



Excerpts from the Fuhrman Tapes

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SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

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| PEOPLE OF THE STATE OF CALIFORNIA |
| Plaintiffs,                       |
|                                   |
| vs.                               |
|                                   |
| ORENTHAL JAMES SIMPSON           |
| a.k.a. O.J. SIMPSON              |
| Defendants                       |
|                                   |
| CASE NO. BA 097211               |
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DEFENSE AMENDED OFFER OF PROOF RE: FUHRMAN TAPES

TO THE HONORABLE LANCE A. ITO JUDGE OF THE SUPERIOR COURT OF
LOS ANGELES COUNTY, AND TO THE DISTRICT ATTORNEY FOR THE
COUNTY OF LOS ANGELES AND HIS DEPUTIES:

The defendant ORENTHAL JAMES SIMPSON, by and through his counsel of record,
hereby makes this officer[sic] of proof of excerpts from the tapes and transcripts
delivered to the Court by Laura Hart McKinny in response to the out-of-state subpoena
served in North Carolina.

DATED: August 22, 1995

Respectfully submitted,

LAW OFFICES OF JOHNNIE L. COCHRAN, JR.
BY: /s/Johnnie L. Cochran, Jr.
/s/Gerald F. Uelmen
/s/Carl E. Douglas
/s/Shawn S. Chapman
/s/F. Lee Bailey

LAW OFFICES OF ROBERT L. SHAPIRO
BY: /s/ROBERT L. SHAPIRO

A. Context of the "Fuhrman Tapes"

The evidence will establish that in February, 1985, Laura McKinny first met Los Angeles Police Department Officer Mark Fuhrman in a Westwood restaurant. At the time, Ms. McKinny was employed by U.C.L.A., assisting in an educational program for athletes. She was also a writer, interested in writing a screenplay and a novel about the experience of women police officers. After learning that Officer Fuhrman was an L.A.P.D. officer and had strong views about the employment of women as L.A.P.D. officers, Ms. McKinny engaged Fuhrman as a consultant, to provide background information about the reality of the experiences of L.A.P.D. police officers and to serve as a technical advisor in the development of a screenplay.

Ms. McKinny met with Officer Fuhrman for a series of taped interviews spread over a ten-year period, from April, 1985 to July, 1994. The interviews were transcribed by her onto twelve transcripts, dated as follows:

1. April 2, 1985
2. April 1985 (no day noted).
3. April 15, 1985
4. April 16 1985
5. August 20, 1985
6. April 23 1985
7. May 23 1986
8. August 22, 1986
9. April 7, 1987
10. 1988 (no month or day noted).

11. June 1993 (no day noted).
12. July 28, 1994

The tapes for the transcribed interviews were retained, with the exception of the first and the ninth, which were subsequently taped over. Thus, the "tape numbers" do not match the "transcript numbers." In a subsequent transcription of the tapes prepared by the defense, the transcripts were assigned the same numbers as the tapes, giving rise to the confusion the court encountered in correlating the offer of proof to the transcripts. Apparently, the court was not supplied with the transcripts prepared by Ms. McKinny, from which the original offer of proof was compiled. In this amended offer of proof, the twelve transcripts prepared by Laura Hart McKinny will be referred to as McKinny Transcript No. __ p.__. The transcriptions of the tapes prepared by the defense will be referred to as "Tape no.__, p.__."

In the case of the McKinny transcripts of tapes that were subsequently taped over, there will, of course, be no cross reference to tapes. These items will be proven by the recollection of Laura Hart McKinny, or where she has insufficient present recollection to enable her to testify fully and accurately, by offering her transcript as past recollection recorded under California Evidence Code Section 1237. There is also one tapes[sic] that was never transcribed by Ms. McKinny.

This has now been transcribed as Defense Tape No. 9. References to this tape in the Offer of Proof will not include cross-references to McKinny transcripts. In addition, tapes no. 7 and 10 contain material that was never transcribed by Ms. McKinny. Her transcript No. 7 is labeled "Excerpts from Tape," and her transcript No. 10 is in summary form. Thus, some excerpts from Tapes No. 7 and No. 10 will not include cross-references to McKinny transcripts.

On two occasions, Ms. McKinny utilized additional persons to meet with Detective Fuhrman and participate in the interviews. Both interviews were conducted on April 23, 1985 and the participants were Martha (Lorrie) Diaz, a friend of Ms. McKinny's, and James Washington, then a student of Ms. McKinny's at U.S.L.A., now a professional football player.

In her Transcript No. 6, Ms. McKinny separately numbered the transcript of the meeting with Detective Fuhrman and Ms. Diaz (referred to as McKinny Transcript 6-1) and the meeting with Detective Fuhrman and Mr. Washington (referred to as McKinny Transcript 6-2). In Tapes No. 6A and 6B, the meetings appear in a different order than they appear in the McKinny transcript.

The nature of her transcripts reflects the development of Ms. McKinny's project. The earlier transcripts were background interviews, in which Fuhrman was asked to recount personal experiences and give his personal point of view. McKinny Transcript No. 1, for example, includes her request to "know these mundane details," and "your sequence of daily events." (p.1) and the reminder, "we're using you as an example of course." (p.18). McKinny Transcript No. 4, p. 1 (Tape No. 4, p. 1) contains the following exchange:

HART: I just transcribe you.

FUHRMAN: Verbatim

HART: I have to.

FUHRMAN: All the cocksuckers. Everything. That's important. That's policeman's talk.

HART: It's life talk. It's not just policemen's talk.

FUHRMAN: But, we have mastered it. No, the Marine corps mastered it.

Later, in the same interview, Ms. McKinny clarified the underlying purpose of her interviews:

HART: Exactly. Look Mark, all we're really trying to do . . . first of all the premise is real clear. And none of the research that I do, no matter what I'm doing, riding along, spending the night in Watts, it doesn't change the premise. It's just that this kind of story is so controversial, that it has to be so well-documented that you get enough other people's point of view, so that if somebody calls you on it, you say: `yeh, I did that. I heard what they had to say. I was there.'

FUHRMAN: Yeh. The only thing is, are they telling the truth?

MCKINNY: It's their truth.

FUHRMAN: How do you prove it?

MCKINNY: You perceive things the way you perceive them due to your frame of reference, background and learned experience, same with me, same with Joe. . .

(Tape No. 4, p.12; McKinny Transcript No.4, p. 15).

The interviews also included Officer Fuhrman's reactions to drafts of the screenplay, and the characters an dialogues presented.

The occasions when Officer Fuhrman is making suggestions regarding fictional portrayals are easily identifiable from the context of the interviews. Most often, he is reacting to the portrayals in terms of whether they realistically reflect his own experiences. Ms. McKinny described his "creative participation" in these terms:

"The problem with this Mark is that the people that we're creating . . . I don't have any problem with you at all. I don't have any problem working over the ideas with you, and having you read over scenes and saying, `No, I wouldn't say that,' or `Yes, I would.' That's part of your creative participation in what we are doing. But, as far as a female goes, that's more difficult, because if you create her as someone who is weak, who cares."

(Tape No. 4, p. 16; McKinny Transcript No. 4, p.21).

Throughout the interviews, Officer Fuhrman offers first person experiences, in terms of "I" did this, or "I" did that. There are frequent references to fellow officers, often by name. He is asked, for example, "What kind of life or death situation have you been in." (*McKinny Transcript No. 6-1, p.33; Tape No. 6B, p.1*) or "so what makes you want to be a police officer." (*McKinny Transcript No. 6-2, p.10; Tape No.6A, p.12*)

The final interview was conducted on July 28, 1994, after Fuhrman had testified as a witness at the Preliminary Hearing in this case. In it, he makes several references to his role as a witness.

B. Racial Animosity and Use of Racial Epithets

During cross examination of Detective Fuhrman on March 15, 1995, the following testimony was elicited: (*R.T. 18898-99*)

Q. By Mr. Bailey: Do you use the word "nigger" in describing people.

Ms. Clark: Same Objection.

The Court: Presently?

Mr. Bailey: Yes.

The Court: Overruled.

The Witness: No, sir.

Q. By Mr. Bailey: Have you ever used that word in the past ten years?

A: Not that I recall, no.

Q: You mean if you called someone a nigger you have forgotten it?

A: I'm not sure I can answer that question the way you phrased it, sir.

Q: You have a difficulty understanding the question?

A: Yes.

Q: I will rephrase it. I want you to assume that perhaps at some time since 1985 or 1985, you addressed a member of the African American race as a nigger. Is it possible that you have forgotten that act on your part?

A: No, it is not possible.

Q: Are you therefore saying that you have not use that word in the past ten years, Detective Fuhrman?

A: Yes, that is what I'm saying.

Q: And you say under oath that you have not addressed any black person as a nigger or spoken about black people as niggers in the past ten years, Detective Fuhrman?

A: That's what I'm saying, sir.

Q: So that anyone who comes to this court and quotes you as using that word in dealing with African Americans would be a liar, would they not, Detective Fuhrman?

A: Yes, they would.

Q: All of them, correct?

A: All of them.

The "Fuhrman Tapes" contain forty examples of the use of the term "nigger" to refer to black persons in a racially disparaging context. These references were not casual slips of the tongue, but a consistent pattern that recurs throughout the transcripts. In only one case - item no 12 - was Fuhrman assuming the role of a fictional character when the word "nigger" was used.

1. (*...speaking of changes in composition of L.A.P.D.*).

"That we've got females ...and dumb niggers, and all your Mexicans that can't even write the name of the car they drive."

(McKinny Transcript No. 1, p.11.)

2.(*...speaking of the physical risks to officers*).

"If I'm wrestling around with some ____ nigger, and he gets me in my back, and he gets his hands on my gun. It's over."

(McKinny Transcript No. 1, p. 12)

3.(*...describing arrest of a suspect*).

"She was afraid. He was a big nigger, and she was afraid."

(McKinny Transcript No. 1, p. 20)

4.(...explaining arrest of a suspect in Westwood).

"He was a nigger. He didn't belong. Two questions. And you are going: Where do you live? 22nd and Western. Where were you going? Well, I'm going to Fatburger. Where's Fatburger. He didn't know where Fatburger was? Get in the car."

(McKinny Transcript No. 1, p.33)

5.(...commenting on L.A. P. D. politics).

"Commander Hickman, was a dickhead. He should be shot. He did that for one thing. He wants to be chief, so he wants the city council, and the police commissioner, and all these niggers in L.A. City government and all of 'em should be lined up against a wall and fuckin' shot."

(McKinny Transcript No. 1, p.41)

6.(...discussing American aid to drought victims in Ethiopia).

"You know these people here, we got all this money going to Ethiopia for what. To feed a bunch of dumb niggers that their own government won't even feed."

(McKinny Transcript No. 1, p. 44)

7 & 8(...discussing where he grew up in the state of Washington).

"People there don't want niggers in their town. People there don't want Mexicans in their town. They don't want anybody but good people in their town, and anyway you can do to get them out of there that's fine with them. We have no niggers where I grew up."

(McKinny Transcript No. 1, p.45)

9.(...speaking of women as training officers).

"When I came on the job all my training officers were big guys and knowledgeable, some nigger'd get in their face, they just spin 'em around, choke 'em out until they dropped."

(McKinny Transcript No. 1., p. 47)

10.(...discussing use of chokehold by L.A.P.D.).

"No, we have to eliminate a choke hold because a bunch of niggers down in the south end of L.A. said this is bad."

(McKinny Transcript No. 1., p. 49)

11.*(...discussing police use of term "Bubba").*

"You know, policemen also use "Bubba" a lot, 'cause it's a slam term, because niggers you know they call each other Bubba. They go, hey Bubba, what's happening, like that." *(Tape No. 10, p. 6; McKinny Transcript No. 2, pp. 3-4)*

12.*(...suggesting how a fictional character would respond to a question whether officers would respond to a question whether officers need probable cause to stop and search suspects).*

Q: Why are you even talking to them?

A: Nigger. Stop them. See who they are.

Q: You don't have any probable cause? You just want to talk to them?

A: ...probable cause. You're God. *(Tape No. 1, p.26; McKinny Transcript No. 2, p.14)*

13.*(...discussing where Black Muslims live).*

Q: Why do they live in that area?

A: That's where niggers live." *(Tape No. 1, p.28; McKinny Transcript No. 2, p.15)*

14.*(. .. discussing the exhilaration of winning).*

"I mean, that's just the way you feel, you know. You've got 200 Niggers that are trying to take you prisoner." *(Tape No. 1, p.1; McKinny Transcript No. 2, p.19)*

15.*(...suggesting police reaction to resistant suspect).*

"She's a policeman in this city, and don't you ever fight or fuck around with policemen. You'll do what you're told, you understand Nigger." *(Tape No. 1, p.10; McKinny Transcript No.2; p. 21)*

16.*(...discussing woman officer learning fencing).*

"You just go out and what are gonna do with some Nigger with a knife? Go `on guard?' I mean that's bullshit." (*Tape No. 4, p.2; McKinny Transcript No. 4, p.2*)

17.(... *describing practicing martial arts kicks*).

"I used to go to work and practice movements. Niggers. They're easy. I used to practice my kicks. (*Tape No. 4, p.9; McKinny Transcript No.4, p.12*)

18.(...*discussing lack of women football players*).

"Don't they think they are physically capable? They can arm wrestle 6'7" Niggers." (*Tape No. 4, p.24; McKinny Transcript No. 4, p.30*)

19. & 20.(...*discussing use of chokehold by L.A.P.D.*)

"We stopped the choke because a bunch of Niggers have a bunch of these organizations in the south end, and because all Niggers are choked out and killed -- twelve in ten years. Really is extraordinary, isn't it?"

(*Tape No.4 pp.28-29; McKinny Transcript No. 4,p. 35*)

21-24.(...*directing Laura Hart to Wilshire Division*).

"Go to Wilshire division. Wilshire division is all niggers. All Niggers, Nigger training officers, niggers ...with three years on the job. Think of that 3 plus 1."

(*Tape No.5, p.11; McKinny Transcript No.5, p.9*)

25.(...*describing his partner Tom*).

"He grew up in school with all blacks, and every time a nigger looked at him, he'd jump them cause he figured they were going to jump on him, so he might as well start the fight right now and get it over with." (*Tape No. 5, p.12; McKinny Transcript No. 5, p.10*)

26.(...*describing the "last white strongholds"*.)

"Westwood is gone, the niggers have discovered it. When they start moving into Redondo and Torrance. Torrance is considered the last white middle class society." (*Tape No. 5, p.17; McKinny Transcript No. 5, pp. 13-14*)

27.(...*discussing female police officers*.)

"They don't do anything; they don't go out there and initiate a contact with some 6'5" nigger that's been in prison for 7 years pumping weights." (*Tape No. 6A, p.34; McKinny Transcript No. 6-1, p.11*)

28.(...addressing Diaz).

Fuhrman: Oh, how many people have you killed, dear?

Diaz: Give me the opportunity and I would.

Fuhrman: I didn't ask you that. You don't even know what it is like.

Diaz: You haven't given me the opportunity yet.

Fuhrman: Yea, you're talking shit, you sound like a nigger talking shit."
(*Tape No. 6A, p.43; McKinny Transcript No. 6-1, p.23*)

29.(...describing working the Mardi Gras.)

"They have a bunch of niggers up there, two guys, they're like 5'6", they got punched right in the face." (*Tape No. 7A, p. 15*)

30.(...discussing firearms.)

"There is going to be a massacre in the future in [sic] they know that. There is the Rolling 60's, nigger group they went into a sporting good store and stole 50 Uzis, 3,000 rounds." (*Tape No. 7A, p.17.*)

31.(...describing need for quick pursuit.)

"These niggers, they run like rabbits, ...some policemen just sit there and they look, you have to tell them what to do." (*Tape No. 7A, p.20*)

32.(...describing reaction of rape victim to female officer).

"What if I've just been raped by two buck niggers, and a female shows up?" (*Tape No. 7A, p.25; McKinny Transcript No. 7, p.24*).

33.(...commenting on the kind of police misconduct investigated by Internal Affairs.)

"Now, it's funny because guys in Internal Affairs go, 'Mark, you can do just about anything. Get in a bar fight. We'd love to investigate just some 'good 'ol boy' beating up a nigger in a bar.'"

(*McKinny Transcript No. 9. p.1*)

34.(...describing boredom of working in the Valley).

"It's pretty clear-cut who the assholes are. You go to Pacoima, you got bikers and niggers."

(McKinny Transcript No. 9, p.4)

35.(...discussing grounds to stop automobiles)

"Nigger drivin' a Porsche that doesn't look like he's got a \$300 suit on, you always stop him."

(McKinny Transcript, No. 9, p.11.)

36.(...describing thought-process of police reactions).

"How do you intellectualize when you punch the hell out of a nigger? He either deserves it or he doesn't."

(McKinny Transcript No. 9, p.11)

37.(...describing officers who work narcotics).

"I mean narcotics isn't full of niggers and Mexicans. They're full of white guys that wear cowboy boots."

(McKinny Transcript No. 9, p.12)

38.(...describing the "77th lie detector test.")

"Why don't you give them the 77th lie detector test? You know and a bunch of guys will laugh -- old timers, you know. And then the kid will ask his partner 'What's that?' You choke him out until he tells you the truth. You know it is kind of funny, but a lot of policemen will get a kick out of it. Anyway so you are in the shadows like that, now your -- when you are talking to somebody it is not like you are really listening into their words because you will key on what is the truth and what isn't. First thing, anything out of a nigger's mouth for the first five or six sentences is a fucking lie. That is just right out. There has got to be a reason why he is going to tell you the truth." (Tape No. 10; pp. 21-22)

39.(...describing taking a suspect "to the baseball diamond.")

"We basically get impatient with him being so fucking stupid. Which I thought he was. So I just handcuffed him and went the scenic route to the station. We searched him again and found the gun. Went over to the

baseball diamond and talked to him. When I left, Dana goes, 'No blood Mark.' 'No problem, not even any marks, Dana.' Just body shots. Did you ever try to find a bruise on a Nigger. It is pretty tough, huh? (*Tape No. 10, p.25.*)

40.(...explaining his opposition to building a new police station in the 77th precinct.)

"Leave that old station. Man, it has the smell of Niggers that have been beaten and killed in there for years." (*Tape No. 10, p. 26.*)

C. Police Misconduct

Detective Mark Fuhrman testified to being the first officer to observe a spot of blood on the defendant's Bronco automobile, as well as the glove allegedly found behind defendant's Rockingham residence, although these observations occurred after he had been removed as a Detective in charge of this investigation. Cross examination focused on the possibility that detective Fuhrman had moved or planted any evidence in this case, which he flatly denied. In an in limine ruling, the court held he could be questioned about allegations in a letter sent to defense counsel by Kathleen Bell, that Officer Fuhrman said:

"When he sees a "nigger" (as he called it) driving with a white woman, he would pull them over. I asked would he if he didn't have a reason, and he said that he would find one."

In his testimony at trial, Detective Fuhrman testified as follows:

"Q: In 1985 or '86, were you a police officer in Westwood?

A: I worked the foot beat, yes, in Westwood, yes." (R.T. 18786)

"Q: Did you say while in the recruiting station at any time during those years that when you see a nigger driving with a white woman, you pull them over?

A: No.

Q: Do you recall anyone asking you if you didn't have a reason to pull them over, what would you do?

A: I don't recall anybody ever asking me that question, sir.

Q: Did you ever make a statement that if you needed a reason, you would find one?

A: No." (R.T. 18787)

"Q: Would you remember Detective Fuhrman, if you had used the language that we have just reviewed?

A: Yes.

Q: That is important enough language to you that it would impress itself on your memory as did the meeting with the Simpson's in '85, is that correct?

A: Yes, sir." (R.T.18789)

Statements made by detective Fuhrman at approximately the same times as the alleged Kathleen Bell incident about his willingness to lie, to plant evidence, to frame innocent persons and to cover up police misconduct would be directly relevant to his credibility.

The "Fuhrman Tapes" contain eighteen examples of Detective Fuhrman admitting participation in police misconduct, or offering approving comments with respect to misconduct. This misconduct includes illegal use of deadly force, beating suspects to extract confessions, planting evidence, framing innocent persons, and lying or covering up misconduct by others.

1. (...describing reaction to insults).

"Q: What do you do if someone calls you a mother fucker, what do you do?

A: (Laughs). Are there witnesses or are there not. Let's set the stage.

Q: O.K. If there are witnesses, what do you do? Say you're in front of the show, telling people in line to move out of the street, and it's kind of a minor situation. Somebody in line calls you a mother fucker, or a pig --

A: (Flatly) Goes to jail.

Q: He goes to jail.

A: Interfering. He was interfering with my duties. 148 of the Penal Code.

Q: So you immediately take him to jail?

A: Of course, he's so shocked, that he immediately won't do, so he immediately gets thrown on the ground, so he immediately gets stuck. I don't take anything in that uniform that I wouldn't take out of that uniform."

(McKinny Transcript No. 1, p. 22)

2. (...describing arrest for outstanding traffic warrant).

"Well, I'm sure he will have, because if he's got that attitude, he's probably gotten several tickets from policemen, and he hasn't taken care of them. He's going to go to the station, because he won't have any identification because when he gives me his driver's license, I'll just rip the fucker up.

Q: Have you done that before?

A: (Nods.)."

(McKinny Transcript No. 1, p. 23.)

3. (...describing arrest of a narcotics user).

"So if that's considered falsifying a report, and if some hype, you know says, Ah, you know whatever, I shot two days ago, and you find a mark that looks like three days ago, pick the scab, squeeze it, looks like serum's coming out, as if it were hours old. It's a hard find. You can't just find the mark, cause he's down. His eyes don't lie. That's not falsifying a report. That's putting a criminal in jail. That's being a policeman."

(McKinny Transcript No. 1, p. 25)

4. (...describing use of deadly force in arrests).

"Where would this country be if every time a sheriff went out with a posse to find somebody who just robbed and killed a bunch of people, he stopped and talked to them first. To make sure they had guns. Tried to take them -- they shot them in the back. We still should be shooting people in the back. It's just that you've got to hire people who are capable of doing it. and capable of figuring out who the bad guys are."

(McKinny Transcript No. 1, p. 25)

5. (...explaining reasons he shoots to kill, regardless of department policy).

"And I don't want them to think I'm a coward. So sometimes that'll stimulate me to do what I have to do, and plus I like it when people are trying to hurt me, because there is something that is on the line, something that's important in my life, and I like working under pressure. And it's good. It feels good because I accomplish something. And you look around and say, most of these pukes couldn't do it. It's control, power, whatever you want to call it. But it's something that's inherent in only some people. I listen to liberals talk, and I can't believe that someone who is educated, or even just opens their eyes for one day can think what they think.

Q: What are some of the things that really annoy you when you hear liberals talk?

A: Do you people -- don't you shoot to wound'em? No, we shoot to kill'em. Now the department says we shoot to stop, not kill which is horseshit. The only way you can stop somebody is to kill the son of a bitch. And what's the big deal? If you've got a reason to shoot somebody, you've got a reason to kill him."

(McKinny Transcript No. 1, pp. 27-28)

6. (...describing the revenge for killing policemen).

"Recidivism is unbelievable. There's a guy walking around right now who has killed two policemen, eyewitnesses[sic] by their partners who were wounded. So he's shot 4 policemen. He hacked a girl to death with a machete. So that's 5 people. He did 8 years in prison. He's walking around. He goes to U.C.L.A.

Q: What's he doing at U.C.L.A.?

A: Taking some courses? Now you want me to tell you why he's alive?

Q: Because we didn't kill him.

A: No, if I would have arrested the son of a bitch I would have killed him. If I ever see the son of a bitch and we're alone, I would kill him.

Q: How can you get away with that.

A: If there's nobody except him and me, dead men tell no tales. See, he killed two policemen. I have an obligation if I ever have the opportunity, I should kill him. And that's all there is to it.

Q: Say you were working with a partner who saw you do that.

A: Can't do that. You gotta have a partner that's like your brother."

(McKinny Transcript No. 1, pp. 30-31.)

7. (...describing the manufacturing of probable cause for arrest).

Q: So under what did you arrest him?

A: I didn't arrest him under anything, just took him to the station, ran him for prints, gave them to the detectives to compare with what they've got in the area. I'll probably arrest a criminal that way.

Q: So you're allowed to just pick somebody up that you think doesn't belong in an area and arrest him?

A: I don't know.

Q: Well, I mean, you did, so --

A: I don't know. I don't know what the Supreme Court or the Superior Court says, and I don't really give a shit . . . if I was pushed into saying why I did it, I'd say suspicion of burglary. I'd be able to correlate exactly what I said into a reasonable cause for arrest."

(McKinny Transcript No. 1, pp. 33-34)

8. *(...describing the difference between field interrogation techniques taught in the academy and those actually utilized).*

"See if you did the things that they teach you in the academy, you'd never get a fucking thing done. I'll split up the people, that's fine. You split up two suspects and you say, where you from? What's his name? That's great, but if he doesn't tell you, you give him a shot in the stomach with your stick and say: Listen boy, I'm talking to you, and you better give me some attention or I'm gonna fucking drop you like a bad habit. Now can you tell me a female you see doing that?

Q: No.

A: Those are field interrogation techniques for assholes.

Q: Well, where did you learn those field interrogation techniques, if you didn't learn them in the academy?

A: Well, probably about 8 years old. You learn that when somebody pushes, if you can't beat 'em face on, you sneak up behind 'em and just grab 'em by the hair and keep punchin' 'em' until they go down. I learned that a long time ago, and when I went into the service it's the same thing. I only go so far, and they teach you, you don't have to go. No, you don't have to let anybody push you. Somebody touches you, you just knock 'em down. I mean, that's all there is to it. You get in the academy, and I thought the police academy was fun. I got to work out on duty, get to wrestle, get to eat up here, nice pine trees, restaurant."

9. (...Describing how police officers cover up the unlawful use of force).

But that gives a lot of credibility, when you've got a real heavy investigation. We had one. I had 66 allegations of brutality: AEW, under color of authority, assault and battery under color authority. Torture, all kinds of stuff. Two guys, well, there was four guys. Two of my buddies were shot and ambushed, policemen. Both alive and I was first unit on the scene. Four suspects ran into a 2nd story in a apartment projects -- apartment. We kicked the door done. We grabbed a girl that lived there, one of their girlfriends. Grabbed her by the hair and stuck a gun to her head, and used her as a barricade. Walked up and told them: 'I've got this girl, I'll blow her fucking brains out, if you come out with a gun.' Held her like this -- threw the bitch down the stairs -- deadbolted the door -- Let's play, boys.

Q: Can we use that in the story?

A: It hasn't been 7 years. Statute of limitations. I have 300 and something pages internal affairs investigation just on that one incident. I got several other ones. I must have about 3000 or 4000 pages of internal affairs investigations out there. Anyway, we basically tortured them. There was 4 policemen, 4 guys. We broke 'em. Numerous bones in each one of them. their faces were just mush. They had pictures on the walls, there was blood all the way to the ceiling with finger marks like they were trying to crawl out of the room. They showed us pictures of the room. It was unbelievable, there was blood everywhere. All the wall, all the furniture, all the floor. It was just everywhere. These guys, they had to shave so much hair off, one guy they shaved it all off. Like 70 stitches in his head. You know, knees, cracked, oh it was just -- We had 'em begging that they'd never be gang members again, begging us. So with 66 allegations. I had a demonstration in front of Hollenbeck station chanting my name. Captain had to take them all into roll call, and that's where the internal affairs investigation started. It lasted 18 months. I was on a photo lineup, suspect lineup. I was picked out by 12 people. So I was pretty proud of that. I was the last one interviewed. The prime suspect is always the last one interviewed. They didn't get any of our unit - 38 guys - they didn't get one day. The custodian -- the jailer of the Sheriff's Department got 5 days, since he beat one of the guys at the very end . . . Boy, you know, and started . . .

Immediately after we beat those guys, we went downstairs to the garden hose in the back of the place. We washed our hands. We had blood all over our legs, everything. With a dark blue uniform, you know, and in the dark, you can't see it. But when you get in the light and it looks like

somebody took red paint and painted it all over you. We had to clean our badges off with water, there was blood all over 'em. Our face [sic] had blood on them. We had to clean all that. We checked each other, then we went out, we were directing traffic. And the chiefs and everything were coming down because two officers were shot, 'Where are the suspects?' 'I think some of these officers over here got them,' they took them to the station. Somehow nobody knows who arrested them. We handcuffed them and threw them down two flights of stairs, you know. That's how they came. That's where a lot of people saw, you know.

'Look out! Here comes one. O my God, look out, he's falling! I mean you don't shoot a policeman. That's all there is to it. But anyway, the point is -- Well, they know I did it. They know damn well I did it. There's nothing they could do, but I could. Most of those guys worked the 77th together. We were tight. I mean, we could have murdered people and got away with it. We were tight. We all knew what to say. We didn't have to call each other at home, and say, 'Okay.' We all knew what to say. Most real good policemen understand, that they would love to take certain people, and just take them to the alley and blow their brains out.

Q: Certain people.

A: All gang members for one. All dope dealers for two. Pimps, three. There's probably your three most worthless types of people in a large city."

(Tapes No. 2, pp. 3-6; McKinny Transcript No. 2, pp. 32-35)

10.*(...describing necessity for police officers to be willing to lie).*

"Well, I really love being a policemen [sic] when I can be a policeman [sic]. It's like my partner now. He's so hung up with the rules and stuff. I get pissed sometimes and go, 'You just don't fucking even understand. This job is not rules. This is a feeling. Fuck the rules, we'll make them up later . . . He's a college graduate, a Catholic college. He was going to be a fucking priest. He's got more morals than he's got hairs on his head. He doesn't know what to do about it.

Q: What do you mean he's got more morals?

A: He doesn't know how to be a policeman. (whispers) 'I can't lie' . . . Oh, you make me fucking sick to my guts. You know, you do what you have to do to put these fucking assholes in jail. If you don't, you fucking get out of the fucking game. He just wants to be one of the boys. Doesn't want to play -- pay the dues.

Q: So, how does he deal with it?

A: He doesn't lie. Well, I know for a fact in this Internal Affairs investigation, he has a 10-day suspension. He'll roll.

Q: I'm sorry. I don't understand.

A: He'll drop the dime on me, squeal, tell the truth. He won't take anytime . . .

Q: You serious?

A: Not a policeman at heart. He's considered on the good guys.

Q: He won't take any suspension at all?

A: He'll say . . . he didn't realize. He goes: 'I got a wife and kid to think of.' I says, 'Fuck you. Don't tell me because you've got a wife and kid . . . You're either my partner all the way or get the fuck out of this car. We die for each other. We live for each other. That's how it is in the car. You lie for me, up to six-month suspension. Don't ever get fired for me. Don't get indicted for me. But you'll take six months for me cause I'll take it for you. If you don't get the fuck out of here . . . It shouldn't have to be said.' (*Tape No. 3 pp. 3-4; McKinny Transcript No. 3, pp. 3-4*)

11. (...suggesting revenge against those who opposed used [sic] of police chokeholds).

Q: See, I still don't understand who promulgated or perpetrated it.

A: There was a black coalition in the south against police then. There is the ACLU, the NAACP The ACLU should be bombed, and everybody should be killed in it. They do no good. They are the cancer of society." (*Tape No. 4 pp. 31; McKinny Transcript No. 4, p. 37*)

12. (...describing police officer partner punishing suspect he can't arrest by destroying property).

"He's the kind of guy that get's some jerk off like some Mexican, you know, riding a skateboard from some patty cake, but you can't really arrest him for anything. So while I'm talking to the kid, Tom's putting the skateboard underneath the tire of the police car. 'Okay, let's go.' Something goes bump. 'What was that?' 'Don't worry about it.'" (*Tape No. 5 pp. 12-13; McKinny Transcript No. 5, p. 10*)

13. (...describing police officer partner tearing up driver's licenses.)

"He's constantly tearing up driver's licenses.

Q: You do that, he probably got that from you.'

A: No, he has his own style, he goes, 'Give me your driver's license. (Motions - Rips it up.) 'You're a fucking jerk, you get out of here. Next time you're driving without a license, it's my car.'

Q: If officers tear up your driver's license, what can that person do?

A: Staffling.

Q: Staffling?

A: You stole something, although it's not that person's property. It's property of motor vehicles.

Q: you can just deny it, can't you?

A: So long as you don't have any witnesses . . . Then you've got other officers that are kind of part of the group. They only want to go so far, and they are -- not chicken up to the supervisors but -- no problem, real helpful types that make you sick to your stomach almost, but they're still decent guys and you can count on them.

Q: Real helpful.

A: They want to be part of the group, but they're climbing, they want to go somewhere. And most of us are going no where. And most of us are going nowhere." (*Tape No. 5 p. 13; McKinny Transcript No. 5, pp. 10-11*)

14. (...describing providing testimony for events he did not witness).

"I've been on several calls in West L.A., and I'm the third or fourth car, and I end up handling the whole situation. You have a bunch a munchkins out in front with their guns. What are you doing? The call is on the other side of the house. You know, the guy broke in here, everybody is waiting where he broke in, like he'll go out the door, you know. I mean, it's ridiculous, you know, and they're sitting there So, I just go in, kick the door, the guy's going out the garage, I beat the shit out of him. He's just a bloody mess, handcuffed him, there. I'm leaving. Thank you. (In a high-pitched female voice.) This is embarrassing. Then you go to court, and I'm the only one who knows how to testify. You have five officers on the case and I'm the only one there that knows how to testify. The DA goes, 'ya, but you were the fourth car, but would you testify?' 'Ya, but did you see -- I saw it. Don't worry about it, ya. I say him do that, ya, ya. Okay, good-

bye. Why do I have to do everything. That's what it is coming down to. I have to fight the guy; I have to catch the guy; I have to keep the guys mouth shut at the station because they're not going to do it for a female. I can just walk by and go: shut up or I'm going to kick your face in." (*Tape No. 6A pp. 3-4; McKinny Transcript No. 6-1, p. 44*)

15. (*...describing use of coercive interrogation techniques*).

"When I was working gang, we used to get a murder. And you'd know which gang did it, but they wouldn't talk. So, I would go pick up three or four gang members and bring them to the station, take one in the basement and beat the dogshit out of him, without even asking him a question. Bring him up and sit him down. He's bleeding, face is all puffed up, got hurt. Next guy, take him downstairs. 'O.K., who shot at him?' That's how you get information. what is this patty cake, patty cake shit psychology. Well, we have to teach our officers some Spanish. I work Mexican gangs, and I don't know how to speak Spanish. How do they do that. When they speak Spanish, no comprende, slap them upside the head. Speak English! I'm an English teacher, just like that. That's police work. That's being able to pick out the people. That type of treatment is necessary." (*Tape No. 6A p. 4; McKinny Transcript No. 6-1, pp. 44-45*)

16. (*...describing selective use of baton in certain areas of the city*).

"You have to be a switch hitter. You have to be able to look at your area and at how you talk to people. Look at how deal with things and what you can and can't do even with a criminal. You can go out in Bel Air, and somebody gives you a hard time in broad daylight, and slap them. Damn it, I want to know what's going on! You just don't do that. I mean, it's obvious. But when you're down south end, Watts, the metropolitan area, when you're on skid row, you use your stick more than your mouth. You don't care. Don't try to tell people to go here, go there. You just use your stick, they'll move. They see no problem with that. They're where they are not supposed to be.

Q: The one problem that I see, that a lot of criminals are just as big as you, and then you get your officers that are 5'7", 150 lbs. The criminal is going to say exactly what you're saying to them . . .

A: Absolutely We were in the village last weekend. And I saw him the whole night, getting in other officers' faces -- "What midget officers you've got. I went up to him and said: 'Move, move. I'm clearing this street out.' He said, 'No'. I just boom, stick right in the gut.

`You hit me with that stick --

`You ain't gonna do anything boy. You wanna do something, let's go.' I put my stick away, let's go! You know, all his buddies there -- I said `let's go, you're the same size I am.' You want to go? You want to get down. Let's get down.' They back off, but he had to get jabbed in the ribs because he's been buffaloing so many policemen for so long. All of a sudden he was in shock. (*Tape No. 6A, pp. 4-5; McKinny Transcript No. 6-1, pp. 45-46*)

17. (...describing beating of suspects).

Q: What kind of life or death situations have you been in?

A: Fights, shootings. Two of my partners were ambushed.

Q: How did you get out of them?

A: Well, the two guys were ambushed. We came up after that, and all the suspects ran. Both officers were down, and my partner checked the officers. They were both still alive. We called an ambulance. I ran after the suspects. They went into the house. My partner got back to me. We went in. We were just pissed. We were not going to wait for SWAT. Grabbed the girl, put a gun to her head. Used her for a shield. Walked up. They wanted to give up. Locked the door. They didn't give up. I beat the hell out of the last. One died. Four of them. It's four on two, that's fair play. But they -- we could have found a gun.

Q: Did you have a gun on you?

A: Oh yeah. (*Tape No. 6B, p. 1; McKinny Transcript No. 6-1, pp. 33-34*)

18. (...describing basis for stopping an automobile).

"We all work in the same 10 square blocks every day. So, if I see a car that isn't usually there, it's either an asshole that doesn't belong there with his car, or an asshole that doesn't belong there with a car that isn't his. Either way, I'm going to stop it and find out what's going on."

(*McKinny Transcript No. 9, p. 11*)

D. Attitude As a Witness

During his trial testimony, Detective Fuhrman testified as follows:

"Q. By Mr. Bailey: Did you believe that you would be an essential witness if you were the first to find an important piece of evidence?

A: Well, I couldn't make that determination at that time, sir. I didn't even know what the implication of the glove was."

(R.T. 18625)

Detective Fuhrman admitted that although an unusual weekend session in a grand jury room was scheduled to prepare him for cross-examination, the session "was very casual. I was eating a submarine sandwich at the same time the discussions were going on."

(R.T. 18767).

The "Fuhrman Tapes" contain two references to Detective Fuhrman's role as a key witness in this case. These statements were made on July 28, 1994, after his testimony at the Preliminary Hearing.

1. (...explaining police department reaction to the suggestion he planted the glove).

Q: You're them.

A: I'm the key witness in the biggest case of the century. And, if I go down, they lose the case. The glove is everything. Without the glove -- bye, bye.

(Tape No. 12, p. 7; McKinny Transcript No. 12, p. 22)

2.

"Well, the funny thing about it is just like the attorney said, 'For the rest of your life, this is you: you're bloody glove Fuhrman, that's it . . . He says you might as well make it pay off, if you don't make it pay off, all you're doing is going through all this heartache for nothing. Go for Shapiro, he's an asshole."

(Tape No. 12, p. 12; McKinny Transcript No. 12, p. 22)