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SCHOOL
OF LAW

SMALL SCHOOL.
BIG VALUE.

O.J. AS A TALE OF 2 OPERAS

An Essay in Black and White

Sherri L. Burr*

The criminal trial of Orenthal James Simpson was grand opera. California taxpayers spent more than eight million dollars to stage theater with larger-than-life characters. An orchestra of reporters and newscasters played the accompaniment before an audience of jurors and global spectators, black and white.

O.J. Simpson stood for the reading of the verdict—the final act in a long, intense drama. The tension in the courtroom crackled. O.J.'s son began to cry. The court clerk read the first verdict, with regard to Ron Goldman. The words “not guilty” filled the courtroom. O.J. Simpson sighed with relief and smiled. Kim Goldman, Ron's sister, wept.

The court clerk read the second verdict, with regard to Nicole Brown Simpson. Upon hearing the words “not guilty,” O.J. mouthed “Thank you” to the jury. O.J.'s mother and sisters began praying their thanks to God. The camera panned to the Goldman family. Fred Goldman, Ron's father, looked stunned. *Vanity Fair* reporter Dominick Dunne's mouth dropped open. During several television appearances only days before, Dunne had predicted a hung jury. The word “acquittal” was not part of his vocabulary.

Television cameras showed scenes from immediately outside the courtroom and around the country. Many blacks jubilantly celebrated. Many whites reacted in a fashion similar to Fred Goldman: they looked stunned.

I watched these scenes from my living room in New Mexico. Although alone, I shared a momentous experience with the packed courtroom and television audience. This verdict divided the national audience. It was as if blacks and whites watched two different dramatic stories conclude. Many blacks thought the story finished on a happy note, while many whites felt it ended on a dissonant chord.

I. INTRODUCTION: THE VALUE OF STORIES

Certain stories continue to have dramatic impact throughout the centuries because they accurately depict human nature. The resonance of stories links people to a culture.

Because of a shared history of oppression in this country, blacks are more likely to identify with stories involving abuse of police power. Allegations of abuse of power by white police officers in the Simpson case struck a response in the black community because such stories have been told and retold. An opera, like *Porgy and Bess*,¹ with instances of white police officers abusing

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1. GEORGE GERSHWIN, *PORGY AND BESS* (1935).

power in a fictional black community, will ring true to blacks although the story was written by a white.

Similarly, whites are linked by their dominant role in American culture. White skin conveys privilege. While whites may sometimes accept outsiders into their community, it is only with the understanding that outsiders behave in strictest conformity with community norms of behavior. An opera like Verdi's *Otello*,² based on Shakespeare's legendary *Othello*,³ remains popular with whites through the generations because it seems an accurate depiction of the dangers of accepting strangers within their midst.

The theme of this essay is that blacks and whites reacted differently to the O.J. criminal verdicts because they watched two different dramas unfold over the course of the trial. Many whites saw O.J. as the archetype of *Otello*, the heroic Moor who came to live within the midst of Europeans and married the lovely Desdemona, only to kill her in a jealous rage after she befriended another man. Many blacks perceived O.J.'s trial as a modernized *Porgy and Bess*, which features white police officers abusing power when they jail an innocent person because they are too lazy to search for the true killer.

II. O.J. AS OTELLO, THE JEALOUS, MURDERING LOVER

Like O.J. Simpson, the character Otello is a person clothed in glory. Verdi's opera opens with Otello's return to Europe from battling the Turks abroad. Otello sings, "The pride of the Turkish fleet is at the bottom of the sea." He brings with him Desdemona, his bride and the daughter of a Venetian senator. In a scene from the Shakespearean story that is not present in the opera, there is a confrontation between Desdemona's father and Othello. Her father resents Desdemona marrying outside her station in life, but accepts grudgingly that the match has taken place. The father forewarns Othello, "She has deceived her father, and may thee." Othello responds, "My life upon her faith."

As the opera unfolds, the audience discovers Otello's two flaws: jealousy and his inability to trust his own instincts. These flaws allow him to be manipulated by Iago, a mere ensign in Otello's army. Iago gains power through the destruction of others, and hates Otello for preferring Cassio over him. Like all successful manipulators, Iago is honest at some point. He suggestively warns Otello, "Beware, my lord, of jealousy, the green-eyed monster. I speak not well of proof." Thus Iago admits that he has no proof for his allegations against Desdemona.

Through numerous lies, Iago convinces Otello that Desdemona is having an affair with Cassio, Otello's faithful lieutenant. When Otello relieves Cassio of his duties after a drunken scene produced by Iago, Desdemona pleads with Otello to forgive Cassio. However, the more she pleads, the more Otello becomes persuaded that Desdemona defends Cassio because she is having an affair with him. Otello finally becomes convinced of this when he sees Cassio

2. GUISEPPI VERDI, *OTELLO* (1887).

3. WILLIAM SHAKESPEARE, *OTHELLO* (Bantam Classic Version, 1988).

with a special handkerchief that he had given Desdemona. Otello vows that Desdemona must die before she deceives more men.

He does indeed kill her despite her protestations of innocence. When Iago's treachery is exposed, Otello realizes the tragic sin he has committed and takes his own life.

O.J. Simpson's life bears many similarities to Otello's. Like Otello, O.J., a black man, became a hero in a white society. He gained legendary status in white America for his prowess on the football field. He overcame rickets as a child to become a Heisman trophy winner at the predominantly white University of Southern California. He proceeded to play for the Buffalo Bills and led them to several winning seasons with his running back triumphs.

He eventually left football for Hollywood, where he became a television sportscaster, a spokesman for the billion-dollar Hertz Corporation, and a movie actor in supporting roles. His friendly face with a wide smile was familiar and bankable. O.J. was the kind of black person that white people felt comfortable inviting to their exclusive country clubs. He golfed with the rich and the famous who called him their friend. O.J., in effect, became an honorary white.

Along the way, he divorced his black wife and married blonde haired, brown-eyed Nicole Brown. They had two children, and eventually they, too, would divorce.

In June 1994, Nicole Brown Simpson and her friend Ron Goldman were killed. Within hours of their murders, police targeted the smiling, acceptable O.J. as the prime suspect.

Before long, the country witnessed O.J. threatening to take his life in his Bronco, driven slowly by his long-time friend Al Cowlings and being chased even more slowly by a brigade of Los Angeles police officers. O.J. seemed like Otello to many people, for he was about to commit suicide out of guilt for having erroneously taken the life of his white wife. Eventually, O.J. returned to his house where he was arrested. Otello, faced with arrest and armed with the truth about his crime, took his own life and thus fulfilled his my-life-upon-her-faith pledge to Desdemona's father. If O.J. had killed himself during that slow Bronco chase in June 1994, that would have been an appropriate ending to his operatic life for many whites. Instead, O.J. saved his life by being arrested. This fact led prosecutor Chris Darden to call him a coward.⁴

During the Bronco chase, O.J. appeared a tragic figure who had gone mysteriously wrong. Opinions of O.J. began to change, however, when prosecutors leaked a 9-1-1 telephone call and other information revealing that O.J. violently beat Nicole. O.J.'s image declined from sports hero to wife abuser.

After the verdict was read, O.J. was freed and driven home in a white van, reminiscent of the Bronco chase. This was surely a travesty of justice to those who felt they had just witnessed the unfolding of *Otello* modernized for the 1990s.

4. Interview on Larry King Live with Christopher Darden (Mar. 20, 1996).

III. O.J. THEMES IN PORGY AND BESS

Many blacks saw the O.J. trial as a modern *Porgy and Bess*. This Gershwin opera, set in the fictional black community of Catfish Row, opens with Crown murdering Robbins in the midst of a community crap game. A white detective and police officer arrive seeking a murderer. They accuse Peter, who blurts out, "Crown done it, boss. I done see him do it." When the white officers approach Porgy, he denies all knowledge. They then grab Peter and declare they will hold him as a material witness until they catch Crown. Although they are governed by a criminal law code, the white officers do not apply the legal concept of probable cause. Instead, they jail Peter before charging him with a crime, thus establishing their own rules of expediency when interacting with the black community.

The community is flabbergasted as the white officers drag Peter away to be locked up as a thief. Sings Porgy, "I can't puzzle this thing out. Peter was a good man, but dat lousy Crown was a killer and forever gettin' into trouble."

Ultimately, Porgy brings Crown to justice by killing him and he too is hauled away, not for murder, but for refusing to discuss the murder.

Police abuse is an old story that resonates with blacks. O.J. Simpson's trial was tainted with police abuse, from Officer Mark Furhman jumping O.J.'s fence to Detective Philip Vanatter carrying around Simpson's blood for hours without booking it and without explanation.

To effectively sell its case to a predominantly black jury, the predominantly white prosecution team needed to draw a wall around evidence that bore the taint of police tampering, such as the bloody gloves and socks found in O.J. Simpson's bedroom and the blood found on the back gate of Nicole Brown Simpson's home. This is reflected in statements such as "let's assume, for the sake of argument, that you throw out the socks, the glove, the blood on the back gate, you can still find Mr. Simpson guilty of this crime because of the following uncontroverted facts...." The prosecution needed to pave a way for the jury to convict O.J. without having to rely on the credibility of Officer Mark Furhman or Detective Phillip Vanatter. This would have been a story consistent with the life experience of a predominantly black jury and consistent with the evidence and therefore might have led to conviction.

Many blacks were thus jubilant and relieved when the verdict was read because they perceived O.J. as having been wrongly accused by police officers too lazy to find the real killer.

IV. REACTION TO THE VERDICT IN BLACK AND WHITE

Both blacks and whites were stunned by the other's reaction to the criminal verdict. It seemed inconceivable that whites would expect a predominantly black jury to convict a black man when there was substantial indication that some of the evidence had been planted by white police officers. Many whites did not understand the historical relationship between the black community and white police officers, whom blacks view as enforcers of the racial status quo.

Similarly, whites could not understand the reaction of blacks to the verdict because the two groups do not share the same historical experience. Many whites experience police officers as protectors, as friends, and thus thought the damage that Furhman did to the prosecution's case was inconsequential. Mark Furhman's credibility took a dive after it was revealed that he had lied on the witness stand. When he was cross-examined by defense attorney F. Lee Bailey, Furhman said that he had not used the word "nigger" in the last ten years. Later, defense attorney Johnnie Cochran produced tape recordings that showed Furhman prolifically using the word and bragging that he had planted evidence in past cases. After the verdict, a white juror said that they couldn't convict, because of Furhman the prosecution had no evidence.

Blacks are raised with their grandparents relating stories of blacks being lynched for having been more successful in business than their white counterparts or for whistling at white women.

Conversely, *Otello* is not a character or a story with which many blacks might identify. Blacks, unlike whites, have rarely accepted a white man into their community as a hero, watched him marry a black woman, only to kill her in a jealous rage. Thus, it is more difficult for blacks to see O.J. as *Otello*, the murdering jealous lover.

V. O.J.'S HONORARY WHITE STATUS GETS REVOKED

Throughout history, certain blacks have been accorded honorary white status and permitted to move among and marry whites. Frederick Douglas was among the first. In recent history, some others were Pearl Bailey and Sammy Davis Junior. Then came O.J.

O.J., like Bailey and Davis, felt at ease living with, working with, and marrying whites. He was the kind of black man that whites felt comfortable having around. In his book *Member of the Club*, Lawrence Otis Graham discusses O.J.'s golfing at a club with no black members and where the workers' housing is called the Monkey House because the workers used to be black.⁵

Even O.J.'s 1989 domestic abuse incident was handled as if it had happened completely among whites by LAPD. He was given a slap on the wrist and told to seek counseling, a judicial response normally reserved for whites. The event received little media attention.

O.J.'s honorary white status persisted until June 12, 1994. When O.J. was charged with the murder of two whites, his status in the white community disintegrated from honorary white hero to black monster. After his acquittal, whites in interviews across the country and on talk shows, cited his history of domestic abuse as evidence that he probably committed murder. "He should be in jail just for having abused her," said one in the *New York Times*.⁶

O.J. became black again: for whites, when he was charged with murder; for blacks, when his case became tainted with abuse of power.

Ultimately, the Simpson trial was a tale told in Hollywood and not by masterful storytellers who understand the need for cause and effect in all

5. LAWRENCE OTIS GRAHAM, *MEMBER OF THE CLUB* (1995).

6. And yet a black juror responded that just because he popped her a couple of times doesn't mean he committed murder.

human stories. Operas expose human sins at their worst and the sinners are always punished, either by their own hand or by others. Innocence is also revealed, eventually.

Simpson is now suspended between black and white. His pass to white society, where he lived comfortably for most of his life, has been revoked. His white girlfriend dumped him after the trial and so did his agent. Publishers have refused to give him another book deal; television stations refuse to play the pilot for *The Frogman*.

Simpson seeks to be left alone from media hounds to make money to support his family and friends, except of course when he agrees to speak at Oxford or to an interview on BET—the Black Entertainment Network. Yet he seems unable to accept that many whites perceive him as a murderer, and believe that he should be in jail and not out making money. Imagine the response to Othello if Shakespeare had let Othello continue in the good graces of the Venetians after murdering Desdemona. Indeed, when Othello was confronted with jail, he chose instead to take his own life. O.J. chose to live, by going to jail.

Johnnie Cochran told Larry King on his television show the evening after the reading of the verdict that Simpson now feels his race. However, these feelings appear to have been short-lived. Blacks are willing to welcome him back into a fold to which he does not seek to return.

Simpson would like to once again feel the adulation and the rewards that accompany hero status in the white community. In May, 1996, Simpson went to England in search of another white community that might come to adore his easy smile and good golf game. Although, he might have been more successful visiting Brazil where even confessed wife murderers have traditionally received slaps on the wrist, if that, for killing their wives who are seen as property. Brazilians would probably consider the Simpson saga much ado about nothing. And Simpson can always remind them that he was acquitted.

That acquittal means little to many white Americans who are determined that he suffer as the black monster that they now perceive him to be. By withdrawing his honorary white status and his means of making a living, whites are, in many ways, visiting a worse punishment than jail for Simpson. Whites have withdrawn what Simpson sought most, their adulation. Simpson would probably protest such a statement, because blondes remain willing to date him. In fact, one may even marry him, which he appears to deem a measure of his acceptability.

Perhaps the ultimate ending to the Simpson opera is yet to be told. Another jury in the civil case found O.J. liable for the deaths of Ron Goldman and Nicole Brown Simpson and awarded damages of \$33 million. As a consequence he has lost all of his fortune, including his house, and lives off a pension as he is unable to find work.

Perhaps the most important question is whether U.S. society can recover from the Simpson trial, verdict, and aftermath. Clearly, dissimilar historical and cultural backgrounds leads blacks and whites to view events differently. Will the day come when whites and blacks watch an event and see the same opera unfold?