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Description

Legal experts Lenox Hinds of Rutgers University and Richard Uviller of Columbia University discuss the verdict in the Bernhard Goetz trial. The so-called "Subway Vigilante" was acquitted of all counts of attempted murder after shooting four teenagers in the New York City subway on December 22, 1984.

Keywords


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Transcript

Legal Analysis of the Bernhard Goetz Verdict

JOHN PALMER, anchor:
An “After Eight” this morning, will the Bernard Goetz case encourage more vigilantism? What are the implications of this trial and its controversial conclusion? With me, to share their views are Lennox Hinds, chairman of the Criminal Justice Department at Rutgers University and a practicing lawyer, and Richard Uviller, who is a professor of law at Columbia University law school and a former Manhattan persecutor.
Gentlemen, good morning.
LENNOX HINDS and RICHARD UVILLER: Good morning.
PALMER: Mr. Hinds, your view on the verdict.
LENNOX HINDS (Rutgers University): Well, I think that we must view the verdict in the climate of racist violence in the United States. I do not believe that we can look at the verdict just in an isolated incident. For example, in 1982 we had Willie Turks who was a transit worker who was mobbed by a group of whites in New York City. Later on, in 1986, of course we’ve heard the situation with Michael Griffith, Cedric Sandiford and Timothy Grimes, you know of that as the Howard Beach situation.
PALMER: Yes, but we’ve got to concentrate right now on this case, was it a fair verdict? Can we get your opinion on that?
HINDS: No. It was an outrageous verdict. And why do I say that? We are talking about under what circumstances, within our society, would we allow citizens to use force including deadly force, all right, to justify self-defense, under what set of circumstances? And in this case, the highest courts in New York has set forth the standard, which was, a bifurcated standard, whether or not the individual using this subjective test felt reasonably that he was threatened. And then, whether or not…
PALMER: We’ve got your opinion here that it’s outrageous. We’re going to have to have a debate here
going and a discussion. Mr. Uviller, I guess you don’t agree?

RICHARD UVILLER (Columbia University): Well, no, I certainly would not agree with that. And I don’t think that it’s fair to view this verdict in a racial context. I do think that the verdict as the jury, as some of jurors reported would have been very much the same had the races been reversed. And I think that of the many people who approved of this verdict and the many who disapprove of it, there is not a clear racial line between them. I think that they’re people of both races, on both sides of the reaction.

PALMER: What do you think about this, Mr. Hinds, this idea that ‘we’ve had it up to here and we’re not going to take it anymore,’ did that figure in, do you think, into the jury’s assessment of the situation?

HINDS: Well, obviously. Obviously, we have a situation where there’s rising and escalating crime in New York. And individuals sympathize with Bernhard Goetz. There’s absolutely no doubt about it. There were white jurors and there were black jurors who sympathized with him. They must have, in order to throw out the video tapes. Here we have someone who not only admitted that he intended to hurt, he intended to maim, he intended to kill these individuals.

PALMER: We have a piece of the confession, the video tape confession here of Bernhard Goetz. Let’s take a break just for second and listen and watch.

BERNARD GOETZ: I went to him a second time, and I looked him, and he can’t verify this because he was probably out of it by then. If I had shot him, or if he wasn’t, I don’t know. And I said, “You seem to be doing all right, here’s another.” I was going to shoot him, but it didn’t matter, again, I thought, I was sure I shot him, maybe I didn’t. He jerked his arm and I just, trigger pulls on reflex. You just work, the secret is you work on reflex, you just work on reflex.

PALMER: Mr. Hinds, in another part of that testimony he said, “When I started shooting, it was just attempted cold-blooded murder, and I don’t deny that.”

HINDS: Not only did he did say of that, but he also said that “if I had my keys, I would have gouged their eyes out.” Now…

UVILLER: I do-- I do think that the evidence is very strong against Goetz. I agree with Mr. Hinds on that. I don’t think that jury jumped the track, however. The law is such that their verdict was perfectly supportable. There are some uncertainties in the law in which the jury I think conscientiously made an effort to reconcile the facts. I don’t think it’s fair to say that all the people who approved this verdict are wild-eyed vigilantes either. On the other hand, the evidence was strong and the defense was not very substantial. And the verdict does indicate, it seems to me, that one is justified under the law in using deadly force and using it repeatedly.

PALMER: But aren’t you concerned, though, that the message has gone out, you can under certain circumstance take the law under on your hands?

UVILLER: There’s-- I think so, I am concerned about that. I don’t think this verdict is a message, it’s not intended to communicate to the people that they now have a license to take the law into their own hands. But certainly, to the people watching, and to the people watching all over the world, as well as all over the country, it does seem that the law of justification means, that a jury will excuse, the jury will find justified, the use of deadly force in circumstances which are equivocal at best.

PALMER: Gentlemen, I’m sorry, the debate goes on and on and will. We thank you for starting it here.
with us this morning.
We’re going to continue now our discussion of the Bernard Goetz case, the jury’s verdict with a Mr. Lennox Hinds of Rutgers University and Mr. Richard Uviller of Columbia University, both of them attorneys, both of them law professors. Mr. Hinds, you called the verdict outrageous. What would your verdict have been? What would you have sentenced him to? Or what…

HINDS: Given the facts-- given the facts of this case, I think that there was enough evidence for the jury to find beyond a reasonable doubt that Mr. Goetz acted unreasonably and therefore that his actions were not justified under any of the theories advanced by the defense. When you look at the facts, you see someone who had the mens rea, the premeditation to leave his house with a fast draw holster. He was someone who took a gun on the subway with him. Even if he was robbed before, it was not reasonable for him to act in that fashion. There are many New Yorkers whose cars had been burglarized, they don’t booby-trap their cars. There are individuals whose apartments were burglarized, they don’t booby-trap their apartments. So, if we are saying, that under similar circumstances, citizens are allowed to arm themselves in the manner that Goetz did, and in fact, travel along our city’s streets and to mete out justice as they perceive it, we are moving one hundred years backwards.

PALMER: Does he make a pretty good argument, there?

UVILLER: That is what the law provides. However, the law itself says that a citizen may use deadly force if he reasonably perceives that he is subject to a robbery, which is the circumstances here.

HINDS: But these were not the facts in this case.

UVILLER: Well, I do agree with Professor Hinds that there are-- that there was a strong case and a jury certainly would have been justified in finding a verdict of guilt.

PALMER: If these four guys, here’s a hypothetical situation. If these four guys who were shot on the subway train, forget the race aspect for a minute, if they had no police records, if they were, not necessarily honors students, but they had a clean record, you think that would have made a difference in this whole thing? Because we saw the technique, where the attorney Slotnick put the witnesses on trial, he acted as a prosecutor, which is, I assume, a very good and tried-and-true legal technique.

UVILLER: Well, yes, of course, in this case. But I don’t think it would have made a substantial difference because, after all, Bernard Goetz did not know about their criminal record at the time, simply the fact that…

PALMER: But the jury did.

UVILLER: Well, but the justification for-- for the use of deadly force is the situation as it appeared to Goetz at the time he fired. And at that time, Goetz perceived himself as the subject to a robbery. Now, you might say, well, for a big city dweller, a subway rider, a menacing behavior such as an approach by a number of young men who ask for money, is the equivalent to “stick ‘em up.” And a jury so found. It’s not an unreasonable verdict from the jury, although I think that it was based upon less than clear evidence. I would like to see the law a little stronger. I would like to see the law of self-defense require less than lethal force in the first instance and the resort to deadly force only when less than deadly force will not-- will not do to repel the robbery. I think that’s implicit in the law as it is today, but I’d like to see it a little clearer, so that we know that we can’t use a gun, we can’t fire to kill on, in a circumstance where
brandishing the weapon or something less than the use for deadly force would suffice.

PALMER: Gentlemen, we really have to go right now. I want to thank you again for your comments, they’ve been very enlightening.