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THE NEW REPUBLIC

UNREASONABLE DOUBT?

SIMPSON, RACE & AMERICA

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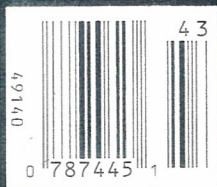
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The Simpsons

Asked by a New York television interviewer whether the controversy over O.J. Simpson's acquittal reflects differences of perception based on race, the Reverend Al Sharpton replied, "It's not the *perception* of race; it's the *experience* of race in the criminal justice system," where blacks have been treated so differently for so long. A long road does run from the Scottsboro Boys, the Southern black teenagers falsely accused of raping a white woman in the 1930s, all the way to Simi Valley, where a mostly white jury acquitted Rodney King's assailants (for reasons even more dubious than those used to acquit O.J.). Such experiences have become archetypes, seared into collective black memory.

But Sharpton and his own one-time attorney, Alton Maddox, New York's Johnnie Cochran, know better than anyone how black "perceptions of race" have sometimes distorted even their bitter experience of it. And their own professional history has helped create another list of experiences that, this time, have seared into white America's consciousness.

In 1990, Sharpton brought Tawana Brawley—who had already been shown to have falsely accused white law enforcement authorities of raping her—to a Manhattan courthouse to shake hands with young blacks and Hispanics then on trial for raping and bludgeoning the Central Park jogger. In 1987, Maddox had nearly won an acquittal of a black man charged with slashing a white model, Marla Hanson, who, Maddox claimed, had framed the slasher because she was "a girl from Texas [with] a lot of racial hangups, racial stereotypes.... Just the simple sight of two black men... and she went absolutely nuts."

In 1992, Lemrick Nelson, a black teenager charged with murdering the Australian Jewish scholar Yankel Rosenbaum in Brooklyn's Crown Heights, was acquitted by a mostly black jury whose members went out to dinner with him to celebrate their verdict. By now, these cases, too, have become archetypes. A road of bitter "experi-

ence of race" runs from Hanson and Steven Pagones—the assistant district attorney whom Sharpton and Maddox falsely claimed had raped Brawley—to the jogger, who has never recovered fully from her injuries, to the families of Rosenbaum and, now, of Ronald Goldman and Nicole Brown Simpson.

This is no way to escape the terrors of the past. It is a detour from the high road taken by the civil rights movement during the Emmett Till case. That movement's awesomely disciplined, even more awesomely loving marches shamed white America by insisting on embracing the larger society, not trashing it as inherently, eternally racist. It sowed seeds that bore fruit even in last year's retrial and conviction of the white man who in 1963 had assassinated Mississippi NAACP leader Medgar Evers. That movement was succeeding, wrote *New York Post* editor James Wechsler in 1960, because blacks "have refused to do wrong. They... have been the victims of sadistic violence, legal subterfuge, government betrayal; in the face of early rejection and rebuff they have said simply that they will seek new recourse within the framework of our Constitution.... It is no disparagement of legal argument, I trust, to say that the condition with which we are dealing is morally intolerable."

But archetypes die hard. Seven years after Wechsler wrote, a young Alton Maddox, then a student in Newnan, Georgia, suffered a brutal beating at the hands of local police when he protested their order to move his car. Twenty years after that, in Brooklyn, Maddox managed to win acquittal for Andre Nichols, a 19-year-old black man who'd confessed to murdering a white priest who Nichols claimed had solicited him for sex.

Nichols said the priest had invited him into his car in a known pickup area. The priest had been unarmed; Nichols had had a gun, which he said he'd used because the priest had tried forcefully to detain him. Maddox got the mixed-race jury to acquit Nichols by trading heavily in the worst sort of reverse racism and hostility toward homosexuals, replete with imagery of the white sexual exploitation of black youth. The priest, Maddox said, had

enjoyed "good food, good wine... and now he wanted some good flesh."

Brooklyn District Attorney Charles Hynes, then the state special prosecutor in the Howard Beach case, recalls that "Maddox was totally prepared. The assistant D.A. on the other side seemed disinterested... and [the jury] didn't like the case, what the priest was allegedly doing, out trying to pick up kids. They even acquitted Nichols of gun possession."

Perhaps the priest's conduct had been reprehensible, even immoral. But had he deserved *murder*? It took Maddox's race-baiting talents to seal the judgment. Less than a month later, Nichols was arrested for armed robbery and held without bail; Maddox went on to dubious glory with Sharpton in the Brawley case but was later suspended from practicing law for refusing to cooperate with a judicial panel's investigation of his counseling Brawley's mother to obstruct justice by refusing to answer a subpoena.

Now Johnnie Cochran's own defense teammate, Robert Shapiro, accuses him of having played the race card fast and low. Like Maddox, Cochran has mobilized searing black experiences of violation by white authorities to counter a lengthening list of ordinary whites' searing experiences of violation by blacks. Cochran has done this not on behalf of an Andre Nichols or a Tawana Brawley, but on behalf of a wealthy celebrity whom whites had befriended and loved. Lost in the faint but unmistakable look of satisfaction on the faces of Sharpton, Cochran and O.J.'s celebrants in the streets is the high road they have abandoned, for one strewn not only with Emmett Till, Medgar Evers and Rodney King but with Reginald Denny, Marla Hanson, the Central Park jogger, a murdered priest, Yankel Rosenbaum and, of course, the innocent victims of Tawana Brawley's false witness. Where do they think this road leads?

JIM SLEEPER

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