

Thinking About O.J.

A Conversation With Attorney John L. Burris

BY FRED BEAUFORD

One positive consequence of the lengthy and highly visible O.J. Simpson trial, is the emergence in the public consciousness of a group of sharp, insightful black legal analysts from throughout the country.

These lawyers have offered the American public some first rate insights into the many dramatic shifts and turns, and legal maneuvers that has kept the public in total fascination for months.

One of the best of these attorneys is Oakland based John L. Burris. Mr. Burris is seen and heard frequently on both radio and television, from a regular spot on "Rivera Live" and CNN, to guest spots on "The Today Show, and on ABC Radio and "Sport Fan USA Radio." Plus he is a regular analyst for New York Newsday and other local and regional newspapers.

In addition, he is a regular on several local television shows, including Fox's KTVU in Oakland, and AM Philadelphia.

There is now a pair of dark sunglasses in Mr. Burris' office, and for good reason. But the O.J. Simpson trial is not the first big time case for him. Last year, he was Associate Trial Counsel for Rodney King, and

helped Mr. King win \$3.5 million from the city of Los Angeles.

"When I gave the closing arguments in behalf of Mr. King, and sat down, and looked at the face of the jury, and the courtroom audience, who all looked spellbound, I knew that something had changed in my life," Mr. Burris said, smiling fondly at that memory.

Change indeed! With that argument, which partially resulted in Rodney King walking away a multimillionaire, the public now counts him among the top lawyers in the country.

But according to Burris, "O.J. is something else again." He offers his views from a suite of offices high above the city of Oakland that offers a spectacular view of parts of the San Francisco Bay.

If the O.J. case is "something else again" what is it that makes it so, and will the case have a lasting impact on both race relations, and on our concept of justice, and our faith in the criminal justice system?

"Well," he answered, in that familiar, straight forward manner that television viewers have grown accustomed to, "for one, while it does not have such overriding issues such as Anita Hill versus Clarence Thomas, which dealt with the issue of



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sexual harassment in the workplace, or Rodney King versus the Los Angeles Police Department, which raised questions about police misconduct.

This is a Hollywood soap opera. "There is the obvious larger issue of domestic violence, no question about that. But here you have a rich, handsome, world famous, in fact, more famous than any of us

knew, black athlete/actor. And the white blond Goddess. Listen, Shakespeare saw the drama in that centuries ago when he wrote Othello. This is what the public is relating to.

"So on the question of law and public policy, I don't think that this case is going to mean that much. I think that it is an aberration unless O.J. is acquitted. Then we may see a white backlash against the jury sys-

tem. And there may be attempts to limit the kinds of defenses lawyers can put on in behalf of their client. And that would be major indeed."

What the case has pointed out is the vast gulf between the way whites view the case, and the way blacks view the case.

"There is no question that race is playing a large role in this case," Burris answered. "After all, Mr. Simpson is part of a long tradition of black entertainers gaining favor in American society. One of the key of the success of these performers is that they present a non-threatening image to the public. O.J. pulled that comfortable mask off for a lot of people."

Burris also believes that both blacks and whites show signs of putting race ahead of sound judgement and analysis in this case.

"There are blacks who are unwilling to hear any evidence that points to O.J.. All they know is that he is black, and therefore he couldn't have done it. Just as there are whites, just like those blacks, who say evidence be damn! He's black. He did it!

"And that is the real message in those polls. Both sides are wearing race on their sleeves," he said, "reflecting the still deep racial divide in

this country."

The irony of blacks so staunchly defending Mr. Simpson, who was never known to be affiliated with many black causes, or, as we have since learned, had any of his substantial fortune invested in black communities, was not lost on Mr. Burris.

"Blacks are a very forgiving people. We ask nothing of those crossover superstars, but for them to please not forget us, which most always seem to do, except when they get into trouble. Then it is the black community who rally to their support, and stand by them," Mr. Burris said.

But isn't it profoundly irresponsible for people like O.J. and his lawyers to play the race card, given the fact that many blacks are already immobilized by racial fears. Don't this just feed the paranoia?

"I don't think that O.J. wanted a race-based strategy, probably for some of the reasons that have been raised in this conversation. I think that the idea came from his lawyers because so much of the evidence pointed in that direction.

"But yes, lawyers, and all of us, have to be very careful when we use the so-called race card. We could be creating a worst situation in a larger sense, than the short term victory we may gain," Burris said.

Simpson's Defense Team Makes Plans

O.J. Simpson's "dream team" of lawyers was spending the weekend preparing a multi-pronged defense of the football hero against a strong prosecution case that he killed his ex-wife and her friend.

The first order of business, according to defense attorney Carl Douglas, will be to re-establish Simpson in the jurors' eyes "as the O.J. we all know and love" and not the man the prosecution has sought to depict as a wife-beater and stalker who turned into a vicious killer.

To that end, the first witness to take the stand when the defense opens its case Monday will be Simpson's daughter from his first marriage, Arnelle, who was living with him at his multimillion-dollar mansion when the murders took place on the night of June 12, 1994.

Arnelle was awakened on the morning of June 13 by detectives who had gone to the mansion to inform Simpson of his ex-wife's death. The former star running back was in Chicago, having taken an overnight flight there the night before.

Simpson, who parlayed his prowess on the football field into a successful career as a popular sportscaster, actor and TV advertising pitchman, has pleaded not guilty to the murders of Nicole Brown Simpson and Ronald Goldman, a

waiter at a chic restaurant in the posh Brentwood neighborhood of Los Angeles.

The two were stabbed and slashed to death outside Nicole Simpson's luxury Brentwood townhouse, where Goldman had gone to return a pair of prescription sunglasses left at his restaurant by Nicole's mother earlier in the evening.

Arnelle will be followed on the witness stand by Simpson's mother, Eunice, and his sister, Carmelita Durio.

They were expected to be followed by two witnesses who would testify to Simpson's demeanor in the week leading up to the killings — Helen Connor, who sat next to Simpson and his girlfriend, model-actress Paula Barbieri, at a dinner the night before the murders, and interior designer Mary Collins, who met with Simpson on the Tuesday before the murders to discuss remodeling his master bedroom.

"These are demeanor witnesses," Cochran said when prosecutor Chris Darden questioned their relevance during Friday's court session.

Darden said he intended to raise objections to many of the people on the defense witness list, adding, "I suspect there won't be much testimony taken Monday."

The defense also plans to put

two of Simpson's golfing buddies on the stand, as well as passengers on the flight to Chicago who will testify that he did not act like a man who had just stabbed two people to death.

In addition, Simpson's high-powered defense team was expected to attack the reliability of the DNA blood evidence that appeared to link Simpson to the murders, with prosecution expert witnesses saying the chances of anyone else committing the murders were billions to one.

Simpson's lawyers will also try to put back the time of the murders, which prosecutors say took place at around 10:15 p.m., a time-frame that would have allowed the former star running back to get rid of his bloody clothes and the murder weapon and still drive to his estate two miles away in time to meet a limousine for the trip to the airport at 11:00 p.m.

The defense team was also expected to renew its attack on Detective Mark Fuhrman, who testified he found one of the infamous bloody gloves worn by the murderer on Simpson's estate.

Defense lawyers have painted him as a racist rogue cop out to frame Simpson. Famed trial lawyer F. Lee Bailey indicated earlier he might call Fuhrman back to the stand during the defense phase of the trial.



CRIME STOPPERS

Armed Robbery

Portland Police Bureau detectives in cooperation with Crime Stoppers, are asking for your help in identifying and apprehending the suspects in a robbery.

On Thursday, June 8, 1995, at about 9:00 in the morning, a subject armed with a black handgun, walked into the Check-X-Change at 2722 N. Lombard Street. The suspect confronted an employee opening the store and forced him into a back room. The suspect told the employee to remove money from the safe

and place it in a red pouch the robber brought with him.

The gunman was accompanied by a second suspect who remained in the lobby. Both suspects fled on foot.

Suspect #1 is described as a black male, 28 years of age, 5'10" tall, weighing 150 pounds, with black hair, brown eyes, and a neatly trimmed beard. He is described as having a deep voice, and held the gun in his left hand. At the time he was wearing a green sweatshirt.

Suspect #2 is described as a black

male, 28 years of age, 5'8" tall, weighing 160 pounds, clean shaven, with black hair and brown eyes. At the time he was wearing a blue hooded parka or sweatshirt and sunglasses.

Crime Stopper is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, which leads to an arrest in this case, or any unsolved felony crime, and you can remain anonymous. Call Crime Stoppers at (503) 823-HELP.

Suspect Arrested In Home Murder

A third suspect has been arrested in connection with last year's burglary and murder of Joan Ann Borish at a southeast Portland home. Mixay Xay Dethsaysongham, 19, was arrested July 20 during a

traffic stop in Ferndonia, N.Y.

Police said Borish was killed when she shot on Aug. 1, 1994 while trying to flee from three suspects who were searching her house for money. A fourth suspect waited out-

side in a vehicle.

Two of the suspects, Danny Alcazar, 16, and Somphalavan Sophanthavong, 17, pled guilty to murder earlier in connection with the death.

Crimes While On Vacation

Protect Yourself On The Road And At Home

Forensic Testing: What's It All About?

The prosecution and the defense in the Simpson trial will rely on several tests of physical evidence to link or not link O.J. Simpson to the crimes he has been accused of committing. Here's a look at the key techniques:

Blood

Forensic scientists perform chemical tests to determine whether a sample is indeed blood. Once confirmed that the sample is blood, species tests are then run to determine if it is human blood and then the blood type.

Hair

Hair is first examined under a microscope for color and details of form and shape. Scientists can determine whether the hair is animal or human and can also identify, what part of the body the hair is from, damage to the hair and whether the hair is bleached or dyed. If the root is

attached to the strand, gender can also be determined from the chromosomes in cells of the root.

DNA

Each person's genetic material is unique and the human body creates a special "fingerprint" of chromosomes (long strands of DNA) which can be compared by testing the same person. If the sample results differ from those of a criminal suspect, they cannot have come from that suspect. Small DNA samples from a crime scene can be multiplied millions of times using a method called polymerase chain reaction (PCR).

The PCR test looks at six different inherited traits, each controlled by a specific gene. Every gene has at least two alternative forms, called alleles. For six different genes, there are 21 possible combinations of alleles. PCR analysis looks for matches

in these 21 combinations. Results are recorded as either blue or blank dots on a nylon strip. A blue dot is a hit while a blank dot is a miss.

Another DNA test is restriction fragment length polymorphism (RFLP) analysis. This method, which takes about ten weeks to complete, consists of extracting DNA from a specimen of blood or tissue, slicing it into fragments, and tagging them with a radioactive probe so that they would expose to a piece of X-ray film. The resulting pattern of stripes on the film is a DNA "fingerprint" that can be compared with another from the same person. If these stripes don't match from the known and unknown samples, this is conclusive evidence that they came from different people, but if they do match, experts will argue they came from the same person.

A mugging on an unfamiliar downtown street, missing airline tickets, a stolen wallet, disappearing luggage, a fender bender in the rental, your residence gets "hit" when you are away...these are the things that take the fun out of vacations.

"We are seeing a rise in the number of crimes that happen when people go on vacation," warns Marianne Macina, CP CU, regional manager for the Western Insurance Information Service (WIIS). "Unfortunately, people put themselves in the 'relax' mode when they go on vacation and lure themselves into a sense of false security. They take chances that they wouldn't when they're at home. That makes them prime targets to become victims of crime."

According to Macina, the following tips from your law enforcement agencies and insurance companies will help reduce your chances of becoming a victim of crime while you are on vacation.

Before you leave home:

- Follow general home security rules on landscaping and lighting. If you have an alarm system, use it!
- Put important documents and valuables in a safety deposit box (not under the mattress or other "secret" spots at home).
- Valuable items should be marked with drivers license numbers. Serial numbers should be recorded.
- Mail and newspaper deliveries should be stopped while you're gone.
- Use automatic timers on lights and radio to make it seem like someone is home.
- Make sure all windows and doors are locked.
- Unplug small appliances, for example a coffeemaker or toaster.

How to insure a safe passage:

- Always plan ahead. Know where you are going and how you are going to get there including information on routes, taxis, shuttles, etc.
- Don't carry expensive luggage and tag it appropriately.
- Don't pack important papers all in one bag. Carry photocopies of important papers and credit cards on your person.
- Don't check essential or valuable items such as medicines and jewelry. Use your carry-on luggage.
- Keep cash to a minimum. Use traveler's checks or credit cards.
- Familiarize yourself with your route -- study your maps -- before you leave.

Use street smarts:

- Check out your surroundings ahead of time. Ask your travel agent or hotel manager about safe driving and walking routes to take.
- Check with your insurance agent or company representative to find out if your personal auto insurance will cover a rental car. If you have rental car coverage under your auto insurance, usually the only gap in coverage without purchasing a collision damage waiver would be loss of income to the rental car (generally about 3 days of rental charges while the car is in the shop) and an administrative fee of about \$100.
- Also find out what coverage you have for personal belongings away from home on your homeowners policy.
- Don't place maps or travel brochures on the dashboard. Don't leave packages visible in the car.
- **Hotel/Motel Safety:**
 - Locate fire exits, elevators and public phones. (Know the emergency plan of where you are staying.)
 - Don't leave valuables in your room. Use the safe at the facility

where you are staying.

- Use the peephole to see who is at your door before opening it. Always keep the door closed and locked when you're in the room.
- Leave the television or radio on when you leave the room to make it appear occupied.

Macina suggests that you may want to visit your local library or call your local law enforcement agency to check out the video: "Bon Voyage: tips For A Safe Vacation" before your next trip. The video is a joint project of "your insurance companies" through WIIS and "your law enforcement agencies" through the Crime Prevention Association of Oregon (CPAO), both of which are nonprofit community service-type organizations.

The video, with a running time of 10 minutes and 24 seconds, is available at most public libraries in the state of Oregon. Along with a corresponding brochure which is free to the public, the video is also available on a loaner basis from the crime prevention unit at local law enforcement agencies and the WIIS regional office in Beaverton.

"The video itself is a joint effort of insurance company professionals and crime prevention specialists to help reduce the viewers' chances of becoming a victim of crime while on vacation," says Ella Kimble, CPAO president and retired police officer with the West Linn Police Department. "It provides safety tips for travelers while away as well as what to do to their home before they leave."

Macina says that the vacation safety committee -- made up of representatives from crime prevention and insurance communities -- found a real need for such a video and brochure when researching the project.

New Law Targets Neighborhood Speeders

A senate bill authorizing the use of photo radar in Portland and Beaverton has been signed into law by Gov. John Kitzhaber.

Flanked by Portland City Commissioner Earl Blumenauer, State Senator Ron Cease, Rep. Ken Strobeck, Beaverton City Commissioner Cathy Stanton and area residents, Kitzhaber put a stamp on Senate Bill 382 designed to reduce excessive speeding in the metro area.

Blumenauer told the Governor that the largest number of complaints received from the citizens of Portland are about excessive traffic speeds in residential neighborhoods and around schools.

"We have worked hard to implement educational programs and engineering solutions, such as speed bumps, to encourage drivers to slow down, but until now, we have lacked enforcement resources. Photo radar is an excellent traffic safety and neighborhood livability tool," the Portland city commissioner said.

The two-year photo radar test period will start Jan. 1. Photo radar is a system that combines a photograph of a vehicle and its driver with a record of the speed of travel as checked by a radio microwave or other electronic device.

During the first month of the test period, only warnings will be issued.

Photo radar will be operated out of a marked police vehicle staffed by a police officer only in residential and school zones.

Signs will be posted at major entrances of Beaverton and Portland and a reader board displaying the speed of the vehicle will be posted within 150 feet of the photo radar unit.

Citations will be mailed to the registered owner of the vehicle within six business days and vehicle owners will have 30 days to respond to the citation.

An evaluation of the radar demonstration project will be prepared and provided to the 1997 Legislature, transportation officials said.