

The second time around " Phil Spector

by Susan_Estrich

"I can't say that I know her," the forewoman of Phil Spector's jury told the press after it was over, referring to Spector's victim, Lana Clarkson. Both Clarkson and Spector were on trial for the second time, after the first jury to consider murder charges against the music producer deadlocked 10-2 in favor of conviction.

Spector's defense, once again, was to portray Clarkson as the ultimate nut and slut, a has-been, a depressed former B-movie actress who would kill herself at the home of a man she met hours before. His defense lawyer vowed, in the wake of Spector's conviction, to fight the judge's ruling that had allowed testimony from five other women who claimed Spector had held them at gunpoint.

The forewoman of the jury reportedly cried in explaining the verdict. "You are talking about another human being. We all had hearts. We all have people we love," she said. While many of the news outlets reported these comments in connection with Spector's very young wife crying when the verdict was announced, I'd like to think the forewoman was talking about the victim, not the murderer. It is hard to imagine anyone except his wife crying for Spector.

The striking thing about Spector is not that he killed, but that the first five women he threatened lived to tell. Whenever I hear that someone has done something gruesome, my first question is always what large flashing warning signals " usually consisting of prior offenses " did everyone choose to ignore before he did. When someone with a long list of convictions manages to escape the punishment they deserve because the jails and prisons are overcrowded and no one wants to own up to the rationing decisions required, it's fair to blame the system. But that's not exactly how things played out with Spector.

As far as I know, none of the "other women" in the Spector case brought charges against a man they knew to be dangerous. Clarkson, had she survived the night, probably wouldn't have, either. The reason should be obvious. They would have been destroyed. If you think Clarkson's image took a beating in these two trials, imagine what they would have said about her if she were still alive and complaining. The only thing that saved her is the fact that she is dead.

Not that you can change it. I always warn women what can happen to them if they file rape or assault charges against a man rich enough to afford a vigorous defense: The defense will go after them. The effort may be complicated by rape shield laws or privilege rules, but aggressive defense lawyers can usually find a way to seriously squeeze the victim, even turning it into a constitutional right.

But what about the people around Spector all these years? It isn't just the criminal justice system that bears responsibility for paying attention to warning signals. Did none of them know he had this problem? Did no one see it as their responsibility to do something about it, before it cost the sixth woman her life?

The question is not why the drunk driver isn't in jail (no room), but why someone in his family didn't take his keys away, why someone who saw him weaving didn't report it, why someone who saw him leave wherever he was didn't stop him before he went. The question with Spector is why, among all his people, not one ever thought to take the ammunition away, to say no to a dangerous man, to insist that he get help and refuse to help him play with fire.

Until he was taken away to spend what will likely be the rest of his life in prison, Phil Spector was the victim of his own enablers. His young wife may be crying, but Lana Clarkson may be her salvation.

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