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Mary Lou Moss Costanzo

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**Gender and Social Responsibility:
A Comparison of Marcia Clark and Male Attorneys in
Time and *Newsweek***

A Thesis

Presented to the
Department of Communication
and the
Faculty of the Graduate College
University of Nebraska

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in Communication
University of Nebraska at Omaha

by
Mary Lou Moss Costanzo
December, 1998

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THESIS ACCEPTANCE

Acceptance for the faculty of the Graduate College,
University of Nebraska, in partial fulfillment of the
requirements for the degree Master of Arts,
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ABSTRACT

The purpose of this study was to compare Marcia Clark and the male attorneys as they were portrayed in *Time* and *Newsweek* during the O.J. Simpson “trial of the century.” Focusing on gender and social responsibility, a qualitative analysis was made regarding sexism in these two newsweeklies. Clark was the lead prosecutor in the O.J. Simpson trial. Using Pingree et al. (1976) measurement of *sexism* in media, the news reporting on Clark’s professional life was found to be similar to that of the male attorneys.

But when comparing *appearance* and *personal life*, Clark was unequal to the male attorneys. She received more coverage than any of the other attorneys for her life as a single mother, personal information not relevant to understanding the “trial of the century.”

This case was a high-profile case due to the individuals involved. It was for this reason that America was fascinated with each daily report in all media. It left Americans spellbound for months. The study reviewed articles in the newsweeklies for nineteen months, June 1994 thru December 1995.

This present study, although not an exact replication of Pingree et al. (1976), used their system to determine sexism in media. This study reviewed whether media were fair in the portrayal of Clark in her position as lead prosecutor. There is no study comparable to this one, although much has been written about the trial and the players. It is Clark’s perception that there was such a thing as “Pink” versus “Blue” coverage. She was correct. Johnnie Cochran received more professional coverage and only a mention of a possible abusive history (which he denies). He was the lead defense attorney representing O.J. Simpson.

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Chapter 1

Introduction

The date was June 12, 1994. The report of the violent death of Nicole Brown Simpson and her friend, Ronald Goldman, made news. Nicole and Ron were found slain at her home in Los Angeles, California. Orenthal James Simpson was the suspect and charged with the murders. Referred to as “the trial of the century,” the O.J. Simpson criminal trial was watched by over 90 million Americans on national television (Singular, 1995).

Even before the trial, 95 million people had watched a police drama unfolding on prime-time television as O.J. Simpson was ghosting down the freeway on June 17, 1994. This would lead to the question, “Where were you when O.J. skipped?” (Clark, 1997, p. 49).

Marcia Clark, Deputy District Attorney for Los Angeles County for 14 years, had her life change as she became the lone female prosecutor in the Simpson trial. The statistics according to Darden (1996), “involved 92 days of testimony, 58 witnesses and 488 exhibits, at a cost to the taxpayers of nearly \$6 million” (p. 411). Mass media covered this trial extensively. Did reporters and editors act in a socially responsible manner in the coverage of a female prosecutor?

McQuail states that social responsibility is a normative mass media theory with a wide range of application:

Media ownership and control is to be viewed as a kind of public stewardship, not a private franchise, and there is a pronounced shift away from the relativism about ends characteristic of free press theory

and from optimism that the 'free marketplace of ideas' will really deliver... social benefits (McQuail, 1991, p. 116).

Darden (1996) agreed that Clark had to battle not only with other attorneys, but with the world's preconceived notion of how females should behave.

A Canadian study in 1990 and 1991 by *Media Watch*, a national women's organization which is involved with the issues of portrayal and status of women in media, resulted in the finding that women were underrepresented as authors of byline articles and in the articles themselves: "when women are discussed in these papers, they are defined by their appearance and their relationships to men rather than by their own actions and self-worth" (*Media Watch*, 1991, p. 22). The study included a survey of 15 newspapers throughout Canada for the dates of February 15, 1990 and one year later, February 15, 1991. Even though women represent over half the population, on an average they were mentioned less than one fifth of the time.

"The chief obligation of mass media in free societies is to provide the general public with information about significant current events and with entertainment" (Graber, 1997, p. 22). Social responsibility tenets hold that news and entertainment presented by mass media should reflect social concerns; and they should be participants in the process, not merely reporters of the passing scene (Graber, 1997).

While studying women in organizations, Kanter (1977) argued that three perceptual techniques are associated with group composition: visibility, polarization, and stereotyping (MacCorquodale & Jensen, 1993).

Because women are few in number and a novelty, tokens are highly visible...Tokens' actions have symbolic consequences in that they reflect the whole category of women... mistakes, shortcomings and personal lives become public information and their non achievement characteristics, such as physical appearance, tend to eclipse performance... Polarization occurs as differences between tokens and dominants are exaggerated and emphasized... Tokens are affected by stereotyping. Women are pressured to play one of a limited set of stereotypical roles (mother, pet, iron maiden, seductress) and if they resist this then they are viewed as tough, cold, or bitchy (MacCorquodale & Jensen, 1993, p. 583).

Early on Marcia Clark was perceived by the mock jurors as a "bitch" and as being "hard" (Clark, 1997, pp. 147-148).

Simpson Trial

Numerous books have been written by lawyers and journalists, as well as by Simpson, regarding the criminal trial. Marcia Clark was the first chair prosecutor in the trial backed by Christopher Darden and Bill Hodgman (who became ill during the trial). Out of nine defense attorneys and three prosecutors, Marcia Clark was the only female attorney. Further research will show that Clark's personal life would greatly influence her status as a female

prosecutor.

The tabloids hit hard on Marcia Clark's private life. The tabloids created scandals about her two divorces and custody hearings over her two small sons (Darden, p. 312). The *National Enquirer* published its first piece about Clark in July 1994. It was an inaccurate account of Clark being in the June Cleaver, "Leave it to Beaver" mold (Clark, p. 152). The *Enquirer* had also gotten word of her pending divorce:

In late July 1994, just as we were gearing up for jury selection in the Simpson case, I got word... that the tabs were rooting around my marriage certificates and divorce papers. A couple of weeks later, the *Enquirer* published an opus entitled "O.J. Prosecutor's Tragic Secret Life," which alleged, among other things, that I had "dumped" Gaby after receiving my law degree. The stories presented me in absurd caricature, but anyone could see that they contained nuggets of truth. I was so humiliated. In September I picked up new rumblings: the *National Enquirer* was working on a story that I had been a battered wife. The news threw me into a state of near panic (Clark, p. 178-79).

Clark wrote: "If the *Enquirer* was allowed to publish such a wildly distorted account of my troubled marriage to Gaby, the fallout could be disastrous. O.J. Simpson's defense would charge that I had some political agenda for going after their client" (Clark, p. 180).

The purpose of the present study is to analyze a select group of news magazine coverage of Marcia Clark, during the O.J. Simpson trial in terms of gender, socialization, and feminism.

Justification/ Rationale of Study

Some may refer to it as just another “High Profile Case” but mass media have coined it the “Trial of the Century.” With so much publicity surrounding the murders of Nicole Brown Simpson and her friend Ronald Goldman on June 12, 1994, and the subsequent arrest of O.J. Simpson in the case, media had changed course for the next sixteen months. According to Graber (1997), “when testimony began in the Simpson case in January 1995, network coverage averaged 50 percent more than the coverage given to President Bill Clinton” (p. 1). She continued, “audiences complained about the excess coverage of the trial, but nationwide polls showed two thirds of the public paid attention to the case daily at the expense of important political news” (Graber, 1997, p. 1; *Times Mirror Center for the People and the Press* , News Release, April 6, 1995).

Two thousand reporters covered some part of Simpson’s murder trial. They represented one hundred accredited news organizations and several less official outlets. There were 121 video feeds, eighty miles of cable, nineteen television stations, eight radio stations, and twenty three newspapers and magazines where there were 250 telephones. There were another 650 telephones in ‘Camp O.J.,’ the nearby parking lot that looked something like a media shantytown: the Fourth Estate Trailer Park. CBS had five trailers, CNN four, NBC three, ABC four (Darden, 1996, p. 320).

Graber (1980) explains that the criminal justice system operates at various levels of government. Except for the suburban level of government,

“poor” performance levels were registered by a majority of respondents in one study (Graber, 1980, p.52). Simpson’s trial gave wide exposure to the American people about the legal proceedings. An example of media coverage follows:

The five of us -- Tom, Phil, David, Bill, and I (Marcia)--arrived in a single car at Rockingham on the morning of Tuesday, June 28. Reporters blocked the gates. Overhead, I could hear the thrum of copters. The scene looked like something out of *Apocalypse Now* (Clark, p. 91).

It was mass media. The television was on inside Simpson’s house and Clark found she was watching media watch her (Clark, p. 93).

We stayed until nine on the eve of the prelims. I was sure that most of the press would have retreated to their respective hotel bars by then. Instead, as we walked out the back of the CCB [Criminal Courts Building], we saw that the parking lot was more crowded than a tailgate party on homecoming weekend. For the past week, it had been jammed with vans, satellite dishes, and lunch wagons. ABC, NBC, CBS had all erected scaffolds that resembled medieval assault engines. The correspondents themselves, however, displayed the more modern enthusiasm of fans vamping behind the bleachers before the big game (Clark, p. 96). I’d begun to realize that no matter what happened in court, the sheer amplitude of media coverage would distort these proceedings (Clark, 1997, p. 97).

Time, Newsweek, and U.S. News & World Report are only a few of the

national magazines to survive the television crunch (Jamieson & Campbell, 1992). Affluent and better-educated people read magazines more than watch television (Jamieson & Campbell, 1992). "Print media excel in conveying factual details" (Graber, 1997, p. 189). Print media are also credited with conveying more knowledge than audio-visual media (Graber, 1997; Robinson & Davis, 1990). "Print media are viewed by most people as sources of information, whereas electronic media are viewed as sources of entertainment" (Graber, 1997, p. 190).

Marcia Clark argued that mass media portrayed her in an inaccurate manner. She refers to the coverage as "Pink" versus "Blue," meaning that because she is a woman, news media treated her differently. Clark stated: "When it comes to the courtroom, as well as when it came to the press, there is such a thing as pink and blue coverage" (ABC, 20/20, 1997).

There have been critical analyses from Kozol (1995), Fiske (1996), Borgida et al. (1995), and others, about the Simpson trial and gender stereotyping, but not a study focusing on the portrayal of Clark. Kozol pointed out that "few theorists have explored either the gendered worldview of the news or how dominant cultural ideologies shape news coverage of women's issues" (1995, p. 649).

Remafedi (1990) said that additional research is needed to determine the extent that media have on gender behaviors. As long as stereotyping of genders remain in our society, it is necessary to educate people about the problem and to work for a solution for equality.

This research attempts to analyze the media reports of the Simpson trial prosecutor, Marcia Clark. This will be done by qualitative research of context of

articles of Time and Newsweek magazines between June 1994 and December 1995.

Chapter 2

Literature Review

"Social responsibility theory owes its origin to an American initiative--the Commission on Freedom of the Press (McQuail, 1983, p. 90). "Due to a growing awareness that in some important respects the free market had failed to fulfill the promise of press freedom and to deliver expected benefits to society, the initiative was developed" (McQuail, 1983, p. 90). "The technological and commercial development of the press was said to have led to lower chances of access for individuals and diverse groups, and lower standards of performance in meeting the informational, social and moral needs of society" (McQuail, 1983, p. 90).

The main principles of normative social responsibility theory can be stated as follows:

- * Mass Media should accept and fulfill certain obligations to society.
- *These obligations are mainly to be met by setting high or professional standards of informativeness, truth, accuracy, objectivity and balance.
- *In accepting and applying these obligations, mass media should be self-regulating within the framework of law and established institutions.
- * Mass media should avoid whatever might lead to crime, violence or civil disorder or give offense to minority groups.
- * Mass media as a whole should be pluralist and reflect the diversity of their society, giving access to various points of view and to rights of reply.
- *Society and the public have a right to expect high standards of

performance and intervention can be justified to secure the, or a, public good.

*Journalists and media professionals should be accountable to society as well as to employers and the market (McQuail, 1991, pp. 117-18; 1987).

Social responsibility is considered a “normative” theory because it proposes what *should* be done by media workers.

Clark's portrayal is best defined by a combination of principles. One principle is not independent of the others. Media should accept responsibility for accuracy, truth, objectivity, and balance. They should also avoid news that may lead to crime, violence or civil disorder. Media should also show diversity to reflect society. Finally, media should be accountable for the news, entertainment or any information that they release in either print or broadcast media. Clark, as the only female attorney in the courtroom, represented diversity. This research will attempt to study how mass media portrayed her as a female and as a professional attorney.

Shoemaker and Reese (1991) stated that media content is related to media impact. It is the most obvious part of the mass communication process that is, for the most part, open for and accessible to study (Shoemaker & Reese, 1991). Communication content is of interest not only in its own right, but also as an indicator of many underlying forces (Shoemaker & Reese, 1991). Studying content helps us infer things about phenomena that are less open and visible, the people and organizations that produce the content (Shoemaker & Reese, 1991).

With the obvious exception of advertising messages, news and entertainment are the two types of media content most widely available to audiences, and they form the most far-reaching symbolic pseudo-environment of social reality (Shoemaker & Reese, 1991).

Objectivity

As a principle of evaluation, objectivity has a narrower range than diversity and access. Its importance is hard to overestimate. It deals mainly with news and information, whereas diversity applies to all forms of media output (McQuail, 1991; 1987). Boyer (1981) established a list of six statements covering "objectivity." They include:

- balance and even-handedness in presenting different sides of an issue;
- accuracy and realism of reporting;
- presentation of all main relevant points;
- separation of facts from opinion, but treating opinion as relevant;
- minimizing the influence of the writer's own attitude, opinion or involvement;
- avoiding slant, rancour or devious purpose (McQuail, 1992, p. 184-185).

An objective report is highly factual, and offers as much detailed, checkable information as possible (McQuail, 1992). Objectivity becomes necessary to maintain credibility (McQuail, 1991; 1987).

Limitations of Objectivity

McQuail (1992) explained that objectivity has been criticized by theorists (p. 187). The impossibility of complete objectivity results from the unavoidable process of “news selection” which entails subjective judgment by which journalists may be unaware (McQuail, 1992, p. 187). Another concern is that all events and reports which are used as news have to be placed in wider frames of reference which give them evaluative meanings (McQuail, 1992).

The omissions, gaps and silences which are unavoidable may also be eloquent, reflecting implicit (and subjective) judgments about relevance and assumptions about society and its values. It is quite clear that news is always produced within a context of numerous and powerful external and internal pressures, which are almost bound to deflect journalism from any ideal goal of recounting “truth”. The most fundamental objection is the view that there is no objective reality “out there” to report on: the best we can expect is no more than different versions of a multifarious set of impressions (McQuail, 1992, p. 187-188).

Lippmann (1922) described the difference between “reality” and “social reality” as the “world outside” of actual events and our mediated knowledge of those events--because we think and behave based not on what truly is but on what we perceive to be (Shoemaker & Reese, 1991, p. 29). Gans (1979) explained:

Journalists have strong opinions about individual issues which they can neither express in their stories nor keep bottled up inside. They voice

these opinions in a variety of ways. Magazine editors reprint cartoons that mirror their feelings, some journalists write on the side for journals of opinion, and most anchorpersons have brief radio programs of commentary (Anchorpersons can express opinions on radio that they cannot express on television because radio reaches a smaller audience, is less monitored by other news media, and is therefore even more ephemeral than television) (Gans, 1979, pp. 187).

Gans continued: “because objectivity is defined as a matter of intent, it includes the freedom to disregard the implications of the news” (1979, p. 188). “Objectivity could not long exist without this freedom, for the moment journalists are required to consider the effects of the news on sources and others, they would have to begin assessing their own intent and relinquish their detachment, especially if they wanted to prevent injury to someone” (Gans, 1979, p. 188). According to Gans (1979), the crucial ingredient is intent, for objectivity requires only that journalists avoid intended effects. Journalists adopt what Reuven Frank has called an artificial innocence, “the refusal of journalists to alter the story for the purpose of controlling its effects [and] ... the newsman’s necessary deliberate detachment from aiming his work or letting someone else aim it to changing society-- even for the noblest motive” (Gans, 1979, p. 188; Frank, 1970, pp. 16, 20, 33).

Shoemaker and Reese (1991) state that “media content may be based on what happens in the physical world, but it singles out and highlights certain

elements over others, and mass media's own structural logic is imposed on those elements" (p. 33). They continue:

Reality is necessarily manipulated when events and people are relocated into news or prime-time stories. The media can impose their own logic on assembled materials in a number of ways, including emphasizing certain behaviors and people and stereotyping. One of the most obvious ways media content structures a symbolic environment is simply by giving attention (in the form of more time, greater prominence, and so on) to certain events, people, groups, and places than others. Our perceptions of an object or event are at the mercy of the accuracy, completeness, and objectivity of those sources (Shoemaker & Reese, 1991, p. 33-35).

Fishman (1980) defined social reality as that which a society knows about itself (Shoemaker & Reeses, 1991). There are many sources of information about society and/or a specific event (p. 35). Some are obvious and others are not. "To the extent that an individual has access to some of these sources and not to others, his or her social reality (the individual's knowledge of what the world is like) may differ from that of others in the society" (Shoemaker & Reese, 1991, p. 35). "All of these assessments of reality are social constructions, and, therefore, each is subjective in its own way" (Shoemaker & Reese, 1991, p. 35).

Diversity

“Diversity” is defined as a requirement that “the number and variety of newspapers should be such that the press as a whole gives an opportunity for all important points of view to be effectively presented in terms of the varying standards of taste, political opinion, and education among the principal groups of the population” (McQuail, 1992, p. 42).

“The origins of the value of diversity are deeply rooted in the Western version of what counts as a modern society: one in which a premium is placed on individualism, change, freedom of thought and of movement” (McQuail, 1992, p. 141). According to McQuail (1992), “media policy has often sought to promote diversity, especially of expression, opinion and culture, whether by maximizing opportunities for media freedom or by way of intervention in the market-place” (p. 142).

In most European countries there have been moves to extend the notion of diversity from its primary reference to political and social-cultural differences, so as to embrace the market-place concept of diversity of products and services available to consumers at different prices (McQuail, 1992; Peacock, 1986; Veljanovski, 1989). Since diversity promotes media to be varied in their reporting, gender and feminism should not stand in the way of honest, trustworthy reporting. Mass media should maintain high levels of objectivity and diversity to satisfy readers while promoting honest reporting.

Diversity can be considered as a *means* of securing other benefits. “Progressive social change is linked in several ways to diversity. Innovation,

creativity and originality in all fields of social and cultural life are unlikely to exist without diversity” (McQuail, 1992, p. 143). Hoffmann-Riem (1987) has identified four main “dimensions to diversity”:

--of formats and issues: essentially referring to differences of media function, such as entertainment, information, education, etc.;

--of contents: in relation to opinion and topics of information and news;

--of persons and groups: essentially access, but also representation;

--of geographical coverage and relevance (McQuail, 1992, p. 144).

Pluralistic mass media contribute to diversity in three ways: by *reflecting* differences in society; by giving *access* to different points of view and by offering a wide range of *choice* (McQuail, 1992, p. 144). These three principles are interrelated but can also be independent of each other (McQuail, 1992, p. 145). There are three basic “rules of news visibility” according to Hall (1973a as cited in McQuail, 1991): 1. its link to an event or occurrence; 2. its recency; and 3. its newsworthiness or link to some important thing or person.

Clark as a female, mother and professional make her very diversified. She is a unique person, and the characteristics that belong to diversity fit well with her.

Newsweeklies

Newsweeklies have a different agenda from television, radio and newspapers. With weekly deadlines, the focus of writers and editors is that of analysis and discussion of trends, rather than a quick fix of the news (Berry, 1976). “Newsmagazines provide the news background and analyses that are

precluded by the brevity of network television news and that are more difficult for newspapers with daily deadline pressure” (Jamieson & Campbell, 1992, p. 155). Jamieson and Campbell (1992) claim that the newsweeklies may have some influence on the public’s opinions of information and policies because they are written for a mass popular audience.

Time and *Newsweek*, the two major national newsweeklies, provide their audience with larger-than -sized-pictures of important officials. For three decades, *Time*, the pioneer publication of this genre, presented serious news in melodramatic form, with major news figures portrayed as heroes or villains passing across a stage (Grossman & Joynt Kumar, 1981). *Time* aimed to change the readers’ concept of their leaders by relating issues to personalities (Grossman & Joynt Kumar, 1981).

Newsweek, *Time*’s major competitor, started out more conservatively during the first two decades of its existence (Grossman & Joynt Kumar, 1981). Today, both present national news in a form that is dramatic and personal, but not flamboyant, and their combined influence is considerable (Grossman & Joynt Kumar, 1981).

Time and *Newsweek* have national influence. Before the 1950s, they were the only mass circulation publications bringing national news to the entire country (Grossman & Joynt Kumar, 1981). They are still the only print publications that approximate television news’s connection to the American public (Grossman & Joynt Kumar, 1981).

The study by Griffin and Lee (1995) was a visual content analysis of war related pictures in *Time*, *Newsweek*, and *U.S. News & World* magazines. The analysis of “Desert Storm” indicated that a narrowly limited range of images,

with a special emphasis on cataloging military weaponry and technology, dominated the pictorial coverage (p. 813). The scarcity of pictures depicting ongoing events in the Gulf contradicts the impression of first-hand media coverage promoted during the conflict (Griffin & Lee, 1995). This serves as a justification for the present study of these newsmagazines by considering whether information obtained in this study is first-hand about the trial or about irrelevant material portraying Clark.

Mediated messages have not simply entered our lives; they have changed our patterns of living (Jamieson & Campbell, 1992). According to Jamieson & Campbell, a medium is considered national if it has a large audience in all regions of the country and it is not owned by the government. Jamieson & Campbell (1992) continue:

National media include the major television networks, the major radio networks, the major wire services-- Associated Press (AP) and Reuters-- magazines such as the newsweeklies *Time*, *Newsweek*, and *U.S. News & World Report*, and such general interest magazines as the *Readers Digest*, *TV Guide*, and *People*; the *Wall Street Journal*, the *New York Times*, and the *Christian Science Monitor* are also distributed nationally (p 13).

According to Comstock (1989) news is the product of events, decisions by news people, and organizational convenience. The events that are covered as news, set boundaries for the daily manufacture of news (Comstock, 1989). Human judgment and caprice, as well as the events themselves play major roles (Comstock, 1989). Reporting of crime news

follows selective criteria.

A typical crime has all the qualities of a newsworthy event: it is (1) personalized--it happened to real people; (2) dramatic, conflict-filled, controversial, violent; (3) actual and concrete, not theoretical or abstract; (4) novel or deviant; and (5) linked to issues of ongoing concern to the news media (Jamieson & Campbell, 1992, p. 31; Graber, 1997).

All forms of media--television, newspapers, magazines, and radio--reported on the Simpson trial. "In the six months proceeding the trial, the major U.S. television networks devoted close to fourteen hours on the evening news to the case, exceeding the time spent all year on either health care reform or the U.S. midterm elections," (Graber, 1997, p. 1). After the acquittal of Simpson, there were wide opinion cleavages that existed among racial lines. Many viewers were disenchanted by the maneuvering in the courtroom exploited by mass media. Some Americans felt that the criminal system was corrupt (Graber, 1997).

Graber (1980) stated that social scientists as well as citizens, have complained about the coverage of crime news. Crime news is too plentiful in the press and on television, they argue. This is bad for society because it leads to exaggerated fear of crime and rising crime rates. Another complaint is that crime news is distorted. It creates the impression that the most violent street crime is the most prevalent. It instills fear in society (Graber, 1980). Fishman (1980) explained that journalists notice who first report a theme, such as crime on the elderly. This becomes a "crime wave." The crime waves are a result of both media and the sources of news (Fishman, 1980, p. 10). Media were both the means by which anyone "knew" about the crime

wave and the means by which the crime wave was assembled. News organizations created the wave, in the sense that they gave a determinant form and content to all the incidents they reported. A crime wave is a “thing” in public consciousness which organizes people’s perception of an aspect of their community (Fishman, 1980, pp. 10-11). It was this “thing” that the media created (Fishman, 1980, pp. 11). Thus crime waves are public events not only visible through newswork but produced within it. Crime news does distort the realities of crime commission by disproportionate emphasis on street crime as compared to white-collar crime. It exaggerates murder, rape, and assault and under represents robbery, burglary, and theft (Graber, 1980).

Selection of news stories begins with attention arousal. This is needed due to the massive amount of information to be processed each day. In order to understand attention arousal, one must take “cues from the media” (Graber, 1988). Secondly, “key words” are used and there are “cues from the social environment” (Graber, 1988, p. 96-99). Women as a group, may have special media interests. For instance, parenting versus career.

“The relative invisibility of women in news and their tendency to appear in a limited set of contexts (sports, entertainment, welfare, family, etc.) may also be due to relative exclusion from power roles in society” (McQuail, 1992, p.166). Clark was not invisible in the coverage of the Simpson trial. Multiple articles were printed about her appearance, personal life, and well as professional life.

It is an accepted procedure to define psychosocial context in terms of various demographic variables with the most common being gender, age, race, ethnicity, and geographic location (Graber, 1988). Graber (1988) stated that these are ...“inadequate indicators of self-interest, because they

inextricably confound it with socialization and therefore the origins of symbolic predispositions” (p. 39). An example given was “women as a group, have life experiences and are socialized to be more sensitive to human welfare issues than men” (Graber, 1988, p. 40).

Language

Media Watch quoted Dale Spender, a feminist author, as stating:

Language helps form the limits of our reality. It is our means of ordering, classifying, and manipulating the world. It is rough language that we become members of a human community, that the world becomes comprehensible and meaningful, that we bring into existence the world in which we live (*Media Watch* , 1991, p. 22).

Spender (1985) states that when there are sexist language and sexist theories culturally available, the observation of reality is also likely to be sexist. It is by this means that sexism can be perpetuated and reinforced as new objects and events. Science is no more free of this bias than any other explanatory activity. Males, as the dominant group, have produced language, thought and reality. Historically it has been the structures, the categories and the meanings which have been invented by males--though not of course by all males--and they have been validated by reference to other males.

Highly Public Event

On a sultry June night in 1994, Fiske (1996) states that nearly 100 million Americans watched as O.J. Simpson was coasting down the freeway (p. 255).

This was, at the time, the second-largest TV audience ever (the first day of the Gulf War had won the largest) (Fiske, 1996). Some sixteen months later, the delivery of the not-guilty verdicts at O.J. Simpson's trial was the most watched event in the history of television (Fiske, 1996, p. 255).

Media hype around the Simpson case exposes how narratives of domestic violence---news stories, movies, and the like---reveal a struggle to maintain America's most cherished national values and beliefs in the face of social conditions that challenge them (Kozol, 1995). Many African Americans have argued that mainstream media's fascination with this case "is the direct result of its racial dimension, and that if O.J.'s first wife, a Black woman, had been the victim, the media coverage would have been much more restrained" (Fiske, 1994, p. xx; Kozol, 1995)

Nicole Brown Simpson's murder was compared to the drama of Anita Hill and Clarence Thomas, as well as Rodney King's beating and the fuss over Murphy Brown's fatherless baby (Fiske, 1994). "Together they provide compelling evidence that the cultural crisis of the United States in the 1990s all ignite that explosive mix of race, gender, and sexuality" (Fiske, 1994, p. xiv).

During the trial, the women's movement grasped an opportunity: "the lead prosecutor, Marcia Clark, was faced with losing custody of her children because her ex-husband claimed that she was devoting too

much time to the trial to give them proper maternal care” (Fiske, 1996, p. 261). Spokeswomen were quick to cast this as a typical example of male backlash that sought to punish women for escaping the kitchen:

It is not the media coverage alone that produces media events, but a coalition of interests between the media and the public. The more America becomes divided along its multiple axes of social difference, of which race, ethnicity, gender, class, and age are only some of the most salient, the more frequently media events and figures that dramatize these fault lines will occur, the more intensely they will grab the American imagination, and the more bitter will be the struggles to inflect them in one direction or another. It is important to make this point because, although we must always maintain a critical eye, sometimes a sharply critical one, upon the media, we must not shut the other one that should be turned upon ourselves (Fiske, 1994, p. xxi).

Gans (1979) suggests that editors become more audience related while reporters are more source related. The editor is not tied to a beat, and can help reporters avoid being co-opted by their sources.

Since the 1940s, American media have relied on narratives of domesticity to represent national ideals (Kozol, 1995). With such shows as *Father Knows Best* to *Family Ties*, images of white, middle-class families living in the suburbs have become national icons (Kozol, 1995; May, 1988; Spiegel, 1992; Kozol, 1994). In the 1970s and 1980s, in response to economic and political crises, media also focused attention on problems within the domestic sphere. The key slogan of early 1970s feminist activism, “the personal is the

political” challenged concepts of privacy that protected male privilege and attracted attention to women’s vulnerability in the home (Kozol, 1995, p. 651).

“In the late twentieth century, when many people depend on mass media for information and entertainment, these public spheres maintain considerable power to construct and limit social knowledge. This power plays a crucial role in Americans’ understanding of a topic such as domestic violence, one that for years has been ignored in public because, as O.J. Simpson said after his 1989 arrest for beating his wife, “It’s a family matter”” (Kozol, 1995, p. 653).

Americans routinely see women raped, murdered, and otherwise brutalized in news coverage and entertainment (Kozol, 1995). Visual and verbal texts gaze repeatedly at women as victims, helpless mothers, or deviant accomplices (Kozol, 1995). Entertainment media driven by commercial imperatives commonly turn to sex and violence to attract audiences (Kozol, 1995). McCrohan (1990) noted that while television may present value-driven issues such as violence, bigotry, and sex--television did not invent these issues--“the trick is to offer enough of the new to be intriguing while couching it in enough of the familiar that it doesn’t scare viewers away” (p. 6).

Gender Roles

According to Remafedi (1990) the term “gender role” refers to “everything a person says and does to indicate to others or to the self the degree in which one is masculine or feminine or ambivalent” (p. 59). “Gender

role development is a process of socialization: 'The way that people learn about their culture and acquire some of its values, beliefs, perspectives and social norms'" (Remafedi, 1990, p. 59).

This learning occurs by interaction with persons in the environment and by observation of male and female images in media. Mass media play an important role in modeling gender specific behavior:

There is a general agreement that women and homosexual persons have been underrepresented in the past among television characters and depicted in stereotypic manners. In prime time programming, men outnumber women by two or three to one; women are younger than men; and women in traditional roles still dominate prime time programs (Remafedi, 1990, p. 59).

Although women are the numerical majority, their media treatment has much more in common with minority groups (Shoemaker & Reese, 1991, p. 45). Gaye Tuchman (1981) stated that since the early days of television, women have been underrepresented in television portrayals (two men for every woman) (p. 170; Shoemaker & Reese, 1991). Tuchman continues:

The proportion has remained relatively constant. Males were 68 percent of prime-time characters in 1952, 74 percent in 1973. Women, like blacks, were concentrated in comedies. When depicted with men, women are most often shown in an inferior capacity (e.g., a male doctor with a female nurse, or a male lawyer with a female secretary). Commercials neglect or stereotype women in domestic roles (Tuchman, 1981, pp. 170-173; Shoemaker & Reese, 1991).

Although, Shoemaker and Reese refer to television with statistics, it can also be considered in print media because it is based on socialization and feminism of the authors. Society has preconceived ideas about females, and so the writers and producers adjust their thoughts accordingly.

Greenberg (1980) confirms this finding: "Women are outnumbered three to one, they are young, and over represented in lower level jobs, situation comedies, and family dramas, although he sees a trend toward greater diversity" (pp. 44-45). Nancy Signorelli (1985) noted that women are outnumbered by men, are younger than men, and are featured in traditional, stereotyped roles. Women are even stereotyped on television commercials. Men are seen as more authoritative and provide most voice-overs, even for women's products (Signorelli, 1985; Shoemaker & Reese, 1991).

According to Remafedi, additional research is needed to determine the extent that media have on gender behaviors.

Gender Stereotyping

Gender stereotyping has played a role in litigation involving sex discrimination and sexual harassment (Borgida et al., 1995). Cases such as *Price Waterhouse v. Hopkins* (1989), *Robinson v. Jacksonville Shipyards, Inc.* (1991) and *Jenson v. Eveleth Taconite Co.* (1993) served to educate judges and juries about the conditions under which gender stereotypes are likely to influence impressions, evaluations, and behavior in organizational settings (Borgida et al., 1995; Saal, 1990; Tomkins & Pfeifer, 1992).

"The firm of Price-Waterhouse refused to make Ann Hopkins a partner.

Gender-based stereotyping played a role in this decision” (*Hopkins v. Price Waterhouse*, 1990, p. 1; Fiske et al., 1991, p. 1049). A sympathetic colleague advised that she would improve her chances if she would “walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry” (*Hopkins v. Price Waterhouse*, 1985, p. 1117; Fiske et al., 1991, p. 1050).

Gender stereotypes often elicit biased expectancies that may influence social interactions (Deaux & Major, 1987; Geis, 1993; Snyder, 1984; Borgida et al., 1995). Betty Friedan, whose book *The Feminine Mystique* was one of the catalysts for the movement in the 1960s, is now discussing the problems of a *feminist* mystique, saying that feminism in the 1990s has to include the family, children, and women’s need for intimacy (1981, as cited in Peirce, 1990).

Gender stereotyping is more likely when (1) the target person is isolated or only one of a few individuals in an otherwise homogeneous environment, (2) members of a previously excluded group move into an occupation that is nontraditional for their group, (3) the workplace is a sexualized environment (e.g., when pornographic posters, graffiti, and sexual remarks are tolerated), and (4) individuating information about target individuals or the evaluative criterion is ambiguous (Borgida et al., 1995, p. 182). Stereotypes dissolve in the face of any (even trivial or irrelevant) information about another person (Borgida et al., 1995). When asked in court what type of information “destroys” stereotypes, one expert replied “any information, irrespective of whether true or false, will destroy stereotypes” (Borgida et al., 1995, p. 182; L.L. Manteufel, 1994). “*Rarity* facilitates stereotyping because an atypical social category is likely to garner attention and become a salient factor in judgments and

decisions” (Borgida et al., 1995, p. 183; Crocker & McGraw, 1982; Ranter, 1977). In addition, characteristics of a workplace that prime people to categorize women as sex objects at work enhance the accessibility of harmful gender stereotypes, which in turn influences the way men think about, evaluate, and behave toward female colleagues (McKenzie-Mohr & Zanna, 1990; Rudman & Borgida, in press; Borgida et al., 1995). The evidence is compelling that gender stereotypes influence social judgments (Borgida et al., 1995). It is conceivable that clearly unambiguous information about a woman (e.g., that she rose meteorically to a prestigious management position) may nonetheless be constructed differently because she is a woman (e.g., “She must have slept her way to the top”) than if the same information were applied to a man (e.g., “He must be highly qualified and ambitious”) (Borgida et al., 1995, p. 185).

The 1960s were referred to as the “second wave of feminism,” according to Cantor (1988, p. 76). Feminist of this time paid special attention to the fairness shown women by the media (Cantor, 1988, p. 76).

Feminism became its own topic in the media in the 1980s, according to Rhode (1995). The press increasingly became responsible for supplying information and images that allowed us to understand our lives (Rhode, 1995; Hall, 1977). “Mass media play a crucial role in shaping public consciousness and public policy” (Rhode, 1995, p. 685).

According to Foss (1996) definitions for feminism vary, ranging from “the belief that women and men should have equal opportunities for self-expression” to “movement towards creating a society where women can live a full, self-determined life” to “an active commitment to equality and respect for life” (Foss, 1996, p. 165; Foss, Foss & Trapp, 1991; MacNamara, 1982; Wood, 1994) .

Females began to have non-traditional roles by furthering their education and becoming professionals. "Most women work, not because they want to, but because they must..." (Malveaux, 1992, A13; Rhode, 1995, p. 698).

Coverage of feminist images undermine feminist objectives by focusing on self-transformation rather than social transformation (Rhode, 1995, p. 703). For example, "over 60 percent of surveyed articles in *Seventeen* magazines, designed for teenagers, focus on beauty, fashion, diets, and food, which indicates that women's looks are more important than what they think" (Rhode, 1995, p. 703 ; Peirce, 1990).

According to Ruggiero and Weston, (1985), "women's magazines, such as *Ladies' Home Journal*, *McCall's* and *Good Housekeeping*, form a part of the media which help to socialize women and girls in this society" (p. 535).

Initially, women were portrayed as wives and mothers. However, more recently, these magazines reflect the social changes of the past two decades (Ruggiero & Weston, 1985). Ruggiero and Weston explain that beginning in the 1970s, women's liberation caused a sense of choice for women to determine what their career would/could be. Ruggiero's study not only provided information that women could work for pay, it also helped to enhance women's self-esteem. Clark's portrayal by all media continued to be more personal than professional:

Clark was perceived as hard and needed to change her appearance.

I should get a softer hairdo. ... lose the business suits in favor of --get this--dresses. So I got a goddamned haircut. It was not a makeover. I got it permed. It was an improvement. My features appeared softer, less matronly. I would come across as fresher, younger, and as a

consequence, less annoying to middle-aged black women.

The “makeover” was big news. But the point is, the buzz would not die. Every time I went in for another trim, or made the slightest alteration, there was another flurry of public commentary about my hair (Clark, 1997, p. 149).

Darden agreed that the coverage that Clark was receiving on her appearance was out of the ordinary. He states that lawyers often change their appearance (Darden, 1996). Part of the job is appealing to a jury, and part of that will always involve the way they look. Yet the media interest in Marcia’s new look was unbelievable. He can’t imagine any other circumstance in the world in which a haircut and a shopping trip become front-page news, along with analysis of what it all means (Darden, 1996).

Foss (1996) stated “feminism is much larger than a commitment to achieve equality for women” (p. 168). She continued: “a society that names white, heterosexual men as superior not only oppresses women but everyone else who does not fit into the category of white, male, and heterosexual.” “Feminists do not believe that oppression and domination are worthy human values and seek to eradicate the ideology of domination that permeates Western culture” (Foss, 1996, p. 168; Hooks, 1984; Wood, 1994; Foss & Griffin, 1995).

The rebirth of the feminist movement in 1963 came with the passing of *The Equal Pay Act* and the publication of Betty Friedan’s book, *The Feminine Mystique* (Cantor, 1988). By the 1970s, women organized themselves into groups to try to influence mass media portrayals (Cantor, 1988, p. 76). In

Hollywood, women did not make inroads in the production companies until the 1980s (Cantor, 1988). "The point of Feminism," according to Susan Brownmiller, "is to give women the courage to exercise free will, not to use 'brainwashed victims' excuse to explain away the behavior of a woman who surrenders her free will..." (Brownmiller, 1989, p. 61; Kozol, 1995).

Gender difference is the most ancient, universal, and powerful origin of morally valued conceptualizations of reality (Steiner, 1989; Harding, 1986). Challenging gender relations is no minor undertaking (Steiner, 1989). Steiner is eager to point out that women and men have different styles of moral reasoning presenting problems with interpretations and presentations in media (Steiner, 1989). Harnish, Abbey, and Debono, (1990), stated that in Abbey's research of 1982, men sometimes mistake friendliness for seduction because they were socialized to do so. Harnish et al. contend that mass media present men and women in consistently different ways with more emphasis placed on women's physical attractiveness than on men's (1990; Silverstein, Perdue, Peterson, & Kelly, 1986; Venkatesan & Losco, 1975).

Clark's portrayal in media was focused on her appearance and her personal life instead of her abilities as a prosecutor. Cochran, who was the lead defense attorney, is most easily compared to Clark because of his status in the trial. The press did not focus on his appearance or personal life but rather on the female, Clark.

Ramsdell (1973) spent more than 600 hours watching eight soap operas offered by a single network in 1971-72 (Ramsdell, 1973; Comstock, 1978). Katzman (1972a) and Downing (1974) conducted a similar analysis of soaps. The three studies were consistent with each other in their reports of the age,

sex, and occupational status of characters in soap operas (Comstock et al., 1978). There was a solid core of female professionals but there were differences in presentation. Katzman excluded nurses and other lower level professionals while the other two researchers did not specify. Ramsdell insisted that “the career woman is not dealt with gently in the soaps, most frequently being depicted as villainous or emotionally unstable” (Ramsdell, 1973; Comstock et al., 1978). Ramsdell (1973) quotes Bird (1971): “a liberated woman sees TV’s treatment of female roles as stereotypical and obstructive in the battle for equal status” (p. 301). Simpson’s trial was referred to as the “national soap opera” across the country being watched by 95 million people (*Newsweek*, Oct. 16, 1995, p. 30).

Mass media reinforce traditional roles for young women. This is done “through their perpetuation of physical beauty as the standard for women-- in commercials, advertisements, and stories for beauty products, as well as in their use of attractive people as models and actors-- and, in part, through their portrayals of women” (Peirce, 1990, p. 495). “Magazine research tends to focus on the image of women in advertisements, articles, and short stories in relation to men and occupations” (Peirce, 1990, p. 495).

In magazines designed for women, stereotypes are well defined.

In a sample of women’s magazines, such as *Ladies Home Journal* and *Good Housekeeping*, Helen Franzwa (1974) found that all the women in fiction stories were defined by the absence or presence of men in their lives, furthering a dependent and passive stereotype. Work for women was treated as secondary to their home life and even undesirable. Few working married women and even fewer working

mothers were portrayed (although these roles have become common for women) (Shoemaker & Reese, 1991, p. 46).

Helen Butcher et al. (1981) noted a consistent image of women across several media outlets, all depicting women as oriented toward being mothers, wives, housewives, and sex objects: from a pretty stewardess saying “Fly me” in a television advertisement for an airline, to the Miss World contest on prime time, to popular British press cartoons showing women as illogical, frivolous, and emotional. Butler and Paisley (1980) concluded that in research up to 1980, ads contained men presented in more roles, were more often shown as employed, and more often had higher-status positions; in short stories, few married women worked and a job was a step to getting a husband. In articles working mothers were portrayed unfavorably, traditional marriage was emphasized, and women who did work did so in low-status jobs (Peirce, 1990). Research since 1980 suggests that magazines have changed somewhat. This is in part due to the birth of nontraditional magazines such as *Ms*, *SAVVY*, *Working Woman*, and *New Woman*, which advocate nontraditional roles for women (Peirce, 1990; Ruggiero & Weston, 1985). The more established magazines, have begun showing more women working outside the home in a more positive light but in predominantly traditional occupations.

Authors of a study of ads in general interest magazines found that in recent years these magazines have included more diversity in their portrayals of women (Sullivan & O'Connor, 1988; Peirce, 1990). “In a study of the illustrations in popular computer magazines, researchers found that women were over represented as clerical workers and sex objects and in passive roles

and that men were more likely to be in positions of power” (Peirce, 1990, p. 496; Ware & Stuck, 1985)

Clark’s Perception of Media

Darden (1996) stated that “she (Clark) had given of herself more than she had. Raked by the media because of her painful divorce, she battled harder than anyone I’d ever seen” (Darden, 1996, p. 12). She smoked long-filtered Dunhill Red cigarettes, one right after another (Darden, 1996, p. 160). She had signs on her office door that read “Do Not Knock.” “Keep Out.” “Call Patti Jo” (her assistant). And finally, “It is Easier For Men To Praise a Woman Who Fails” (Darden 1996, p. 160). According to Darden (1996), this was a woman who took her job and herself very seriously, who invested everything she had” (p. 198). Clark had the reputation as the toughest woman in the Criminal Court Building and her 100 pounds were used to unleash a string of profanities that would quiet a dock of longshoremen (Darden, 1996, p. 311).

Clark was not the lonely female in the legal profession. According to Mobley et al. (1994), there were many other females that were attorneys. She just happened to be the only female in the Simpson trial being hounded by the media.

The number of females entering the legal profession has gone from 10,000 to 100,000 during the 1970s and 1980s (Mobley, et al., 1994). By the 1990s, females comprised 20 percent of all lawyers in the U.S. (Mobley, 1994). MacCorquodale & Jensen (1993) found that women were more likely

to believe that gender mattered in the courtroom:

Three quarters of male attorneys felt gender makes no difference as compared to 43 percent of female attorneys. Thirty-eight percent of women and six percent of men felt more attention was given to males. No one believed that more attention and credibility were given to women. Women reported receiving more compliments on their clothes from males than on their performance as an attorney or their reputation...
(MacCorquodale & Jensen, 1993, pp. 584-585).

Many respondents to this study believed that gender of the attorney influence case outcomes (MacCorquodale & Jensen, 1993). Overall, among women, the majority of them believe there are more pervasive gender problems. Both men and women believe that when gender makes a difference, females are at a disadvantage in certain cases and with some clients (MacCorquodale & Jensen, 1993). Clark experienced this phenomenon with reporting about her clothes one day. News reporters questioned her about the clothes she was wearing:

Once I wore a short-sleeved white dress. There was no significance to it except that it was clean, comfortable, and not something I usually wore in front of a jury because it was just a little too casual. Since we were in pretrial motions and didn't even have a jury at that point, I could choose comfort over formality. And so, as I got off the elevator, reporters started hectoring me: "Marcia, what is the significance of the dress? What does it mean?" *What does it mean? The dress means nothing, but the fact that*

you have to ask means a lot. It means there sure as hell is such a thing as pink coverage versus blue coverage. It means "She may be the CEO of General Motors, boys, but she's still a woman." The real problem was that I was overexposed. During a single week, my image had beamed for some seventy hours into the living rooms, bedrooms, bathrooms, and kitchens of strangers. That's about five years worth of Seinfeld episodes in seven days! No wonder strangers felt a false sense of intimacy with me (Clark, 1997, pp. 117-118).

On the day of O.J. Simpson's arraignment, Marcia Clark found that she was to speak on behalf of the prosecutor's office. The door opened onto a large mob scene. "The lobby was jammed wall-to-wall with bodies--broadcast androids trying to muscle out the print scruffs. Photographers were dangling from the mezzanine" (Clark, 1997, p. 56). From the start of the case, the media was heavily involved in reporting any and all information to the public.

Sexism

The social cognition literature has moved from investigating the impact on the processing of self-relevant information to investigating the impact of schemata judgments of others, both generally and specifically in the area of gender (McKenzie-Mohr & Zanna, 1990). Behaving sexually toward another person or thinking about a person sexually is appropriate in some settings. In other settings, however, these same behaviors are sexist because other conceptions or behaviors should have priority (McKenzie-Mohr & Zanna, 1990). Mohr and Zanna (1990) continue:

Cognitive sexism is defined as the processing of information on the basis of a heterosexuality schema when another schema would be more situationally appropriate. Sexism can occur not only at the cognitive level of biased schematic information processing but also at the behavioral level. Treating a woman as a sexual object is defined as employing a heterosexuality schema that subsequently leads to biased schematic information processing and/or overt sexually motivated behavior when, given the situation, other schemata would be more appropriate (Mohr & Zanna, 1990, p. 298).

In reference to the trial and sexism, Clark talked about it in an ABC-TV 20/20 interview:

Barbara Walters: (voice -over) In addition to speculation about romance outside the courtroom, there was the issue of gender inside. As she confided to her tape recorder on one freeway ride.

Marcia Clark (Dictated audiotape):

Their sexism has gotten so irritating. The judge makes these cute little corrections to me about person. Instead of "manpower," "person power." That kind of (bleep). That's just a change of a word, Judge. How about your (bleep) sexist attitude? And Cochran is so condescending and patronizing. I'm arguing against him, and he starts calling me hysterical. I mean, Jesus, I've never seem anything like this. In my whole life, I was not one to cry sexism. I was refusing to see it even when it was staring me in the face. In the context of this trial, I got nose-to-nose with it. And I couldn't ignore it anymore," (ABC, 20/20, 1997).

Pingree, Hawkins, Butler, and Paisley found that in order to try to reduce the sexism in the media, it is important to change the manner in which women are portrayed (1976). Pingree et al. discuss a scale for media sexism. In it there are five levels to this scale and each portrays women in a distinct manner. Level I: a woman is a two dimensional, non-thinking decoration. (for example, the dumb blonde, the sex object and the whimpering victim). Level II: a woman's place is in the home or in womanly occupations: mother, wife, secretaries, teachers, clerks, and nurses. Level III: a woman may be a professional, but first place is at home. (Example: career is viewed as the something extra. Housework and mothering come first). Level IV: women and men must be equals. This is rare among media images. Finally, is Level V: which allows for women and men to be individuals. This is non-stereotypic. Women and men are viewed as superior to each other in some respects, inferior in other respects (Pingree et al., 1976, p. 194-195).

Results from this study produced a conclusion that media images of men are also restricted. Level I for men: a man is two dimensional decoration; Level II: a man's place is at work or at manly activities at home; Level III: a man may help out competently at home, but the first place is work. The final two levels are the same for men and women, as previously mentioned (Pingree, et al., 1976).

Gaye Tuchman (1979) argued that the following are assumed in direct correspondence among media organizations, their content, and the everyday world.

1. Few women hold positions of power in media organizations;
2. The content of the media distorts women's status in the social world.

Mass media do not present women who are viable role models;

3. Mass media's deleterious role models, when internalized, prevent and impede female accomplishments. They also encourage both women and men to define women in terms of men (as sex objects) or in the context of the family (as wives and mothers) (p. 531).

Since 1954, there has been little change in the presentation of women according to the available statistical indicators (Tuchman, 1979). Only about 45 percent of the people presented on television have been women; about 20 percent of those shown as members of the labor force have been women. Men are shown as aggressors, women as victims (summarized in U.S. Commission on Civil Rights as cited in Tuchman, 1979, p. 531).

Based on the above research, the questions that need to be answered regarding Marcia Clark and media begin with a focused investigation of two national news magazines--*Time* and *Newsweek* before, during, and after the "Trial of the Century."

Research Questions

RQ1. Did *Time* and *Newsweek* portray Clark and the male attorneys in a sexist manner according to the scale by Pingree (1976) et al.? In which level was each key attorney portrayed?

RQ2. Were *Time* and *Newsweek* socially responsible in focusing on Clark's personal life? Did media focus on Clark's appearance, family, divorce and child custody instead of her ability as prosecutor? How did the male attorneys compare to Clark in terms of family-oriented coverage?

The purpose of this study is to show how Marcia Clark was portrayed in regards to her gender and the social responsibility of Time and Newsweek in comparison to the male attorneys during the O.J. Simpson trial beginning June 1994 and ending December 1995. This study focuses strictly on one medium, and two news magazines, Time and Newsweek, and how the authors of the articles portrayed Clark and the male attorneys in regard to gender and social responsibility.

Chapter 3

Methodology

In order to address these questions, a qualitative content analysis was chosen. Qualitative research involves the careful, detailed descriptions of that which is under study. The descriptions are then organized in a meaningful way according to common themes that emerge. According to Lindlof (1995), the goal of qualitative research is to preserve the form and content of that which is under study and to analyze its qualities rather than subject it to mathematical or other formal codifications (p. 21). Lindlof (1995) continues: "a qualitative method is useful for a study that seeks to describe the social reality created by messages" (p. 22). This is because the context of what is presented can be preserved. Because the purpose of the study is to determine the effects of gender and socialization on Marcia Clark, and mass media social responsibility, a qualitative method is appropriate. Christians and Carey (1989) state that humans live by interpretations (p. 359): "They do not merely react or respond but rather live by interpreting experience through the agency of culture" (p. 359). Thus we do not ask, "how do mass media affect us," but "what are the interpretations of meaning and value created in the media and what is their relation to the rest of life?" (Christians & Carey, 1989, p. 359). There are four criteria in which qualitative research can be judged. They are naturalistic observation, contextualization, maximized comparisons, and sensitized concepts (Christians & Carey, 1989, p. 359). This study will concentrate on the contextualization which provides for a review of the context of the information.

Marshall and Rossman (1995) state that when providing a rationale for

qualitative methodology, “the most compelling argument is to stress the unique strengths of this paradigm for research that is exploratory or descriptive” (p. 39). Marshall and Rossman (1995) explain that qualitative methods are useful when studying new phenomena. This is because qualitative research often serves to identify important variables and generate hypothesis for future research. The literature review showed that much has been discussed about the Simpson trial, but little research has been done on the portrayal of Marcia Clark, utilizing such categories as gender, feminism, and socialization. This study will look at these areas.

Sample

This is a qualitative study of context of *Time* and *Newsweek* magazines from June 1994 through December 1995. The murders occurred on June 12, 1994, and the trial ended October 3, 1995. These two major national newsweeklies were selected because of their national influence. They are similar in layout and are weekly publications. They also appeal to similar reader types, people who are educated and interested in the current events of the nation. The combined circulation rate is over seven million copies weekly. Circulation rate of *Newsweek* is 3,228,231 while *Time* has a circulation rate of 4,095,555 (Stanford Periodical Directory, 1997). As of the first half of 1990, *Time* was ranked number 11 and *Newsweek* was ranked number 18 (Jamieson & Campbell, 1992).

Both *Time* and *Newsweek* magazines have separate headings under which news is reported. All articles in every issue were reviewed from June

1994 to December 1995. There were weeks in which nothing was printed about the Simpson trial. The review began prior to the murders (on June 12, 1994). The analysis began twelve days prior to the murders and ended two and one-half months after the end of the criminal trial. "Letters" from both newsmagazines are from readers. They will not be analyzed in this study.

Instrument

Based on review of literature, this study divided content into categories in order to determine social responsibility and gender stereotyping. This study divided the articles into the following categories: Appearance (i.e. clothes, beauty, hair), Personal Life (i.e. family, divorce, child custody), Professional, and Language. Articles pertaining to Clark and the seven main male attorneys were analyzed. The coding sheet contained the following information for each article: Article Identification Number, Magazine Title, Date of Article, Page Number, Title of Article, and Magazine Section. (Refer to Appendix B for coding sheet). The eight main attorneys recorded were Marcia Clark, Bill Hodgman and Christopher Darden for the prosecution and F. Lee Bailey, Johnnie Cochran, Robert Shapiro, Barry Scheck and Alan Dershowitz for the defense. When analyzing the articles, the categories by Pingree et al. (1976) as stated below were followed to determine if Clark and the male attorneys fit one of the levels (see appendix C). Their system of categorizing females and males was used as a tool to measure sexism in the media. Language by Spender was applied to articles to determine feminism (1985).

Procedures

Although both *Time* and *Newsweek* magazines have similar structure, there were certain distinctions. Throughout this discussion of procedures the differences are specified, when necessary, otherwise the same procedure was followed for both.

The first step involved obtaining the articles from the University of Nebraska at Omaha library. Each magazine was reviewed from the microfiche. Every article pertaining to the Simpson trial was noted on a sheet of paper and then photocopied for future reference. During the initial review all articles having anything to do with the murders, trial, Simpson, Clark, or other attorneys was photocopied. An inclusive review was completed later. A list was kept of where the articles were located in each magazine for future review. This procedure was followed for the entire process of both newsmagazines. After all the articles were secured, it was necessary to color code them accordingly: Clark-pink; Hodgman-turquoise; Darden-blue; Bailey-violet; Cochran-green; Shapiro-orange; Sheck-yellow; and Dershowitz-bright pink. There were other attorneys who were not in the "spotlight," and consequently, they were not studied.

At this point it was necessary to attach a coding sheet to each article and determine the article's emphasis. A hash mark was placed in the appropriate section of the coding sheet using the categories stated above. If the article was not in reference to any of the eight attorneys, then it was simply counted as part of the coverage of the trial. If it was in regard to one or more of the eight

attorneys, it was necessary to determine which category the hash mark belonged for each paragraph. A simple count of the total number of articles about the trial and Clark was made to determine the amount of exposure Clark did receive in these magazines compared to the seven male attorneys. It was determined early on that counting paragraphs was necessary to arrive at an accurate percentage of coverage for the attorneys. This was because some articles reported about appearance as well as personal life and professional life. Each paragraph was color coded for any reference to the eight attorneys. The reference was counted only once per paragraph even though the attorney may have been noted numerous times in the paragraph. All explanations of attorneys under photographs of the eight attorneys were counted as one reference to them, if their name was printed in the article. Letters from readers were not included in the count. This process was repeated for all articles for each week for both newsweeklies for the nineteen month period of time (June 1994 to December 1995). Some weeks had many articles about the trial and related information while other weeks there was nothing at all in print.

Due to the complexity of reviewing the articles, it was necessary to count paragraphs in the articles. This was because often the article would touch on more than one category or attorney. This measure of paragraphs showed the persuasiveness of the coverage. A count was made on three separate occasions to assure accuracy. Spouse abuse was one of the topics that was covered. Other articles made reference to L.A. police force and racism. These articles were included in the total count but did not make reference to any of the eight attorneys being reviewed. A fourth count was made to keep track of the eight attorneys in the actual articles irregardless of the number of times they

were mentioned in a single article. The count was for the article alone and not the number of times the attorney was mentioned in the article.

Each article was read and evaluated according to these subject categories: appearance, personal life, professional, and language. Also, a scale was made to determine the article emphasis on the attorneys. The scale was on the coding sheet and ranged in three categories: none, some, and main. In order to determine which emphasis the article was placed, the following scale was used: no mention equaled none; one to five paragraphs equaled some; and over five paragraphs equaled main emphasis.

A hash mark was used on the coding sheets whenever a reference was made to the four categories of each of the eight attorneys being reviewed in each article. Levels were decided based on the Pingree et al. (1976) scale. These were also color coded on the coding sheet for easy reference.

These levels were used to help determine if sexism or gender stereotyping was in the media. It was used to answer whether Clark's belief that "Pink" versus "Blue" coverage was occurring. The same hash marks were used to measure the levels.

According to Pingree et al. (1976), the scale of levels was created to determine the equality of advertising. It will be used, in this study, to determine sexism in the reporting of the Simpson trial. According to Pingree et al. (1976), increasing the representation of women in the media (a quantitative approach) will probably not reduce media sexism unless the manner in which women are presented also changes (a qualitative approach) (p. 193).

For example: if Clark was noted in the article, it would be coded pink with

a (I) in the category that was described in the article. Then if she was strictly noted as a prosecutor, she would fall into level IV because she was a professional and there is no mention of home or children. If Cochran was noted strictly as a defense attorney without mention of his home life, then he would be rated Level II and be coded green. Once all the articles were reviewed and coded, a content analysis was made under Discussion (Chapter 5). In this section, Gans' (1979) and Gitlin's (1980) group approaches of theoretical perspectives were applied to the articles. Language used was reviewed in the articles based on the study by MediaWatch in Canada (1991). The number of bylines of female authors was counted as well as male authors.

Reliability

Reproducibility is evidence of reliability but not validity according to Stamm (1989). Marshall and Rossman (1989) state that qualitative research does not pretend to be replicable (p. 148). The researcher purposefully avoids controlling the research conditions and concentrates on recording the complexity of situational contexts and interrelations (Marshall & Rossman, 1989). Qualitative researchers can respond to replicability by following these steps: (1) they assert that qualitative studies by their nature cannot be replicated because the real world changes; (2) by keeping thorough notes and a researcher's diary that records each research design decision and the rationale behind it, researchers allow others to inspect their procedures, protocols, and decisions; (3) by keeping all collected data in well-organized,

retrievable form, researchers can make them available easily if the findings are challenged or if another researcher wants to reanalyze the data (Marshall & Rossman, 1989).

Six months after the original review of the articles, an intra-coder reliability test was conducted to determine whether the outcomes would be the same. There were six errors found in coding. They included wrong coding in four and an oversight in one and finally, a failure to explain why the levels were chosen in another.

Chapter 4

Results

There were 19 months of articles from two newsweeklies reviewed.

Newsweek had a total of 172 articles pertaining to the Simpson trial and people involved with it. *Time* had a total of 114 articles. Another nine *Newsweek* and 13 *Time* letters were excluded from the analysis. They were not counted in the total analysis. There were 1320 paragraphs in *Newsweek* and 743 in *Time* using references to the Simpson trial and the individuals involved.

Newsweek had a total of 107 articles with attorney information out of 172 Simpson stories (62.2%) and *Time* mentioned attorneys in 54 articles out of 114 (47.4%) Simpson stories. In some cases, articles had references to multiple attorneys (see Table 1 & 2). The discrepancy of total articles for *Newsweek* at 225 with an original count of 172 and *Time* at 122 with an original count of 114 is because when the initial count was made, one coding sheet was placed on each article series not each individual article. Sometimes there were multiple inset articles included with the original article.

Although there were numerous articles involving the Simpson trial, only about half mentioned the attorneys to any degree. This was further narrowed down when measuring the attorney emphasis of the articles.

A count of the attorney emphasis of articles was kept. The range was none, some and main. In *Newsweek*, 81 rated none (no emphasis of attorneys); 77 rated some coverage (between one to five paragraphs mentioning the eight

attorneys); and 14 articles had the attorneys as the main emphasis of the articles (over five paragraphs) based upon the researcher's individual judgment. *Time* had 70 rated as none (no emphasis); 33 as some coverage (one to five paragraphs) and 11 articles had attorneys the main focus (over five paragraphs left to the discretion of the researcher). Out of these main emphasized articles, Clark was found in 10 of the 11 from *Time* while Cochran was found in eight of the 11. In *Newsweek*, Clark was found in nine of the 14 articles and Cochran was found in eight of the 14 articles.

Beginning with the main articles, *Newsweek*, first portrayed the "Three for the Defense" (July 11, 1994, pp. 26-27). In this article, "Robert Shapiro wants the public to believe that O.J. Simpson's Dream Team Defense is the best legal squad put together since Abe Lincoln practiced alone." In the headlines "An unusual trio of legal egos-Shapiro, Bailey & Dershowitz-try to outmaneuver the prosecution, suppress evidence and win points in the press" (*Newsweek*, July 11, 1994, p. 26). "Shapiro is captain of the team, Bailey the trial maven and Dershowitz, the master strategist" (*Newsweek*, July 11, 1994, p. 27). The question arose as to how Shapiro and Bailey would share courtroom time during the trial? "Each amiably defers to the other on that question--the two are longtime friends and Shapiro successfully defended Bailey in 1982 for drunken driving--but there's no way both of them can play center stage" (*Newsweek*, July 11, 1994, p. 27). This is considered a Level V story because there is description of male oriented jobs without any comparison to females. It is not a Level III story since there is no reference to home.

Marcia Clark was the only attorney, male or female, that received any

news coverage about her appearance. *Time* reported about Clark's appearance three times while *Newsweek* reported it six times. Appearance included hair, beauty, and clothes. The first mention of Clark's hairstyle was on January 23, 1995 (p. 48) in *Newsweek*. The headlines focused on her changing hairdo and short skirts ("Prosecutie's Sexy Look! screamed the *New York Post*"), (*Newsweek*, January 23, 1995). This article states, "But the Marcia Clark the real jurors in the O.J. Simpson case will encounter is very different from the tightly wound workaholic the media have portrayed to date" (*Newsweek*, January 23, 1995, p. 48). The article goes on to mention her history as a Los Angeles District Attorney for the past 13 years.

Christopher Darden and William Hodgman are mentioned minimally. The article closes with mention of Clark's personal life, namely, her two marriages, divorces, and her two sons (*Newswwek*, January 23, 1995). This article was considered a mixture of Level I, III, and V stories. This is because of the variety of material in the article. It was not possible to treat all of the material as one level (See appendix A-1). Due to the fact that the guidelines allow for one level per article, per attorney, this article was considered Level V, making Clark an individual. This incorporated all the information given in the article:

Headlines read "Marcia Clark Goes Straight." The most stunning revelation to come out of the O.J. Simpson trial last week may have been Clark's new hairstyle. When Marcia marched into court last Tuesday, her hair had gone straight--a dramatic departure from the curls she'd sported in varying lengths since the case's inception. When Clark arrived in court, reporters clapped. "Get a life," she chuckled (*Newsweek*, April 24, 1995, p. 72). (See appendix A-2).

This article was categorized Level I because it emphasized Clark's hair and appearance and the meaning of changing hair style. It did not mention anything about her professional ability or personal life.

Joni Johnston, a Dallas psychologist who specializes in women's issues, "says a new style is a confidence boost. Or a declaration that it's a 'new me'" (*Newsweek*, April 24, 1995, p. 72). New York psychoanalyst and author Jessica Benjamin "says makeovers are a visible show of femininity to disarm men threatened by powerful women" (*Newsweek*, April 24, 1995, p. 72).

It didn't stop there. Focus- group members described Clark as "pushy" and a "bitch" (*Newsweek*, Jan. 23, 1995, p. 48), and "Home viewers perceive the impact as they monitor Marcia Clark's Di-like makeover, with hair that's gone from shaggy mane to Madison Avenue sleek and a once frumpy wardrobe that now rivals Grace Van Owen's on L.A. Law" (*Time*, July 24, 1995, p. 38).

This article was Level I because there was no information about Clark's personal or professional life, merely her appearance. It can be noted here that there was a caricature of Clark and her hair in the *Newsweek*, (April 24, 1995, p.17). Another article presented the work of Barry Scheck, Johnnie Cochran, and Robert Shapiro as the defense attorneys in the trial with only a mention that Clark had a good hair week (*Newsweek*, April 24, 1995, p. 36).

Observers were questioning whether Leslie Abramson had a face lift. What she did have was a hair lift similar to Marcia Clark's whose own makeover scored big in the court of public opinion (*Time*, Sept. 4, 1995).

Marcia Clark was the main recipient of coverage regarding personal life. Clark was portrayed more than three times the number that Cochran

received in *Time* and five times as frequent in *Newsweek*. A comparison was made between Clark and Cochran because these two individuals were the teamleaders for the case. The remaining attorneys were only mentioned a small percentage of time in either magazine. Shapiro received only a third of the coverage that Clark received in *Time*. One of the reasons that there is a difference in the newsweeklies is that *Newsweek* printed 103 more articles about the attorneys than *Time*.

One of the articles referencing the attorneys was as follows: on July 11, 1994, *Newsweek* reported that Shapiro and Bailey were longtime friends and that Shapiro defended Bailey in 1982 for drunken driving (p. 27). *Newsweek* also reported about Bailey's brush with the law as told by a retired San Francisco cop (March 27, 1995).

According to *Newsweek*, "the main reason Dershowitz was brought in to join the "Dream Team" was to keep him from unrestrained pontificating on the airwaves" (July 11, 1994, p. 27):

One of the four myths about *The People v. O.J. Simpson* is "you have to be a media hound to win these kinds of high-profile cases." So Shapiro advised the criminal-defense bar in a magazine article to "use the media to your advantage" (*Newsweek*, July 11, 1994, p. 27).

Time noted that Marcia Clark is a former dancer (July 18, 1994, p. 36).

Clark's personal life has been far from prim, according to *Newsweek*.

The tabs have relished dredging up details of her first marriage to dashing Israeli backgammon pro, Gaby Horowitz. Marcia, then a law student, sometimes accompanied him to tony private clubs (*Newsweek*,

Jan. 23, 1995, p. 48).

"The couple divorced in 1980, and five months later Marcia married Gordon Clark, a Scientologist, five years her junior" (*Newsweek*, Jan. 23, 1995, p. 48). She filed for divorce in June, 1994.

Caring for her two rambunctious sons (ages 2 and 5) while juggling her demanding trial schedule has been stressful but friends say Clark's stamina is legendary-- she exists on cigarettes and Caesar salads, and lifts weights at home at night, after her kids have gone to bed (*Newsweek*, Jan. 23, 1995, p. 48).

The headlines read "A Single Mom's Trial." Again, Marcia Clark, lead prosecutor in the O.J. Simpson trial, who pleaded in court two weeks ago that she could not stay for a late Friday session because of child-care problems, was portrayed as a single mother with conflicts between parenting and career. Immediately, Gordon Clark, her estranged husband, filed for primary custody of their two children, ages three and five, claiming that they are "starved for affection...I have personal knowledge that {Marcia} doesn't arrive home until 10 p.m. I do not want our children to continue to suffer because she... never has time to spend with them." Responding through her lawyer, prosecutor Clark said, "I am devoted to my children, who are far and away more important to me than anything...it is inappropriate for me to discuss {the matter} in the media" (*Time*, March 13, 1995, p. 113). (See appendix A-3). This was considered Level III as homelife and professional life are mixed together.

Making headlines in *Newsweek*, (March 13, 1995), Marcia Clark is caught in a terrible bind. Must she choose between keeping a good job and living with her children?

Marcia Clark is not every mother. She's a tough, well-paid winner in a highly competitive line of work who is also trying, as a single mother in the midst of a divorce, to raise two young boys. The custody turning point came when Marcia, who makes \$97,000, filed for the original child support payment of \$1,100 a month be reinstated (*Newsweek*, March 13, 1995, p. 54-55). (See appendix A-4).

Headlines read "Does Father Know Best?" It's not a matter of a sick child or a snow day or an employer with a less than flexible schedule. It's an ex-husband using your career to try and take the kids away (*Time*, March 20, 1995, p. 40). (See appendix A-5). This is Level III as homelife and professional life are combined.

Mothers with high-powered jobs like Marcia Clark, the prosecutor in the Simpson case, may have the most to worry about. The fact that Clark is up early with the children and manages to get home to tuck them into bed most evenings before returning to the courthouse may not be enough to counter a presumption that lawyering is incompatible with mothering. Gordon Clark did not sue for custody until Clark asked for more child support. There is a double standard (*Time*, March 20, 1995, p. 40).

This same article states that "no one seems concerned that Robert Shapiro,

who has young children is out many nights at the Eclipse, the Beverly Hills restaurant of the moment, and no one dwells on Johnnie Cochran's troubled record as a husband. The double standard means a working mother not only has to worry that someone else will see her child take his first step while she is reading a brief but also that if she achieves success in a man's world, her child won't be there when she gets home" (*Time*, March 20, 1995, p. 40). (See appendix A-5).

Gordon Clark, the estranged husband of Marcia Clark, entered the picture as one of the players as he filed for temporary primary custody of their two young sons while his wife remains mired in the trial of her career (*Newsweek*, April 17, 1995, p. 35). (See appendix A-6).

According to Gordon Clark, the boys' mother is never home and never has any time to spend with them. I've never said that she give up her career. What I'm saying is that if she can't be there, that's OK. I can be. She's decided what her priority is. Her priority is her career. And my priority is the kids (*Newsweek*, April 17, 1995, p. 35). (See appendix A-6).

When asked why he was speaking out now, Gordon Clark said, "Marcia used the media and her position to basically tell a million people that she has a problem with child care. But I'm available all the time. She has no childcare problem...I think that it's inappropriate to use our children as an excuse in court"

(*Newsweek*, April 17, 1995, p. 35). This article was Level III because it addressed home life as well as career.

Clark was not the only attorney with personal problems that were made public during the trial. Barbara Cochran Berry, defense attorney Johnnie Cochran's ex-wife, told *Newsweek* her recent book alleging physical abuse at Johnnie's hands, was received with sympathy by whites (Cochran denies his ex-wife's allegations) (*Newsweek*, Oct. 16, 1995, p. 62). (See appendix A-7). This article was considered Level II because it compared the defense attorneys at work while the article about Cochran's wife was an inset article and didn't carry as much weight. The article about Cochran's ex-wife was an article within an article, and if rated separately, it would be Level I because is no relation between work and home.

During opening statements, Hodgman objected 13 times. Later that night, he looked disoriented and ashen, suffering chest pains and was hospitalized (*Newsweek*, Feb. 6, 1995, p. 52). Prosecutor Clark went home after opening arguments too angry to listen to her favorite blues tape. Every night last week, after going home for an hour to tuck her children into bed, and all through the weekend, she was back in her small office at the Los Angeles County courthouse, munching on celery (she does not eat dinner), smoking Dunhills and scribbling furiously on a white legal pad (*Time*, Feb. 6, 1995, p. 60). Defense attorney Robert Shapiro was halfway across Los Angeles County watching his 14-year old son, Brent, play a hard-fought, body-checking ice hockey game-and chatting strategy (*Time*, Feb. 6, 1995, p. 62). (See appendix A-8). This reference to Shapiro was Level III because he was portrayed as committed as father as well as a defense attorney. The remaining article

compared Clark, Hodgman, Darden, Cochran and Shapiro as equals in the legal field. Therefore, it was rated Level IV. This is another example of the difficulty that occurs when trying to categorize into one single level.

Clark became obsessed with learning about Nicole and her state of mind. She would go home to put her children to bed, change into jeans and a sweatshirt to meet Darden and work on the case (*Time*, Oct. 16, 1995, p. 51).

One night about 10 p.m., she joined Darden and Dr. Donald Dutton, a domestic violence expert...Clark playfully kissed Darden on the cheek when she arrived, sank into an overstuffed sofa and ordered a Scotch on the rocks. Darden asked for a beer. (*Time*, Oct. 16, 1995, p. 53). Clark's intensity was interrupted by the phone. Clark's tone completely changed as she began speaking fluent Spanish, giving child-care instructions (*Time*, Oct. 16, 1995, p. 53). (See appendix A-9).

Clark, Darden, Cochran, and Shapiro were considered Level IV equals. Hodgman, Bailey, Scheck, and Dershowitz were Level II because they were reportedly persuing their place at work. It could be argued that Clark was once again demonstrated to be a mother as well as an attorney, so Level III might be possible. The majority of the article concerning Clark made her comparable to her male counterparts.

Professionally, all of the eight attorneys being reviewed were considered top notch in their field. *Time* magazine printed that Robert Shapiro was the main attorney for Simpson on June 27, 1994. Shapiro replaced Howard Weitzman, who resigned as Simpson's lawyer on June 15, 1994. Shapiro was known as a specialist in plea bargains with a long, successful track record in

celebrity cases. On July 4, 1994, Shapiro hired Alan Dershowitz and F. Lee Bailey as advisers. *Newsweek* referred to them as two of the most famous names in criminal defense. Dershowitz is a Constitutional-law specialist. Marcia Clark was the chief prosecutor named in the article of July 4, 1994 by *Time*. Co-prosecutor, William Hodgman was noted in the July 11, 1994 issue for his professional abilities not spelled out specifically in *Time*. Dershowitz was noted for his specialty in appeals by *Time* on July 11, 1994. Shapiro referred to the defense as the “Dream Team” in the July 11, 1994 issue.

Although Robert Shapiro denies that “race is an issue in this defense,” Johnnie Cochran joined the previously all white “Dream Team” (*Time*, August 1, 1994, p. 24). “Johnnie Cochran is a better trial lawyer than the entire defense team put together,” according to one prosecution source (*Time*, August 1, 1994). Cochran’s joining the “Dream Team” is considered the “trump” card. *Newsweek* reports that Cochran’s friendship with Simpson was the reason for his joining the defense team. Cochran has been known to exploit his race in the past (August, 1, 1994). “On August 22, 1994, Shapiro was considered the lead attorney and the master spinner, but he counts on a formidable team of private investigators to dig up information to help the case” (*Time*, p. 60). August 29, 1994, *Time* reported that Shapiro, the lead defense attorney, promised not to make race an issue in the case.

Newsweek noted that “the Simpson trial could boost the gritty Clark’s career prospects, putting her in line for a judgeship or a run for district attorney” (Oct. 17, 1994, p. 39). Don Vinson, a jury consultant for the prosecution, was banished when gut instincts of Marcia Clark and Bill Hodgman clashed with

cold computer analysis (*Time*, Nov. 14, 1994, p. 64). *Newsweek*, Dec. 26, 1994 / Jan. 2, 1995, noted that Lead O.J. DA had the hardest assignment: This “tough cookie” won’t crumble (p. 17). (See appendix A-10).

Newsweek, January 16, 1995, reported of the defense shake-up that was making the rounds in the *New York Daily News*. Simpson had “benched” Shapiro as his lead attorney and was handing the ball to Cochran (p. 60). Lawyer F. Lee Bailey would assume a larger role (“the fullback”) within Simpson’s vaunted Dream Team of lawyers: “The story accurately reflected the shift in power that had been long expected: from Shapiro, the Mr. Fix-it, Prince of Pleas lawyer, to Cochran, the experienced: litigator with the “never let them see you sweat” style (*Newsweek*, January 16, 1995, p. 60). Jurors saw Cochran as a “very polished, very charismatic individual who truly seems to care about people in general,” according to Jo-Ellan Dimitrius, a Simpson trial consultant (*Newsweek*, Jan. 16, 1995, p 60). “Johnnie Cochran may be the quarterback and Bob Shapiro is a running back but O.J. Simpson is the team owner” Alan Dershowitz, a defense consultant, told *Time* (*Time*, Oct.16, 1995, p. 56).

The “Dream Team” of defense lawyers was squabbling to the point where key members weren’t speaking to each other (*Newsweek*, Jan. 23, 1995, p. 47). Robert Shapiro and the once close friend he brought on board, F. Lee Bailey, no longer talked to each other (*Newsweek*, Jan. 23, 1995, p. 51). Johnnie Cochran was the courtroom leader: “Shapiro has been stung by his own downsizing; he was particularly wounded by a humiliating assessment of his work in a New York newspaper column filled with damning information from inside the defense team” (*Newsweek*, Jan. 23, 1995, p. 51). “Shapiro became a

household name over the course of seven months but now Cochran has, as he is a more experienced trial lawyer” (*Newsweek*, Jan. 23, 1995, p. 51).

“Cochran, one of the smoothest, best-connected lawyers in all Los Angeles, is now the undisputed leader of the defense team” (*Time*, Jan. 30, 1995, p. 43) .

“Cochran has a certain eloquence about him,” according to Juror No. 462 (*Newsweek*, April 17, 1995). He was responsible for convincing Shapiro and Bailey to make up. A devout Baptist, Cochran held a prayer service in the courthouse prior to the trial for the defense team (*Time*, Jan. 30, 1995, p. 43). Cochran brought another key ingredient to the mix--his credibility in the African-American community (*Time*, Jan. 30, 1995, p. 44).

Darden focused on the personality aspects of the case (*Time*, Feb. 6, 1995, p. 62). “Darden, a soft spoken, studious lawyer joined the prosecution team on Nov. 7, 1994, after supervising the grand jury investigation of Simpson’s friend, Al Cowlings. Clark had a trial demeanor that was both intense and compassionate” (*Time*, Feb. 6, 1995, p. 62). “She appeared close to tears as she reminded the jury to remember the victims” (*Time*, Feb. 6, 1995, p. 62).

F. Lee Bailey was chosen to cross-examine Mark Fuhrman about his racism (*Newsweek*, March 20, 1995). It was a high-profile chance for Bailey to prove that he retained the legal skills that won him fame in the 1960s and ‘70s (*Newsweek*, March 20, 1995, p. 57).

“Bailey’s lengthy questioning of Furhman produced no fireworks. Instead, it may have scarred Bailey’s reputation for life” (*Time*, March 27, 1995, p. 65). Clark’s redirect of Furhman was gutsy and smart. And she showed some fire dueling with Bailey. Her “size small” jab was below the belt, but the

crowd cheered (*Newsweek*, March 27, 1995, p. 58).

Prosecutor Christopher Darden recently spoke with disdain of “this supposed truth-seeking process” (*Time*, June 19, 1995, p. 40). Michael Knox, former juror, refers to the Simpson case and prosecutors Marcia Clark and Christopher Darden by saying “they have an excellent case, but they have stumbled over their own feet on many occasions” (*Newsweek*, July 3, 1995, p. 62).

Prosecutor Clark believed that the eight black women on the panel would be appalled by Simpson’s well-established history of abusing his wife (*Newsweek*, Oct. 16, 1995, p. 38). One knowledgeable prosecution source speculated the jurors were critical of Clark as a white woman who was trying to emasculate Simpson (*Newsweek*, Oct. 16, 1995, p. 38-39).

Simpson’s need to chat after the trial included his desire to debate prosecutor Marcia Clark. He said, “I’d like to be able to knock that chip off Marcia’s shoulder” (*Newsweek*, Oct. 23, 1995, p. 34; *Time*, Oct. 23, 1995, p. 87).

Table 1

Total Number of References in Articles in *Time*

	Appearance	Personal Life	Professional	Language	Total
Clark	3 (2%)	9 (7%)	19 (15%)	1 (01%)	32 (26%)
Hodgman	0	1(1%)	6 (5%)	0	7 (6%)
Darden	0	2(2%)	11(9%)	0	13 (11%)
Bailey	0	1(1%)	10 (8%)	0	11 (9%)
Cochran	0	3(2%)	25 (20%)	0	28 (23%)
Shapiro	0	3(2%)	20 (16%)	0	23 (19%)
Scheck	0	0	4 (3%)	0	4 (3%)
Dershowitz	0	0	4 (3%)	0	4 (3%)
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Total	3	19	99	1	122

(Note: In some cases, one article made reference to multiple attorneys.)

Marcia Clark was the only attorney to have her appearance mentioned in any of the articles. Clark's hairstyle and changes thereof as well as wardrobe changes were the dominant theme that was noted under appearance. She was likened to Grace Van Owen on L.A. Law (a past television drama about lawyers in California) (*Time*, July 24, 1995, p. 38). Clark's personal life, (i.e. family, divorces, marriages, children) was noted nine times or seven percent while the male attorneys' personal life reached two percent or three times for both

Cochran and Shapiro in *Time* magazine. Among the articles noted was the ice hockey game that Shapiro attended and cheered his son while discussing strategy for the trial (*Time*, Feb. 6, 1995, p. 60). Although Shapiro was a father of young children, he was not publically degraded for having many late nights at the Eclipse, the Beverly Hills restaurant of the moment (*Time*, March 20, 1995, p. 40). The author of this article speaks of a double standard for Clark and the male attorneys. Cochran's ex-wife, Barbara Cochran Berry, revealed the alleged abuse from Cochran during their marriage (*Time*, June 12, 1995, p. 65). Overall, Clark was portrayed in 32 articles or 26 percent of coverage while Cochran was noted in 28 articles or 23 percent of coverage.

Table 2

Total Number of References in Articles in *Newsweek*

	Appearance	Personal Life	Professional	Language	Total
Clark	6 (3%)	15 (7%)	34 (15%)	1 (.4%)	56 (25%)
Hodgman	0	1 (.4%)	4 (2%)	0	5 (2%)
Darden	0	5 (2%)	26 (12%)	0	31 (14%)
Bailey	0	2 (.9%)	20 (8%)	0	21 (10%)
Cochran	0	3 (1%)	43 (19%)	0	46 (20%)
Shapiro	0	2 (.1%)	41 (18%)	0	43 (19%)
Scheck	0	0	13 (6%)	0	13 (6%)
Dershowitz	0	1 (.4%)	9 (4%)	0	10 (4%)
<hr/>					
Total	6	28	190	1	225

(Note: In some cases, one article made references to multiple attorneys.)

Again, Marcia Clark was the only attorney to be portrayed for her appearance. This was to include her hair and clothes. Headlines that focused on Clark's changing hairstyle as well as the fee for the stylist were made public knowledge early on (*Newsweek*, January 23, 1995, p. 48; *Newsweek*, April 24, 1995, p. 72). Losing the curls for straight hair had many trendsurfers asking, "What does it all mean?" (*Newsweek*, April 24, 1995, p. 72). It didn't take long for

psychologist, Joni Johnson, to answer that it was a confidence booster (*Newsweek*, April 24, 1995, p. 72). Jessica Benjamin, a psychoanalyst and author declared makeovers are a “visible show of femininity” to disarm men threatened by powerful women while Allen Edwards, the stylist, saw it simply as a new look-a positive thing at the end of a hard week (*Newsweek*, April 24, 1995, p. 72). No mention was ever made as to whether the males received haircuts during the trial. There was no mention of apparel changes for the male attorneys, while several articles alluded to Clark’s changing wardrobe.

With regard to personal life, (i.e. family, marriages, divorces, and children), Clark was noted in 15 articles or seven percent. The next attorney to receive references to personal life was Chris Darden with five articles or two percent. Johnnie Cochran was noted in three articles or one percent regarding his personal life. Another article stated that Cochran fathered a son while married to Barbara. The son is Jonathan Cochran, now 21 (*Newsweek*, February 13, 1995, p. 33) (See appendix A-11). Unlike Clark’s coverage in the media that made the headlines, Cochran’s supposed illegitimate son was noted in the last paragraph of an article referring to the sadness of Nicole Brown Simpson’s family.

F. Lee Bailey’s own brush with the law was in 1982 for drunk driving and running a stop sign (*Newsweek*, March 27, 1995, p. 6).

Portraying their professional life, Clark did not receive as much coverage as Cochran or Shapiro. Cochran was noted in 43 articles and Shapiro was noted in 41. Clark was noted in 34 articles or 15 percent. Overall, Clark received 56 citations or 25 percent of coverage while Cochran was noted in 46

or 20 percent and Shapiro was noted in 43 or 19 percent of coverage in *Newsweek*.

Language was reviewed for female/male bylines. The count involved the actual number of authors and reporters. There were 81 female authors/reporters, and 86 male authors/reporters in *Time*. There were another 71 authors/reporters as unknown (no name printed in the magazine). *Newsweek* had 76 female, 151 male and 99 unknown reporters/authors.

Levels, using the Pingree et al. (1976) study, were another determining factor in reviewing media sexism. (Refer to Tables 3 & 4). Clark was shown to be in Level I four times in *Time* and seven times in *Newsweek*. As you may recall, Level I was a put down for females or males. The woman is portrayed as being less than a person. According to the study, "a woman is a two-dimensional, non- thinking decoration" and for the male, " Man is a two-dimensional decoration, such as Charles Atlas" (Pingree et. al., 1976). Cochran was shown two times in both newsweeklies as Level I. Darden was shown one time only in *Newsweek* at Level I.

Level II shows a woman's place is in the home or at womanly occupations. There were no stories about Clark that fit this category. The reason that Clark was not noted in this level was because her career involved a male dominated field as an attorney and not a female profession such as secretary or teacher. In Level II for males, the man's place is at work or at manly activities at home. Male attorney Hodgman was coded three times in *Time* and two times in *Newsweek*. It was determined that Darden was in five articles for both *Time* and *Newsweek*. Bailey was coded five times in *Time* and six times

in *Newsweek*. Cochran was coded 10 times in *Time* and 17 times in *Newsweek*. Shapiro was coded seven times in *Time* and 19 times in *Newsweek*. Scheck was coded three times in *Time* and seven times in *Newsweek*. Finally, Dershowitz was coded three times in *Time* and five times in *Newsweek* in Level II.

Level III states that women may be professional, but their first place is at home. Career is something extra. Clark was reflected twice in *Time* and four times in *Newsweek*. Level III for males reverses the priorities for men and women. In this level, men should work first and help at home second. Cochran and Shapiro both were shown one time in *Time* only.

A Level III article found is "A Single Mom's Trial." This article addresses the fact that, "Marcia Clark pleaded in court two weeks ago that she could not stay for a late Friday session because of child-care problems. Gordon Clark, filed for custody of the two boys claiming they are starved for affection"... (*Time*, March 13, 1995, p. 113). *Newsweek* summed the custody battle in an article titled "Putting Working Moms in Custody" (*Newsweek*, March 13, 1995, p. 54).

Level IV states that men and women are equals. In *Time*, Clark was coded 21 times, Hodgman coded five, Darden coded six, Bailey coded five, Cochran coded 14, Shapiro coded 11, Scheck coded one and Dershowitz coded two counts. In *Newsweek*, Clark - 33, Hodgman -two, Darden -18, Bailey -14, Cochran and Shapiro, both -20, Scheck -six and Dershowitz -two counts. One article explained that F. Lee Bailey's taunting cross-examination and prosecutor Marcia Clark traded playground insults, leading Judge Ito to ask for an apology from each attorney (*Time*, March 27, 1995, p. 14). On March 27, 1995, p. 65, in *Time* magazine, Clark and Bailey clashed over new evidence.

Bailey claimed to have a witness and Clark called him a liar....” On July 17, 1995, Clark, Bailey, Cochran, and Shapiro are noted to have done their own legal maneuvers (*Time*, p. 37-38).

Level V called for men and women to be individuals. Women are superior to men in some respects and inferior in other respects. Men would be the same. *Time* noted Clark twice in this level, Darden once, Cochran three times, Hodgman, Bailey, Shapiro, Scheck, and Dershowitz were not in this level at all. For level V, *Newsweek*, showed Clark nine times, Hodgman once, Darden six times, Bailey was three, Cochran and Shapiro were shown four times, and Dershowitz was shown two times in this level.

Bailey, Shapiro and Dershowitz were all coded in Level V on July 11, 1994, p. 26-27 in *Newsweek* magazine: “Shapiro is captain of the team, Bailey the trial maven and Dershowitz, the master strategist back in Cambridge who will also look for prosecutorial errors that could be fodder for an appeal.” There was no comparison to females but each have their own roles and more than just work related so not Level II. *Newsweek*, January 16, 1995, p. 60 explains in detail the roles that each attorney will have in the case. It exceeds the Level II role because it explains that Bailey, Cochran, and Shapiro have their own roles: Shapiro as his lead attorney in the double-murder case was handing the ball to Cochran. F. Lee Bailey would assume a bigger role as the “fullback” and Shapiro, the Mr. Fix-it, Prince of Pleas lawyer was taking a back step.

Table 3

Levels noted in *Time* magazine per attorney

Attorneys	I	II	III	IV	V	Total
Clark	3(3%)	0	2(2%)	21(18%)	2(1%)	28(24%)
Hodgman	0	3(3%)	0	5(4%)	0	8(7%)
Darden	0	5(4%)	0	6(5%)	1(1%)	12(10%)
Bailey	0	5(4%)	0	5(4%)	0	10(9%)
Cochran	2(2%)	10(9%)	1(1%)	14(12%)	3(3%)	30(26%)
Shapiro	0	7(6%)	1(1%)	11(9%)	0	19(16%)
Scheck	0	3(3%)	0	1(1%)	0	4(3%)
Dershowitz	0	3(3%)	0	2(2%)	0	5(4%)
Total	5	36	4	65	6	116

The total number of articles with attorney information is 54. More than one attorney was found in some articles but each attorney placed in only one level per article.

The most activity occurred in levels II and IV. Level II for females states that "a woman's place is in the home or in womanly occupations, such as teacher, secretary, or nurse." For males, Level II states "man's place is at work or at manly activities at home." Level IV for females and males states that

women and men must be equals (Pingree et al., 1976, p. 199).

Clark was coded the most in Level IV. This was because, unless homelife or mothering was mentioned along with her career as an attorney (which was considered a male dominated field in 1976), Level IV provided the correct analysis for her lawyering. She did not have to be in direct comparison with the males only described accordingly. Clark was noted three times in Level I in *Time*. As previously stated, this level explains that appearance which includes hair, dress, and personal life are the subject of the media coverage.

Cochran was also noted in Level I on two occasions. This was in direct relation to the statement about his abusive relationship with his ex-wife, Barbara Cochran-Berry (*Newsweek*, Oct. 16, 1995, p. 62). Cochran received the most marks for level II because this level states that man's place is at work. Shapiro received 11 marks for level IV because he was considered an equal with all of the attorneys. He also was coded seven times in Level II because again, he is described as doing man's work.

Based upon the scale by Pingree et al. (1976), sexism did exist in the articles from both *Time* and *Newsweek*. It can be seen in the reports of Level I and Level III articles. Clark and Cochran are the only two attorneys involved where Level I was explored and Clark has received much coverage regarding her personal life and appearance.

Table 4

Levels in *Newsweek* magazine per attorney

Attorneys	I	II	III	IV	V	Total
Clark	7(4%)	0	4(2%)	33(15%)	9(4%)	52(24%)
Hodgman	0	2(1%)	0	2(1%)	1(.1%)	5(2%)
Darden	1(.1%)	5(2%)	0	18(8%)	6(3%)	29(13%)
Bailey	0	6(3%)	0	14(6%)	3(1%)	23(11%)
Cochran	2(.1%)	17(7%)	0	20(9%)	4(2%)	42(19%)
Shapiro	0	19(9%)	0	20(9%)	4(2%)	43(20%)
Scheck	0	7(3%)	0	6(3%)	0	13(6%)
Dershowitz	0	5(3%)	0	4(2%)	2(.1%)	11(6%)
Total	10	61	4	117	29	221

The total number attorney articles is 107. Some articles referenced more than one attorney. However, each attorney was placed in only one level.

Clark was noted in 33 articles in level IV. At 15 percent, this was the most of any attorney. This recognizes Clark's ability as a prosecutor. While she was referred to regarding her appearance and as a mother, she did receive some recognition solely as an attorney. The next in level IV, was a tie between Cochran and Shapiro, both at 20 a piece, or nine percent. By adding Level II and IV together for Clark, Cochran and Shapiro, you can get an idea of how

frequently media portrayed these individuals as attorneys. Clark was noted 33 times; Cochran was noted 37 times; and Shapiro was noted 39 times. Again, we find that the males dominated the media with regard to attorney press.

In answering the research questions, we will be referring to the data on the proceeding tables.

Research Question 1: Did *Time* and *Newsweek* portray Clark and the male attorneys in a sexist manner according to the scale by Pingree (1976) et al.? What levels were each portrayed as being?

Research question 1 can be answered by saying that the newsweeklies, *Time* and *Newsweek*, did portray Clark in a sexist manner according to the scale by Pingree et al. (1976). Each of the eight attorneys were categorized the most frequently in Level IV. All of the male attorneys did receive some ratings in Level II while Clark received her ratings in Level I and III.

The second part to research question 1 can be answered by stating Clark was coded the most in Level IV in the newsweeklies followed by Cochran, Shapiro, and Darden. Hodgman, Bailey, Scheck and Dershowitz tailed behind. Both Scheck and Dershowitz received overall less coverage. Level II shows Cochran with the most at nine percent for *Time* and second at seven percent for *Newsweek*. Shapiro was coded nine percent for Level II, Darden and Bailey, tied, and Scheck, Dershowitz, and Hodgman all tied at the bottom.

Due to the fact that there was minimal main attorney emphasis, a qualifier

needs to be added before stating that sexism did exist. Marcia Clark was noted in 10 out of 11 articles in *Time* while Cochran was found in eight of 11 articles in *Time*. Clark was noted in nine of 14 articles in *Newsweek* and Cochran was found in eight. Although there were many other articles that mentioned the attorneys being studied, the majority of them did not focus entirely on their personal lives. Due to the fact that Clark was in the midst of a divorce and child custody battle, it was easy for news magazines to focus on Clark. It could be suggested that all the personal coverage that Clark received made her more of a human being to the reader. Clark was stereotyped with a complicated life. At the same time, due to the number of appearance and personal references of all articles, Clark's belief that "Pink" versus "Blue" coverage existed was confirmed in this study. The only question was to what degree it did exist. Clark was headlined in multiple articles while Cochran did not make it to the top. Topics of other articles ranged from domestic abuse to the Brown and Goldman families to O.J. Simpson's behavior. In addition, single-parenting made headlines and created a dilemma for Clark.

In order to determine the fairness of coverage, we could add Level II and Level IV for all the attorneys. Shapiro received the most coverage with 39 articles or 18 percent. Cochran runs a close second with 37 articles or 16 percent. Clark, who is also a leader, is third with 33 articles or 15 percent.

Research question 2 asks: Were *Time* and *Newsweek* socially responsible in focusing on Clark's personal life? Did media focus on Clark's

appearance, family, divorce and child custody instead of her ability as prosecutor? How did the male attorneys compare to Clark in terms of family-oriented coverage?

Based on the scale by Pingree et al., the newsweeklies were not socially responsible when focusing on Clark's personal life. Entertaining the fact that Clark was in the midst of a divorce and child custody battle removed the reader from the actions of the court and the trial regarding O.J. Simpson. Reports of Clark's hair and clothing were not necessary in order to understand the proceeding of the court. As previously stated, Clark was placed in a double bind. The same rules for Clark were not applied to her male cohorts. Description of clothing was only applicable to Clark. The male attorneys were not noted as having new wardrobes or suits. There was no published information about the males receiving haircuts or styling.

The fact that Shapiro had a young child only made it to press on two occasions. The first was the mention of "Robert Shapiro watching his 14-year old son, Brent, play a hard-fought, body-checking ice hockey game and chatting strategy" on February 6, 1995, (p. 58) in *Time* magazine. The second time was the article on double standards on March 20, 1995, (p. 40) in *Time*. This article also brings the point that Johnnie Cochran has a record as a troubled husband, brought out by his ex-wife, Barbara Cochran Berry (*Newsweek*, October 16, 1995, p. 62). Entire articles were devoted to Clark's personal life and her children while only one to two statements were made about Shapiro and Cochran.

To conclude, Marcia Clark's allegations about "Pink versus Blue"

Coverage appears to be supported as far as *Time* and *Newsweek* coverage was concerned. She was the only attorney (out of the eight studied) receiving any type of publicity about her appearance. It was not just one mention but a series of articles. She also received more publicity about her personal life than any of the other attorneys. These were long, detailed articles about her past life as a dancer and actress, as well as her marriage to Gaby Horowitz, the Israeli backgammon pro. Her current estranged husband brought her further into the lime-light by suing for custody of their two young sons. He stated she chose her career over motherhood (*Newsweek*, April 17, 1995, p. 35). Given the facts that Clark had filed for divorce a short time before the murders took place, it might just be a coincidence that her personal life was more entertaining than the other attorneys involved. Clark did not receive as much positive publicity about her professional life as Cochran or Shapiro, both leaders of the defense "Dream Team" at one time.

Chapter 5

Discussion

The facts are: Marcia Clark was the only attorney to receive any media coverage about her appearance, most notably, her hair style change. Although it was only three references, it was two percent for *Time* and six references or three percent for *Newsweek*. Regarding personal life, Clark was portrayed nine times or seven percent for *Time* and 15 times or seven percent for *Newsweek*. Comparing Cochran to Clark, Clark received much more media coverage for personal life style than Cochran who received three references for both magazines or two and one percent, respectively. Perhaps it was just because Clark found herself in the midst of a divorce involving two small children and the high-profile case at the same time. Shapiro has young children but he was not exposed to negative publicity as Clark.

To be fair in this study, it was necessary to compare the leaders to each other. In this instance, Clark to Cochran. Cochran's only downfall was his ex-wife's book revealing his abuse towards her (which he denies).

Regarding her professional life, Clark does not match the male attorneys coverage of Cochran or Shapiro. Clark received 15 percent for *Time* and 15 percent for *Newsweek*. The actual references disclose more of a discrepancy as *Time* had 19 articles and *Newsweek* had 34 articles.

Cochran had 20 percent and 19 percent, while Shapiro had 16 percent and 18 percent. Again the actual articles numbered a larger discrepancy.

When applying Gans (1979) and Gitlin (1980) and their theoretical perspectives to the information obtained, the results are varied. Despite fairly

widespread cynicism about the media, assumptions persist about the ability of the news to be objective, fair, and rational (Kozol, 1995). Theorists as wide-ranging as Stuart Hall (1976) and Herbert Gans (1979) have examined the ways in which the ideology of objectivity legitimizes news discourses (Kozol, 1995).

Gans (1979) and Gitlin (1980) group approaches of theoretical perspectives into a handful of categories:

-- *Content reflects social reality with little or no distortion.* The *mirror* approach to content research assumes that what media distribute conveys an accurate reflection of social reality to the audience-like a television camera turned on the world. The *null effects* approach suggests that media content reflects reality, but sees this reality as the result of compromises between those who sell information to the media and those who buy it; these forces counteract one another and produce an objective portrayal of events. The mirror approach is difficult to defend and does not fit well into this study.

The null effects approach is very hard to determine from the information given. It was not revealed what monetary worth each article had. It is quite possible that the media focused on Marcia Clark's hair, clothes, and personal life to make the trial much more fascinating to viewers and readers. After all, 16 months of strictly Simpson, the pre- and post-trial is likely to lose the interest of the average person. The authors/editors livened the news to make more money by having more readers.

-- *Content is influenced by media workers' socialization and attitudes.* This *communicator-centered* approach suggests that psychological factors intrinsic to communications personnel--their professional, personal, and political

attitudes, and the professional training communicators receive--lead them to produce a social reality in which agreement among social groups is the norm, and in which new ideas or behaviors are treated as undesirable oddities. This also occurred. Some articles focused on the various problems that were existing in the trial. For instance, the feud between Shapiro and Bailey, who started out as friends but ended up not speaking to each other. That is until Johnnie Cochran stepped in and the problem supposedly disappeared. It gave Cochran the advantage of being the peacemaker and increased readership. Cochran was called "the trump" card when he was retained as Simpson's attorney. Shapiro vowed not to use race as an issue but it was most definitely used and to Simpson's advantage. Even though the attorneys were not the authors of the articles reviewed, they were communicating every minute of the day. Cochran's smooth talking and Clark's frustrations with feeling sex discrimination by Judge Lance Ito, were only two cases. Selection of the jury was all psychological in nature. Both the defense and the prosecution had hired experts to help them choose those individuals that would be effective in meeting their goal. The readers, by nature, were interested in the personal lives of the attorneys especially, Clark, since she was the sole female.

--*Content is influenced by media routines.* The *organizational routines* approach argues that media content is influenced by the ways in which communications workers and their companies organize work. News reporters use the *inverted pyramid*, putting the most important information first and organizing the rest in descending order of importance. Their assessment determines the content of the story.

When there was little change in the trial proceedings, articles were

published about the trivial things such as Clark's hair and wardrobe change. Also, the personal life of all the attorneys, mainly Clark, took on a whole new meaning. What was done with the information was not at anyone's discretion but the editors.

--Content is influenced by other social institutions and forces. Factors external to the communicator and the organization-economic and cultural forces, and audience-determine content. The *market approach* locates influences in the communicators' desire to give audiences what they want in order to ensure large audiences for sponsors' products; the *social responsibility* approach locates influences in the communicators' desire to give audiences what they need rather than what they want.

This one is related to the first theory where society is the sounding board for information and the need to know. Publishers and editors know what sells and unfortunately, in the few cases where Clark's appearance was the focus it made the sale.

--Content is a function of ideological positions and maintains the status quo. *Hegemony* is a broad theoretical approach suggesting that media content is influenced by the ideology of those in power in society. As key parts of the economic system that are controlled by those with economic power, mass media carry an ideology consistent with those interests, which helps ensure that society will continue in its present form (Shoemaker & Reese, 1991, pp. 4-5).

These theories are not exclusive of one another. All aspects of each theory stated above are included in the content of the news. Although objectivity, fairness and rational reporting is a perfect ideal, it will not be possible because each individual does interpret messages based on their own

values and socialization. The best we can hope to expect is little or no distortions. These analyses have been tremendously useful in critiques of the news but, with notable exceptions, few theorists have explored either the gendered worldview of the news or how dominant cultural ideologies shape news coverage of women's issues (Kozol, 1995, p. 649).

Based upon the information secured from the articles in the two newsweeklies, Clark was portrayed in a sexist manner. However, based on the scale by Pingree et al. (1976), it was difficult to prove using numbers that she was not mainly considered an equal. She was the only attorney that received references to her appearance. Clark received more coverage than the other male attorneys regarding her personal life. She had fewer numbers of references in professional category than Shapiro and Cochran. The one language reference to her as a "tough cookie" was to Clark and not the male attorneys. The majority of the articles led Clark to be placed into Level IV, which means she is an equal with the men. She did have four occurrences in Level I, two in Level III, and one in Level V in *Time* and 32 in Level IV, seven in Level I, four in Level III, and nine in Level V in *Newsweek*. Clark had no reference in Level II as this would have meant that she was employed in a female occupation, not as an attorney. The male attorneys scored in a variety of levels. Comparing Cochran to Clark, he scored 14 in Level IV, two in Level I, 10 in Level II, one in Level III, and three in Level V in *Time*. Cochran scored 20 in Level IV, two in Level I, 16 in Level II, 0 in Level III, and four in Level V in *Newsweek*.

The male attorneys were coded in level II because if they were not

considered equal (as in level IV), then they were considered doing their manly occupation first and personal life last. Level I was a degrading level in which the person was not considered a whole person. Clark, Cochran, and Darden scored at least once in this level. Level III means that for females, motherhood, children and the role as wife come before career. Clark was the only one to fit into level III. Level V means each person is an individual. All but Scheck rated at least once here.

Taking the highest rating in levels will determine what level each person fit into. Clark- IV; Hodgman- IV then II; Darden- IV, V, then II; Bailey- IV then II; Cochran- IV, then II; Shapiro- IV, then II; Scheck- II, then IV; Dershowitz- II, then IV. All along the process of coding, I have discussed how difficult it is to rate each attorney into one Level. Clark only fits into Level IV the most because it is the only Level besides Level V that allows for her to solely practice law.

Basing sexism by the numbers, Clark was treated fairly. However, if the circumstances of the articles were considered, Clark was correct in her statement that there is such a thing as "Pink" versus "Blue" coverage in the media. Clark was not just mentioned in the articles reviewed. She comprised the entire article many times. Clark also made the headline more than once. These included the articles about her hair style, her clothes, her mothering skills, and her divorce. Cochran did not make the headline in any article. He was noted, but only in a few sentences, when his ex-wife told of her abusive relationship with Cochran (which he denies) and again when an illegitimate son was mentioned in passing.

Clark did not dispute any of the information written about her. So we can only speculate that it was because these changes in her life were really

occurring. Clark's life and her appearance were used to gain media attention and to increase readership of the newsweeklies. Even when Shapiro was noted as having a son, it was in a brief one sentence notation. The media interviewed Clark's estranged husband who was upset with the long hours Clark had to devote to the trial. Even though Shapiro had a son, no mention was made about the number of hours he was away from his child. It is not relevant to the trial and the outcome. Not one of the other attorneys were exploited as much as Clark was during this trial. An argument might be made stating that Clark is employed as a public figure since she is a prosecutor and employed by the state. This still should not authorize media to exploit her personal life.

Although both newsweeklies were socially responsible when portraying Clark, she did not fair well as a female. It is very difficult to prove whether she was treated justly but unkindly due to the fact that she was a female or not, since there is no other female active in the trial. Clark became the scapegoat when there was no news to report about the trial. Clark was the only attorney to receive such coverage about her personal life and her appearance. Her hairstyle and wardrobe changes made for interesting stories. It draws a larger readership than if only the trial and Simpson were reported. Bailey's arrest in 1982 for drunk driving and running a stop sign made minimal news coverage. There was a one paragraph article about this in *Newsweek* on March 27, 1995 (p. 6). It was mentioned in a one sentence statement indicating that Shapiro had defended Bailey for these charges in 1982 (*Newsweek*, July 11, 1994, p. 27). This is one sentence out of a two page article!

Johnnie Cochran was cited for his record as a troubled husband in one sentence out of a one page article focusing on Clark and her lawsuit by her estranged husband about child custody of her two boys (*Time*, March 20, 1995). A second article contained a paragraph about Cochran and his abuse to his former wife, Barbara Cochran Berry. Berry told *Newsweek*, her recent book alleging physical abuse at Cochran's hands, was received with sympathy by whites (*Newsweek*, Oct. 16, 1995, p. 62). African-Americans considered this book a work of treason. Black women often see domestic violence through the prism of race and class not gender. By portraying her prominent husband as arrogant, petty and sometimes brutal, Berry had betrayed not only Cochran, but all black men (*Newsweek*, Oct. 16, 1995, p. 62). This conclusion appears to make Berry the bad one, not Johnnie Cochran.

Clark's child care question became instant media coverage. This was in part due to the fact that Clark had to announce in open court that she would not be able to stay late on a Friday due to her children. It was shortly after this incident that Gordon Clark became involved by suing for child custody. This was covered by news media. It is also noted that Gordon Clark gave an interview about his rights as a father and the boys' rights (*Newsweek*, April 17, 1995, p. 35). This entire incident opened a can of worms about working mothers. Unlike Cochran, there is more than a paragraph of exploitation about Clark's life as a single parent and an attorney. It was Clark's idea to ask the court to keep their most private family moments from public scrutiny (*Newsweek*, March 13, 1995, p. 57). This was not only a personal request but Clark felt it

was necessary to prevent the jury from thinking she had an agenda by going after Simpson. There are 15 personal life articles about Clark in *Newsweek* and nine in *Time*. Cochran has three in *Newsweek* and *Time*. Clark received seven percent coverage for both newsweeklies compared to Cochran's two to one percent coverage for personal life articles in *Time* and *Newsweek*, respectively. Cochran's articles were merely the paragraphs mentioned and the statement, while Clark's were complete articles focusing on her appearance and personal life. Gordon Clark's effort to expose Marcia Clark as an unfit mother created problems for Marcia who was trying to keep her sons out of the news.

Clark received 34 articles in *Newsweek* and 19 in *Time* for professional abilities. Clark outscored the males in Level IV because the articles based on her abilities as an attorney were usually in competition with the males. There was no other level category to place her professional abilities into unless her homelife was noted in the same article. The males were scored under Level II when work was the primary focus and there was no comparison between the attorneys. If the article was about work and no mention was made about their family or personal life, then they were coded Level II. Clark's ability as an attorney was questioned in several articles, but she received more positive reviews than negative when it came to her work.

Implications

The newsweeklies have used Clark's personal life and the changes in her appearance to attract readership. It was not necessary for all of the

readers to know and understand Clark's personal life in order to read and understand the O.J. Simpson trial. The entire process of the trial, beginning with the investigation and ending with the jurors finding Simpson innocent, was not enough for the editors of the newsweeklies. They were looking for that something special to capture the readers attention. That something special was Clark.

The social responsibility theory for mass media includes standards of informativeness, truth, accuracy, objectivity and balance. According to McQuail (1991), mass media should be self-regulating within the framework of law and established institutions (pp. 117-18). Mass media should also avoid whatever might lead to crime, violence or civil disorder or give offense to minority groups (McQuail, 1991, pp. 117-18).

McQuail (1991) states society and the public have a right to expect high standards of performance while journalists and media professionals should be accountable to society as well as to employers and the market (pp. 117-18).

Although the newsweeklies were acting within the law, they were not reporting fairly between all the attorneys involved. The balance needed for good reporting was gone. If it had been present, then there would have been fewer reports on Clark and more on the male attorneys. The newsweeklies reported the facts accurately as far as one can tell from the information given to the reader. Marcia Clark just happened to be the one who received the attention about fluff news such as her hairstyle and wardrobe change. Measuring the impact of Clark's personal life on readership is not known at the time of this study. But Clark believes that there is a problem with "Pink"

coverage versus “Blue” coverage. Although only a few articles focused entirely on Clark, these cannot be ignored as not affecting the outcome of sexism in *Time* and *Newsweek* as media. Clark was viewed by media as a whole person with human qualities as well as professional status. The male attorneys were not portrayed as complete human beings. Their life was portrayed as professionals with limited personal information released to the reader.

Objectivity is important to both the reader and the source. This includes balance and even-handedness in presenting different sides of an issue, accuracy and realism, presentation of all main points, and separation of facts from opinions (Boyer, 1981 as cited in McQuail, 1992, pp. 184-185). Clark wanted to keep her personal life private so there was no comment from her. Marcia Clark wanted to keep her sons out of the limelight. In addition, she felt that if the defense caught wind of her pending divorce and domestic strife, this would give the opportunity to tell the jurors that she had an agenda in finding Simpson guilty. It was her estranged husband who contributed to media’s coverage regarding the child custody battle. No one was to blame for the reporting of her change in hairstyles and wardrobe except media.

The three basic rules of news visibility include: its link to an event or occurrence, its recency, and its newsworthiness or link to some important thing or person (Hall, 1973a, as cited in McQuail, 1991). Clark fits all categories including the newsworthiness which can be a judgment call. The Simpson trial was an important, current event, that spell-bound the American people. Clark was part of that group of important people. The question of whether Clark’s personal life should have made the headlines still remains. Graber (1988) states that news stories begins with attention arousal by taking “cues

from the media.” In addition, there are key words used that come from cues from the media. Women as a group have special media interests. For instance, parenting versus career. With this as the case, Clark was an easy mark. She is a woman who is a single parent as well as an attorney. Her parenting skills versus her career made for excessive news media coverage.

Regarding gender, both women and men believe that when gender makes a difference, females are at a disadvantage in their careers in certain cases and with some clients (MacCorquodale & Jensen, 1993).

Shoemaker & Reese (1991) state that although women are the numerical majority, their media treatment has much more in common with minority groups (p. 45). Tuchman (1981) explains that when women are depicted with men, women are most often shown in an inferior capacity (Shoemaker & Reese, 1991, p. 45).

Borgida et al. (1995), explain gender stereotyping is more likely when (1) the target person is isolated or only one of a few individuals in an otherwise homogeneous environment, (2) members of a previously excluded group move into an occupation that is nontraditional for their group, (3) the workplace is a sexualized environment and (4) individuating information about target individuals or the evaluative criterion is ambiguous (p. 182).

As an attorney, Clark was the only female in a male dominated field to receive media coverage. She was in a homogeneous environment. Her role as the main prosecutor made her unique. She was in a non-traditional role. The fine cross between being a mother and a prosecutor was a prime topic in the newsweeklies especially after Clark had to announce she had child care

dilemma on a Friday afternoon. It was shortly thereafter that Clark's estranged husband came forward and announce his pursuit of child custody of their young boys. As far as a hostile environment goes, Clark states:

The sexism has gotten so irritating. The judge makes these cute little corrections to me about person...and Cochran is so condescending and patronizing. I'm arguing against him, and he starts calling me hysterical. (ABC, 20/20, 1997).

In the sexual harassment case such as *Price Waterhouse v. Hopkins* (1989), the firm refused to make Ann Hopkins a partner. Instead she was advised by a colleague to "walk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry in order to improve her chances (*Hopkins v. Waterhouse*, 1985, p. 1117; Fiske et al., 1991, p. 1050). It is not surprising that Clark was advised by her boss, Gil Garcetti, to change her approach. Clark was instructed to speak more softly, get a softer hairdo...lose the business suits in favor of--get this--dresses. (Clark, 1997, p. 149). Clark was questioned by reporters about the changes in her wardrobe and what significance it had on the trial. Although there was no significance about her change of clothes, the media still reported it anyway.

Ideally, future media coverage of highly public events, needs to be more socially responsible and objective in nature.

Limitations

In order to determine sexism in medium such as the two newsweeklies

Time and *Newsweek*, there is a need to measure the amount of sexism present. This study does not measure adequately what amount is present. It merely states that there was sexism present. Based on numbers only, the Pingree et al. (1976) study implies that Clark was treated fairly as she compared to male attorneys as an equal in Level IV. This study does indicate that sexism does occur. This study by Pingree et al., was developed in 1976. There have been many changes to the way society deals with females today, in 1998. According to Mobley et al., (1994), females entering the legal profession has gone from 10,000 to 100,000 during the 1970s and 1980s. By the 1990s, females comprised 20 percent of all lawyers in the U.S. (Mobley, 1994). It is no longer considered strictly a male dominated profession. A revised study placing measurements on sexism needs to be devised. There was some difficulty in collecting data of the trial. The Simpson trial was a prominent news article in the newsweeklies. However, the coding sheet should have been more specific. Often times it was difficult to decide on one category to fit an article under. This is because of the wide variety of information given in a single article. Mostly, the problems arose with Marcia Clark. She could be found under any number of magazine titles and usually contained her personal life or appearance as well as her life as a prosecutor.

Second, when analyzing personal life information in media, another form or scale should be used that distinguishes what areas and amounts are being presented to the public. For instance, Clark has entire articles written about her divorce, her kids, her hair style and clothes, and the custody battle. Cochran has a mere statement from his ex-wife about alleged abuse. It can be noted that they both have personal issues, but again we need to measure to what extent

these issues exist in media.

Future studies need to compile a revised Pingree level system that allows for cross-overs from one level to another. It was very difficult to code an article merely into one category. This study determined the category based on the amount of information presented under each area.

Another area to be explored are the headlines of the articles. They are used to grasp the audiences' attention and to increase the number of readers.

Finally, future research could include analysis of the photographs of the attorneys including number and type. In addition, Judge Ito, who was a major figure in this trial, could be analyzed in comparison to the attorneys. Also, adjectives used to describe each attorney could be analyzed to determine bias.

To conclude, the portrayal of Clark in the newsweeklies, *Time* and *Newsweek*, showed sexism does exist. What is not measureable is the degree of the sexism. Clark was portrayed both personally and professionally. This could be said to make her a whole individual as opposed to just another name. The other male attorneys were merely other names in media. Perhaps media is in a state of transition, going from only a name to an entire person. Relating real events in one's life allows for the development of a whole real person. Clark's belief of Pink versus Blue coverage was proven to be a correct statement. Marcia Clark was covered differently than the male attorneys in the newsweeklies. Although Clark's professional life fit into Level IV, she was not equated on the same level as the male attorneys. There just was not an adequate category to place her into so Level IV had to catch all the professional articles about Clark that did not expose her homelife. Clark's personal life and

appearance, played a major role in the information presented to the readers. Applying this study to the advancement of understanding gender stereotyping comes through a process known as socialization. Remafedi (1990) stated that “the way people learn about their culture and acquire some of its values, beliefs, perspectives and social norms” is socialization (p. 59). This occurs by interaction with people in the environment and by observation of male and female images in the media. The readers of the two newsweeklies were provided a large volume of information about the Simpson trial and related topics such as domestic violence. Since Clark was the only female to be studied, it could be said that women were underrepresented. In fact, perhaps as far as her personal life and appearance goes, Clark was the target person that was isolated. Clark had female attorneys assisting her but they did not make the news. Back when Pingree's et al. (1976) study was completed, law was a male dominated profession. Working women were nurses, teachers, or secretaries. Home life came first. Gender stereotyping often elicits biased expectancies that may influence social interactions. Marcia Clark, a single mother and attorney, was told by her boss, Gil Garcetti, to change her hair style and her wardrobe from business suits in favor of dresses. It is almost as though Clark was being used as an example to other females competing in a male dominated society. Even Darden (1996) stated that the coverage that Clark was receiving on her appearance was out of the ordinary.

Normative social responsibility theory states that mass media accept and fulfill certain obligations to society and it has. These were done by setting high or professional standards of informativeness, truth, accuracy, objectivity and

balance working within the law and it apparently has. The principle that is in question is that mass media should avoid whatever might lead to crime violence or civil disorder or give offense to minority groups. Choosing Marcia Clark as the individual who media follow and characterize does send offensive messages to a minority group. That group being females.

McQuail (1992) states that the relative invisibility of women in news and their tendency to appear in a limited set of contexts (sports, welfare, family, etc.) may also be due to relative exclusion from power roles in society (p. 166). During the Simpson proceedings, Clark was the only female in the news. The fact that she was a single mother with two young sons just expanded her coverage. Clark's professional abilities were note on a much smaller scale than the male attorneys. Men were allowed to be professionals only, but Marcia Clark was not allowed to be portrayed that way. Her personal life was pulled into her coverage. Clark's perception of the media coverage of her was correct. Even though there were not large volumes of articles about her, those that were about her made the headlines and were non-professional. The males were protrayed in a professional manner with a mere paragraph about their private lives.

The O.J. Simpson trial was a public arena being covered by media. Whether private lives should become public is a key question. If in fact this was to become the policy, all persons involved need to be treated in an equal manner. For instance, if Clark's life was to be made public, than it should be the same for the male attorneys (which it wasn't). Ideally, allowing for some personal information, but not all personal information, would allow for a

connection between the individual and the reader. It makes the individual a whole person. Problems have and will continue to arise if too much personal information is released. The problem goes back to Clark's vision that her pending divorce, if made known to the public or defense, would create an atmosphere that Clark was a hostile prosecutor out with an agenda. At the present time, as far as this study goes, there was not equal coverage between males and females.

This study should open the minds of all who read it. It should send caution flags up when it becomes apparent that although Clark might have been portrayed in accurate detail by the newsweeklies, she was not professionally portrayed as the males were.

Appendices

The Voice of the Victims

Prosecution: Marcia Clark and her team will speak for Nicole and Ron

THE HEADLINES HAVE FOCUSED on her changing hairdo and short skirts (PROSECUTOR'S SEXY LOOK! screamed the New York Post). Focus-group members described her as "pushy" and "a bitch." But the Marcia Clark the real jurors in the O. J. Simpson case will encounter is very different from the tightly wound workaholic the media have portrayed to date. In court, the 41-year-old prosecutor is warm, car-

Charles Keating Jr. in the Lincoln Savings Bank case, a swindle as complicated as any that came out of the S&L morass. When African-American prosecutor Christopher Darden was added to the team, the defense complained it was blatant racial pandering. But Darden, too, is experienced in trying murder cases, and his value was readily apparent last week when he went head to head with Johnnie Cochran over the admissibility of LAPD Det.

was fatally shot by an obsessed fan: "I had brought dish towels to try into," she told NEWSWEEK. "I looked up and there was Marcia." Clark, as the prosecutor assigned to the case, sent stalker Robert Bardo to prison for life and won the Schaeffer family's enduring admiration. "We know a lot of people who have lost their children to homicides and many feel victimized by the murder, and then by the justice system," Schaeffer says. "We did not feel that way. We were in the best possible hands."

Backgammon pro: It was Clark's compassion for victims that led her to the D.A.'s office in 1981. She began her career doing defense work with a small L.A. law firm. But as good as she was, says senior partner Jeffrey Brodey, she was obviously miscast: "She was born to be a prosecutor. She always came from a very high moral plane."

Clark's personal life has been far from prim, however. The tabs have relished dredging up details of her first marriage, to dashing Israeli backgammon pro Gaby Horowitz. Marcia, then a law student, sometimes accompanied him to tony private clubs. "She was well behaved—she didn't hustle, or cheat or insult people, which is more than I can say for her ex-husband," says former tournament director Danny Kleinman. The couple divorced in 1980, and five months later Marcia married Gordon Clark, a Scientologist five years her junior. (Curiously, Horowitz was accidentally shot in the head nine years later, allegedly by the lay minister who performed Marcia's second marriage.) She filed for divorce last June.

Caring for her two rambunctious sons (ages 2 and 5) while juggling her demanding trial schedule has been stressful, friends say. But Clark's stamina is legendary—she exists on cigarettes and Caesar salads, and lifts weights at home late at night, after her kids have gone to bed. Her close friend and fellow deputy D.A. Lynn Reed Baragana says Clark can get unnerved, as she did when a camera crew followed her sons and their nanny, though "she is absolutely tearless in court." And date, at least, Clark hasn't lost her sense of humor, Baragana says. Whenever they discuss the inevitable TV movie of the case, Clark, a onetime actress and dancer, insists she wants to play herself.

MELINDA BECK with PATRICIA KING and MARK MILLER in Los Angeles



Hodgman, Clark and Darden prepare for opening day

ing and compassionate, as well as tough, colleagues say, and she can represent murder victims so sympathetically that jurors feel the force of every blow. Clark is sure to evoke the memories of Nicole Simpson and Ronald Goldman during her critical opening statement. As Nicole's friend Faye Resnick recounts in her recent book, Clark asked for her testimony, saying, "Nicole can't speak for herself. She needs someone to speak for her."

O.J.'s defense team may be higher-paid and better-dressed, but the prosecution is by no means outclassed. Clark has tried more than 20 homicide cases in her 13 years with the Los Angeles D.A.'s office, and hasn't lost one in almost 10 years. Her co-counsel, Bill Hodgman, has even more trial experience and is particularly adept at weaving complex facts into clear pictures of guilt. In 1991, he won the conviction of

Mark Fuhrman's alleged racial epithets.

Each prosecutor brings a distinctive style to court. After a cross-examination by Clark, says former L.A. district attorney Ira Reiner, "you feel as if you've been impaled by a spear in the chest." Clark likes combat; she gave up a better-paying, less stressful administrative job last year to go back into trial work. Hodgman has a more cerebral approach, but he can be devastating, too. Reiner says, "When Bill finishes a cross, it may not have seemed very interesting. Then the witness stands up and you notice that his belt is missing and his pants are falling off."

All three prosecutors develop intense relationships with the families of murder victims. Five years later, Danna Schaeffer still remembers sitting, in a state of shock, in Wilshire Homocide the day after her daughter, TV actress Rebecca Schaeffer,

Newsmakers

Marcia Clark Goes Straight

THE MOST STUNNING REVELATION to come out of the O. J. Simpson trial last week may have been prosecutor Marcia Clark's new hairstyle. When Marcia marched into court last Tuesday, her hair had gone straight—a dramatic departure from the curls she'd sported in varying lengths since the case's inception. There were no objections. "I think it looks lovely," says fellow L.A. lawyer and Clark pal Leslie Abramson, who herself spent a lot of time on camera defending Erik Menendez. "She looks a lot better," agrees New York hairdresser Kenneth, who's lopped the locks of Jackie O and Marilyn Monroe. "That type of curly hair is mallish, tacky and common." The press dug the new 'do as well: when Clark arrived in court, reporters clapped. "Get a life," she chuckled.

Perhaps those who obsess over haircuts ought to do just that. But when Hillary Clinton reinvents her coif more often than her husband reinvents government, and Clark's hair makes headlines, trendsurfers are bound to ask, "What does it all mean?" Jont Johnston, a Dal-



Mighty Morphin' Marcia with long curls last May (far left), shorter curls last month (left) and straight hair last week (above)

las psychologist who specializes in women's issues, says a new style "is a confidence boost: Or a declaration that it's a 'new me'." New York psychoanalyst and author Jessica Benjamin says makeovers are "a visible show of femininity" to disarm men threatened by powerful women. Allen Edwards, whose scissorhands made Farrah Fawcett a mane attraction and

who gave Marcia the \$150 restyling, sees it more simply. "She wanted a new look and she got it. It was a positive thing at the end of a hard week—something everyone needs once in a while." Maybe Clark should have told those reporters to "get a haircut."

KENDALL HAMILTON with ALDEN COHEN and TESSA NAMUTH



Drew gives Dave an eyeful

Barrymore Bares Yet More

IT'S IMPORTANT FOR A young actress to get the appropriate exposure. Drew Barrymore, however, has been making a bit of a hobby out of exposing herself. The 20-year-old Hollywood horror child bared all in January's issue of Playboy and reportedly popped up onstage for an impromptu strip-down at New York's Blue Angel Erotic Club in February. Last

Wednesday night she brought her bod uptown, surprising David Letterman by treating him to an enthusiastic desktop dance and flashing her breasts at the gap-toothed gabmaster. "I can't thank you enough for that," said Dave. The show, incidentally, was broadcast on the Jumbotron screen in Times Square—where Barrymore's performance was certainly at home.

TRANSITION

DIED: Folk singer and actor Burl Ives, 85, of complications from mouth cancer, in Anacortes, Wash., April 14. The burly, bearded but gentle Ives had fans both among adults, who liked his smooth versions of folk staples, and among children, who enjoyed his kids' songs, like "Holly Jolly Christmas." Ives was also a successful actor, creating the role of Big Daddy on Broadway in "Cat on a Hot Tin Roof," and winning an Oscar for his work in 1958's "The Big Country."



IVES

Journalist Hobart Rowen, 76, of cancer, in Bethesda, Md., April 13. Rowen joined The Washington Post in 1966 after stints at NEWSWEEK and The Journal of Commerce. As an editor, Rowen revamped the Post's business section, toughening coverage—a move that influenced the field as a whole. As a columnist, he won numerous awards for his insightful commentaries. "He was the first economics reporter of his generation who could go to a press conference about economics and know more than the guy who gave it," said former Post executive editor Benjamin Bradlee.

FILED: A paternity suit against actor Arnold Schwarzenegger, 47, by Texan Debra Wrenn, 41. Wrenn claims the action hero fathered her 12-year-old daughter, and seeks money to treat the child's bone disorder. The star denies the allegation and has offered to take a blood test.



SCHWARZENEGGER

ENGAGED: Actor Sylvester Stallone, 48, and model Angie Everhart, 28. The couple announced the engagement April 10. Everhart will be Sly's third wife.



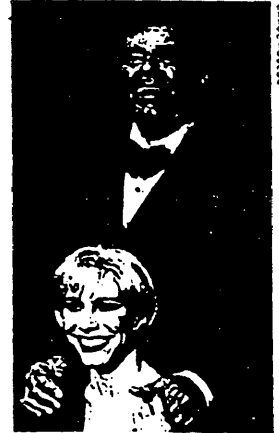
A Single Mom's Trial

MARCIA CLARK, lead prosecutor in the O.J. Simpson trial, pleaded in court two weeks ago that she could not stay for a late Friday session because of child-care problems. Now those problems may land her in another court. Gordon Clark, her estranged husband, has filed for primary cus-

tody of their two children, ages three and five, claiming that they are starved for affection. "I have personal knowledge that [Marcia] doesn't arrive home until 10 p.m. I do not want our children to continue to suffer because she... never has time to spend with them." Responding through her lawyer, prosecutor Clark said, "I am devoted to my children, who are far and away more important to me than anything... it is inappropriate for me to discuss [the matter] in the media."

The Devil Made Him Do It

The year-old Broadway revival of the 1955 musical *Damn Yankees* needed a kick in the pants. So last week the cast got a fresh face, and it is the audience that's getting the kicks. The new boy is **JERRY LEWIS**, playing the devil. Those who doubted that the veteran comic (69 next week) could play the part without stealing—or ruining—the show have to give the devil his due. In previews (he opens officially this Sunday), Lewis' performance has been mostly shtick-free—and has drawn standing ovations. Says Lewis: "I'm bringing some of my insanity to the role, but I've been playing the devil for 63 years. They've just been waiting for it."



Something to Crow About

With 87 categories to plow through, from New Age Album to Tropical Latin Performance, few people went away empty-handed at last week's Grammy Awards, which were ladled out with appropriate pizzazz in Los Angeles by the National Academy of Recording Arts and Sciences. The evening's most pleasant surprise was newcomer **SHERYL CROW**, 32. Her infectious single *All I Wanna Do* was named Record of the Year, and she also took home Grammys for Best Female Pop Vocalist and Best New Artist. The old-timers did pretty well too. Bruce Springsteen, 45, added four awards to his pile for *Streets of Philadelphia*, and Tony Bennett, 68, picked up two, Album of the Year and Traditional Pop Vocalist, for his MTV *Unplugged*. They all looked like kids, however, compared with Benny Carter: the legendary saxophonist won for Best Jazz Instrumental Solo—at age 87.



SEEN & HEARD

Who could ever forget **Elvis Presley's** way with *Nunc Ilic aut Nunquam*? Or his heart-



breaking rendition of *Tenere Me Ama*? Well, chalk it up to *sic gloria*: a Finnish professor, Jukka

Ammond, has translated several of the singer's hits into Latin and, with the vocals provided by Finland's Eurovision Choir, put them on a compact disc. "Latin," says Ammond, "is an eternal language, so what better way to immortalize a legend?"



Like many a scandal-plagued politician, **Imelda Marcos** is trying for a comeback. The former

Philippine First Lady, who is appealing her conviction on corruption charges, says she will run for a seat in the Philippine Congress. She is said to be a shoe-in.

Putting Working Moms in Custody

Justice: Prosecutor Marcia Clark is caught in a terrible bind. Must she choose between keeping a good job and living with her children?



Clark vs. Clark Between the jury and the ex-husband, the lead O. J. Simpson prosecutor has her hands full

MARCIA CLARK IS NOT EVERY-mother. She's a tough, well-paid winner in a highly competitive line of work who is also trying, as a single mother in the midst of a divorce, to raise two young boys. But for the past fortnight, she's lived through every working mother's bad dream. First she had to beg off staying late for a Friday-afternoon session of the O. J.

Simpson murder trial. Her reason: she had child-care troubles. When she returned to court last Monday, she had to defend herself from suggestions that she was using her kids as a ruse to buy more preparation time. On that same day came the nastiest wound: a filing by Marcia's estranged husband, Gordon, seeking temporary primary custody of their two sons, claiming that their famous mother "is never home and

never has any time to spend with them."

It was enough to make a mother cry—at least in frustration. Marcia Clark kept her own counsel, promising to hold her public fire until she meets Gordon in family court, probably this week. But millions of other women—and men, too—rushed to speak up in a cacophony of opinions that indicates our great experiment with remaking the nuclear family is anything but over. At

a time when the Department of Labor reports that 23 million mothers are working, including 50 percent of all divorced mothers. Clark's predicament casts the nation's jumbled concept of good mom/bad mom under klieg lights. Mothers, especially those with high-octane jobs, were particularly set on edge. "It's a crazy double standard," says Roberta Cooper Ramo, president-elect of the American Bar Association and the mother of two grown kids. "If a father works hard, that's considered an enormous plus. The other bizarre thing is that while we're telling welfare mothers to work, we're also telling professional women not to. I haven't figured this out."

Marcia Clark is obviously banking on keeping her sons. Her friends describe her as "a conscientious, doting mother" who is outraged by her ex's filing. And perhaps a bit nervous, too. Even though the courts, in general, still award custody of children to women more often than men, the landscape is slowly shifting. Men are contesting the custody rulings in small but growing numbers, requesting joint or primary custody, say family-law experts. And when men do, surveys show, they don't always lose as they once did. One recent study of California custody suits found that when both parents wanted sole custody, mothers won in 45 percent of the cases, fathers in 11 percent, and joint custody was ordered in the rest.

The reasons for these decisions can be as complex as human relationships themselves. Certainly in some instances, the father is truly the better parent. But how is that to be decided? Judges are now allowed wide latitude to determine the so-called "best interests of children." Some calculate work hours, time spent at Little League and willingness to stay in one community, among other things. Many experts believe that despite years of weaning gender bias from custody cases, the judges' standards are still colored by different expectations of mothers and fathers. Men's rights advocates think their time is long overdue, in a court system that has historically overlooked fatherhood as a serious occupation. "We've encouraged this ideal of dual parenting," says Judith Sheindlin, a New York City family-court judge. "Now you can't say dual parenting"—until divorce—"and then Mama has to get the kids."

Each custody case has its obtuse and

uniquely painful truths, and if Clark's kids are lucky we won't learn too much about their parents' foibles. From the public record already made, there is a sad, all too familiar refrain to their story. Marcia Clark filed for divorce citing irreconcilable differences last June, after more than 13 years of marriage, and just days before Nicole Brown Simpson and Ronald Goldman were slain. Gordon, 36, has joint custody, with Marcia as the primary physical caregiver. The strange twist is that joint custody is often the plum sought by contesting dads. Gordon has it, and he wants more—at least for now. A computer engineer who works steady hours, Gordon visits the boys twice a week and has full custody every

Child care, she added, had increased to more than \$1,000 a month, due to her 16-hour workdays, including weekends. Gordon, whose salary is half of Marcia's, shot back with a petition to gain temporary custody, saying he needn't pay for a "Hollywood" makeover. He added that there is "absolutely no reason why the children shouldn't be with me instead of continually being with babysitters."

Perhaps to further stoke the fire, the next day Gordon filed another declaration with the court. **NEWSWEEK** has obtained the document, which refers to the "Petitioner's Lies to a Judicial Officer." In it, he claims Marcia misled the court when she said she had "child care problems" and was thus unable

to remain in court for the evening testimony of alibi witness Rosa Lopez. Gordon said he was scheduled for his usual 6 p.m. pickup for the kids' weekend visit. Marcia unexpectedly called him in the afternoon, telling him she would drop the children off later at his house. "Clearly, the Petitioner [Marcia Clark] does not have any child care problems," Gordon wrote.

Marcia's friends say her story will be far different. They say that Clark always prefers to drop off the children personally. Partly because Gordon often neglects to pick them up on time; partly because she wants to say goodbye and explain what's happening to the children. "Every good mother with joint custody would want the same thing," says Clark's friend.

Joint custody was advanced as the great idea of the late 1970s. Faced with a surging divorce rate and ugly custody battles, more than half the states adopted laws permitting divorced couples to share legal or physical custody. Despite the high hopes, these schemes have often proven disappointing. It turns out that couples who couldn't live together often can't manage children together,

either. Over the years, the law has tried a variety of plans. Until 1839, children automatically went to their fathers as a form of preindustrial property. Then the courts discovered that children of "tender years" needed their mothers, and women almost always kept the kids. In this century, judges began to seek out the "best interests of the child." None of these standards has proven satisfactory. The only good news is that they are invoked in a fraction of cases; in an estimated four out of five divorces

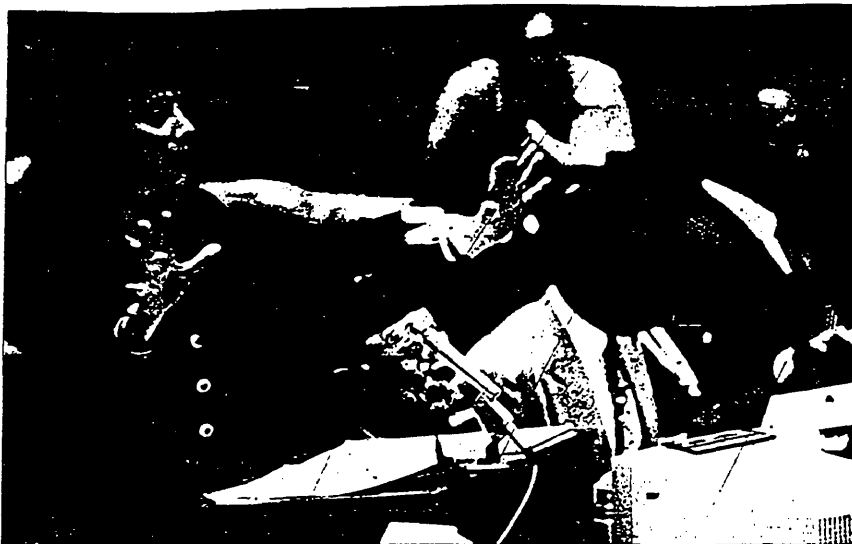


The Maranda Files: University of Michigan student Jennifer Ireland snuggles with her young daughter, Maranda (above), in their Michigan home. The father, Steven Smith (below), won custody of the toddler because Jennifer had her in day care.



other weekend. At first he paid \$1,100 a month in support, a sum he reduced to \$650 after moving to a bigger house. When Gordon asked for more visiting time before Christmas, he says, Marcia told him that she "would have my ass" if he tried.

The turning point came when Marcia, who makes \$97,000, filed for his original payment to be formally reinstated. Incredibly, she cited her extra expenses as a prime-time TV presence for regular hair grooming, shoes and "five new suits."



MIKE JONES—LA TIMES/POOL

with children, custody issues are settled out of court.

When they aren't, however, there's a risk that the cases will spill onto the front page. One infamous case that sent shock waves through the ranks of working moms on Capitol Hill was last year's custody decision in the divorce of Sharon Prost and Kenneth Greene. Prost, 43, is chief deputy counsel to Sen. Orrin Hatch, chairman of the Senate Judiciary Committee. With a salary of about \$88,000, she is also her family's top breadwinner. Greene, 48, a labor-union administrator, was unemployed in the early '90s for 30 months. He eventually found

another post at half his wife's earnings, but with more flexible hours. His wife had sole custody of the children then.

When the couple decided to split up, Prost never dreamed she could lose her boys, then 3 and 7. But District of Columbia Superior Court Judge Harriet Taylor decided otherwise. Prost, she determined, was "more devoted to and absorbed by" her professional goals than responsibilities at home. (D.C. courts do not award joint

She had to beg off staying late for a court session because of child-care troubles

TRIAL SCORECARD

Week Six: Bad for O.J. His alibi witness was a colander; his lawyers were fined. On a scale of 1 to 5 gavel, here's the flash judgment:

Prosecution: Christopher Darden redeems his team by shredding Rosa Lopez's "I don't remember" testimony. As usual, though, there's a diversion. This time, Marcia Clark's child-care problems. D.A. Garcetti is right: leave the kids out of this mess.

Defense: Hello? Any alibi witnesses out there? Anybody interested in that reward? It's not all farce; some of it looks shoddy or cynical. The lawyers didn't know they had a tape of Lopez? To make matters worse, the defense also lost its favorite juror. Maybe O.J. can sign the guy's 49ers jacket.

Judge Ito: Another week of delays. Finally the judge seems to be getting impatient with defense stars. Levying \$950 fines on Johnnie Cochran and Carl Douglas may be a start toward regaining control, even if the money will come out of O.J.'s petty cash. Let's get moving.

custody if either side objects, and Prost did.) Prost appealed, and lost again. The judge decided that "for the children," says Sandra G. Wilkof, the husband's attorney, "the best [parenting] may come from the parent who is less successful."

No one really wins in these cases. Linda Christopher-Vander Hart, now 49, was planning to attend law school at the University of Iowa 16 years ago, when her marriage fell apart. Her husband, Jim Tresnak, was afraid her long hours of hitting the books would leave inadequate time for their two sons. An Iowa court judge agreed. The boys were ordered to live with Jim, a high-school teacher, someone who the judge said could participate in "athletic events, fishing, and hunting, and other activities that boys are interested in." One year later, the Iowa Supreme Court

overturned that decision, saying the judge had injected stereotypical "sexual roles" improperly into a case of custody. Ryan and Rick grew up in Mom's house. She finished law school, went on to become a psychiatric social worker and eventually remarried.

The boys, now 26- and 24-year-old men, look back on those days with bewilderment. "It was a lot of emotional strain. Mom and Dad fighting over us," says Rick, 26, a paramedic. The court battle, which actually took one year to resolve, seemed like three or four to young Rick. The experience left him with a rare resolve. Should he and his wife ever split, he says, he would not put his daughter through a court battle. And though it was hard on him, he bears no grudges. "Mom was studying all the time, and I understood that," says Rick. "Her motives were to obtain a law degree so she could take better care of us. I'm proud of my mom now."

The double standard has not disappeared in custody cases, experts say. In the D.C. case, Judge Taylor praised the father for assisting in his child's kindergarten, but made no mention that the same teacher testified that Prost was the class's "surrogate mom." Lynne Z. Gold-Bikin, chair of the American Bar Association Family Law section,

says, "When a father works and changes diapers [things mothers are expected to do], he is perceived as amazing." That's not to say all judges are influenced by the values of another era, but many are. A 1990 Massachusetts survey found that half the responding probate judges thought mothers should be at home when children return from school.

Fathers' rights groups view these trends differently. Unlike their fathers and grandfathers, baby-boomer men have been groomed to participate in childbirth, to be involved in school functions, to make lunches and tie the shoelaces. When divorce occurs, these men wonder why their fathering skills shouldn't be valued, too. "At the moment of divorce you have women feeling economically scared and men feeling emotionally scared," argues Warren Farrell, author of "The Myth of Male Power." "Then we take the children away from the man, and that hurts them even more."

Custody fights aren't always about children—they're often about money. Spouses

sometimes file petitions as bargaining wedges to pare down child-care payments, according to family-law experts. The parent with custody—usually the mother—often settles for less rather than risk losing a child. "There is a documented phenomenon of women bargaining away financial benefits for custody," says Nancy Polikoff, a law professor at American University, in Washington, D.C.

The risk is real. Jennifer Ireland is a Michigan teenager who lost custody of Maranda, now almost 4, to her boyfriend and his mother. Ireland, a cheerleader in Ann Arbor, was just 15 when she discovered she was pregnant. With the help of her mother, Jennifer raised Maranda and still graduated from a Marine City, Mich., Roman Catholic high school with a 4.3 grade-point average. When she decided to attend the University of Michigan on scholarship, Ireland put Maranda in day care. Steven Smith, the father, was not much involved in Maranda's upbringing until January 1994, when Jennifer asked for child support. Smith fought to reduce the payments from \$62 to \$12, then countersued for custody. Even though Steve works part time as a landscaper and attends community college, Macomb County Circuit Court Judge Raymond Cashen, 69, awarded him custody, because his mother could watch the child at home. Cashen decided Maranda was better off raised by "blood relatives" than by strangers.

Marcia and Gordon Clark are expected to meet in court this week to begin their own private, likely acrimonious, tug of war over the boys. It's Marcia's first, pre-emptive move to ask the court to seal their most private family moments from public scrutiny. The next step is a hearing on custody and support issues. If they're wise, the Clarks will settle their differences like adults before it comes to a hearing. The truth is custody battles are so messy, so primal, even divorce attorneys would rather not deal with them. "These kinds of cases just shouldn't happen," says Wilkof, attorney for Greene. That may sound odd coming from a divorce attorney. But she's a working mother herself, and knows the cost of war. "The best lesson is that you should never go to court if you love your children and can help it." Avoiding the battle—rather than winning it—could be the most convincing act of love.

LYNNELL HANCOCK with PAT WINGERT in Washington, DONNA FODDE in Los Angeles, PATRICIA KING in San Francisco, KAREN SPRINGER in Chicago and TESSA NAMUTH in New York

An Open Letter to Mr. Clark

Opinion: A publishing executive says divorced fathers can help their kids by respecting working mothers.

BY JUDITH REGAN
Dear Mr. Clark,

I am the mother of a 3-year-old girl and a soon-to-be 14-year-old son. My son, who is on the verge of a wonderful manhood, I have raised principally on my own. It was not my choice to raise him in a home without a father. I would have embraced, if given the choice, a man with the attributes of my own father—kind, strong, morally centered and incapable of allowing any of his children to say an unkind word about their mother.

"I don't care what she did. She's still your mother and you better respect her." As a typical adolescent I didn't much like hearing that, but my father taught me a very important lesson. He taught me that not only must I respect my mother, but that he must too.

As I grew up, the gender wars ensued, as did the sexual revolution, the Me Generation and the era of political correctness. The "tender years" law, which protected the interests of little children by assuming that they belonged with their fit mothers, was discarded. "After all," the experts argued, "if women want equality, we'll give it to them."

Although the courts may view your children as property to be divided, young chil-

place I was fierce and competitive. And for me, these were not contradictions.

By nature, I was and women are simply better equipped biologically for parenting young children. This absurd notion that men and women are equal in this capacity just isn't true.

That is not to say that fathers do not love their children. They do, and I honor the fathers who, like my father, provide, by their example, the love and respect their families need and deserve. However, one only has to examine the fabric of family life in America today to understand the obvious gender differences. We have a nation of fatherless—not motherless—children. And it is not the women who have walked out.

Now that women have achieved some level of economic independence, there is a movement in this country to take custody away from perfectly fit mothers. It should shock the conscience of any court, because it is often a serious indication of a man's desire to control and hurt the mother of his children, rather than an indication of any sincere desire to care for his children. Using the argument that women work and are therefore less fit is equally appalling, as most of the men who seek custody also work. It is,

often unspoken, but a strong bias does exist against successful working women. It is further complicated by a growing resentment that women have been given enough opportunities, and that it's time, more or less, to put them in their place.

Their place in the work world is growing, but their place in the home is still of primary importance to most women. If we are to survive as a culture, if we are to raise children who have a moral compass, then we must stop trying to destroy the mothers, who are the ones trying to keep family life together. If you start taking our children away from us because we are working, and at the same time you are proposing to take our children

away to put them in orphanages if we stay home with no support, then just what choices do we have?

In the interests of family preservation, I'd like to make a bold, politically incorrect suggestion.

What is in your best interests, Mr. Clark,



Regan with her children: "We must stop trying to destroy mothers"

dren are human beings with important bonds who are normally with their mothers. When children and even adults cry out in pain, it is often for Mother.

I nursed both of my children for over a year, while I worked full time. At home, I was the gentle, nurturing mother but in the work-

and what is in the best interests of your children (an expression casually tossed about in the courtroom, but rarely honored) is this: you should act according to the best interest of your wife, who, as the much-loved mother of your children, has earned the right to be treated with respect and honored for the important role she has played and will continue to play as the mother of your children. This is something my father, man to man, would tell you if you were his son. It is something, I am sure, that your lawyer would never advise you to do.

As Mrs. Clark is going through a difficult and taxing professional period right now, may I suggest that you set aside your own heartbreak and extend a protective and fatherly hand. Privately, you should tell your young boys that their mother is doing something very important, that she misses them when she is working, that she loves them very much and that she wants them to feel safe. You should add that when Mommy is finished with this important job, she will be able to have more time with them.

Your responsibility, as a father, who professes to love his children, is to allow them to feel loved by their mother, not threatened with losing her. It is your responsibility to assist the mother of your children in any way that you can in caring for your children. By demonstrating to your children that despite your differences you respect their mother, you will be teaching them what it means to be a decent human being and a man. They will, by those actions, respect and love you more.

May I suggest, as a measure of your manhood, that you call your wife and say something like, "Marcia, I know you are under a lot of pressure and I'd like to contribute more time to the care of our children while you are going through this. I'm very proud that you have been able to accomplish so much and I want our sons to be proud of you, too. I'm sorry about our differences, but I don't want to hurt our children. So, let's work together to help them through what must be a confusing and heartbreaking time for them."

Mrs. Clark, if she is a good and loving mother, will say yes.

And you, Mr. Clark, will be a man... and a father.

JUDITH REGAN is president of The Regan Co. and the publisher of Regan Books, an imprint of HarperCollins. She lives in New York with her two children and is involved in a custody battle over her young daughter.

Q. When Is a Marriage Not Really a Marriage?

Religion: A. More than 50,000 times each year, when Catholic tribunals grant annulments



Once and future? D'Amato with wife, Penelope, and lady friend, Claudia Cohen

FRANK SINATRA HAS ONE, SO DOES FORMER Chrysler Corp. chairman Lee Iacocca. New York Sen. Alfonse D'Amato may need one; Sen. Ted Kennedy reportedly got one, and his nephew Joseph P. Kennedy II, a congressman from Massachusetts, hopes to get one. Four of these men are divorced and remarried—Sinatra several times over. What each man has or is seeking is a marriage annulment from the Roman Catholic Church.

Cynics call it divorce, Catholic style, especially for wealthy, high-profile members of the church. But celebrities are by no means the only Catholics who win annulments of church marriages. Each year, canon lawyers estimate, 50,000 American Catholic marriages are declared null and void. About 90 percent of all petitions received by the church are approved. That's a far cry from 1968, when the church courts granted only 450 annulments to American Catholics. In the last 20 years, the grounds for granting annulments have been greatly expanded, and many of the 189 American dioceses now have marriage tribunals better run than the civil courts.

For many Catholics whose marriages have fallen apart, this liberalizing trend is good news indeed. With an annulment, they are free to remarry in the church; without one, remarriage means they are barred from receiving holy communion—the heart of the Catholic religious experience. "I wanted to date Catholic women and have them not feel they were dating damaged goods," says Daniel Kane, 43, a manager for the Chicago Transit Authority whose five-year marriage was annulled in 1986. "It seemed like the method to the madness is to really get you to take a look at what you did, second-guess yourself and prevent you from making the same mistake again."

This liberal attitude does not sit well in Rome. Vatican officials have repeatedly complained that the church's marriage tribunals—especially in the United States—have become far too lenient. Just last month, Pope John Paul II himself warned the Roman Rota, the church's appeals court for marriage cases, not to rely on the evaluations of psychiatrists who do not accept the Catholic doctrine on marriage. Other churchmen complain that the annulment

the punitive-damage system," he noted in one ruling, asking that part of the judgment go to the state insurance department, which has a \$2 million budget to monitor a \$6 billion industry. Ten insurance companies last autumn announced plans to pull out of Alabama.

"The juries are telling these companies that we want you to come down here and do business with us," says Robertson. "but if you cheat us, we'll make you pay. That's what's been happening here. You better do what you say you're going to do. Where you find that people are less educated, less business-sophisticated, it is more likely they will be misled by agents. You're supposed to be able to trust your insurance agent, just like you would your lawyers, your preacher or your football coach."

As for accusations of partiality toward Beasley, the judge says, "The jury gives the verdict." And the plaintiff's lawyer says, "Every verdict I got, my client deserved—and could have been settled for less."



HYDE: "We shouldn't make an enemy ... to satisfy (a) populist urge"

"We didn't have a chance," one shirtless (figuratively) insurance executive said after an Alabama jury shot his company down. Reformers in the state embraced last week's congressional action, saying somebody has to pour water on these juries before more concerns bolt and run. "Businesses here are honestly scared of what will happen to them if they are sued," said Sid McDonald, a businessman from Arab (pronounced A-rab) and chairman of Alabama Voters Against Lawsuit Abuse. "They do not believe they can get fair treatment in the Alabama court system, especially at the appellate level. Corporate America thinks Alabama's judiciary is on a witch-hunt for out-of-state targets. People are suing for millions over frivolous matters. The attitude is, Sue anybody for anything for any amount of money. What we've got in Alabama is a lawsuit lottery."

"If you're a company and you haven't done anything wrong, you don't have anything to worry about," Beasley was saying recently, "but if you did do something wrong, watch out." Not that Beasley needs the business. He has 500 cases pending. And if Congress wants to meddle in how he goes about representing his clients, well ... "I'll work with whatever system I have to work with. It won't affect me one iota." —Reported by Nina Burleigh/Washington, David Rynecki/Barbour County and Andrea Sachs/New York

PUBLIC EYE

Margaret Carlson

Does Father Know Best?

"IT'S ALWAYS SOMETHING" IS THE UNOFFICIAL ANTHEM OF MOTHERS WHO work. If it's not a sick child or a snow day or a workplace that has hardly flexed despite the fact that 68% of women with children younger than 18 work, it's an ex-husband using your career to try to take the kids away. Mothers with high-powered jobs like Marcia Clark, the prosecutor in the O.J. Simpson case, may have the most to worry about. In a flurry of recent custody battles, women who don't conform to the Donna Reed notion of motherhood have lost custody to men who slightly exceed Homer Simpson's idea of fatherhood.

As she heads to court this week to contest her estranged husband's petition for custody of the couple's two young boys, Clark should take heed of a similar case decided last fall in Washington. The fact that Clark is up early with the children and manages to get home and tuck them into bed most evenings before returning to the courthouse may not be enough to counter a presumption that lawyering is incompatible with mothering. It was not enough for Sharon Prost, deputy chief counsel of the Senate Judiciary Committee, whose ex-husband Kenneth Greene in 1994 won custody and \$23,010 a year in child support. Prost told the court she rose at 5:30 a.m. daily to fix breakfast and drive the older child to school; the younger came with her to Senate day care, where she had lunch with him and logged him out many days well before the 6 p.m. closing time. Her boss, Senator Orrin Hatch, testified that when the Senate was in recess, about half the time, he supported her going home early. A psychiatrist, chosen and seen by both parties, found that Greene, who had insisted that there be an au pair in the house even when he was unemployed for more than a year, was attentive to the children but that Prost was the primary caregiver who provided structure and discipline. The judge, however, gave great weight to the testimony of the au pair, who said Prost was hardly ever home for dinner and ate surrounded by briefing papers when she was.



Marcia Clark must defend herself as a mother.

Prost filed a new affidavit last month in which she swore that she is still the primary caregiver for the children, except that now it is haphazard and at her husband's discretion. Prost says she still drives them to school and day care, stays home when they are sick, arranges for their shots, buys their shoes and goes along on field trips and to soccer practice. She does all the kids' laundry, which is dropped off along with them. Greene disagrees but is not required to respond to matters already decided at trial.

Some of these suits seem to be more about money and revenge than about the children. Gordon Clark did not sue for custody until Marcia Clark asked for more child support. The willingness of the courts to let young children be used as poker chips may be one more bow to the Angry White Male. But the signals from the new majority are mixed: work is bad when it takes the professional mother away from her kids, but good for the welfare mother who must leave her children for a job at a minimum wage that she will then owe to whoever watches them.

Even in the Simpson trial, there is a double standard: No one seems concerned that Robert Shapiro, who has young children, is out many nights at the Eclipse, the Beverly Hills restaurant of the moment, and no one dwells on Johnnie Cochran's troubled record as a husband. The double standard means a working mother not only has to worry that someone else will see her child take his first step while she is reading a brief but also that if she achieves success in a man's world, her child won't be there when she gets home. —With reporting by Elaine Lafferty/Los Angeles

TIME, MARCH 20, 1995

'You Have to Care for the Kids'

The Clarks: Marcia's ex speaks up for his rights

GORDON CLARK, A MILD-MANNERED computer engineer from Wyoming, entered the ballooning cast of bit players in the O. J. Simpson drama last month. The estranged husband of prosecutor Marcia Clark, he filed for temporary primary custody of their two young sons while his wife remains mired in the trial of her career. A hearing date has not yet been set. The boys' mother, Gordon claimed, is "never home and never has any time to spend with them." After he filed, working moms accused him of punishing his wife's success. Divorced dads applauded him for asserting his right to be an actively involved father. Last week Gordon, in an exclusive two-and-a-half-hour interview with NEWSWEEK, spoke publicly for the first time about his custody battle and failed 13-year marriage. He insisted that he is just a "regular Joe who loves his kids." In a statement prepared by her attorney, Marcia declined to respond to "Mr. Clark's version of the facts," saying to do so would only "damage her two children." Gordon Clark talked with NEWSWEEK correspondent Donna Foote in his attorney's office in Los Angeles. Excerpts:

NEWSWEEK: What was your role in the marriage as a parent?

CLARK: I was always a very active parent. I was there through Lamaze classes ... I was up at night changing, feeding them before they were weaned. I've changed as many diapers as most people can count.

Did Marcia participate as much as you did? Well, we both were very active. For 13 years, she's been in trial probably 50 percent of the time. And when she is working that hard, I step up and fill in when she's not around ... I used to help her with her cases. I was actually saddened because this was the first jury I didn't get to help her with.

So what happened?

Marcia told me on Christmas Day 1993 that things weren't working out. She insisted that I move out. She basically said

that if I didn't move out immediately, that she would just hate me forever and that for the sanity and the best of everyone, please give up. So I did ... She said that I could be with the kids as much as I wanted whenever I wanted. What changed was she started to lessen my time [with the boys] ... The turning point was when I had a home of my own [last fall], and the kids were there and they could spend the night. I think she had a problem with it.



Clark (with his son's art) wants more daddy duty

Should she give up her career?

'Absolutely not. I've never said that. What I'm saying is that if she can't be there, that's OK. I can be ... My priority is the kids.'

In January, Marcia filed for primary custody and child support. What was your reaction?

I was devastated ... You know, I just want to be with my kids and she's saying, "Not only can you not be with your kids, but I'm going to hire babysitters and you have to pay them." And she needed more money to improve her Hollywood glitzy image. It made me feel like she wanted me to be a bank and not a father.

Why has she refused?

It's my feeling that Marcia refuses to give an inch. She has to win no matter what. It's like she's still in court, and it's like I'm being prosecuted.

People have questioned your timing—with Marcia embroiled in the Simpson case. I've never attacked Marcia. She asked me to leave. She filed for divorce. She filed for custody. I have done nothing but respond to her actions.

What is your financial situation?

I have spent all my savings. I mean, I can't afford to go buy clothes. I can't afford to go buy anything ... She's kept everything. As an example: at our home we have four TVs. I said I would like one because I thought it would be neat ... to record something for the kids. You know, Mom was in court and all this. She refused ... Finally, for my birthday she bought me one. She still couldn't bear to give up one of the four.

How are the kids?

The kids are beautiful. Bright. But they are starved for affection. When I show up, our sons jump on me and won't let go of me. I mean, my oldest son jumps in my arms and, literally, I can't put him down for 5, 10, 15 minutes.

Are you alleging neglect?

The way I see neglect is a lack of time. Our oldest son [age 5] will say, "If you're ever in trouble you call 911 and you tell your Papa and your Elsa [the children's nanny]." When our youngest son [2½] cries, he cries for Elsa. And, to be honest, I don't remember the last time he's cried for Mama.

Are you suggesting she give up her career?

No. Absolutely not. I've never said that. What I'm saying is that if she can't be there, that's OK. I can be. She's decided what her priority is. Her priority is her career. And my priority is the kids.

Why speak out now?

Marcia used the media and her position to basically tell a million people that she has a problem with child care. But I'm available all the time. She has no child-care problem ... I think that it's inappropriate to use our children as an excuse in court.

When the trial is over, what do you want?

I want shared joint custody. That's what I've always wanted. If a marriage doesn't work out, you still have to take care of the children.

Ito to be on anyone's short-list for the Supreme Court next year, unless Larry King is elected president. Legal experts give Ito good marks for his specific evidentiary rulings—like keeping out most of the Fuhrman tapes—but skewer him for losing control of the lawyers and his courtroom. He was "too courteous," says Harland Braun, an L.A. defense lawyer. Judge Rothwax cites the time Ito scolded defense lawyer Peter Neufeld. "That's the 13th time I've asked you not to ask that question." Several weeks later Neufeld appeared in Rothwax's courtroom and was told by the judge, "Peter, you're not even going to go past the first time." Neufeld's response: "Don't blame me; Judge Ito let me do it." Rothwax claims the Simpson trial would have taken three or four months under him. "Ito delighted in the trial and enjoyed it for as long as he could," Rothwax says.

Clean up the police stables. Between Mark Fuhrman in Los Angeles and other scandals in cities like Philadelphia, police have their work cut out. While Attorney General Janet Reno announced last week that the Justice Department would investigate the LAPD, reform will have to begin at the recruiting level. But even with more minority hiring and sensitivity training, can any forensics specialist or crime-scene analyst withstand a Barry Scheck cross-examination? "If only an ideal investigation will meet jurors' expectations," says Northwestern law professor Ronald Allen, "there will be no convictions. There'll be anarchy."

Pull the plug. In the last decade, the trend has been to let TV cameras into trials. It's what has given Steven Brill at Court TV new reason to live—and his cable channel in fact did an admirable job of covering O.J. soberly. Still, Ito's bad courtroom example and the Ringling Bros. atmosphere have reversed the trend. The judge in the Menendez double-murder retrial beginning this week has barred cameras. So, too, the judges in the Selena and Polly Klaas murder trials. Mississippi has gotten rid of them altogether, except in the rarest case: California Gov. Pete Wilson wants to do the same thing. It's easy to understand those sentiments. For all the chatter about educational value, most TV coverage of O.J. was packaged as entertainment—a slower, poorly acted version of "Murder One." Thank goodness we still have Hollywood.

With DANIEL MCGINNIS in New York, GINNY CARROLL in Houston, ANDREW MURKIN in Los Angeles, STEVE RHODES in Chicago and CLAUDIA KALB in Boston

Why Batterers So Often Go Free

Women jurors rarely sympathize with victims of domestic violence By LynNell Hancock



Haunting souvenir: Beaten Nicole, bruised and disfigured

WHEN THE O.J. VERDICT WAS read to a rapt and riven nation, one woman in Madison, Wis., felt all over again the barrel of a gun pressed to her temple. Two months after Nicole Brown Simpson was brutally murdered, Jennifer, as she asks to be called, found herself just a "fraction from death." She had told her husband she wanted to end their marriage of 20 years. Four days later, "out of the sky blue" he covered her face with his hands, grabbed a loaded pistol from the night stand, held it to her head and said, "You go call the f---ing cops. You know what happened to Nicole, so go call your f---ing cops." Jennifer fled to a shelter for battered women the next morning. Though her husband begged her to come home—initially tracking her whereabouts by monitoring police radios—she has never returned. "I have lived this case in Nicole's shoes," says Jennifer. "My husband is very charming, a PR man like you would not believe." Jennifer is convinced that if he had pulled the trigger that night, he would be walking free today.

O.J.'s acquittal resonated loudly among those blacks who have experienced decades of injustice in the criminal-justice system. Yet women and victim advocates say the quieter message is equally dire: men can beat their wives, perhaps even kill them, and go unpunished. About 1.8 million women are abused every year—one every 16 seconds, according to Murray Straus, codirector of the University of New Hampshire Family Research Lab. "O.J." has already entered the lexicon as a verb for torture. Before Nicole's death, abusers commonly said, "Bitch, I'm going to kill you," says Rob Schroeder, director of Safespace, a public shelter in Miami. "Now they're saying, 'Bitch, I'm going to O.J. you.'" A Boston woman told shelter workers her husband branded her leg with a hot iron, threatening to out-O.J. O.J. And one Orange County, Calif., license plate was framed with a personal warning: "If O.J. walks, my ex-wife better start running." Abuse experts worry that Simpson's release may force victims to retreat into their private hell, discouraging them from seeking legal help. Standing in the dark just minutes from Simpson's Rockingham-estate celebration party, Denise Brown told a gathering of candle-carrying protesters the verdict was saying, "You can rape, you can stalk, you can kill, and it's quite all right."

Prelude to murder: How did the panel of two men and 10 women so swiftly dismiss O.J.'s violent past as a prelude to murder? There were police reports of a half-clothed Nicole hiding in fear by her door. There were Nicole's haunting souvenirs in the safe-deposit box—photos of her bruised face, O.J.'s tortured apology, a will naming her middle sister, Dominique, as guardian of her children. "It's like writing: In the event of my death," said prosecutor Marcia Clark in her closing statements. "She knew. He's going to kill me."

One answer may lie, ironically, in the gender of the jurors. Jury studies show that women have a particularly hard time sympathizing with battered women who bring their attackers to court. Female jurors are more likely than men to blame the accuser for her injuries. They tend to comb the testimony for any indication why this unsettling woman before them is exaggerating—why she could never be them. "It's too scary for many women to realize they, too, are vulnerable to being victimized," says Joan Zorza, senior attorney at New York's National Center on Women and Family Law, "so they think it's her fault." If gender biases were not enough to keep the jury skeptical, Nicole was also rich. She owned a condo, a flashy car and sexy clothes. She wasn't

a majority of black women believed Simpson was framed by the LAPD. Barbara Cochran Berry, defense attorney Johnnie Cochran's ex-wife, told NEWSWEEK her recent book alleging physical abuse at Johnnie's hands was received with sympathy by whites. African-Americans, however, considered it a work of treason. In an odd twist to the blame-the-victim impulse, black women often see domestic violence through the prism of race—and class—not gender. By portraying her prominent husband as arrogant, petty and sometimes brutal, Berry had betrayed not only Johnnie, but all black men. (Cochran denies his ex-wife's allegations.) Racism, it's believed, can do more damage than a fist. "In O.J., they see their sons," says Donna Ferrato,

was named as the key suspect in Nicole's brutal slaying, calls for help from battered-women's shelters increased by 25 percent, says Robert Gelfner, president of the Family Violence and Sexual Assault Institute in Tyler, Texas. "They saw Nicole, and they finally recognized the danger they were in." Many police departments are taking abuse cases more seriously. Five years ago "only the heinous beasts who broke bones" were arrested in Dade County, Fla., says Schroeder. Now arrests are up and more batterers are getting treatment. Even corporate America is waking up. State Farm Life Insurance, once skewered for denying a woman insurance because she was a victim of domestic violence, has just launched a family-abuse prevention campaign.

Gruesome link: Still, awareness by itself has yet to stop the worst forms of violence. Four women a day die at the hands of their husbands, ex-husbands or boyfriends, according to an analysis of FBI homicide data by James Alan Fox of Northeastern University—the highest rate in nearly two decades. Black women are three times as likely as whites to be killed in domestic violence. Prosecutors need to do a better job of making this gruesome link between murder and abuse very clear for jurors, say legal experts. Courts need to be more aware that children in violent homes are at high risk of being harmed. Richard Gelles, head of the University of Rhode Island's Family Violence Research Program, found that six out of 10 batterers also abuse their children. "We have to work even harder to protect battered women and their children," Gelles says, or they "will believe the criminal-justice system can't help them."

Other victim advocates think it's time the courts and police focus less on just protecting the woman and more on reforming her abuser. "Batterers can be turned around," says Donna Ferrato, through treatment, fines, even jail time. "Imagine if back in 1989, O.J. had to pay a \$50,000 fine, go to a batterers program for a year and maybe be censured by Hertz." Nicole, she thinks, would still be alive.

With KAREN SPRINGEN in Chicago, TESSA NAMUTH and SUF MILLER in New York, PATRICIA KING in Los Angeles and bureau reports



Avenging angel: At the grave, flowers, notes and tears from other victims of abuse

trapped by poverty, says Ann Jones, author of "Next Time She'll Be Dead," a book about battering. She could, less affluent women may think, have bought herself a bodyguard.

Black women in particular find domestic-abuse evidence to be a tough sell—especially when the defendant is a black man. Long before juror Brenda Moran called the domestic-violence evidence a "waste of time," jury experts—including the prosecution's own—predicted black women on the panel might turn a deaf ear to Nicole's 911 calls for help. Polls throughout the trial showed that

author of "Living With the Enemy" and co-founder of the Domestic Abuse Awareness Project. "They get very protective."

Even with such a high-profile setback for domestic-abuse victims, family-violence experts see some hopeful signs. As media coverage of the case and its aftermath continues to expose spousal abuse, attitudes may slowly change. After all, advocates say, Anita Hill may not have bumped Clarence Thomas from the Supreme Court, but her case helped bring sexual harassment into the open. Ever since O.J.,

52% of blacks think there was not enough evidence to convict Simpson: 46% of whites think his topnotch expensive lawyers turned the tide.



By ELIZABETH GLEICK

PROSECUTOR MARCIA CLARK was steaming, too angry even to listen to her favorite blues tapes as she drove home that night. After 20 murder trials—almost all of which she's won—she thought she had seen it all. Of course she had expected a little razzle-dazzle from Johnnie Cochran Jr. during his opening arguments, but, she says, the surprise unveiling of 14 new witnesses by O.J. Simpson's defense lawyers stunned even her. "This was plain sleazy," Clark said in an interview with TIME. "I was floored. They disregarded the judge's orders."

But Clark, a steely prosecutor who says she must be "convinced 200% that a defendant is guilty before I'll try a case," is hardly incapacitated. Every night last week, after going home for an hour to tuck her two children into bed, and all through the weekend, she was back in her small 18th-floor office at the Los Angeles County courthouse, munching on celery (she does not eat dinner), smoking Dunhills and scribbling furiously on a white legal pad. Clark, accompanied by attorney Christopher Darden and the six other lawyers working on the case—along with a bunch of cops who constantly drop by to visit Clark and offer help and moral support—ordered in pizza or Chinese food as the team scrambled to right the prosecutorial ship. "I don't believe the defense can produce everything they say they can," says Darden. "I can tell you that you will not see the prosecution be as complacent as we have been for the rest of this trial."

The plan, says Clark, is to research and impeach the new witnesses—witnesses the prosecution believes Cochran mentioned merely to create a fog of reasonable doubt in the minds of the jurors at the outset of the trial, even though he knows their testimony will not survive cross-examination. "Let me tell you this," says a bemused Clark. "This was not the typical first week of a murder trial."

Firecrackers, hand grenades, bombshells: the defense team is ready to toss an arsenal of hints, suggestions and arguments into this already explosive case. While Clark was cooling off and plotting her comeback, halfway across L.A. Angeles County, defense lawyer Robert Shapiro was watching his 14-year-old son Brent play a hard-fought, body-checking ice hockey game—and chafing strategy. Consider the bloody socks, he says, talking fast while cheering on Brent. Investigators "find a pair of socks" at O.J.'s home the day after Nicole Brown Simpson and Ronald Goldman are found murdered, Shapiro explains. "Nobody notices any blood. Two

A-8 Shapiro Level III

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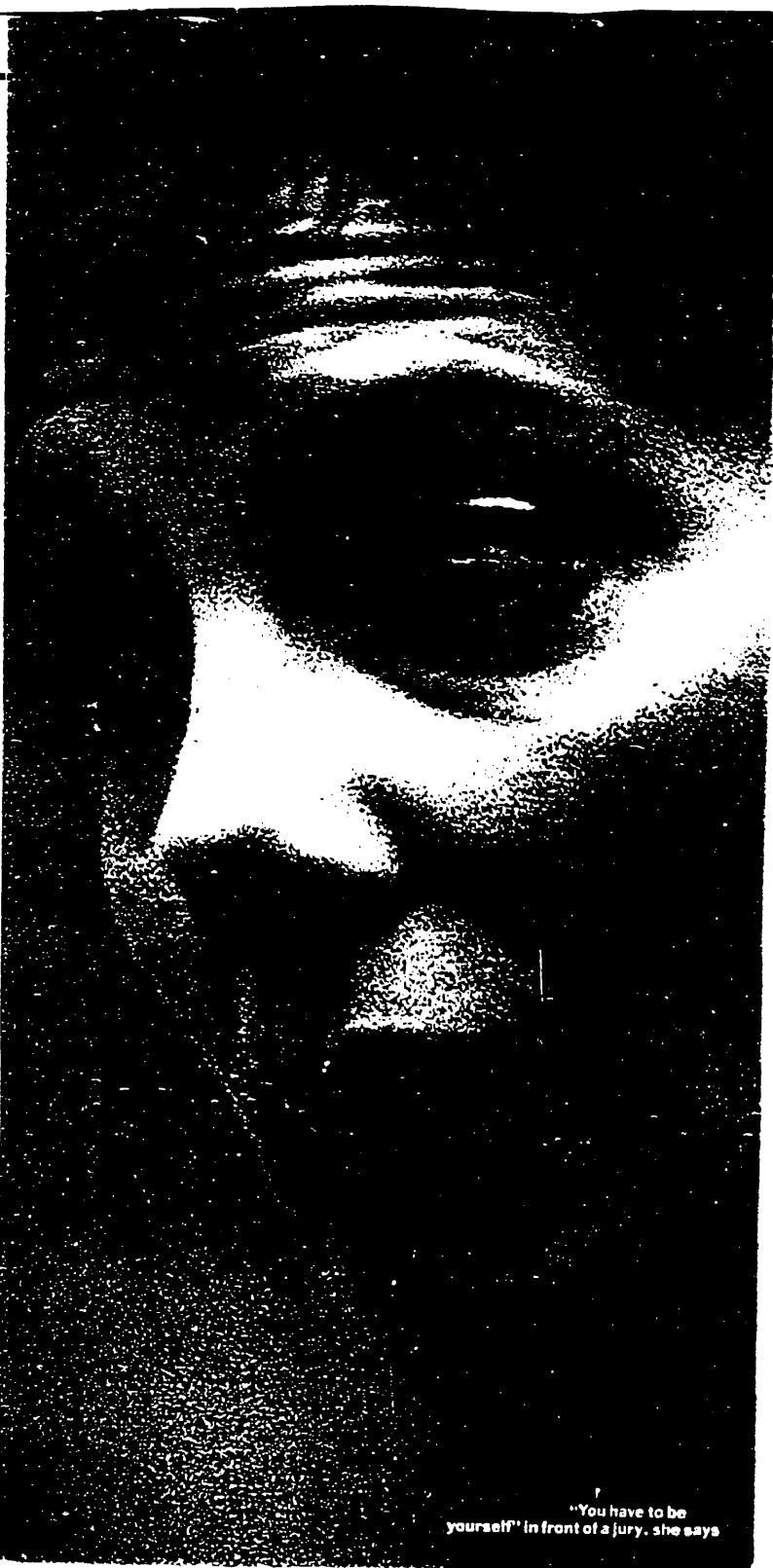
weeks later the socks are looked at by two court experts, along with the heel of the white shoe. They find traces of blood. Not until August, claims Shapiro, is blood discovered on the socks—lots of it, plenty to run a DNA check. And where did this blood come from? Shapiro hints that when some of Simpson's blood was drawn on the day of his arrest, a bit seems to have disappeared. The implication: it found its way onto the socks.

Johnnie Cochran, meanwhile, along with co-counsel Earl Douglas, is at his Wilshire Boulevard office overlooking Hancock Park late into the night. He too will be working through the weekend, with a brief break to have a session with his personal trainer. "I want to be standing when this is over," he says, and to lament the fact that he wasn't able to use his Super Bowl tickets this year. But he admits he's feeling pretty good about his case right now. "People have been coming up to me and saying, 'before you started talking, I thought this guy was guilty. Now I'm wondering.' Today I went to my barbershop. I walk in, and I get a standing ovation." As for the prosecution's cries of foul, Cochran and Douglas are, naturally, having none of it. "Much ado about nothing," insists Douglas, who toils in an adjoining office, says Cochran: "You just take the slings and arrows."

But such highbrow language hardly captures the raw reality of Judge Ito's courtroom last week, where each day brought a new spike in the players' emotional temperatures, and further discomfited the millions of TV viewers who thought they knew what to think about O.J. Over kitchen tables, in restaurants, around office coffee machines, people debated the lawyers' opening statements, critiqued Judge Ito's tone, expressed amazement over snapshots of Simpson's body offered up by the defense and photos of Simpson's socks displayed by the prosecution.

Of course, for those Americans who have known since the Night of the White Bronco that the opening of the O.J. Simpson trial would do more to suck up leisure time than all the debates over the balanced-budget amendment and observations about the odd January weather combined, the high courtroom drama was the big payoff. But those who had cynically decided in advance that the so-called trial of the century would be nothing more than an interminable media fest were guilty of, to use Johnnie Cochran's new favorite phrase, "a rush to judgment."

Such viewers could only watch, transfixed, the spectacle of surprise witnesses, new details of blood and fibers, a testy Ito and lawyers positively sputtering with outrage. Who could have predicted that among those holding press conferences would be doctors from the California Medical Center, reporting on the condition of



"You have to be yourself" in front of a jury, she says



“This was not the typical first week of a murder trial.”

deputy district attorney William Hodgman, who was stricken with chest pains at the end of Day Two? Hodgman, ordinarily mild-mannered, got so upset in court that Ito said, “How do you suggest I deal with the objections of the prosecution after I succeed in peeling them off the t-t-t-line?”

Ito added, “I have known [Mr. Hodgman] as a colleague and a trial lawyer, and I’ve never seen the expression on his face that I’ve seen today.” As Marcia Clark told the court last Tuesday in a bit of masterful understatement, “we live in very, very strange times.”

Moreover, by the time Johnnie Cochran addressed the jury on Wednesday, it had become clear, not only to the increasingly agitated prosecutors but also to legal analysts, that the Dream Team is more than just highly paid, highly qualified and highly dedicated. Cochran & Co. unveiled an unexpectedly strong defense. They also demonstrated—by their stealth-witness gambit—that they are prepared to push this case to the very limits of legality. Says Gigi Gordon, a leading Los Angeles defense attorney: “Those jurors are all sitting around in their little hotel rooms right now thinking, *Wow, four guys in watch caps! And whose blood is under her fingernails?*” Doubting. Doubting.”

In their opening statements, Clark and Darden hammered at two key points: the horrific crime and the motive. Darden handled the personality aspects of the case, speaking of the popular O.J. Simpson from movies and Hertz commercials and warn-

ing the jury of the defendant’s “private side.” Simpson, he argued, was obsessed with Nicole, obsessed with control and jealous to the point of violence. “If he couldn’t have her, he didn’t want anybody else to have her,” Darden said. Simpson, who had been warned by his lawyers to refrain from his customary eye-rolling and grinning, observed the proceedings impassively, occasionally scribbling notes or shaking his head.

ALTHOUGH DARDEN—A SOFT-spoken, studious lawyer who joined the prosecution team on Nov. 7, after supervising the grand jury investigation of Simpson’s friend Al Cowlings—performed well, the most dramatic moment of the opening day came later, when Marcia Clark displayed graphic photographs of the bodies. Judge Lance Ito ruled these pictures off limits to television viewers, and the reactions of those present in the courtroom explained why. Ron Goldman’s father Frederic wept at the sight of his son’s slashed and bloody corpse up on the 57-in. video monitor, while Nicole Brown Simpson’s three sisters cried quietly. Simpson’s mother Eunice could not look. When Ito at last called a recess, the Browns and the Goldmans clasped hands.

Clark, whose trial demeanor can be both intense and compassionate, walked the jury through the murder scene, telling of hairs matching Simpson’s, of telltale

STRESS TEST “I’ve never seen the expression on his face that I’ve seen today,” said Ito of Hodgman, right

shoe prints and trails of blood—blood, she intoned repeatedly, that “matches the defendant” in DNA tests. As she finished, after several interruptions from Ito, admonishing her not to argue her case in her opening statement, Clark appeared close to tears as she reminded the jury to remember the victims.

For the mostly African-American jury of eight women and four men, this was the day’s denouement. They were out of the courtroom by the time Judge Ito—informed that a hapless Court TV cameraman had slipped and televised the face of one alternate juror for a fraction of a second—excoriated the press and threatened to shut down the television cam-

eras altogether. But as has happened before, Ito brandished a stick that he ultimately declined to use: he relented the next morning and let the show go on.

In Hollywood, when a high-budget movie opens, insiders discuss whether “the money” made it onto the screen—whether the result, that is, justifies the expense. In this trial, O.J. Simpson’s money has certainly made it into the courtroom. Scrappy, overworked state employees appear to be just that when set against the silver-tongued, monied and remarkably personable defense lawyers. Cochran, chuckling modestly in a moment of theater that must have infuriated Clark and Darden, told the court last Thursday, “We certainly don’t refer to ourselves as the Dream Team. We’re just a collection of lawyers just trying to do the best we can.”

That best was impressive. Impeccably dressed as ever in dark blue, striped shirt and bold red-and-blue tie, Cochran sought to strike an immediate rapport with the jury. Spinning stories, addressing jurors like a loquacious, well-loved uncle, Cochran spoke confidently of his client’s innocence, reeled out his favorite saying from Martin Luther King Jr.—“Injustice anywhere is a threat to justice everywhere”—and insisted that “this case is about . . . an obsession to win at any cost and by any means necessary.”

For all the prosecution’s seemingly damning points, Cochran offered counterpoints, many of them new to every listener. But it was a strategy not without risk.

SECOND THOUGHTS He dropped the idea of halting TV coverage after "the benefit of a night's sleep"

Cochran must now deliver the credible witnesses and solid blood evidence that he promised. He claims, for example, that there was blood under Nicole Brown Simpson's fingernails of a type that matched neither O.J.'s nor the victims'. (The prosecution has since declared that "Cochran took one line out of a report given to him. There is a scientific explanation that you will see presented at trial.") Cochran also said there was a woman who saw four men in knit caps leaving the murder scene. And that the mysterious object in the manila envelope would prove the L.A.P.D.'s collection of evidence was inept. The "trail of blood," Cochran insisted, was actually:

too sparse to match such bloody crimes. And the lawyer produced the defendant himself, in photos and in person: pictures taken in the days after the murder showed Simpson's mainly unbruised body, and the former football star stood up to display his scarred left knee as evidence that he was too disabled to commit the murders. The effect of these maneuvers on the jury may have been what Cochran intended. Simpson, he was saying, is just like you, jurors—flawed but essentially intact.

The prosecution's objections began when it sounded as if Cochran was engaging in legal arguments, not simply presenting the case. But what sent Hodgman to the hospital later that night, and had Clark back in court the next day arguing heatedly for a 30-day continuance and sanctions against the defense, was Cochran's citing of more than a dozen witnesses not previously on the defense's witness list. One of the fresh witnesses, Mary Ann Gerchas, the woman who claimed she had seen men in knit caps running away from Nicole's house on the night of the murder. Cochran said another couple will testify that at 10:25 p.m., 10 minutes after prosecutors say the murders were committed, they saw nothing amiss outside Nicole's house.

In response, the language was extraordinary, the outrage genuine. "Disgusting," "appalling," "worse-than appalling," Clark raged. "Trial by ambush," she charged. Defense lawyer Carl Douglas acknowledged to the court that there were some new witnesses but insisted the mistakes were "in-

advertent" and pointed out that the prosecution had also been late with some witness names during the hearing on Simpson's past abusive behavior.

Many legal experts believe the defense performed beautifully, but is being a bit disingenuous. "There's no other way to interpret this except as a deliberate withholding of the witnesses," says Ervin Chemerinsky, a law professor at the University of Southern California. "I understand why the prosecution was outraged." And at the very least, the defense must enjoy seeing the prosecution so rattled at such a crucial point in the trial. "For Bill Hodgman to object 13 times is a sign of how bad the damage to the prosecution was," says Los Angeles criminal-defense lawyer Andrew Stein. "Marcia Clark and Bill Hodgman... were right to be indignant."

Even as the lawyers wait for it to rule this week on the prosecution's 27 motions for sanctions—which could include an admonition to the jury to disregard some of Cochran's statements because the defense did not comply with California's discovery laws—Clark has already absorbed the new blows. Darden argued to the judge that some of Cochran's witnesses were not likely to hold up under cross-examination. He called them a collection of "heroin addicts, thieves, felons," adding that one is "a court-certified pathological liar," and the prosecution's research may bear this out. Rosa Lopez, for instance, who worked at the house next door to Simpson's, claims to have seen Simpson's Bronco parked outside his house at the time

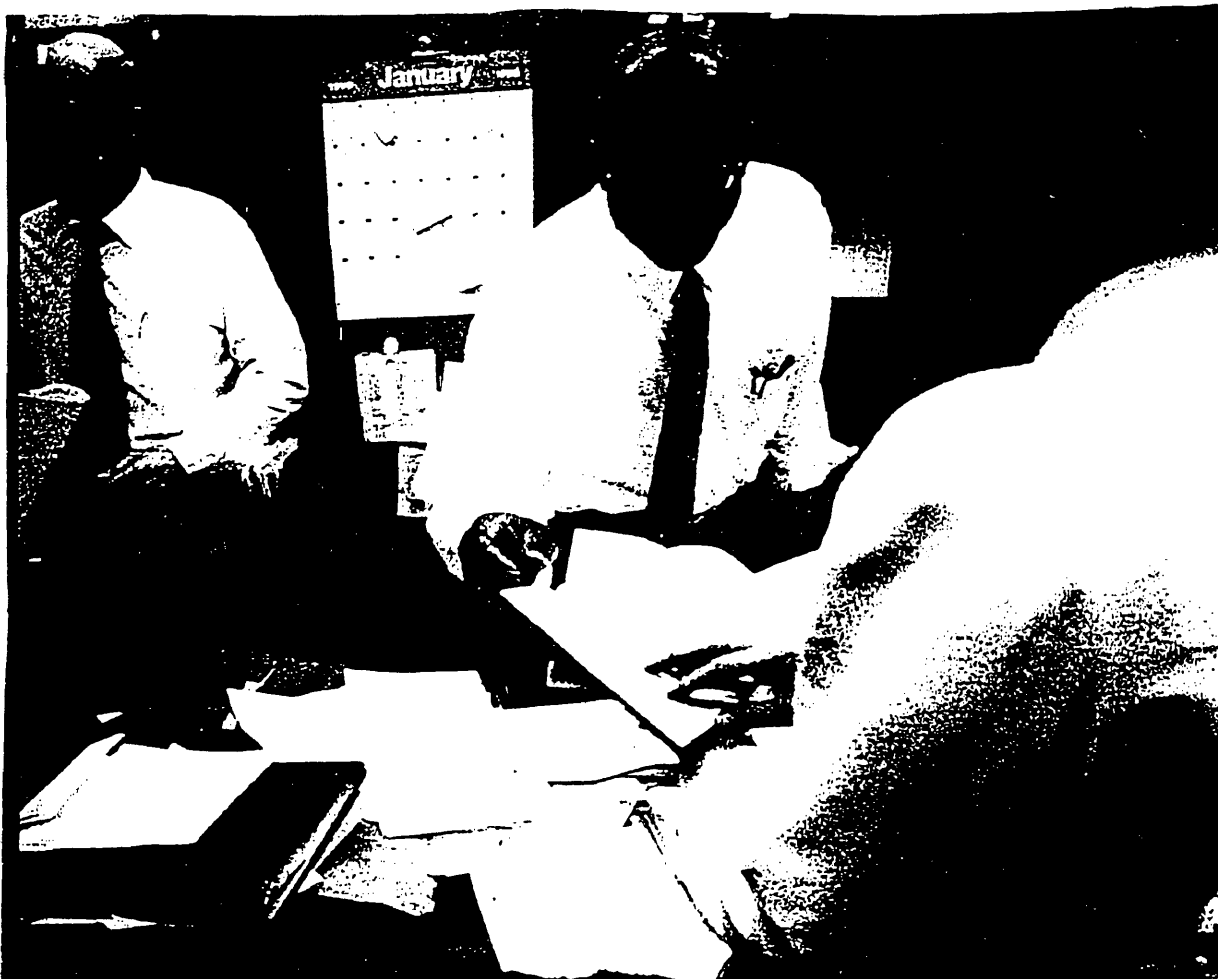
the murders must have occurred. But Lopez is considered so confused and unreliable that even the staff at the *National Enquirer* rejected her as a source months ago. (For example, she told *Enquirer* reporters that Jackson Simpson had had a birthday party at his father's house the night before the murders, which is not true.) And according to the Los Angeles *Times*, Gerchas, a jewelry-store owner, has been sued at least 34 times in recent years for complaints including allegations of fraud and failure to pay creditors.

Clark insists that her efforts to shred the defense's arguments do not mean she harbors any hatred for Simpson. "I care about fairness and justice for a defendant, but I really don't focus on a defendant," she told TIME. "I focus on victims. It's not personal with me. I view it that this person has done something bad. They may not be a bad person. I can even accept their good side."

For those merely watching on the sidelines, the adversarial nature of courtroom proceedings does tempt an observer to keep score. Advantage prosecution, the pundits declared following Day One. TOUCHDOWN. JOHNNIE! blared the tabloid *New York Post* after Cochran took the floor. "After the prosecution finished, it seemed so clear that O.J. was guilty," says u.s.c.'s Chemerinsky. "Then after the defense finished, you felt he was not guilty. What more could you ask for?" The jury, however, has yet to see the full presentation of evidence—and evidence, in theory, is what will take the day. —Reported by Elaine Lafferty and James Willwerth/Los Angeles



“Those jurors are sitting around right now . . . doubting.”



DOWNTOWN JURY. A BLACK JURY WILL NOT CONVICT. FORGET IT.

Marcia Clark's mentor

court. "The detectives' decision to book the cash as Cowlings' personal property and not as evidence would be damaging to prosecution at trial," concluded the internal memo, dated Oct. 27, 1994. The chase, which was never mentioned to the jury, was a "mixed bag," according to prosecutor William Hodgman. "If you knew some of the evidence we were dealing with, you would understand what the cost-benefit analysis was."

DARDEN AND CLARK

FRIENDS HAD URGED CHRISTOPHER DARDEN to steer clear of the Simpson case—he would

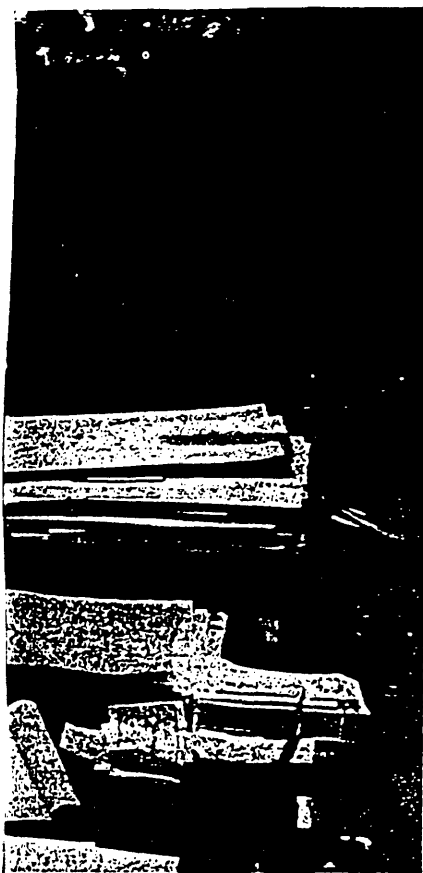
look like the token black attorney in a case that had taken on ugly racial overtones. But the young prosecutor could not let it pass, and joined Clark and Hodgman in October 1994. "Most cases I prosecute aren't a challenge anymore," Darden told TIME. "The defendants are poor and they don't have the resources. This case was a fair fight." There was also the irresistible appeal of going up against one of the most respected black attorneys in the country, Johnnie Cochran, whom Darden admired. One friend warned Darden that he could not win. "I'm gonna be 'the man,'" Darden told the friend. She

shook her head. "You're wrong. You ain't gonna be the man. Johnnie's the man."

Clark became obsessed with learning everything she possibly could about Nicole and her state of mind. "I have to defend a woman I never met," she explained to Candace Garvey, one of Nicole's friends. "All I've seen is bloody pictures. I need to know a lot of things about her." Nearly every night last fall, Clark would go home to put her two children to bed, then change into jeans and a sweatshirt to meet Darden and work on the case. One night, about 10 p.m., she joined Darden and Dr. Donald Dut-

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between 60 and 100 messages waiting for him



he tried seven days a week, often at home

ton, an expert on domestic violence, at the bar of the Hotel Inter-Continental, one of the prosecutors' favorite haunts. She playfully kissed Darden on the cheek when she arrived, sank into an overstuffed sofa and ordered a Scotch on the rocks. Darden asked for a beer. A half-hour of jokes and pleasantries followed. And then came work. Clark pulled out her white legal pad. "O.K., let's go," she said. She drilled questions into Dutton, trying to understand Simpson's mind, his anger, his jealousy. Why did Nicole stay? Why would she smile when she didn't mean to? What might have prevented Nicole from screaming just before her throat was slit? The session went on past 1 a.m.

Clark's intensity was matched only by her mental agility. Once, while interrogating Kato Kaelin behind closed doors, Clark was suddenly interrupted by the phone. It was her children's nanny, who speaks only Spanish. Clark's tone completely changed as she began speaking fluent Spanish, giving child-care instructions. Says a clerk, Tracy Miller: "I couldn't believe how quickly she could just switch gears. And I didn't even know she could speak Spanish." A short time later, another prosecutor was set to interview an Israeli housekeeper who worked for Simpson's neighbors. The woman spoke little English. Says Miller: "Here comes Marcia into the room. She sits down and starts speaking fluent Hebrew with this woman. I thought, O.K., so what is it this woman doesn't do?"

H-E-R-E'S JOHNNIE!

"HE STARTED CALLING ME AT HOME," Johnnie Cochran says, explaining how Simpson began courting him a couple of days after his arrest. The accused murderer had until then been served by Robert Shapiro. "I still have the taped messages, and someday I might whip them out. His whole thing was, he wanted to get out and get this over with by Halloween so he could go trick-or-treating with his kids." Cochran says he postponed getting involved until he saw how the preliminary hearing went, but that Simpson kept calling him. "O.J. would call me at night and he'd say, 'Look, I want you in court with me.' I was put on the team by O.J. Simpson, not Bob Shapiro." Indeed, says Cochran, Shapiro tried to "lowball" him. At a meeting at the Beverly Hills Tennis Club, Cochran says he asked about fees before joining the team. "Well, you know there's only so much money," Shapiro replied, according to Cochran. "I listened

to him up to a point, and later on I discovered that what he carved out for himself was a lot bigger than for the rest of us." Shapiro doesn't deny trying to limit Cochran's fee. "That's true. But I wouldn't say lowballing. I was given a budget ... I was trying to hire people for the best possible fee." Cochran came on board in July.

Still, Cochran says he was confronted by a morass of disorganization. "I mean, like we were team players, but we knew it was going to be real tough," he says. "Ultimately, O.J. had to make a decision about

I HAVE TO DEFEND A WOMAN I'VE NEVER MET. ALL I'VE SEEN IS BLOODY PICTURES.

seeking details on Nicole

who was going to run this thing." Cochran places the blame for the defense's failure to turn over key materials to the prosecution early in the discovery process squarely on Shapiro's shoulders. "O.J. saw this and he was smart. He stepped in and said, 'I want Johnnie to be in charge.'"

In August 1994, before Cochran's ascension, Simpson's lawyers discussed a plea bargain for manslaughter. The talks took place in Shapiro's Century City law offices. Cochran mainly listened, neither advocating nor dismissing the idea of a plea. However, says one source, Shapiro and F. Lee Bailey, the legendary trial lawyer brought on by Shapiro, were willing to entertain the idea, though they spent last week accusing each other of initiating the talks. People also reported last week—though Kardashian denies it—that Kardashian was prepared to accept a charge of accessory to murder if Simpson pleaded guilty to manslaughter. Although the plea bargain was never formally presented to the district attorney's office, it was mentioned, carefully and informally, to one of the lead prosecutors. That prosecutor told Shapiro the district attorney would never agree.

In the ensuing months, Shapiro would be further eclipsed by Bailey. Simpson seemed to think Bailey had the same kind of star power he believed himself to possess. Soon, says a source, "O.J. started saying, 'I want Bailey to do this, I want Bailey to do that.'" At Christmastime last year, the Bailey and Shapiro factions of the camp openly quarreled over who was leaking information to the press. Last week Shapiro said he would never again work with Cochran or speak to

Superfabulous Year-End Edition

The CW has been working overtime this year, making sober-minded, judicious and entirely balanced judgments on weighty personages and events of our time. *Of course* we knew months ahead that the GOP would sweep the elections and the Haiti policy

would be an unqualified success—you could look it up. From Bill, Alfonse and Newt to Heidi, Tonya and Kato, the CW arrows have spun faster than James Carville on the teacups at Disney World. And now the CW wishes one and all a big up arrow for 1995!

Players

Conventional Wisdom

B. Clinton	↓	Worse year than USAir. You should get leaner and meaner. Pronto.
Chuck & Di	↓	Even their sexcapades are a royal bore. Next stop: "The Jerry Springer Show."
Judge Ito	↔	Good judge and he knows it. But next time TV calls, sequester yourself.
Mandela	↑	A world without heroes? Come to South Africa. Book to outsell Faye Resnick's?
Tutals	↓	Up to 1 million dead and almost nobody cared. The saddest story of the year?
J. Helms	↓	Better get a bodyguard if he comes to Upper West Side. Even friend says he's a redneck.
Martina N.	↑	Best tennis player in world gets no endorsements. Who's afraid of Virginia Woolf?
R. Nixon	↔	Resurrected by death but buried again by faldgman. Diaries. Expletive deleted.

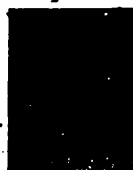
Players

Conventional Wisdom

H. Clinton	↓	Excedrin hairstyle No. 99; image remake No. 83; commodities margin call in '95?
B. Shields	↑	Beau Andre Agassi has seen her in "Grease" 14 times. Kids today...
Rusty	↓	Powerful Dem licked by stamps. Will he soon be stamping license plates?
I. Magaziner	↓	Health-care honcho was navigator on the Titanic. Singlehandedly sank liberalism.
G. Foreman	↑	45-year-old boxing champ is boomer hero. CW will name all of its sons George, too.
B-B Owners	↓	You're greedy, dumb, obnoxious pigs. Even George Will says you're wrong.
Arianna H.	↔	Can't elect her Charlie McCarthy husband to Senate. But Newt thinks she's a visionary.
Streisand	↑	Moving East? With Jackie O gone, N.Y. needs new leading lady. And she's kosher!



B. Clinton



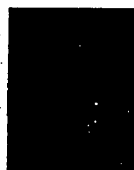
H. Clinton



Gingrich



Streisand



Mandela



Clark



Neeson



Harding

Players

Conventional Wisdom

Newt G.	↑	Old CW: obnoxious, powerless windbag. New CW: charming, omnipotent windbag.
Tonya	↓	Trash nostalgia: Gillyooly, we hardly knew ye. Where have you gone, Sean?
Intel	↓	Are they using the White House PR team? The chips are down.
M. Barry	↑	Old CW: whipped by crack, career gone. New: will crack the whip. Get over it.
Kato K.	↔	Situation wanted: discreet prof. freeloader seeks celeb w/ carr. house. No dogs.
P. Jones	↓	Makes G. Flowers look like class act. Memo to Penthouse: cancel our subscription.
Arlstide	↑	Old CW: spacey, murderous priest. New: Mandela of the Caribbean.
Reagan	↑	Classy letter on Alzheimer's will help millions. But CW forgets exactly what's in it.

Players

Conventional Wisdom

Dole	↑	Wins Senate, could be prez. Getting cautious? CW wants more nasty wisecracks.
L. Neeson	↑	100s on his List mourn as thinking woman's heartthrob settles down. Touché, Natasha!
M. Clark	↔	Lead O.J. DA has hardest assignment of '95. <u>This tough cookie won't crumble.</u>
C. T-Smith	↑	"Melrose"'s Alison admits she's a drunk. CW would follow her to rehab any day.
Amtrak	↔	When everyone's afraid of flying they're cutting back service. Thanks, Newt.
T. Foley	↓	Who's to blame for '94 debacle? You, Tom, for not cleaning up Congress. Happy fishing.
Juries	↓	Trial by peers? More like trial by fears. Try listening to judges' instructions.
CW	↑	Another banner year! Wrong, wrong and wrong again. But hey—we point the arrows.

YING—NEWSWEEK
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DEC. 26, 1994/JAN. 2, 1995 NEWSWEEK 17



'He threw her against the wall': Brown on the witness chair

MARK TERRILL/POOL

A Sister's Sad Revenge

O.J.: An ugly picture of the ex-idol emerges

AT FIRST, THE FAMILY OF NICOLE SIMPSON maintained a neutral position toward the man accused of killing her and Ronald Goldman. As the months went on, that vow of silence slowly receded. Nicole's sister Denise Brown spoke out forcefully in interviews about her belief that O.J. Simpson was the murderer. But telling it to Diane Sawyer is one thing; telling it to a jury is another. Last week Brown, the raven-haired image of her younger sister, finally got her revenge.

Wearing a black pantsuit, a large gold cross and a tense, angry look on her face, Brown tearfully recounted alleged incidents that depicted her former brother-in-law as a bullying, violent man. After a night at a Mexican restaurant in the late 1980s, she said, she returned to O.J.'s house with Simpson, Nicole and a friend. Denise testified that she told Simpson that he took Nicole "for granted," and a fight ensued. "Pictures started flying off the walls; clothes started flying down the stairs." Weeping, her voice trembling, Denise continued: "He grabbed Nicole and told her to get out of the house. He picked her up and threw her against the wall. He picked her up and threw her out of the house. She ended up falling on her elbows and her butt."

No one ever said Simpson's defense team would have a cakewalk defending him in the double-murder case—and last week's first parade of witnesses, culminating with

Brown, only showed how difficult it will be. The prosecution's strategy to destroy Simpson's All-American image—before moving on to the crime itself—seemed to be falling into place. A series of witnesses described the amiable former football star as an obsessed man who beat and stalked his wife.

TRIAL SCORECARD

Week Two featured a haunting photo of a battered Nicole, a turncoat O.J. hang-on and a weeping Denise Brown. On a scale of 1 to 5 gavels (the more the better), here's the flash judgment:

Prosecution: Clark's bonus six minutes of opening statement ripped into the defense's surprise witnesses. Then Darden skillfully drew out damning testimony. Denise's tears well timed, too.

Defense: Is O.J. getting his millions' worth? Cross-exam of Shipp helped the prosecution. If the Team fumbles Denise's cross, too, Cochran & Co. will look like the San Diego Chargers: the dolts, not the 'bolts.

Judge Ito: When he wasn't confiscating beepers, he was less testy, even making nice to Clark for a change. But did he risk reversible error on appeal by not disallowing Shipp's "dream" testimony?

dreamed of killing her and remained strangely unfazed even after her death.

Denise was on the stand for only about 20 minutes last week, but it was easily the most anticipated testimony. Prosecutor Christopher Darden led her to recount another incident, the now infamous Red Onion episode. In a crowded bar at the restaurant in Santa Ana in 1987 or '88, Brown said, Simpson grabbed Nicole's crotch and said, "This is where babies come from and this belongs to me." The defense had earlier tried to portray this incident as just a married couple's squabble. Brown's version was hardly that. Simpson did not seem angry, she said, just crudely possessive.

The jury seemed riveted by her testimony, but no member reacted overtly. Outside the court, defense lawyer Johnnie Cochran seemed to suggest Brown's emotional—and teary—testimony was staged. "If it was planned, is that fair?" he told reporters. Defense lawyer Robert Shapiro was expected to question Brown this week.

Complex witness: Simpson had more than an in-law problem in court. The jury was shown graphic pictures of a bruised Nicole in 1989—and then it heard her terrified voice in a 911 tape recorded four years later. As O.J. ranted in the background, Nicole is heard crying, "He's f—g going nuts." The most complex witness was Ronald Shipp, a former cop who described himself as Simpson's friend. He testified that a day after the murders, O.J. had confided: "You know, to be honest, Shipp... I've had some dreams of killing her." His testimony, which the defense failed to dent, was a kind of Rorschach test. Did jurors see Shipp as a traitor to his old friend? Or, as NYU law professor Stephen Gillers suggested, was the state saying that even a buddy—who was black—was pointing the finger at O.J.?

All the news wasn't from the witness stand. Judge Lance Ito was considering removing one or more jurors for possible misconduct after maps of Chicago and L.A. may have been found among them. Jurors aren't permitted to have materials that could have a bearing on the case. Cochran's personal life also came under tabloidlike scrutiny: The Los Angeles Times reported that Barbara Berry, Cochran's former wife, had accused him of assaulting her in divorce papers filed 28 years ago. Cochran denied it, saying the charges were intended as leverage in the divorce. A woman by the name of April Levalois appeared on "Geraldo" to say that, while married to Barbara, Cochran was the lover of Levalois's mother—with whom he fathered a son, Jonathan Cochran, now 21. And Berry said she was writing a book about her life with Johnnie—to join the ever-growing list of Simpson tomes.

LARRY REIBSTEIN with MARK MILLER and DONNA FOOTE in Los Angeles and TESSA NAMUTH in New York

FEBRUARY 13, 1995 NEWSWEEK 33

Appendix B

Article emphasis - A
None Some Main

Article Identification # _____
 Magazine Title _____
 Date _____
 Page # _____
 Title of Article _____
 Magazine Section _____

Attorney: Clark
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Hodgman
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Darden
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Bailey
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Cochran
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Shapiro
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Scheck
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Attorney: Dershowitz
 Type of cov: Level
 Appearance: I
 _____ II
 Personal Life: III
 _____ IV
 Professional: V

 Language: _____

Appendix C

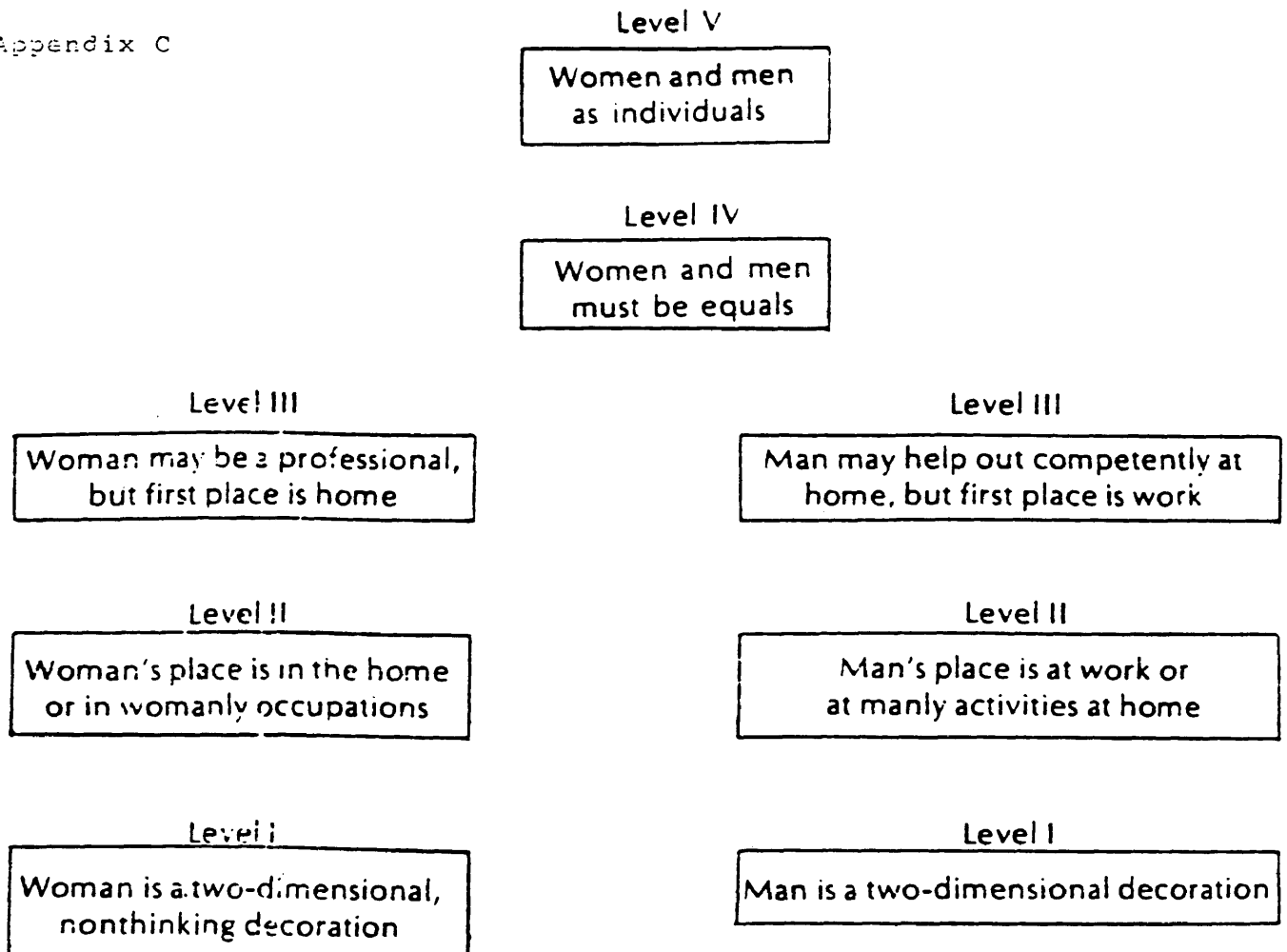


Figure 2: A consciousness scale for media sexism: women and men

Pingree, Suzanne, Hawkins, Robert Parker, Butler, Matilda and Paisley, William. (1976). A Scale for Sexism. Journal of Communication, Autumn, pp. 193-200.

Appendix D

Table A

Number of References in *Time* per paragraph

	Appearance	Personal Life	Professional	Language	Total
Clark	3 (2%)	10 (8%)	20 (16%)	0	33 (26%)
Hodgman	0	1(1%)	7 (6%)	0	8 (6%)
Darden	0	2(2%)	11(9%)	0	13 (10.4%)
Bailey	0	0	11 (9%)	0	11(9%)
Cochran	0	2(2%)	29 (23%)	0	31(25%)
Shapiro	0	2(2%)	17 (14%)	0	19 (16%)
Scheck	0	0	4 (3%)	0	4 (3%)
Dershowitz	0	0	5(4%)	0	5 (4%)
<hr/>					
Total	3 (2%)	17 (14%)	104(84%)	0	124(100%)

Half of all *Time* references were about Marcia Clark and Johnnie Cochran. Both attorneys were primarily portrayed as professionals, but Clark had more personal life references.

Clark was portrayed both as professional and a woman with a personal life. Clark was the only attorney who had stories about appearance. Clark had

10 articles regarding her personal life, while the male attorneys had minimal exposure with two and one articles, respectively.

Professionally, Clark received 16 percent of coverage while Cochran received 23 percent and Shapiro received 14 percent.

The male attorneys were mainly portrayed in the professional context. Overall, *Time* portrayed the personal life of the attorneys 14 percent of the time. The appearance portrayal occurred 2 percent of the time. Each of the seven male attorneys were portrayed as professional while four of the male attorneys, Shapiro, Cochran, Darden, and Hodgman were portrayed personally.

Appendix E

Table B

Number of References in *Newsweek* per paragraph

	Appearance	Personal Life	Professional	Language	Total
Clark	4(2%)	17 (7%)	38 (17%)	1 (.4%)	60 (26%)
Hodgman	0	0	5 (2%)	0	5 (2%)
Darden	0	5 (2%)	25 (11%)	0	30 (13%)
Bailey	0	1 (.4%)	22 (10%)	0	23 (10.4%)
Cochran	0	9 (4%)	40 (17%)	0	49 (21%)
Shapiro	0	2(1%)	42 (18%)	0	44 (19%)
Scheck	0	13 (5%)	0	0	13 (5%)
Dershowitz	0	1(.4%)	10 (4%)	0	11 (.04%)
<hr/>					
Total	4 (2%)	35 (15%)	195 (83%)	1(.4%)	235 (100%)

Marcia Clark again received one-fourth of all references in *Newsweek*, but the magazine was more likely than *Time* to report on a variety of other attorneys-Johnnie Cochran, Robert Shapiro, Christopher Darden, and F. Lee Bailey.

Newsweek portrayed Clark in all areas being measured. Clark was portrayed four times in appearance while no other attorney was cited in this manner. On a personal basis, Clark received 17 personal citations or seven

percent, while Cochran was second with nine or four percent. Hodgman and Scheck were not noted personally, while the remaining four attorneys range from 1-5 percent of references. Professionally, Shapiro leads the list at 18 percent, while Cochran and Clark are second with 17 percent. This may be misleading as Cochran received 40 references while Clark received only 38. Overall coverage of Clark was 26 percent. Cochran rated second with 21 percent, Shapiro, third with 19 percent. Darden, Clark's counterpart, was fourth place at 13 percent. Bailey comes in fifth place at 10 percent, while Scheck, Dershowitz and Hodgman are all five percent and under.

Tallying up the totals, *Newsweek* portrayed the attorneys' professional life 83 percent of the time. Personal life was reported on 15 percent, with an additional two percent for appearance, for Clark only.

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