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The Other Box: Intersectionality and the O.J. Simpson Trial

Jami Floyd*

My mother's sister, she's black, and she used to say to me, 'You're going to have to decide what you are, if you're going to be black or white.' I remember all these Christmas things with her, like if I wanted to get a black Baby That Away, or a white Baby That Away. . . . My parents . . . got me this Sasha doll from London that you couldn't tell if it was black or white . . . she has kind of my color skin and brownish hair and she could be Italian or Greek or black, who knows?

The Other Box Dilemma

Can we talk? I want to talk about the "Other Box." The "Other

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1. BLACK, WHITE, OTHER 25, 134 (Lise Funderburg ed., 1994) (interview with Nya Patrinas) [hereinafter BLACK, WHITE, OTHER].
2. This essay is about many issues. It is intended to be a dialogue, a conversation with the other contributors to this Symposium and with the reader. My essay is an attempt to demonstrate (through the discussion of a sampling of issues) the inner conflict of mixed race persons when viewing the O.J. Simpson trial and other events of social significance. The issues include, but are not limited to, body image, Supreme Court appointments, police brutality, and the meaning of Shakespeare's Othello. I sincerely hope this essay contributes to an ongoing dialogue on the issues of race, class, gender, and more, by recognizing that we each have a unique contribution to offer to that dialogue, coming to it, as we do, from different worldviews.
Box" is that little dilemma we persons of bi- and multiracial backgrounds face every time we fill out an insurance application, take a standardized test, visit a new doctor's office, or participate in the census. There is no box for us. We are forced to choose between the heritage of our mothers (in my case white) and the heritage of our fathers (in my case African and Native-American). We make our choice and move on, generally thinking little of it until the next time we are confronted with the nasty reality of a society that insists on categorizing people by race.

First, I begin the dialogue by examining the "Other Box Dilemma," which grows out of society's insistence that we each classify ourselves by race. Second, I discuss beauty standards as they affect women of different races. Specifically, I examine those standards as they are viewed differently by black women and white women. Third, I discuss my personal experience with the Clarence Thomas/Anita Hill hearings as a transition to the larger discussion of the conflict black women may face when asked to criticize our black male counterparts. Fourth, I critique the contributions of Crystal Weston, Terry Diggs, Thomas Morawetz, and Cynthia Lee to this Symposium, filtering each essay through my own unique prism. Finally, I conclude with a brief discussion of the Simpson trial and its significance to me on a personal level.

3. When I was growing up, I thought of myself as "mixed." I didn't learn the terms "biracial" or "multiracial" until college. Mixed was used, at least on the Lower East Side of 1970's Manhattan. I knew I was black. I knew I was part white. My father talked often of his Indian grandmother. This was the complete picture I had of my being, my inner essence. This was the totality of my circumstance. And being in New York City, I went (often with my parents) to multi-cultural places: my route to school was through Chinatown; I attended Catholic schools where most of my classmates were Irish and Italian; I went to the Educational Alliance and other Jewish community center camps; I played handball and listened to disco and early rap with my Puerto Rican and black friends; and I attended private summer schools with wealthy, Upper-East-Side Anglo kids. On weekends my parents and I often visited the United Nations. And, of course, we ate in all kinds of restaurants: Chinese, Ethiopian, Lebanese, Italian, Russian, and more. In the context of all this, I was more than comfortable with my own multi-cultural identity.

4. Formal racial classifications in the U.S. over the last fifteen years have largely been shaped by the 1977 Office of Management and Budget directive as to racial and ethnic designations on federal forms. The directive delineates four racial groups: Asian or Pacific Islander, American Indian or Alaskan Native, white, and black. Ethnicity is divided into "Hispanic Origin" and "Not of Hispanic Origin." These categories now appear on census forms, school enrollment forms, and applications for scholarships and jobs. Each person is expected to choose one category. The categorizations are primarily used to enforce civil rights legislation and set-aside and entitlement programs. See Lawrence Wright, One Drop of Blood, NEW YORKER, July 25, 1994, at 46-47.

Currently, there is no "multiracial" category. Few dispute that additional identity characteristics exist. However, these characteristics are not considered definitive. The closest most forms come is 'Other': an "open-ended throwing-up-of-the hands category offered by social scientists and bureaucrats." BLACK, WHITE, OTHER, supra note 1, at 12.

The Office of Management and Budget is presently considering the creation of new categories that take into account "respect for individual dignity," including a new "multiracial" category. Cindy Skrzycki, The Regulators: Classifying Race and Ethnicity, WASH. POST, June 17, 1994, at F1. Such a category is supported by a number of organizations in the "mixed race" movement. Opponents of the multiracial category argue, however, that such a category will devastate programs designed to enforce civil rights and lead to the political abandonment of dark-skinned blacks by light-skinned blacks. Wright, supra note 4, at 54. See also infra note 7.
One recent experience with the "Other Box" happened last May as I enrolled for summer health coverage at my university.

"Name," the woman with the clipboard asked perfunctorily. I told her.
"Address and phone," she asked. I gave her this information pleasantly; it was a beautiful day after all, and I was in a very good mood.
"Race?"
Although I had faced the "Other Box" dilemma countless times in my thirty years, I hesitated. My good mood dissolved.
"Race," she insisted, looking up from her clipboard and over her bifocals.
"My mother is white. My father is black."
"How very interesting for you," she said impatiently. "Which box do you usually check?"
Silence.
"Shall I check the 'Other' box," she pressed.
It was the decision I always made.

I define myself as an African American principally because the world sees me that way. I was raised by both my parents to be vividly aware that I would be subjected to all the prejudices to which African Americans are subjected, despite the Anglo-Saxon component of my background. And my folks were right. Although race is a socio-historical construct rather than a biological concept, I grew up considering myself, as we then said, "black," because the racist world in which I was situated described me that way. In truth, whether we like to admit it or not, most African Americans in this country are persons of mixed ancestry, with both white and black ancestry. Indeed, if there were such a thing as biological white, I would be at least half that, and so would many other African Ameri-

5. I deliberately use the terms "black" and "African American" interchangeably throughout this essay. I do so as a reminder that while "black" refers to the identity claimed by African Americans during the civil rights movement, it has also to some extent become a racial category defined and imposed by the dominant culture. As such, "black" is often used in a homogenizing way. Hence, I also use African American to invoke the possibility of understanding an identity founded in African-American culture; one that is rich, complex, and dynamic. See Neil Gotanda, A Critique of "Our Constitution is Colorblind," 44 STAN. L. REV. 1, 4-5 (1991) (defining "culture-race" as an understanding that "uses 'Black' to refer to African-American culture, community, and consciousness.").
The fact that race is a socio-historical construct, however, does not mean that it does not exist.\(^7\)

My choice, however, to check the African-American box, or another person’s equally legitimate choice to check the “Other Box,”\(^8\) begs the

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6. In his book, *Who is Black*, sociologist F. James Davis notes that some sociologists and anthropologists have estimated that 75 to 90 percent of black Americans have white ancestors and a possible one percent of white Americans—millions of people—have black ancestors. F. JAMES DAVIS, *WHO IS BLACK* 29 (1991).


7. But if we simply accept the definitions of “white” and “black” which we have been given—definitions which historically defined anyone with “one drop of Black blood” as “Black” (see Wright, *supra* note 4, at 54)—we may ignore the existence of multiracial people, i.e., people whose experiences may be very different from those experiences which traditionally have been said to constitute the Black Experience.

8. There is an assumption underlying this essay that one person cannot judge the racial classification that another person chooses for him or herself. In her anecdotal survey of bi- and multiracial people, Lise Funderburg discovered that the reasons for these choices vary dramatically:

Robert Allen . . . says he always checks “other” on forms. “If I’m not presented with an ‘other’ category, which is rare, . . . I’ll check off African American. If people try to typecast me, I’ll immediately correct them: biracial.”

*BLACK, WHITE, OTHER, supra* note 1, at 173.

Emma Baker (a pseudonym) . . . has never identified as anything other than black, although she is old enough to have lived through the terms Negro and Colored. “I do not like the word black . . . because there are so many different colors of black, if you will, starting from the color of the true black Africans, all the way up to just about white.”

*Id.* at 32.

Seth Price . . . [has] arrived at a distinctly nonracial identity. “I feel different than just about most of the people I meet . . . I don’t feel like I’m black; I don’t feel like I’m white. I just sort of feel an affinity to lots of people . . . .”

*Id.* at 52.

Jeffrey Scales[’] racial identity is pragmatic and political. “Theoretically, scientifically, I should have a certain amount of choice in the matter . . . . That’s not really the case. A lot of the choice is made by the world around me, and the world around me is not going to say I’m white; they don’t treat me that way. I know that. I was raised to identify as black. I identify with being mixed as much as being black, maybe even more so. It doesn’t seem to mean that much in this country because they still treat us as a black person. It’s a black and white world.”

*Id.* at 181.

Other researchers have found varying explanations as well:
question. We persons of bi- and multiracial backgrounds can rationalize our choices and try to convince the world that we've figured out our place in this society; but in fact, we are faced with the reality of the "Other Box" dilemma every day. We proceed with our lives in a world that doesn't know what to do with us and refuses to shed the classifications of race (and gender and class) that have, thus far, served only to divide our society.9

**Different Perspectives, Different Conclusions**

Can we talk about this *Newsweek* article that appeared last spring about body image and black women and white women?10 The general thesis of the article was that, while white teenaged girls have body image problems brought on by their desire to achieve a Kate Moss beauty standard that most of them cannot realistically achieve, black girls have a healthy approach to their bodies and are, according to *Newsweek*, free from the pressures of external beauty standards.11 The minute the article hit the stands, my white women friends phoned to bemoan their plight, and to ask

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Rising golf star Tiger Woods corrects those who refer to him as black or African American. "I'm Indian, black, Asian, white . . . . It's an injustice to all my heritages to just single me out as black. It's just unfair."


Lloyd King, the son of a black father and white mother, relayed yet another perspective:

> If you got [sic] one drop of black blood in this society, you're considered black . . . . I went back and forth about that a lot. Sometimes I would put down "Other" in that little box, when you had to put down your race. Sometimes I'd scratch them all out and put down 'Human.'


Even W.E.B. Du Bois has shared his own experience:

> Just as I was born a member of a colored family, so too I was born a member of the colored race. That was obvious and no definition was needed. Later I adopted the designation "Negro" for the race to which I belong. It seemed more definite and logical.

**DU BOIS, supra** note 6, at 100 (1940).

9. Race has never been a benign mode of classification in our society. The designation of one's race has a double function, both defining social categories and assigning characteristics to members of those categories. The content and meaning of "blackness" has changed over time, but historically, has been deeply derogatory. See G. FREDRICKSON, **THE BLACK IMAGE IN THE WHITE MIND** 61, 325-32 (1972).

At the same time, I do not advocate color blindness (the legal norm of color blindness is invariably traced to Justice Harlan's dissent in Plessy v. Ferguson, 163 U.S. 537, 559 (1896)). We are not a colorblind society; race has a deep social significance that continues to disadvantage blacks and other Americans of color.


11. *Id.*
me for the secret to body image enlightenment that I, as a member of the race of black women, was fortunate to have achieved.

I encouraged my friends to read the article again, more closely. In the latter paragraphs, the author acknowledges that "men send some of the strongest signals" and discusses the black community and its beauty standards. Still, to be fair to my friends, the thrust of the Newsweek article was that somehow black women are free from the pressures to conform to societal ideas about how they should look, while white women are not. Clearly, as I explained to my friends, this is an incorrect impression to take away from the article and into the world.

"The truth of the matter," I told my friends, "is that most black women, particularly the ones interviewed for the Newsweek story, are living in two different societies; one black, one white." In black society and culture "a little meat on her bones," "a little something to grab onto," "a little onion," are desirable physical characteristics. "It is simply a different beauty standard, not the absence of one," I explained.

"Oh, how disappointing," my white women friends complained.

"Yes, I suppose it is," I agreed.

My black male friends seemed to understand where I was coming from on the Newsweek article, but only after some lengthy discussion. I find that my male friends, of all races, simply have a hard time understanding the pressures American women race in this society—the constant reminders of what "beauty" is and how we fail to match up. We black women, as women, are held up to standards of beauty in both white and

12. Id.
13. Maybe Newsweek needs to hire some more black folks. Although I hesitate to make assumptions about the race of the author, it seems that this article did not have the benefit of input from an African-American woman. See also Mike Tharp, A Quest for Diversity, U.S. NEWS & WORLD REPORT, Feb. 13, 1995, at 46 (discussing the need to diversify America’s newsrooms).
14. Of course, body image may have as much to do with class as it does with race. Perhaps Newsweek will consider running an article evaluating women and issues of body image in lower-middle and working class communities, as compared to upper-middle class communities. If it does, Newsweek may find that working class women of all races have more in common in terms of diet and body shape and size than Newsweek recognized. Perhaps, as blacks (and other people of color) climb the socio-economic ladder, they are more apt to buy into white notions of beauty, including thinness.
15. One author describes her experience as an African-American actress:

I wanted to be leggy, long, beautiful, high-breasted, high butt; there was no place for me. I was not part of that. Pardon the name, but Nicole Brown Simpson was what was desirable, what was sexy. . . . [I]f I get all the attention, then I have power, too. The society, it isn’t just the men, society says you are nothing, you don’t exist.
black society in a way that black men are not and that white women take for granted. And we black women live with this—our reality—every day.

Intersectionality and the Dissin' of An African-American Hero


16. To be certain, black men face an altogether different set of hardships. It is no accident that African-American women are succeeding at higher rates than their male counterparts in corporate America. Jeff Dickerson, *Black Matriarchs Survive*, ATLANTA CONST., Mar. 1, 1995, at 10A. According to the Census Bureau, 51% of college-educated black women held professional positions in 1990. Just one-third of college-educated black men, on the other hand, held similar jobs. *Falling Behind*, CAP. TIMES, Feb. 23, 1995. White men apparently feel less threatened by black women colleagues than they do by a strong black male presence. Angela James, *Voices: Exploring Myths of Affirmative Action*, L.A. TIMES, June 25, 1995, at 16 ("[S]ociety is more comfortable with black women in the work force than with black men"); *But cf.* Dickerson, *supra*. Anecdotal experience teaches us that black men are: hassled more by police officers (*see RACE: HOW BLACKS AND WHITES THINK AND FEEL ABOUT THE AMERICAN OBSESSION, supra note 8, at 398*), treated more shabbily by store employees (*see infra note 41*), and experience more old ladies clutching purses on elevators (*see BRENT STAPLES, INTO THE WHITE IVORY TOWER 203-204 (1994)*) than do we black women. *See generally id.* at 201-204.

17. I don’t mean to suggest that white woman do not have to deal with standards of beauty on a daily basis. White women, particularly those who are overweight (*See Roger Highfield, *Fat People Have a Thin Time of Life and Love*, DAILY TELEGRAPH, Oct. 1, 1993, at 8), over the age of forty-five (*see Anne Simpson, *Facial Harmony*, THE HERALD, Apr. 20, 1994, at 14*), masculine (*see Michael Leahy, "*Mannish* is Not the Name of the Game*, ARK. DEMOCRAT-GAZETTE, May 21, 1995, at 2J) or in some other way do not fit the current image of “beauty” (and it hasn’t changed all that much in the last hundred years) have a very hard time of it in the corporate board room, in the classroom, in the emergency room, in politics.

And yes, women who are attractive by societal standards are forced everyday to overcome their physical appearance; to make someone notice that they have something substantive to contribute to the organizations of which they are a part. “The trouble with being . . . good looking . . . is that you have to prove . . . you’re intelligent.” Jamie Portman, *Star Power: Catherine Denuve is As Intelligent and Beautiful As Ever*, CALGARY HERALD, Aug. 23, 1995, at C10 (quoting veteran actress Catherine Denuve). *See also Talk of the Town*, NEW YORKER, Oct. 28, 1991, at 29, 32 (reprinting a letter which comments on how “a woman’s attractiveness will always be held against her, . . . and a woman’s unattractiveness will always be held against her, too.”). *See, e.g.*, ELSA WALSH, *DIVIDED LIVES: THE PUBLIC AND PRIVATE STRUGGLES OF THREE ACCOMPLISHED WOMEN 29 (1995) (the author, a woman, begins her discussion of Meredith Viera’s accomplished career as a journalist by describing Viera’s physical beauty: “She had a natural, fresh look rare for television, and her brown hair, high cheekbones, and full lips drew comparisons to the actress Isabella Rossellini . . . .”).

18. On July 1, 1991, President Bush nominated forty-three-year-old federal district court Judge Clarence Thomas to fill the seat that was to be vacated by retiring Supreme Court Justice Thurgood Marshall. TIMOTHY M. PHELPS & HELEN WINTERNITZ, *CAPITOL GAMES* 4, 13 (1992). Thomas’ confirmation hearing began on September 10, 1991. Senator Biden, Chairman of the Senate Judiciary Committee ended the hearings five days later. *Id.* at 223. Before the Senate could vote, however, the press published an F.B.I. report in which Thomas’ former employee, University of Oklahoma, law professor Anita Hill,
Mayor Barry. And Orenthal James. I want to talk about what it means to be an African American and a woman and to be asked by non-African-American friends and colleagues, “So, do you think he did it?” The question means different things for us—African-American women—than it does for white women. Or for black men. And it certainly means something very different for me as the daughter of a beautiful mother who is white and a father who is both black and a former football player.

I started my professional career at a big downtown law firm. Although I was one of only a handful of black women in a firm of over 500 attorneys, the firm made a valiant effort to live up to its reputation for progressive hiring and forward-thinking policies on recruitment and retention. There were, for instance, committees for associates of color, women associates and gay attorneys.

alleged that Thomas had repeatedly discussed sexual matters with her in a suggestive and humiliating manner while he was her boss at the Equal Employment and Opportunity Commission. Id. at 232-33. The hearings were reopened and Hill testified about her experiences with Thomas. Clarence Thomas was ultimately sworn in on October 23, 1991. Bill Rankin, Clarence Thomas Hits Intolerance, ATLANTA J. & CONST., May 3, 1993, at D2.


20. In 1990, Marion Barry, the mayor of Washington, D.C., was videotaped by federal law enforcement officials smoking crack cocaine in a hotel room. Barry to Seek Office, NEWSDAY, June 21, 1992, at 16; Barry Proclaims “Spiritual” Renewal Upon Release From Pennsylvania Prison, JET MAGAZINE, May 11, 1992, at 4. He was prosecuted and convicted of possession of cocaine. He left the mayor’s office, served six months in prison, and was released in April 1992. Id. After his conviction, Barry lost a bid for a City Council Seat. Id. However, in November 1994, he was re-elected to the D.C. mayor’s office. Chuck Sheppard, Nixon Memorial Church Expects Future to be Bright, STAR TRIBUNE (St. Petersburg, Florida), Feb. 2, 1995, at 4E.

21. In 1991, Morrison & Foerster ranked as the tenth largest firm in the nation, boasting 533 attorneys, 194 of whom were partners. AMERICAN LAWYER, July/August 1991 (Am Law 100, insert). Blacks still constitute less than two percent of the lawyers employed by the nation’s largest corporate law firms. 4 REPORT OF THE N.Y. STATE JUDICIAL COMMISSION ON MINORITIES, LEGAL PROFESSION, NONJUDICIAL OFFICERS, EMPLOYEES AND MINORITY CONTRACTORS 27 (noting that in 1989, only 1.7% of the lawyers in the top corporate firms were black, only 1.0% Hispanic, and only 1.3% Asian & Native American). But cf. Edward A. Adams, Firms Raise Ratio of Minority Lawyers; 1 in 6 Hired; 1 in 8 of Associate Staff, N.Y.L.J., Mar. 14, 1995, at 1 (reporting that New York’s 25 largest firms have an average of 12% minority associates, up from 8% in 1992).
In September 1991, when Professor Anita Hill’s charges against Clarence Thomas first became public, two of the senior members of the Women's Committee arrived at my office door on the morning I returned from a business trip. They presented me with a letter in support of Professor Hill drafted by my (white) women colleagues on the Committee. The two ambassadors proudly beamed as I read it.

My colleagues’ decision to write this letter did not surprise me as much as their assumption that I, as a “sister,” would want to be the first to sign my name to it. In fact, as a “sister,” I was grappling, on a personal level, with an inner conflict, parallel to that manifesting itself in the black community as a whole. While the Clarence Thomas/Anita Hill affair represented an important political moment in the history of American feminism, it was for me a painfully conflicted moment in my personal history as an African American.

Yes, as black women we want the sexual harassment of our sisters, of all races, to stop. But, also as black women—with black fathers, brothers, husbands, and sons—we feel genuine pain when a black man is publicly exposed for behaviors that serve only to reinforce stereotypes of all black men. And as black people we must always question the truth of


24. Those include stereotypes of black men as over-sexed. Dr. Joel Kovel has studied the history of the myth that black men have super-sexual powers:

Allegations as to the Negro’s sexual prowess, or the heroic proportions of his genitalia are a widely known legend. . . . The archetypal lynching in the old South was for the archetypal crime of having a black man rape (touch, approach, look at, imagine to have looked at, talked back to and so on, etc.) a white lady.

JOEL KOVEL, WHITE RACISM: A PSYCHOHISTORY 67-71 (1984). These lynchings frequently included castration, and even when they didn’t, the idea of castration was ever-present. Id. at 67. Although lynching and castration are no longer acceptable practices, Dr. Kovel suggests that sexuality remains the core of the race problem and that issues of sexuality and racism are closely connected with issues of power and dominance. Id. at 67-68.

As Cornel West explains:

Americans are obsessed with sex and fearful of black sexuality. . . . The fear is rooted in visceral feelings about black bodies fueled by sexual myths of black women and men. The dominant myths . . . offer distorted, dehumanized creatures whose bodies — color of skin, shape of nose and lips, type of hair, size of hips — are already distinguished from the white norm of beauty and whose feared sexual activities are deemed disgusting, dirty or funky and considered less acceptable.
allegations leveled against any African-American man because so often in our American history these men (especially those who have "forgotten their place" in white America)²⁵ have been unfairly targeted, accused, arrested and lynched. Let me be perfectly clear on this point, lest I be misunderstood: I am not saying here that black men should enjoy immunity from criticism within the African-American community. But, neither can we, as black people, believe everything we hear about one another in the courts and on television and radio.²⁶ As black people we must always proceed with the question: Did he do it? For us, the presumption of innocence has a deep historical and practical resonance.²⁷


Evidently, not all black Americans share the concern that black men continue to be stereotyped as oversexed and violent. Critics of black feminist literature have excoriated Alice Walker and Terry McMillon (among others) for their presentations of black men as hateful and deceitful villains who beat their women, abandon their children, remain jobless and rely on alcohol and crack cocaine for their sustenance. See Meri Nana-Ama Danquah, A Rising Chorus, L.A. Times, Jan. 12, 1995, at E-1. Indeed, one critic suggests that the principle selling point of books by Walker and Maya Angelou is the portrayal of black men as cruel, unfaithful, violent and shiftless. Trevor Phillips, Easy on Fear and Fantasy, The Guardian, March 21, 1995, at T4. See also Valerie Burgher, The Song Remains the Same: Twenty Years of Black Women Speaking Out—And Being Silenced, Village Voice, July 25, 1995, at 17 (quoting Professor Leroy Clark's description of the film adaptation of Walker's The Color Purple as "a lie to history . . . . It reinforces the notion of black men as beasts").

²⁵. One writer recalls the lynching of Emmitt Till in 1955. She indicates that Till's real sin was less his audacity at wolf-whistling at a Mississippi white woman than his stubborn persistence in behaving like a man. His abductors, the husband of the offended woman and the husband's half-brother, had actually first thought only to scare Till and "chase his black ass back to Chicago," but when the boy refused to cry out as they beat him, or to show fear, grovel, or plead for mercy, the brother reportedly told the court, "What else could we do except kill him?" Beth Day, The Hidden Fear, in The Black Male in America 193, 194 (D. Wilkinson & R. Taylor eds., 1977); Juan Williams, Eyes on the Prize 45 (1987). See also Michael Eric Dyson, Reflecting Black: African-American Cultural Criticism 194-98 (1993); David Halberstam, The Fifties 430-40 (1993).

²⁶. Ishmael Reed has argued that the American media has designated the black community as the surrogate for the accumulated social pathologies of American life, freely and maliciously airing its dirty laundry at the same time that it indulges and reassures its white constituents by individualizing their problems or sweeping them into the corner. Ishmael Reed, Airing Dirty Laundry xi, 18, 133, 138, 163, 230 (1995).

²⁷. As Thulani Davis recounts:

[B]oth my father and my teachers taught me not to believe everything I read in the papers . . . . This was a necessary step . . . in aiding me to thrive in the face of the . . . calculated maliciousness of local newspapers . . . . It is not that we ignore the facts. On the contrary, we are looking at them very, very closely. Life has taught us that we should perhaps assume a man's innocence until his guilt is proven because the larger public will not.

My white women colleagues—the ones who wrote the letter to Anita Hill—insisted upon seeing me as a woman first, black second. This was a women’s issue. I was a women. End of analysis. But, I am both an African American and a woman. At all times I am both of these things (and many others). I cannot separate these out, prioritize among them; I should not be expected to do so, nor do I want to.

Crystal Weston: *Orenthal James Simpson and Gender, Class, and Race: In That Order*

This brings me to Crystal Weston’s *Orenthal James Simpson and Gender, Class, and Race: In That Order*. I must take issue first and foremost with the title which insists that I, as an African-American woman, must view the O.J. Simpson murder trial in terms, first of gender, second of class, third of race. The title wrongly assumes that such a crisp prioritization of perspective is possible and the essay goes on to suggest that we must choose the prioritization Crystal Weston sets forth. “[R]ace must be removed from its most-favored-issue status,” she argues, “and misogyny and patriarchy must be placed at the helm of the analysis, where they rightfully belong.” This is an example of precisely the problem that I have described in the above discussions. Having lived my life as black, white, female, and more, I have learned that it is simply not possible to separate out the inner essences of my being. Moreover, I resent constantly being told by our society (and now by Crystal Weston) that I must do so. And I resent being told the prioritization I must give my race, my gender, my class.

Second, Weston suggests that, because he is “rich, famous and male,” somehow O.J. Simpson’s blackness falls away. Certainly, O.J. Simpson is wealthy and male and enjoys great benefits as a result. But

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28. One scholar describes the variety of elements which make up women’s experiences: [In addition to race, class, and sexual preference, ... age, physical characteristics, ... religion, marital status, the level of male identification, ... birth order, motherhood, grandmotherhood, intelligence, rural or urban existence, ... sources of income (spouse, self, or state), degree of poverty or wealth, and substance dependency ... shape how individual women experience the world.]


30. *Id.* at 224.

31. *Id.* at 226.

32. At least he was wealthy when the trial began. There is speculation that Simpson spent much, if not most, of his money on his defense. Estimates of the cost of the Simpson defense range from $3 million (Mark Gover, *N.Y. Short of Burial Ground*, SACRAMENTO BEE, Mar. 20, 1995, at B1) to $10 million. *Bill Duryea, Lawyers See Dream Team As*
to suggest, as Weston does, that white America somehow sees past his brown skin, dark eyes, and kinky hair, is to deny that America has long targeted for persecution (and prosecution) black men who succeed, black men who dare to drive fancy cars, black men who dare to marry white women. As Weston seeks to deny the intersection of race and gender for the reader, she also seeks to deny that intersection for Orenthal James Simpson and for all well-to-do African-American men.

33. Randall Suskind recounts the experiences of several black professional athletes, including 1984 Olympic gold-medalist Al Joyner, Boston Celtic star Dee Brown, and two members of the world famous Harlem Globetrotters, who were stopped by police solely because of their race. Joyner was stopped twice within a twenty minute period. Randall S. Suskind, Race, Reasonable Articulable Suspicion, and Seizure, 31 AM. CRIM. L. REV. 327, 344 n.102 (1994). It is significant that they were all Black men driving expensive automobiles in predominately white neighborhoods, apparently a cause for suspicion by the police. As Detective Mark Fuhrman has taught us, “Nigger drivin’ a Porsche that doesn’t look like he’s got a $300 suit on, you always stop him.” Clarence Page, Nothing New, DAYTON DAILY NEWS, Sept. 8, 1995, at 15A. Clarence Page adds, “Take it from me, it doesn’t have to be a Porsche. It used to happen to me in my younger days driving a Corvair.” Id. Indeed, it seems one need not be driving a car to be suspect. A San Fernando Valley caller to a 1993 Los Angeles police hotline asked, “Why, [have] a couple of vans driven by African Americans pulled up to an area wholesale food store?” Gordon Witkin et al., Ready For The Worst, U.S. NEWS & WORLD REP., Apr. 19, 1993, at 15. It was determined that the outsiders were church workers doing pickups for a food-distribution program. Id.

34. America has long targeted interracial couples, and in particular black men married to white women. See DEREK BELL, RACE, RACISM, AND AMERICAN LAW 64-69, 74-81 (1992); Day, supra note 25, at 195; see also McLaughlin v. Florida, 379 U.S. 184 (1964). In 1956, when my black father married my white mother, such marriages were illegal in a majority of states. My parents were unable to get a blood test in Indiana because it would have been illegal for the doctor to give them one in anticipation of marriage. They crossed the state lines, from Indiana to Illinois and, after receiving the requisite blood test, were married in Chicago in a simple wedding ceremony.

It was only in 1964 (ten years after the Court’s decision in Brown v. Board of Education, 347 U.S. 483 (1954) and the year of this writer’s birth) that the Supreme Court first agreed to review the laws designed to prohibit and punish interracial sex. The Court held unconstitutional a Florida law authorizing more severe penalties for interracial cohabitation and adultery than for those crimes committed by persons of the same race. McLaughlin, 379 U.S. at 192-93, 196. Three years after McLaughlin, the Supreme Court delivered a final blow to laws prohibiting interracial marriage in Loving v. Virginia, 388 U.S. 1 (1967). Chief Justice Warren, noting that sixteen states continued to prohibit and punish marriages on the basis of racial classifications, rejected those laws and held “the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the state.” Id. at 12.

35. As Robert Harlin, an African-American barber, explained, “blacks have never been treated justly, and even if Simpson is rich and famous, he is still a black man.” Susan Sward, The Color of Justice, S.F. CHRON., Apr. 30, 1995, at 3-Z7.
Crystal Weston states: “There is no denying that O.J. has successfully surpassed his ‘niggerdom.’” 36 Perhaps Weston does not live in the same America in which I live. 37 The America in which I live continues to see skin color first, economic success second. 38 Ask any black man (wealthy or not) who has stood on a street corner trying to hail a taxi only to have empty taxis pass him by. 39 Ask any black person who has been randomly

36. Weston may think it clever, compelling, even shocking to use the term “niggerdom.” I, however, find it to be insensitive and unnecessary. Weston, supra note 29, at 227.
37. Nor the one in which O.J. Simpson lives. Simpson has relayed his experience at a wedding at which he, his first wife, Marguerite, and a few friends were the only blacks in attendance: “I overheard a lady say, ‘Look, there’s O.J. Simpson and some niggers.’ Isn’t that weird. That sort of thing hurts me. . . .” Ron Borges, et al., In Search of The Juice: Old Friend Suddenly Becomes A Stranger—The Rise and Fall of O.J. Simpson, ARIZ. REPUBLIC, June 26, 1994, at Al (quoting Orenthal James Simpson).
38. As W.E.B. Du Bois wrote in his autobiography Dusk of Dawn, [T]his fact of racial distinction based on color was the greatest thing in my life and absolutely determined it . . . . [T]he chief fact in my life has been race—not so much scientific race, as that deep conviction of myriads of men that congenital differences among the main masses of human beings absolutely condition the individual destiny of every member of the group.
39. Professor Cornel West opens Race Matters with a personal anecdote:
I left my car—a rather elegant one—in a safe parking lot and stood on the corner of 60th Street and Park Avenue to catch a taxi. I felt quite relaxed since I had an hour until my next engagement. At 5:00 p.m. I had to meet a photographer who would take the picture for the cover of this book on the roof of an apartment building in East Harlem on 115th Street and 1st Avenue. I waited and waited and waited. After the ninth taxi refused me, my blood began to boil. The tenth taxi refused me and stopped for a kind, well-dressed smiling female fellow citizen of European descent. As she stepped in the cab, she said, ‘This is really ridiculous, is it not?’ . . . Finally I decided to take the subway.
West, supra note 24, at x.

Attorney Gilbert Gordon relates his own similar experience:
In the year 1990, if I hail a cab, particularly after six o’clock, there’s a good chance the cabbie’s going to be concerned that I want to take him in [sic] a black area and he doesn’t want to go there. I don’t have the duty to explain, ‘I’m not like those kind of people you’re thinking about.’ I’m a lawyer, I have money. Why should I bare my soul? He’s just a guy trying to make a living and I’m just a guy trying to get home, and we ought to have something in common. But he’s not going to give me that chance. If he sees somebody white standing on the corner, he’ll go to him. Even a black cabdriver will do that. Fear’s the big thing.

stopped and questioned by police. Ask any one of us who has entered a jewelry store or other boutique only to be ignored or, worse, followed by the security guard.

Third and finally, as a black person, I cannot agree that "Nicole's death took place in the context of . . . 'domestic violence.'" Indeed, as a black person, I cannot help but presume Orenthal James Simpson (and any person accused of a crime) innocent, until proven guilty, which Marcia Clark, Christopher Darden and the prosecution team failed to do. This legal protection—the presumption of innocence—is critical for black people.

40. See Nana-Ama Danquah, supra note 39, at E1. Again, Cornel West: [W]hile driving from New York to teach at Williams College, I was stopped on fake charges of trafficking cocaine. When I told the police officer I was a professor of religion, he replied 'Yeh, and I'm the Flying Nun. Let's go nigger.' I was stopped three times in my first ten days in Princeton for driving too slowly on a residential street with a speed limit of twenty-five miles per hour. (And my son, Clifton, already has similar memories at the tender age of fifteen.) Needless to say, these incidents are dwarfed by those like Rodney King's beating or the abuse of black targets of the FBI's COINTELPRO efforts in the 1960s and 1970s. Yet the memories cut like a merciless knife at my soul . . .

WEST, supra note 24 at x-xi.

Baseball player Joe Morgan sued the Los Angeles Police Department claiming he was stopped, arrested, and beaten because he was black. Jury Hands King 3.8 Million, SAN DIEGO UNION TRIB., Apr. 20, 1994, at A1. In the punitive phase, the federal jury awarded Morgan five times the compensatory damages. Id.

41. Patricia Williams eloquently relays her own experience:

Buzzers are big in New York City. Favoring particularly by smaller stores and boutiques, merchants . . . The installation of . . . buzzers happened swiftly in New York; stores that had always had their doors wide open suddenly became exclusive or received people by appointment only. I discovered them and their meaning one Saturday in 1986. I was shopping in Soho and saw in a store window a sweater that I wanted to buy for my mother. I pressed my round brown face to the window and my finger to the buzzer, seeking admittance. A narrow-eyed, white teenager wearing running shoes and feasting on bubble gum glared out, evaluating me for signs that would pit me against the limits of his social understanding. After about five seconds, he mouthed "We're closed," and blew pink rubber at me. It was two Saturdays before Christmas, at one o'clock in the afternoon; there were several white people in the store who appeared to be shopping for things for their mothers. I was enraged.


42. Weston, supra note 29 at 224.

(black men in particular\textsuperscript{44}) in a society that presumes us guilty of crime. Thus, as a black person, I cannot presume that "[Nicole] is a casualty of misogynist violence."\textsuperscript{45} Despite the work I have done with battered women, the class I plan to teach on domestic violence this Spring, the article on the defense of battered women who kill their abusers that I am currently authoring, I cannot—as a black woman—assume that, because O.J. Simpson battered his wife, he is guilty of her premeditated murder.

In asking me to make precisely that assumption, Crystal Weston implicitly asks me to treat the defense and prosecution theories of the case in the alternative. She asks me to treat the defense's assertion (that even wealthy black men are presumed guilty in America) and the prosecution's claims (of woman abuse) as independent of each other, thus denying any interactive relationship between the two. But I cannot dissociate my race from my gender from my class from my personal history from my culture. Weston's essay fundamentally fails to acknowledge the souls of women who live within the confinements of competing beliefs about white and black womanhood, in the interstices of racism, sexism, and classism. I admire Weston's effort to explore the question of our collective ability to comprehend, through the medium of this trial, the way in which our societal reaction to it is related to the perpetuation of social, political and economic domination of women. But, I think Weston's essay fails to grasp the true significance of this trial for black women—that is, the ways in which this trial reveals the deepest meanings and values of our culture.

\textsuperscript{44} Almost one in every three arrests now involves an African American, typically male. Anthony Platt, \textit{Crime Rave: Politics of Crime in the U.S.}, 47 MONTHLY REV. 35 (1995). About one in four black men between the ages of twenty and twenty-nine is behind bars, on parole or on probation. \textit{Id.} See also Chris Harvey, \textit{Wilder Pushes For Action on New Civil Rights Act}, WASH. TIMES, Mar. 20, 1991, at B6. This means that there are more young black men in the criminal justice system than the total number of black men of all ages enrolled in college. Platt, \textit{supra}. It also means that African Americans constitute twelve percent of the general population, but more than 48 percent of prisoners. \textit{Id.} Specifically, 1,860 of every 100,000 black men are confined (compared to 289 for whites). \textit{Id.} Analysts suggest that if the current trend continues, by the year 2010, we will have incarcerated more than half of the African-American male population. Barbara Reynolds, \textit{Corrupt Criminal Justice System Invites Crime, Chaos}, USA TODAY, Sept. 8, 1995, at 11A. See also Nat'l Public Radio Morning Edition: Interview with John De Eulio, (NPR broadcast, Aug. 16, 1995, Transcript #1673-13).

\textsuperscript{45} Weston, \textit{supra} note 29, at 224. Moreover, if we are true to the Sixth Amendment, we must consider that Nicole Brown Simpson was not necessarily the intended victim of these crimes. See U.S. CONST. amend. VI. She only becomes the intended victim in a scenario that implicates O.J. Simpson as the murderer, i.e., the prosecution's scenario. But, even assuming that Simpson murdered his wife, let us not forget that Ronald Goldman, a man, was also viciously and brutally murdered. Surely he was not a "casualty of anti-woman violence." Weston, \textit{supra} note 29, at 224.
Terry Diggs: *Liars and Lycanthropes: Cultural Images in People v. Simpson*46

Terry Diggs, too, in *Liars and Lycanthropes: Cultural Images in People v. Simpson*, wants to segregate issues that relate to race and gender. Nowhere is this more apparent than in her discussion of Othello, "Modern readers assume that *Othello* is about race, but that interpretation implies that the play’s beauty is only skin deep. . . . Ultimately, Shakespeare used skin tone to render a social construct visible. That construct was the culturally-created disparity between men and women."47

Of course Diggs is right that the play is about the disparity between men and women. Of course, *Othello* is not only about race. But race is an important factor, and to deny that is to deny Shakespeare’s own title for his masterpiece: *Othello The Moor of Venice*.48 The issue of blackness

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47. Id. at 162-63.
48. WILLIAM SHAKESPEARE, *OTHELLO THE MOOR OF VENICE* (Gerald Eades Bentley ed., Pelican Books 1986) (1958) (emphasis added). Indeed, *Othello* is seen throughout the play as a Moor first, a man second. Iago makes racist reductive sexual references when alerting Desdemona’s father that his daughter has married a black man:

> Zounds, sir, y’ are robbed! For shame, put on your gown!
> Your heart is burst; you have lost half your soul.
> Even now, now, very now, *an old black ram*
> *Is tuppin your white ewe.* Arise, arise!
> Awake the snorting citizens with the bell,
> or else the devil will make a grands ire of you.
> Arise, I say!

*Id.* at 30 (emphasis added).

Rodrigo makes disrespectful references to Othello’s African features:

> What fortune does the thick-lips owe
> If he can carry’t thus!

*Id.* at 29.

Even Desdemona, Othello's wife, sees his race as primary and describes it as such when telling her father of her reasons for marrying the Moor:

> But here’s my husband;
> And so much duty as my mother showed
> To you, preferring you before her father,
> So much I challenge that I may profess
> Due to the Moor my lord.

*Id.* at 45.

And later in the same scene:

> That I did love the Moor to live with him,
> My downright violence, and storm of fortunes
> May trumpet to the world.

*Id.* at 47.

Indeed, Othello stereotypes *himself* for the Elizabethan audience, making references to cannibals, witchcraft and his “exotic” background as he explains how he wooed Desdemona:

> And of the Cannibals that each other eat, . . .
is crucial. Othello exceeded society's standards for success, but unconsciously and tragically, also assimilated its racial prejudices. His unchecked self-loathing gave rise to a paranoiac fury that festered within Othello's psyche and soul. To suggest that Shakespeare uses race as a mere literary device is to ignore Shakespeare's words as spoken by his protagonist: "It is the cause, it is the cause, my soul." 49

Othello's achievements were immediately obvious to an Elizabethan audience precisely because of his "exotic" color and background. The sense that people of color were not only different from, but inferior to Englishmen was prevalent in Shakespeare's time. 50 Shakespeare's masterpiece reflects the high levels of opposition to interracial sex and marriage which existed in his Elizabethan England. 51 The playwright was working against racist, as well as sexist and classist stereotypes in his own society when he wrote Othello the Moor of Venice. 52 It seems to me that Shakespeare had it right in acknowledging the intersection of race, class, and gender, and that Professor Diggs, who tries to segregate these, has it exactly wrong.

But, more to the point of this Symposium, I cannot agree with Terry Diggs (and many others who have made the suggestion) that O.J. Simpson is a modern-day Othello. 53 This constellation of Shakespearean psycho-

This to hear would Desdemona seriously incline; . . .
She loved me for the dangers I had passed,
And I loved her that she did pity them.
This is the only witchcraft I have used . . . .

Id. at 44.

Only Emilia sees Othello as a human being first, a Moor second:
But jealous souls will not be answered so;
they are not ever jealous for the cause,
But jealous for they're jealous. "Tis a monster
Begot upon itself, born on itself.

Id. at 105.

49. Id. at 138.


51. BELL, supra note 34, at 65.

52. One reviewer notes:
In those times, the second soldier was the clear-talking, honest man, the one
to always tell the truth. The black man was portrayed as evil. In this play,
Shakespeare turns that all around. The most loving, most human in the
eyearly scenes is the Moor. The old faithful retainer, Iago, becomes the
diabolical villain.

Nancy Melich, Much Ado About Something: 17th Century Meets 20th Century At Utah
Shakespearean Festival Variety is Spice of Life At Festival, SALT LAKE TRIB., June 25,

53. See Diggs, supra note 46 at 162. Indeed, it is incongruous that Diggs first describes
Othello as a play not about race and then proceeds to draw an analogy between Othello and
O.J. Simpson. It is precisely because O.J. is black that the question of race was introduced
into the already menacing mix of gender and class issues. It was Simpson's race that gave
dynamics stars Simpson as Othello, the powerful older black man whose jealousy of his young, white wife drives him to murder her. Of course, Diggs is right that, for anyone who has ever read or seen *Othello*, it is difficult to ignore the play’s new resonance.

While there are parallels and the theory is inviting, the analogy is not a complete one. Indeed, the two dramas differ sharply. First, Othello killed himself after seeing Desdemona dead; O.J. (presumed innocent until proven guilty) took a long ride to think things through. Second, no one we know of in Simpson’s life corresponds to Iago, the malevolent subaltern who constructs the intricate plot of *Othello* and sets that plot into motion. Othello’s jealousy—the “green-eyed monster” is terrible to behold, but understandable in the context of Iago’s lies.

Third and most important, unlike *Othello*, *People v. Simpson* is not scripted. We cannot know its ending. Of course, we know the verdict. But we may never know definitively what really happened. Yet, like Crystal Weston, Professor Diggs begins with the presumption that O.J. Simpson is guilty. Diggs says, “[T]he problem is that *People v. Simpson* has had no impact at all on the conditions—assuming *arguendo* the truth of the prosecution’s case—that caused Nicole Brown Simpson’s death.”


54. In the play, Iago is angered when Othello appoints Cassio his chief lieutenant. Iago then plots his commander’s downfall by falsely accusing Othello’s wife, Desdemona, of infidelity with Cassio. Overcome by jealousy, Othello murders Desdemona. When he learns that his wife was innocent, he kills himself. See SHAKESPEARE, supra note 48.


56. SHAKESPEARE, supra note 48, at 87.

57. I think it is this fact—our inability to know—more than any other that mesmerized us for months and kept us watching the Simpson trial. We desperately want to know what happened that night at Bundy. We want an answer. We are terribly uncomfortable with the uncertainty of it all. And so, for months, we tuned in, day after day. And each day we hoped that this would be the day in which we would get the answer. Each day we hoped that a witness would testify or a piece of evidence would emerge that could provide the certainty we crave. When it didn’t, we simply tuned in the next day, our hopes revived.

58. If the jury had found Simpson guilty, elements of his story would indeed be found in many great tragedies, including *Othello*. It is a family affair; for reasons of jealousy and revenge, a man murders his former wife and her friend (lover). Aeschylus, Euripides or Shakespeare might well have found the inspiration for a tragedy in such an action. Indeed, they came close. Aeschylus’ *Orestes* revenges the murder of his father by killing his mother and her lover. Euripides’ *Medea* takes revenge on an unfaithful husband by killing their children. Shakespeare’s *Othello* murders his supposedly unfaithful wife. See supra note 54 and accompanying text.

59. Diggs, supra note 46, at 158.
case,” but the assumption of Simpson’s guilt is at the very heart of her essay. To fully participate in the discussion, the reader must accept the premise that O.J. Simpson committed these horrible crimes, something that, for reasons I have already discussed,60 I am not willing, or indeed able, to do.

Professor Diggs does make the well-taken point that Hollywood treats women badly.61 She fails to adequately demonstrate, however, how the negative images of women in American media affected O.J. Simpson’s relationship with his wife, let alone how it led him to murder Nicole Brown Simpson and another victim.62 Specifically, Professor Diggs fails to provide the link that makes her discussion of True Lies and Wolf relevant to the Simpson case. Instead, she seems to use the Simpson trial to conduct a feminist critique of American movies, without adequately explaining why this forum is the appropriate place in which to do so.

In concluding her essay, Professor Diggs argues: “Shakespeare’s finale leaves intact the malignant social system of Othello’s world. . . . Ultimately, the playwright’s ending . . . leaves us with both a clean slate and a set of options. We can dismantle deadly patriarchy, or we can continue to shore it up, blindly reinforcing its malevolent notions.”63 She concludes, however, that “[t]he Trial of the Century suggests that we’ve made our choice. Sadly, it is the worst choice for women.”64

I cannot agree. Why have we no options? Indeed, I believe that we, like the citizens of Othello’s Cyprus, do have a choice. Perhaps now that the verdict is in, we can finally begin to examine the undercurrents of sexism, racism, and classism that drive our society. I remain hopeful that in so doing a constructive public dialogue will proceed beyond the verdict. Indeed, I think we have begun—with the help of Terry Diggs and others—to identify the images and ideas that made Nicole Brown Simpson’s murder possible. But, whether or not this defendant committed the murders, those images and ideas are not limited to gender. Images and

60. See supra notes 43-45 and accompanying text.
62. In 1977, defense attorney Ellis Rubin argued in People v. Ronald Zamora that the defendant, a fifteen-year-old charged with the first-degree murder of his elderly neighbor, had suffered from diminished capacity because of subliminal television intoxication. Alain L. Sander, And Nothing But The Truth: Should Criminal Lawyers Defend Clients They Believe Are Lying?, TIME, July 21, 1986, at 58. In other words, Rubin argued—unsuccessfully—that Zamora was not responsible for his actions because they were the direct result of watching too much violent television. Id. See also Lawrence Dubin, Defense Given Much Latitude on Strategy, NAT’L L.J., Mar. 28, 1988, at 13. The defense made no such argument in the Simpson case.
63. Diggs, supra note 46, at 163.
64. Id. at 164.
ideas of race and class cannot be neatly segregated from our assessment or we will fail in our societal self-examination.

Thomas Morawetz: *Fantasy, Celebrity, and Homicide* 65

In *Fantasy, Celebrity, and Homicide*, Thomas Morawetz, while he does not explicitly recognize the intersection of race and gender, accords them equal weight in the context of the Simpson trial: “Attitudes towards race and gender present both practical and theoretical obstacles to justice.” 66 Indeed, implicitly central to Morawetz’s thesis is the intersection of not only race, gender, and class for the individual and the larger society—Professor Morawetz throws celebrity status into the mix, thereby recognizing the inherent difficulty in separating out the various essences of the individual—for O.J. Simpson his maleness, blackness, wealth, celebrity status, and more that we cannot pretend to know. The professor properly reminds us that we are “preoccupied with the effects of race, gender, and publicity on the effort to achieve justice.” 67 As he suggests, we should not, and ultimately cannot, forget the impact of Simpson’s celebrity status on our responses to this moment in history or on Simpson’s own responses to society.

But Morawetz ultimately contradicts his own implied recognition of the intersection of race, class and gender. He argues: “In raising the possibility that a premeditated and comprehensive police conspiracy underlies the established facts of the [Simpson] case . . . defense attorneys may see themselves as licensed to lead the jury through the domains of any fantasy with scenarios drawn not from the world of common experience but the world of movie plots and tabloid speculation.” 68 Here, Morawetz fails to recognize that, for the black juror (or viewer of this trial)—particularly the black male juror (or viewer)—this “scenario” is grounded not in “fantasy” but in history and reality, as it likely is for Johnnie Cochran, Carl Douglas and yes, O.J. Simpson. For African Americans, the possibility of police actions designed to frame a hugely successful black man married to a white woman is indeed drawn from “the world of experience,” not from “the world of movie plots and tabloid speculation,” as Morawetz suggests. 69 People of color are often unable to find effective refuge from the cruelties of bigoted authority and the targeting of members of our communities by law enforcement. The

66. Id. at 209.
67. Id.
68. Id. at 217-18.
69. Id.
history of these cruelties is a long and painful one that is etched on our collective consciousness.

The story of the oppression of blacks, in particular, by armed force has been told in literally hundreds of reports, histories, narratives, and studies. After the Reconstruction Era, the American legal system failed African Americans, less because it was inadequate than because, when we needed it most for our physical safety, it abandoned us entirely. And, as white America sought to prevent blacks from voting, sharing classrooms with whites, sitting at the front of the bus, sipping from public water fountains, and marrying white folks, law enforcement became a tool of the segregation establishment; police officers were used to enforce the policies designed to prevent the successful integration of blacks into American culture and society. Moreover, the system of criminal justice acquiesced, failing to prosecute and convict officers charged with ruthlessness and brutality directed against African Americans.

It was only in the 1940’s that the courts began to enforce the civil rights laws passed in 1866 and 1870 and only in the most heinous of cases. In Screws v. United States, Justice Douglas condemned the actions of a Georgia sheriff and his deputies as a “shocking and revolting episode in law enforcement.” Between the time he was arrested by Sheriff Screws of Baker County, Georgia for the theft of a tire and placed in jail, Robert Hall, a black man, was beaten by Screws and his deputies with their fists and with a solid bar blackjack, eight inches long and weighing two pounds, until he was unconscious. He died soon after his arrest.

The Screws incident is made more tragic by the fact that it was not an isolated case. Indeed, such incidents were not uncommon, and although the Supreme Court affirmed the federal convictions of the officers in that case, Screws by no means put an end to police corruption or brutality.

The examples of corruption are many. In the 1950’s, the Metropolitan Crime Commission of New Orleans was formed to oversee the investigation into alleged police corruption in that city’s police department. Forty years later, however, scandal continues to haunt the New Orleans

70. One study places the number of lynchings of black persons between 1882 and 1968 at 3,446. R. Zangrandado, The NAACP Crusade Against Lynching 1919-1950 (1980). More to the point, Professor Michael Belknap argues that “little to fear from those who administered the southern legal system.” He quotes one Texas prosecutor who, speaking in 1935, dismissed lynching as “an expression of the will of the people.” Michael R. Belknap, Federal Law and Southern Order 8-9 (1987).

71. Belknap, supra note 70, at 115.
72. 325 U.S. 91 (1945).
73. Id. at 92.
74. Id. at 91-93.
Police Department. In 1993, at least fifteen New Orleans police officers were accused or convicted of criminal wrongdoing. In one incident, a New Orleans police sergeant pleaded guilty to two counts of attempted possession of stolen property, after the crimes were captured on audio tape during a sting operation led by the federal Drug Enforcement Administration.76

In the 1960s, the Summerdale police scandal unfolded in Chicago. The scandal rocked the city with the convictions of eight police officers found guilty of participating in a burglary ring.77 The scandal cast a pall over the Chicago Police Department.78

In the 1970s, the Knapp Commission in New York City exposed a police department rife with corruption.79 With the cooperation of two whistle-blowing officers, Frank Serpico and David Durk, the Commission uncovered widespread police corruption and drug payoffs.80 The Knapp Commission exposed police officers and commanders who were receiving millions of dollars a year in bribes from gambling and drug suspects.81

In 1984, the Federal Bureau of Investigation began a two year investigation of police corruption in Boston.82 Specifically, the investigation sought to disclose a widespread pattern of bribery reaching into senior levels of the department.83 The payoffs were made in exchange for protection from arrest, particularly for failure to meet liquor license requirements.84

From 1987 to 1989, according to a grand jury indictment of Brooklyn police officer Michael Dowd, officers sold police badges and guns to the Diaz Organization, a reputed Dominican drug gang.85 According to the

78. Gorman, supra note 77. O.W. Wilson, a respected criminologist, was called in to head a blue-ribbon panel to find a new police chief for Chicago. In the end, Wilson himself became the Police Superintendent. Granger, supra note 77, at 8; Robert Davis and John Camper, Another Import Falls to Chicago Politics, CHI. TRIB., Jan. 11, 1987, at 1.
82. Butterfield, supra note 81, at A16.
83. Id.
84. Id.
85. As a direct result of these indictments, a 1990s version of the Knapp commission—The Mollen Commission to Investigate Police Corruption—was established by then Mayor David Dinkins. The charge of this Commission was to "determine if serious
indictment, Dowd and other officers helped the gang evade capture and ultimately opened up a wholesale drug operation in their precinct. 86 Dowd and the others allegedly took thousands of dollars in payoffs from the gang in exchange for protection, guns and badges. 87 One officer, assigned to an internal affairs field command, told the United States Attorney’s office that his investigation of Dowd had been ignored or bungled for years. 88

Police malfeasance is not limited to corruption. Brutality is also more common than many of us would like to believe. Examples abound, just a few of which demonstrate the devastating consequences of police brutality for individual citizens. In 1984, one of those citizens, Ricky McCargo, was shot in the face by Long Island police officers after an argument began when he left to go to work and found his car blocked by unmarked police vehicles. 89 Two police officers testified at grand jury proceedings that McCargo had lunged at them with a knife, thereby provoking the shooting. 90 However, twenty-seven witnesses testified to the grand jury that the police were the aggressors, with a number of the witnesses testifying that McCargo had his hands in the air begging for his life when he was shot. 91

In an unrelated 1986 incident, Gerald Papa, a Bensonhurst lawyer and community activist, was shot and beaten by Brooklyn police in a case of mistaken identity. 92 Papa and a friend were driving in Papa’s automobile when they found themselves facing a car coming the wrong way down a one-way street. When Papa tried to back up, he bumped into the car behind him. Papa did not know the cars were unmarked police cars, that the men where plainclothes police officers, or that the officers had mistaken Papa and his passenger for robbery suspects. 93

The police, who later said they believed Papa had a gun, fired at least three times on Papa’s vehicle as Papa and his friend cowered in the car. 94 Then the officers yanked the two men from the car, pistol-whipped them
and beat them with clubs. A Brooklyn grand jury declined to punish the officers accused of attacking Papa. When he took his case to the Justice Department, the civil rights division charged with prosecuting cases of police brutality, turned him down. The agency explained it had to pick and choose among the thousands of complaints it receives each year.

In an unforgettable 1991 incident, an amateur cameraperson videotaped four Los Angeles police officers mercilessly beating a black motorist, Rodney King, as twenty-three other officers looked on. Who among us doubts that, without the videotape, America might never have heard the name Rodney King, let alone learned of the vicious attack upon him by America's finest?

In 1992, Amnesty International issued a harsh indictment of the Los Angeles Police and County Sheriff's Department for violating international human rights standards through a pattern of unchecked excessive force. In its report, "Police Brutality in Los Angeles," Amnesty International cited "torture or cruel, inhuman or degrading treatment," prohibited by U.N. declarations and other international principles. The report suggests that African and Latino Americans bear the brunt of police excesses which include incidents in which officers or deputies struck people on the head with metal flashlights and lead-filled straps, police dogs attacked suspects who had surrendered or posed no threat, and officers unnecessarily fired Taser guns at suspects not resisting arrest.

Now, in 1995, fifty-five years after the Screws case, we have the Fuhrman Tapes; the reversal of two murder convictions in Los Angeles after L.A.P.D. officers admitted to fabricating the defendants' statements; and dozens, perhaps even hundreds, of victims of a band of five renegade Philadelphia police officers who for years have haunted

95. Id.
96. Id. Papa and his companion were eventually awarded 6.6 million dollars in a civil trial. Id.
98. In 1992, despite the telling videotape, an all-white Simi Valley jury acquitted police officers of the beating of black motorist Rodney King. After the verdict, unrest in Los Angeles left 58 dead. In 1993, a federal jury of two blacks, one Latino and nine whites convicted two officers of violating King's civil rights by using excessive force during a traffic stop. Sward, supra note 35, at 3-Z7.
100. Id.
101. Id.
102. See supra notes 72-74 and accompanying text.
a poor and black North Philadelphia neighborhood, beating, robbing, lying and planting phony evidence.\footnote{105}

All but the most wrongheaded among us would prefer to forget rather than confront this history/reality but for the fact that these historic patterns remain in force. Of course, none of this is to suggest that people of color in general, and blacks in particular, can never expect fair treatment from law enforcement or that all dark-skinned criminal defendants have been framed by the police. However, Professor Morawetz fails to understand that blacks (including Christopher Darden, Carl Douglas, Johnnie Cochran, O.J. Simpson, and presumably the African-American members of the Simpson jury) bring to any discussion of the Simpson case an acute awareness of the failures of the legal process. Our “reality” and our “fantasy” may be very different from the “reality” and “fantasy” of the white observer.\footnote{106}

This dialogue between myself and Professor Morawetz simply underscores that the race-consciousness deeply embedded in the American psyche has a distressing effect on the discourse between black and white Americans. In many ways, whites and blacks talk past each other. Just as white versions of substantial progress on racial attitudes\footnote{107} are also likely to ring hollow for many blacks, the stories that African Americans tell about America—stories of racism and brutality—simply do not ring true to whites.\footnote{108} White people have not been taught to hear it, and to ask them to credit such accounts is to ask whites to give up too much of what they “know” about the world.\footnote{109}


\footnote{106. See Regina Austin, \textit{Beyond Black Demons & White Devils: Antiblack Conspiracy Theorizing & the Black Public Sphere}, 22 FLA. ST. U. L. REV. 1021 (1994).}

\footnote{107. As one scholar has noted, white America’s ideas about progress are, ironically, given validity by a segregated society in which few white Americans spend much time with African Americans, and in which those African Americans who are most visible to white America are successful. Thomas Pettigrew, \textit{New Patterns of Racism: The Different Worlds of 1984 and 1964}, 37 RUTGERS L. REV. 673 (1985).}

\footnote{108. The March 25, 1931 Scottsboro incident, in which nine black youths were convicted for the rape of two white women, provides one example among many in our American history. “Nearly all Black southerners assumed the boys had been framed. A small group of white southerners concluded that the women had willingly had sex with the boys and cried rape only when they were caught. But most white southerners believed the women’s story.” JAMES GOODMAN, \textit{STORIES OF SCOTTSBORO} xi-xii (1994). A comparison of the reaction to the Scottsboro trial with polls on the guilt or innocence of O.J. Simpson, demonstrates that Americans’ perceptions of crime and justice continue to be divided along racial lines. See Robin D.G. Kelley, \textit{Stories of Scottsboro: The Rape Case that Shocked 1930’s America and Revived the Struggle for Equality}, 259 THE NATION 352 (1994). See also infra note 117.}

\footnote{109. Consider the experience of Professor Williams: Recently I got an urgent phone call from Thomas Grey of Stanford Law School. ... [A] rumor got started that the Benetton’s story [See}
Professor Morawetz cites to *Time Magazine*\textsuperscript{110} to support his view that the defense's hypothesis is implausible. But Morawetz and *Time Magazine* fail to examine the history of law enforcement as it relates to communities of color. While the conspiracy theory alleged by the defense may be perceived as “fantasy/fiction” by white Americans, non-whites may perceive the defense's theory to be grounded in “truth,” plausible, if not probable. Unlike Professor Morawetz, I do not see in the defense strategy “the exploitation of movie-based fantasies.”\textsuperscript{111} Instead, I see the exploration of the collective consciousness of black Americans and the possibility of police misconduct as a “real” possibility for a jury with nine black members.\textsuperscript{112}

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\textit{Williams, supra note 41} wasn't true, that I had made it up, that it was a fantasy, a lie that was probably the product of a diseased mind trying to make all white people feel guilty. At this point I realized it almost didn't make any difference whether I was telling the truth or not—that the greater issue I had to face was the overwhelming weight of a disbelief that goes beyond mere disinclination to believe and becomes active suppression of anything I might have to say. The greater problem is a powerfully oppressive mechanism for denial of black self-knowledge and expression. And this denial cannot be separated from the simultaneously pathological willingness to believe certain things about blacks—not to believe them, but things about them. . . . [T]he social consequence of concluding that we are liars operates as a kind of public absolution of racism—the conclusion is not merely that we are troubled or that I am eccentric, but that we, as liars, are the norm. Therefore, the nonbelievers can believe, things of this sort really don't happen (even in the face of statistics to the contrary). Racism . . . is all a big fantasy concocted by troublesome minorities . . . . It is interesting to recall the outcry in every national medium, from the \textit{New York Post} to the \textit{[New York] Times} to the major networks, in the wake of the \textit{[Tawana] Brawley case}: Who will ever again believe a black woman who cries rape by a white man? . . . \textit{[See Williams, supra note 41, at 166-178.]} Now shift the frame a bit, and imagine a white male facing a consensus that he lied. Would there be a difference? Consider Charles Stuart, for example, the white Bostonian who accused a black man of murdering his pregnant wife and whose brother later alleged that in fact the brothers had conspired to murder her. Most people and the media not only did not claim but actively resisted believing that Stuart represented any kind of “white male” norm. Instead he was written off as a troubled weirdo, a deviant . . . . There was not a story I could find that carried on about “who will ever believe” the next white man who cries murder.

\textit{Williams, supra note 41, at 242 n.5.} I find particularly interesting Williams' use of the word “fantasy.” It seems that “fantasy” for Williams (a black woman) is very different than “fantasy” for Morawetz. \textit{See Morawetz, supra note 65.} It seems these two people coexist in the same world, but live in very different ones.


111. Morawetz, \textit{supra} note 65, at 218.

112. The Simpson jury was ultimately composed of eight black women, one black man, one Hispanic man, and two white women. The alternates were one black man and one white woman (married to a black man). \textit{See Ann Cole, Opinion Research and Analysis} (unpublished), June 6, 1995 (on file with the author).
Cynthia Lee: *Beyond Black and White: Racializing Asian Americans in a Society Obsessed with O.J.*

The Simpson trial was about nothing if it was not about race. The victims were white, the defendant was black. Lead defense attorney, Johnnie Cochran, was African American as was second-chair Deputy District Attorney, Christopher Darden. The jury was predominantly black. The O.J. Simpson trial magnified racism and diversity as issues in the courtroom and society. As Cornel West says in his appropriately titled book: race matters.

But the Simpson trial was not simply about black and white. As Cynthia Lee politely reminds us, there was an Asian American presiding over a case that continually threatened to become a referendum on black and white. Issues surfaced in black and white, with the ultimate truth in the gray between.

There was something terribly convenient about the appointment of Lance Ito as judge in this trial. If he were black or white, he would have faced the scorn and skepticism of the other; as an Asian he donned the robes of the outsider, the objective third party.

Of course, Lance Ito was supremely qualified; he had been tested in the fire of the media trial before and survived. But you cannot tell me his race was ignored; you cannot tell me that if there had been a conviction there would not have been allegations that Ito, married (like O.J. was) to a white woman, pressed into this service by a white supervising judge, was simply an elegant solution by a white system seeking to defuse black rage.

114. WEST, supra note 24.
115. See generally Lee, supra note 113.
117. In September 1994 (before the first witness was called in the Simpson trial) a Los Angeles Times survey found that 28% of L.A. blacks were certain that O.J. was not guilty versus only 5% of whites. *Most in Los Angeles Area Unsure in Simpson's Case Poll*, Reuters, Sept. 26, 1994, available in LEXIS, Nexis Library. The national numbers were comparable: In July 1994 60% of black Americans believed O.J. Simpson to be innocent of the charges; 68% of white Americans believed him guilty. William Raspberry, *Judgement, Black and White*, WASH. POST, July 8, 1994, at 123. Also, before the trial began, two-thirds of L.A. blacks said they were sympathetic toward Simpson while only 34% of whites expressed sympathy. *Jury Selection Opening in Simpson Case*, BALTIMORE SUN, Sept. 26, 1994, at 1A.

In September 1995, after all the evidence was in, but before closing arguments began a San Francisco Examiner poll of San Francisco residents found that 17.8% of blacks,
When the television is off, it reflects our images; even those of us who are of color can see our image in the screen. When the television is on we so rarely can. And when we do, the portrayals are most often unflattering, buffoonish, and extreme. Several of my Asian American friends told me they watched the trial primarily because they could see a “dark-haired person with my features, my eyes,” in a role of intelligence, dignity, and authority.

In a trial in which a Jewish lawyer, representing the black defendant accused of killing his white wife, apologizes in court before a Japanese American judge for joking about a Chinese American witness,118 Cynthia119 is so very right: there is not only an intersection of race, gender, class, and the rest in each of us as individuals who view this event—there is an intersection of race, class, gender and the rest in the event itself.120 The fact that the trial is taking place in the state with the nation's largest minority population121 and in the county with the second-highest number of blacks of any U.S. county122 is simply proof that race can become an issue anytime, anywhere.

Above, I posited that this trial demanded the exploration of the collective consciousness of African Americans.123 In her essay, Cynthia, asks an essential question: What about the exploration of the collective consciousness of Asian Americans124 in the context of this trial? As is most often the case when race is an issue in America, the question of race in the context of the Simpson trial has been analyzed in terms of black and white.

65.2% of whites, 60.0% of Asians, and 52.0% of Latinos felt that O.J. Simpson was guilty. S.F. EXAMINER, Sept. 24, 1995, at A10. In August 1995, national surveys showed 75% of white Americans believe the charges against Simpson are “probably true” while only 40% of black Americans thought Simpson was guilty. Opinions on O.J. Guilt Split Wider on Race Lines, ROCKY Mt. NEWS, Aug. 3, 1995, at 3A.

119. I attended Boalt Hall with Cynthia and we graduated together in 1989. I hope she will forgive me for addressing her by her first name and eschewing the more formal “Professor Lee” or just plain “Lee.”
120. Lee, supra note 113, at 165-171.
121. Id.
122. Id.
123. See supra notes 29-45 and accompanying text.
124. I use “Asian American” in the knowledge that, while the dominant culture has used “Asian” to refer to race or to posit a monolithic culture, “Asian American” includes the experience of persons who have emigrated (or whose ancestors have emigrated) from Japan, China, Korea, the Indian subcontinent, the Philippines, Vietnam, Thailand and does not exclude others. To the extent that Asian Americans are assumed to be Chinese or Japanese, the experience/existence of other Asian Americans is erased. And to the extent that Chinese or Japanese Americans are assumed to be part of a monolithic group of Asian Americans, the unique experience and consciousness of the Chinese or Japanese American experience is erased.
We (and by "we" I mean whites and blacks) tend to do this in America. As with most of our national dialogues, the national dialogue surrounding the Simpson case has assumed that "majority" is synonymous with "white" and "minority" synonymous with "black." And we treat that assumption as an absolute and universal truth. These terms, however, have never been completely accurate. Indeed, they are increasingly inaccurate demographically. We must recognize that the "majority" shifts, that "minority" is not necessarily "black," and that "majority" does not necessarily mean a numerical majority. As Cynthia points out, even in legal scholarship, "race is often analyzed and discussed as if race were solely a black and white issue." 125 So right she is that any analysis of race and the Simpson trial must consider how Asian Americans have been portrayed and affected by this event. 126

Our culture defines race and racial identity oppositionally. In the American race paradigm, black/African American racial identity is located in opposition to white/European American identity. This strategy merges ethnicity, culture, gender, and class into race. The conflict constructed from the Clarence Thomas confirmation hearings illustrates this point. 127 The fact that both Thomas and Hill are African American had the effect of submerging race to gender in the dominant paradigm's account of the conflict. 128

With respect to Asian Americans, the dominant paradigm teaches us that Asians—neither black nor white—are foreigners with heavy accents who excel in business. 129 While it is true that the dominant paradigm rarely speaks of dominant white society directly, the paradigm arranges the various racial identities so as to preserve the authority of whiteness and devalue difference. Asian Americans are presented as the middleman minority and are used by the establishment as proof that, yes, some colored people can make it. Differences between blacks and Asian Americans emerge as a tale of relative non-whiteness. Where racial

127. See supra notes 18-28 and accompanying text.
129. See Lee, supra note 113, at 174-86.
identity is constructed oppositionally, conflict becomes inevitable and coalition becomes impossible.

While we see white as the polar opposite of black in the dominant paradigm, that paradigm ultimately defines African and Asian American identities in opposition to each other, as well. The paradigm neatly positions Asian Americans as white, relative to blacks.

Conflict between African Americans and Asian Americans highlights this point. In black-white conflicts, blackness is criminalized, while whiteness is associated with victim status. In black/Asian conflicts, the same conclusions are drawn. Consider the Rodney King and Latasha Harlins incidents. Each of these people was a victim and each emerged during the events surrounding the 1992 unrest in Los Angeles as symbols of racial injustice. But there the similarities end. The King verdict became representative of white oppression of blacks. Once the unrest began, however, Latasha Harlins came to represent white systemic, race-based injustice even as her victimization reinforced African American conflict. Her victimization goaded many to target Korean-owned stores for looting and vandalism, and for purposes of defining racial injustice, Asian Americans became identified with whites.

The dominant paradigm not only highlights racial differences, but ultimately makes those differences a source of inevitable conflict. The underlying assumption is that difference can only lead to contention. A positive relationship between black America and Asian Americans becomes impossible because we see only the racial differences.

130. Consider Rush Limbaugh's recent comments on the Simpson trial. Claiming that he was quoting Pacific Radio host Julianne Malveaux he said:

I think Nicole deserved what she got. But the most reprehensible person in this O.J. trial circus is Judge Ito. . . . I wish he would get a parasite from eating bad sushi and die. I mean it. His face should be on a wanted poster and distributed to all black gang members in L.A. who still haven't forgiven the Asian store owners for resisting the Rodney King rebellion.

Howard Kurtz, Rush Limbaugh, Socked with a Punch Line; Talkster Joke, Repeats Bogus Quotes, WASH. POST, Apr. 29, 1995, at D1. Malveaux had never made the remarks. Id.

131. See supra notes 97-98 and accompanying text.

132. Fifteen-year-old Latasha Harlins, an African American, was shot and killed by Korean-born grocer, Soon Ja Du, in a highly publicized and racially charged case. The grocer shot the teenager after accusing her of stealing a $1.79 bottle of orange juice. Soon Ja Du was sentenced to five years probation, 400 hours of community service, and a $500 fine. Haya El Nasser, Crime-Weary Public Scoffs at "Service" as Punishment, USA TODAY, July 6, 1995, at 6A. See also Gary Libman, Families Grieve Again After Graves Disturbed, L.A. TIMES, June 28, 1995, at E2.

133. I use "unrest" advisedly and with fast dwindling hope that the events in Los Angeles (and now the Fuhrman tapes) will provoke an effective dialogue as to the causes of the unrest. I realize that many call those events a "riot," others a "rebellion," and still others an "uprising." The unrest left 53 people dead, over 2,000 injured and 1,100 buildings destroyed or damaged at a cost of one billion dollars. Bygrave, supra note 97, at 1.
Cynthia's essay points out how very difficult it is for us to escape our race-consciousness. As we compete for space within the dominant culture, we begin to develop notions of identity and conflict that make Asianness the subordinator of blackness and vice versa. This serves to isolate the conflict from whiteness. Whether Asian Americans and African Americans can escape destructive forms of American race-consciousness will depend ultimately on our ability to claim our own identities.

In choosing our identities, black women and Asian-American women (and other women of color) cannot ignore or forget about the complexity of the interaction between racism and sexism in our lives. It will be difficult, if not impossible, to separate experiences we attribute to our gender from experiences we attribute to our race, class or other fundamental characteristics. The intersection of gender, race, class, sexual orientation, and other differentiating characteristics, affects how and when all women experience sexism, racism, classism.

We cannot ignore each other, as Cynthia so gently suggests some of us have done. Black women, who have contributed so much to feminist scholarship in recent years, must acknowledge our almost exclusive reference to black women and men in subject areas (e.g., the Simpson trial) that greatly affect all people of color. Racism affects us all, yet it affects us all differently. By combining our various experiences we can create a powerful matrix; a matrix that presents a multitude of categories—people at every intersection of race, gender, sexual orientation and class.

When Lance Ito is targeted for racial attack, we are all victimized insofar as offensive humor heightens tensions and reinforces negative stereotypes. To be sure, humor based on cultural stereotypes is nothing new and public officials have been putting their feet in their mouths for ages. But the targets have now become wide-ranging: whites, blacks,
Latinos, Asians, gays, men, women, conservatives, liberals, people with disabilities—with each group lobbing grenades at the others. And it seems that the use of off-color humor has become more public in recent years in a climate of scape-goating. Pair the climate of scape-goating with a popular culture that increasingly embraces whatever is shocking, and you've got a breeding ground for malicious and irresponsible humor.\textsuperscript{138} The kind of humor Cynthia addresses in her article just creates more hate.

That being said, it is heartening to see that finally there are heretofore voiceless communities of people getting into the marketplace of ideas. Twenty-five years ago, the Asian American viewpoint might not have not been heard. The opening of the dialogue means that large segments of the population and those in control of the media must listen and acknowledge that Asian Americans (and the rest of us) are present and making noise.

My Own View

Three times in as many days I have been asked to identify my racial/ethnic background. "What are you," each person—the manager of the garage where my car was being repaired, the checker at the local market, and the cameraperson for an interview I gave to a local television station—asked kindly enough. None of these people meant any harm. But, on each occasion, I bristled. First, I bristled at their need to fit/force me into a box: the Black Box, the White Box, or the "Other Box."

But I bristled also because, for hundreds of years, the dominant paradigm has been telling us that intermarriage is suspect, taboo, bad. And, for so long this society has been unwilling and unable to accept intermarriage and its products: the children, me.

For as long as blacks and whites have chosen to marry in this country, they have confronted another question: "But what about the children?" More often than not, this is posed as a warning rather than out of curiosity. Underneath lies a widely held assumption that the racial divide between white and black is vast and unbridgeable. And so, while two independent adults may be considered free to deal with the folly of their choice, they are appealed to on behalf of the undeserving offspring who

\textsuperscript{138} Talk shows and political round tables thrive on confrontation. Teenagers revere Beavis and Butt-head, the dimwitted icons of MTV. Racial epithets and splattered blood draw laughter in \textit{Pulp Fiction}. In 1993, Ted Danson showed up at a roast for Whoopi Goldberg in blackface and with exaggerated thick, white lips. He told jokes about his sex life with Goldberg and about interracial relationships and interracial children. When Danson was criticized about the act, Goldberg defended him. Doug Cress, \textit{Liberally Disabled Fight Back}, \textit{The News & Observer} (Raleigh, N.C.), Nov. 7, 1993, at E1. But see Margo Jefferson, \textit{Blackface Minstrelsy a Sign of the Times}, \textit{STATE J. REG.} (Springfield, Ill.), Nov. 7, 1993, at 27.
will supposedly suffer the results. Children of interracial unions are born into a racial netherworld, the conventional wisdom continues, destined to be confused, maladjusted, tragic mulattoes, the perpetual victims of a racially polarized society, unable to answer the question, "What are you?"

I want to tell these people who ask me, "What are you," that nothing about life or identity is clear-cut or guaranteed, certainly nothing that has to do with the issue of race. This is the reality for not only multi-racial Americans, but all Americans.

In one of the final scenes of Spike Lee's film Jungle Fever, there is a scene between the protagonists: Flipper Purify, an African-American architect, and Angela Tucci, his Italian-American girlfriend.

"What about kids?" Angie asks.
"No. No. No babies," says Flipper, shaking his head.
"Mixed-race babies come out nothing but a bunch of mixed nuts."139

To what extent is the O.J. Simpson trial a reflection of these dominant social constructs: the construct of interracial relationships as doomed to failure140 and interracial children as "mixed nuts"? The answer depends on who you ask.

Each one of us views the world through a very individual and subjective prism, one that reflects the joys and the frustrations of past experiences. My prism cannot deny the hostility toward interracial unions that is a part of American history and even—on a subtler level—modern American thought. Thus, for me, what gives the O.J. Simpson narrative special pathos, is the interracial characteristics of the drama. Like Othello and Jungle Fever, the O.J. story reinforces the impression that, in spite of initial love and passion, interracial relationships end in sorrow.141

Engaging the symbols of romantic love and interracial infatuation are additional symbols of justice against privilege. O.J. Simpson achieved a level of fame and economic advantage that most Americans—let alone, African Americans—can only imagine. He was the emblem of the American dream of individual success, proof that talented people can achieve prosperity regardless of race or economic origin: a version of reality that Americans want to believe exists. Were Nicole and O.J.

140. Othello, Birth of a Nation, Shaft, 100 Rifles, A Patch of Blue, and Jungle Fever are all films in which interracial intimacy was portrayed as either lurid, titillating, disingenuously chaste, or doomed to failure. Walter Leavy, Fifty Years of Black Love in Movies, EBONY, Feb. 1995, at 147.
141. In a real-life drama of love and devotion, my black father and white mother have been married for forty years.
American versions of royalty? Both were handsome; their former home was Camelot. But racial questions complicated the symbol.

It is perversely intriguing for some to see the mighty brought down, to see power diminished, particularly if the powerful person is a black man. Even though privileged, O.J. is an African American, and *People v. O.J. Simpson* reprises the themes of an historically wronged people that may never escape oppression.