

the nature of the litmus test, though he does try to refute it by citing Richard Nixon and Jack Kemp as conservatives who would have failed it. It is questionable whether Nixon as President or Kemp at any time was a conservative, even by the definition applied elsewhere by Frum, which is that of a Taft Republican who believes in small government and fiscal restraint.

Frum descends entirely into gibberish when he tries to yank neoconservative chestnuts out of the fire. He tells us, for example, that it was not the neocons but Ed Feulner, someone "who never in his life had a good word to say about the Great Society," who was "much more instrumental than Kristol in kiboshing [M.E. Bradford's] appointment [as NEH director]," Feulner having been forced to take this action by Bradford's tendency to "liken Abraham Lincoln to Hitler."

Reagan, Frum explains, had withdrawn his support from Bradford because he did not "wish to wreck his political honeymoon in order to refight the Civil War." We may wonder (or should we?) why Frum does not level the same charge against Bennett and Kemp, who have lectured white Southerners on the need to atone for their history of slavery. And what about Reagan's own attempt to "refight the Civil War" by issuing an executive order to cease decorating Confederate monuments in and around the District? Describing Feulner and the Heritage Foundation as being without neocon ties, moreover, is an exercise in deception. In 1981, when Feulner went to Reagan in order to defame Bradford, well over half of his annual operating budget came from neoconservative sources.

Such desperate attempts to uphold neocon revisionist history show Frum at his worst. But he does have a better side, which can be seen in several of his shorter pieces. His remarks about Harry Truman as a vicious politician and his withering assessment of the religious right suggest the presence of a critical intelligence. Frum's essay "The Legacy of Russell Kirk" is the finest piece I have ever read on the subject, though, like everything else in his anthology, it should have been written with more care. A better edited and vastly expanded draft of this critical tribute should have been placed at the end of the volume, instead of Frum's boilerplate remarks on the Passover Seder. But here the editorial call might not have been Frum's: his

patrons might have mistaken for high theology his quite conventional gloss on the Passover Haggadah.

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Free at Last

by Gregory McNamee

**The Run of His Life: The People
v. O.J. Simpson**

by Jeffrey Toobin
New York: Random House;
470 pp., \$25.00



The criminal trial of the former football great O.J. Simpson on the charge of murder, a trial that overshadows the Gulf War as the media event of the 1990's, has been over for more than a year. The civil trial against him, charging that he violated the civil rights of Nicole Brown Simpson and Ron Goldman by murdering them, has begun with considerably less fanfare: an abatement in the media bombardment for which we should all be grateful.

The criminal trial, Jeffrey Toobin observes in his ably written book, involved "92 days of testimony, 58 witnesses, 488 exhibits, and 34,500 pages of transcripts." Toobin was on hand for every numbing moment, and he reports his findings in his dense yet thoroughly readable account, which may be the only one of the many books to have come from the trial that does not seek to make its author a hero.

Toobin does not tantalize. He announces early on a conclusion that many observers reached before the criminal proceedings began: O.J. Simpson, football star and minor celebrity, is guilty of having committed double homicide on the night of June 12, 1994. The jury did not agree with Toobin's conclusion: it let Simpson walk, shrugging off a body of evidence that, in the author's view, establishes Simpson's guilt beyond reasonable doubt.

Most black Americans, according to polls conducted at the time, agreed with the jury; most white Americans did not. That ethnic division, Toobin argues, was a natural outcome of the conduct of the

trial during which Simpson's defense team made race—not the guilt or innocence of a single man—the issue of contest. Politically hijacked from the outset, the trial took on a *Rashomon*-like quality in which differing accounts of what had happened on that June night mattered less than did differing perceptions of the kind of man O.J. Simpson is.

Toobin has his own answer, citing "the banality, self-pity, and narcissism that are the touchstones of [Simpson's] character." Yet, a former trial attorney himself, he expresses a sort of indignant admiration for the defense strategy, a masterpiece of indirection that its author, attorney Robert Shapiro, later tried to disavow. The race card, Toobin writes, was shameless; and shamelessly unbelievable, inasmuch as Simpson had taken great pains throughout his adult life to distance himself from the black community. Small wonder that at the time of the trial Jesse Jackson called him a "de-ethnicized Negro." As Toobin points out, when Simpson penned a supposed suicide note before embarking on his infamous, heavily televised freeway flight, he named among his 15 best friends only one black man, the fellow football player A.J. Cowlings; the rest were wealthy, middle-aged white men. But, as Simpson himself once said, "I'm not black. I'm O.J."

Regardless, the mainstream press, fearful of exacerbating ethnic tensions in the wake of the Rodney King verdict, never questioned the strategy of making O.J. an African-American hero—a misdirection that then allowed the defense to put forward grand, unsubstantiated claims that Simpson was on the dock as a result of a racist conspiracy engineered by the Los Angeles Police Department. The misdirection was successful, Toobin writes, because it was played out before a sympathetic jury composed of black men and women whom pretrial polling suggested were likely to support Simpson's claim of innocence. That jury, the polling also revealed, was disposed to dislike the lead prosecuting attorney, Marcia Clark; a severe woman who, Toobin writes, tended to see cases as clear-cut instances of good against evil. Yet, Toobin reports, "the Simpson case blurred the lines between the good guys and the bad in a way that Clark had never encountered."

Her conviction that she served the forces of good caused Clark to make hubristic mistakes, Toobin argues.

Among the more famous of these was to embrace uncritically the testimony of Mark Fuhrman, the police detective who turned up evidence at the scene of the murder and at Simpson's house, and who incidentally happened to be a self-admitted sociopath with a long record of racist actions. Another was Clark's allowing the case to come to trial at warp speed, which played to the defense's advantage by cutting the time the prosecution had to gather evidence. Still another was Clark's locking her case to a time line that allowed no small variations, no margin for error, and that ultimately allowed the defense to cast doubt on her assertions.

Toobin shows that what Marcia Clark did not successfully do throughout the trial was to convey a sense of the preponderance of evidence of Simpson's guilt. He notes that the blood drops found on Nicole Simpson's stone pathway matched Simpson's type, which is shared by only seven percent of the American population. The blood on the infamous glove found behind Kato Kaelin's apartment, too, was a mix of Simpson's with that of his two victims. Those gloves, later the subject of an exquisitely stupid moment at the trial, were rare; Nicole had bought them, one of only a few hundred pairs made, for Simpson at a shop in New York City. Hair from the victims was found on the clothes Simpson had worn; so were fibers from their clothing. Prints from his shoes were discovered at the site of the murders. His Bronco was seen leaving the site of the crime at the estimated time of the murders. He had no alibi. He had a fresh cut, blood on his clothing, blood on his automobile. Although the initial prosecuting attorney, William Hodgman, wanted to amass further evidence to make the case airtight, his associates urged that Simpson be arrested immediately. Simpson failed a lie-detector test with a score of -24. Any score lower than -6 indicates that a suspect is lying. (F. Lee Bailey later explained this away unchallenged, maintaining that Simpson was emotionally distressed at the time of the test.)

But in this case, race—not evidence—was what mattered. Important, too, was celebrity, and in this case the celebrity of O.J. Simpson and his lawyers—Gerry Spence, Alan Dershowitz, F. Lee Bailey, Robert Shapiro, and Johnnie Cochran (in Toobin's eyes the best of the lot)—who were in the main more famous for being famous than they were for being

great attorneys. None of those lawyers bought their own lines. All exhibited what one distinguished jurist calls "the indifference to truth that advocacy entails."

Toobin offers substantial testimony to these lawyers' cynicism: the defense's readiness to plea-bargain for lesser charges the moment the evidence threatened to turn the jury against Simpson; Robert Shapiro's wife Linell's cheerfully announcing at cocktail parties, "Guilty, guilty, guilty"; Alan Dershowitz's equally cheerful admission, "Almost all of my clients have been guilty"; and Johnnie Cochran's building throughout the trial "a Potemkin village of assertions." Cochran's masterful construction of an alternate reality, Toobin says, is what truly won the day for Simpson. "There was nothing beneath the rhetoric. No matter; the evidence mattered less than what Cochran said it would be. He had planted the seeds: the LAPD was corrupt; O.J. was virtuous; Nicole deserved what she got."

An implausible defense matched with a jury predisposed to acquit (three-quarters of those jurors, Toobin reports, believed Simpson to be innocent because he was a football player, and football players don't murder people), an incompetent prosecution, an even more incompetent judge whom the defense beat like a stolen mule: these things, Toobin writes in this sadly damning book, conspired to set O.J. Simpson free.

Gregory McNamee's latest book is the Sierra Club Desert Reader.

The Washington Touch

by Sol Schindler

Origins of a Catastrophe

by Warren Zimmermann

New York: Times Books;

257 pp., \$25.00



Warren Zimmermann was the last American Ambassador to Yugoslavia (from 1989 to 1992), and his memoir is of historical interest, but not for reasons the author intended. When Warren Zimmermann arrived in Bel-

grade in 1989, Yugoslavia was still a federation of six republics with a federal cabinet and government. Because of the changes brought about by the new constitution of 1974, the centers of power had shifted from the federal to the republican administrations. Thus the new ambassador presented his credentials not only to the federal president, but called upon the presidents of all the republics, the sole exception being Serbia. It took nearly a year—halfway through a normal diplomatic tour—before he could get an appointment to meet Slobodan Milosevic, the Serbian president.

This extraordinary delay could only be construed as a calculated insult. But why would the Serbian president want to antagonize the ambassador of the most powerful country on earth, a country that had through the years extended economic aid and worked continuously to maintain good relations with Yugoslavia? It is clear from his account that well before his arrival in Yugoslavia, Ambassador Zimmermann was deeply concerned about the human rights situation in Kosovo, where ethnic Albanians were in the majority and felt abused by the ruling Serbian government. After his arrival he expressed his concerns about the Albanians to a number of highly placed Yugoslavs who, of course, reported them to Milosevic. He in turn would certainly have resented what he considered American meddling in internal Yugoslav affairs. When the ambassador was invited to the commemoration of the 600th anniversary of the Battle of Kosovo, the battle in which medieval Serbia lost its independence and which had been a national day of mourning since, he had not yet been allowed to call on Milosevic. He therefore declined the invitation. He "made no effort to influence" the decisions of others, but actions speak louder than words, and, as a result, all the European ambassadors also declined. This rather puerile game of tit for tat, snub for snub, benefited no one. It was not the way a diplomat would like to begin a tour abroad.

Zimmermann tries to discredit the notion that ancient ethnic hatreds caused the civil war, arguing that Yugoslavia was formed originally as a voluntary association of south Slavs, with certain religious and linguistic differences that caused no particular strife. He is, of course, correct. He fails to mention, however, the massacres of Serbs and Croats and Muslims during World War