

Chapter 23: FUHRMAN'S POLYGRAPH

“THERE ARE ONLY THREE POSSIBILITIES.”

F. Lee Bailey, defense attorney, polygraph expert

Picture this: Mark Fuhrman accepts a challenge made by F. Lee Bailey on the Larry King show to be questioned on national TV by an LAPD polygraph expert. As the former police detective, now best-selling author, sits wired to the machine the camera pans back and fourth between the grim faces of the two battle-hardened ex-Marines. After 2 years of wondering what the truth was about Fuhrman's role in the Simpson murder investigation, you are about to get some definitive answers. Everyone will be watching and judging. If a majority of experts agree, it will be hard to argue with their collective wisdom.

The polygraph display fills the screen with the graph needles on the right side fidgeting like thoroughbreds at the starting gate of the Kentucky Derby. The faces of Fuhrman and Bailey pop up in small boxes at opposite corners of the screen as the race begins. But, like the slow speed Bronco chase, this is no dash to the finish line. It's more like a drunken march, each needle marching to the tune of a different drummer, tracing jagged lines in horizontal rows as the graph paper scrolls from right to left. A long, cold silence is shattered by an unfamiliar voice....

“I'm going to ask you a series of baseline questions and I want you to answer 'yes' to all of them. Do you understand?”

“Yes” (the graph needles barely break stride). We recognize this voice. It's the voice we heard on the McKinny tapes boasting about his ability to plant evidence and having partners so close they could kill someone and cover for each other without being told what to say.

“Is your name Mark Fuhrman?”

“Yes” (the needles make a nervous twitch, but that's to be expected; it's a tense situation).

“Are you sitting down?”

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“Yes,” (same unbroken rhythm).

“Is your hair green?”

“Yes” (needles go crazy—now we know what a lie looks like).

“Did you plant the bloody Rockingham glove?”

We’d all seen enough television to expect something along these lines, even though we knew that the real thing couldn’t be as dramatic in every detail as we imagined. We knew that it would be dramatic nonetheless because of who was involved and what was at stake. We thought that we were going to see a major television event recorded earlier that day.

How were we to know that what we were expecting to see took place in private three days before? How were we to know that we were only going to see an explanation of the results by Fuhrman and the examiner—who refused to have his work reviewed by anyone not approved by Fuhrman and Regnery Publishing, the company that paid for his services? No wonder the press was playing this one down. No wonder Larry King took the night off....

When all was said and done, we would know that Fuhrman’s strongest reaction was to the question, “Did you plant the bloody glove,” to which the examiner would explain why it should be ignored. We learned that other “relevant” questions Fuhrman aced were, “Did you see an empty knife box?” “Did you plant any evidence?” and “Did you see a bloody fingerprint?”

We learned that the only polygraph test accepted as evidence in court was not the Relevant/Irrelevant Test given to Fuhrman, but the Control Question Test Bailey wanted him to take. We also learned, as an aside, that Bailey “knows” Fuhrman didn’t commit the murders, which answered all of my questions about why the evidence linking him to the slayings was never aggressively explored by the defense; it was never seriously considered.

I later discovered on the internet that Bailey was pursuing the idea that the prosecution scaled up the size of the bloody shoe prints from 10 to 12 to fit O.J. Simpson. That would clear Fuhrman as well because, as I learned through a considerable amount of study and work, Fuhrman wore size 12.

This is how the show went with Jim Moret sitting in for Larry King:

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JM: Joining us from our Washington DC studios, former LAPD detective Mark Fuhrman. Also joining him, is Paul Minor, who is President, American International Security Corporation, former member of the FBI who was their chief polygraph examiner from 1978 to 1987...

...Mark, you were on the stand in the Simpson criminal case nearly 2 years ago to the day, from today. Why did you wait so long to take this polygraph? I know that you said the timing wasn't right, but why 2 years later?

MF: Well, you know, I've actually asked myself that quite a few times, and just recently, you know, I was ah you know, I was talking to some friends and I said, "Why didn't the prosecution basically confront the defense out of the presence of the jury and say, well fine, if you wanna make these accusations then let's put Mark Fuhrman on a polygraph, agree to the results and we get together on who should give the test and whatever the findings are we'll put in front the jury." That would have gone a long way to solve a lot of these problems. I can't believe it wouldn't be done because I surely would have gone on a polygraph.

Q: Well you took the polygraph, I understand, on Monday in Washington DC. You took it in private. Why did you elect to do that as opposed to—live on TV, for example?

MF: Well, you know, we do the polygraphs at LAPD in a room with the polygraph examiner and the subject. Ah, It's quite. Ah, The temperature is normal. You know, your responses are going to be the most appropriate and the most accurate when the stimulus in the room is not detracting you like these two lights that are shining above my head right now.

Q: So, you're talking about controlled conditions so that the results you get are reliable and accurate?

MF: Yes.

Q: Let's talk to Paul Minor the person who actually administered this test also in our Washington DC studios. Paul, tell us first, what is a polygraph; we've come to call it, in layman's terms a lie detector test. Is that really what it is?

PM: A polygraph actually records psycho-physiological reactions of the body that occur in response to questions.

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Q: So put that in layman's terms. What does that mean if you were to ask me questions and I'm hooked up your machine?

PM: It would mean that during the test, during the asking of the questions you would recognize what the question is, you would, maybe your heartbeat would pick up, blood pressure go up somewhat, you would maybe have some reaction in what we call the galvanic skin response which is essentially perspiration, sweat gland activity, electro-dermo activity of the skin.

Q: Well Paul, that happens, frankly, every time I go to the doctor and have my blood pressure taken. So how do you account for differences in nervousness and so forth?

PM: Well it's just higher apprehension when you go to the doctor and also while you're there, that anxiety is probably somewhat evenly occurring. It's not occurring just when the doctor does one certain thing unless it's one of those personal examinations we go through.

Q ...So, Paul, based on these tests as you have come to know them, can you tell if an individual is lying or telling the truth?

PM: Yes, I think we can, with about 1, maybe 2 percent error rate built in.

Q: Mark, I suppose the question is not begged, how do you know you're not that 1 or 2 percent?

MF: Well, because all the evidence in the case. My partners. Ah, other officers. Everybody corroborates these findings; it's not the reverse. And plus the impossibility—ah when you look at some of these questions, you'll see—like knowing the whereabouts of O.J. Simpson. Um, the tampering of evidence. Did I see one glove and a knit cap at the Bundy scene [*small, quick smile*]. Did I remove anything from the Bundy scene. All these go towards one purpose; disproving any sequence of events that would allow me to do anything in this case.

JM: We will talk in detail about the polygraph examination that Mark Fuhrman took on Monday and we will see the results right after this....

After the commercial break, Morant reintroduced his two guests and said:

"...Mark, your book, *Murder in Brentwood*, is currently number one on the New York Times Best-Seller list. How can the audience be assured that

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the polygraph examination is not in some way related to the publicity of the book?”

Fuhrman told him that he couldn't, and then worked F. Lee Bailey into his answer, reminding the audience that Bailey had promised to give Fuhrman an apology on national television if he passed the lie detector test—which, according to Paul Minor, he did. However, according to Bailey, who appeared on the show after Minor walked Morant and the audience through some high points of the test, “he flunked.” That is, he failed the test in Bailey's opinion and the opinion of another expert he was talking to during the demonstration, if one could call the test valid. Bailey had serious reservations about that and called upon Minor to submit his work for peer review to the American Polygraph Association, to which Minor belonged and all of the experts mentioned belonged.

Minor refused, citing the fact that he had asked the opinion of Warren Holmes, an expert recently retired from the Miami Police Department, who agreed with him. He also cited his inability to get in touch with the expert who agreed with Bailey. He said that he didn't want to make a circus of the test and would have to get permission from Fuhrman and the publisher of Fuhrman's book before he could pass it on to anyone.

In other words, you could pick the expert you wanted to interpret it any way you saw fit, so there was no doubt about how the OJG's or the OJI's in our group would interpret it.

But what about the OJU's who might be impressed enough with Minor's credentials to overlook, in the matter of peer review, his deference to Fuhrman and the people who paid him? What about Dable, Chameleon, and Phil? If the test was even grudgingly acceptable to any of them, the OJG's could put that non-news story in the victory column for them, and we could count on hearing how Mark had passed his polygraph test and O.J. had flunked his. Never mind Mark's two years to get ready vs. OJ's two days. Never mind what Fuhrman said about the time and the conditions being right to get an accurate reading. Never mind the fact that O.J.'s test was never completed and neither test was ever certified valid by an independent panel of experts.

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This, to me, was the stinky stuff that all of Fuhrman's evidence was made of—powerful, slightly out of whack but convincing enough for those who could get past a few inconvenient details. Most people do that automatically. The man knew what he was doing. Only this time, I was ready for him. Thanks to my experience on the boards and in the e-mail group, I knew how his experience with the public and the courts allowed him to anticipate reaction to dramatic evidence against Simpson. I now knew that he had the final ingredient necessary to believe he could kill two people, frame a popular celebrity, and get a big payoff in money and glory for doing it. Once you know the patterns, making the predictions is old hat.

Subj: Fuhrman

Date: 97-03-19 11:03:43 EST

From: Peggy

To: Chameleon

CC: Matlock, Tiger, Cougar, Rabne, Pat, Bull, Puma, Lion, Bear, Hhhana, Trooper, Jaguar, Judge, Dable, Diana, Connie, Ted, Bull, Wildcat, Panther

To All— Okay guys. Fuhrman is taking a lie detector test with the results to be broadcast tonight on Prime Time Live. Anyone care to bet on the results? —Peggy

Subj: Fuhrman

Date: 97-03-19 12:15:33 EST

From: Pat

To: Chameleon, Peggy

CC: Matlock, Tiger, Cougar, Rabne, Bull, Puma, Lion, Bear, Hhhana, Trooper, Jaguar, Judge, Dable, Diana, Connie, Ted, Wildcat, Panther, Bull

Peggy—I understand a pathological liar can pass a lie detector test. He'll probably pass. —Pat (Crowe)

Subj: Re: Fuhrman

Date: 97-03-19 12:22:31 EST

From: Diana Fleming

To: Chameleon, Peggy

CC: All

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Everyone—My money is on he passes! He's had enough time to rehearse. —Diana

Subj: Re: Fuhrman
Date: Wednesday, March 19, 1997 3:24 PM
From: Tiger
To: Patricia Whetham, Chameleon, Margaret Richardson
CC: All

Diana— So how is it that OJ failed with the lowest possible score? —Tiger

Subj: Re: Fuhrman
Date: 97-03-19 16:05:16 EST
From: Pat
To: Chameleon, Peggy (Margaret Richardson), Tiger
CC: All

Tiger— Says who? I thought you only considered the evidence that was brought out in court. —Pat (Crowe)

Subj: A white flag?
Date: 97-03-19 20:54:27 EST
From: Hhhana
To: Pat
CC: Diana, Trooper, Peggy

Hey Gang— ...I don't know if I'll be watching the MF thing tonight or not. Hate to miss it if he fails the test. I know there are drugs you can take that will interfere with the testing. Makes me a nervous wreck. The other side will never shut up if he passes. I guess we better be ready to shore each other up. —Paula

While we were waiting for the polygraph test that we thought was coming, there were other issues we could discuss.

Subj: Re: Blood on Rockingham estate bathroom wall
Date: 97-03-19

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From: Tiger

To: Phil

CC: All

Phil—If you bleed enough after shaving in the shower to have positive presumptive tests, you better lie down and call the EMS for a transfusion. Tiny amounts are too diluted to show up. Never kill anyone in your shower, though. —Tiger

Bull—I doubt he washed the shoes and sweats in the shower. —Dianne

Dianne— If I were OJ and my shoes and sweatsuit were covered with blood, and I was in a hurry, you bet your ass I stepped in the shower in full dress, and then threw the soaking sweatsuit in the washing machine and ran the cycle and left to meet my plane. Any self-respecting murderer would know to do it that way. For that matter, if it were me and I fell in the s—, I would do the same thing. No other way to get clean in a hurry, especially if you know that you are not going to keep the clothing. —Bull M

But Bull— Then why wasn't there more blood in the Bronco if OJ was so covered in blood he had to get in the shower to clean clothes and shoes? Besides, remember the prosecution said the murders were committed with no appreciable blood getting on the perpetrator. Remember? —Dianne

Hhhana, Dable— I guess the key word here is 'appreciable' blood. If you spilled a Coke down the front of your clothes, it would not necessarily get all over everything else. Therefore, 8 or 10 ounces might not be considered appreciable, but it's totally ludicrous to say that the amount of blood on OJ was no more than a cut from shaving. —Bull M

Bull— Please check Dianne's question. I think she was talking about the presumptive test done on the drains in the bathroom at OJ's. We would expect a man to possibly nick

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himself and have blood clinging to the goo in the pipes. Also bacteria will give the positive on the presumptive testing.

—Paula

Paula— Were you there? How much blood is lost in a typical shave? He stepped in blood and his sweats were probably splattered. I must have a careful husband—he never cuts himself shaving—and he uses a plain safety razor. There is no blood in my drain. —Tiger

So, you might ask, where was the evidence for sweats? Where were the blue/black fibers in the washing machine or the bathroom drains? Never mind. The Larry King Show was on and all of us who could were watching it....

Everyone—Marky won...now he is challenging
Vannatter....Chameleon

Subj: Re: Fuhrman and Vannatter
Date: 97-03-19 22:45:22 EST
From: Bull R
To: Chameleon
CC: All

Everyone— Fuhrman passing a lie detector test should discount the OJI planting and conspiracy theory. Notice I said should. This probably won't happen with some of the die-hards. They will cite that it's not admissible, like we're in some court, or Fuhrman is a pathological liar and could fool the test. That's ridiculous, but there will still be OJI's that will discount it [*Editor's note: Watch for the OJG who also discounted it*]. But if you review the credibility of who gave the polygraph and the second opinion, one must give credit to Fuhrman [*Editor's note: A credibility review of Lee and Baden did not lend credibility to what they said. Fuhrman got the credit there, too. It was Lee's and Baden's credibility that suffered when Fuhrman's theories and evidence contradicted them*]. I have always felt that Fuhrman got a raw deal in this case. Sure, his racial attitudes are in question, but he really did a

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decent job on this case. Come on OJI's, this shoots your theories out of the air. Now, will the OJI's denial continue?
—Bull R

Subj: You Asked For It, You Got It, Toyota!!
Date: Wednesday, March 19, 1997 10:32 PM
From: Paula Duke
To: Patricia Whetham, Trooper, Peggy

Dear Pat— Bull M is BigBully on the Court TV Threads, I think. By the way, these guys have something going on. He jumped in Diana's doo-doo, then yours, then sent me a private response to my remarks regarding the Browns (I think I called them bus people). His message was gentlemanly! I saved it. I'll send you a copy after I finish this letter.

I had a rather bad experience, too. I got a message that I wanted to respond to, hit the reply to all, which sends my message back to everybody on the original list. I got a letter from G asking to be deleted from my address book. Hell with him!

He needs to ask whoever sent the message to me to delete me off of theirs. Don't care one way or the other. It's a pain always going in and clicking on the long list. I'm coming out of the closet; before I tried not to mail to the "evil crew."

...I kept jumping in with what I thought would draw some fire, and I think it's a psychological thing, they refuse to jump me. I don't know which is best...having them after me or trying to patronize me.

Lord help us, MF passed the lie detector....I didn't like the questions, though.

....I'll check back with you later. In my scenario, I wasn't going to have MF plant the glove, anyway. I think he would pass it off to a partner over at Rockingham assigned to watch O.J. —Paula

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That's what I thought, too, after studying Paula's MFG scenario. There was, in fact, little inconsistency with Fuhrman's answers to the questions and my current theory of how the killing and planting of evidence was accomplished. I would have expected some reaction to the "relevant" questions, but not much, if he hadn't done the actual planting himself. Knowing what he knew about homicide investigations, it wouldn't have surprised me if the killing and framing had been carried out with a polygraph test in mind. Be that as it may, I knew what a skillful liar he was from the demonstrable lies he told in his book.

Subj: Re: You Asked For It, You Got It, Toyota!!

Date: 97-03-19 23:20:04 EST

From: Pat

To: Trooper, Peggy, Hhhana

Paula when I watched MF on Equal Time last night, I got a weird feeling whenever he mentioned Brad Roberts. God, I'd like to know more about that guy[*Editor's note: I am now virtually certain that Brad Roberts was assigned to watch Nicole and Ron, and that he planted both gloves*]. Apparently he only went on one TV show to say that MF was telling the truth. He's still at LAPD and Fuhrman thinks he was stopped from doing any more talking [*Editor's note: A witness heard the killers arguing. It wasn't Roberts' words or his background that worried the prosecutors; it was his voice*].

...Tiger is gloating about MF passing the lie detector test. Oh well. —Pat

Subj: Re: Fuhrman/Bailey

Date: 97-03-19 23:39:20 EST

From: Cougar

To: Tiger

CC: All

I'll be interested to see now how quickly one of the networks can locate Bailey. I have a feeling he's made an unexpectedly quick trip to outer Siberia. —Cougar

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Subj: Re: Fuhrman and Vannatter

Date: 97-03-20 00:43:50 EST

From: Tiger

To: Bear, Bull

CC: All

If Bailey will apologize as he said, and agree that Fuhrman did not plant the glove, then the glove at Rockingham must have been dropped by the killer. I wonder who that could be?

—Tiger

Subj: Re: Fuhrman and Vannatter

Date: Thursday, March 20, 1997 12:58 AM

From: Bear

To: Bull

CC: All

If they dump Fuhrman as their prime suspect...who will be their new “planter” and “killer?” They will have to go back to the drawing board and find some other innocent person to blame. Wonder who it will be? —Bear

Subj: Re: Fuhrman and Vannatter

Date: 97-03-20 00:55:27 EST

From: Tiger

To: Bull, Chameleon

CC: All

Here, here. But, as you said, the responses are predictable. You know what they'll be. All we should discuss here is Flea Bailey's challenge. He took up the gauntlet—and he lost. That arrogant slob did not think Fuhrman would take him up on his public challenge. There were no conditions—Fuhrman took the test with the best polygraph administrator in the country. The test was corroborated by the head honcho of the testers. Will Bailey keep his end of the bargain? If so, when? If not, why not? That is the only debatable point. But, of course this is real life—and the OJI's will retreat, regroup, and counterattack.... —Tiger