type of "immersion" journalism that still flourishes today.

Postscript:

In November 2006, ReganBooks (an imprint of HarperCollins Publishers) announced that it was publishing a book by O. J. Simpson, *If I Did It*. Publisher Judith Regan told the Associated Press, "This is an historic case, and I consider this his confession." In an interview promoting his new book on Fox News (which, like Regan Books, is owned by News Corp), Simpson offered such incriminating observations as: "I don't think any two people could be murdered without everybody being covered in blood." The announcement of the book was met with a barrage of criticism. Ron Goldman's sister, Kim Goldman, on CNN's *Larry King Live*, expressed the outrage of victims: "He's telling us one more time, 'I'm gonna continue to get away with killing your family members and I'm not gonna honor the judgment and look at me, ha, ha, ha.'" The criticism caused HarperCollins to recall the book and Fox to cancel the Simpson interview. In September 2007, after a court seized the book as an asset to pay off Simpson's civil damages, *If I Did It: Confessions of the Killer* (as the book was renamed by the Goldmans) was published and soared to #1 in sales on Amazon.