

Fact-Checking Episode 9 of 'American Crime Story: The People v. O.J. Simpson'

BY Abigail Rowe | March 30, 2016



Friends, we're coming up on the end. There's only one episode left of *The People v. O.J.*, only 50 more minutes of Clarden and Cochran and co., before the trial fades back into pop culture history (well, **not really**). Maybe that's why this week's episode felt particularly somber. There were no campy cheers, no rom-com dalliances, no goofy media grabs—just a bunch of mostly well-meaning people getting

screwed over in a bunch of different ways. Our prosecutors, to start, are pretty much done for; our judge has to listen to sexist trash about his wife; our victims' families are realizing they won't be seeing any justice. And sure, Johnnie gets his tapes, but listening to them confirms a truth he definitely didn't want to hear. The only person who really wins in the O.J. trial is O.J. And in a case this big, with this many players, that doesn't really feel like enough.

But before we get too bummed out, let's make sure all this stuff actually happened IRL. Did Darden call the case a "circus?" Did Fuhrman vandalize an MLK poster with "KKK?" Where can we find O.J.'s exercise video? The answers to all questions, big and small, below, in this sorta sad, season's-almost-over fact check. Read it and weep!

The Tapes

True or False: *Laura McKinny was a failed screenwriter who recorded the Fuhrman tapes while conducting research on the LAPD.*

Important backstory, so it's good to see **they got this right**. McKinny was working on a script at the time (**about women on the force**) before leaving LA to teach screenwriting in North Carolina. Unfortunately for McKinny, the trial sort of dashed her plans of ever writing anything under her own name—and saddled her with **\$50,000 in legal fees**. Yikes.



True or False: *A North Carolina judge refused to give Cochran and his team the tapes.*

True! Definitely a setback for the defense (albeit one they solved via appeal pretty quickly) and one that left Cochran “**visibly shaken.**” Whether this was due in part to Cochran’s race and the location of the ruling (i.e. “dixie”) we can’t say for sure—but it definitely wouldn’t be the least believable part of the trial.

True or False: *Fuhrman stated on the tapes how much he hated Judge Ito’s wife, Peggy.*

Again, **true.** Fuhrman did **insult** Margaret “Peggy” York, the first woman to be appointed **LAPD deputy chief**, in his tapes. As for women in the force in general, Fuhrman comes off like your **everyday troll**: “I won’t eat with them, I won’t have coffee with them, I won’t be seen with them. It’s embarrassing. Where does some woman five feet tall and 98 pounds get off coming out? I can bench press almost four times what she weighs.”

True or False: *Ito only allowed for two sentences in the 13 hours of tape, those which directly contradicted Fuhrman’s previous testimony.*

True! You can read Ito’s full ruling on the tapes **here.**

The Racist

True or False: *Fuhrman wrote “KKK” on a Martin Luther King Jr. poster.*

Not exactly. The only confirmation of this we could find was in Darden’s *In Contempt*, and even that wasn’t a poster, but a calendar, with “KKK” **scrawled in the MLK Day slot.** This certainly doesn’t seem out of character for Fuhrman, but this particular incident doesn’t look to have been widely reported.

True or False: *Fuhrman asserted his Fifth Amendment privilege when asked if he planted evidence in the O.J. case.*

True—but it was **Uelmen**, not Cochran, who questioned him. You can watch the footage **here** (complete with a dramatic backing score) and **judge for yourself.**

The Trial

True or False: *Darden accidentally called his witness a racist.*

...**Nope**. Darden did say it wasn't racist to claim that voices can "sound black," but the witness (and jury) were all **out of the room** by that point. Ito did threaten to hold Darden and Cochran in contempt, though! More about this exchange **here**.

True or False: *Darden claimed the case was "a circus" in a courtroom outburst.*

True-ish. Darden **did say** that "this case is a circus and they made it a circus," "they" being the defense, but that was a month after the black-voice-white-voice headbutting.

True or False: *Darden and Clark considered allowing for a mistrial.*

This is obviously something that crossed their minds, but it's **most likely not true** that they would have actually wanted to go through with it. A mistrial might have proven **even more difficult** to win, according to a '95 *Times* article, with the defense sure to argue that O.J. couldn't even be legally tried again.

The Juice

True or False: *The defense claimed O.J. was an arthritis sufferer incapable of murder: "He may look like Tarzan, but he moves like Tarzan's grandfather."*

True, yes, O.J.'s doctor actually said this in court. **Dr. Huizenga compared him to Tarzan three times**, saying the accused double-murderer "really has the physique of Tarzan," and that (again), "Although he looked like Tarzan, he was walking more like Tarzan's grandfather."

True or False: *O.J. filmed an exercise video two weeks before the murder.*

Yes, yes, **also true**, and oh man. You can watch a cut from the final version **here**, or some outtakes **here**. "I used to walk on the wild side," a panting O.J. tells the camera. "Now, I just take brisk walks." And on his Brentwood home: "The house was so chopped up, you'd have no idea." He also **sneaks a domestic violence joke** in there!

Everything Else

True or False: *Protesters held up "Das Fuhrman" signs.*

There aren't any documented photos or reports of the Das Fuhrman signs, but protesters were a regular feature outside of the courtroom, and certainly while the tape scandal was unfolding. The public would have been already loosely aware of Fuhrman's alleged Nazi fandom—reports came out months earlier in **September** that claimed he



“walked around on weekends wearing Nazi paraphernalia.” The signs themselves are **probably not true**, but the sentiment behind them definitely was.

True or False: *Clark was granted primary custody during the trial.*

Reports on this are actually pretty conflicting. Though her divorce is sometimes listed as having been finalized in 1995, one *People* magazine article claims she and Gordon were **still working on a settlement** as of March 1996. Clark fought hard to keep details of the divorce **private** during the trial, so perhaps it’s unsurprising that we should still be fuzzy on exactly how (and when) it ended. So we won’t say this is outright false, but we **won’t say it’s true**, either.

<http://www.complex.com/pop-culture/2016/03/people-v-oj-simpson-episode-9-fact-check>