

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954)

Date 3/26/91

From : SA

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b7C

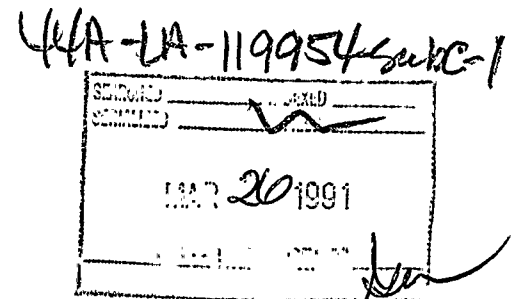
Subject: LAURENCE M. POWELL, ET AL, OFFICERS, LOS ANGELES,
CALIFORNIA POLICE DEPARTMENT; RODNEY GLENN KING,
AKA-VICTIM;
CIVIL RIGHTS

Due to the volume of paper being processed in this case, the following sub files should be opened:

- 302's - A
- Investigation by outside agencies - B
- Medical records - C
- News clippings - D
- Public correspondence - E
- TED J. BRISENO - F1
- STACEY C. KOON - F2
- LAURENCE M. POWELL - F3
- TIMOTHY EDWARD WIND - F4
- Police interviews FD-302's - G

This memo is to remain attached to the top file cover in each respective file.

JDD/ymj
(2)



Field File No. 44A-CA-119954-subC-1a1

Serial # of Originating Document _____

OO and File No. _____

Date Received 3/8/91

From _____

(Name of Contributor)

(Address of Contributor)

By SA

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ No

Title:

Reference: _____
(Communication Enclosing Material)

Description:

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Medical Records

UUA-LA-119954subC-1a1

(OK)

302

3/8/91

[Redacted]

Pacific Hosp, Sun Valley, Ca (818) 967-5310 b6 b7C

advised there was told her this the possibility
that R.N. [Redacted] Notes from 3/3/91 were
misplaced? - Not certain

King's Peds was kept separate ~~under~~ in a
locked file.
& only accessed by her.

R.N.

[Redacted]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/13/91

[redacted] Pacifica
Hospital, Sun Valley, California, [redacted] provided the
following medical records concerning the treatment of RODNEY
GLENN KING, which are attached and made a part hereto.

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b7C

no attachments need
It should be noted that KING's records were kept in a
separate locked file whose exclusive access was limited to
[redacted]

Investigation on 3/8/91 at Los Angeles, California File # 44A-LA-119954 *C-2*

by *SA* [redacted] /CAA/sag Date dictated 3/13/91

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44A-CA-119954-D-356

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^Heads

11-20 0372

ASAC

ASAC

EARLY MORNING HEADLINES
City News Service

THE U-S JUSTICE DEPARTMENT IS REPORTEDLY LOOKING INTO HOW AN ATTORNEY DEFENDING ONE OF THE FOUR POLICE OFFICERS IN THE RODNEY KING CIVIL RIGHTS CASE ... WAS LEAKED A MEMO DETAILING THE PROSECUTION'S GAME PLAN. THE ATTORNEY SAID HE WAS MISTAKENLY SENT THE MEMO ... WHICH GOES INTO DETAIL HOW THE PROSECUTION HOPES TO PROVE FOUR OFFICERS VIOLATED RODNEY KING'S CIVIL RIGHTS.

IN ANOTHER FEDERAL INVESTIGATION ... THE F-B-I HAS SUBPOENAED A WHISTLEBLOWER WHO SAID HE LOST HIS JOB WORKING FOR AN ALLEGEDLY CORRUPT CONTRACTOR BUILDING THE METRO RAIL SUBWAY. HE IS ALLEGING A CLOSE FRIEND OF MAYOR BRADLEY FIRED HIM FOR POINTING OUT FRAUDULENT BILLINGS FOR WORK ON THE SUBWAY ... SUBMITTED TO THE L-A COUNTY TRANSPORTATION COMMISSION.

A STUNTMAN SUFFERED HEAD INJURIES WHEN A STUNT ON HOLLYWOOD BOULEVARD WENT WRONG THIS MORNING. THE STUNTMAN WAS TRYING TO LEAP OVER A CAR ... HE IS IN STABLE CONDITION AT CEDARS-SINAI MEDICAL CENTER.

THE NEW FIVE-HUNDRED-MILLION DOLLAR CONVENTION CENTER WON'T BRING HOME THE BACON PLANNERS HOPE FOR ... UNLESS THE CITY CAN ENTICE DEVELOPERS TO BUILD A NEW HOTEL IN THE AREA. THE NEIGHBORHOOD AROUND THE CENTER IS STARVED FOR HOTEL BEDS ... BUT A TASK FORCE REPORTED TODAY THAT THE CITY WILL HAVE TO ANTE UP ONE-HUNDRED-MILLION DOLLARS TO LURE IN SOMEONE TO BUILD IT.

THREE ORANGE COUNTY CHARITIES ARE BEING SUED BY THE STATE ... FOR ALLEGEDLY TAKING DONATIONS AND KEEPING 95-PERCENT OF THE MONEY. THERE IS NO LAW SAYING HOW MUCH MONEY SHOULD GO TO EACH CHARITY ... BUT PROSECUTORS SAY THE CHARITIES MISREPRESENTED HOW MUCH MONEY THEY WOULD GIVE TO DRUG, HOMELESS AND ABUSED CHILD PROGRAMS.

L-A COUNTY SHERIFF'S DEPUTIES ARE SEEKING TWO MEN WHO KILLED A PAINTER IN THE VIEW PARK AREA ... AND THEY ARE ASKING THE PUBLIC'S HELP IN FINDING THEM. THE TWO SUSPECTS ROBBED THE SHOOTING VICTIM AND A FRIEND OF ONLY EIGHT DOLLARS AND A GOLD CHAIN. THE MAN WAS SHOT IN THE BACK AS HE AND HIS FRIEND WALKED AWAY FROM THE SCENE.

IT WILL BE MOSTLY SUNNY AND A LITTLE COOLER IN THE SOUTHLAND, AND THOSE GUSTY WINDS SHOULD DIE DOWN A BIT. HIGHS SHOULD REACH THE UPPER 60S. THE AIR QUALITY WILL BE IN THE GOOD TO MODERATE RANGE.

City News Service 7:49 11/20/1992

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44A-CA-119954-D 357

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r n bc-Rodney-King, -3rd-Ld-Writethru 12-22 0612

^Rodney King, 3rd Ld-Writethru

Eds: ADDS comments from district attorney.

By MARY DUAN

City News Service

LOS ANGELES (CNS) - The district attorney's office today refused a request by Police Chief Willie Williams to consider filing charges against Rodney King for the 1991 driving incident that led to his beating.

In a letter dated Dec. 1, Williams asked prosecutors to consider filing charges of evading arrest and driving under the influence against King.

"In making this request, I am not attempting to influence or dictate which decision you should make," the chief wrote. "All I seek is closure ... I simply cannot leave this case 'in limbo' without a legal disposition."

In declining to file charges, prosecutors cited the statute of limitations and "the interest of justice."

"While the charge of felony evading appears substantiated by the (California) Highway Patrol reports that have been submitted, we believe that any filing for that charge should be declined in the interests of justice," wrote Deputy District Attorney Richard Hecht, a director of Branch and Area Operations.

"To bring charges ... when the crime was committed nearly two years ago, and the defendant has always been available, is unfair," he wrote. "The so-called 'Rodney King case' and its aftermath have caused a deep wound in society. Prosecuting Rodney King would tend to unnecessarily open that wound once again."

King's attorney, Milton Grimes, was not immediately available for comment.

District Attorney Gil Garcetti said he had been under the impression that the decision not to prosecute King had been made by his predecessor. He said he was surprised when Williams' letter showed up.

"We must, as a district attorney's office, do something about this case," Garcetti said at an afternoon news conference in his office. "My real bottom line is, my goodness -- this case is almost two years old and (we) must be interested in justice and fairness."

But the county's top prosecutor said politics and community pressure did not bear on his decision.

Had anyone reviewed the case closer to the actual date of the incident, King would have been charged and prosecuted, he said.

Since so much time has passed, however, "there is a very unusual set of circumstances," Garcetti said. "You have a defendant or possible defendant who has been here for two years ... now we are asking him to come here and face charges?"

"That is fundamentally unfair," Garcetti added. "This case has caused so many problems, and I believe the healing process has begun."

In his letter, Williams asked the district attorney to help resolve a "perplexing and difficult situation ... the criminal case against Rodney King has reached a virtual standstill."

The chief wrote that the King "incident has been an unpleasant and embarrassing situation for the LAPD and all of law enforcement, (but), as criminal justice professionals, we cannot simply leave Mr. King's criminal charges unresolved."

He asked prosecutors to pursue charges against King or reject them. Williams said he would "readily provide a well-informed detective supervisor to present the case."

In March, the district attorney's office announced it would not file charges against King, but no formal, written rejection was issued.

King's March 3, 1991, videotaped beating in Lake View Terrace following a freeway chase sparked a nationwide outcry against police brutality.

Rioting broke out in Los Angeles within a few hours after four officers were acquitted of excessive force charges. The men still face trial on federal civil rights charges.

City News Service 15:38 12/22/1992

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: MON., 1-4-93

Edition: METRO

PG. B1

Title: JUDGE TO RULE IN KING CASE
DISPUTE

Character:

or

Classification:

Submitting Office:

LOS ANGELES

Indexing:

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 04 1993	
FBI — LOS ANGELES	

Judge to Rule in King Case Dispute

■ **Courts:** He will consider whether Officer Laurence M. Powell's lawyer, Michael P. Stone, should be replaced because his law partner represents Sgt. Stacey C. Koon in a related civil proceeding.

By JIM NEWTON
TIMES STAFF WRITER

A long-brewing dispute among the lawyers defending the four police officers indicted by the federal government in the beating of Rodney G. King comes to a head today when U.S. District Judge John G. Davies considers whether to force one of the officers to drop the attorney who has represented him for nearly two years.

"This is a critical stage in this case," said lawyer Harland W. Braun, who represents

Officer Theodore J. Briseno. "It will determine a great deal about how we proceed from here."

The issue already has splintered the defense team, raising issues about the leak of a confidential government memo and pitting Braun and Ira Salzman, who represents Sgt. Stacey C. Koon, against Officer Laurence M. Powell's lawyer, Michael P. Stone. Lawyers for the fourth officer, Timothy E. Wind, have not accused Stone

NEWS ANALYSIS

of any conflict of interest.

Salzman and Braun argue that because Stone's law partner is Koon's lawyer in a related civil case, Stone could have access to confidential information about both defendants. Braun and Salzman say that creates a conflict of interest for Stone and that he therefore should not be allowed to continue in the criminal trial.

On the surface, that may seem to be a picayune dispute, but it is one that legal scholars treat seriously, and it has enor-

mous implications for when and how this case will be tried.

At stake are Powell's right to a lawyer of his choosing and Koon's right to confide in his attorney without fear that it might be used against him.

Most intriguing, however, is not the legal issue itself but the dissension it has brought to the surface among the defense lawyers.

The underlying dispute goes far beyond Stone's law firm or its clients and speaks to an increasing distrust among the officers' attorneys. It is largely fueled by Stone's reported handling of an explosive confidential prosecution memorandum sent to him in August.

Stone declined to comment about the conflict-of-interest hearing, beyond saying that he has filed his arguments with the court. "We'll wait for the judge to make a ruling," he added.

But a sealed court document written by Stone and obtained by The Times hints that Stone's handling of the prosecution

44A-LA-119954-D-358

memo—a so-called “order of proof” in which prosecutors outlined their case and the weaknesses of some potential government witnesses—is a major source of tension within the defense camp.

Sources have told The Times that the memo was mailed to Stone’s office. Stone read it and then returned it to the government, they added. Reacting to that account, Braun, in particular, has criticized Stone for returning the document without first sharing its contents with the co-defendants’ lawyers.

Stone has never commented on the memo, even to acknowledge its existence. But in the declaration filed with the court, Stone acknowledged that he did receive “confidential papers” and that his handling of them may be one of the reasons that other defense lawyers are trying to have him removed from the case.

“One item which has been mentioned in court is the matter of the receipt by me of confidential papers, previously addressed by this court in a confidential setting,” wrote Stone, whose declaration was inadvertently placed in a public court file. “While other lawyers may question the wisdom of my handling of that affair, and indeed they have, I do not see that a conflict is thereby created.”

Braun confirmed that the issue has deepened the rift among the lawyers for the officers.

“If you [broke] the Japanese code and a fellow officer notified the Japanese of that, would you get along with that guy?” he asked.

Salzman declined to discuss the issue of the memo’s impact on the defense efforts, but said he believes that Stone has a conflict of interest, and therefore should be removed from the case. That conflict, according to Salzman, grows out of two cases being handled by Stone’s law firm, Stone and Feeley.

One partner of that firm—Stone—represents Powell in the federal civil rights case against the officers. At the same time, Stone’s partner, Thomas J. Feeley, represents Koon in a civil case that also stems from the March 3, 1991, beating.

To illustrate why that could create a problem, some legal experts suggest a hypothetical situation: What would Stone do if he received information from his partner that implicated Koon and at the same time helped Powell? As Powell’s lawyer, Stone would be obliged to use that information in court. But since his

firm also represents Koon, he might also have an obligation not to use that same information, since it could hurt Koon’s chances of winning his civil case.

“That’s a potentially serious conflict,” said Erwin Chemerinsky, a law professor at USC who teaches legal ethics. “The reason that it’s important for each of the co-defendants to have different counsel is because there’s the possibility that their defenses will conflict.”

Stone argues in his papers that the issue is moot because he has never received any such information. The civil case, he says, has been dormant since it was filed, and no progress is going forward on it until after the criminal case is resolved.

“Mr. Feeley has not, at any time, disclosed anything to me received from Mr. Koon insofar as I am aware,” Stone wrote. “The reason for this is plainly evident. All of the ‘action’ has been in the criminal cases.”

If Koon is interested in making sure that no confidential information be passed from his civil attorney to Powell’s criminal lawyer, Stone suggests that Koon hire a new civil lawyer rather than force Powell to drop Stone.

“Koon apparently does not want to have the firm of Stone and Feeley involved in both cases,” Stone states in his court filing. “The answer to this is simple: Mr. Feeley should withdraw from representing Mr. Koon in the consolidated civil cases.”

Chemerinsky said that could solve the problem, if indeed no confidential information has been shared between Koon and his civil lawyer. But Braun and Salzman say that Koon may already have confided in Feeley, so removing him now would not undo the damage. The only solution, they insist, is for Stone to step aside.

Meanwhile, prosecutors have their own interest in the outcome of this dispute. They want the trial to begin as scheduled, on Feb. 2. Removing Stone would delay that by months, and the prosecution has taken the unusual step of arguing that Stone should be allowed to stay on the case.

All of this leaves Judge Davies with an extraordinarily difficult decision. If he rules in Powell’s favor, he risks giving Koon the opportunity to appeal a guilty verdict, because Koon might be able to claim that his defense was undermined by the alleged conflict of interest.

At the same time, if Davies rules in Koon’s favor, he will force a long postponement in the trial and he will deny Powell the right to have a lawyer of his choosing. Although that right is not absolute—judges are required to take action if they believe there is a potential conflict, even if that means limiting a defendant’s right to pick his or her own lawyer—Powell has had the same attorney from the beginning of this case, and removing Stone now would probably set back the officer’s defense considerably.

“This is an extremely difficult choice for Judge Davies,” said Laurie Levenson, a law professor at Loyola Law School and a former federal prosecutor.

“Someone’s interests are going to be hurt. Everyone cannot be happy.”

(Mount Clipping in Space Below)

King case officers' remarks admissible

Judge rejects defense arguments that prosecution was tainted by access to what 3 said

By Dawn Webber
Daily News Staff Writer

A federal judge ruled Monday that prosecutors in the Rodney King beating trial did not illegally bolster their case with statements three of the accused officers made under duress to Los Angeles police investigators.

In denying defense assertions, U.S. District Court Judge John G. Davies disagreed that the prosecution team was tainted by access to statements made by Sgt. Stacey Koon, Officer Laurence Powell, and former officer Timothy Wind to LAPD Internal Affairs investigators.

The law dictates that such statements — made by police officers who must cooperate or lose their jobs — cannot be used against the accused in a criminal proceeding.

In a motion hearing Monday, defense attorneys argued that FBI investigators had seized copies of so-called compelled statements during a May 1992 search of Koon's home.

But government prosecutors said the documents, subpoenaed from the LAPD, were handled by a Department of Justice "clean" team, which reviews all documents, reports and newspaper articles in order to shield the trial team from contact from the compelled state-

ments.

"I believe the prosecution has demonstrated to the court's satisfaction that whatever evidence it proposes to use, that the source was something other than the compelled testimony," Davies said.

Defense attorneys can renew their motion during or after the trial if evidence to the contrary arises.

Koon, Powell, Wind and Officer Ted Briseno are charged with civil rights violations in the March 3, 1991, videotaped beating of King in Lake View Terrace.

The officers were indicted by a federal grand jury after they were acquitted of assault and excessive force charges by a state court jury in Simi Valley. A Feb. 2 trial date is set.

Also Monday, the judge heard argument by two defense lawyers who claim Powell's lawyer, Michael Stone, should be removed from the case due to a conflict of interest.

Lawyers for Koon and Briseno say Stone has a conflict of interest because his law partner, Thomas J. Feeley, represents Koon in a related civil case. They claim Stone may have had access to confidential information that could be used against Koon.

"The court must balance Mr. Powell's right to his choice of coun-

sel against Mr. Koon's fear of being undone as a result of the conflict," said Davies, who took the matter under submission.

Stone has represented Powell since his initial arrest in the King beating.

In other pretrial matters, Davies told attorneys that about 240 positive responses have been received from 4,482 potential jurors contacted in seven counties to determine how many could serve on the estimated eight-week trial as part of a sequestered jury.

"Another 2,000 invitations will go out in the next few days," the judge said.

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

Date: TUES., 1-5-93
Edition: SOUTHERN CALIFORNIA
PG. 4

Title: KING CASE OFFICERS' REMARKS
ADMISSABLE

Character:
or
Classification: 80-33B
Submitting Office:
LOS ANGELES

Indexing:

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LOS ANGELES	

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44A-1A-119954-D-359 FBI/DOJ

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: TUES., 1-5-93

Edition: METRO
PG. B1Title: BLOCK, KOLTS PROPOSE
CONDUCT REVIEW PANEL

Character:

or

Classification:

Submitting Office:

LOS ANGELES

Indexing:

Block, Kolts Propose Conduct Review Panel

■ **Law enforcement:**
Compromise plan would have a group of retired judges look into citizen complaints of excessive use of force by deputies.

By KENNETH REICH
TIMES STAFF WRITER

In a compromise proposed Monday, Sheriff Sherinan Block and James G. Kolts asked the county Board of Supervisors to authorize a panel of retired judges to review the Sheriff's Department's handling of citizen complaints alleging use of excessive force by deputies.

The compromise between Block and Kolts, the retired judge who investigated the Sheriff's Department, also included a recommendation that the committee Kolts headed remain in existence to monitor

reforms suggested by the panel.

Supervisors Chairman Ed Edelman said Monday that he favors the compromise and will introduce a motion today to adopt it.

But a coalition that includes minority groups and the American Civil Liberties Union objected to the compromise as an inadequate substitute for the full citizen review commission they want established.

The coalition released statistics showing that of 87 retired Superior Court and appellate judges in the county, 96.5% are male and 94.2% are Anglo.

"Retired judges selected would find themselves ill-equipped to understand the issues of race and gender among both deputies accused of misconduct and among the public at large," the coalition said in a report.

Representatives of the coalition have recently pressed their views in meetings with two of the five supervisors, Yvonne Brathwaite Burke and Edelman. But Gloria

Molina, a third supervisor they had hoped would be sympathetic to their position, pleaded that she was too busy to meet with them, coalition members said.

Merrick Bobb, the Kolts committee's general counsel, said Monday that retired federal, municipal and administrative law judges might also be included in the review panel, and expressed confidence that the group would be diverse enough to be representative.

He also said that the Kolts staff is in the best position to monitor compliance with its own recommendations.

The Block-Kolts compromise comes three weeks after Kolts had urged creation of a standing citizen commission to monitor the reforms. On Dec. 29, County Counsel De Witt W. Clinton issued a legal opinion contending that under state law the supervisors have no authority to establish a civilian review board over Block's objec-

tions.

This opinion appeared to give the sheriff the advantage in the final compromise talks with Kolts. But Bobb said he still felt the Kolts group had gained in the talks by winning Block's acceptance of the panel monitoring its suggested reforms.

The ACLU-minority coalition disagreed with the county counsel's opinion, although a spokesman conceded that when San Diego County established a more comprehensive civilian review recently, it had its sheriff's consent and voters' approval of a charter amendment.

In any case, it appears doubtful that there are enough votes among the supervisors to approve a full civilian review board. Two supervisors, Mike Antonovich and Deane Dana, have stated their opposition, and Edelman has indicated he would only favor a compromise supported by Block.

The Kolts report, issued in July, found a "deeply disturbing" pattern of excessive force by sheriff's deputies and said the department was lax in disciplining perpetrators.

In their joint statement Monday, Block and Kolts noted that the sheriff has already agreed to implement 156 of the 180 reforms

recommended in the report. It also said that differences between Block and Kolts had been "resolved . . . with respect to other recommendations."

For instance, the statement said Block has now agreed to require "that an announcement will be made in English and Spanish prior to release of police dogs [against suspects] in all instances."

"The [Sheriff's] Department will also reformulate its policy requiring that the dogs be ordered to release [a] bite as soon as it is determined that the suspect is not carrying a weapon."

The joint statement also said the

department has agreed to reduce jail assignments as Kolts recommended, setting a goal of reducing new deputies' assignments to duty in the county's jails to between 18 months and two years.

But, the statement added, the department "cannot reach this goal in the near term because of fiscal constraints."

Block also agreed with Kolts to use his Internal Affairs Bureau to investigate more use-of-force cases, relieving individual sheriff's stations of such investigations.

The joint statement was not explicit in describing where the two men may continue to disagree.

(Mount Clipping in Space Below)

Briseno asks testimony be barred

No longer says other officers 'out of control'

Associated Press

Los Angeles police Officer Theodore Briseno no longer believes his fellow officers used excessive force when they beat Rodney King, his lawyer said Thursday.

Attorney Harland Braun also filed a motion asking a judge to bar Briseno's videotaped state trial testimony on the officers' use of force from their coming federal civil rights trial.

Briseno, who testified last year that his fellow officers were "out of control," now believes his statements are inadmissible in federal court because they are "opinion and speculation," Braun said.

Braun's remarks were reported today in The Los Angeles Daily Journal.

The testimony could help prosecutors support their charge that the four officers used excessive force and intentionally deprived King of his civil rights after a pursuit on March 3, 1991.

Trial for Briseno, Sgt. Stacey Koon, and Officers Timothy Wind and Laurence Powell is set for Feb. 2.

Deadly riots after the officers were acquitted of all but one state assault charge on April 29 killed 53 people and caused nearly \$1 billion in damage.

In the state trial, Briseno said he tried to stop his fellow officers from beating King. Braun said Thursday that some jurors believed Briseno came across as insincere.

Assistant U.S. Attorney Steven Clymer said Thursday he had not seen the motion and could not comment.

U.S. District Judge John G. Davies has approved a government request to use Briseno's videotaped testimony. But Braun and Koon's attorney, Ira Salzman, who joined Braun in the motion, now insist that Briseno isn't an expert on use of force and that therefore his testimony was opinion and speculation.

The motion was mailed to U.S. District Court on Wednesday.

If Briseno testifies again, he will state that he tried to stop Powell's baton blows because he thought Powell was "ineffective and frightened, but not intentionally hurting anyone," Braun said.

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

Date: FRI., 1-8-93

Edition: SOUTHERN CALIFORNIA
PG. 8

Title: BRISENO ASKS TESTIMONY
BE BARRED

Character:

or

Classification:

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LOS ANGELES

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FBI — LOS ANGELES	

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FBI/DOJ

(Mount Clipping in Space Below)

Sealing of King verdicts sought to avert civil unrest

By Karen Nikos
Daily News Staff Writer

The attorney for LAPD Sgt. Stacey Koon said Friday that he will ask a federal judge to seal the verdict for an unspecified period after the Rodney King beating trial so police have time to prepare for possible unrest.

Attorney Ira Salzman said he will ask U.S. District Judge John G. Davies on Wednesday to delay the verdict in an effort to head off a repeat of the deadly violence that erupted last spring after four Los Angeles Police Department officers were acquitted in the beating.

"I'm going to ask that if a decision is reached in the case, the verdicts not be unsealed until police officers are on alert," Salzman said. "I think that could help prevent the kind of thing that happened after the verdict in Simi Valley."

Salzman said he thinks police

should be prepared regardless of the outcome of the federal trial.

Federal prosecutors as well as police and sheriff's spokesmen declined to comment.

Koon and Officers Ted Briseno and Laurence Powell, and ex-Officer Timothy Wind are charged with using excessive force and intentionally depriving King of his civil rights after a chase March 3, 1991. The police beating of King was filmed by an amateur photographer and broadcast around the world, sparking an outcry against police brutality.

The officers were acquitted April 29 of criminal charges, touching off riots that resulted in 53 deaths and \$1 billion in damage.

Salzman said he will not file a formal motion to seal the verdicts but will make the request during a Wednesday hearing — which is expected to be the last court session before the case goes to trial Feb. 2.

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

Date: SAT., 1-9-93
Edition: SOUTHERN CALIFORNIA
PG. 4

Title: SEALING OF KING VERDICTS
SOUGHT TO AVERT CIVIL
UNREST

Character:

or

Classification:

Submitting Office:

LOS ANGELES

Indexing:

SEARCHED	INDEXED
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LOS ANGELES	

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44A-LA-119954-D362

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Ed: Contact the firm's Aurel Van Iderstine at (310) 556-5866.

LOS ANGELES (CNS) - Hate crimes in this country increased an average 24.4 percent from 1991 to 1992, according to a survey of 10 jurisdictions by a Los Angeles law firm, and were up 32 percent locally.

The firm, Stroock & Stroock & Lavan, said the hate crimes reported in the Los Angeles area were only through the third quarter of 1992, meaning the figures were incomplete.

According to the survey, there were 294 hate crimes locally in 1991, versus 388 through the first nine months of 1992.

In New York City, the hate crime rate increase was 20 percent, according to the firm's survey (525 vs. 630), and it fell 6.6 percent in Minnesota (425 vs. 397).

But the number of hate crimes in Chicago in 1992 were up nearly 40 percent compared to the previous year.

In breaking the local crimes down by victim or type of prejudice the firm found the following number of incidents per category:

Racial	255
Religious	53
National Origin	34
Sexual Orientation	46

The survey, described as the first multi-jurisdictional survey for 1992, is part of a second U.S. Supreme Court "friend of the court" brief that Stroock & Stroock & Lavan is preparing.

The brief is being filed on behalf of 11 government agencies and civil rights organizations in support of Wisconsin's bias crime penalty enhancement statute.

Eight of the 10 jurisdictions surveyed, the firm said, reported increases, ranging from 2.4 percent to Florida's 66.4 percent.

Minnesota and San Francisco reported drops in their rates of about 6.5 percent each, according to the law firm.

"The main factors contributing to the upswing were the economy, the Rodney King incident, demographic changes, the persistence of negative stereotypes and acceptance of violence as a way to handle disputes," attorneys Henry Silberberg and Brian Levin said in a statement.

City News Service 11:38 1/14/1993

(Mount Clipping in Space Below)

Judge Refuses to Dismiss Attorney in King Case

■ **Trial:** Ruling on counsel for Officer Powell clears the way for jury selection to start in early February.

By JIM NEWTON
TIMES STAFF WRITER

A federal judge on Wednesday refused to dismiss one of the defense lawyers in the case of four officers charged with violating Rodney G. King's civil rights, a move that clears the way for jury selection to begin in less than three weeks.

"This case will go forward in early February," U.S. District Judge John G. Davies said during a status conference on the case.

That announcement came after Davies ruled that attorney Michael P. Stone, who represents Officer Laurence M. Powell, does not have a conflict of interest that would prevent him from continuing with the case.

Ira Salzman, the lawyer for Sgt. Stacey C. Koon, had argued that Stone should not be allowed to remain on the case, largely because Stone's law partner represents Koon in a related civil matter.

The result, Salzman said, was that Stone potentially has divided loyalties.

In raising the conflict issue, Salzman also voiced concerns about Stone's actions so far in the case, particularly regarding his reported handling of a confidential prosecution document mailed to him in August. Sources said that Stone received a copy of a memorandum outlining the prosecution's case, and that Stone returned the memorandum without first sharing it with the other defendants.

According to Davies' order, Salzman had argued that Stone had an obligation to share the memorandum with Koon, since Stone's law firm, Stone and Feeley, was employed by Koon in the civil case.

In his order, Davies for the first time publicly acknowledged that Stone received and returned the memorandum, but he defended Stone's actions.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: THURS., 1-14-93

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PG. B1

Title: JUDGE REFUSES TO DISMISS
ATTORNEY IN KING CASE

Character:

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LOS ANGELES

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FBI — LOS ANGELES	

"By returning to the government a memorandum that he was never meant to have received, Mr. Stone acted properly and in accordance with his ethical obligations," Davies wrote. "Mr. Stone had no duty to exploit the confidential government memorandum for the benefit of his own client, or to provide the memorandum to Mr. Koon."

In addition, Davies said in his order that Stone has testified that he stopped reading the memorandum as soon as he realized what it was and therefore was not in a position to use the information.

Davies did agree that a potential conflict was created by Stone's partner, Thomas Feeley, representing Koon in the civil case. But the judge said the risk that Stone would have divided loyalties as a

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result would be "substantially reduced" if Feeley were dismissed from the civil case. Davies, who also is the judge in that matter, ordered Feeley to withdraw.

Powell, who has objected to the effort to strip him of his attorney, said after the hearing that he was relieved.

"I'm glad," he said. "Now we can just concentrate on the case."

Stone agreed: "There were no grounds to take me out."

The conflict issue has illustrated and deepened the rift between defense lawyers as they prepare for trial, but Stone said he would put the matter behind him.

"A lawyer in any trial, but particularly this trial, can't afford to have his feelings hurt," he said. "Sometimes that's hard to do. But I have tried, and I have succeeded."

With the conflict-of-interest issue resolved, only one major point of contention remains to be disposed of before the case goes to trial. That is the question of whether the prosecution must prove that the March 3, 1991, beating of King was racially motivated.

The officers are charged with violating King's civil rights, specifically his right to be protected from intentional use of unreasonable force. Prosecutors and many legal scholars say that because those rights are guaranteed to all citizens, the government is not obliged to prove that the officers beat King because he is black.

They argue that the government is only required to show that the beating was willful and unreasonable and therefore was an intentional violation of King's rights. That would be enough to convict

the officers, they say, regardless of their motive.

In his pretrial orders, however, Davies has suggested that he believes the law may require the prosecution to show that King was beaten "on account of [his] color or race."

If Davies cannot be persuaded to change his mind on that point, it would be a major victory for the defendants. As a result, Braun filed a motion Wednesday supporting Davies' preliminary view of the law's requirements. In his motion, Braun said that while racism does not always have to be proved to sustain a civil rights charge, the particulars of this case require it.

"The prosecutors brought the indictment under political pressure and mob hysteria because the public has been sold the story that the Rodney King arrest was racial," Braun wrote. "Incredibly, the government now attempts to tell the court that racism, the very basis

for the public controversy surrounding the Rodney King arrest, is not relevant to this prosecution for a civil rights violation."

Davies declined to rule on the matter until after other defense lawyers can file their views of the issue. He gave them until the end of next week to do so.

In addition to that issue, a number of smaller, less controversial matters remain to be decided, but even those can be surprisingly contentious. Lawyers spent most of Wednesday's hearing, for instance, arguing about whether to show videotapes in the case on several small monitors or one large one.

They also disagreed about contacts with the media, with government lawyers expressing concern that the defense attorneys are trying to taint potential jurors by publicly expressing their views on the case. Davies asked the lawyers for "discretion and circumspection" but did not impose a gag order.

(Mount Clipping in Space Below)

Defense Says Use of Force on King Was Reasonable

■ **Courts:** A motion in the upcoming civil rights case refers to a 'PCP-crazed giant,' suggesting that the officers' lawyers will aggressively challenge King's actions.

By JIM NEWTON
TIMES STAFF WRITER

In a preview of the defense strategy to be employed by the Los Angeles police officers charged with violating Rodney G. King's civil rights, lawyers for three of the defendants said Tuesday that the force used against King was reasonable because of his behavior in resisting arrest.

"The picture of the force used on Rodney King may not be pretty, but who started the whole trail of events?" the defense lawyers asked rhetorically in a motion filed Tuesday. "Civil society has a right to be defended against people like Rodney King, and the way it does it is by having officers willing to use reasonable force and not nit-picking their instantaneous judgments."

Defense lawyers filed the motion in an effort to persuade U.S. District Judge John G. Davies that prosecutors should be required to prove that the officers beat King because he is black if they are to be convicted of violating his civil rights. The motion, which refers to King as a "PCP-crazed giant," suggests that the defense team for the coming trial will aggressively challenge King's actions, a tactic sure to inflame already heightened passions over the case.

The motion was written by lawyers for Sgt. Stacey C. Koon and officers Timothy E. Wind and Theodore J. Briseno. Michael P. Stone, who represents Laurence M. Powell, was said to be filing a separate motion based on different grounds.

King's lawyer, Milton Grimes, angrily dismissed the characterization of his client, saying it is a "sickening attempt to influence the public through the media with statements that have absolutely no foundation."

Grimes was particularly incensed by the description of King as "PCP-crazed," noting that King never tested positive for that drug.

In addition, the lawyers defended the actions of their clients by noting that police officers are forced to make split-second decisions that can cost them their lives; the filing portrays the police as society's last bulwark against violence.

"An officer who makes a mistake in the evaluation of necessary force will be rewarded by the police chief handing his widow a folded American flag at his grave site," the lawyers wrote. "What would happen if peace officers simply laid down their batons and guns and went home for fear that any application of force would subject them to a criminal prosecution? Ask Reginald Denny what happens when a police department will not use force."

Denny is the truck driver who was beaten nearly to death during the riots that followed not guilty verdicts for the police officers on all but one count in state court. The attacks on Denny and other motorists during the riots were blamed in part on the slow response of police officers.

King's actions also were sharply criticized during the state trial of the officers, and prosecutors in that case decided not to call King as a witness. But in this trial, where the prosecution must show that the officers intentionally used unreasonable force, King is expected to testify.

Most legal scholars say that proving a civil rights charge does not require a showing of racial malice. But the defense lawyers say this case requires such a showing because the force used against King was reasonable unless it was racially motivated. If the beating were administered because of King's race, then it would be a violation of his right to equal protection under the law, the defense lawyers said. Otherwise, they argue that the force used to subdue King was justified by his actions toward the officers.

"Rodney King refused instructions to stop, drove at over 100 miles per hour, refused instructions to assume a felony prone position, resisted attempts to determine whether he had a weapon, repelled four officers who grabbed his limbs, withstood 100,000 volts of electricity and lunged at Officer Powell," the defense attorneys wrote. "How much force is needed to subdue this unruly, PCP-crazed giant?"

Although medical tests did not reveal that King was under the influence of PCP, defense lawyer Harland W. Braun said the issue is how King appeared to the officers.

Prosecutors already have indicated that they are not prepared to prove that the March 3, 1991, beating was racially motivated. They argue, citing numerous legal precedents, that they must only show that the beating was an intentional use of unreasonable force and therefore that it violated King's constitutional right to be secure in his person.

Judge Davies last week asked the defense lawyers to file their arguments regarding race. He indicated that he would rule after considering the written motions.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: WED., 1-20-93
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Title: DEFENSE SAYS USE OF FORCE
ON KING WAS REASONABLE

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King Testifies He Didn't Threaten, Attack Officers

■ **Police:** He was not asked in July grand jury appearance if the beating was racially motivated. Testimony offers preview of civil rights trial.

By JIM NEWTON
TIMES STAFF WRITER

Rodney G. King told federal grand jurors that he never threatened or attacked police officers who beat him on March 3, 1991, but he was never asked whether the beating was racially motivated, an accusation he has previously leveled against the officers.

King told the grand jurors that he tried to run away while he was being arrested, but was struck in the head. "My whole body went numb after the first blow to the head," he said.

The grand jury heard King's testimony July 23, 1992, and a transcript of that hearing was obtained by The Times on Wednesday. King's grand jury appearance was the first and only time he has testified about the beating under oath, and it provides a preview of his expected appearance in the federal civil rights trial of four officers charged in the beating.

King was never called to testify in the state trial of the officers, which ended in acquittals on all but one count.

His grand jury testimony, in which he portrays himself as set upon despite his attempts to comply with orders by several police officers, contrasts sharply with the defense's portrait of King that evening. In a motion filed this week, defense lawyers said King appeared to be a "PCP-crazed



Los Angeles Times

Rodney G. King

giant" who rebuffed every effort to arrest him without harming him.

The transcript reveals that prosecutors carefully questioned King during his 50-minute appearance before the grand jury, but only gingerly touched on topics that could undermine his credibility. For instance, they led King through a methodical explanation of why he has contradicted himself in some of his previous statements about the beating, laying the groundwork for the moment when that issue is raised during the coming trial.

On March 6, 1991, three days after the beating, King was interviewed by reporters and several law enforcement agencies. He initially denied that he had attempted to flee the police officers and said he had only consumed one beer the day of the beating.

Before the grand jury, he gave a different account on both of those issues—saying he did try to flee officers and was intoxicated at the time of the beating.

"If you said something different in those interviews, would it be incorrect as opposed to what you said here today?" prosecutor Barry F. Kowalski asked King during the grand jury hearing.

"Yes, sir," King responded, adding that he was addled by his injuries when he gave those earlier interviews.

"I just felt horrible," King said. "I felt beat up and like a crushed can. That's what I felt like, like a crushed can all over, and my spirits were down, real low."

Kowalski then asked: "Do you think your memory is better today, now, than it was back there a few days after you were injured?"

"Yes, sir," King said.

King's comments regarding whether the officers used racial epithets during the beating also have shifted. During his initial interview in jail he did not mention such remarks, but in a July, 1991, interview with investigators from the district attorney's office, he said he had heard them.

The grand jurors asked him whether he remembered any comments that the officers made. In his response, King did not accuse the officers of using racial epithets but remembered them taunting him: "They were saying: 'What's up? What's up killer? How you feel now, killer?'"

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

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Title: KING TESTIFIES HE DIDN'T
THREATEN, ATTACK OFFICERS

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The issue of racial motivation has been vigorously argued in this case, with prosecutors maintaining that they are not required to show racial animus to find the defendants guilty of violating King's civil rights. Many legal scholars agree, but the defense lawyers argue that the facts of this case may require such a showing. U.S. District Judge John G. Davies has accepted written motions on the subject and is expected to rule in the next several days.

In some previous statements, King has said that he drank only one beer on the evening of the incident, but in his testimony, King admitted that he had drunk "quite a bit." He also acknowledged that he had attempted to flee when he saw a police car with flashing lights behind him.

"So when a police car pulled up behind you, you'd been speeding, you were intoxicated, and you were on parole, is that right?" Kowalski asked. When King agreed, Kowalski added: "Realizing all of that, how did you feel at that moment?"

"Nervous and scared," King said. "I was scared of going back to prison, going back to jail."

Afraid of that prospect, King said, he led police on a chase after Highway Patrol officers attempted to pull him over. Lawyers for the four officers charged in the King beating have alleged that the chase reached speeds of about 100 m.p.h., but King's lawyer, Milton Grimes, has said that King's car, a 1988 Hyundai, could not go that fast.

King told the jurors that once he was stopped, he put his hands above the steering wheel so that the police could see he did not have a weapon. He also maintained that he stepped out of the car, as directed, and put his hands on the hood.

Once outside the car, King said, he was ordered to lie spread-eagle on the pavement, face-down. He told the grand jury that he did as he was told.

While he was being handcuffed, King said, the officers hurt his arm, causing him to flinch. Defense lawyers maintain that King's actions were more aggressive and that he threw off the officers who were attempting to handcuff him.

King said that when he moved, the officers drew back and fired a Taser dart at him. Tasers are designed to immobilize suspects by shocking them with electrical current.

"I tried to tighten up my muscles . . . but I still felt the currents running through my body," King said. "There was nothing I could do to control it."

King said that he tried to get up and run after being shocked with a second Taser. The officers charged with violating King's rights allege that King charged Officer Laurence M. Powell and that Powell swung his baton in self-defense. But King said he was merely trying to get away.

"I was trying to run in between the Hyundai . . . and the police car to run towards the—run towards the hills, the park area," he said.

"So you were trying to get away from what was going on?" Kowalski asked.

"Yes, from the [electrical] currents," King said. "It scared me."

It was at that point, King said, that he was stopped by a blow to the right side of the head.

If true, that could help establish that his beating was legally "unreasonable," and therefore a possible violation of his civil rights. Under police policy, officers are allowed to strike a suspect who refuses to comply with their orders, but they are not allowed to deliver a blow to the head.

He said the officers continued to harass and mock him even after the beating finished. King said he was having trouble breathing while in the ambulance taking him to the hospital. A sheet had been thrown over his head, King said, and his nose and mouth were full of blood.

But King said that every time he tried to blow the sheet off his face so that he could breathe more easily, the officers who were with

him in the ambulance would throw it back over his head.

King said he lapsed into unconsciousness for a while and woke up in a hospital, where several officers were standing over him. One officer asked him whether he remembered what had happened.

"I didn't say anything," King testified. "And he said: 'Well, we played a little ball tonight, and guess who won? We did.'"

(Mount Clipping in Space Below)

Officers Beat King Out of Anger, Transcript Suggests

■ **Trial:** Radio tape of dispatchers, who joked about the incident, may be used in federal case against policemen.

By RICHARD A. SERRANO
TIMES STAFF WRITER

In a previously undisclosed radio transcript, a Los Angeles police dispatcher suggests that Rodney G. King was beaten because he angered officers who pursued him on a high-speed chase—not because he was combative, as the four officers accused in the beating have maintained.

The transcript, a copy of which was obtained by The Times, could be used in the upcoming federal trial of the officers, in which prosecutors hope to prove that the policemen worked together to violate King's civil rights.

The recorded conversation provides fresh insight into the work-

ing atmosphere that night among public safety employees who did not yet realize that the beating had been captured on videotape.

The document shows that police and fire dispatchers joked and laughed about the incident before sending an ambulance to the scene, and indicates that the officers were angry at King because he "should know better than to run."

"He pissed us off, so I guess he needs an ambulance," the police dispatcher tells the fire dispatcher.

"Little attitude adjustment?" the fire dispatcher answers.

The police dispatcher then says that King "kind of irritated us a little," and that when someone does that, "they are going to pay a

price."

The Los Angeles Police Department has never publicly released the transcript, and the document was not used as evidence by state prosecutors in their unsuccessful attempt last year to convict the officers during a three-month trial in Ventura County.

A lead federal prosecutor in the second trial, which opens in about a week in U.S. District Court here, confirmed Friday that he has obtained a copy of the transmission. But Justice Department attorney Barry F. Kowalski declined to comment on whether the document would be used against the officers in the federal civil rights trial, or whether the dispatchers would be called to testify.

Like the federal officials, state prosecutors said that because of the pending second trial they will not discuss any King-related material. They also declined to explain why the transcript was not used in the first trial.

Police Lt. John Dunkin also declined to discuss the transcript, saying only that there was a police administrative investigation into the conduct of the dispatcher, whom Dunkin declined to identify.

At the Fire Department, Capt. Steve Ruda declined to identify the dispatcher or say whether his agency has investigated the matter or imposed discipline.

Testimony in the state trial revealed that after the March 3, 1991,

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

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Title: OFFICERS BEAT KING OUT OF ANGER, TRANSCRIPT SUGGESTS

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44A-LA-119954-D-366 FBI/DO

beating and while King was being handcuffed, Officer Laurence M. Powell, one of the accused officers, used his walkie-talkie to ask a police dispatcher to request an ambulance at the scene at Foothill Boulevard and Osborne Street in the San Fernando Valley.

The jury in the first trial heard a tape of that brief conversation, in which a man—identified by prosecutors as Powell—was heard laughing while describing King's "numerous head wounds."

The dispatchers' transcript records a conversation that occurred 57 minutes after midnight on March 4. It begins with the police dispatcher laughing and struggling to communicate a request for an ambulance.

The fire dispatcher asks: "What's the joke?"

"I'm just really swamped," the police dispatcher responds. He then begins to talk casually about the incident. "Foothill and Osborne," he says. "In the Valley dude and like he got beat up."

The fire dispatcher laughs, says "Wait," and laughs some more before requesting the address again.

"Foothill and Osborne," the police dispatcher repeats. "He pissed us off, so I guess he needs an ambulance."

"Little attitude adjustment?" the fire dispatcher asks.

"Yeah, we had to chase him . . . CHP and us. I think he kind of irritated us a little."

From the Transcript

In a previously undisclosed Los Angeles Police Department radio transcript from the night of March 3, 1991, police and Fire Department dispatchers joke about Rodney G. King's injuries. It is also suggested that King was beaten because he angered officers after a high-speed chase, and not because he was combative.

Police: He pissed us off, so I guess he needs an ambulance.

Fire: *Little attitude adjustment?*

Police: Yeah, we had to chase him. . . . CHP and us. I think he kind of irritated us a little.

Fire: *Why would you want to do that for?*

Police: [Laugh] They should know better than to run. They are going to pay a price when they do that.

Fire: *What type of incident would you say this is?*

Police: It's a . . . it's a . . . battery. He got beat up.

Fire: *OK, by assailants unknown?*

Police: Ah, well . . . sort of.

Fire: *OK, any other information as to his injuries, or anything at all?*

Police: Nope.

Fire: OK.

Police: Are you kidding? That's asking too much.

Fire: *All righty.*

Police: Thanks a lot.

Fire: *We'll send someone out there.*

Police: OK.

Fire: *Have a nice night.*

Police: You too. Bye, bye.

The fire dispatcher asks: "Why would you want to do that for?"

The police dispatcher, laughing, answers: "They should know better than to run. They are going to pay a price when they do that."

What follows next is a series of questions in which the fire dispatcher attempts to learn informa-

tion about the incident. The police dispatcher, however, is vague.

"What type of incident would you say this is?" the fire dispatcher asks.

"It's a . . . it's a . . . battery. He got beat up."

"OK, by assailants unknown?"

"Ah, well . . . sort of."

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U.S. Restructuring King Beating Case

■ **Law:** Grand jury transcripts suggest that prosecutors will call civilian eyewitnesses and will use a different LAPD use-of-force expert in the new trial of four officers.

By JIM NEWTON
TIMES STAFF WRITER

Federal prosecutors in the case of four Los Angeles police officers charged with violating Rodney G. King's civil rights apparently have restructured key elements of the state case, substituting a new expert witness on Police Department use-of-force policy and laying the groundwork for civilian witnesses to testify in the upcoming trial.

According to grand jury transcripts obtained by The Times, several civilian witnesses testified before the federal grand jury during May and June. Those witnesses said King did not attack the police officers who beat him, as the officers have claimed.

The transcripts also show that Los Angeles Police Department Sgt. Mark John Conta appeared before the grand jurors the day before prosecutors released the indictments charging the officers with intentionally violating King's civil rights.

Conta told the grand jury that many of the kicks and blows rained upon King that night were violations of the Police Department's policy on the use of force. Cmdr. Michael Bostic testified as the government's use-of-force expert during the state trial, but he acknowledged under cross-examination that his opinion of the beating had been formed after just five viewings of the videotape. Jurors

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LA TIMES
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Date: WED., 1-27-93
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Title: U.S. RESTRUCTURING
KING BEATING CASE

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later said he did not find him credible.

The grand jury testimony of the witnesses suggests that federal prosecutors are determined to bolster the videotape of the beating with eyewitness accounts and expert interpretation. Neither Contona nor any of the civilian witnesses testified in the state trial—which ended in not guilty verdicts on all but one count. Legal experts said that their appearances before the grand jury indicates they may be called this time.

"I think the prosecution is trying to present a fuller picture of this event than was presented in the state case," said Laurie Levenson, a Loyola law school professor and former federal prosecutor. "The prosecutors realize that when they go to the jury they have to go with a variety of evidence."

Erwin Chamerinsky, a law professor at USC, agreed.

The prosecutors in this case have the benefit of getting to listen to all these experts who have analyzed the first trial," he said. "If there's something to be learned from the state trial, it's that the videotape may not be enough to show that the force was excessive. They need to do much more to introduce testimony to that effect."

There are risks in calling the civilian witnesses to the stand. Not all of them had ideal vantage points to view the beating, and their statements are not always consistent. Some saw it from a distance, others from inside a bus with the windows rolled up.

Still, their testimony before the grand jury shows that they corroborate one another on some key details, including the question of whether King appeared to provoke the officers into beating him.

What was Mr. King doing as he was being hit and kicked? prosecutor Alan Tieger asked one witness during the grand jury hearings. Did he hit the officers?

I did not see that he hit him, the witness, Benjamin Becerra, Avila responded.

Did he attack the officers? Tieger asked.

I did not see that at any moment, Avila answered.

Nearly identical questions were asked of two other eyewitnesses, Dorothy Mae Gibson and Robert Hill. Both testified that they did not see King attack or threaten the officers.

In an interview with FBI agents, Gibson called the beating "sadistic."

I don't care who he was, he didn't deserve that," Gibson said of King, according to the FBI report of that interview.

In his testimony before the grand jury, Hill said that King at one point raised his hands, but it appeared that he did so "to fend off the blows," not to strike at the officers. Gibson gave a similar account during her testimony.

Many of the blows were admin-

istered as King lay on the ground, according to both witnesses.

That testimony, if repeated at trial, could be important because it backs up King's account of the events that evening. By contrast, the defendants have said that King charged at Officer Laurence M. Powell and repeatedly resisted efforts to arrest him.

As long as King was resisting or attacking the officers, their blows would probably be justified in order to take him into custody—as long as the officers did not intentionally strike King in the head or otherwise use a level of force that would be considered potentially deadly. To find the defendants guilty of violating King's rights, the government must show that the force used against him was intentionally unreasonable.

Conta, whose resume states that he is the officer in charge of the Police Department's physical training and self-defense unit, could be a key witness in the prosecution's case. He testified before the grand jury on Aug. 4, 1992, the day before indictments against the four defendants were unsealed.

In his testimony, Conta defended some of the blows that the officers used against King and says that others could have been justified depending on what the officers perceived at the scene. In addition, one blow that some authorities believe hit King in the head could have been justified if King were hit there by accident, Conta said.

But the bulk of Conta's 88-minute appearance before the grand jury was devoted to his criticism of the officers' conduct.

Describing one set of blows to King, for instance, Conta said that they were "out of policy" because King posed no apparent threat to the officers.

You have to ask yourself, what kind of threat does Rodney King pose at that time? Conta said as he viewed a videotape of the beating. That's an essential ingredient. And you look at a man in a prone position. He's either on his side or his back. In this position, he appears to be on his stomach. What kind of a threat, objective threat, does Rodney King pose?

Under questioning from Assistant U.S. Atty. Steven D. Clymer, Conta also faulted Sgt. Stacey C. Koon, who did not strike King but is charged with violating his civil rights by allowing officers under his supervision to carry out the beating.

Does the sergeant on the scene have any obligation with respect to stopping those blows? Clymer asked.

Absolutely, Conta responded. A sergeant at the scene has the responsibility to control that scene. He is there to take charge. He is the highest ranking individual at that scene. It is his responsibility, and he is held accountable for the actions of everybody there.

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Prosecutors Outline Case Against Officers Charged in King Beating
By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - In a memorandum released today, federal prosecutors stated they intend to use Officer Ted Briseno's testimony from his criminal trial to prove that he and three other defendants willfully violated Rodney King's civil rights.

In a 35-page document, prosecutors outlined their case against Briseno, Officer Laurence Powell, Sgt. Stacey Koon and ex-officer Timothy Wind.

The defendants are accused of depriving King of his civil rights when they beat him on March 3, 1991, at the end of a high-speed chase.

The officers maintained that King prompted the blows by defying orders to lay on the ground with his hands behind his back.

Three of the four were acquitted of state charges in a trial in Simi Valley, but one count was still pending against Powell.

When the verdicts were returned on April 29, violence broke out throughout Los Angeles, eventually escalating into a full-scale riot that lasted three days and claimed at least 50 lives.

The federal case against the defendants is considered much more difficult to prove than the state case, because prosecutors must show that the officers violated King's rights and did so willfully.

In the memorandum filed today with U.S. District Judge John G. Davies, Assistant U.S. Attorney Steven Clymer and Justice Department Attorney Barry Kowalski state that they intend to prove the officers conduct was willful.

The memorandum states the evidence that prosecutors will use to prove the beating was "willful" that is the "character and duration" of the beating, and the defendants "misleading" police reports issued after the incident.

Clymer and Kowalski also wrote in the memorandum they will use what they call Briseno's "perjury" in Simi Valley to prove the beating was willful.

Those alleged lies include statements by Briseno that he returned to the station after the beating to report it, but changed his mind after he saw a computerized report by Koon.

The prosecutors won a legal battle to admit that testimony last week.

The memorandum also makes note of computerized messages sent by Powell, indicating that he "hadn't beaten anyone this bad in a long time" and statements made by the officer to King at the hospital.

The memorandum alleges Powell told King, a Dodger stadium employee, that they had "played a little hardball tonight" and that "we hit some home runs."

City News Service 17:05 1/28/1993

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Prosecutors to Claim Powell Let King Rise, Then Pummeled Him

■ **Courts:** Memo outlines how U.S. hopes to show that officers willfully deprived the motorist of his civil rights. Defense lawyer says the opposition's case is weak.

By JIM NEWTON
TIMES STAFF WRITER

In contrast to accounts by four Los Angeles police officers charged with violating Rodney G. King's civil rights, prosecutors said in a memorandum filed Thursday that Laurence M. Powell allowed King to get up off the ground and then used the opportunity to pummel him with his baton.

"Defendant Powell made no attempt to keep King down, but instead allowed King to stand up and start moving," prosecutors said in their trial memorandum, which lays out their case for the upcoming trial.

"As King started to move in a direction near Powell, Powell hit King with a baseball-bat like swing of the baton, knocking him to the ground. Defendant Powell

continued to strike King with his baton approximately 10 times after King fell down," they wrote.

That description is markedly different from the one offered by Powell and his co-defendants, Stacey C. Koon, Theodore J. Briseno and Timothy E. Wind. They allege that King charged at Powell, and that Powell struck him because he was resisting arrest.

The distinction between the two accounts is crucial, because prosecutors in the upcoming federal trial will be required to prove that the officers willfully deprived King of his civil rights. U.S. District Judge John G. Davies, who is presiding over the case, has referred to that requirement as a "high and heavy burden" that prosecutors must satisfy to win convictions.

To meet that burden, prosecutors also say they intend to intro-

duce statements and computer messages by the officers, as well as police reports that prosecutors say were misleading. They also plan to admit portions of testimony that Briseno gave during last year's state trial.

Prosecutors also challenge Briseno's account of his actions on the night of March 3, 1991. Briseno is shown on the videotape of the beating stomping on the upper part of King's body. He maintains that he was attempting to force King back to the pavement so that the other officers would stop beating him.

Prosecutors, however, say that King already was moving to comply with police commands when Briseno stomped him.

"King began to move his arms toward his back, in response to commands that he put his hands behind his back," prosecutors wrote. "As he did so, defendant Briseno stomped on his head, neck or back, causing King's body to convulse."

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: FRI., 1-29-93

Edition: METRO
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Title: PROSECUTORS TO CLAIM
POWELL LET KING RISE,
THEN PUMMELED HIM

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Harland W. Braun, Briseno's lawyer, said he was relieved to find that the prosecution's case, as outlined in its memorandum, "is so weak." He reiterated that Briseno's stomp was an instantaneous reaction in the midst of a violent melee, and that it was intended to protect King, not hurt him.

Prosecutors said they expect to call between 35 and 40 witnesses during the presentation of their main case—almost twice as many as were called during last year's state trial, in which the jury returned not guilty verdicts for all four defendants. Federal prosecutors also plan to play tape recordings of a number of radio calls from the night of the incident.

They do not intend to introduce an inflammatory call from a police dispatcher to a Los Angeles Fire Department dispatcher in which the police officer suggests that King was beaten because he tried to flee. Neither of those dispatchers was a witness to the beating, and legal experts say their conver-

sation would be inadmissible.

The prosecutors' description of the events leading to King's arrest closely parallels King's own account, given to a federal grand jury on July 23, 1992.

In that interview, King conceded that he fled when California Highway Patrol officers tried to pull him over, saying he was afraid of going to jail. But King insisted in that sworn testimony that he never attacked or threatened the officers.

Wind's actions are not covered in the same detail as Powell's, but prosecutors allege that Wind and Powell together beat King as he lay on the ground. After King rose to a sitting position, Wind "kicked him in the head, neck or back six times," prosecutors add.

Although Koon is not charged with striking King, he was the supervisor at the scene and he "made no effort to stop defendants Powell, Wind and Briseno from striking, stomping and kicking Rodney King," according to the memorandum.



KEN LUBAS / Los Angeles Times

Laurence M. Powell, one of four LAPD officers facing federal trial.

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(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CADate: MON., 2-1-93
Edition: FRONT PAGETitle: KING PROSECUTORS FACE
CHALLENGECharacter:
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Classification:
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LOS ANGELES

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LOS ANGELES	

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King prosecutors face challenge

Federal team must show beating was intentional; defense mends rift among officers

By Jim Tranquada
Daily News Staff Writer

Nine months after their acquittal in Simi Valley set Los Angeles ablaze, four Los Angeles police officers captured on a shaky amateur videotape beating Rodney King are headed for a final showdown in federal court.

For a second time, prosecutors will try to prove the officers brutally beat a cowering, unarmed man

while defense attorneys will argue that police used only that force necessary to arrest a dangerous, uncooperative felony suspect.

Still at center stage in U.S. District Judge John Davies' courtroom will be the infamous videotape, whose repeated broadcast on television after the March 3, 1991, incident sparked a national debate over police reform.

But there are some significant differences between the civil rights

trial scheduled to get under way this week and the legal battle fought last year on live television in Ventura County Superior Court.

In federal court, prosecutors from the U.S. Attorney's Office face a tougher challenge. Not only must they convince a jury that the officers used excessive force, but that they did so intentionally — a burden of proof not required in the earlier trial.

Federal prosecutors also face a

defense team which has repaired the most serious rift that appeared in their ranks last year, when Officer Ted Briseno testified that his colleagues were "out of control" during the beating. He has since changed his mind.

Adding an unusual twist is the opportunity for both sides to learn from what amounted to a dress rehearsal in Simi Valley.

Strategies have been tailored accordingly, as was made clear in a

flurry of pretrial motions and the expectation that King finally will be called to the witness stand.

In the tense atmosphere surrounding the trial, Davies has taken extraordinary steps to protect jurors by ruling that they be sequestered during the trial but remain anonymous even after the verdicts are announced.

The critical jury selection process

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is scheduled to start Wednesday with the distribution of a lengthy questionnaire — also the subject of prolonged debate — to a jury pool of about 350 people drawn from across Southern California.

Briseno, Officer Laurence Powell and former Officer Timothy Wind are charged with depriving King of his right to be safe from the intentional use of unreasonable force during his arrest, a violation of the Fourth Amendment.

In a second count, Sgt. Stacey Koon is charged with allowing the unlawful assault to take place.

All four, who have pleaded not guilty, face a maximum sentence of 10 years in prison.

At the heart of the officers' defense in federal court will be the argument that was so successful in Simi Valley: It was King, not the officers, who was responsible for the level of force used in his arrest after a high-speed car chase.

"King refused instructions to stop, drove at over 100 miles an hour, refused instructions to (lie down), resisted attempts to determine if he had a weapon, repelled four officers who grabbed his limbs, withstood 100,000 volts of electricity and lunged at Officer Powell," Briseno's attorney Harland Braun said in one court brief.

Once again, defense attorneys are expected to provide jurors with a frame-by-frame look at the videotape, an analysis they claim shows King attacking Powell and repeatedly refusing to comply with the officers' orders.

That argument will be easier to sustain with Briseno now saying that his testimony in the first trial that the other officers were "out of control" and that what happened to King was "wrong" is inadmissible speculation.

Last week, defense attorneys succeeded in having that and other portions of his videotaped state testimony barred from use in the federal trial. Briseno is not expected to testify in federal court, although a final decision hasn't been made, said Braun.

"Keeping out Briseno's comments about Koon (after the beating) was very important. That's a major, major victory for my defense," said Ira Salzman, Koon's attorney.

Following strict U.S. Justice Department policy, prosecutors have declined to discuss the case. However, court filings and federal grand jury transcripts provide a general outline of the case they will present.

Court filings indicate prosecutors will argue that King's brutal beating was an example of "street justice" — officers summarily punishing someone with baton blows and kicks for defying their authority.

The government won an important victory this month by convincing Davies that they should not be required to prove the beating was racially motivated — a finding that many experts believed would have killed their case.

While conceding that King was drunk, speeding and initially resisted officers, prosecutors will argue the officers continued to beat him.

**6 You've got to show
Rodney King is not a
monster. Relying
totally on the
videotape — it made
the whole thing too
impersonal. 9**

— Johnnie Cochran
veteran criminal defense attorney

long after he ceased to resist. Rather than behaving aggressively, the videotape shows King was flinching or struggling to avoid the torrent of blows, they contend.

In what could be one of the trial's most dramatic moments, prosecutors are expected to call King to the witness stand.

King was not called as a witness in Simi Valley because prosecutors feared he would not hold up well under defense attorneys' questioning. In retrospect, many observers saw that decision as one of the turning points in the trial.

"You have got to humanize the prosecution," veteran criminal defense attorney Johnnie Cochran said. "You've got to show Rodney King is not a monster. Relying totally on the videotape — it made the whole thing too impersonal."

Grand jury transcripts suggest the prosecution will try to bolster its case by using civilian witnesses not called in the state case who will testify they did not see King attack the officers.

"He was kind of rolling with the blows, sort of like a child getting a spanking or something," said witness Robert Hill — a sharp contrast to one defense attorney's description of King as a "PCP-crazed giant."

Over the past few months, Davies has barred evidence prosecutors hoped to use to prove the officers' intent to punish King: previous acts of misconduct and a computer message sent by Powell just before the beating they claim is racist.

But the government has indicated it will use computer messages sent after the beating, Koon's "falsified" report on the incident and Briseno's "perjured" account of his actions after the beating to show their state of mind.

Federal prosecutors' claim that Briseno perjured himself signals their rejection of his previous claim that he was the only officer who tried to protect King and indicates they will press for his conviction more vigorously than state prosecutors did.

Prosecutors also plan to use new expert witnesses they believe will be more credible with the jury and have asked Davies to limit expert testimony to bar opinions about whether the officers' use of force was "reasonable."

"Jurors will have to make a common-sense determination about whether the defendants acted reasonably . . . expert testimony about 'reasonableness' risks . . . transforming the case into a battle of experts," one prosecution brief said.

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Judge Rejects Talk of New Riots, Refuses to Delay Trial of Officers

■ **King beating: Defense had cited poll in which 75% said acquittals will cause unrest. Jury selection begins today.**

By JIM NEWTON
TIMES STAFF WRITER

The judge presiding over the case of four police officers accused of violating Rodney G. King's civil rights refused an eleventh-hour request to delay the trial Tuesday, saying he remains optimistic that new riots will not accompany verdicts in the case.

"I have an intuitive feeling of optimism," U.S. District Judge John G. Davies said. "There have been changes in Los Angeles since the state trial. I hope they have been changes for the better. I believe they have been."

Davies' ruling clears the way for jury selection in the trial, scheduled to begin today, and hundreds of prospective jurors are to report to the federal courthouse this morning. In ruling as he did, Davies turned down a plea for a delay by attorney Ira Salzman, who represents Sgt. Stacey C. Koon.

Salzman had argued that a recent CBS News poll—in which 75% of Los Angeles residents said that riots are likely if the four defendants are acquitted in federal court—showed the depth of anger that remains in the city. Salzman, with other defense lawyers joining his motion, requested that the trial be postponed, giving residents more time to cool down.

The poll also found that nearly two-thirds of those interviewed said they believe the officers should be found guilty in the federal trial. More than eight of 10

African-Americans polled said they believed the officers should be found guilty.

Salzman said the findings about another riot "jolted me out of my chair" when they were aired Thursday.

Davies called the poll "interesting and illuminating" but refused to grant the request. Davies previously has rejected other efforts to delay the proceedings, and Tuesday's ruling did not surprise attorneys in the case.

"The time is ripe," the judge said. "We must go ahead."

Davies also struck a compromise on issues raised by news organizations seeking greater access to the court proceedings.

He authorized release of blank questionnaires that will be given to jurors to probe their attitudes about the case, and he allowed limited media access to the oral questioning of jurors. But he refused to release copies of the completed questionnaires.

Lawyers for the Associated Press, the Daily News of Los Angeles, Capital Cities-ABC and the Los Angeles Times were weighing their options in light of Davies' ruling. John A. Karaczynski, who represents the Associated Press, said an appeal is under consideration, but he doubted whether lawyers could get a ruling before jurors reported for duty this morning.

In court, Karaczynski told Davies that opening the courtroom throughout the proceedings would bolster the public's confidence that justice is being fairly administered.

"This is one of the most important criminal proceedings in this city in recent times," Karaczynski said. "It should showcase the presumption of openness that is the hallmark of our justice system."

That argument was joined by

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: WED., 2-3-93

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Title: JUDGE REJECTS TALK OF NEW RIOTS, REFUSES TO DELAY TRIAL OF OFFICERS

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LOS ANGELES

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FBI — LOS ANGELES	

Beth F. Dumas, a lawyer for the Daily News, and by Glen A. Smith, who represents The Times.

"Secrecy obscures the truth and breeds conjecture, speculation and suspicion," Smith said in a motion submitted to the judge. "The broader impact that this case could have on the community is a powerful argument for opening the entire process to the public so that all the facts can become known, and no one is left to guess as to what might have occurred behind closed doors."

Defense lawyers objected, saying that prospective jurors might be afraid to answer some questions candidly if they know reporters are listening.

Davies agreed with the news organizations that closing any as-

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pect of a trial, including jury selection, is "to be avoided in most circumstances." He also approvingly quoted a U.S. Supreme Court decision in which he said the justices noted that "justice in our system cannot survive behind closed doors."

To ensure some public access to the proceedings, Davies agreed to release copies of the 55-page questionnaire that prospective jurors are to be given today, and he tentatively ruled that a pool of reporters could attend the oral questioning of prospective jurors. Other journalists will be allowed to listen to the questioning from a pressroom set up in the federal courthouse.

But Davies added: "We have here a case that is truly unprece-

dented and truly extraordinary and unusual in all of its circumstances."

Because of that, he declined to release the completed copies of juror questionnaires, even though jurors will be identified by number, not name. The questionnaires, he said, could include confidential information.

"It will take an order of another court" to force release of the completed questionnaires, he said. "I will not do it."

With 350 to 400 prospective jurors expected to report this morning, lawyers are girding for the task of reviewing the questionnaires to weed out those who seem to be biased.

Davies previously had suggested an ambitious schedule that called for oral questioning to begin next

week, but he relented Tuesday. Prosecutors and defense lawyers will meet with the judge Feb. 10 to dismiss those jurors whose questionnaire answers render them unfit to serve. Oral questioning is scheduled to begin Feb. 16.

Davies also broke from custom in federal court and said he would allow lawyers for both sides to question jurors. Typically, federal judges conduct the process themselves, but Davies said the "extraordinary circumstances that exist here" justify the departure from custom.

As the trial draws near, Davies has been deluged with last-minute motions, and prosecutors Steven D. Clymer and Barry F. Kowalski filed several more Tuesday.

They asked that Davies prevent officers other than the defendants from testifying that King appeared to be under the influence of PCP during the arrest—an impression that was not borne out by drug tests. In other motions, prosecutors asked the judge to block defense lawyers from interpreting videotaped evidence during opening statements and from defending their clients by arguing that they were acting with Police Department authorization.

Davies did not consider any of those proposals Tuesday, but he did grant a government motion to prevent defense lawyers from telling jurors that they believe the prosecution is "politically motivated" and from pointing out that some of the prosecutors in the case are Justice Department lawyers from Washington.

"There will be no reference to 'lawyers from Washington,'" Davies said. "That's a stigma that cannot be tolerated."

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Prospective King Jurors Get Bias Questionnaire

■ **Trial:** Panelists answer 53 pages of sensitive queries.
Judge says case will be a 'true highlight' in their lives.

By JIM NEWTON
TIMES STAFF WRITER

Under the protective eyes of the U.S. Marshals Service and amid a crush of reporters from around the world, 333 Southern Californians nervously stepped forward Wednesday to serve as prospective jurors in one of the most volatile criminal cases in history, the federal trial of four police officers charged with violating Rodney G. King's civil rights.

"The 12 people selected will have an . . . extraordinarily interesting experience in this case," U.S. District Judge John G. Davies told the prospective jurors once they were assembled in the courthouse. "I think you will look back on this case as a true highlight in your life."

Members of the panel were drawn from seven Southern California counties and the group was racially mixed. They arrived at the federal courthouse early and were given detailed questionnaires intended to ferret out anyone whose biases make it impossible to serve fairly in the trial. The 53-page questionnaire, which jurors were given the day to complete, probes such sensitive areas as their reactions to the riots and their feelings about police and race relations.

The convening of Wednesday's session marked the first official act of the trial, which is expected to last six to eight weeks once a jury has been selected. After all sides have had a chance to review the responses to the questionnaires, prospective jurors will be called back Feb. 16 to be questioned personally.

Finding 12 impartial citizens could prove to be one of the most difficult tasks that the judge and lawyers face. Few cases in history have attracted such attention or caused such severe fallout—52 people died in the riots that swept

Los Angeles last spring after the not guilty verdicts returned in the same defendants' state trial.

The case's turbulent legacy was evident Wednesday in the pacing of the defendants outside the jury assembly room, in the nervous laughter of prospective jurors, and, possibly, in the turnout. More than 6,000 "invitations" went out to prospective jurors, informing them that they had been picked as candidates for an important trial scheduled to begin Feb. 3.

The letter did not name the case but warned that jurors might be sequestered for eight weeks. Only 380 of those who received the letters said they would be available to serve, and fewer than that showed up Wednesday.

Even Davies, who is presiding over the case and has announced his belief that an impartial jury can be found, acknowledged that few, if any, jurors are likely to be ignorant of the case or the riots that followed.

"You are to be considered for jury service in a historic case," Davies said as he introduced himself to one group of prospective jurors. "You probably already know what the case is. You're not supposed to, but you probably do."

For anyone who did not, the answer came quickly. Davies' clerk, Jim Holmes, called the morning session to order and Davies read the two-count indictment that charges the four defendants with violating King's civil rights March 3, 1991.

Laurence M. Powell, Theodore J. Briseno and Timothy E. Wind are accused of violating King's right to be safe from the intentional use of unreasonable force because they allegedly "did willfully strike with batons, kick and stomp" King. Sgt. Stacey C. Koon is charged with allowing those officers under his supervision to beat King, thereby depriving him of the right to be kept free from harm while in custody.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: THURS., 2-4-93

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Title: PROSPECTIVE KING JURORS
GET BIAS QUESTIONNAIRE

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After the indictments were read, Davies introduced the lawyers in the case and the four defendants, who stood with him in the center of the sprawling jury assembly area. Many of the jurors were in rooms out of sight of the judge and defendants, but they stood and craned necks around pillars to get a glimpse. Davies reminded the prospective jurors of their obligation to set aside any impressions they had of the case or of the four officers.

"These four gentlemen are presumed to be innocent," Davies said. "This is a bedrock of law in the United States."

Although the session was brief and matter of fact, some of the emotion that surrounds the case spilled over quickly.

At one point in his remarks, Davies talked to jurors about the questionnaires and urged them to answer candidly. "You have our assurance that it will be confidential and treated as such forever, I hope," Davies added.

But after jurors were sworn in, at least one prospective panelist picked up on the ambiguity in Davies' assurance. That man stood and demanded in a loud voice: "You are asking us to solemnly swear, but you are not solemnly swearing that our questionnaires will be kept confidential. Why don't you take an oath?"

A marshal tried to intervene, stepping forward and exclaiming, "That's enough!" But the man persisted.

"I'm a citizen," said the prospective juror, a middle-aged man wearing a jacket and glasses. "I have a right to speak."

Davies deftly defused the situation, declining to take an oath but telling the man that it was a fair question and that the court had issued an order to prevent the information from ever being released.

Davies invited jurors to come forward and be excused if they

deeply feared that the information might be released despite his order. No one moved.

Although Davies did not say so Wednesday, he may not be able to block the release of the completed questionnaires. News organizations, including The Times, are considering appealing his decision to keep the questionnaires secret.

The organizations are not seeking the names of the jurors, but they want to receive the numbered questionnaires to give the public access to information about the attitudes of the jurors who render verdicts in this case.

As defense lawyers left the courthouse, several said they were troubled by the exchange between the prospective juror and Davies. Several of those attorneys have said they believe that a fair trial for the officers may be impossible amid the strong emotions that continue to overshadow the case. They said the outburst highlighted that concern.

"This is exactly why I was arguing until I was blue in the face for a continuance," said Ira Salzman, the lawyer who represents Koon. "This community still has not cooled off."

Tensions surrounding the jury selection had nerves on edge inside the courthouse and on the steps of the granite and marble building.

A small group of protesters, including one of the defendants accused of attacking trucker Reginald O. Denny, chanted and carried placards condemning the Los Angeles Police Department and racism. Inside, marshals at first were patient with onlookers, but occasionally lashed out at journalists and others who crowded outside the jury selection room, peering through curtained windows for a glimpse inside.

Down the hall, a group of courtroom artists tangled fiercely over which of them should be allowed to cover the event. A knot of spectators, including Compton City Councilwoman Patricia Moore, tried to gain admission to the jury assembly room. They were turned away.

Meanwhile, the four defendants and their lawyers waited uncomfortably for the proceeding to begin. They were within sight of the sign-in table for prospective jurors, and one man glanced their way as he checked in.

"Hey, that's that cop," he said, nodding at Powell, who was locked in conversation with his lawyer, Michael P. Stone. Marshals whisked the man inside the jury room before he said anything else.

Lawyers did not have any chance to speak in front of the jurors Wednesday and will not begin the process of oral questioning until Feb. 16. In the meantime, they will focus on the extraordinarily detailed questionnaire, which was drafted by defense lawyers and prosecutors under the guidance of Davies.

Among the more sensitive areas covered in the questionnaire is the topic of race relations. Prospective jurors were asked whether they favor affirmative action policies, whether they believe society treats people of all races equally and whether they would favor or oppose the marriage of a family member to a person of a different race.

"Some of those are unusual questions, particularly the one about interracial marriage," said Harland W. Braun, Briseno's law-

yer. "But they are designed to elicit responses, and we're going to look carefully at how people answer."

Even more pointed are a series of questions about the state case and the spring riots.

Prospective jurors were asked whether they agreed with the not guilty verdicts in that trial, and they were asked about their feelings toward jurors who were involved in that case.

Most pointedly, the questionnaire asks: "If you serve as a juror in this case, how would you anticipate being treated by your family, friends and acquaintances if the defendants are acquitted?" And it poses the opposite question, asking prospective jurors how they believe they would be treated if the defendants are found guilty.

"In ordinary cases, such questions would not be asked," Davies told the prospective jurors. "But because the case is this case and because of its overriding importance today, we have sought to place an extra burden on you people."

Lawyers expect to receive the completed questionnaires today, and will begin the process of weeding through them to eliminate prospective jurors who defense lawyers and prosecutors agree should not be allowed to serve.

Once that process is completed, the remaining jurors will be subject to oral questioning by the judge and lawyers for both sides. That is scheduled to begin Feb. 16.

When it does, many community leaders will follow the proceedings to determine whether African-American jurors are given the chance to serve. About 10% of the 333 prospective jurors who reported Wednesday are black.

Braun and other observers have expressed doubts about whether African-American jurors can be found to sit on this case because every black panelist questioned in the state case said it would be hard to consider the charges against the officers impartially.

Salzman, however, said he believes black jurors can be found to sit on the panel.

"It's totally offensive to imply that a person who is black cannot be fair," he said. "Race is not going

to be an issue in picking this jury. The issue is finding 12 people who are fair."

Questioning the Jury Pool

Prospective jurors in the federal trial of four Los Angeles police officers accused of violating Rodney G. King's civil rights received a 53-page questionnaire Wednesday with 148 questions intended to gauge whether they harbor views that would make it impossible for them to serve impartially. Here is a sampling:

- Some people feel that the job police officers perform is so difficult and important that it is wrong to second-guess them by prosecuting them or punishing them for wrongdoing which occurs in the course of their job performance. Would you agree that it is wrong to prosecute and punish police officers?
- Do you believe police officers make mistakes in the performance of their duties?
- How do [you] feel about the way the criminal justice system is working in the United States?
- What was your personal reaction to the verdicts in the state court trial?
- What do you feel caused the civil unrest and riots that occurred in Los Angeles in April and May of 1992?
- Did you or any member of your family suffer property damage or personal injury as a result of the riots?
- Did you, or any friend or relative, participate in the civil unrest?
- Do you fear the prospect of social unrest following a verdict in this case? If so, in what respect?
- If you serve as a juror in this case, how would you anticipate being treated by your family, friends and acquaintances if the defendants are acquitted?
- If you serve as a juror in this case, how would you anticipate being treated by your family, friends and acquaintances if the same defendants are found guilty?
- How serious a problem do you think racial discrimination against blacks is in Southern California?
- How often does it happen these days that a less qualified black person gets a job or a promotion, only because of affirmative action?
- Have you ever been afraid of someone of another race?
- How would you feel if a family member or relative married someone of a different race?

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King Case Prosecutors Must Scale Hurdles of History

■ **Law:** 1945 ruling puts burden on U.S. to prove LAPD officers intended to deprive motorist of his civil rights.

By PAUL LIEBERMAN
TIMES STAFF WRITER

The case has a familiar feel. Three white law enforcement officers insisted that they were provoked into beating Robert Hall, a 30-year-old black man, saying that Hall reached for a gun and used insulting language as they brought him into custody. So they clobbered him—with a blackjack and fists—until he was subdued.

The setting was rural Georgia of half a century ago, far removed from Los Angeles of 1991, where the police beating of Rodney G. King became a watershed event for the city. But the Georgia case set the legal standards that will be used to judge the four Los Angeles

police officers as they stand trial for a second time—and seemingly make it even tougher to get a conviction.

The beating of Hall, who died of his injuries, prompted federal authorities to dust off a Reconstruction-era statute to prosecute the sheriff of Baker County, Ga., and two colleagues for depriving a citizen of his constitutional rights. While the U.S. Supreme Court endorsed such a federal prosecution in a 1945 ruling, it also required a standard of proof that includes a legal hurdle the government did not face last year in state court when the Los Angeles Police Department officers were acquitted on all but one count.

In order to head off prosecutions that unfairly second-guessed officers acting in good conscience, the top court said the government had to prove that the sheriff did more than use excessive force in arresting Hall—it had to show that he violated the law "willfully."

As a result, a fierce debate over the four LAPD defendants' intent will occupy center stage in District Court in the coming weeks, molding the approaches of the prosecution and defense. The four officers are charged with depriving King of his constitutional rights to be free from unreasonable force, to be safe while in custody and not to be punished without a trial.

In the old Georgia case, *Screws vs. United States*, it was not hard to show that the three defendants intended to make more than a routine arrest of Hall, who was suspected of stealing a tire. The sheriff held a grudge against Hall and, as one justice noted, had "threatened to kill him."

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: SUN., 2-7-93
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Title: KING CASE PROSECUTORS
MUST SCALE HURDLES OF
HISTORY

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FBI — LOS ANGELES	

The sheriff and two friends—a police officer and a special deputy—"fortified themselves at a nearby bar, and resisted the bartender's importunities not to carry out the arrest" before seizing Hall at his home and hauling him to the courthouse square, where they continued to pound him, while handcuffed, after he was unconscious.

In the Los Angeles incident, there were no such threats to demonstrate an overt conspiracy by the three officers and a sergeant to deprive King of his constitutional rights. A pair of well-respected federal prosecutors will therefore have to prove the officers' ill motives through snippets of circumstantial evidence, most stemming from events after the beating.

In a pretrial memorandum, the prosecution began laying out the building blocks of its case: the "oops" transmitted over a police computer after the beating; the snickering during a call for an ambulance; the quip to King at the hospital: "I guess we played a little hardball tonight."

44A-119054-D-373

The goal is to show that the officers did not merely overreact to a crisis on the night of March 3, 1991, but had a criminal purpose—to administer "street justice."

Much the same evidence was offered in last year's trial in Superior Court in Simi Valley, where Sgt. Stacey C. Koon and Officers Timothy E. Wind and Theodore J. Briseno were acquitted on all charges of using excessive force in beating King. The jury remained undecided on a single count against Officer Laurence M. Powell.

"Technically speaking, the federal prosecutors have to prove more than their state counterparts, and they could not secure a conviction," said UCLA law professor Peter Arenella.

But he and other criminal law experts also believe that the tougher federal standards may help the new prosecutors by forcing them to assemble the old evidence into a cogent theory, "a powerful story for the jury," to explain why the four officers may have lost control during the arrest of King. Thus, the "street justice" scenario.

At the Simi Valley trial, the prosecution believed that the infamous videotape of the beating would speak for itself. Not required to show the officers' motives, they only hinted at a couple—perhaps racism, perhaps anger at an uncooperative suspect.

"Everyone knows that's probably what happened, street justice," said one Los Angeles county prosecutor, "but being able to show that is another thing. . . . We used words like *punished* and we tried to emphasize what happened after [the beating], the false reports, what happened at the hospital and the 'oops,'" a comment that presumably demonstrated that the officers knew that their actions were wrong.

"But it apparently went over the jurors' heads," the prosecutor said.

The panel sided with the interpretation of the beating that was hammered home by the four defense lawyers, a rendition that placed a very sympathetic intent in the officers' minds—self-defense.

The officers' attorneys are expected to reprise that approach this time, suggesting again that the videotape shows a hulking, menacing King rising to challenge the men trying to arrest him. Furthermore, under federal case law, the defense could concede that the foursome overstepped their bounds a little and still win—as long as the jury sees the actions as the unintentional result of the pressure of a crisis.

"I think it's simple," said Harold W. Braun, who represents Briseno. "An officer who makes a mistake and uses excessive force isn't guilty."

Partly because of the extra element of proof, the Justice Department reports only a 75% conviction rate in cases brought under the civil rights statutes, compared to 90%-plus on other criminal trials. Federal authorities usually choose such prosecutions cautiously, recognizing their political sensitivity. But many observers say authorities had little choice but to step into the King beating case after President George Bush, locked in a close election battle, announced in a nationally televised speech that he was stunned by the not guilty verdicts in Simi Valley.

The federal indictment, unsealed Aug. 5, was based on statutes adopted after the Civil War to give federal authorities some recourse against violence in the South by the Ku Klux Klan or by law enforcement officers acting "under color of law."

"Screws [vs. United States] and other cases were an attempt to create a parallel [justice] system when there was a total collapse of justice in the South, to erect a legal safety net," said New York University law professor Burt Neuborne. "What you usually had was the state laying down on the job. They just didn't try" to prosecute racist vigilantes.

Although federal authorities admitted that it seemed ludicrous to charge a killer with violating his victim's constitutional rights, during the 1960s such prosecutions were seen as the only way to convict suspects in a series of murders of civil rights volunteers.

More recently, the laws have been used in a broad range of cases, including the prosecution of former President Richard M. Nixon's aide John Erlichman for his involvement in the break-in at the office of anti-war activist Daniel Ellsberg's psychiatrist. The civil rights statutes also have been used to prosecute misconduct cases that are unrelated to race.

In California, the civil rights statutes were used to prosecute California Highway Patrol Officer George Gwaltney after state juries twice failed to reach verdicts on charges that he raped and murdered a 23-year-old female motorist in 1982.

But the case of Gwaltney, who was sentenced to 90 years in prison, did not hinge on subtle assessments of his intent. Because the CHP officer claimed that he was innocent, that he merely discovered the woman's body, "it was more like a detective story, a whodunit," said former federal prosecutor Richard Kendall. The jury needed only to decide which side it believed.

In the current beating trial, the factual disputes are relatively minor, limited to such matters as whether King was struck in the head. Indeed, with a videotape capturing most of the incident, the case hinges largely on the widely divergent interpretations of the events—making the law's intent requirement crucial.

Under that requirement, the government must win on two fronts to get a single conviction.

In their pretrial memo in Los Angeles, prosecutors acknowledge that the jurors first must find that the officers "deprived the victim of a [constitutional] right." Then they take a second vote to decide whether the defendants "acted willfully."

"I don't think it will be very difficult at all for the jury to understand. It's a two-stage process," said defense attorney Braun. "That the force was excessive objectively, and that the defendants intended it to be excessive."

As if arguing to the jury, he added: "It may be that an officer uses excessive force as a misjudgment, but he didn't intend to use unreasonable force."

But Neuborne, who followed the first King beating trial for the fledgling Courtroom Television Network, is among those who believe that the federal standard is a hidden blessing for prosecutors, forcing them to learn from the state case.

"In the first case, I couldn't understand why the prosecution wasn't providing a motive," he said. "They had the hidden race thing . . . but it struck me they had a much more powerful one—rage for [King's] having led them on the [car] chase.

"It forces the prosecution to give some plausible explanation for why these guys lost control," he said. "Before, they left the field open to the defense to say: 'Our intent was to protect ourselves.'"

The prosecution strategy is no secret to the defense attorneys. They are ready to respond.

"They're [prosecutors] stuck with the street justice theory, but [it] doesn't fit this case because [King] was never hit before he charged Officer Powell," Braun said, "and [the beating] terminated when he was handcuffed.

"In those seconds, [the officers] didn't get to speak together and say: 'Let's get this guy because he decided to run.' . . . It was a spontaneous decision-making process."

The defense plans to use its own major weakness at the first trial—dissension in its ranks—to rebut the theory that there was intent to abuse King. In Simi Valley, Briseno angered the other defendants by insisting that he tried to stop what he viewed as excessive force. The others, in turn, tried to brand him as a man lying to save his skin.

This time, the defendants can argue that the disagreement shows how difficult it was to tell right

from wrong in the heat of the moment. How could the officers have intended to cross the line if they could not easily tell where it was drawn?

"Officer Powell did one thing and Briseno tried to modulate that. . . . If [prosecution and defense] experts under oath disagree [on excessive force], why can't two officers under pressure disagree?" Braun said.

Legal experts expect heated debate between prosecutors and defense attorneys over how District Judge John G. Davies should instruct the jurors on the intent issue before they begin deliberations. But as in any jury trial, the legal language molded over half a century may mean less than the gut feelings of the panelists.

"There's a possibility for slip-page between how the judge states it and how a jury understands it," said Robert Goldstein, a UCLA specialist in civil rights law. "Instructions are often unpenetrable . . . designed to survive appellate review. That puts enormous burdens on jurors. So they just do their best."

"Jurors aren't lawyers," said Ar-enella, his UCLA colleague. "The jurors are going to be arguing about which basic story makes more sense. That these were officers doing the best they can under difficult circumstances . . . or the prosecution's story, that it was street justice."

Secrecy of King Jury Survey Challenged

■ Beating trial: News organizations' motions say sealing the questionnaires will only raise suspicion about the fairness of the panel selection.

By JIM NEWTON
TIMES STAFF WRITER

Lawyers for the Los Angeles Times and the Associated Press asked a federal appeals court Monday to force the judge in the Rodney G. King beating case to release copies of completed juror questionnaires, warning that secrecy in the trial will only fuel suspicion about its fairness.

Motions filed by the news organizations said they are not seeking jurors' names or other information that is "deeply personal" or would reveal their identities. But both organizations said the public should be allowed to see other information on the lengthy questionnaires.

The federal trial of four police officers charged with violating King's civil rights in the March 3, 1991, beating "is an event of enormous importance and consequence for the Los Angeles community," wrote John A. Karaczynski, the lawyer for the Associated Press. "Public confidence in these proceedings . . . will be severely compromised if any aspect of this trial is cloaked in secrecy."

Rex S. Heinke, who is representing The Times, filed a separate appeal, also with the 9th Circuit Court of Appeals.

"This matter is of enormous, if not unprecedented, public interest, and therefore is precisely the type of criminal action that must be open to public scrutiny," Heinke wrote. "The public interest is particularly acute because of the substantial criticism of the jury that decided the related state court case."

The four defendants in the federal case—Stacey C. Koon, Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno—were tried last year in Superior Court in Simi Valley and found not

guilty on all but one count against Powell, on which the jury was deadlocked. Three days of rioting followed those verdicts.

Jury selection for the federal trial began Wednesday when 333 prospective jurors reported for service at the federal courthouse in downtown Los Angeles. At the session that morning, U.S. District Judge John G. Davies urged prospective panelists to be candid in their responses to a 53-page questionnaire and told them that he hoped their answers would never be made public. That same day, he issued an order blocking public access to the completed forms, which are designed to weed out potentially biased jurors.

Lawyers for the two news organizations said Monday that Davies overstepped his authority and should be reversed.

Access to the questionnaires is all the more important, Heinke wrote, because the answers given by potential jurors are likely to result in many of them being excluded from serving. If the completed questionnaires are not released, the public will never know why those jurors were eliminated, he said.

"Since the commencement of this criminal prosecution, much public comment and debate has centered around the likely composition of the jury," Karaczynski wrote. "The community's perception of the fairness of these proceedings will depend, in large part, upon whether the jury selection process is conducted openly or secretly."

During a hearing last week, Davies said that he too recognized the intense public interest in the trial, and that he wanted it to remain as open as possible. But Davies said he was worried about taking steps that could cause jurors to be guarded in their responses to the questions, which probe a variety of sensitive topics, including race relations, law enforcement and the riots.

The Times and the Associated Press asked the 9th Circuit to grant emergency consideration of their request. Alternatively, they asked that the appeals courts order a delay in the jury selection while it considers the request.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: TUES., 2-9-93

Edition: METRO

PG. B3

Title: SECRECY OF KING JURY
SURVEY CHALLENGED

Character:

or

Classification:

Submitting Office:

LOS ANGELES

Indexing:

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SERIALIZED	FILED
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FBI — LOS ANGELES	

44A-1A-119954-D-374

(Mount Clipping in Space Below)

More arguments on King jury issue sought by court

By Jim Tranquada
Daily News Staff Writer

A federal appeals court on Tuesday ordered additional arguments to be filed within two days on whether questionnaires completed by potential jurors in the second Rodney King beating trial should be made public.

Attorneys for two news organizations that filed emergency petitions with the 9th U.S. Circuit Court of Appeals in San Francisco on Monday seeking access to the questionnaires said the request from the three-judge panel was encouraging.

"I'm delighted," said John Karaczynski, attorney for the Associated Press. "It indicates the court sees serious First Amendment issues being raised by the district court's order (to make the questionnaires confidential). This is a right first step."

The one-paragraph order said the petitions from the AP and the Los Angeles Times "present questions requiring further consideration" and asks that defense and prosecution attorneys file responses by 9:30 a.m. Thursday.

Time is of the essence, media attorneys told the appeals court, because attorneys in the case are scheduled to begin disqualifying some prospective jurors based on their answers to the written questionnaires Thursday morning.

Attorneys for the four LAPD officers accused of violating King's civil rights in the March 3, 1991, beating want to keep the questionnaires secret, arguing that potential jurors worried about public scrutiny will not give candid answers.

U.S. District Judge John Davies agreed last week, issuing an order on the first day of jury selection that forever seals the 53-page questionnaires filled out by more than 300 potential jurors.

It indicates the court sees serious First Amendment issues being raised by the district court's order (to make the questionnaires confidential). This is a step in the right direction.

— John Karaczynski
Attorney for the Associated Press

The acquittal of the four officers on almost all state charges last April 29 triggered three days of deadly riots.

How quickly the three-judge panel will act after receiving the additional briefs — and whether they will issue a stay to delay jury selection until the access issue is resolved — is unclear, Karaczynski said.

"If the court's intent is to put a stay in effect, I would expect to know that by the end of the week," he said.

Two of the three appellate court judges on the panel considering the petitions have taken strong stands on previous First Amendment cases.

Judge Alfred Goodwin, a Nixon appointee, was once a newspaper reporter in Oregon. As an attorney, Carter appointee Judge William Canby won a historic 1977 decision from the U.S. Supreme Court allowing lawyers to advertise.

The third member of the panel, Judge Mary Schroeder, was appointed by President Carter.

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

Date: WED., 2-10-93
Edition: SOUTHERN CALIFORNIA
PG. 4

Title: MORE ARGUMENTS ON KING
JURY ISSUE SOUGHT BY
COURT

Character:
or
Classification:
Submitting Office:
LOS ANGELES

Indexing:

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FBI — LOS ANGELES	

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44A-CA-119954-D-376

SEARCHED	INDEXED
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FBI — LOS ANGELES	

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Court Rejects Media Attempts to Unseal Questionnaires

Eds: ADDS details of ruling, quotes from AP attorney.

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - A federal appeals court today rejected two news organizations' attempts to review Rodney King jury questionnaires before the start of a historic civil rights trial.

But the three-member, 9th U.S. Circuit Court panel did rule that the media can peruse the questionnaires after the trial, "under circumstances (that) the district court may direct."

Jury selection began last week in the trial of Sgt. Stacey Koon, Officers Ted Briseno and Laurence Powell and ex-Officer Timothy Wind. It is scheduled to continue Tuesday.

The Associated Press and the Los Angeles Times had asked the panel to put the trial on hold, pending resolution of the questionnaire matter.

U.S. District Judge John Davies, who has promised prospective jurors that their identities will be kept secret, had ordered that the completed questionnaire be sealed. Davies also ordered that the jury be kept anonymous and sequestered during the expected, eight-week trial.

Attorney John Karaczynski, who represented the AP, was disappointed because he considered gaining access to the questionnaires "essential for a full and complete understanding of the jury selection process."

He said that the release of the forms could have been handled in a manner that satisfied both the judge's concerns and First Amendment questions.

Karaczynski was asked if he was at least happy about getting access to the documents after the trial. He repeated the conversation he had about that with his law partner.

"I said it was a Solomon-like decision, where you cut the baby in half to satisfy both parents," he said. "My partner said, 'Yeah, and you got the part with the diapers.'"

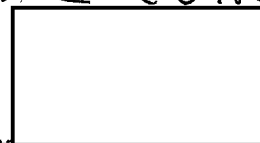
Karaczynski said that, as a First Amendment attorney, the decision was frustrating because being able to report on the questionnaires during the trial "is what news is. What we get now is history." He said the AP had not decided whether to pursue the appeal further.

City News Service 16:44 2/12/1993

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(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: SUN., 2-14-93

Edition: FRONT PAGE

Title: KING VIDEO ENHANCEMENT
BLURS REALITY, EXPERTS
SAY

Character:

or

Classification:

Submitting Office:

LOS ANGELES

Indexing:

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
FEB 18 1993	
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King Video Enhancement Blurs Reality, Experts Say

■ **Trial:** Jurors who view tape will think they witnessed beating, but courtroom replay may alter perceptions.

By JIM NEWTON
TIMES STAFF WRITER

Thanks to what may be the world's most-viewed videotape, jurors in the Rodney G. King civil rights trial will do more than weigh the evidence. They also will serve as witnesses to the incident.

They will see for themselves as King jumps up from the pavement and runs in the direction of Officer Laurence M. Powell, who knocks him to the ground. They will see Sgt. Stacey C. Koon holding the wires of the electric Taser that failed to disable King. They will watch as Powell and Officer Timothy E. Wind strike King repeatedly with their batons. And they will see Officer Theodore J. Briseno

blocking Powell at one point and later stomping hard on King's upper body, pushing him face-down on the pavement.

George Holliday's renowned tape captures the beating in gritty, arresting detail, and it stands at the center of the federal case, just as it did in the state trial of these same four officers. But as prosecutors build another case around Holliday's videotape, some experts are questioning the way that evidence will be presented and warning that it could alter jurors' perceptions in significant ways.

In preparation for the trial, FBI video experts have slowed down the tape, enhanced the sound, stabilized the picture and experiment-

44A-1A-119954-D-377 FBI/DO

ed with a variety of digitally enhanced exposures. Thus, jurors will see an altered version of the event that unfolded in Lakeview Terrace on March 3, 1991, when King was arrested after leading officers on a high-speed chase.

"What's happening here is that jurors are relying on a tape that distorts the event," said Brian Stonehill, coordinator of media studies at Pomona College. "What they're seeing is not what happened."

Stonehill's concerns are echoed by a variety of media experts, psychologists and lawyers, and they grow out of a body of evidence that suggests that video enhancements, particularly slow motion, fundamentally change the way people perceive an event. Slow motion helps highlight movements and specific actions, experts say, but it also may twist the way jurors in this case perceive intentions—in particular by overstating the deliberateness of King's actions as well as those of the officers.

"Slow motion can make an event look quite different," said Patricia Greenfield, a psychology professor at UCLA. "I'd be very suspicious about making a judgment of anyone's intention based on something I saw in slow motion."

Joe Saltzman, formerly with CBS television and now a USC professor of journalism, agreed. "All videotape is inaccurate," he said. Lighting, camera angle and video speed all affect the way viewers perceive actions on videotape, he said, and all contribute to the potential for distortion.

Lawyers generally echo those observations, recognizing that videotape has its weaknesses but adding that it can be powerful evidence nonetheless. Norman Garland, a law professor at Southwestern University School of Law, said videotape helps counteract the failings of memory that witnesses have. But he said watching the tape in slow motion can change the way anyone reacts to it.

"Until I saw the tape played in slow motion, I couldn't see how there was any defense," Garland said. "It definitely affects the way you judge [the officers'] actions."

One way it does that is by shifting the perception of King's behavior. The full-speed version shows him as a writhing, blurry figure, sometimes standing or trying to run, other times kneeling or lying on his stomach or back while officers Wind and Powell rain blows on him.

At full speed, King appears helpless through much of the incident. But in slow motion, small movements of a leg or arm make it appear to some viewers that he is trying to stand up. That perception helps the officers' case, which is based in part on the argument that King was resisting arrest throughout the beating and that as soon as

he complied with their orders, the officers stopped hitting him.

Jurors in the state trial, which ended with not guilty verdicts on all but one count, saw the slow-motion tape repeatedly. They said later it helped them conclude that the officers were telling the truth about King's failures to comply.

That is enormously important to Powell, Wind and Briseno, each of whom is charged with intentionally using unreasonable force against King. If King was attacking them or resisting arrest, that could make their use of force "reasonable," a finding that would clear them of the charges.

Koon's position is slightly different, and the tape is not as important to his case, according to his lawyer, Ira Salzman. Whether at full speed or in slow motion, the video does not show any blows by Koon, nor is he charged with any.

Still, Koon is accused of allowing an unreasonable beating to be administered by officers under his

'Everybody who saw that videotape feels like they were there that night and they know exactly what happened.'

PATRICIA GREENFIELD
Psychology professor

supervision. Therefore, his fate is linked to that of the other officers, since he can be convicted only if at least one of his co-defendants is found to have acted unreasonably. And the jurors' judgments about Koon's fellow officers may hinge on what they see on the video.

The slow-motion version of the tape may be most important to Briseno, who is charged primarily because he stomped on King while the motorist was lying face-down on the pavement. Even Briseno's lawyer concedes that the full-speed tape, at first glance, is damaging to his client.

"The initial impression is that while King's down, this vicious guy rushes in and stomps him," said Harland W. Braun. "That's not helpful."

In slow motion, however, ambiguities arise. Just before Briseno steps forward, King's left arm can be seen stretched out away from his body. King is motionless. Officers Wind and Powell have stopped hitting him.

Then King draws his arm down toward his body and begins to move his right leg. The movements are subtle and, since they last only a second or so, easily missed in the real-time version of the tape. But Briseno says it was those movements that caused him to stomp on King because he thought King was trying to get up. Briseno, who testified against the other officers

during last year's state trial, said he was worried that any attempt by King to stand would touch off another volley of blows.

The slow motion also reveals that the right-footed Briseno used his left foot to stomp King. If Briseno had wanted to hurt King, his lawyer reasons, wouldn't he have used his stronger foot?

Prosecutors, also relying on the slow-motion tape, present a different version of the sequence, suggesting that King was trying to comply.

"King began to move his arms toward his back, in response to commands that he put his hands behind his back," the government says in its trial memorandum, which lays out its case. "As he did so, defendant Briseno stomped on his head, neck or back, causing King's body to convulse."

The slow motion reveals that Powell was reaching for his handcuffs as Briseno administered the stomp, a point that jibes with the prosecution account. In their trial memorandum, prosecutors do not explain the movement of King's leg, which is almost undetectable at normal tape speed because it is so quick. But Briseno and his lawyer say that movement, visible when the tape is slowed down, is a key element of their defense.

That contention causes some psychologists to wonder: If the movement is so small and so quick that it can be seen only in slow motion, then how did Briseno know to react to it?

"What's relevant is how Briseno saw it, not how the video portrays it," Greenfield said. "He made his judgment in real time, and jurors need to remember that as they consider the [officers'] actions."

That same observation underscores a different aspect of the slow motion—one that could damage the officers in a crucial regard.

In slow motion, it is not only King's actions that seem more deliberate, but the defendants' as well. That was not much of an issue during the state trial, but in the federal case the officers are charged with acting "willfully," so slow-motion videotape that makes their acts appear to be premeditated could bolster the prosecution's contention that the blows were intentionally unreasonable.

That potential effect is illustrated by the interpretations of the tape's jerky, blurred opening sequence.

At the beginning of the tape, King jumps from the pavement and lunges toward the right side of the screen, in the general direction of Powell. Powell swings his baton at King, who drops instantly.

In real time, the lunge and the swing happen in the flash of an eye, but in slow motion, Powell appears to back up and brace for the charge. Prosecutors say Powell let King rise so that he could pummel him back to the ground.

Powell kept hitting King after knocking him down, and prosecutors say that "at least some of these initial blows hit King in the face, causing multiple facial fractures, lacerations and bruising."

Defense lawyers, who welcome the use of slow motion in assessing King's behavior, balk at that interpretation and warn against overreliance on the slow motion to judge their clients.

"It appears that their blows were more unnecessary in slow motion," said Michael P. Stone, who is Powell's lawyer. "What the defense will have to do is teach this jury not to rely solely on the videotape. . . . This thing didn't go down in slow motion. It went down in real time, and the officers' decisions were made in real time."

For both sides, then, the challenge of the videotape, particularly the use of slow motion, is to use it to illustrate certain points without letting it influence jurors' overall perceptions of the arrest.

If the state case is any guide,

that task will be most important for prosecutors. In that trial, prosecutors relied heavily on the videotape, but they came to regret it, as the lawyers for the defendants slowed the tape down and played it repeatedly, emphasizing King's actions throughout.

Psychologists say that by slowing the tape down, the defense lawyers were able to introduce doubts about King's behavior and his willingness to comply. And by showing the tape over and over, they were able to reduce the shock of seeing King beaten.

"It loses its horror," said Saltzman of USC.

With that experience to guide them, federal prosecutors appear to be developing a different approach to the tape than their state counterparts. Rather than rely on it exclusively to tell the story of that night's events, grand jury transcripts suggest prosecutors will also call civilian witnesses.

That has risks because some of the witnesses' statements have not squared precisely with the videotape, and defense lawyers will be able to exploit any inconsistencies. But it also could help neutralize the

effects of slow motion because the witnesses saw the event as it occurred, and they can give their impressions of how King appeared in real time, not in slow motion.

Some psychologists wonder how effective that will be, however, because the videotape is so searing and immediate that it may be hard for witnesses' accounts to compete. Few who have seen Holliday's videotape have been able to resist drawing their own conclusions, regardless of what other evidence emerges about the arrest.

Partly, that is because video images are so influential, psychologists say. In fact, Stonehill and others say the video's grainy texture and bouncing image make it more compelling by forcing viewers to concentrate intensely on it. Those techniques, inadvertently used by Holliday, are staples of music videos and advertising precisely because they grab viewers.

"There's no question that the videotape holds your attention. Why do you think we had a riot?" Greenfield said. "Everybody who saw that videotape feels like they were there that night and they know exactly what happened."

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Eds: Details latest potential snag in the King civil rights trial.

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - One of two defendants in the Rodney King civil rights trial refused -- at least temporarily -- today to sign a waiver regarding his lawyer's potential conflict of interest in the case.

Timothy Wind, the fired former Los Angeles police officer, asked U.S. District Judge John Davies to allow him to consult outside counsel on the matter.

Davies granted the request and Wind left the courtroom to go to a telephone. The judge eventually scheduled an afternoon hearing to reconcile the matter, and to hear whatever Wind's outside counsel had to say.

The controversy arose because Wind's attorney, Paul DePasquale, is a former law partner of Michael Stone, who represents Wind's co-defendant, Laurence Powell.

Powell told Davies he would sign the waiver, but the trial hit a snag when Wind refused to go along, without first seeking outside counsel.

Davies had ruled several months ago that the trial could not proceed until such waivers were signed by the two men, who are on trial with Officer Ted Briseno and Sgt. Stacey Koon in connection with the videotaped beating of King on March 3, 1991.

If Wind refuses to sign the waiver, the judge could be forced to declare a mistrial regarding Wind's charges only. The government, presumably, then would have to decide whether to refile against Wind, who would be tried separately.

Meanwhile, defense attorney Ira Salzman, who represents Briseno, told Davies earlier in the day that a juror called him last night to say that another panelist was complaining about defense efforts to "keep blacks off the jury."

The allegedly complaining juror, a woman, apparently was referring to efforts by Salzman and other defense attorneys to remove juror 263, a black, ex-Marine who was named to the panel late yesterday despite their objections.

In rejecting the defense challenge to the man, the judge ruled that there were no "race neutral" grounds for removing the juror.

A hearing on the matter of whether the woman should be questioned about her comments was scheduled to follow the session regarding Wind's waiver status.

And, before the end of the day, prosecutors and defense attorneys hope to have chosen the three alternate jurors for the trial, since opening statements are scheduled to get under way tomorrow morning.

The jurors selected yesterday include six white men, three white women, one black woman, one black man and one Hispanic man.

The names of the jurors will be kept secret, due to the heavy public scrutiny they are expected to bear from any verdict they return. The panel also will be sequestered for the entire trial.

44-119954-D-378

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FBI - LOS ANGELES	

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Advisory, King Trial, CNS Network Advisory

NOT FOR PUBLICATION OR BROADCAST

Eds: The judge in the Rodney King civil rights trial has continued an in-chambers hearing until 8:30 a.m. TOMORROW to discuss the situation involving Timothy Wind's refusal to sign a legal conflict-of-interest waiver.

Meanwhile, a hearing in chambers is under way regarding a report that a black, female juror might have indicated she was upset that the defense, in her estimation, was trying to exclude African-Americans from the panel.

There is nothing concrete yet, but it is assumed that the hearing tomorrow morning will delay the opening statements, which originally were scheduled to begin then.

Alternate jurors still must be selected, so it is unlikely the trial can get under way tomorrow as previously scheduled. We'll update our story to reflect these developments.

NOT FOR PUBLICATION OR BROADCAST

City News Service 15:20 2/23/1993

(Mount Clipping in Space Below)

Defense Seeks Mistrial Over Juror

■ Motion: Lawyers say woman's comments show she is biased. Wind balks at signing conflict of interest waiver.

By HENRY WEINSTEIN
and JIM NEWTON
TIMES STAFF WRITERS

Three defense lawyers in the federal trial of four police officers charged with violating Rodney G. King's civil rights asked for a mistrial Tuesday after a black juror in the case was accused of improper conduct.

U.S. District Judge John G. Davies took the motion under submission and could rule on it as early as this morning.

The accusation about the juror was one of two unexpected snags that arose in the high-profile case, tossing it into turmoil just as lawyers were preparing to deliver their opening statements. The other surprise development was that defendant Timothy E. Wind balked at signing a document needed for the trial to begin.

As a consequence, opening statements, which had been expected to begin today, were postponed until at least Thursday. Selection of three alternate jurors is scheduled to begin this morning.

The issue of the juror's conduct was raised by Sgt. Stacey C. Koon's lawyer, Ira Salzman, who recounted statements he received from a prospective juror who was excused at the prosecution's request.

He told Judge Davies that the dismissed juror—a reserve police officer publicly known only as "Juror 421"—left a message on his office answering machine Tuesday morning, saying that a black woman selected for the jury had discussed the case with him last week.

In a follow-up conversation, Salzman said the dismissed juror quoted the woman, a postal worker, as saying that lawyers for the police officers were responsible for excluding blacks from the jury during last year's state trial. "She was disdainful in her tone of the defense efforts," to keep blacks off the federal jury, Salzman said the dismissed juror told him.

Outside the courtroom, Salzman said Juror 421 also said the woman juror told him she believed "the defense is going to do the same thing in this case"—keep blacks off the jury.

"With this new information, I cannot accept this jury as constituted," Salzman said.

Prospective jurors had been warned not to discuss the case, and Davies was sufficiently upset by the reported conversation to order a special hearing on the matter later in the day.

The woman juror in question is one of two blacks sworn in Monday. The jury also includes one Latino man and nine whites. Salzman said the conversation gave him doubts about whether the woman—whom he previously called "the perfect juror"—could be fair.

Assistant U.S. Atty. Steven D. Clymer accused Salzman of using the conversation in an attempt to have a mistrial declared. He objected to any effort to remove the woman, who said in response to questions during her selection to the jury that she was surprised by the not guilty verdicts in state court, but did not criticize the jurors in that case.

"It sounds to me like they had a hard time making that decision," she said of the state court jurors. "They did the best of their abilities, as any person would."

Despite Clymer's objections, Judge Davies summoned Juror 421 to the courthouse and in midafternoon convened a closed-door hearing on the issue. The judge said he was keeping the public out because the hearing involved extremely sensitive matters.

The possibility that a black juror might be kicked off the panel posed a particularly thorny problem for the judge. There was widespread criticism last year of the fact that there were no blacks on the state court jury that returned not guilty verdicts on all but one of the charges against the four officers.

Late in the afternoon, Davies resumed the public hearing and revealed that defense lawyers had moved for a mistrial, though he did not disclose the reasons for that motion.

Defense lawyers also declined to state specifically what had precipitated the motion for mistrial or discuss in detail what had transpired during the closed hearing.

The lawyers said they foresaw no substantial delay in beginning the trial. Additionally, Stone said he doubted that Judge Davies was going to question the black juror about any comments she made outside the courtroom. The comments indicated that they had been unsuccessful in the attempts to get the judge to dismiss the black juror and that a mistrial motion was their only recourse.

Throwing the proceedings into limbo on another front was defendant Wind's surprising refusal to sign a waiver saying that he does

not believe his attorney has a conflict of interest in the case. Unless Wind signs, his lawyer, Paul DePasquale, may be prevented from representing him. That could force a delay in the trial or even a separate trial for Wind.

At issue is DePasquale's former law partnership with Stone. During the time that they were partners, the two lawyers could have shared confidential information about their clients, which would make it difficult for them to represent them fairly. No evidence has emerged, however, that they shared any such information.

An angry Davies ordered Wind to contact another lawyer to discuss the matter. After Wind talked to a Santa Monica lawyer, the judge held a conference in his chambers with Wind, the lawyer and a court reporter. Davies emerged at 3 p.m. and said discussions on the issue would resume at 8:30 a.m. today.

The Supreme Court has ruled that a trial judge must make sure that each defendant has a lawyer unhindered by conflict," said Laurie Levenson, a Loyola University law professor who is a former federal prosecutor.

She said that DePasquale has a potential conflict on two grounds. The first is that Stone may have information that could be used against his client. The second, she said, is that DePasquale may have information that he is unable to use in the trial.

In January, Davies, in response to a motion filed by Salzman, ruled that Stone did not have a conflict of interest that would prevent him from continuing with the case. However, the judge directed government lawyers to prepare formal written waivers for Powell and Wind to sign before the trial began. Federal prosecutors filed the waiver papers Monday.

The lengthy waiver document poses several questions designed to ensure that Powell and Wind understand that "a possibility exists that due to circumstances which the court is unaware of and cannot foresee, a conflict will arise between" them.

By signing the document, the defendant waives his right to claim he was denied the right to a fair trial because a conflict arose.

On Tuesday, Powell, as he had done in the state case, agreed to waive his conflict rights. But Wind reversed what he did in the state case and refused to sign the waiver. He did not explain his reasons in open court. DePasquale also declined to comment on what might have prompted Wind's action.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: WED., 2-24-93
Edition: FRONT SECTION
PG. A14

Title: DEFENSE SEEKS MISTRIAL
OVER JUROR

Character:

or
Classification:

Submitting Office:
LOS ANGELES

Indexing:

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SERIALIZED	FILED
FEB 25 1993	
FBI — LOS ANGELES	

44A-119954-D-379

(Mount Clipping in Space Below)

Military Doctors Say King Took Multiple Head Blows

By JIM NEWTON
TIMES STAFF WRITER

A team of military doctors, after reviewing an array of reports and analyses of the police beating of Rodney G. King, has concluded that King was struck at least five times in the head and face with "a baton or similar instrument," according to government documents obtained by The Times.

In addition, another medical expert who examined the case for prosecutors concluded that King was subjected to "multiple blunt but focal impacts to the head and face," according to a copy of his preliminary report obtained by The Times. Dr. James V. Benedict of San Antonio is expected to testify during the trial of four Los Angeles Police Department officers charged with violating King's civil rights.

Those findings—disputed by the officers' lawyers—will figure prominently in the trial, in which opening statements are expected to begin this week. During last year's state trial of the same defendants, there was no conclusive medical

■ **KING MISTRIAL SOUGHT**
Defense says juror's comments show she is biased. A14.

testimony to support the notion that King had been struck time after time in the face or other parts of the head.

Although California Highway Patrol Officer Melanie Singer said she witnessed several blows to King's head, her testimony was challenged as being inconsistent with the videotape of the beating and with her written accounts of

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: WED., 2-24-93
Edition: FRONT PAGE

Title: MILITARY DOCTORS SAY
KING TOOK MULTIPLE
HEAD BLOWS

Character:

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Classification:

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LOS ANGELES

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FBI — LOS ANGELES	

the incident.

The new medical evidence, which goes well beyond that offered in the state trial, could be a crucial building block in the federal government's effort to prove that the officers set out to deprive King of his civil rights. Blows to the head or face generally are violations of police policy and form the strongest basis for arguing that the officers violated King's right to be safe from the intentional use of unreasonable force. Moreover, evidence that King was hit repeatedly in the head could help prosecutors prove that the officers acted willfully, which the government must prove to win convictions.

"The more blows that you have that hit the head, the less chance that it's just an accident," said Laurie Levenson, a law professor at Loyola Law School and a former federal prosecutor. "The prosecution is hoping to use lots of different kinds of evidence to show intent, and this is definitely one way to do that."

Assistant U.S. Atty. Steven D. Clymer would not comment on the prosecution's medical evidence or say why military doctors were asked to evaluate King's injuries. Prosecutors stated in a recent court filing that one way they would try to prove the officers' intent was through evidence regarding the "character and duration of the beating of Rodney King."

Defense lawyers dispute the findings of the government experts. They say they will call medical experts who will testify that the injuries to King's head are not consistent with baton blows. The defendants say King suffered those injuries in one of a number of falls to the pavement in which he struck his head.

"When you strike the human head with a metal pipe, you're going to have evidence of bursting lacerations," said Michael P. Stone, who represents Officer Laurence M. Powell. "There's no evidence of those types of injuries to King."

The Defense Department study, dated Nov. 23, represents the work of a variety of experts. Two pathologists, a neuroradiologist and a

consulting forensic anthropologist were called upon to assist. Photographs and computer-imaging studies were employed to investigate the beating in detail.

"There was a good correlation between the medical records, photographs and imaging studies," Capt. Glenn N. Wagner, deputy director of the Armed Forces Institute of Pathology, wrote in his consultation report.

Wagner said doctors found a number of fractures to the right side of King's head, including a broken eye socket and cheekbone.

'The more blows that you have that hit the head, the less chance that it's just an accident. The prosecution is hoping to use lots of different kinds of evidence to show intent, and this is definitely one way to do that.'

LAURIE LEVENSON
Professor, Loyola Law School

Defense lawyers have not disputed that King suffered those injuries, but have maintained that he was injured when he fell face-first to the pavement, not when he was hit with the metal police batons used by Powell and Officer Timothy E. Wind.

"We've got at least three falls," Stone said. "The big one is at the beginning of the incident, when King goes from his feet face down into the pavement."

In the opening seconds of the videotape of the beating, King is seen dropping face-first to the pavement immediately after Powell hits him with his baton. Stone said he has prepared a computer-enhanced graphic display of that blow, suggesting that Powell's strike hit King in the arm or chest, not the head. Stone was not allowed to introduce that evidence during the state trial, but he said he hopes that it will be admitted this time.

The two studies commissioned by the government apparently rule out the possibility that King could have suffered his most serious wounds as a result of falls.

"The displaced and often depressed character of these fractures as well as the extent of the surrounding soft tissue injuries are not consistent with a simple fall," Wagner said in his report, summarizing the military team's findings. "They are consistent with blunt force injuries from a baton or similar instrument."

The military team concluded that scrapes and other superficial injuries on the left side of King's head were the result of his fall or falls. But the most serious wounds, the doctors said, were inflicted by repeated blows to the head.

"Based on these blunt force injuries, their location, severity and relative relationships to each other, we believe that at least five separate blows were delivered to the head and face," Wagner stated in his report.

In his preliminary report, dated Jan. 28, Benedict was less specific about the number of blows to King's head, but he echoed the conclusions of the military team. After describing King's injuries, Benedict, who is chief executive officer of Biodynamic Research Corp. in San Antonio, wrote: "The injury mechanism for the above injuries to the head and face is believed to be multiple blunt but focal impacts to the head and face."

"Focal impacts," medical experts said, are those inflicted on a specific area as opposed to more general impacts, such as those that would be suffered by falling.

Asked about the prosecution's new medical evidence, Sgt. Stacey C. Koon, one of the defendants and the senior officer at the scene, said it was not consistent with what he witnessed. Koon is not charged with hitting King, but is accused of allowing officers under his supervision to administer an unreasonable beating.

"I didn't even see any indirect head blows," Koon said during a break in the court proceedings. "How can these doctors suggest otherwise all these months later?"

(Mount Clipping in Space Below)

King Beating Trial Ready to Start Today

■ **Courts:** Mistrial motion is denied, paving way for opening statements. Officers are accused of violating motorist's civil rights.

By JIM NEWTON
TIMES STAFF WRITER

After seven tense months, the Rodney G. King civil rights trial should begin to unfold today, as federal prosecutors and lawyers for four Los Angeles police officers deliver opening statements about a beating that already has touched off a national debate on police conduct and sparked the costliest riots in U.S. history.

"I'm ready to get this started," Laurence M. Powell, one of the defendants, said outside court. "We have to get it started to get it over with."

Powell and his co-defendants—Stacey C. Koon, Timothy E. Wind and Theodore J. Briseno—were indicted by a federal grand jury

Aug. 5 on charges that they violated King's civil rights. If convicted, each of the defendants faces 10 years in prison and fines of up to \$250,000.

A pair of last-minute issues that had delayed completion of jury selection were cleared Wednesday, and three alternate jurors were sworn in to join 12 regular jurors already chosen to hear the case.

U.S. District Judge John G. Davies overruled a defense motion for a mistrial, made after Davies refused to excuse a black woman juror whose conduct the lawyers for the officers had questioned in a special, closed-door hearing.

Davies might question the juror about statements attributed to her by a prospective juror who was dismissed. The judge has ordered all members of the jury panel to appear this morning, presumably in case the juror needs to be replaced. But even though defense attorneys asked for the woman to be removed, they said late Wednesday that they expect

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: THURS., 2-25-93

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Title: KING BEATING TRIAL
READY TO START TODAY

Character:
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her to remain on the panel.

Davies also disposed of one other procedural matter that had threatened to disrupt the trial at the last minute. On Tuesday, Wind refused to enter into an agreement regarding a conflict-of-interest issue involving his lawyer, a move that brought the proceedings to a grinding halt. But Wednesday, Davies announced that he refused to accept Wind's position.

The conflict claim was based on a previous partnership between Wind's lawyer, Paul DePasquale, and another defense attorney in the case. That relationship could have given DePasquale and the other lawyer, Michael P. Stone, the chance to share confidential information about their clients, but no evidence surfaced that such information actually was exchanged.

Moreover, Davies said that Wind had forfeited his right to raise the issue by failing to bring it up during a January hearing on the conflict question.

With the mistrial motion and Wind's conflict claim resolved, prosecutors and defense lawyers spent the afternoon picking three people to act as alternate jurors for the trial, which is expected to last six to eight weeks.

The three selected as alternates are a black man, a Latino man and an Anglo man. Defense lawyers and prosecutors exhausted all five of their challenges before those three were picked. Eleven prospective jurors were dismissed for a variety of reasons.

Two of the three who survived the questioning have relatives who at one time worked in law enforcement. The Latino, who appeared to be in his late 30s, said his father worked as a police officer until he retired. And the black man, a student who appeared to be in his early 20s, said his mother used to work in the Sheriff's Department.

As the lawyers attempted to agree on alternate jurors, they were confronted by an exodus of candidates. Two prospective jurors said they could not be fair because they were strongly supportive of the defendants, one said he could

not serve because he is going through a divorce, and another begged to be allowed off the panel, saying: "I'm a nervous wreck. I don't think I belong up here."

Despite the dwindling pool of available candidates, defense lawyers dismissed one juror who was eager to serve. That man said he was on welfare and looked forward to serving because it would pay him \$40 a day and would give him a chance to test his ability to "maintain objectivity, which is something I've gotten better at over the years."

(Mount Clipping in Space Below)

U.S., defense sketch cases in 2nd King trial

By Jim Tranquada
Daily News Staff Writer

Using an infamous videotape as their guide, federal prosecutors methodically outlined their case Thursday in the Rodney King civil-rights trial, seeking to take advantage of lessons learned from a state trial last year that ended in acquittals and riots.

Acknowledging at the onset that King was a felon on parole who led police on a drunken high-speed chase and initially resisted arrest, Assistant U.S. Attorney Steven Clymer told jurors that three officers nonetheless unjustifiably rained blows and kicks on King after he ceased to resist and that their sergeant did nothing to intervene.

Clymer said King himself will take the stand for the first time to

tell his own story.

"He will tell you he has been in trouble, that he was in trouble that night," Clymer said. "Remember: Rodney King is not on trial here . . . The issue is whether the officers are guilty or innocent."

Defense attorneys, in opening statements to the U.S. District Court jury, responded with a refined restatement of the defense they offered in Simi Valley: that the officers' actions — confronted with a potentially dangerous felon who was acting as if he was on PCP — were entirely in line with their LAPD training.

"Far from being an 'out of control' beating of a motorist, this was a controlled use of force which was escalated and de-escalated as the movement and behavior of King

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

Date: FRI., 2-26-93
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Title: U.S., DEFENSE SKETCH
CASES IN 2ND KING TRIAL

Character:
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Submitting Office:
LOS ANGELES

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FEB 25 1993	
FBI — LOS ANGELES	

changed," said Michael Stone, attorney for Officer Laurence Powell.

"In effect, it is the suspect who is in control," Stone said, echoing a key concept used so successfully in the state trial.

Only Paul DePasquale, attorney for former Officer Timothy Wind, did not make an opening statement, reserving an opportunity to make it later in the trial.

After seven months of legal maneuvering, Thursday's opening statements marked the first time the two sides formally presented their versions of the March 3, 1991, incident captured on videotape by an amateur cameraman and broadcast worldwide.

Members of the public who stood in line for hours vied for a handful of seats in U.S. District Judge John Davies' courtroom in the Edward R. Roybal Building already jammed by dozens of television, radio, newspaper and magazine reporters from all over the world.

Just as in Simi Valley, the sometimes-blurry videotape shot by George Holliday from his apartment balcony was at center stage Thursday.

Both prosecutors and defense attorneys repeatedly showed the black and white tape — sometime in slow motion — which shows officers striking King more than 50 times with batons and feet after a high-speed chase that ended on Foothill Boulevard in Lake View Terrace.

The multiracial, eight-man, four woman jury — all but one who said they had seen the videotape previously — watched impassively while the videotape was being shown to them on a 36-inch television screen set up in front of the jury box.

Officers Theodore Briseno and Powell and former Officer Wind are charged with violating King's

civil rights by willfully using excessive force during his arrest. Sgt. Stacey Koon is charged in a separate count of allowing the assault to take place.

All four have pleaded not guilty. If convicted, they face prison sentences of up to 10 years.

Conspicuous by its absence from the courtroom Thursday was the rift among defense attorneys that erupted almost exactly a year ago in opening statements in the state trial.

Briseno's then attorney, John Barnett, broke from his colleagues by telling jurors that Powell and Wind were "out of control" and that Briseno had stepped in to try to stop the beating.

In his brief opening statement, Briseno's current attorney, Harland Braun, said the officer's attempt to grab Powell's baton and stop his blows — clearly visible on the videotape — was a "remarkable momentary disagreement" between the two officers, neither of whom was looking at the same thing.

In his hour-long opening statement, Clymer, the federal prosecutor, led jurors through the events of March 3, 1991 appropriating the defense technique of using portions of the videotape in slow motion to illustrate his points.

He also referred to pieces of evidence that would help illuminate what was going through the officers' minds that night — a crucial element in the prosecutor's case that must be proven for convictions under federal law.

Prosecutors will provide evidence that while taking the injured King from a local hospital where he received initial treatment to the jail ward at Los Angeles County-USC Medical Center — normally a half-hour trip — there was a two-hour delay during which Powell and Wind stopped at the LAPD's Foothill Division station in Pacoima and Powell brought out two officers to look at King.

THE KING CASE ATTORNEYS

Here's a brief look at the attorneys in the second Rodney King beating trial.

FOR THE PROSECUTION:

Barry Kowalski

Representing U.S. Justice Department. Deputy chief of the criminal section of the Justice Department's Civil Rights Division in Washington D.C.

Education: Brown University, Catholic University Law School.

Experience: Kowalski has prosecuted some of the most prominent racial violence cases in the last decade. He prosecuted two neo-Nazis in the killing of Denver, Colo., talk-show host Alan Berg in June 1984.

Steven D. Clymer

Representing U.S. Justice Department. Assistant U.S. Attorney based in Los Angeles.

Education: Cornell University, Cornell University School of Law.

Experience: A former assistant district attorney in Philadelphia who has won numerous convictions in the U.S. Attorney's Office, including those of two men charged with first-degree murder in the killings of two federal drug agents in an undercover heroin deal in Pasadena in 1988.



FOR THE DEFENSE:

Paul DePasquale

Representing former Officer Timothy Wind.

Education: UCLA, Boalt Hall School of Law.

Experience: A former prosecutor, DePasquale moved to Los Angeles in 1983 and developed a civil and criminal practice specializing in cases involving police officers. Represented Wind in the Simi Valley trial.



Harland Braun

Representing Officer Theodore Briseno.

Education: UCLA.

Experience: A former prosecutor until 1973, Braun is no stranger to high-profile cases as a private attorney. He represented Rep. Bobbi Fiedler in a 1986 political bribery case and producer George Folsey in the Twilight Zone case. He replaces attorney John Barnett, who represented Briseno in Simi Valley.



Michael Stone

Representing Officer Laurence Powell

Education: California State University, Fullerton, Western State University College of Law.

Experience: A former police officer who was hired in 1984 as general counsel for the Los Angeles Police Protective League where he worked until 1991. Represented Powell in the Simi Valley trial.



Ira Salzman

Representing Sgt. Stacey Koon.

Education: University of California, Berkeley, Southwestern University of Law.

Experience: A former Los Angeles prosecutor whose private practice emphasizes the defense of professional negligence, toxic tort and personal injury cases. He replaces attorney Darryl Mounger, who represented Koon in Simi Valley.



Pointing to the grainy images on the television screen, Clymer pointed out that about 32 seconds into the videotape, King falls to the ground, where he remained until the officers handcuffed and hogtied him.

Yet Wind and Powell continued to beat and kick the unresisting King while Koon looked on — all in violation of LAPD use-of-force policy, he said.

"You will see King never grabbed a police officer, pushed a police officer or hit a police officer," Clymer said. "Despite that, the two officers continue to use force against Rodney King."

Civilian witnesses to the beating never called in the state trial — including two scheduled to testify to-

day — "will tell you the same thing: King was never combative or aggressive," he told jurors.

Stone offered his own detailed, hour-long version of the events of that night, including an explanation that Powell and Wind stopped at the Foothill station to "remote book" King into County/USC — a time-consuming bureaucratic exercise that actually speeded King's admission.

Stone said he would call star witnesses for the prosecution in last year's state trial to show how King tried to evade police in his white Hyundai and how his strange behavior led officers to believe he was high on PCP.

Ira Salzman, Koon's attorney, outlined the same defense that

Koon used in Simi Valley: that the King beating was a textbook example of correctly implemented use-of-force policies.

"The main theme of this defense will be to show that Sgt. Koon did nothing illegal, but acted in accordance and compliance with all training and procedures that LAPD holds all its officers to, and that he met and exceeded those standards," Salzman said.

Expert witnesses called by Koon will testify to that effect, Salzman said.

Braun spoke only briefly, telling jurors that Briseno did only three things of significance, none of which constitute excessive force.

Beaten King Was 'Shown Off' by 2 Officers, Jury Told

■ **Trial:** In dramatic opening day, federal prosecutor says Wind and Powell stopped at Foothill Division station to display their captive on the way to a second hospital.

By JIM NEWTON, TIMES STAFF WRITER

On the opening day of the nation's most closely watched criminal trial, a federal prosecutor alleged for the first time that two Los Angeles police officers were showing off a battered Rodney G. King at their station when they were supposed to be transporting him from one hospital to another.

During his opening statements to the jury Thursday, Assistant U.S. Atty. Steven D. Clymer said Officer Laurence M. Powell summoned Foothill Division officers outside, where King was sitting with Officer Timothy E. Wind in the back seat of a patrol car.

"He sent police officers out to look at Rodney King while Rodney King was in the back seat, waiting for medical attention," said Clymer. The prosecutor added that the incident occurred after King had been treated at Pacifica Hospital and was being taken to the jail ward at Los Angeles County-USC Medical Center.

To cover up their two-hour detour to the station, Clymer said, the two officers falsified a report to indicate that they had left Pacifica Hospital at 4:45 a.m. rather than 3:30 a.m., which prosecutors say was the actual time.

"They omit completely on that log that they ever went to Foothill station," Clymer said.

The prosecutor's unexpected and explosive disclosure was disputed by one of the defense lawyers in his opening remarks, but it rocked the first day in the trial of four police officers who are charged with violating King's civil rights on March 3, 1991. Also charged are Sgt. Stacey C. Koon and Officer Theodore J. Briseno. All four defendants face up to 10 years in prison and fines of \$250,000 each if convicted.

The 12 jurors and three alter-

nates sat with rapt attention as they heard opening statements from both sides and received their first official exposure to the videotape of the beating, which Irvin Salzman, who represents Koon, called "82 seconds that shook our society."

While the prosecution portrayed King's beating as a brutal and intentional assault, defense lawyers characterized the officers' actions as reasonable and necessary to subdue a combative suspect who led them on a high-speed chase and then resisted arrest.

It has been 10 months since a state court jury found the four defendants not guilty on all but one count, and those verdicts ignited three days of rioting in Los Angeles that left 52 people dead. With the threat of riots looming in the background of the federal trial, swarms of journalists from around the world descended Thursday on the federal building where U.S. District Judge John G. Davies has his courtroom.

Security was tight, and journalists and spectators were forced to pass through two metal detectors before they were allowed to enter the courtroom. Inside, reporters and artists took up almost all the seats. Davies, who has ordered that jurors be sequestered for the entire trial and has protected their anonymity, admonished artists not to sketch their faces.

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: FRI., 2-26-93

Edition: FRONT PAGE

Title: BEATEN WAS 'SHOWN OFF'
BY 2 OFFICERS, JURY TOLD

Character:

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FEB 25 1993

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Although Wind's lawyer did not deliver his opening statement Thursday, Powell's attorney sharply disputed the prosecution account of the trip the officers allegedly took to the foothill station. He said the stop was made to expedite King's booking into a hospital ward and argued that the officers did not know at the time that King had any serious injuries.

The doctor who treated King at Pacifica Hospital released him to the officers, said Michael P. Stone, Powell's lawyer. That doctor's report did not suggest that King was seriously hurt, he added, since its only notation was that King was treated for "PCP overdose" and "superficial lacerations."

"They didn't leave in an ambulance," Stone added. "They left in a police car."

The Los Angeles County district attorney's office, which prosecuted the officers in state court, has made it a policy not to comment on the federal proceedings.

But one county official confirmed that the prosecution team did not know of the stop at the station between the two hospitals. "If we'd had such evidence," the official said, "we would have presented it."

In their opening remarks, federal prosecutors and defense lawyers revealed strategies that suggest the federal case will unfold differently than last year's state trial. Prosecutors listed several new witnesses who did not appear in state court but will be asked to testify this time, and defense lawyers enter the federal case with a newly united front.

During last year's trial, Briseno split from his colleagues and testified against them. But in his brief opening statement, Briseno's lawyer, Harland W. Braun, stressed that while the four officers may have had different impressions of the beating, they all were forced to grapple with a difficult suspect during a time of "rising violence against police officers."

As the case opened, Clymer showed the videotape of the beating first at regular speed and then in slow motion, detailing the blows that form the core of the prosecution's case. Jurors showed no emotion as the tape played, and by day's end, they already had seen sections of it half a dozen times.

Clymer told jurors that police are allowed to use force in certain situations, but he said the evidence produced by the federal government would show that the four defendants exceeded their authority.

"This case involves police brutality," Clymer said. "Each of these defendants was governed by the law and the Constitution of the United States."

Clymer said medical experts would testify that King was struck repeatedly in the head and face, blows that the prosecutor said violated King's rights as well as L.A.P.D. rules. Sgt. Mark [unclear] use-of-force expert will also testify and will say that each defendant violated Police Department policy, Clymer added.

The Police Department trains its

officers that unless their [unclear] are threatened they cannot use a baton to strike a suspect in the face or head," Clymer said.

Defense attorneys, in their opening statements, disputed the contention that King was struck in the head and said their medical experts will show that the head injuries to King—the most serious ones he suffered—were the result of several face-first falls to the pavement.

Stone said King's facial injuries were inconsistent with baton blows. He told jurors that medical experts would testify to that effect. In a methodical, two-hour opening statement that made use of enhanced versions of the videotaped beating and other video evidence, Stone laid out his case that the officers acted reasonably.

"This incident, far from being an out-of-control beating of a motorist, was a controlled use of force," Stone said. "In a sense, it is the suspect who is in control."

In his opening statement, Salzman agreed and said Koon's behavior throughout the beating was beyond reproach. Koon is not accused of striking King, but he was the ranking officer at the scene and is charged with allowing officers under his supervision to intentionally administer an unreasonable beating.

"We intend to show you that nothing that Sgt. Koon did was illegal, nothing was improper," Salzman said.

Salzman and Stone denied prosecution claims that their clients filed false police reports, and said they will produce evidence that the officers did their best to represent the incident accurately.

While the day's biggest shock belonged to prosecutors, defense lawyers revealed a few surprises of their own.

As the federal case at last opened—seven months after the officers were indicted—lawyers on both sides revealed that this trial will be unlike last year's state prosecution in Simi Valley. Stone, for instance, said he intends to call three witnesses—California Highway Patrol Officers Timothy and Melanie Singer, as well as Bryant Allen, one of the passengers in King's car.

All three testified for the prosecution in Simi Valley, but discrepancies in their accounts came under fire by defense lawyers. This time, they will testify again, Stone said, but on behalf of the defendants.

"They did so well for us last time, I figured we should call them," Stone said outside of court.

In addition, Salzman appeared to surprise prosecutors when he announced that one of the witnesses for the defense was the teacher of the prosecution's chief use-of-force expert.

Prosecutors, meanwhile, told jurors that they will call King and a number of civilian witnesses to the beating, none of whom testified during the state case. Even as the prosecutors acknowledged that King will be a witness in the federal case, they cautioned jurors against passing judgment on him.

Clymer acknowledged that King was drunk on the night of the incident, that he fled from police who tried to pull him over for speeding, that he was slow to obey police commands and that he was on parole for an earlier offense.

But "Rodney King is not on trial," Clymer said. "The issue of whether he was guilty or innocent that night is not on trial. The issue of whether these four defendants are guilty or innocent is on trial."

Times staff writer Paul Lieberman contributed to this report.

Key Players in King Trial

With jury selection concluded, opening statements began Thursday in the federal trial of four police officers accused of violating Rodney G. King's civil rights. Here are some of the main figures in the case.

THE JUDGE



U.S. District Judge John G. Davies

- Appointed to the federal bench by President Ronald Reagan in 1986.
- **Notable:** Davies is known as a moderate and independent conservative with a wry sense of humor. During the pretrial hearings in this case, he has tried to balance the interests of opposing parties, and he has taken it upon himself to zealously guard the privacy of jurors.
- **Personal:** A native of Australia, he won a gold medal for swimming during the 1952 Summer Olympic Games.

THE DEFENDANTS



Sgt. Stacey C. Koon

- Accused of supervising an unreasonable use of force.
- **Notable:** Koon has publicly defended the arrest of King and has said that all of the actions by the officers were justified. During the state trial, he took full responsibility for the other officers' actions.
- **Personal:** He recently finished a book on the "Rodney King affair" and has been touring to promote it.



Officer Laurence M. Powell

- Accused of administering the majority of the blows to King.
- **Notable:** Powell was the only defendant during last year's trial who was not fully exonerated. The jury failed to reach a verdict on one count against him, which will be dismissed because of the federal trial.
- **Personal:** Reacting angrily to the accusation that he beat King for racial reasons, he has noted that his family adopted minority children and that he dates a native.



Officer Timothy E. Wind

- Accused of striking King several times as well as hitting him with his baton.
- **Notable:** Wind is the only defendant who did not testify during last year's trial and is the only one to decline all media requests for interviews.
- **Personal:** Although he had previously worked as a police officer in Kansas, Wind was an LAPD rookie at the time of the incident and has been dismissed from the force.



Officer Theodore J. Briseno

- Accused of standing on King's back during the arrest.
- **Notable:** Briseno broke ranks with his colleagues during the state trial and testified that the beating was "out of control." He has since tempered those remarks, and much of his state trial testimony will not be admitted in the federal case.
- **Personal:** Like the other defendants, he has been suspended without pay for more than two years. He is now working full time as an assistant to his lawyer.

THE PROSECUTORS

Barry F. Kowalski

- Based in Washington, Kowalski was sent here immediately after the riots.
- **Notable:** He may be the most experienced civil rights prosecutor in the country. Kowalski has prosecuted Klansmen, neo-Nazis, skinheads and other hate mongers.

Steven D. Clymer

- Considered one of the best prosecutors in the Los Angeles U.S. attorney's office.
- **Notable:** Clymer has served as the head of the major crimes section of the U.S. attorney's office and has prosecuted a number of high-profile cases. Like Kowalski, he was handpicked to try this case.

Irvin Salmon

- Represents the client.
- **Notable:** His client is the lead defendant in the federal trial, and Salmon has played the leading role of the defense lawyers in picking the jury. He is a former deputy district attorney but has had his own criminal and civil law practice for about five years.

Michael P. Stone

- Represents the client.
- **Notable:** The most visible of the defense lawyers during last year's trial in Simi Valley, Stone is a former police officer and a lifetime representative of the Police Protective League, which is an Los Angeles police union.

Paul DePasquale

- Represents Wind.
- **Notable:** DePasquale served as Wind's lawyer during the first trial and has consistently kept a lower profile than the other lawyers. His client also has steered clear of the spotlight.

Harland W. Braun

- Represents Briseno.
- **Notable:** One of the best-known criminal defense lawyers in Los Angeles, Braun is flamboyant and outspoken. Judge Davies placed a partial gag order on Braun for a time, but that order was overturned last week on appeal.

THE DEFENSE ATTORNEYS

(Mount Clipping in Space Below)

Witnesses Testify That King Was Compliant

(Indicate page, name of newspaper, city and state.)

LA TIMES
LOS ANGELES, CA

Date: 2-27-93

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■ **Trial:** Two Lake View Terrace residents who say they saw police repeatedly strike the motorist also contend that the officers talked and laughed afterward. Neither observer was called in the first trial.

By JIM NEWTON
TIMES STAFF WRITER

Two civilian witnesses to the police beating of Rodney G. King testified in court for the first time Friday, with both telling jurors that King never tried to strike the officers and one recalling that King pleaded for the officers to stop.

"He was just dodging blows. He was on the ground. It sounded like I heard him scream out: 'Please stop!'" said Dorothy Gibson, a registered nurse who lived in an apartment complex across the street from where the incident occurred just after midnight March 3, 1991. "I saw them kick the man. . . . Any way they could get a lick in, they were kicking him."

Gibson struggled for composure at one point during her testimony. Her voice cracked as she tried to respond to a question from Barry F. Kowalski, one of the lead prosecutors in the case, who had asked her to recall what

the officers did after they subdued King.

"They were talking, and they were laughing," Gibson said. "That was the last I saw of [King]."

The testimony by Gibson and Robert Hill, a detention services officer who said he watched the beating from about 30 yards away, marked the first time that jurors have heard from civilian witnesses to the incident. Los Angeles County prosecutors decided against calling any non-police witnesses during last year's state trial of the officers, in part because some civilian accounts have shifted over time and are contradicted in some respects by the videotape of the beating.

Defense lawyers took advantage of those inconsistencies to gently challenge the credibility of Gibson and Hill—both of whom testified before a federal grand jury last May.

Michael P. Stone, who represents Officer Laurence M. Powell, pressed Gibson on whether she could say for sure that it was King who yelled "Please stop." During her testimony before the federal grand jury May 21, 1992, Gibson recalled hearing those words, but she was unclear about who said them.

"It could have been somebody else telling them to stop, but it sounded to me like it could have been Mr. King," she said during that closed-door session, according to a transcript.

"You heard the words: 'Please stop,' but you don't

44A-W-119454-D-384

know who said it, do you?" Stone asked during cross-examination Friday.

"No, I don't know," Gibson responded.

Paul R. DePasquale, who represents Timothy E. Wind, took that challenge further, raising questions about Gibson's statements to an investigator from the Los Angeles County district attorney's office, as well as her appearance before the federal grand jury.

Presented with two statements that appeared to be contradicted by the version she gave Friday, Gibson said the transcripts of the earlier hearings must be in error.

Hill's account was not as compromised by questioning from defense lawyers, and he balked at Stone's efforts to coax him into saying that the officers only used their batons in response to movement by King.

"Every time the officers hit Mr. King, he was moving?" Stone asked.

"Mr. King was moving every time he was hit with the baton," Hill said. "He was reacting."

Although both civilian witnesses acknowledged that their memories of the event were not perfect, their appearance captivated jurors, many of whom sat forward in their chairs as Gibson and Hill were asked to re-enact their versions of the King beating. Later, Stone said he believed the two made an impression on the jurors, but he predicted that by the end of the trial the jury will base its impression of the beating on the videotape, not the testimony of these or other witnesses.

As the trial concluded its first week including testimony, defense lawyers reacted to a surprise prosecution disclosure made during opening statements Thursday. Assistant U.S. Atty. Steven D. Clymer told jurors that two defendants, Powell and Wind, had detoured to the Foothill Division with King when they were supposed to be transporting him from Pacifica Hospital to Los Angeles County-USC Medical Center.

Clymer said that while the officers were at the Foothill station,

Powell invited officers from inside the station to come out and look at their suspect, who was left to languish for nearly two hours in the back seat of the police car.

That accusation struck a nerve in the defense team and sparked a particularly angry response from another defendant, Sgt. Stacey C. Koon.

"This is so infuriating to me," Koon said during a break in the trial. "They've taken something that was completely innocent and tried to look at it not in a scientific way, but instead with this spin they put on it."

Koon and other defendants agree that Powell and Wind stopped at the station with King, but they say the detour was made to expedite the process of booking their suspect into the hospital's jail ward. That process is common, Koon said, and means that less time is wasted waiting at the jail ward.

Koon conceded that the log filed by Powell and Wind does not mention the stop at Foothill Division, but he said that was a common oversight in such documents. "It's absolutely no big thing," he said.

Although Clymer did not say which officers Powell allegedly sent out to look at King, transcripts of internal affairs reports suggest that it was Officer Martin Garcia and Officer Daniel Gonzalez. Both were interviewed by the Internal Affairs Division within a month of the King beating.

Garcia told investigators that he recalled seeing King in the back of a patrol car after another officer, whom he did not recognize, asked him and Gonzalez to look at King.

Garcia "noticed that King was injured; his right cheek was swollen," according to the internal affairs report. King appeared to be handcuffed but not hogtied, and "his physical condition looked like he had been beaten," Garcia told investigators.

Although Garcia does not appear on the list of 36 witnesses whom the prosecution intends to call in this case, Gonzalez is listed. He is scheduled to testify near the conclusion of the government's case.

(Mount Clipping in Space Below)

Tactics change in King trial

*U.S. to offer fresh
evidence, witnesses*

By Jim Tranquada
and Dawn Webber
Daily News Staff Writers

When federal prosecutors opened their case against the four Los Angeles police officers accused of violating Rodney King's civil rights last week, they rolled out a large-screen television monitor in front of the jury box.

First at normal speed, then in slow-motion, jurors saw the now-infamous videotape that did not convince jurors to convict the officers at last year's state trial — verdicts blamed for triggering three days of deadly riots.

While the videotape remains at the heart of the federal case, prosecutors hope this time to put the four men behind bars by capitalizing on the lessons learned from the Simi Valley trial.

In their opening statement, lead prosecutors Steven Clymer and Barry Kowalski gave the most detailed overview yet of the new tactics and new witnesses they plan to use against Officers Theodore Briseno, Laurence Powell, former Officer Timothy Wind and Sgt. Stacey Koon.

This time, there will be testimony from civilian eyewitnesses who were not called in the Simi Valley case, new evidence from medical experts — even testimony from King himself, who has never told his story in open court.

And prosecutors promised a new piece of evidence: that Powell and Wind showed off the injured King at LAPD's Foothill Division station rather than taking him directly from Pacifica Hospital to the jail ward at Los Angeles County/USC Medical Center.

(Indicate page, name of newspaper, city and state.)

DAILY NEWS
SAN FERNANDO, CA

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KING TRIAL

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That goes to the issue of the officers' state of mind and their intent during the incident, which federal prosecutors must prove beyond a reasonable doubt — a tough standard state prosecutors did not have to meet last year.

Powell, Wind and Briseno are charged with violating King's civil rights by willfully using excessive force during the violent March 3, 1991, arrest. Koon is charged with allowing the assault to take place.

Having read detailed accounts of how the Simi Valley jurors assessed the evidence presented to them,

prosecutors have filed a barrage of motions seeking to limit testimony that proved effective last year.

For example, prosecutors have asked U.S. District Judge John Davies to bar expert witnesses for the defense from offering opinions as to whether the officers' use of force was "reasonable" or not.

Davies has already ruled that prosecutors do not have to prove the white officers' assault on King, an African-American, was racially motivated.

But Clymer and Kowalski fought hard to ensure two African-Americans were seated on the 12-person jury. There were no African-Americans on the almost all-white Simi Valley jury.

A united defense

Unlike last year, prosecutors now face a reasonably united defense team, since Briseno is no longer willing to testify as he did in Simi Valley that he thought the other officers were "out of control."

Last month, Briseno's own attorney helped persuade Davies to bar that explosive part of his client's videotaped testimony from being introduced as evidence in the federal trial.

In their opening statements, defense attorneys indicated they would use the same basic defense as last year: that the officers justifiably feared they faced a dangerous suspect high on drugs and subdued him in a textbook example of the techniques in which they had been trained.

Once again, defense attorneys are expected to lead jurors through a frame-by-frame analysis of the videotape, showing that officers hit and kicked King only in response to his threatening movements.

They hope to enhance that analysis with a new version of the video, framed to eliminate the jerkiness of the handheld camera, which they contend shows King making continued attempts to rise that could not previously be seen.

In a new twist, several people who were star prosecution witnesses will now be testifying for the defense, including the two California Highway Patrol officers who first pursued King and one of the passengers in King's car.

The video shot by plumber George Holliday from his Foothill Boulevard apartment remains at the heart of the trial. This time, though, prosecutors are taking a different approach to the crucial piece of evidence.

Prosecutors from the Los Angeles County District Attorney's Office placed too much reliance on the power of the videotape to sway a jury, said Norman Garland, a law professor at Southwestern University Law School.

"I was talking to some of the prosecutors while the jury was out (last year), and they were talking about how fast they thought guilty verdicts were going to come in," Garland said last week.

Analysis of tape

This time, federal prosecutors indicated in their opening statements that they will give the jury their own in-depth analysis of the tape — stressing that the officers continued to beat King while he was writhing on the ground.

"They have a better understanding of the evidence and they learned something from the defendants last time," said Thomas E. Beck, a federal civil-rights attorney. "It's a minuscule analysis versus just throwing it at the jury the way the prosecution did last time."

The biggest splash made by the prosecution thus far is their claim that after King had been treated for his injuries at Pacifica, Powell and Wind did not take him directly to County General but instead stopped at the Foothill police station.

There, prosecutors allege, Powell invited officers from the station to look at the injured suspect, who was left handcuffed in the back seat of their patrol car for an hour and a half.

On the list of 36 witnesses the prosecution plans to call is Officer Daniel Gonzalez, who defense attorneys confirmed was one of two officers who went out to look at King that night.

Prosecutors in the state case knew of the delay in getting King to the county jail ward, but were unable to determine what happened during that time, said a county prosecutor familiar with the evidence in the first trial.

Such circumstantial evidence of

the officers' states of mind "speaks largely of intent," Beck said. "Parading (King) as a hunting trophy... shows they didn't exercise good faith — they didn't believe what they did was right."

Defense attorney Michael Stone retorted in his opening statement that the officers stopped at Foothill to speed up the admittance of King — who Pacifica doctors had said was not seriously injured — into the county hospital's jail ward by booking him in advance over the phone.

Omissions in log

Outside of court, Koon blasted what he said was the prosecution's distortion of a routine procedure that actually worked to King's advantage.

Koon conceded that the log filed by Powell and Wind does not record the stop at Foothill, but said that such omissions are common in department paperwork. Nor is there anything sinister about what happened at the station, he said.

"If any officers walked over to look at him, it's not that he's a trophy. They want the experience. They may never have seen a PCP suspect. It's the same reason lawyers sit in (the courtroom) who want to be better lawyers," he said.

Prosecutors also intend to call King to the witness stand to tell his own story, despite several contradictory statements he has made about the events of that night — statements defense attorneys are sure to seize on.

In an attempt to defuse defense attacks, prosecutors were forthright last week about what they called King's "mistakes": they told jurors

he was a paroled felon, speeding and driving drunk, who tried to flee from officers and initially resisted arrest.

"Civil rights is a specialized area. Frequently you are dealing with victims who have some problems, and you've got to get all those bad things about them up front," said a veteran civil-rights prosecutor with the U.S. Department of Justice in Washington, D.C., who asked that his name not be used.

"You've got to put King on the stand, because people will wonder what you are hiding. And the imagination can be much worse than the reality. I think that's what happened in the state trial," the prosecutor said.

Also on the prosecution's witness list are two doctors who could be called on to testify that King's memory of the incident is poor because of the head injuries he received.

To buttress King's testimony, prosecutors plan to call at least four civilian eyewitnesses to the beating, none of whom testified in the state trial. Two of the eyewitnesses were among the prosecution's first witnesses last week, saying that they never saw King attack or threaten the officers.

Prosecutors also plan to use new medical experts, including Dr. James Benedict, the chief executive officer of a San Antonio, Texas-based research firm, who will testify that King's head injuries are the result of baton blows.

That is a crucial bone of contention with defense attorneys, who contend King was injured when he fell face-first to the ground. Intentionally striking King in the head with batons would be a violation of LAPD policy.

Defense attorneys, who are not required to reveal who they will call as witnesses until just before they

appear in court, have said little about their lineup for fear of alerting prosecutors to their strategy.

Who is called for the defense will also depend on how the prosecution's case unfolds, since attorneys will tailor their case accordingly.

But like prosecutors, defense attorneys also learned from the Simi Valley trial, said Ira Salzman, Koon's attorney.

"Generally, we will be calling witnesses and going into areas that will not be presented in the state case," Salzman promised.

The defense already has made it clear that they will call Timothy and Melanie Singer, the California Highway Patrol officers whose pursuit of King's speeding Hyundai set the whole incident in motion.

Called as prosecution witnesses in the state trial, the Singers spent almost four days on the stand. While testifying they saw King hit in the head, they often contradicted

each other and appeared sympathetic to the defense, said Laurie Levenson, a professor at Loyola Law School.

"They were really not good (prosecution) witnesses," Levenson said.

By allowing the Singers to be called as defense witnesses, prosecutors can try to undermine any statements helpful to the defense and then seize on the fact that they confirmed that King was hit in the head with batons, she said.

"It's really a very good strategy by federal prosecutors," Levenson said.

The defense will also call Bryant Allen, a longtime friend of King who was in the car that night and testified last year that he was so alarmed by King's strange behavior that he considered jumping out of the moving car.

Daily News Staff Writer Karen Nikos contributed to this story.

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(Indicate page, name of newspaper, city and state.)

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LOS ANGELES, CA

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Beating of Downed King Broke Policy, Expert Says

■ **Trial:** The head of LAPD's self-defense training says baton blows early in confrontation were justified, but should have stopped once the suspect was on the ground.

By JIM NEWTON
TIMES STAFF WRITER

Four officers charged with violating Rodney G. King's civil rights clearly violated Los Angeles Police Department policy when they struck and kicked King after he was knocked to the ground, a police sergeant and use-of-force expert testified Wednesday.

Three of the defendants—Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno—violated policy by unnecessarily kicking King or by hitting him with their batons, said Sgt. Mark John Conta, the officer in charge of the LAPD's physical training and self-defense unit. The fourth defendant, Sgt. Stacey C. Koon, violated policy by allowing those officers to continue the beating and by failing to intervene, he added.

Conta, the main police policy expert to testify for the prosecution in the federal trial of the officers, spent nearly six hours on the stand, methodically spelling out ways that each of the four defendants violated police policy March 3, 1991.

At one point, Conta, dressed in his blue police uniform, stepped in front of the jury box to deliver a short lecture on the proper use of the weapon. As he did, jurors sat forward attentively.

Conta said during a break that it was extremely difficult to testify against fellow officers, but he nevertheless delivered the most devastating testimony of the prosecution's case so far. He will return to the stand today to be cross-examined by lawyers for the officers.

"It is my opinion that there was a clear violation of Los Angeles police policy," he said in response to a question from Barry F. Kowalski, one of the two lead prosecutors in the case. After a few moments at the beginning of the incident, King "did not demonstrate combative or aggressive behavior that would constitute an objective threat to the officers," Conta said.

Even if jurors find that the officers violated police policy, that does not necessarily mean that the defendants abridged

King's civil rights. Police guidelines on the use of force prohibit officers from using any more force than is "reasonable or necessary" to subdue a suspect. The officers are not charged criminally with breaking that standard but rather are accused of violating King's right to be safe from the intentional use of unreasonable force.

Because police guidelines are stricter than the constitutional protection, it is possible to exceed the LAPD policy without violating a suspect's civil rights. The defendants have argued that their actions were acceptable by both standards.

Conta disagreed, and using the videotape of the beating as his guide, he detailed the actions of each defendant and pointed out areas where he believed they went beyond departmental rules.

He said Powell was justified in striking King early in the incident, after King charged in his direction. Conta also did not blame Powell or Wind for hitting and kicking King during the first 32 seconds of the tape because King was standing or trying to stand and therefore continued to pose a threat.

But from that point on, Conta said, every baton blow and kick violated the department's policy.

He was particularly critical of Powell, shown in one section of the tape striking King in the upper body as King lay on his back. "To me, that was the most flagrant violation," Conta said.

Conta also blamed Koon, the senior officer at the scene of the arrest, for letting officers under his supervision beat King long after King ceased to be a threat to them.

"Sgt. Koon should have intervened," Conta said. "He should have stopped this and helped his people when they needed him most. . . . He failed to do so."

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Conta's only praise for any of the defendants went to Briseno, pictured near the beginning of the videotape grabbing Powell's baton and apparently blocking one blow.

"Officer Briseno should be commended for that conduct," Conta said. "He stopped the use of the baton. . . I liked what I saw."

Conta went on to say, however, that when Briseno later stomped on King's back or neck, he violated policy. "There's no justification for that stomp," he said.

Conta did not testify during last year's state trial, and he appears to have been handpicked to satisfy some of the criticisms that jurors registered of the prosecution's use-of-force expert in that case, LAPD Cmdr. Michael Bostic.

Bostic was a high-ranking officer with little street experience, while Conta spent 17 years as a patrol officer and later as a ser-

geant. He testified that he has witnessed the use of force on about 100 occasions.

Conta stressed that strict rules govern the use of force and that officers are required to escalate and de-escalate their force in response to a suspect's actions. "Intermediate" force, such as baton blows or kicks, may only be used if a suspect is aggressive or combative toward officers, Conta said.

"Under Los Angeles Police Department policy, could an officer use intermediate force against a suspect because he was unruly or uncooperative?" Kowalski asked.

"No," Conta responded.

"Could an officer use intermediate force to get a suspect to obey a command?" Kowalski asked.

"Absolutely not," Conta said.

Kowalski concluded his questioning late Wednesday afternoon, and defense lawyers began cross-

examination of the sergeant. Ira Salzman, who represents Koon, questioned Conta for more than an hour, trying to build a case that he was not in a position to judge the defendants' actions.

Conta, however, vigorously defended his views. "I know the policy," Conta said. "I know when to kick."

Meanwhile, Harland W. Braun, who represents Briseno, released copies of a lie-detector test showing that his client was telling the truth when he said that he stepped on King's back to protect him. The test was administered by Edward I. Gelb, a Los Angeles forensic psychophysicologist.

Braun said he will try to have the lie-detector results included as evidence in this case, though experts said it was unlikely that the judge would allow it.

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LAPD Use-of-Force Expert Says Defendants Violated Policy

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - A Los Angeles Police Department use-of-force expert testified today that a power blow one of four co-defendants used on Rodney King two years ago today was a flagrant violation of policy.

But defense attorneys promised to turn prosecution witness Mark Conta, a 22-year LAPD veteran, into "garbage" and "Jello" during cross-examination.

The sergeant, who teaches use of force to officers, had seen the March 3, 1991, videotaped beating twice before testifying.

"In my opinion there is a clear violation of Los Angeles Police Department policy," he said.

Conta, asked specifically about Officer Laurence Powell, the defendant who struck most of the blows in the incident, said the officer used too much force.

"Officer Powell struck Mr. King numerous times with his baton when (King) was on the ground," he said.

King "did not demonstrate any combative or aggressive behavior," Conta said.

Shown the tape in slow motion by Justice Department attorney Barry Kowalski, Conta picked out a moment 32 seconds into the footage when the officers appeared to violate LAPD policy.

"Rodney King is on the ground now," Conta said, as Kowalski stopped the tape. "In my opinion these blows when he is on the ground are in violation of Los Angeles Police Department policy."

The sergeant also testified that any blows by the officers to King's head would be "out of policy," because King at no time threatened lives.

"We tell officers that there are vulnerable areas of the body -- the head, neck and spine," he said, and officers cannot strike those parts unless deadly force is justified.

Earlier, Conta told jurors that batons cannot be used by officers "to obtain compliance with verbal commands absent combative conduct."

Conta, who wore his blue LAPD uniform to court and spent much of the morning demonstrating proper baton techniques, appeared to capture the jury's attention with his testimony.

Harland Braun, attorney for Officer Ted Briseno, said outside of court that he was unimpressed.

"The guy looked pretty good on direct (examination by the government prosecutor), but he'll turn into garbage on cross-(examination)," Braun said.

Ira Salzman, attorney for Sgt. Stacey Koon, was asked if he agreed with his colleague's assessment of the juror.

"Jello," he replied, referring to how Conta would respond under cross-examination.

Salzman said the defense team has "the people who trained Conta" lined up to testify.

Powell's attorney, Michael Stone, said Conta was an effective witness, but that his credibility was suspect because "this fellow is not objective."

Stone said Conta was paid for his appearance, and had reason to deliver testimony that would help convict the officers.

After the lunch break, Conta's testimony was even more in line with what the government hopes to show: that the officers willingly set out to violate King's civil rights as outlined in the U.S. Constitution.

Providing a blow-by-blow critique of the videotape, Conta said:

"The power stroke by Powell across Mr. King's chest, to me, is one of the most flagrant violations on this entire tape. I don't see anything combative or aggressive (on King's part)."

After watching a few more seconds of the tape, Conta said:

"Rodney King, in this position, is slumped over on his right side. The picture I see is of a beaten man. I don't see any aggression."

"I see officers off on the right side of the video casually watching. These people could come over and stop this and it's not being done. It is conduct that should not be acceptable by the Los Angeles Police Department."

At one point on the tape, defendant Ted Briseno appears to intercede and block Powell's baton.

"In my opinion, Officer Briseno should be commended for that conduct," Conta said. "That maneuver by Briseno was highly commendable. I liked what I saw."

The witness said Koon, another of the defendants, "should have stopped this and taken care of his people when they needed him most."

The fourth defendant in the case is ex-LAPD Officer Timothy Wind, a rookie at the time and former Kansas officer. He was fired after the King beating. The other three officers technically are still on the force, and Briseno has indicated he wants his job back.

City News Service 15:32 3/3/1993

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Officer Backs Defendants in King Case

■ **Courts:** Witness called by prosecution defends actions of police at the scene. But he testifies that Briseno had angrily said Sgt. Koon should have handled the arrest better.

By JIM NEWTON
TIMES STAFF WRITER

A prosecution witness in the Rodney G. King civil rights trial testified Tuesday that none of the Los Angeles police officers involved in King's arrest did anything wrong and that although several baton blows may have struck King in the head, they all appeared to be accidental.

The witness, Officer Rolando Solano, defended the actions of his fellow officers and said that Assistant U.S. Atty. Steven D. Clymer had threatened him with perjury charges if he refused to reconsider his version of the incident, which does not correspond with a videotape of it.

Solano's testimony appeared to be a sharp setback for prosecutors, who had called the officer to the stand only to turn on him and suggest that he lied to Police Department investigators.

The result was a confused presentation that may have laid the groundwork if government lawyers choose to argue that a police "code of silence" has thwarted the investigations of the King beating, but it also featured prosecutors offering some of

(Indicate page, name of newspaper, city and state.)

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IN KING CASE

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Solano's testimony as evidence while simultaneously suggesting that he was not to be trusted.

Defense lawyers were jubilant.

"They put a land mine right in the middle of their case," said Harland W. Braun, the lawyer for Officer Theodore J. Briseno.

Michael P. Stone, who represents Officer Laurence M. Powell, agreed.

"This is a roller coaster we're all on. They'll be back," Stone said. But he added with a wide grin: "They had a bad-hair day today."

Some legal analysts also were mystified by Solano's appearance for the prosecution and said it appeared the government had squandered the momentum that it had built during the first three days of its case. But some of those analysts, including UCLA law professor Peter Arenella, also stressed that the prosecution still has dozens of witnesses to call, including King, and that Solano's testimony did help the government's case in a few important respects.

Most significantly, Solano told jurors of a conversation with his partner, Briseno, a few minutes after King was arrested. Solano said that he and Briseno were in their police car when an angry Briseno turned to him, saying "words to the effect of, 'The sergeant should have handled it better.'"

Sgt. Stacey C. Koon, the supervising officer at the scene, is charged along with Briseno, Powell and Timothy E. Wind in the federal case.

Over the objections of defense lawyers, U.S. District Judge John G. Davies ruled Tuesday that the statement is admissible as evidence in the case. He added, however,

that the jury should not be allowed to consider Briseno's alleged statement when considering the charges against Koon. It may only be used against Briseno, Davies ruled.

In return for that comment and a few other details that Solano offered, prosecutors were subjected to Solano's version of the beating and his assessments of the other officers. Solano told jurors he was frightened by King's behavior and had drawn his gun because he considered it a high-risk situation.

Solano confirmed that he had told police investigators that a few of Powell's blows appeared to hit King in the head. But, in response to questions from Powell's lawyer, Solano said those blows all appeared to be aimed at King's arms and shoulders and only hit his head by mistake.

Solano, who received a 22-day suspension from the Police Department for his involvement in the beating, stressed several times that he believes no officer did anything wrong.

"Did you observe any misconduct?" asked Ira Salzman, Koon's lawyer.

"No," Solano answered.

"Did you see any officer do anything improper?" Salzman asked.

"No," Solano said.

In addition to giving his account of the beating, Solano also testified about his appearances before a federal grand jury and about his interviews by federal prosecutors. Specifically, he told jurors that Clymer had threatened to charge him with perjury because Clymer did not believe that Solano was telling the truth about what he saw during the beating.

"Did he ever explain why he called you as his witness even though he thought you were a

perjurer?" Braun asked Solano.

"No, he did not," Solano said, adding that he did not change his testimony even after Clymer threatened to have him indicted.

Questioned again by Clymer, Solano conceded that his memory of the incident does not square with the videotape. He blamed the discrepancies on the stress of the arrest and on "tunnel vision" that prevented him from seeing everything going on around him.

After Solano finished testifying, two more civilian witnesses to the beating were called to the stand, and both said they never saw King pose a threat to the officers who beat him. Benjamin Avila and Felipe Lopez, both of whom are members of a musical group called Banda El Rincon, were in the band's bus across the street from the incident.

Avila and Lopez told jurors that King had placed his hands on top of his car after being pulled over by police. That contradicts the account offered by Solano, who said that King waved his hands up and down, never quite complying with police fully.

Avila said that after seeing King with his hands on his car, he lost sight of him for a moment, then turned again and saw officers pummeling him.

"They were kicking him," Avila said. "They were hitting him with things they had in their hands."

Lopez echoed many of the details in Avila's account. But some of the details are not corroborated by the videotape of the beating, and defense lawyers, particularly Salzman, aggressively challenged the credibility of the two witnesses, suggesting that their testimony had been influenced by watching the videotape.

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Man Given 6 Months for Spitting on Denny

■ **Courts:** He will serve the sentence concurrently with a two-year term for assaulting a motorist.

By PENELOPE McMILLAN
TIMES STAFF WRITER

One of five men accused in the attacks on Reginald O. Denny during the riots was sentenced Tuesday to two years in prison.

Anthony Lamar Brown, 24, had pleaded guilty to spitting at Denny as well as assaulting motorist Manuel Vaca at Florence and Normandie avenues last April 29.

Brown struck a plea bargain in early February just as his trial was about to begin, agreeing to serve a two-year term for assault, according to his attorney, Leonard Chaitin.

In Tuesday's hearing before Superior Court Judge Paul Flynn, Deputy Dist. Atty. Larry Morrison asked that six additional months be added to Brown's prison term for the misdemeanor battery charge of spitting on Denny.

Flynn handed down a six-month sentence for the spitting but ordered that it be served concurrently with the two-year sentence for assault. Brown must also pay \$200

to a victim's restitution fund.

Brown, who police say goes by the nickname "Ant Dog," was outraged when he heard the not guilty verdicts in the Rodney G. King beating case on television, according to statements made to officers in a confession last year. He left his house and wandered over to Florence and Normandie to see about unrest there. After Denny was beaten and lay helpless on the ground, Brown spit on him, authorities say.

At the sentencing hearing, Chaitin told the court that Brown's spitting was an attack on Denny's dignity, but "there was no harm done to Mr. Denny" by the act. Later, he added: "Brown was in effect saying 'I see what happened to you [Denny] and good for you.'"

Brown did not speak at the hearing, but Chaitin apologized on his behalf.

The others accused of attacking Denny are Damian Williams, 19, Henry Watson, 27, and Antoine Miller, 20, whose trial on charges of attempted murder, aggravated mayhem and robbery may begin next month. Lance Parker, 27, accused of shooting at the gas tank of the truck Denny was driving, will be tried separately and faces a pretrial hearing April 15.

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Defense in King Case Clashes With Officer

■ **Trial: Lawyers seek to undermine expert on use of force by attacking his experience and questioning the LAPD's training policies.**

By HENRY WEINSTEIN
TIMES STAFF WRITER

Defense lawyers for the four officers accused of violating Rodney G. King's civil rights clashed sharply with a key prosecution witness Thursday, attempting to erode his credibility as an expert on the use of force and to demonstrate that the officers acted reasonably.

The day of testimony in Los Angeles federal court was consumed by cross-examination of Los Angeles Police Sgt. Mark John Conta, who had testified on behalf of the prosecution that the officers acted in clear violation of LAPD policy when they beat King, who had led them on a late-night, high-speed chase two years ago.

For most of the day, defense attorney Michael P. Stone dominated the questioning, attacking the credentials and experience of Conta, who is the Police Department's

chief training officer and the prosecution's principal expert on use of force.

Stone grilled Conta on his assertions Wednesday that the officers should have used the so-called swarm technique, in which four or five officers jump on an individual. While some officers grasp a suspect's arms and legs, the others handcuff him.

On Thursday, under questioning by Stone, who represents Officer Laurence M. Powell, Conta conceded that he did not know whether the accused officers were trained in the technique at the Police Academy.

"So you're holding an officer responsible for not using techniques that you don't even know if they were taught?" Stone asked.

"I would not allow someone to leave the academy if he didn't know these techniques," answered Conta, who was not the department's training chief when three of the four officers on trial graduated from the academy.

Powell, along with Officers Timothy E. Wind and Theodore J. Briseno, is charged with violating King's civil rights by willfully using excessive force. Sgt. Stacey C. Koon, the senior officer at the scene, is charged with allowing the unlawful assault to take place.

Stone also attempted to show through his questions that the officers acted lawfully and within LAPD policy, suggesting that King acted aggressively and that the officers had reason to fear him.

Asked Stone: "If a suspect shows a willingness, intent and ability to strike an officer," does the officer have the right to strike him with a baton?

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"Yes," Conta responded.

Stone also tried to hammer home the impression that Conta did not understand what was going through Powell's mind and stressed that the officers had to make split-second decisions under considerable stress. Stone suggested that Conta had the luxury of repeatedly studying the event on videotape.

Conta said his knowledge of Powell's state of mind came from the officer's testimony in state court last year, when he said "Rodney King was under the influence of PCP, that he was in fear and that he wanted to control him."

But no matter what those initial fears, Conta said, Powell should have stopped striking King at a certain point. Stone, refusing to give up the line of questioning, then said: "Doesn't it come down to you don't care" what was in Powell's head?

"I care very much," Conta responded. He said Powell's arrest report did not reflect perceptions of fear that the officer later expressed. Conta also asserted that even though Powell was not the officer in charge he had a duty to assess the situation and to make a determination when the use of force should have been reduced. With that, Stone asked whether Powell should have ignored Koon, his superior, if he believed that King posed no further threat.

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"You better believe it," Conta answered.

Conta testified Wednesday that Powell was justified in striking King early in the incident after King charged in his direction. Conta did not blame Powell or Wind for hitting and kicking King during the first 32 seconds of the famous 81-second videotape of the incident because King was standing or trying to stand and posed a potential threat to them.

But from that point on, Conta said Wednesday, every baton blow and kick violated LAPD policy. On Thursday, under heavy cross-examination, he steadfastly maintained that position.

Stone attempted to show through some questions that if the officers had not acted as they did, the situation could have worsened and that they would have been forced to shoot King.

Although Conta did not agree with that scenario, he did say it was possible that the officers could have effectively used a chokehold to subdue King if it had not been banned in 1982 after several people died from its use.

The defense lawyers injected the carotid hold issue as they did in the Simi Valley trial last year in an effort to show that the officers had been stripped of a critical technique that might have made the clubbing of King unnecessary.

Some of Stone's questions also were designed to show that the LAPD provided inadequate training for officers in how to deal with an uncooperative suspect. Conta said that when officers are trained in the use of the 24-inch batons that were used on King their target is a stationary ax handle.

"How about a moving subject, who's combative and trying to get at you, what kind of training is there?" Stone asked.

"They get none," Conta acknowledged.

One particularly sharp clash occurred when Stone suggested that Conta trained officers to use their batons to "break bones."

Conta responded: "I never teach to break bones. . . . I teach them to use it for control."

Outside the courtroom Thursday, Koon called Conta "a whore" who lacked expertise and accused

him of seeking to gain a promotion.

Also during court breaks, the defense lawyers speculated that Stone's questions were having an impact on the jurors, who the day before had been listening intently to Conta's testimony. Koon's attorney, Ira Salzman, described Conta as "a buffoon" and "a disgrace to his badge." Briseno's lawyer, Harland W. Braun, contended that Stone's questioning had demolished Conta. "He's great," Braun said of Stone. "He's my hero."

But Loyola University law professor Laurie Levenson, who is observing the trial, said Conta had held up well. "I don't think the defense has at all destroyed his credibility," said Levenson, a former federal prosecutor. She described the 22-year LAPD veteran as an "effective witness who's been out on the street as a policeman" and appeared to have made a favorable impression on the jury.

Cross-examination of Conta is scheduled to resume today.

Times staff writer Jim Newton contributed to this story.

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NEWS ANALYSIS

King Case Prosecutors Gamble on Eyewitnesses

■ **Testimony:** The descriptions by four people of the beating add human dimension and emotional impact. But defense lawyers focus on the sharply differing accounts.

By JIM NEWTON
TIMES STAFF WRITER

Benjamin Avila remembered four police officers hitting Rodney G. King "all over his body." Robert Hill could not remember exactly how many officers there were, but most of the blows he saw were to King's legs.

Felipe Lopez was maneuvering for a better view and missed a portion of the beating, as did Dorothy Gibson. Gibson remembered hearing someone yell "Please stop!" and she assumed that that person was King. But on

reflection, she admitted that she could not be absolutely sure.

In the opening days of the King civil rights trial, those four witnesses delivered accounts that were as conflicting as they were powerful, fleshing out the jury's knowledge of the incident while subjecting their credibility to doubt. Their testimony was long-awaited—none of the four "civilian witnesses" was called to the stand during last year's state trial—and their emotional accounts captivated jurors and enlivened the early days of the prosecution's case.

Although the civilian witnesses were engaging, they also presented lawyers on both sides with difficult challenges. Prosecutors were forced to grapple with calling witnesses whose statements were easily contradicted, while defense lawyers had to deal with the fallout from witnesses relaying the horror of watching police beat an individual.

On balance, legal experts believe that the civilian witnesses probably accomplished what prosecutors had

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hoped. They took the jury to the scene, re-creating through the eyes of average people—a nurse, a probation officer and two musicians—the shock of the beating that unfolded on that chilly March night in 1991 in Lakeview Terrace.

"The real value of the civilian witnesses' testimony is to convey that emotional impact—the feeling of watching King beaten," said Peter Arenella, a UCLA law professor. "That's an important element that was missing from the state case."

John Gilleland, director of research for the Jury Analysts Group of FTL, agreed.

"They're going to have a significant impact on the jury because they place you at the scene," Gilleland said. "The shock, the horror—that's no small thing, and you don't necessarily get it from the videotape."

During the state trial of the officers, prosecutors from the Los Angeles County district attorney's office weighed

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same issues and decided not to take the chance on calling civilian witnesses. But those prosecutors lost, and their federal counterparts are determined not to follow in their footsteps.

This time, federal prosecutors rolled the dice, calling four civilian witnesses in the first three days of their presentation to the jury.

Underlying the testimony of the four citizens was a common thread, and it underscores the essence of the prosecution's case: that King initially resisted arrest, but that at some point, the four defendants crossed the line, going beyond what was reasonable to take King into custody.

All four civilian witnesses made that point, sometimes expressing astonishment or anger at what they saw. Each stressed that they never saw King attack the officers and that King's movements were protective, not threatening.

"He was trying to protect himself so he wouldn't get hit in the head," said Avila, who witnessed the beating from the bus used by his musical group.

Lopez, another member of the band, echoed Avila's account. "I don't think that he was trying to flee or whatever," he said, testifying through an interpreter. "I think that his instinct to protect himself made him flee from the blows."

Asked how King looked, Lopez responded, "I don't know whether it was pain or desperation or what, but he looked bad."

Prosecutors concede that in the opening moments of the videotape, King jumped up off the pavement, lunging in the general direction of Officer Laurence M. Powell, one of the defendants. Gibson said she saw that happen, but she added that after King was knocked back to the ground, the beating got out of hand.

"They were hitting him all over," she said. "Anyway they could get a lick in, they were kicking him."

Gibson, whose voice cracked near the end of her testimony, also supplied jurors with the most chilling detail that they have heard from any witness so far: Once King was hogtied and left face down in the dirt to wait for an ambulance, Gibson said, the officers appeared anything but remorseful.

"They were talking," she said, "and they were laughing."

Defense lawyers struck back hard at Gibson, and they succeeded in undermining portions of her story. A transcript of an interview between Gibson and an investigator from the district attorney's office indicates that she had previ-

ously said she believed about five officers struck King with batons. The videotape reveals that only two officers, Powell and Timothy E. Wind, used those weapons.

Confronted with that evidence and other inconsistencies in her statements, Gibson said the transcripts of her earlier interviews were mistaken.

Avila also remembered four police officers hitting King with batons, and his account came under attack for that same discrepancy.

"No disrespect to these people, but this case is a dramatic example of the untrustworthiness of eye-witness testimony," said Michael P. Stone, who represents Powell.

"These eyewitnesses all see this incident from different perspectives, and what they remember is affected by many factors, including the fact that they have seen the videotape."

Stone said the result will be that jurors will discount the witnesses' testimony and rely on their own view of the incident as captured on the videotape.

Laurie Levenson, a Loyola law professor and former federal prosecutor, disagreed. She said that small discrepancies in witnesses' accounts of an incident that occurred two years ago are to be expected. She said the civilian witnesses will give jurors a basis to consider whether the officers' actions were unreasonable by an average person's standard.

Even as defense lawyers succeeded in poking holes in some of the witnesses' accounts, there is a sense in which these prosecution witnesses bolster one of the main premises of the officers' defense: that people who witnessed the King beating can honestly disagree about what they saw, and that differing accounts are not necessarily evidence that anyone is lying.

"That's what we've been saying all along," said Ira Salzman, who represents Sgt. Stacey C. Koon. "If civilian witnesses can disagree about what they saw at the scene, then why can't officers?"

Federal prosecutors have threatened some police officers who witnessed the beating with perjury charges because their stories do not conform to what is on the videotape; those discrepancies, prosecutors have suggested, are evidence of a police "code of si-

lence" intended to thwart investigations of the beating.

Although police officers have been warned of possible perjury indictments, there is no evidence that the government has threatened its civilian witnesses, even though their accounts also are flawed.

Harland W. Braun, the lawyer representing Officer Theodore J. Briseno, said that illustrates the unfairness of the prosecution's quest to convict the officers.

"Officer [Rolando] Solano was threatened with perjury because the government says his story doesn't agree with the video," Braun said. "But these civilian witnesses aren't any better. Is the government going to charge them with perjury?"

Prosecutors declined to comment, as they have on virtually all aspects of the case.

The issue of differing perceptions has run through the officers' defense from the beginning, and was highlighted during the state trial by the split that developed between the four defendants.

Briseno testified during that trial that his fellow officers were out of control and that he tried to stop the beating, at one point blocking a blow by Powell. Briseno stands by those statements, but now says he realizes that he could not see everything that Powell or the other officers saw, and therefore cannot be sure that anyone acted improperly.

"He had a different impression of what was going on," Braun said. "But so did the civilian witnesses. That doesn't mean that anybody's lying, just that everybody saw things differently."

Prosecutor Says Officers Hit Passenger in King's Car

■ **Trial:** The accusation is made for the first time in court in an attempt to introduce testimony on the matter. Defense attorneys predict the move will not be allowed.

By JIM NEWTON
TIMES STAFF WRITER

A passenger in Rodney G. King's car also was struck by police March 3, 1991, federal prosecutors alleged Friday, adding that they hope to introduce evidence of the second beating in the trial of four officers charged with violating King's civil rights.

With the jury in the federal trial out of the room, Barry F. Kowalski, one of two lead prosecutors in the case, said Freddie Helms was hit while in custody and had to be treated at a hospital for a head wound the next day. The allegation had never been raised in court before and was not introduced during the officers' state trial.

As evidence of the blow to Helms, Kowalski presented a 23-minute videotape shot by an off-duty security guard that begins just after King was beaten and handcuffed. Near the end of that tape, Helms is seen walking across the street, and prosecutors say he can be heard saying: "They thumped me on the head."

Helms died in a traffic accident shortly after the King beating, but Kowalski said the prosecution is prepared to call Helms' mother to testify that she took her son to the hospital the morning after the incident for treatment of a head wound. Kowalski said the government also is ready to call the physician who treated Helms.

Under normal circumstances, such evidence would be inadmissible in a trial because the prosecution has no witnesses who can say for sure who hit Helms, and none of the four defendants are charged with committing any crime against him. As a result, the evidence could lead jurors to unfairly blame the four defendants for striking Helms without requiring the prosecution to prove that one of them did.

Citing those concerns, U.S. District Judge John G. Davies said he was "disinclined" to allow prosecutors to introduce evidence about the injuries that Helms allegedly suffered. But he postponed a final decision, saying he will rule on the issue Monday.

Kowalski conceded that the evidence normally might be inadmissible, but he said that a comment by one of the defense lawyers during opening statements last week opened the door for the prosecution to introduce it.

Michael P. Stone, the lawyer for Officer Laurence M. Powell, told jurors in his opening statement that King's passengers that night had been ordered to raise their hands and get down to the pavement.

"And indeed, Mr. Bryant Allen

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HIT PASSENGER IN
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and the passenger in the front seat, Freddie Helms, did just that," Stone said in his opening statement. "Without incident, they were taken into custody."

Kowalski said Stone's comments gave the impression that King was beaten because he resisted arrest, and that his passengers were not beaten because they complied. Kowalski said the prosecution should be allowed to rebut that assertion. Kowalski's move appeared to make the defense team by surprise. Stone flushed deep red as prosecutors argued their case before Davies, and he and other defense lawyers jumped up to object.

Afterward, Stone conceded that he was surprised by the development, but he and other lawyers for the officers predicted that the evidence of Helms' injuries would not be allowed into evidence.

"This doesn't point to any of these four defendants," said Harold W. Braun, the lawyer for Officer Theodore J. Briseno. "This just shows how desperate [the prosecutors] are."

The Helms issue capped a day that was otherwise dominated by cross-examination of a key prosecution witness, Los Angeles Police

Sgt. Mark John Conta, who concluded three days on the stand.

During that time, Conta delivered powerful testimony against the defendants, firmly asserting time after time that they violated Police Department policy when they continued to strike and kick King after he was knocked to the ground.

Under cross-examination, Conta grew increasingly testy with defense lawyers, yielding on a few points important to the officers but holding the line on his central contention: that the defendants were within Police Department guidelines during the opening moments of the King beating but crossed the line when they beat, kicked and stomped King while he was on the ground and helpless.

Through more than two days of cross-examination, Conta did not retreat from that opinion, but he conceded Friday that violations of police policy do not always mean that excessive force was used.

In addition, Conta acknowledged that Briseno appeared to stomp King to control him so that he could be handcuffed.

Conta made that statement after Braun confronted him with a tape of an interview he gave to a police defense representative May 18, 1991. Nevertheless, Conta said the action was a violation of police

policy.

"Isn't it your real opinion that the stomp was for the purpose of control?" Braun asked, after slapping the tape cassette on the lectern. "The intention at that point was to handcuff the suspect?"

Prosecutors objected to the question, but the judge allowed Braun to continue questioning Conta on the topic, and Conta then agreed that the stomp was meant to "control" King.

Braun said that admission from a prosecution expert showed that the stomp was not an intentional use of unreasonable force, the basis for the charges against his client. Braun said later that Conta had "testified like a robot," and that his credibility had been damaged by the long cross-examination.

In other developments Friday, prosecutors produced two police witnesses who testified about computer and radio messages sent by Powell and Sgt. Stacey C. Koon just after the beating. A computer message by Koon described the King incident as a "big time" use of force.

In a set of messages that he sent to another officer, Powell said: "Oops. . . I haven't beaten anyone this bad in a long time. . . I think he was dusted. Many broken bones later, after the pursuit."

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Racially Mixed Jury Selected for King Trial

By JIM NEWTON
TIMES STAFF WRITER

A racially mixed, eight-man, four-woman jury was selected Monday in the Rodney G. King civil rights trial, concluding five days of painstaking questioning and an extraordinary tussle over the racial composition of the panel.

Dozens of prospective jurors were dismissed during the grueling selection process, some for bias, others after they expressed health or safety concerns. The panel that ultimately was selected for the volatile case includes two African-Americans and one Latino—in contrast to last year's state trial of the same four defendants, when the jury included no blacks.

Jury selection, which began last Tuesday, stretched beyond the estimates of lawyers and U.S. District Judge John G. Davies, who initially predicted that it would be finished by last Friday. Three alternate jurors remain to be selected, but Davies ordered the 12 jurors to return Wednesday morning, when opening statements in the trial will be delivered.

Before both sides agreed on the panel of 12 citizens, lawyers in the case clashed openly on the issue of race, with prosecutors and defense lawyers accusing one another of removing prospective jurors for racist reasons.

The prosecution was the first to make that claim, after defense lawyers sought to remove a prospective juror who is black. The distinguished-looking older man, who has lived in Watts for 25 years, insisted that he could be fair. But he gave answers in court that defense lawyers said were incon-

sistent with his responses to the 53-page questionnaire completed by all of the prospective jurors nearly three weeks ago.

Prosecutors disagreed and accused the defense of seeking to remove the man because he is black. Lawyers may not eliminate potential jurors because of their race.

"There isn't a person in the courtroom who does not believe that this person was treated differently because he is black," Assistant U.S. Atty. Steven D. Clymer said after the defense lawyers exercised their right to remove that man. "They are excluding jurors because of their race."

Defense lawyers objected furiously to the accusation.

"We have done absolutely nothing that would give even a peppercorn, a twig, a shred of credibility to the government's contention," said Ira Salzman, the lawyer for Sgt. Stacey C. Koon.

Although Judge Davies agreed that some of the man's statements were inconsistent, he ruled in favor of prosecutors and ordered that the man be allowed to remain on the jury.

Later, defense attorneys raised precisely the same objection when prosecutors attempted to remove a white prospective juror from the panel. Paul DePasquale, lawyer for Timothy E. Wind, said prosecutors were trying to "manipulate the racial composition" of the jury by removing white jurors in the hope that some would be replaced by blacks.

Davies rejected that argument, and allowed prosecutors to excuse a middle-aged white man who had served as a military police officer in the National Guard.

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SELECTED FOR KING
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That man was replaced by a young Latino who professed to know almost nothing about the incident—he was the only prospective juror, for instance, who said he had never seen the videotape of the King beating. Neither side raised an objection to that man, and the 12 members of the panel were sworn in late Monday afternoon.

Although the names of jurors were not disclosed, details of their lives emerged during the five days of questioning. And from those accounts it appears that jurors bring a variety of experience to their task.

The jury will include blue-collar workers and professionals, city residents and suburbanites, mothers, fathers and single people.

Some said they came to the process out of patriotism or duty. Others looked forward to the opportunity to serve, and one man said he saw it as the "chance of a lifetime."

The jury, as is often the case, is made up mostly of older people, but it also includes a few who appear to be in their 20s or 30s.

Of the 12 who were chosen, one is a former security guard who has used force on suspects, and three are veterans—two of the Marine Corps, another of the Danish military.

Male panelists were only rarely asked about their families, but at least three of the four women are mothers, including a single mother who is raising a 4-year-old son. That woman, who is black and works for the Postal Service, was among the first 12 prospective jurors seated in the case, and she survived five days of questioning by both sides.

In response to questions by prosecutors, she said she was surprised by the not guilty verdicts in state court, but she did not criticize jurors in that case. She also said that she does not view the King beating as a racial incident, a

response that heartened defense lawyers.

"It sounds to me like they had a hard time making that decision," she said of the state court jurors. "They did the best of their abilities, as any person would."

Several of the jurors said they are sympathetic to the dangers of police work, but nearly all of them

'There isn't a person in the courtroom who does not believe that [a prospective black juror] was treated differently because he is black.'

STEVEN D. CLYMER
Assistant U.S. attorney

said they winced at the sight of King being beaten on George Holliday's famous videotape.

"It looked as if excessive force was used," said one juror, a white woman who is the manager of commercial marketing education for a large insurance company in Los Angeles. But that woman repeatedly pledged her impartiality.

Another said he was stunned by the state court verdicts and added that he wished the Simi Valley jury had included more minorities. "Just for appearance' sake, I think it should have been more representative," said that juror, a soft-spoken young man whose answers suggested that he works for the military.

Among the jurors who were selected are at least three who could pose problems for prosecutors. Those three men, all white, expressed sympathy for police officers and said they believed officers faced difficulties in performing their duties.

"I think they do a good job," said one of the men, who works as a welder and who immigrated to the

United States from Denmark in 1963. "I think sometimes it can be stressful."

Another juror, a burly, barrel-chested man who was questioned late Friday, said he would tend to give more weight to testimony if it came from a police officer than if it came from a civilian.

Despite those answers, both of those jurors said they could be fair. The former security guard also expressed views that could make him a problematic juror for the prosecution.

"I don't think the verdicts were unjust. There's two sides to every story," he said of the state trial. "The community felt the verdicts were unjust. I did not feel that."

Laurie Levenson, a Loyola Law School professor and former federal prosecutor, called that man a "questionable juror," but she noted that prosecutors were down to just two challenges when the process concluded.

"They know what's in the questionnaires of the people who were still in the pool," she said of the prosecutors. "They could have had far worse."

Even as lawyers were completing their task of picking a jury, the U.S. 9th Circuit Court of Appeals overturned an order by Davies that prevented defense attorney Harland W. Braun from impugning the motives of the government or prosecutors in the case. His lawyer, Paul Hoffman, said he welcomed the 9th Circuit ruling.

"What matters here is that, under our system, Mr. Braun is entitled to speak his mind on this issue, regardless of who agrees with him," said Hoffman, legal director of the Southern California American Civil Liberties Union.

The 12 Jurors

JUROR 1

■ White woman, probably in her 40s. Works in her family business. Says she is not a good decision maker, but that once she makes up her mind, she is not afraid to stand by her opinion.

JUROR 2

■ Older white man, probably in his 60s. Former Marine Corps machinist. Had no reaction to the state verdicts last year.

JUROR 3

■ Black man, probably in his 60s. First reaction to the state verdicts was that they were "unfair," but says he can be impartial. Defense lawyers tried Monday to excuse this juror, but judge said no.

JUROR 4

■ White woman, probably in her 30s or 40s. First shocked by the state verdicts, but now is not sure.

JUROR 5

■ White man, probably in his 40s. Works in the real estate industry. Was not surprised by the state court verdicts.

JUROR 6

■ White man, probably in his 30s. Appears to work in the military. Wishes the state jury had "been more of a jury of peers, even Rodney King's peers."

JUROR 7

■ Young black woman, in her 20s or 30s. Surprised by the state court verdicts, but said she believes jurors in that case did their best.

JUROR 8

■ White woman, probably in her 50s. Manager of commercial marketing education for insurance firm. When she first saw the videotape, said it looked to her as if the force was excessive. Said, however, that she is "not swayed one way or another" by the federal charges.

JUROR 9

■ White man, in his 30s or 40s. Generally likes police officers, some of whom are his customers.

JUROR 10

■ Young white man, probably in his 30s. Once worked as a security guard and had to use force twice to subdue suspects. Arrested once for driving under the influence, but says it was a "legitimate arrest."

JUROR 11

■ White man, probably in his 50s or 60s. Native of Denmark, immigrated in 1963. Works as a welder at a chemical plant. Has served on six juries. Did not pay much attention to the state case. Believes police officers generally do a good job.

JUROR 12

■ Latino man, probably in his 30s. Last person to be seated on the jury and the only one who says he has never seen the videotape of the King beating. Says he has no opinions about the case.

(Mount Clipping in Space Below)

Key Witness Not on List for King Case

■ **Court:** A nurse is accused of fabricating his testimony in first trial that officers taunted King at hospital with talk of playing a 'hardball game.' The man's former girlfriend says he made up the story to make money, possibly from a film deal.

By RICHARD A. SERRANO
TIMES STAFF WRITER

Crucial testimony from a hospital nurse used against one of four officers accused in the Rodney G. King beating will not be used in the second trial because of allegations that the nurse may have fabricated his story.

The nurse, Lawrence E. Davis, gave riveting testimony both before the Los Angeles County Grand Jury and in the King beating trial when he described how Officer Lawrence M. Powell taunted King at the hospital by saying the officers had played "a pretty good hardball game" of baseball on him that night.

But with a jury selected in the federal civil rights trial against Powell and three other officers, it was learned Monday that federal authorities last summer began to find "discrepancies" in Davis' statements. Those questions convinced them not to call Davis, 40, as a witness this time, sources said, despite the fact that his earlier testimony could have been used to show that the officers callously beat King and then showed no remorse for their actions.

According to police reports obtained by The Times, Davis' credibility was further called into question after authorities last week interviewed his ex-girlfriend and were told that "everything he testified to was false" in the King case. The girlfriend, 43-year-old Joan Deneve, also told police that Davis had "made up the story in an attempt to make some money," possibly from a movie about the King incident.

Deneve talked to police after Davis was arrested and charged with threatening to kill her. She said they had broken off their relationship, but that he returned to her Woodland Hills home, placed a gun in her mouth and warned: "I'm going to kill you."

In an interview Monday, Deneve said she was the nursing supervisor in charge of the Pacifica hospital on the night that King was stopped by police. She said that while she spoke with King in the emergency room, she never heard any comments from any officers that they used their batons to "hit quite a few home runs" on King, as Davis had testified.

"Larry is a pathological liar," she said. "If he's moving his lips, he's lying. He's always lying. He can lie about the time of day. He can lie better than most people can tell the truth."

She said that Davis was told by the FBI agents, after the first trial ended in acquittals and the federal government began pursuing evidence for the second trial, that there were discrepancies in his earlier testimony. In addition, she said he was advised by the agents that he might face perjury charges.

Federal prosecutors in the new trial have not included Davis on a list of their

'Larry is a pathological liar. If he's moving his lips, he's lying. He's always lying. He can lie about the time of day. He can lie better than most people can tell the truth.'

JOAN DENEVE

Former girlfriend of Larry Davis, who was a witness in the first King trial

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LOS ANGELES, CA

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upcoming trial witnesses. Nevertheless, King—who is expected to be the trial's most important witness—earlier this year told the federal grand jury that he remembers the police officers' comments.

Attempts to reach Davis on Monday were unsuccessful.

But a man who identified himself as the owner of the Canoga Park house where Davis lives suggested that Deneve's allegations should not be believed.

"Have you ever heard of fatal attraction?" he asked. "This is it. She would do anything."

Defense attorneys for the accused officers in the King beating said that if no testimony about the alleged baseball banter is allowed in the second trial, it might make it more difficult for prosecutors to show that the officers recklessly violated King's civil rights during the beating.

According to the police reports, Deneve told police that "shortly after [Davis] testified at the King trial, he became remorseful." She said that he began threatening her and her friends, and that she asked him to move out of her home in December.

She said he returned to her home Friday, placed a gun at her head, knocked her down and then placed the gun in her mouth. She said that he also struck her numerous times, and that she suffered bruises on

her upper thigh and upper arms. After he left, she called police and he was arrested.

According to a daily log filed by Sgt. Craig Crosby based on Deneve's interview with police, "Davis lied during his testimony at the King trial."

"Davis told Deneve that everything he testified to was false," the sergeant's log said. "There were no statements of 'playing hardball' or striking batons in the officers' palms. It was all false. The only thing the officers said was that King had gotten beaten."

"Davis stated he made up the story in an attempt to make some money. He felt that if a movie was made, he could be cast to play his part. Additionally, he felt he could sue the hospital for stress over the incident. He hoped to get paid for his story."

Davis was interviewed by police but would not discuss allegations that he fabricated his testimony, police said.

Crosby, in an interview with The Times, said the information from Deneve was being forwarded to the FBI and the state attorney general's office for their review and possible filing of perjury charges against Davis.

"This information could have substantial bearing on the trial," he said. "It would certainly enhance the credibility of the officers."

In her interview, Deneve said Davis' behavior changed markedly after he testified in the first trial and the FBI began to have questions about his testimony. She said he lost his job at Pacifica, worked briefly at a medical center in Tarzana and now works part time at two other hospitals in the area.

She said the FBI also interviewed her, and it was during that interview that she learned of their doubts about his testimony.

Although Powell steadfastly denied from the witness stand in the first trial that he made the hospital room comments, others besides Davis have recalled the banter.

A second nurse, Carol Denise Edwards, testified in the first trial that she remembered the conversation about baseball. She said Powell told King: "We won and you lost."

King himself, in testifying before the federal grand jury after the state trial ended in acquittals, also recalled the comments. But he said he did not know which officer made the remarks.

He told the grand jury that he only remembered the officer's comment: "Well, we played a little ball tonight, and guess who won? We did."

Times staff writers Edward J. Boyer and Jim Newton contributed to this story.

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King Trial, 1st Ld

Use-of-Force Expert Says Officers Should Have Stopped Leaving

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - Bystander officers at the scene of Rodney King's arrest should have stopped "excessive" baton blows by one of the defendants in the trial, a prosecution use-of-force expert testified today.

Taking the witness stand for the third day, Los Angeles Police Department Sgt. Mark Conta said that even probationary officers had an obligation to intervene.

He directed his comments at Officers Ted Briseno and Rolando Solano and ex-Officer Timothy Wind.

"As a Los Angeles Police officer, if you see excessive force you should step in," Conta said. "If you see something that's wrong, you should take care of it."

Conta's remarks came under cross-examination by defense attorneys, who have kept the sergeant on the stand for two days after he testified for prosecutors that the defendants in the case were in clear violation of LAPD policy.

Briseno's attorney, Harland Braun, suggested Briseno had done enough when he stopped a baton blow by Officer Laurence Powell, but Conta said Briseno should have done more.

"It's my opinion that when he put his arm up, that was the right thing to do," Conta said. "But then he stood by and watched the batons and kicks. By doing nothing he gives tacit approval."

Paul DePasquale, attorney for Wind, reminded Conta that Wind and Solano were probationary officers at the time of the incident obeying the orders of Sgt. Stacey Koon.

While Conta conceded that he had never heard of a probationary officer taking command of such a situation before, he said that Wind and Solano still had an obligation to intervene.

"Officer Wind has a responsibility to de-escalate and re-evaluate, and take some action if it's necessary," he said. "I don't care how much time you have on the job, if there's excessive force an officer has an obligation and a responsibility to take action."

DePasquale tried to suggest that Wind might have been acting under different perceptions than Conta, but Conta maintained that no matter what they were, those perceptions would be "unreasonable."

The testimony came on a day dominated by squabbles between defense attorneys and prosecutors in the case.

Justice Department attorney Barry Kowalski started the day by urging U.S. District Judge John Davies to muzzle defense attorneys in their comments to the press.

What particularly irked Kowalski, he said, were Braun and Ira Salzman's verbal attacks on Conta.

Kowalski noted that defense attorneys have called the sergeant an "LAPD whore" and a "dope." They also have referred to Conta as a "fraud" who would be turned into garbage and Jell-O under cross-examination.

In apparent reference to the violent unrest after acquittals of the officers at a state trial in Simi Valley, Kowalski told Davies that "in this city, at this time, there needs to be great caution about remarks that are made."

Davies agreed the comments were "inappropriate, if not defamatory," but rejected Kowalski's request to gag the attorneys.

"Since the jury is sequestered, there is very little I can legally do," he said. "I would just ask the attorneys to avoid statements that would be inflammatory."

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Rodney King's Protector

The trials of officer Briseno,

charged with the beatings he tried to stop

By Lou Cannon

Washington Post Staff Writer

LOS ANGELES

Theodore J. Briseno's life changed forever in the early morning hours of March 3, 1991, when he stopped his patrol car on a side street to assist other Los Angeles police officers in subduing Rodney G. King. Nearly two years later, Briseno is the wild card in the federal trial of four officers accused of violating King's civil rights.

CIVIL RIGHTS

As even prosecutors acknowledge, the slightly built Briseno was the only one of the four white defendants who tried to stop the beating of King, who is black. Although Briseno struck no blows, he is accused of kicking King once in an ambiguous move that Briseno maintains was an effort to keep the battered King from getting to his feet and being hit again by the metal batons of officers Laurence M. Powell and Timothy E. Wind.

Briseno is charged with the same crime as Powell, Wind and Sgt. Stacey C. Koon, the supervising officer. If convicted, he could be sentenced to 10 years in prison. The government considers Briseno a bad cop who helped to brutalize King; fellow officers fear he is a potential time bomb planted by the prosecution in the middle of the defense.

The concern of the defendants is based upon Briseno's unrecanted criticism of the arrest during the first trial of the officers last year in Simi Valley. In these proceedings, which ended with acquittal of the defendants on 10 of 11 state charges, Briseno testified that Powell repeatedly struck King when he was no longer a threat and that Koon badly managed the arrest.

"I thought the whole thing was out of control," Briseno testified. "It was wrong."

Briseno has changed lawyers since the first trial. His new attorney, former prosecutor Harland W. Braun, is cooperating with colleagues in an attempt to present a more unified defense. But in a 90-minute interview with The Washington Post, Briseno said his views of the King arrest have not changed. While U.S. District Judge John G. Davies says he will limit Briseno's expression of opinion during the current trial, attorneys for

other defendants are concerned that Briseno's account could persuade the racially diverse jury that the officers used excessive force.

For Briseno, a happy life has become a nightmare since the King arrest. He is a gaunt 123 pounds and has lost 20 pounds since his first indictment. He says he finds it difficult to eat or sleep. Briseno was suspended without pay by then-Police Chief Daryl F. Gates and has not been able to work since the King arrest. Since the incident, Briseno's wife, Kathy, has worked to support him and their two daughters, one of whom recently broke both arms in a playground accident. His mother-in-law lives with them and also works. The Brisenos have exhausted their small savings to pay legal costs.

Briseno, 40, is the only one of the defendants who is Hispanic. His father, a furniture-maker who died when Briseno was 9, was of Mexican heritage; his mother was of Irish and Blackfoot Indian descent. Briseno acknowledges that "racism" exists in the Los Angeles Police Department but says he abhors it. He says he believes that the bail against the black defendants charged with beating white truck driver Reginald O. Denny during the Los Angeles riots is unreasonably high.

During the past two years Briseno has retreated into a world of family and the Roman Catholic Church. Many former colleagues shun him because he broke the "code of silence" in testifying against fellow officers.

BRISENO'S DREAM IN THE MIDDLE OF HIS nightmare is that he will be vindicated and become a police officer again. At the Foothill Division where he was commended for outstanding performance in the quarter proceeding the King arrest, he was considered a meticulous officer who always wore a clean uniform.

"I was proud of being an officer, I really was," Briseno says. "I was proud of putting that uniform on. . . I loved going to work [and] usually went about a half-hour before anybody else. . . I shined my boots every. . . day and night. I shined that badge every day and night."

But Briseno realizes he is unlikely to wear a badge again. He says he probably will not be allowed on the street even in the remote chance that he is reinstated. It is the thought of never being a cop again that embitters Briseno. In the interview and informal conversations during the first week of the civil rights trial, he expressed anger with Gates and Los Angeles Mayor Tom

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Theodore Briseno

Bradley for concluding in advance that all officers involved in the King beating were guilty, against former president Bush for the "political action" of calling for a second trial, against "media bashing" of the police department, and against the "bystander cops" who stood around doing nothing while King was subdued.

But Briseno expresses no bitterness toward King, whose beating was videotaped by an onlooker. It was the broadcast of the tape that prompted the trials. "Rodney King was doing his job, and I was doing mine," Briseno says.

As Briseno sees it, King's "job" was to flee the officers who pursued him in a high-speed freeway chase because he was a paroled armed robber who could be sent back to prison if arrested for speeding or driving while intoxicated. The officers that night, including Briseno, believed that King was under the influence of the drug PCP, which can render users impervious to pain. Prosecutor Steven D. Clymer said in his opening

statement two weeks ago that King was "drunk" the night of his arrest.

The case against Briseno—and the case for him—rests largely on the videotape. It clearly shows Briseno holding up a hand to Powell's baton in an effort to restrain him from hitting King. It also shows Briseno handcuffing King at the end of the incident and delicately stepping over him. In contrast, the tape shows an officer who was not indicted putting his foot on King's head and then helping another officer drag the hogtied King to an ambulance with his head banging on the asphalt.

■

BRISENO WAS INDICTED OSTENSIBLY because of a segment of the tape that shows him putting a foot on the upper back or lower neck area of King. Clymer described it as a "stomp" while Braun called it a "ballet-like move" to hold King down. More neutral observers, including some Simi Valley jurors, watched the tape repeatedly without reaching a conclusion. Briseno points out that he is right-handed and kicks with his right foot; the movement against King is with his left.

During the first trial, some outside attorneys who commented on the televised proceedings expressed amazement that Briseno faced the same charges as Powell and Wind, who rained 56 baton blows on King. Braun suspects that the indictment reflected a calculation by prosecutors that it would be useful to have a defendant making their case against Powell and Wind.

A police department internal affairs memo obtained by The Washington Post, while inconclusive, shows that proceedings against Briseno were delayed as state prosecutors weighed including him in the indictment. And a participant in the first prosecution said before the verdicts on condition of anonymity that he would not be upset if Briseno were acquitted.

As it turned out, some of the jurors in Simi Valley criticized Briseno for testifying against his fellow officers. It is a criticism that Briseno, who still wears his police department ring, has learned to live with—probably for the rest of his life. Pointing out that he still faces a police trial board and a civil lawsuit brought against the officers by King, Briseno said at a break in the current trial: "I've got another five years of this at least. Really, it will never be over."

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King Says He Woke Up in Intense Pain a Few Hours After He Was Beaten
By DAN WHITCOMB
City News Service

LOS ANGELES (CNS) - Rodney King testified today that his memory was cloudy when he woke up in the jail ward after his post-midnight beating, but he remembers being hot and in intense pain.

King, speaking slowly and deliberately, told the eight-man, four-woman jury seated for the federal civil rights trial of three former and one current police officer, that "physically I felt horrible ... (I was) in lots of pain."

The witness, who had never before testified against the three men who delivered the blows on March 3, 1991, and the sergeant who was their supervisor, said he has seen the famous videotape 10 times or more.

"It's sickening to see it," he testified. "It makes me sick to my stomach to watch it."

King, questioned by prosecutor Barry Kowalski, said hours after the beating his "whole body was hurting ... I was very confused. I (knew) I had been beaten by police, but I wasn't sure what happened, when it happened."

The trim, well-groomed witness, dressed in a dark suit and conservative tie, said he does know one thing: "I know for sure I was attacked by police officers."

Defense attorneys objected to the line of questioning several times, claiming Kowalski was leading the witness.

The prosecutor asked King why he failed to stop when a California Highway Patrol car came after him on the Foothill (Interstate 210) Freeway that day.

"I was on parole and I was scared of going back to prison," King testified. He denied smoking marijuana or taking the street hallucinogen known as PCP before he was stopped.

King told the jury he had recurring nightmares in the weeks after he got out of the hospital. He said he dreamed about someone hitting him with a hard object, and that he could not get away from it.

Earlier today, a doctor who examined King eight days after his beating testified that broken bones in the Altadena motorist's face were caused by baton blows.

Testifying for the prosecution and after the defense inadvertently opened the door to his remarks, Dr. Charles Aronberg also ruled out suggestions that King's injuries could have been caused by a fall to the pavement.

Aronberg's testimony could be of crucial importance to the prosecution, because a police use-of-force expert already has testified that blows to a suspect's head are against policy.

Defense attorney Michael Stone called the disclosure a "classic screw-up" by himself and Harland Braun, who represents Officer Ted Briseno.

Prosecutors had managed to elicit only medical details about King's injuries when Braun stood up to ask Aronberg to consider what might have caused the broken bones.

The doctor replied that he did have opinions about the injuries, which Braun clearly did not want to hear.

But that testimony had opened the door for Assistant U.S. Attorney Alan Teagher, who asked Aronberg to elaborate.

"I think the injuries were caused by blows to the face and head by batons," Aronberg said, referring to the shattered bones surrounding King's left eye.

Stone then took another turn with the doctor. He asked about the broken bones again, prompting a comment potentially more damaging than the first.

"My examination indicated localized blows," Aronberg said. "Someone suggested that a fall to the pavement could have caused it, but that's out of the question."

Officers Laurence Powell and Ted Briseno and ex-Officer Timothy Wind are accused along with Sgt. Stacey Koon of violating King's civil rights. The government argues that the defendants intended to beat the motorist following a freeway/surface street chase that ended just before 1 a.m. in Lake View Terrace.

(Mount Clipping in Space Below)

At Trial, All Eyes Will Be on Rodney King Again

■ **Courts:** He sees testimony as chance to repair his image. But defense lawyers will attack his credibility.

By RICHARD A. SERRANO
TIMES STAFF WRITER

So many times during the past two unforgettable years, we have watched his body writhing under the baton blows of Los Angeles police on a darkened San Fernando Valley street. We have seen the swelling in his face give way to a natural, clean-cut look. We have watched him struggle for words as fires and rage swept Los Angeles.

Although it seems we know this man, Rodney G. King, actually we know little about how he thinks or what he feels. We are, however, about to learn a great deal more as King prepares to take the witness stand for the first time publicly, where he will face gentle probing

by prosecutors and relentless interrogation by defense lawyers determined to discredit him.

The pressures on King will be enormous as he enters Courtroom 890 of the Edward R. Roybal Federal Building, perhaps as early as today.

On his shoulders could rest the fate of the four officers accused of violating his civil rights. What's more, his testimony also could influence the resolution of his multimillion-dollar civil suit against the city and forever alter his public persona. Again and again, he has told relatives, friends and close advisers that the trial gives him the rarest of opportunities to redeem his frayed public image.

(Indicate page, name of newspaper, city and state.)

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King, regarded as a victim of police brutality and racism in the most widely known case of its kind, has contradicted himself about what happened on March 3, 1991, when he led authorities on a drunken high-speed chase that ended in the beating. Since then, he has had several other brushes with law enforcement.

In addition to being seen as a shot at personal redemption, King's testimony has been cast as the emotional centerpiece of the federal prosecution of the officers. The district attorney's decision to leave King on the sidelines during the state trial in Simi Valley last year was roundly second-guessed. Many observers believe that King's testimony would have helped convict the officers and, thus, could have spared Los Angeles the century's worst urban riots.

"While the average person would be nervous, this is a lot deeper for him," said Timothy Fowler, who is King's parole agent and friend. "He's concerned that everything rides on his testimony."

Compounding the pressures are the deep dilemmas King faces in his personal life. Among other things, family members have chosen sides over how best to carry on his civil lawsuit against the city, one that promises to make the King family wealthy. At the same time, he has been at the center of a legal tug-of-war between his first and second attorneys—one who kept him away from the media and the public, the other who shows him off at movie previews, high school assemblies and even a banquet for African-American lawyers.

The government's star witness has never been comfortable with attention. He is soft-spoken. He searches for words he often cannot find. Thoughts vanish. He squirms in his chair. And in tense situations, he reverts to a nervous laugh that takes on the look of someone dodging the truth.

Steve Lerman, King's first civil rights attorney, said he expects his former client to sail through the government's questioning and then hang tough during what will certainly be vigorous cross-examination by defense lawyers.

Lerman had expected King to be called as a witness during the first trial. In preparation, he not only coached King but hired other attorneys to throw practice questions at him. "He is naive," Lerman said of King. "He is unsophisticated. But I don't believe for a minute that he will be calculating or try to think ahead of the questions. Rodney King is no Oliver North."

Practice Sessions

Former LAPD Officer Tom Owens, King's ex-body-guard and private eye who is writing a book about his life with the King case, observed the practice sessions in which veteran attorneys hurled such rapid-fire questions as: Why didn't you pull over? Why didn't you lie down on the ground? Why can't you stay out of trouble?

"He held up very well," Owens said, but added: "Those were just familiarization sessions. That wasn't the real thing."

Bryant (Pooh) Allen knows from experience how hard it can be. He was in King's car on the night of the beating and was the first witness called in the state trial. On the stand, he appeared disoriented and uncomfortable as defense attorneys brought up his criminal record and alleged gang affiliations.

"It got me frustrated," he said in a recent interview. "I was confused. I was very nervous. I was afraid with all the reporters and everybody looking at me. And the attorneys, they were pretty slick."

So pleased were defense attorneys with their handling of Allen during the first trial that they, rather than prosecutors, expect to call him as a witness in the federal case.

King appeared briefly only once in state court during a preliminary hearing in the summer of 1991. Wearing a gray sweater and black pants, he never looked directly at the accused officers. When the judge asked how he was feeling, King muffled a few sounds but did not answer. He left without testifying, and the district attorney's office never called him back.

Deputy Dist. Atty. Terry White, the chief prosecutor, had come to believe that King would not make a good witness—based on an unexpected Saturday phone call from him in the middle of the trial. During the conversation, according to White, King was "very angry" and was "spewing profanity" because of testimony from a California Highway Patrol officer who said he ignored police commands.

White decided on the spot not to use King as a witness, fearing his demeanor would turn off the jury.

Lerman, who said he monitored the conference call between King and White, denied that his client used profanity. But he did concede that King was angry over trial testimony that indicated he shared responsibility for what happened that night.

After it became clear that the prosecution was not summoning King as a witness, defense lawyers quickly moved to haul him into court. In the trial's waning days, they issued a subpoena for him. But by then, King's advisers were so sure that the officers would be convicted that they hid King, and the subpoena was never served.

This time around, King has been logged as No. 26 on the government's witness list, sandwiched between doctors who will testify about injuries he suffered, including some allegedly caused by numerous baton

blows to the head.

Officer Laurence M. Powell, who is accused of delivering most of the blows, is eager for a reunion with King in federal court. The last time he saw the 27-year-old motorist was in a hospital emergency room.

"Rodney King has got a lot of explaining to do," said Powell, speaking in a courtroom hallway during a break in the trial the other day. He did not sound angry or vindictive, just ready to have it out with King again. "Rodney King," Powell said, "needs to be shown for what kind of person he really is."

"His credibility is on the line," Powell's attorney, Michael P. Stone, said of King. "He is a convicted felon and all of his past public statements simply are not true. So we want to bring on as much evidence about him and his other incidents [with the police]. We want to aggressively test the veracity of what he's been saying."

In the past, King has contradicted himself. For example, he first said he was handcuffed during the beating, a fact disproved by the videotape. He also said he was neither drunk nor speeding, two more inaccuracies. Moreover, he once insisted that the beating was not racially motivated but later told state prosecutors that the officers repeatedly shouted ethnic slurs.

In an interview with The Times during the height of the riots, King said his memory of that night was clouded by his injuries.

Federal prosecutors, anticipating questions about King's conflicting accounts, carefully probed the topic during his appearance before the federal grand jury last July. That testimony marked his only sworn account of the beating that made him famous.

"I just felt horrible," King said of the days immediately after the beating, when he made statements he later contradicted. "I felt beat up and like a crushed can. That's what I felt like, like a crushed can all over, and my spirits were down, real low."

Barry F. Kowalski, one of two lead prosecutors in the federal case, then asked King: "Do you think your memory is better today, now, than it was back there a few days after you were injured?"

"Yes, sir," King responded.

The defense lawyers also hope to discredit King by raising questions about his past run-ins with the law—a tactic they tried to employ in Simi Valley, but they were rebuffed by the judge.

Halfway through the state trial, Paul DePasquale, the lawyer for Officer Timothy E. Wind, filed a motion asking to put on evidence about a series of police accounts involving King, dating to 1983. These included an alleged assault in Pasadena, a video store robbery in Sun Valley in which a woman was shot in the back, and the 1989 armed robbery of a Monterey Park market that sent him to prison and is the only time he has been charged with a crime and convicted.

DePasquale told the judge that "the evidence of past conduct is clearly relevant to show that Rodney King acted in character" on the night of the beating by initially trying to avoid arrest and allegedly becoming combative with officers. Although the judge would not allow King's past to be introduced as evidence, defense attorneys plan to pursue the same tack this time.

Prosecutors in the federal trial have made no effort to hide King's criminal history or his actions on the night he was arrested. Assistant U.S. Atty. Steven D. Clymer told jurors in his opening statement that King was a felon on parole, that he was driving drunk and that he fled police. But "Rodney King is not on trial," Clymer said. "The issue of whether he was guilty or innocent that night is not on trial."

Since the night of the beating, King has continued to come into contact with law enforcement. Among other things, he was investigated for allegedly trying to run down an undercover LAPD officer who spotted him with a transvestite prostitute in the Hollywood area. Soon after, King's wife reported that he assaulted her, and Orange County authorities took him into custody for alleged drunk driving. He was not charged with a crime in any of those incidents.

Emotional Trauma

Private investigator Owens, the former LAPD officer, said he looked into each case and was able to show King had done no wrong. Although officials strongly deny targeting King for surveillance, Owens believes otherwise. For King, he said, these brushes with police have become a second beating of sorts, causing emotional trauma he cannot shake.

"King as a person is simple," said the investigator, who spent 18 months shepherding King around town, moving him in and out of secluded apartments and shopping and eating with him. "Look at him on March 3, 1991. He took a licking then, and he's still taking it. And that's the Rodney King you're going to see up there on the witness stand."

Although King's parole agent, Fowler, is concerned about King's repeated run-ins with police, he still has faith in him. In fact, he recently urged his superiors in Sacramento to lift the parole hold on King, arguing that he has suffered enough.

While these very public controversies have swirled around King, he also has found himself caught between the tactics of two attorneys.

King's current attorney, Milton Grimes, could not be reached to discuss his tactics in connection with the lawsuit, which have included presenting King in a number of public appearances. But his ex-lawyer, Lerman, calls the strategy a tactical mistake because it makes it seem that King is only interested in improving his image as a way to collect a bigger settlement.

"Milton Grimes takes Rodney King around like you'd put a dead deer over the hood of your car," said Lerman, whom King left in late 1992.

King's aunt, Angela King, said the recent appearances have hurt her nephew's psyche, forcing him into a public posture as some kind of "martyr or symbol" when he is merely "the victim of a crime." She worries that his courtroom testimony could be equally damaging, coming at a time when he is continuing efforts to rehabilitate his life.

"He's tied up all the time," she said. "It's like being in jail again. He can't go anywhere or do anything. And all the money in the world will not bring his freedom and our family unity back again."

(Mount Clipping in Space Below)

Excerpts of Testimony on Chase and Beating

From Associated Press

Here are excerpts from Rodney G. King's testimony Tuesday, under questioning by federal prosecutors, at the trial of four officers charged in his beating.

King discusses the events leading to the police chase that ended with his beating:

"I was over to [friend] Bryant Allen's house and I had been drinking over there. We were watching a basketball game. . . . I know I had too much. . . .

"I was speeding. . . at 75 or 80. . . . I wasn't watching the speedometer. . . .

"I noticed a car's headlights were approaching my car. . . . It was a police car and it wanted me to pull over."

King explains why he didn't stop:

"I was scared of going back to prison. . . . I didn't pull over right away. . . . I don't remember if I was speeding or not [during the chase]. I know I stopped at all the stop signs and looked both ways and went through them. . . ."

King describes his arrest:

"I was ordered to put my hands where I could see them. . . . I put my hands on the steering wheel. . . . I was ordered to open the car door from the outside. . . .

"I put my hands on top of the car. . . . It was like more than one [police] command was being given to me at that time. . . . They said 'Put your hands on the top of the car' and someone else said 'No, no, no, put your hands on the hood of the car.' . . ."

"I was facing the pavement, I was talking into the floor, the ground. . . . One of them applied pressure like he was trying to snap my wrist in half. . . . They all backed away from me and I'm still on the ground waiting to be handcuffed and shortly after that I was shocked by a Taser."

King elaborates on his beating:

"I got shocked and it felt like my blood was boiling inside of me. . . .

"When I was shocked, I just laid down and just, uh, it was hard to do anything. I just kinda laid down and took it. I was hoping it would go away shortly. . . .

"Finally the shocking had stopped and my blood seemed like it was starting to come back. And, uh, they asked me, 'How do you feel now?' . . . I had been struck to the face area and it was hard to even breathe and I just tried to laugh it off. . . .

"I was coughing and laughing blood out of my mouth. . . . I didn't want them to get the satisfaction of what they were doing to me.

"They said, 'We're going to kill you nigger, run.' . . .

"I ran closer to the Hyundai and I was struck across the right side of the face again. . . . To this day there is a bump right here [points to his right temple]. . . .

"I'm not exactly sure, but I heard while they were hitting me chants of 'Killer, nigger, how do you feel killer?' . . .

"I'm not absolutely sure which word it was. If it was *killer* or *nigger*. I'm not sure. . . .

"I was trying to put my hands over my face. I wasn't trying to hit any police officer. . . .

"My whole body was struck, all parts of my body. . . . There was an enormous amount of pain."

King denies attacking officers:

"I was trying to stay alive, sir, trying to stay alive, and they never gave me a chance to stay still. I never had a chance to stay still."

(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

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EXCERPTS OF TESTIMONY ON
Title: CHASE AND BEATING

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SERIALIZED	FILED
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King talks about the days after the beating:

"I woke up in the jail ward. My whole body was hurting and I was very confused. I knew I had been beaten by police but I wasn't sure about what happened. . . .

"I couldn't move my arms and it hurt when I would try to move any part of my body. My head felt real hot. I was having an enormous amount of headaches. . . .

"I had sores all over my body from being struck with the baton. . . .

"I was having trouble remembering exactly what went on but I know for sure I was attacked by police officers. . . .

"Physically I felt horrible. I felt in lots of pain and I just was wondering what did I do to deserve that type of pain. . . ."

King testifies about the beating video, which he said he has watched about 10 times:

"It's sickening to see it. It makes me sick to my stomach to watch it."

44A-LA-119954-D3916

(Mount Clipping in Space Below)

'I Was Just Trying to Stay Alive,' King Tells Federal Jury

■ **Trial:** He says officers accused of violating his civil rights taunted him with racial epithets as they struck him. He faces further cross-examination today.

By JIM NEWTON, TIMES STAFF WRITER

More than two years after he was beaten and arrested by Los Angeles police officers, Rodney G. King at last took the witness stand Tuesday, telling a federal jury that he suffers from nightmares about the incident and that he "was just trying to stay alive" as officers struck him again and again.

"I was just trying to stay alive, sir, trying to stay alive," King said in response to a question by Barry F. Kowalski, one of two lead prosecutors in the case. "They never gave me a chance to stay still."

King, wearing a charcoal-gray, double-breasted suit, patiently fielded almost three hours of questions by prosecutors and defense attorneys representing the four police officers who are charged with violating his civil rights. King, nervous but poised, rarely raised his voice during his time on the stand, but he drew gasps from some members of the audience when he said that the officers taunted him with racial epithets as they struck him.

"As they were hitting me, they were chanting: 'What's up, killer? How you feeling, killer? What's up, nigger?'" King said in a singsong voice. He added that he was rolling around on the ground at that point, trying to avoid the blows. "I wasn't trying to hit any police officer. I was just trying to cover my face."

The alleged racial remarks will be at the heart of defense attorneys' efforts to discredit King in cross-examination today. King has previously accused the officers of using racial epithets, but he did not repeat that allegation when he testified before a federal grand jury last summer.

As if to head off that defense challenge, Kowalski asked King whether he was absolutely sure that the officers had used the word *nigger*.

"I'm not absolutely sure," conceded King, who says his memory

was impaired by the beating.

The defendants—Stacey C. Koon, Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno—listened impassively to King. Their lawyers began cross-examining him late Tuesday, as Ira Salzman and Michael P. Stone

(Indicate page, name of newspaper, city and state.)

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challenged details of King's testimony and reminded jurors that King was violating his parole for an earlier offense when he drove his car after drinking heavily.

"Did you know that you were committing a crime that night?" Salzman asked.

"Yes, sir," King responded.

"And you did it anyway?" Salzman said.

"Yes, sir," King said.

King sometimes appeared confused by questions by defense lawyers, but he kept his composure. After some particularly pointed questions, King paused and stared pensively at the ceiling before answering.

Asked later how he thought his testimony had been received, King simply shrugged. He was whisked out of court, avoiding hundreds of reporters and more than two dozen television cameras set up outside the courthouse.

It was the first time King has told his story in a courtroom, and his testimony is at the emotional core of the federal case. Last year's state trial of the same officers ended in not guilty verdicts on all but one count, touching off the worst urban riots this century.

In the earlier trial, prosecutors from the Los Angeles County district attorney's office worried about how King would perform on the stand, and ultimately decided not to call him as a witness—a decision that was roundly criticized after the verdicts.

Kowalski's questioning of King lasted only 45 minutes, and the prosecutor's delicate interrogation emphasized the unusual position that King occupies in the federal trial. Although King's testimony has been widely anticipated, he has no expertise on the Constitution or the use of force, and thus cannot testify about the basis for the federal charges. That the four defendants willfully used unreasonable force in arresting King on March 3, 1991.

Federal prosecutors have planned for months to use King as a witness. During jury selection last month, they promised prospective jurors that they would hear from King this time.

After calling 22 other witnesses, prosecutors finally made good on that promise Tuesday afternoon. King entered the room flanked by FBI agents, and the sight of him silenced the packed courtroom.

Under questioning by Kowalski, King acknowledged that he was on parole the night of the incident, that he had been drinking and that he fled police officers who tried to pull him over when he had been speeding. But he denied that he had used PCP, and he insisted that once he stopped his Hyundai, he tried to comply with police commands.

"It was very confusing," he said, adding that the commands were coming from several different officers at once. "They said: 'Put your hands on the top of the car,' and then, 'No, no, no, no, no. Put your hands on the hood of the car.'"

King said he eventually laid down on the pavement as he was ordered, but that after he did, one of the officers struck him on the right side of the face with what he thought was a baton.

Pressing him on that point, Salzman asked King how he could be sure what was used to hit him.

"Who told you it was a baton?" Salzman asked. "Was it your lawyer?"

"No one had to tell me that," King said. "I felt it."

According to King, one of the officers grabbed his wrist and pulled it behind his back. "One of them applied pressure like he

was trying to snap my wrist," King said, stretching out his arm for jurors to see.

He said the twisting hurt him, and he yelled out in pain. When he repeated the yell in court Tuesday, one juror snapped her head back in surprise.

The pain caused him to flinch, King added, and the officers jumped off him. At that point, he said, another officer shot him with a Taser—an electrical device designed to immobilize a suspect.

"When I got shocked, it just felt like my blood was boiling inside me," King said. "I just kind of laid down and took it. I was hoping it would go away shortly."

According to King, one of the officers then said: "We're going to kill you nigger. Run."

King said that at that point, he jumped up off the pavement and tried to run. It is at that point that the videotape of the beating begins.

But while the officers argue that King was attacking Powell during that lunge, King said he was trying to run away, in the direction of Hansen Dam park, near where he had brought his car to a stop.

Powell struck King at that point, and King said the blow hit him in the head, knocking him back to the ground. King did not testify in detail about any blow after that one, and he admitted to Stone that "a lot of things are still blurry."

"My whole body was hit," he said. "It hurt like when you get up in the middle of the night and you jam your toe on a piece of metal. Every time I got hit, that's what it felt like, like jamming your toe into a piece of metal."

King reiterated at several points that he never threatened any of the officers and that he did nothing to provoke the beating.

King added that the incident has left him badly scarred, physically and psychologically.

"I would have nightmares about being struck with a hard object," King said, his voice growing soft. "I just couldn't seem to get away from it in my sleep. Just, you know, real horrible nightmares over and over."

King said he was so shaken by the beating and its aftermath that he can hardly bear to watch the videotape of the incident.

"It's sickening to see it," King said. "It makes me sick to my stomach to watch it."

Although King's appearance in court clearly captivated jurors, he has given a series of sometimes conflicting accounts about the incident.

Shortly after his arrest, for instance, King said he did not believe that the beating was racially motivated. Then, on July 9, 1991, he told investigators from the Los Angeles County district attorney's office that the officers taunted him with racial epithets as they struck and kicked him.

When he testified before the federal grand jury last year, King did not repeat that allegations. Asked whether the officers had said anything, King responded: "Yeah, while they were beating me, also he was saying 'What's up, killer? How you feeling now, killer? What's up killer?' Like that. That's what scared me the most right there."

Stone tried to pin King down on several of the discrepancies between his testimony Tuesday and his previous statements. Other defense lawyers said outside of court that as they continue questioning King today, they will focus intently on the

conflicting statements regarding the officers' alleged racial epithets.

"I think it's good that he said it was on a racial basis," said Harland W. Braun, who is Briseno's lawyer. "His case is going to rise and fall on whether they used racial epithets."

In court, Stone pressed King on some of his other contradictions. Stone noted, for instance, that King previously has denied that he was drinking on the night of the incident, and also has said that he did not flee police officers and that he was not speeding on the freeway.

King acknowledged that he had lied in previous statements because he did not want to go back to prison. But he insisted that he was telling the truth this time.

"I only want to tell the truth, sir," he told Stone.

Stone was not satisfied. After the jurors were dismissed, he told U.S. District Judge John G. Davies: "This is not a person who has a faulty memory, but a person who has previously lied over and over and over again."

After court, Stone acknowledged that King's testimony had hurt the officers, but he added: "We're coming back a little bit."

Prosecutors laid a careful groundwork for King's testimony, strategically calling in two doctors to the stand just before King. One of those doctors, Charles Aronberg, detailed the fractures to King's head and face, which included a broken cheekbone and eye socket and a damaged sinus.

In the sinus area, Aronberg said: "There were innumerable small fractures. In some areas the bones were reduced to a very fine powder, like sand."

As Aronberg spoke, some jurors winced and touched their own cheeks.

In response to a question by one of the defense lawyers, Braun, Aronberg also bolstered one of the prosecution's main contentions, testifying that he believes King's most serious injuries were inflicted by baton blows to the head and face. Los Angeles Police Department policy does not allow intentional baton blows to the head unless the officer's life is in danger, and evidence of baton strikes to King's head forms the prosecution's strongest basis for arguing that the officers violated King's civil rights.

Defense lawyers have suggested that King's facial injuries were caused by several face-first falls to the pavement, but Aronberg brusquely dismissed that argument.

"I know that someone suggested that they were the result of falls to the pavement and that's out of the question," Aronberg said. "I think that the injuries were caused by blows to the face and head by batons."

While Aronberg's testimony helped set the scene for bringing King to the stand, even more important in some ways was Dr. Stanley Cohen, a neurologist who examined King eight days after the beating.

Cohen told jurors that King suffered neurological damage, including memory loss. That testimony was crucial for prosecutors because it helps explain their version of why King made contradictory statements about the arrest.

Cohen said his examination revealed that King had suffered a concussion during the beating and had difficulty recalling specifics of the incident.

"He described having his eyes open, but his mind blank," Cohen said. "Those were his exact words."

Times staff writers Paul Lieberman and Henry Weinstein contributed to this story.



Agence France-Presse

Artist's drawing shows Rodney G. King during his testimony at trial of LAPD officers.

(Mount Clipping in Space Below)

Excerpts of Testimony on Chase and Beating

From Associated Press

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King discusses the events leading to the police chase that ended with his beating:

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"I was ordered to put my hands where I could see them. . . . I put my hands on the steering wheel. . . . I was ordered to open the car door from the outside. . . .

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King elaborates on his beating:

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"When I was shocked, I just laid down and just, uh, it was hard to do anything. I just kinda laid down and took it. I was hoping it would go away shortly. . . .

"Finally the shocking had stopped and my blood seemed like it was starting to come back. And, uh, they asked me, 'How do you feel now?' . . . I had been struck to the face area and it was hard to even breathe and I just tried to laugh it off. . . .

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"I ran closer to the Hyundai and I was struck across the right side of the face again. . . . To this day there is a bump right here [points to his right temple]. . . .

"I'm not exactly sure, but I heard while they were hitting me chants of 'Killer, nigger, how do you feel killer?' . . .

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"My whole body was struck, all parts of my body. . . . There was an enormous amount of pain."

King denies attacking officers:

"I was trying to stay alive, sir, trying to stay alive, and they never gave me a chance to stay still. I never had a chance to stay still."

(Indicate page, name of newspaper, city and state.)

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EXCERPTS OF TESTIMONY ON
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"I woke up in the jail ward. My whole body was hurting and I was very confused. I knew I had been beaten by police but I wasn't sure about what happened. . . .

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"Physically I felt horrible. I felt in lots of pain and I just was wondering what did I do to deserve that type of pain. . . ."

King testifies about the beating video, which he said he has watched about 10 times:

"It's sickening to see it. It makes me sick to my stomach to watch it."

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King Trial, 3rd Ld

King Blames Inconsistencies on Poor Memory, Admits Lying About Drug Use
Eds: ADDS more testimony.

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - Rodney King today blamed his testimony discrepancies on memory loss caused by the beating he took at the hands of police two years ago, but conceded he has lied before to avoid going to jail.

Under cross-examination by defense attorney Michael Stone, King testified that he tried to cover up both his drug use and his attempts to run from officers just before 1 a.m. on March 3, 1991.

The Altadena man also said he was following his mother's advice in not mentioning racial epithets that officers supposedly used that night.

"My mom came to visit me in the hospital (shortly after the incident)," King said.

"She said, 'You don't need to make this a race issue. You don't need to make this a bigger issue than it already is.' So I decided to keep my mouth hushed."

Stone, who represents Officer Laurence Powell, repeatedly asked King to read transcripts of his earlier statements, comparing them to conflicting testimony the witness has given over the last two days.

Reading the transcript of King's police interview on March 4, 1991, Stone noted that the motorist had been asked about his use of alcohol, marijuana or PCP and had answered "I don't do dope."

"So you lied, didn't you?" Stone demanded.

"Yes, sir," King answered.

Stone also asked King about earlier statements that he had been handcuffed and "hog-tied" throughout the entire incident, a claim the video contradicts.

Again, King said his memory has been fuzzy since that night.

"Sometimes I forget a lot of things that happened on March 3," he said.

Under direct examination from Justice Department attorney Barry Kowalski yesterday, King repeatedly referred to the alleged racial epithets he said he heard several times throughout the incident.

But under close questioning from Stone today, King admitted he couldn't be sure whether he heard the word "killer" or "nigger."

Earlier today, Stone took King through a long account of the events preceding the beating, eliciting essentially the same testimony given to Kowalski yesterday.

King, wearing a taupe-colored suit and dark red tie today, has conceded several inconsistencies in his statements, but his testimony has held the eight-man, four-woman jury rapt.

Shortly before the first morning break, Stone tried to suggest to King that the motorist intended all along to lead officers to Hansen Dam Park, where Stone said King hoped to find a place to escape.

But King, who led officers on an eight-mile chase in his wife's white, 1988 Hyundai Excel, said he didn't try to pick the Lake View Terrace spot to stop.

"I stopped because I didn't want to make the problem worse than it was," he said.

King also denied ever being told to stop by his passengers, Freddie Helms and Bryant Allen. In fact, he said, Helms was asleep for most of the pursuit.

Defense attorneys plan to call Allen as a witness. Helms died in a traffic accident in Pasadena shortly after the King beating.

Today's court session began without King or the jury in the courtroom, as attorneys argued over technical issues.

During yesterday's testimony, King said he never sought to escape from or resist the officers. He said he was "just trying to stay alive."

The Altadena man also described persistent nightmares he said he has suffered since that night, and insisted he has never taken PCP.

Officers Powell and Ted Briseno and ex-Officer Tim Wind are accused, along with their supervisor that night, Stacey Koon, of violating King's civil rights, by willfully intending to beat him.

City News Service 13:09 3/10/1993

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(Indicate page, name of
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L.A. TIMES
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NEWS ANALYSIS

King's Showing in Court May Aid Both Sides

■ **Strategy:** For the prosecution, it presents the jury with a flesh-and-blood victim. For the defense, it eliminates a 'mythic looming presence.'

By PAUL LIEBERMAN
TIMES STAFF WRITER

In opening statements, prosecutors reminded the jury that "Rodney King is not on trial." But for the last two days, in a sense, he was.

When he was done, even defense attorneys acknowledged that he had come across as "a big nice guy," and that—despite repeated memory lapses and contradictions in his story—King had helped the prosecution by giving the jury a "human element," a flesh-and-blood victim far more vivid than any videotaped image.

"I think it helped us [too]," said defense attorney Ira Saltzman, who represents Sgt. Stacey C. Koon. "Now he's not this mythic looming presence in the sky. He's just a guy."

But he was a guy whose hours on the witness stand injected high drama into a federal case that until Tuesday had threatened to be largely a replay of its Simi Valley predecessor. In the process, he provided ammunition for both the prosecution and the defense.

For the defense, the points were scored in details; for the prosecution, in emotional impact.

"The overall impression of Rodney King is more of a victim than an attacker. He didn't look like a drug-crazed giant," said Laurie Levinson, a Loyola University Law School professor who has attended much of the trial in U.S. District Court.

"Rodney King held up."

Indeed, from the moment King took the stand, prosecutors wasted no opportunity to wring emotion out of their celebrated witness. Assistant U.S. Atty. Barry F. Kowalski asked King time and again, "How did you feel?" getting him to describe the "boiling" sensation in his blood brought on by a police Taser, the numbing bruises from police batons, the racial taunts he thought he heard and the nightmares he said haunt him. Then King summed it up, "I was just tryin' to stay alive, sir."

Even more significant for the government may have been the way King survived cross-examination from the four defense lawyers. Whereas state prosecutors were afraid to call him as a witness in Simi Valley—fearful that he wouldn't withstand such intense questioning—King kept his cool throughout and resisted every piece of bait dangled by a defense hoping to provoke him into an outburst, a blunder that would have confirmed their portrayal of him as a man to be feared.

Challenged time and again to explain how he could have said at first that his beating was not racial, then claim he was called "nigger," then say he wasn't sure, King replied matter-of-factly that "sometimes I forget." Or he simply shrugged and said, "I'm not sure."



KEN LUBAS / Los Angeles Times

Michael P. Stone, lawyer for Officer Laurence M. Powell, answers reporters' questions during lunch break.

Other times, he agreed with defense assertions about him, as when Harland W. Braun, who represents Officer Theodore J. Briseno, commented, "You expect to get millions of dollars."

"Yes, sir," King said.

In court, he didn't resist.

He did once retort sharply, however—when asked whether it was his lawyer who told him he had been struck by a police baton.

"No one had to tell me that," King said. "I felt it."

When the trial started, the defense had seemed eager to get its shot at him. "Rodney King needs to be shown for what kind of person he really is," Officer Laurence M. Powell said.

Afterward, defense attorneys said they were eager to get the testimony behind them, to get jurors looking at the beating not from King's perspective but from that of the four officers, who face up to 10 years in prison if convicted.

Braun predicted now that the jury would look back on King's headline-grabbing appearance and conclude "that he was probably irrelevant to the case. They're going to go back to the tape."

Defense attorneys spent much of their time with King seeking to make the jury as suspicious of him as they insist, the officers had every right to be the night of March 3. No detail of his actions went without scrutiny, even his seemingly harmless assertion that, while already "relaxed" from drinking malt liquor, he was hoping to find a store where he could buy more. King was asked whether he had money to buy it—the unspoken implication being that he might have been planning to rob the store.

The defense is expected to ask a series of subsequent witnesses to rebut many parts of King's testimony, particularly his assertion that the officers chanted racial epithets.

King was asked to go on record on point after point during the cross-examination: Did he deny smoking marijuana when he really had? Did a friend in his speeding car tap him on the shoulder and warn that police were chasing them? Was he sure he halted at an off-ramp stop sign? Did he ever claim that a CHP officer, Melanie Singer, beat and kicked him along with the others?

Even King's weight became the subject of dispute.

When he walked to the witness stand Tuesday afternoon—as well-dressed as any lawyer in the court

in a charcoal-gray, pin-striped suit—King cut an erect, slender figure, a far cry from the burly man videotaped slumped on the ground two years ago. "I've got my body in better condition," King testified, explaining that he has exercise equipment at his apartment.

But when he claimed that he has only lost 14 pounds—down to 211 pounds, from 225—defense attorney Michael P. Stone, representing Officer Laurence M. Powell, showed the jury enlarged photos of a shirtless King taken days after the beating, looking much more massive than now.

Braun later argued that King was probably 40 pounds heavier then and now, "doesn't look so fearsome."

The perspective that counts, he added, is that of the officers who had to arrest King after the long car chase, not knowing whether he was armed or why he was fleeing. And the way he appeared to them, Braun acknowledged now, may have been "more fearsome than what he really was."

The defense lawyers had to walk a fine line in their cross-examination, trying to be as tough as possible but careful to treat "Mr. King" with respect—knowing it could be fatal if jurors thought they were bullying him in court.

Kowalski, in contrast, was careful not to present the jury with too sanitized a prosecution portrayal of King. He tried to blunt the defense attack in his own questioning by having King readily admit many of the most damaging parts of his story: that he was a convicted felon, had too much to drink that night and that he fled from police because he feared they would send him back to prison.

The prosecutor also had King acknowledge that he had lied about his behavior at times, has forgotten details, and that, yes, he hoped to get "a lot of money."

"He didn't look like a slick liar," concluded Loyola's Levinson. "He didn't look like he was covering up."

She said those impressions—if shared by the jury—might deter the defense from any temptation to, in effect, keep King "on trial" as the proceedings continue in federal court.

"There's a risk of doing that, of putting him on trial," Levinson said, "and that is that the jury will look at it through Rodney King's eyes. That's dangerous for [the defense]. For those looked like very beaten eyes."

King Admits Lies but Insists That He Didn't Hit Officers

■ **Testimony:** He concedes false statements prior to trial and also wavers on claim that racial taunts accompanied beating. But he shows confidence in final day on stand.

By JIM NEWTON, TIMES STAFF WRITER

In his final hours of testimony, Rodney G. King's credibility came under fire Wednesday as lawyers for four police officers charged with violating his civil rights wrested from him two important admissions: that he cannot be sure police officers used racial epithets while striking him and that he has lied about the incident on previous occasions.

"I lied, sir," King said in response to a question from Harland W. Braun, who represents Theodore J. Briseno. "And I do not feel happy or proud of it. I have nothing to brag about."

King, who spent more than four hours on the stand Wednesday, struggled with some of the questions posed to him by defense attorneys. He also had difficulty reading transcripts that were handed to him, asking lawyers to read them for him so that he could "fully understand."

But despite his admissions and occasional confusion, King never wavered from his central contention, reiterating several times that he did not strike or attack the officers who beat him and that his actions during the incident were intended only to protect himself.

King's testimony capped his long-awaited appearance as a witness to his own arrest by officers on March 3, 1991. Four defendants—Briseno, Stacey C. Koon, Laurence M. Powell and Timothy E. Wind—are charged with violating King's civil rights during that incident.

Powell, Wind and Briseno are accused of willfully striking, stomping and kicking King, depriving him of the constitutional right to be protected from the intentional use of unreasonable force. Koon, the senior officer at the scene, is charged with allowing officers under his supervision to carry out an unreasonable beating.

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If convicted, they could face up to 10 years in prison and fines of \$250,000 each. None of the four have spoken to King since the night of the incident, and King was not called as a witness during last year's state trial of the officers.

Although he appeared weary at times, King seemed to gain confidence through the day. At one point he even laughed in response to a defense lawyer's question about whether he had drunk as much as a case of beer on the night of the incident.

"I don't think it was that," King said, smiling nervously and chuckling. "I cannot drink a case of beer."

Defense lawyers for the most part were gently persistent in their questioning, attempting to discredit King's testimony without offending jurors who may be sympathetic to him. King answered their questions carefully and politely even when defense lawyers suggested that he was a liar who was willing to send innocent men to prison if it serves his own interests.

Braun, whose relatively short cross-examination of King was the most aggressive, devoted most of his efforts to attacking King's allegation that the officers taunted him with racial epithets.

In his testimony Tuesday, King said that officers at one point told him: "We're going to kill you nigger. Run!" King testified that officers chanted that same racial epithet at him as they kicked him and struck him with their batons.

If jurors believe that charge, it would offer powerful evidence that the officers intended to use unreasonable force against King, rather than confining their blows to what was needed to overcome his resistance and take him into custody. Prosecutors do not need to prove that the officers acted out of racial malice, but evidence of such animus could help them prove that the officers acted willfully.

Even prosecutors appeared uncomfortable with King's allegation, asking him Tuesday if he was "absolutely sure" that he had heard the slur. King conceded that he was not, and he retreated further under probing by defense lawyers, particularly when confronted with his prior statements about the issue.

On March 7, 1991, just four days after the incident, King made his first public comments about it, and he told reporters that it was not a racial incident.

Wednesday, he explained that omission by saying that his mother suggested that he should "not get into it."

"My mom asked me, told me, there's no need to bring any racial issue into this matter," King said under questioning by Paul R. DePasquale, who represents Wind. "She told me there was no need to get into that."

A few months after that news conference, King was interviewed by the Los Angeles County district attorney's office. In that session, King said the officers chanted: "How you feel now, nigger? What's up, nigger? How you feel now, killer? How you feel now?"

That account parallels the one he gave in his federal court testimony, but it does not conform with what he

told federal grand jurors on July 23, 1992. During that proceeding, King did not accuse any officer of using racially derogatory language, even when asked specifically whether the officers had said anything or teased him.

"You did not ever say in that grand jury testimony the word *nigger*, did you?" Michael P. Stone, Powell's lawyer, asked Wednesday during questioning that lasted two hours.

"Sometimes I forget a lot of things," King responded. "Sometimes I remember. Sometimes I don't."

Braun, who was the final defense lawyer to question King, pressed him on the same topic and elicited an admission from him that he cannot be sure whether any epithet ever was used.

"You can't say for sure that any officer used the word *nigger* that night?" Braun asked.

"I can't say it for sure," King responded. "I can't say it for sure, no."

After pressing King on that issue and other inconsistencies in statements that he has made about the beating, defense attorneys went on to suggest that they believe King's accounts of the incident are intended to bolster his chances of winning a large civil settlement from the city of Los Angeles.

King has filed a federal lawsuit in connection with the beating, and it is being held in abeyance until the criminal trial of the officers is concluded.

"You want to get a lot of money, don't you?" Stone asked. "What's a lot of money?"

"More than I have now," King told the lawyer, whose client, Powell, delivered the majority of blows.

Although King conceded that he has lied about the incident in the past—for instance, when he denied that he fled police and that he had been drinking when they tried to pull him over—he resisted defense efforts to suggest that he might be distorting his federal court testimony.

"I am here today, and I was here yesterday, only to tell the truth," King said.

Stone admitted later outside court that defense

attorneys had not succeeded in impeaching King's testimony directly, but he said King's waffling on key topics revealed that he was not credible as a witness.

"I feel like I did what I set out to do," Stone said. "I showed that if he has a stake in the outcome, he will lie."

What remains to be seen, however, is whether King's credibility figures at all in the jury's consideration of the case. Despite spending more than a day on the witness stand, King offered few new facts about the incident.

He did, however, present a soft-spoken, likable appearance for the jurors, giving them a human face to attach to his blurry videotaped image.

"They have him here to give them life, to bring a human dimension," Braun said.

That alone, defense lawyers conceded, could have an impact on the jury. But they said they will stress that jurors need to remember how the officers saw King when judging whether the officers' reactions were reasonable.

"In court, he does not appear to be anything but a big, nice guy," Stone said. "Obviously, he appears different in the courtroom than he appeared to the officers that night."

At the end of his testimony, King left the courtroom without comment. He was followed to the stand by Dr. Harry Smith, a medical expert from San Antonio, Tex., who detailed the injuries that King suffered from the beating.

Using a plastic skull as a model, Smith told jurors that King had suffered a number of facial and skull fractures. King's right sinus, for instance, was "pulverized," Smith said.

Although Smith testified only briefly Wednesday, he will return to the stand today and is expected to say that the most serious injuries to King's head and face were caused by baton blows. That is potentially damaging to the officers because intentional baton strikes to the head of a suspect generally violate police policy.

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King Struck on Head by Baton, Expert Says

By JIM NEWTON
TIMES STAFF WRITER

Rodney G. King suffered his most serious injuries from baton blows to the head and face, not from repeated falls to the pavement, a medical expert testified Thursday in the federal trial of four Los Angeles police officers charged with violating King's civil rights.

That testimony from Dr. Harry L. Smith contradicts the position staked out by lawyers for the police officers and represents a key element of the prosecution case against them. The defendants acknowledge that King suffered a broken cheekbone and eye socket and other damage to his face and head, but they contend that the wounds were the result of several face-first falls during the beating.

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Smith, a vice president of Biodynamics Research Corp. in San Antonio, Tex., bluntly rejected that argument.

"Are the injuries to Mr. King's head and face consistent with a fall to the ground?" Assistant U.S. Atty. Steven D. Clymer asked.

"No, they are not," Smith responded.

If King had suffered the facial injuries in a fall, he would have had facial abrasions as well as damage to his nose, eyebrows and other areas, said Smith, the prosecution's key medical expert. The absence of those injuries, combined with the characteristics of injuries that King did suffer, led Smith to conclude that three or four direct shots from a baton were responsible for numerous head fractures suffered by King.

Another doctor, Charles Aronberg, testified this week that he too believes baton blows were responsible for those injuries. Neither Aronberg nor Smith was called as a witness during last year's state trial of the officers.

Smith's testimony could weigh heavily against the police officers, particularly Laurence M. Powell, whom Smith identified as the person most likely to have delivered the baton blows to King's head. If the blows were intentional, they would violate Los Angeles police policy, and repeated blows to the head could suggest that they were intentional.

Powell, Timothy E. Wind and Theodore J. Briseno are accused of striking, kicking and stomping King on March 3, 1991, and are charged with violating his constitutional right to be safe from the intentional use of unreasonable force. Stacey C. Koon, the senior officer at the scene that night, is charged with allowing officers under his supervision to administer an unlawful beating.

Michael P. Stone, Powell's attorney, conceded that Smith was an effective witness for the prosecution, and acknowledged that the four-hour cross-examination of the doctor by defense lawyers had not caught him in any contradictions.

"Only on Perry Mason does the

expert get pinned by the opposing lawyer," Stone said.

But he added that Smith's testimony does not prove that any of Powell's baton strikes were intended to hit King in the head. And only intentional blows to the head are violations of the law, Stone said.

"We cannot focus on whether there were head blows or there weren't head blows," Stone said. "The issue is whether there were unlawful blows."

Stone said that Smith's testimony on one point may favor the defense. The force that Smith said was behind the blows was far less than a police officer could deliver with a baton, Stone said, adding that a defense expert witness will amplify that point during the presentation of the officers' case.

Smith illustrated his testimony Thursday with a pair of plastic skulls that he used to demonstrate several "patterns of injury," or groups of fractures and wounds that appeared to be related. Three of the injury patterns were caused by baton blows, Smith said, adding that a fourth appeared to be.

All of those blows appeared to have hit King directly in the head, Smith said, rather than glancing off his shoulders, as the defendants have suggested might have happened.

Under painstaking questioning from Clymer, Smith spent about three hours describing his conclusions, which he reached after consulting an array of King's medical records. Smith said he also reviewed a study prepared by the Armed Forces Institute of Pathology, where a group of doctors concluded that King was struck five times in the head with a baton.

Smith, a native of Holland, occasionally sparred with defense lawyers, correcting them on their language and in the process drawing giggles from a few jurors and members of the audience.

Smith took the stand Wednesday on the heels of King's two closely watched days of testimony. Even though the crush of reporters and curious onlookers had subsided by Thursday morning, King's testimony—particularly his highly

charged accusation that the officers who beat him also taunted him with racial epithets—continued to reverberate through the proceedings.

Before jurors entered the courtroom, Harland W. Braun, the lawyer for Briseno, accused prosecutors of misconduct, saying that they deliberately allowed King to testify that he heard officers call him a "nigger," only to have King recant that statement when pressed.

"That's deceitful," said Braun, gesturing at Barry F. Kowalski, a Justice Department lawyer in the case. "I see it as a terrible thing that [Kowalski] has done."

Braun asked U.S. District Judge John G. Davies to strike all references to the word "nigger" from the record and to inform the jury that Kowalski had committed serious misconduct. Clymer vigorously objected, calling Braun's comments "not only in error, but somewhat despicable."

Davies declined to take the steps that Braun requested.

"I see no misconduct," the judge said. "Absolutely none."

In the course of arguing the racial issue, Braun also offhandedly disclosed a surprising point about what he said were behind-the-scenes security precautions being undertaken by the U.S. Marshals Service, which has the job of safeguarding the trial and its participants.

"There's a helicopter waiting on top of this building to lift us off after a verdict," Braun said.

"That's amazing," Davies said, arching an eyebrow in surprise.

Braun—who in 1987 successfully defended one of five people charged with manslaughter in a helicopter crash on the set of the *Twilight Zone*—said he had been informed of the security provision by the Marshals Service, but he added that he had no interest in boarding the craft.

"I've hated helicopters ever since the *Twilight Zone* case," Braun said.

A spokesman for the Marshals Service declined to confirm or deny Braun's comments.

Rodney King's Day in Court

Appearance is a landmark in this long ordeal

Los Angeles is not quite the laid-back mecca that perhaps it once seemed to be for all who dream of fame, fortune or freedom. There is now almost no escaping the crime, the congestion, the high cost of living. Racial, ethnic and class tensions, exposed and exacerbated by last spring's riots, now hang just below the surface during everyday encounters.

Since the riots, Los Angeles has been a city on the edge. In the last three weeks four area police officers have been shot. And there are fears of new civil unrest stemming from the outcomes of two controversial trials: the federal civil

rights trial of the four white police officers accused of beating Rodney G. King and the state trial of the four black men accused of beating Reginald O. Denny. Whatever the outcomes, this city and this nation need at least to perceive that justice has been done. In this sense, the criminal justice system is on trial; in another sense, so is the city.

Amid all these tensions, King has finally had his say in court. His dramatic testimony was important both inside and outside of the federal courtroom because his full voice had never been heard on the events of March 3, 1991. Just as the world watched the videotape of the four police officers beating King, the world paid attention to what King had to say about that day. Whether or not the jurors ultimately choose to believe

King—who was at times inconsistent, at times convincing during his two days on the stand—his appearance in the courtroom humanized the events captured on videotape.

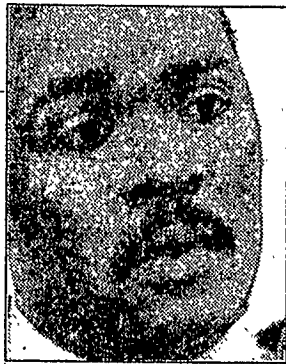
King's testimony—and the testimony of new witnesses such as the medical experts not heard during the state trial—gives even more meaning to the federal trial. Considered initially

by some as merely a political exercise to placate rioters and liberals, the federal trial of Sgt. Stacey C. Koon, Officer Laurence M. Powell, Officer Theodore J. Briseno and former Officer Timothy E. Wind on new charges is proving to be much

more than a stale rehash of the state case. That, in itself, is reassuring.

Did the four police officers violate King's civil rights? Did any officer hit him on the head, a violation of LAPD policy? Did they lie and cover up their actions that night? Those specific questions will be up to the jury to decide.

Did justice prevail? Did the truth come out? Was the trial fair? Can we now all get along? Those much larger questions will be up to Los Angeles and the world to decide. Only when such answers can be given in the affirmative will the tensions begin to disappear. It's perhaps not fair to ask of the King and Denny trials that they also serve to arbitrate all these larger questions. But that is what it seems to have come down to.



King: Putting a human face on a grim incident.

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King Was Not 'Shown Off,' Witness Says

By PAUL LIEBERMAN
TIMES STAFF WRITER

A key witness counted on to bolster a prosecution allegation that police officers "showed off" a battered Rodney G. King to colleagues at the Foothill Division station testified instead Friday that he wanted to view King, sitting in a police car, because he thought him a dangerous suspect.

In testimony that did not measure up to prosecution promises during opening statements, Los Angeles Police Officer Daniel Gonzalez said defendant Laurence M. Powell never invited him to look at the handcuffed King, as if to display a trophy. In fact, Gonzalez said, he asked to examine King because he wanted to memorize the face of "anybody who tries to hurt another officer" so that "if I ever ran into him, I [could] be-ware."

Prosecutors called Gonzalez as one of a series of witnesses to show that Powell and another defendant, Officer Timothy E. Wind, delayed for two hours in transferring King from Pacifica Hospital in Sun Valley—where he had been taken immediately after he was beaten March 3, 1991—to County-USC Medical Center for further treatment. In between, they drove to the Foothill station in Pacoima, a stop not recorded on their police logs.

It was there, Assistant U.S. Atty. Steven D. Clymer told the jury in opening statements two weeks ago, that Powell "sent police officers out to look at Rodney King while Rodney King was in the back seat, waiting for medical attention."

The episode, which did not surface during last year's state trial in Simi Valley, was widely viewed as stunning new evidence discovered by federal prosecutors for the current trial in federal court.

While the prosecutors seemed to fall short of establishing that the officers had dropped by the station for the purpose of showing off

King, Gonzalez did say that Powell stood around with police colleagues telling a "war story" about the evening's confrontation. In addition, a second police witness said the officers should not have stopped there, no matter what the reason.

Sgt. Michael Schadel, a records supervisor, testified that Los Angeles Police Department policy forbids any delay in a physician-ordered transfer to a hospital.

"The sole purpose of this procedure," he said, "is to ensure that arrestees are transferred and admitted to a hospital without delay. . . . This is one of the few times when the department manual is quite specific."

But Schadel's testimony was overshadowed by that of Gonzalez, 25, who was a rookie when the King beating occurred.

The unexpected turn in his testimony left defense attorneys gleeful, with one declaring after court that the prosecution case was "falling apart right in front of them."

Judge John G. Davies denied a defense motion for dismissal of the charges based on "bad faith" by prosecutors in the earlier descriptions of the testimony. But the judge agreed that "perhaps a witness hasn't lived up to the expectations of the government."

Coming at the end of a powerhouse week for the prosecution—featuring the emotional appearance by King and medical testimony alleging there were beaten blows to his head—it represented a rebound for the defense, courtroom observers agreed. With only four more prosecution witnesses scheduled, government attorneys are expected to conclude their case Monday.

Among Friday's witnesses were hospital employees, summoned by the prosecution to challenge the defense portrayal of King as a belligerent suspect half-crazed from PCP and to spotlight inaccuracies in the defendants' reports on the encounter, including their failure to mention the stop at the police station.

To cover up the stop, the government alleges, Powell and Wind falsified a report to indicate that they did not leave Pacifica Hospital until 4:45 a.m.

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In reality, they left with King at 3:31, an emergency room employee testified, presumably to go to County-USC Medical Center. But King was not booked into the jail ward there until 5:35 a.m., more than two hours later, according to another witness, a Los Angeles County sheriff's deputy.

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LARRY DAVIS / Los Angeles Times

Attorney Michael Stone talks to reporters outside court building.

An FBI agent who traced the route testified that it takes only half an hour to drive between the two medical facilities, suggesting that the stop at Foothill—barely a mile from Pacifica Hospital—lasted about 90 minutes.

Defense attorneys, however, said the prosecution timetable ignored time-consuming chores, such as placing King in restraints and checking the officers' guns at County-USC.

Michael P. Stone, who represents Powell, asserted through his questioning of witnesses that the police station stop was needed to check criminal records on King and to call officials in Sacramento to obtain a "parole hold" on him for apparently violating terms of his parole from an earlier robbery conviction. Such an order meant King could be held without bail and would not be released from custody after his stay at the jail ward at County-USC.

Stone said in his opening statement that because King had received medical treatment at Pacifica and was allowed to leave in a police car—not an ambulance—the officers did not believe he needed immediate additional care. King was only being taken to County-USC "to be observed for a while" to see if he had another PCP "episode," he added in court Friday.

Prosecutors clearly hoped to use Gonzalez to suggest a less altruistic motive for the detour to Foothill, one that fit into their general theory that police callously administered "street justice" because King did not readily submit to arrest after a high-speed chase through the San Fernando Valley.

Gonzalez testified that he was preparing a robbery report in the police station about 3:30 a.m. when he saw Powell there "maybe lean-

ing against a desk" and "telling a war story" about the encounter with King to a group of seven or eight officers.

Prosecutors apparently were optimistic about the testimony because of a statement Gonzalez made to police Internal Affairs officers in 1991 that Powell seemed "happy." Before the jury, however, Gonzalez said that Powell "wasn't bragging, he wasn't real happy about it or really sad about it. . . . He was just telling what happened."

Admitting he was nervous on the witness stand, Gonzalez repeatedly rubbed his temples while trying to recall the events of two years ago. He said he was concentrating on his own paperwork and did not hear most of what Powell's story that evening. But as he was about to head back on patrol shortly after 4 a.m., Gonzalez said, "I asked Officer Powell if it would be OK if I looked at the suspect."

"He said I could."

Under cross-examination from Stone, Gonzalez, who now is stationed in Westwood, said he had "kind of personal reasons" for wanting to see King. He then explained that he had previously worked as a security guard and "spent nine days in the hospital" after he was run over by a fleeing shoplifting suspect, only to have the man set free when he could not identify him at a police lineup.

Because of that incident, and cases in which police friends had been beaten in the line of duty, he wanted to get a close look at any suspect "who tries to hurt another officer," he said.

When Gonzalez mentioned one of his Police Academy classmates, Tina Kerbrat, who was slain in the line of duty, prosecutor Clymer objected. With the jury absent, he complained that Gonzalez—who wore a black wristband in memory of Kerbrat—apparently was trying to help his fellow officers with "inflammatory," emotionally charged statements about how police risk their lives.

"This witness is a police officer," Clymer said. "He's an intelligent man. He knows exactly what's happening here."

Davies later barred further testimony about the murdered officer.

Gonzalez said he went to the Foothill station parking lot, opened the rear door of the police car and briefly shined his flashlight at King, whose hands were handcuffed behind him.

"He complained about the pain in his eye," Gonzalez told the jury. "There was some slight swelling

but it didn't look real bad."

Soon after, Wind, who was seated beside King and filling out a police report, "made it very clear that I was making Mr. King upset and I should just get the heck out of there."

Prosecutors may later cite the fact that Wind was alone in the back seat with King as evidence the officers did not really believe he was dangerous. The government similarly used the sheriff's deputy from the County-USC jail ward, Frank Torres, to show that King "appeared calm and cooperative" when he arrived at that hospital.

Torres said that when one of the officers bringing in King "indicated he was dusted"—under the influence of angel dust, a street name for PCP—King interjected a denial, saying, "I'm not dusted."

While prosecutors highlighted the Foothill stop as a violation of policy that delayed needed care for King, under cross-examination by Stone, Torres said it was not unusual for police to "pre-book" a suspect at their own station before coming to the hospital jail facility. He noted that there often is a wait at the hospital and there is only a manual typewriter at the 13th-floor hospital facility. The police station, he said, has computers that enable officers to check criminal records.

Charged in addition to Powell and Wind are Sgt. Stacey C. Koon and Officer Theodore J. Briseno. The four defendants face up to 10 years in prison and \$250,000 fines if convicted.

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^King Trial, 3rd Ld-Writethru

Eds: Judge rejects acquittal motions; court has recessed for the day; defense will begin its presentation tomorrow.

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - The prosecution rested today in the federal trial of four men accused of violating Rodney King's civil rights, then the judge rejected a defense motion to acquit the defendants.

That set the stage for the lawyers who represent Officers Laurence Powell, Ted Briseno, Sgt. Stacey Koon and former Officer Tim Wind to begin calling their first witnesses tomorrow.

U.S. District Judge John Davies found that the eight-man, four-woman jury empaneled to hear the case still could "reasonably" convict the quartet of defendants.

"The court's obligation is not to substitute its judgment for the judgment of the jury," Davies said.

The defendants are accused of willfully using excessive force against King, who was beaten with police batons after leading authorities on an eight-mile chase.

The beating, captured by an apartment resident recording a predawn scene that was being illuminated by a police helicopter spotlight, is perhaps the most famous snippet of videotape ever shown on television.

During the course of its three-week presentation, the government called 33 witnesses, ranging from King himself to a succession of "experts" and doctors.

One of those who testified for the government today was Sgt. John Amott of the Los Angeles Police Department.

He said a use-of-force report that Powell filed in the beating aftermath did not match what the casual observer could see on the videotape shot by Lake View Terrace resident George Holliday.

Amott said the report also left out crucial details of the arrest, including the names of two passengers in the car King was driving.

The 22-year LAPD veteran was on duty as watch commander for the Valley Traffic division the morning that Powell filed his report.

Amott said he saw Holliday's videotape later that night.

"I didn't think that what I saw on the tape was in the report," he said, adding that he checked his log to see if any Valley Traffic officers were at the scene.

Amott read for the jury a portion of Powell's report, which described King throwing the officer off his back and charging Koon.

Powell wrote that Koon "tased" King, who fell to the ground but "immediately recovered" and again charged the officers.

At that point, according to Powell, he and Wind drew their batons and struck King several times, until the Altadena man allowed officers to move in and arrest him.

Powell also reported that the "faint odor of alcohol and chemical" were on King's breath.

Defense attorneys claim they thought King was drunk and under the influence of phencyclidine, or PCP, the night of the incident.

Amott testified that Powell told him the morning after the incident that the officers never requested a blood sample be taken to determine what, if any, drugs King had taken. The report lists King's injuries as "abrasions" and "contusions."

Koon's lawyer, arguing under Rule 29 of the federal rules of procedure, claimed that the government had not shown that the sergeant had a "malicious" or "sadistic" intent.

Ira Salzman also argued that, for King's due process rights to have been violated, the suspect must have been in custody. Salzman further claimed that King was not beaten or kicked once in custody.

"At no time has the government presented evidence of force after Mr. King was in official custody," Salzman wrote in his motion for acquittal.

King's turn on the stand last week was the highlight of the trial to date. Spectators queued up for a chance at one of the few courtroom seats that day.

The Altadena motorist, who was on the stand for two days, testified that the officers used racial slurs while striking him and that he never intended to resist arrest.

Under cross-examination, King conceded that he had lied about the case in the past and had made contradictory statements.

The prosecution also has called several doctors and a biomechanics expert to the stand. All testified about King's injuries, especially those to his face.

One of the doctors and the biomechanics expert, Dr. Harry Smith, testified that King was struck in the face by a baton blow, and that the crushed bones around his right eye were not the result of a blow to the pavement.

Prosecutors must prove that the blows to King's head were not accidental, and were delivered with criminal intent.

Prosecution of King officers praised by court observers

By Jim Tranquada
Daily News Staff Writer

Federal prosecutors, expected to wrap up their case this week against four LAPD officers charged with violating Rodney King's civil rights, won't have to wait long for a preliminary verdict on their presentation.

As soon as the government rests its case, defense attorneys will jump to their feet and ask U.S. District Judge John Davies to dismiss the charges against their clients, arguing that insufficient evidence has been offered.

Legal specialists say Davies isn't likely to grant such motions given the extraordinary political and social sensitivities that surround the case and the evidence presented by the prosecution during the past two weeks.

Lead prosecutors Steven Clymer and Barry Kowalski, the observers say, have presented a far more compelling case than state prosecutors in last year's trial, which resulted in the acquittal of the officers on almost all charges.

But tougher federal standards of proof that must be met for convictions and a carefully prepared defense counterattack that will last three or four weeks mean the outcome of the trial remains very much in doubt.

"The general flavor of the media accounts is that the case has gone very well for prosecutors — something that reached a crescendo with the coverage of King's testimony," said UCLA Law School Professor Peter Arenella.

"But I think it's not at all obvious at this juncture this case will lead to convictions," he said.

"I still wouldn't make book on it," added Norman Garland, a veteran federal trial attorney who is now a professor at Southwestern University Law School.

While King's long-awaited appearance last week provided what

likely will prove to be the trial's emotional highlight, his testimony — coming two-thirds of the way through the prosecution's list of three dozen witnesses — was not the cornerstone of the prosecution's case.

"I don't think he's the key witness as to what happened, and I don't think the prosecutors are really relying on him for that," said Laurie Levenson, a former federal prosecutor who is now a professor at Loyola Law School.

More important to the case against Officers Theodore Briseno and Laurence Powell, former Officer Timothy Wind and Sgt. Stacey Koon were expert witnesses on LAPD use-of-force policies and the nature of King's facial injuries, observers say.

LAPD Sgt. Mark Conta's insistence that most of the officers' blows and kicks violated LAPD policy and Dr. Harry Smith's opinion that King's facial fractures could have been caused only by baton blows provided important evidence absent or unconvincing in the state trial.

Also absent from the Simi Valley trial was what is now prosecutors' toughest challenge — to prove beyond a reasonable doubt that the officers intentionally used excessive force against King during a violent March 3, 1991, arrest that followed a high-speed chase.

Testimony Friday that Powell told a "war story" to colleagues while the injured, handcuffed King waited in a patrol car to be taken to the hospital provided perhaps the most dramatic evidence of what prosecutors claim is the officers' callous attitude.

But much of the prosecution's evidence of the officers' intent emerged in a more piecemeal fashion.

Taking advantage of the lessons learned from the Simi Valley trial, prosecutors have put together a far more compelling case against the four officers, Arenella said.

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Rather than relying on the doctors who treated King's injuries, the government brought in Smith, a medical expert who testified that the pattern of his facial injuries only could have been caused by at least four direct baton blows — not a fall to the ground, as defense attorneys claim.

Kowalski and Clymer called four civilian witnesses to the stand who told of their shocked reactions to the beating and testified they never saw King attack the officers.

In perhaps their biggest departure from the state strategy, Kowalski and Clymer put King on the stand, gambling that the emotional and human impact of his testimony outweighed concerns about his contradictory accounts of what happened that night.

Seeking to blunt defense attacks on King's credibility, prosecutors paved the way for his testimony with vivid medical testimony about the extent of his injuries and the impact the beating could have on his memory.

"By putting a human face on the videotape, the jurors will not be

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able to listen to the other evidence in the case without remembering there was a human being being beaten that night," Arenella said.

Levenson said she also found King's testimony effective — to a point.

"The problem is it's such a hard case to prove because of the willfulness requirement," Levenson said.

Two of the civilian witnesses testified they heard or saw the officers at the scene laughing after the beating, and prosecutors have suggested that the officers' intent can be inferred from the length of the incident.

But the government also has accumulated other, less dramatic pieces of evidence, Arenella said.

"One can infer the officers were not quite as afraid of King as they suggested during the first trial from the fact that no one searched him for a weapon after he was handcuffed," he said. "That's a small but significant fact."

Once again, the case could boil down to whether the officers' perception that King posed a violent threat was reasonable, Garland said.

"I would not want to be prosecuting this case," he said.

WITNESSES FOR THE PROSECUTION

Federal prosecutors are expected to rest their case this week in the trial of four LAPD officers facing civil rights charges in the Rodney King beating. What follows is a breakdown of testimony from key prosecution witnesses.

DOROTHY GIBSON (Licensed vocational nurse and civilian witness): Testified that she woke to the sound of a police helicopter and saw King being beaten from her Foothill Boulevard apartment. She said King was not aggressive and that she saw the officers "kick him on both sides of his body, every way they could get a lick at him." Gibson lost her composure at one point after describing how she heard the officers laughing afterward.

ROBERT HILL (Detention services officer and civilian witness): Testified he saw the beating after returning home to his Foothill Boulevard apartment. He said King never fought officers and at one point appeared he was trying to fend off police blows. "I heard some screams or yells. . . . He was kind of squirming around and around."

OFFICER ROLANDO SOLANO (Officer Ted Briseno's partner, probationary officer at time of beating): Testified that he saw no misconduct during the beating, and that two blows from Officer Laurence Powell glanced off King's shoulders and struck his face. Quoted Briseno saying after the beating: "The sergeant should have handled it better."

BENJAMIN AVILA BECERRA and FELIPE LOPEZ DE LA CRUZ (Civilian beating witnesses on a bus stopped behind King's car): The two men testified that King offered no resistance to officers. "I don't know whether it was pain or desperation or what, but he looked bad," Lopez said. Yet both testified that four officers struck King with batons, while the videotape shows only two.

SGT. MARK CONTA (Officer-in-charge, Physical Training and Self-Defense Unit, LAPD Academy): Testified that most of the baton blows and kicks rained on King after he was on the ground violated LAPD use-of-force policy. "I see excessive force here. . . . I see misconduct," he said. Conta, who criticized Sgt. Stacey Koon for failing to order the officers to "swarm" King to arrest him, conceded that an officers' perception is important in evaluating levels of force. He said Briseno's "stomp" violated LAPD policy, but conceded he thought Briseno was trying to control the situation — not punish King — and that "out-of-policy" does not necessarily mean excessive force.

DENISE EDWARDS (Pacifica Hospital emergency room nurse): Testified that Powell was neither taunting nor joking when he spoke to King about officers' "playing a little hardball tonight." She said King did not appear to be under the influence of PCP, as officers have claimed.

DR. ANTONIO MANCIA (On-duty emergency room physician at Pacifica who treated King): Testified that King was quiet, cooperative and showed no symptoms of PCP intoxication, although King was restrained when he was treated. Mancía admitted he should have written "alleged" before "PCP overdose" on King's emergency room report since the notation was based on police officers' statements, not his own diagnosis.

DR. CHARLES ARONBERG (Chief of ophthalmology at Cedars Sinai Medical Center and one of King's doctors): Testified the beating blew out the base of King's right eye socket, forced bone fragments and clotted blood into one of his sinuses and broke facial bones that had to be wired back together. Because of a defense gaffe that allowed him to offer an opinion, Aronberg testified the injuries were caused by baton blows — not a fall to the ground as the defense contends.

DR. STANLEY COHEN (A UCLA neurologist who examined King March 11, 1991): Testified that King suffered from concussion and "severe post-concussive state" — a diagnosis that could have factored into King's confused statements about the beating.

RODNEY KING: Testified he was "just trying to stay alive" as police beat and kicked him while taunting him with racial slurs. King said he was on the ground, responding to conflicting police orders, when he was first hit. King testified he attempted to flee only after was jolted with an electronic stun gun and was told, "We're going to kill you, n----- run!" King admitted being drunk and fleeing from police, and the paroled felon conceded he lied about earlier accounts of the beating because he feared he would be returned to prison. King said he never struck, kicked or punched any of the four officers.

DR. HARRY SMITH (Head of radiology, Biodynamic Research Corp.): Testified that only direct baton blows could have caused King's facial injuries — among them a fractured cheekbone, eye socket and sinus, a dislocated jaw and bruises — not a fall to the ground as the defense contends.

OFFICER DANIEL GONZALEZ (LAPD Foothill Division officer who saw King after the beating): Testified that Powell told his "war story" about the beating to officers at the LAPD's Foothill Division as King sat handcuffed in Powell's patrol car with former Officer Timothy Wind awaiting transfer to a hospital.

SOURCE: Daily News Research

Rough and Tumble Trial in Court of Public Opinion

■ **King case: Media feed off comments outside courtroom as officers and their attorneys try to shape perceptions.**

By HENRY WEINSTEIN
TIMES LEGAL AFFAIRS WRITER

There are two Rodney G. King civil rights trials taking place at the Edward R. Roybal federal courthouse.

One is being held in the stately eighth-floor courtroom of U.S. District Judge John G. Davies. This proceeding is governed by exacting rules of evidence designed to prohibit the admission of information that is irrelevant, hearsay or likely to unfairly inflame the passions of the jury.

The other trial is a rough and tumble affair, a series of news conferences during breaks in the formal proceedings, some in the hallways of the Roybal building, most in the large plaza outside.

This trial—run by the media, the defense lawyers and their police officer clients—is not restrained by rules. It is punctuated by name-calling, dueling agendas and a bare modicum of civility. Last week, during King's testimony, there were about two dozen television cameras and more than 100 reporters jockeying for position as they waited for the appearance of defense lawyers.

The widely broadcast news conferences have become increasingly unruly, drawing a variety of non-media types who have heckled defense lawyers. After a sharp exchange between one of the lawyers and an activist on Thursday, yellow tape was stretched around the media area to keep the throngs at a safe distance.

The tenor of these free-for-alls has gotten downright nasty.

Sgt. Stacey C. Koon called the Los Angeles Police Department's use of force expert "a whore." Officer Laurence M. Powell launched his own torpedo. He said any portrayal of King as a symbol of injustice against blacks "is like saying Charles Manson is a symbol of justice in America."

On Thursday, the harangues continued. Officer Theodore J. Briseno's attorney said one of the federal prosecutors had "sold his soul" by allowing King to testify that officers had shouted "nigger" even though King later admitted that he was uncertain whether the highly charged word had been used.

Such out-of-court outbursts were mostly absent from the officers' first trial in Simi Valley. With the jurors in the state case free to go home each day, the judge ordered defense lawyers to confine their oratory to the courtroom after an initial flurry of news conferences. But the judge in the federal case would have little legal standing to impose a gag order because this time the jury is sequestered, meaning inflammatory remarks are less likely to sway the trial's outcome.

With tensions running so high around the case, there is considerable concern that the personal attacks could inflame emotions.

Prosecutor Barry Kowalski advanced that argument in asking Davies to clamp down on the defense lawyers and their clients after Koon's "whore" comment.

"Counsel in this case have got to be careful about what they say in public," Kowalski said. "In this case, in this city, at this time, counsel needs to take special care."

Davies said he heard the remarks on the radio and called them "inappropriate, if not defamatory." He urged the defense lawyers to be "circumspect."

But Briseno's lawyer, Harland W. Braun, said prosecutors should spend more time worrying about what he called the inflammatory impact of their tactics—such as encouraging King to testify about racial epithets that the four accused officers allegedly hurled at him.

Linda Deutsch of the Associated Press has covered major trials around the country for the past 25 years and has seen plenty of "spin

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lawyering" in her day. But the police officers' lawyers, she said, "are much more outspoken than in any other case I've covered."

She said she usually does not attend news conferences because her primary goal is to bring readers into the courtroom by reporting what the jurors are hearing. But Deutsch said last week she was forced to change her style.

"I finally wound up having to go outside and use some of the comments because they came up in the courtroom," she said.

The King case is hardly the first instance in which lawyers have waged war on the steps of a courthouse. USC law professor Susan Estrich said it is now "conventional wisdom" in legal circles that there is something to be gained by trying the case in the media as well as in the courtroom, especially in high-profile clashes such as this one.

The thinking is that a lawyer should never miss an opportunity—in or out of court—to create favorable opinion about a client while casting the prosecution as persecutors.

True or not, there is a wide perception in legal circles that automaker John Z. DeLorean's acquittal on drug charges was partly the result of the daily news conferences held by his lawyers, Howard Weitzman and Donald Re, who succeeded in putting the government on the defensive.

To be sure, in the King case, most of the statements by the lawyers and officers have been relatively tame responses to questions about strategy, testimony and their impressions of the impact a witness might have made. But it is the zingers, the irresistible sound bites, that many believe are at the heart of the game.

"Strategy-wise, [the defense lawyers are] trying to create a distraction for the prosecutors," said Loyola law professor Laurie Levenson, who has been observing the trial. "The more the prosecutors are worried about what is happening outside the courtroom the less they're concentrating on what's going on inside."

Lawyers for the defendants deny that they are trying to affect the verdict. Rather, they say they feel obligated to do anything they can to help clear their clients' names with the public, as well as with the jury.

"The media coverage and the general public perception is horribly biased," said Koon's lawyer, Ira Salzman. "Polls show my client is presumed guilty, despite the fact



KEN LUBAS / Los Angeles Times

Defense attorney Michael P. Stone, who represents Officer Laurence M. Powell, is crowded by the media outside the federal courthouse.

that he was found not guilty in the Simi Valley trial last year."

Powell and Koon said they are speaking out to balance what they consider skewed press coverage. Koon said that if the press had done a better job of reporting the first trial, then the public would have been better prepared for the verdicts. "If you act responsibly this time there won't be another riot," he told a reporter.

Similarly, Powell's lawyer, Michael P. Stone, said he is speaking out to prepare the public for the acquittals he anticipates. "I'm afraid expectations of a conviction will rise like before" because of media coverage, he said. "There seems to be a slant toward the officers were wrong, not Rodney King was wrong."

Defense lawyer Braun said his tactics are affected because the problems of his client, Briseno, will not be over even if he is acquitted because he still faces internal Police Department charges. "The Police Department is very political," Braun said. "If Ted can look better to the public, it will help."

Earlier this month, Braun held a news conference with Briseno and a polygraph expert during which they released the results of a lie detector test, purportedly showing that Briseno was truthful when he said that he stepped on King's back to protect him. The next morning, Davies, in response to a motion by federal prosecutors, followed longstanding precedents and ruled the test inadmissible.

But Braun said that despite his

setback in court, a key goal had been achieved. "People have been calling Ted a liar for the last two years. He wanted the word out that he passed the test as much for self-respect as for admissibility."

Braun also said his decision to take an aggressive public stance stemmed in part from his perception that he had triumphed in the past by engaging prosecutors in verbal warfare outside the courtroom. In particular, he cited the celebrated 1987 "Twilight Zone" case, in which he successfully represented film producer George Folsey, one of five defendants accused of involuntary manslaughter in the deaths of Vic Morrow and two child actors killed by a helicopter during the late-night filming of a battle scene.

He said that the defense had lured Deputy Dist. Atty. Lea Purwin D'Agostino into "insane total warfare" during frequent histrionic news conferences. Braun said the "carnival-like" atmosphere helped to deflect attention from the defendants, focusing the spotlight on D'Agostino's tactics.

But this time, prosecutors are not going for the bait. They have declined comment outside the courtroom.

"It is unprofessional and counterproductive to engage in a daily harangue on the courthouse steps," said U.S. Atty. Terree A. Bowers, responding on behalf of the prosecuting attorneys. "It is unfortunate that inflammatory statements that would be inadmissible and even sanctionable in the context of the

trial itself somehow garner the rapt attention of the media at the end of each trial day."

Levenson and other observers said they believe that some of the prosecutors' reticence to comment outside the courtroom is because they are at much greater risk of endangering their legal position with a misstatement than are defense lawyers.

Virtually all reporters covering the King trial say the outside news conferences would play a less significant role if a video camera was allowed in the courtroom, enabling television stations to show film of the testimony.

Because cameras are prohibited in federal court, the news confer-

ences have, in a sense, supplanted the extensive live coverage of the first trial. As a result, the defense has been able to dominate the television images to a greater degree.

Still, UCLA criminal law professor Peter Arenella questions whether any of the posturing and rhetoric will, in the end, make any difference.

"I don't believe the general public will change their own preconceptions of guilt or innocence formed by viewing the videotape because of the attempts of the defense camp and others to woo them to their side," Arenella said.

Times staff writer Jim Newton contributed to this article.

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(Indicate name of newspaper, city and state.)

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On the stand, King also accused officers of taunting him with a racial epithet during the beating, and then was forced to admit he could not be sure. He admitted time and again—first to government lawyers and later, more emphatically, to defense attorneys—that he could not be sure whether the epithet was used.

Those reversals tarnished King's testimony, but he survived more than a day on the stand without losing his temper or raising his voice in anger. He was polite, even deferential to the defense lawyers, and that attitude, some experts say, may prove more important than anything he said.

"Even if he has been impeached, they [prosecutors] depend on him for any evidence," said Daniel Rinzell, former head of the criminal section of the Justice Department's civil rights division. "And in the meantime, they've humanized him. . . . During the time that I was with the civil rights division, I don't remember a case where we did not put on the victim. Otherwise, jurors might feel that the government was trying to hide something."

A much more serious defect in the prosecution's case, analysts said, is the relatively weak evidence that government lawyers introduced against Briseno. Briseno is pictured on the videotape stomping on King's upper body, and jurors already have seen the tape many times.

Emotion, Intellect Woven Into King Case Prosecution

■ Trial: As government concludes its presentation, legal experts say the position is strong but not invulnerable.

By JIM NEWTON
TIMES STAFF WRITER

Thirteen days after calling their first witness, federal prosecutors on Monday rested their case against four police officers charged with violating Rodney G. King's civil rights, concluding a carefully wrenched accounts of the beating with coolly efficient expert testimony.

A police sergeant blasted the officers for continuing to hit King while he was down, and a medical expert told jurors that King suffered his most serious injuries from direct baton blows to the head. Civilian witnesses said they were horrified by what they saw, and

jurors finally got to hear from King, who delivered two days of showstopping testimony.

There were to be sure, moments that did not go nearly so well for the government. Prosecutors put on evidence, for instance, that two of the defendants violated police policy when they detoured by the

NEWS ANALYSIS

Foothill Division as they were supposed to be transporting King from one hospital to another. But one of the telling details about that unscheduled stop was challenged by the very witness called by prosecutors to support it.

Despite a few setbacks, legal experts said the government lawyers accomplished the essence of what they set out to do: present a complete picture of the beating that moved beyond the videotape and wove together two themes, one emotional and the other intellectual.

They succeeded, most analysts agree, by presenting King and four civilian witnesses to make their emotional case and by calling a Dutch doctor and an LAPD sergeant as the twin pillars of their intellectual case.

"This is exactly what the prosecution should have done in the first trial," said Barry Levin, a defense lawyer and former police officer. "In a sense, this is the first real trial of these officers."

But even as they praised the prosecution team, defense lawyers, law professors and civil rights experts warned that convicting the defendants, particularly Officer Theodore J. Briseno, remains a difficult task.

"These prosecutors have presented a far stronger case than the state prosecutors did," said Peter Arenella, a UCLA law professor. But, he added, "I think the impression that some people have, particularly after Rodney King's testimony, is that the convictions are going to be easy to win. I hope expectations are not being raised too high."

A Different Case

From the opening moments of the federal trial, prosecutors had promised prospective jurors that they would hear a different case from the one that unfolded in Ventura County last year, and nothing symbolized that better than King's appearance on the witness stand last week.

King never testified in state court, in part because prosecutors there were worried about his history of conflicting statements about the beating. To some extent, those fears were borne out by his testimony in the federal trial, as King wrestled with those past statements and admitted that he had lied on previous occasions—he had previously denied ever using marijuana, had said he was not drinking on the night of the incident and had insisted that he did not flee police.

"I lied, sir," King conceded at one point. "And I do not feel happy or proud of it."

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It is presumably that blow that accounts for the indictment against him, since Briseno's only other participation in the incident is to block a blow by Officer Laurence M. Powell and to handcuff King. The problem for prosecutors is that their expert on the use-of-force, Sgt. Mark John Conta, testified that he believes Briseno's stomp was

administered to "control" King.

That suggests that the government's own expert does not believe that Briseno stomped King with the intention of using unreasonable force. And the prosecution needs to prove that intent in order to find Briseno guilty of violating King's civil rights.

Prosecutors had hoped to introduce evidence that Briseno stomped another suspect in 1987, but the judge ruled that was inadmissible, so jurors will not hear about it. Prosecutors also have said they would present evidence that Briseno lied about the incident, but so far they have not.

"Briseno is sort of a wild card. He gives the jury the power to compromise without having to acquit the other defendants," Levin said. "I think Briseno is likely to be found not guilty."

Unsurprisingly, Briseno's lawyer, Harland W. Braun, agrees. In fact, Braun had hoped U.S. District Judge John G. Davies would acquit Briseno on Monday, but Davies refused to grant Braun's motion along with those filed by lawyers for the three other officers.

Since his client remains on trial, Braun said he will use the charges against Briseno to undermine the government's case against the other defendants.

"They stretch their moral position by indicting Briseno," Braun said. "It allows me to get up there and say these guys will indict anyone, even an officer who their own expert says should be commended for blocking a blow."

Their case against Briseno was thin, but prosecutors offered a much more damning portrait of the three other defendants, principally through the testimony of Conta and Dr. Harry Smith, the prosecution's chief medical expert.

Prosecutors in the state trial did not call a use-of-force expert during their main case, only producing Cmdr. Michael Bostic after the defense had presented its own experts to say that the beating appeared justified. Bostic's testimony was further undermined by the defense's successful effort to portray him as an aloof senior officer, unfamiliar with the rough-and-tumble of street police work.

This time, federal prosecutors called Conta, a Charles Bronson look-alike with 17 years of street experience. And they called him early, so that jurors' initial description of police policy came from an officer who testified that the defendants violated department rules when they continued to hit King after he was knocked to the ground.

Although Conta, who heads the physical training and self-defense unit at the Los Angeles Police Academy, found fault with all four officers, he was particularly vehement in his criticism of Sgt. Stacey C. Koon, the senior officer at the scene. "He should have stopped this and helped his people when they needed him most," Conta said. "He failed to do so."

Conta slipped on a few points, but he persevered through cross-examination and through withering attacks on him made by some of the defendants and their lawyers outside of court.

"My impression is that he was an extremely effective witness," said Erwin Chemerinsky, a USC law professor who has followed the trial.

Ira Salzman, who represents Koon, agreed that Conta had scored some points. But Salzman said he did not believe Conta

ultimately would prove important. Even if the jury believes that LAPD policy was violated, he said, that does not mean that King's constitutional rights were abridged.

While prosecutors put Conta on the stand early in their case, they saved their other key expert until near the end. Smith, a vice president of the San Antonio-based Biodynamics Research Corp., took the stand immediately after King, and he used humor and his appealing Dutch accent to captivate jurors and lay out a precise description of King's injuries.

But Smith's most powerful and damaging testimony came when he was asked to explain what caused a number of skull fractures that King suffered. The injuries, Smith said, were caused not by falls to the ground, as the defense has claimed, but by three to four direct baton blows to King's head.

Asked by prosecutor Steven D. Clymer to identify which officer delivered those blows, Smith reviewed a portion of the videotape and noted that in the opening 15 or 20 seconds, Officer Powell appears to be striking King's upper body near the head. That gave him "the opportunity" to inflict the most serious injuries of the incident, Smith said.

Doubt Cast on Powell

No conclusive medical testimony about baton blows to King's head was offered during the state trial, and Smith's account, which was backed up by one of the doctors who treated King, accomplished two points for the prosecution. It suggested that Powell's blows may have been intentional, since accidentally striking King in the head three or four times is less likely than accidentally striking him there once; and it casts doubt on Powell's truthfulness, since he has always insisted that none of his blows hit King's head.

Michael P. Stone, Powell's lawyer, said his expert witness will challenge some of Smith's conclusions. He added that even if jurors agree with Smith that baton blows caused the damage to King's skull, that does not prove that Powell hit King there intentionally.

While prosecutors scored victories with their expert witnesses, they also faltered on occasion. They lost a battle to introduce evidence that one of King's passengers also was struck by authorities, and struggled with two police officer witnesses they called to the stand.

Early in the trial, they called Officer Rolando Solano, Briseno's former partner. Solano helped prosecutors by testifying that Briseno told him after the incident that Sgt. Stacey C. Koon should have handled the arrest better.

But in response to questions from defense lawyers, Solano said he saw no evidence of misconduct by any officer and added that

Clymer had threatened him with perjury charges if he did not change his account of the beating. Solano conceded that his description of the beating does not square with the video, but said he testified to the best of his recollection.

Late in the prosecution case, government lawyers came up short with another officer, Daniel Gonzalez. In his opening statement, Clymer had said that prosecutors would introduce evidence that Powell and Timothy E. Wind detoured by their police station when they were supposed to be taking King from Pacifica Hospital to Los Angeles County-USC Medical Center. Clymer said that while they were at the station Powell had sent other officers out to look at the wounded King.

Gonzalez acknowledged that the wounded King was brought by the station and said he asked Powell's permission to look at his suspect. He also said he heard Powell telling a "war story" about the beating. But he denied that Powell had sent him out to the car to look at King.

"I asked Officer Powell if it would be OK if I looked at the suspect," Gonzalez testified. "He said I could."

That testimony came on the penultimate day of the prosecution's case, and it seemed to leave government lawyers limping toward a conclusion. Braun said later that "for all their slickness, these prosecutors don't seem to have a real strategy."

"It's like the old joke," Braun said. "The pilot of a plane comes on the intercom and says: 'We've got good news, and we've got bad news. The good news is we're making incredible time. The bad news is we don't know where we are.'"

Braun, however, has consistently

baited prosecutors, publicly accusing them of misconduct and mocking their case. Less partial observers said they believed the prosecution's case appeared to be unfolding about as the government lawyers had hoped.

"We all knew from the beginning that these are very experienced, highly successful prosecutors," Chemerinsky said. "They've lived up to their billing."

Must be in Source Box

L.A. DAILY NEWS
WOODLAND HILLS, CALIF.

Date TUES., 3-16-93
Edition NEWS, FRONT COVER

Title KING-CASE AQUITTAL
DENIED; U.S. MET BURDEN,
JUDGE SAYS

Character:
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Classification:
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Including:

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MAR 17 1993	
FBI — LOS ANGELES	

King-case acquittal denied; U.S. met burden, judge says

By Jim Tranquada
Daily News Staff Writer

A judge refused Monday to acquit four LAPD officers accused of violating Rodney King's civil rights, ruling that government prosecutors presented enough evidence for a jury to decide the case.

U.S. District Judge John Davies shot down the defense motions for acquittal after prosecutors wound up their case with testimony from a nurse and two Los Angeles Police Department officers that provided some support for their claim that the four defendants tried to cover up their actions the night of King's

Related story

■ Plea bargains hinted at by attorneys in Denny case. Page 4

beating.

"The court's obligation is not to substitute its judgment for the jury's," Davies said. "I think the government in this case has met its burden ... the motion is denied."

Disappointed but not surprised by the ruling, the defense then launched its case with an opening statement from Officer Timothy Wind's attorney, who described

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Wind as a rookie who had never before hit anyone with a baton.

Meanwhile, Sgt. Stacey Koon's attorney, Ira Salzman, was prepared to call witnesses today that include City Councilmen Ernani Bernardi and Hal Bernson and Police Commissioner Michael Yamaki.

Salzman would not comment on why he was calling the three public officials, but is expected to question them about how Police Department policies are formulated, including use-of-force policies.

Defense attorneys — each of whom plans to call his own witnesses — estimated their cases would take a total of three weeks to present. Prosecutors then have the right to present rebuttal before both sides offer closing arguments.

Wind and Officers Laurence Powell and Theodore Briseno are charged with violating King's civil rights by willfully using excessive force during the violent March 3, 1991, arrest following a high-speed chase.

Koon, the senior officer on the scene, is charged with allowing the unlawful assault to take place. All four face prison sentences of up to 10 years if convicted.

The government took 13 days to present its testimony over three weeks.

As they did after the prosecution rested in last year's state trial, attorneys for each of the four officers asked to dismiss the charges against their clients. The attorneys presented a variety of reasons outside the presence of the jury why the government had failed to provide sufficient evidence for a conviction.

"It's not a big deal," said Briseno, after the judge rejected his attorney's arguments for acquittal. "I didn't let myself get my hopes up. We'll prevail when it's over."

Of the four defendants, legal observers said Briseno had the best grounds for arguing for acquittal because the government's use-of-force expert testified that Briseno's conduct did not necessarily constitute excessive force.

Wind's attorney, Paul DePasquale, who at the start of the trial



John Davies

Says U.S. met burden

reserved his right to present his opening statement later in the proceedings, outlined his client's defense to the jury at the request of Davies.

Drawing heavily on the defense he offered during the officers' criminal trial in Simi Valley, DePasquale portrayed Wind as a rookie who — despite almost eight years' experience as a police officer — had never hit anyone with a baton and had never confronted someone suspected of being intoxicated with PCP, a powerful drug.

That night, following the orders of Powell, his training officer, and Koon, their field supervisor, Wind responded to King's bizarre behavior by using in a "textbook manner" the tools and techniques he had been taught, DePasquale told jurors.

"Every time Timothy Wind used that baton ... he used it in response to apparent attempts by Rodney King to get up," DePasquale said.

Earlier in the day, the prosecution's final witnesses were questioned as to how the officers had reported the incident and about a two-hour delay in transferring King from a hospital emergency room to the county jail ward.

Sgt. John Amott, who reviewed Powell's arrest report several hours after the beating, said he contacted LAPD investigators after seeing a portion of the amateur videotape of the beating because "it wasn't in the report what I had seen."

Amott, who was working as Valley Traffic Division watch commander in the morning hours after the beating, said he was required to review Powell's arrest report because the crime with which King had been charged — felony evading — was a traffic violation.

After reviewing the report with Powell and Wind in his office and making a few minor changes to the text, Amott said he approved it and thought no more about it — until he saw an excerpt of amateur videotape of the arrest on the next evening's television news.

Amott said Powell's report did not mention that King was on the ground while being hit with batons, that some baton blows may have hit him in the head or that he was kicked by officers during the violent arrest.

Lt. Patrick Conmay, Foothill Division watch commander on the night of the beating, also testified that when Koon reported to him after the incident he did not tell him that King had been on the ground during much of the time, or the kicks or baton blows to King's face.

Defense attorneys argue that Koon reported "a torrent" of blows in his written report of the incident and that in a computer message Conmay said he did not see that night Koon said there had been "a big time" use of force.

Martha Esparza, the nurse in charge of the admitting area in the Los Angeles County/USC Medical Center jail ward where King was taken that night, testified Monday that it shouldn't take officers more than 15 minutes to book a prisoner into the ward — even without any advance notice.

Esparza was the latest in a series of witnesses called to show that Powell and Wind callously delayed for two hours transferring King from Pacifica Hospital in Sun Valley, where King was first taken for treatment, and County/USC Medical Center.

Defense attorneys claim the two officers stopped at Foothill headquarters in Pacoima — a stop not recorded in police logs — to book King into County/USC Medical Center over the telephone to save time.

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Final Prosecution Witnesses Criticize Report on King

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA

Date: TUES., 3-16-93

Edition: NEWS, A-17

Title: FINAL PROSECUTION WITNESSES
CRITICIZE REPORT ON KING

Character:

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Classification:

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Indexing:

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SERIALIZED	FILED
MAR 17 1993	
FBI — LOS ANGELES	

■ Trial: Injuries were understated and account did not reflect what is on video, two LAPD officers testify.

By JIM NEWTON
TIMES STAFF WRITER

Final prosecution witnesses in the Rodney G. King civil rights trial said Monday that the defendants filed misleading police reports and understated the seriousness of King's injuries.

One witness, Sgt. John Amott, was handed a copy of a police report about the incident written by Officer Laurence M. Powell. Assistant U.S. Atty. Steven D. Clymer then asked: "Did this report accurately describe what you

saw in the videotape?"

After several objections from defense lawyers, Amott eventually responded: "I didn't think that what I saw on the tape reflected what was in the report."

Nowhere in the report, Amott said, did Powell indicate that King was kicked, stomped and struck with batons while he was on the ground. Amott also noted that Powell and his partner, Timothy E. Wind, did not order a blood or urine test for King even though they had alleged that he was under the influence of PCP during the incident.

Amott was followed to the stand by the prosecution's 35th and final witness, though more could be called later to rebut defense testimony. That witness, Lt. Patrick Conmay, said the Sgt. Stacey C. Koon downplayed King's injuries, specifically mentioning just a split lip.

Conmay acknowledged during cross-examination, however, that a notation on one of the reports indicated that the officers did dis-

close that King suffered major injuries that required hospitalization.

After Conmay completed his testimony, Barry F. Kowalski, a Justice Department lawyer who is the other lead prosecutor in the case, stood and announced: "Your Honor, at this time, the United States rests."

The conclusion of the prosecution's case prompted a flurry of defense motions asking that U.S. District Judge John G. Davies acquit the officers. Such motions are made routinely but are rarely granted, and legal experts agreed that there was almost no chance that three of the four defendants would win acquittal from the judge.

There remained some question about Officer Theodore J. Briseno, however.

"There has been a simple failure of proof in this case," said Harland W. Braun, Briseno's lawyer. Braun noted that the prosecution's expert on the use of police force testified that when Briseno stomped King's upper body, he apparently was trying to to "control" King.

Kowalski responded that it was reasonable to conclude from the videotape of the King beating that

44A-LA-119954-D-409

Briseno's stomp was "intended with malice."

Davies denied Braun's motion, and Braun later accused him of substituting political judgment for sound legal reasoning. "I'll make the conviction a foregone conclusion,"

Braun added. "I'll do everything I can to get everyone acquitted."

Briseno also won support from an unexpected quarter Monday. Rap musician Eazy-E joined Braun in calling for Briseno to be acquitted. Eazy-E is with the group N.W.A., best known for a song attacking police.

"They should have let Briseno go," the rapper said. "He's the cop who tried to stop this."

As the day concluded, Paul R. DePasquale, the lawyer for Wind, offered the first glimpse into the defense case with his opening statement. DePasquale said Wind's actions were a "textbook example" of how to use a baton to subdue a difficult suspect.

"Every time Tim Wind used that baton," DePasquale said, "he used it in response to apparent attempts by Rodney King to get up. He didn't use it in anger. He didn't use it in rage or out of sadism. . . . He used it as a managed tool."

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Wind Given Counsel on Beating

■ **King case:** Officer says he advised rookie on the use of force and says Wind told him that he 'didn't enjoy' using it on King.

By JIM NEWTON
TIMES STAFF WRITER

One of the Los Angeles police officers charged with violating Rodney G. King's civil rights said hours after the beating that he "didn't enjoy" using force to subdue King, a fellow officer testified Wednesday.

Officer Joseph Napolitano, who witnessed the March 3, 1991, arrest, testified that he saw Officer Timothy E. Wind at a restaurant on the morning after the beating, and that Napolitano raised the topic of the incident.

According to Napolitano, Wind said: "I didn't enjoy it."

"There are going to be times when you're going to have to use force," Napolitano said he then told his younger colleague. "But don't ever get to the point where you enjoy it."

Napolitano's testimony came on the second day of the defense's case as Ira Salzman, Sgt. Stacey C. Koon's attorney, was presenting evidence on his client's behalf.

Wednesday's testimony by two police officers and one former officer appeared to be a rebound

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA

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Edition: METRO
PG. B1

Title: WIND GIVEN COUNSEL
ON BEATING

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for the defense's effort, which got off to a rough start the day before when Napolitano and another police witness saw their credibility and competence sharply challenged by prosecutors.

"I think we got some momentum back that we lost yesterday," Harland W. Braun, the lawyer for Officer Theodore J. Briseno, said at the end of the day. "We made up for yesterday."

The intense cross-examination of defense witnesses showed no signs of abating, however. Assistant U.S. Atty. Steven D. Clymer probed Napolitano, for instance, about how he could have failed to see six kicks that Wind delivered to King while Napolitano stood about 10 feet away.

Napolitano never reported any of the kicks to Internal Affairs investigators from the Los Angeles Police Department, and he acknowledged Wednesday that on the videotape of the incident, he appears to be watching as the kicks are delivered.

Prosecutors have used their cross-examination to sharply and sometimes sarcastically attack defense witnesses, and attorneys for the officers said outside of court that the vehemence is merely the most public display of a concerted government attempt to intimidate police officers who agree to testify for the defendants.

Braun said he knows of 10 to 12 police officers who have been threatened with perjury charges, and he added that some were told by prosecutors that they would be arrested on the spot if they lied to the grand jury that ultimately indicted the four defendants.

"These prosecutors told police officers: 'We know there's this code of silence. We know you're scum. We're going to charge you with perjury and arrest you unless you change your story,'" Braun said. "Our argument is that this whole thing stinks."

The jury in the federal case has only heard snatches of that argument. Early in the case, Officer Rolando Solano testified that he had been threatened with a perjury charge, but U.S. District Judge John G. Davies has not allowed defense lawyers to raise that point

in questioning other officers.

Defense lawyers also argued that they have been unfairly disadvantaged by federal rules that do not require prosecutors to share full transcripts of witnesses' grand jury testimony unless they call those witnesses as part of their own case. Prosecutors have effectively used grand jury testimony by some of the police officers testifying for the defense to undermine their credibility.

Davies agreed with defense lawyers that the process appeared to unfairly handicap their efforts. After hearing hours of arguments on the point, he ruled that prosecutors must turn over copies of any questions and answers that they use to impeach the credibility of defense witnesses. In addition, he directed government lawyers to give him a full transcript so that he could make sure that they do not withhold information that defense lawyers are entitled to receive.

Attorneys for the officers were satisfied with the compromise. Michael P. Stone, who represents Laurence M. Powell, said the new process showed results immediately when another police officer took the stand Wednesday afternoon on behalf of the defendants.

That officer, Paul R. Gebhardt, told jurors that he had heard no taunts or racial epithets directed at King during the incident. He also testified that King appeared to be trying to get up as he was being struck and that he appeared to be under the influence of PCP, a central defense contention.

Gebhardt also said that at one point he heard Powell yell: "Watch out. This guy's dusted," a reference to PCP.

Barry F. Kowalski, one of the lead prosecutors, aggressively challenged that statement, suggesting in his cross-examination that Gebhardt was lying in order to protect Powell. The exchange between the police officer and prosecutor grew testy as the two men sparred over the exact words that Gebhardt used during his testimony in court and during a federal grand jury appearance last year.

But Gebhardt never yielded on that point, and defense lawyers used their copy of a statement he made to the grand jury to back up

his credibility.

When Kowalski pressed Gebhardt about why the officer did not assertively offer his assistance to other officers at the scene, Gebhardt exploded in anger: "Two and a half weeks before this, a police officer got shot in the face," he said. "I wasn't about to distract them."

Salzman said Gebhardt's testimony had strengthened the defense case.

"Gebhardt is another brick in the foundation of what we're trying to do," Salzman said. "We're going to show that these officers acted reasonably in response to the threat that they perceived."

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L.A. TIMES
LOS ANGELES, CA

Date: SAT., 3-20-93
Edition: METRO, B-1

All Baton Blows King Received Were Necessary, Expert Testifies

■ **Trial:** Highly decorated LAPD sergeant reviews the tape of the beating in detail. He praises Powell and Wind and says they may have kept the motorist from being killed.

By JIM-NEWTON
TIMES STAFF WRITER

Every kick and baton blow used on Rodney G. King was reasonable and necessary to arrest him and may have protected him from more serious harm, a highly decorated Los Angeles police sergeant

testified Friday in the trial of four officers accused of violating King's civil rights.

Sgt. Charles L. Duke, a veteran officer with about 90 commendations, testified for the entire day, methodically reviewing each of the baton blows and kicks pictured on the videotape of the beating. Duke praised Officers Laurence M. Powell and Timothy E. Wind for their handling of the situation, and he said their actions may even have saved King from being killed.

"If the officers were to allow this suspect to rise . . . it could escalate into a deadly force situation," Duke said. "The safest place for him [King], and it may be very hard to understand, is on the ground."

Duke—a burly and articulate officer who

wore a blue business suit to court because, he said, Police Department superiors ordered him not to wear his uniform—called the actions by Wind and Powell "controlled force on a suspect who has exhibited combative, aggressive behavior."

Although Duke criticized Sgt. Stacey C. Koon for the way King ultimately was handcuffed, he testified that he believed the use of force was "handled as best as Sgt. Koon could."

Duke was not asked about the actions of the fourth defendant, Officer Theodore J. Briseno. He previously has criticized Briseno's use of a stomp to push King down, however, and he probably will be asked about that when questioning continues next week.

Duke's testimony, the strongest defense of the officers that jurors have heard so far, capped a week of steady recovery for the four defendants, who face maximum sentences of 10 years in prison if convicted. Ira Salzman, the lawyer for Koon, began calling defense witnesses Tuesday, and the first day of the officers' case was marred by damaging testimony from a Los Angeles School District police officer, Paul Beauregard.

Beauregard contributed a few small points for the defense, but admitted under cross-examination that his description of the incident to a state grand jury was contradicted in many respects by the videotape. Beauregard also said he heard Powell laughing while making a radio call for an ambulance, and he testified that he, Powell and King had joked while King lay handcuffed on the ground,

bleeding and swollen.

That left some of the defense lawyers dejected, but they were crowing late Friday about their comeback.

"Beauregard was the worst moment of the case," said Harland W. Braun, who represents Briseno. "Today was the best."

Duke, who also testified during last year's state trial of the officers, offered federal jurors a mirror image of the prosecution's expert on the use of force, Sgt. Mark John Conta. Conta told jurors that all four officers had violated police policy, and he sharply criticized them for failing to use a technique known as the "swarm" to pin King's arms and legs.

Salzman's defense of Koon has focused largely on that criticism, and he questioned Duke about it at length Friday. Duke repeatedly disagreed with Conta's advocacy of the swarm, in part because Duke said most Los Angeles police officers never had been taught the technique at the time of King's March 3, 1991, arrest.

"You can't hold officers responsible for something they don't train in because you're going to get them killed," he said.

Moreover, Duke added, the swarm was designed to be used against misdemeanor suspects who either had been searched or were wearing so little clothing that it was clear they could not be carrying a weapon. It would be dangerous to use against a suspect who might be carrying a weapon because it requires officers to "tangle up" with the suspect, Duke said.

Because of that, he added, the defendants would have been foolhardy to attempt to arrest King using a swarm, since King had

Title: ALL BATON BLOWS KING RECEIVED WERE NECESSARY, EXPERT TESTIFIES

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never been searched.

"It was not intended to be used on an unsearched felony suspect," Duke said. "The likelihood of disaster is very real."

Duke also bolstered Salzman's contention that a political decision made in 1982 deprived police officers of a tool that might have otherwise been used to arrest King without injuring him. Los Angeles City Councilman Hal Bernson testified earlier this week that political leaders placed a moratorium on the "upper-body control hold," better known as the chokehold, in 1982 despite warnings that it could result in more injuries from baton blows.

Duke said he saw an increase in injuries to suspects and officers after the chokehold was abolished, and Salzman produced a June 9, 1982, memorandum warning that batons would be used more frequently without the chokehold.

"The use of the PR 24 baton [the one used by LAPD officers] is the only alternative that provides a safe and viable method of handling situations where officers are faced with bodily attack by a suspect," the memo states.

Although testifying for opposite sides in the case, Conta and Duke agreed that the force used by the officers was within police policy for the first 32 seconds of the videotape. During the tape's opening sequence, King is seen charging in the direction of Powell, and both police sergeants said Powell was within policy when he struck King with his baton.

They also agreed that a flurry of subsequent blows by Powell and Wind were not policy violations because King appeared to be lifting

himself off the ground.

But after 32 seconds, King never again rises above his knees, and Conta said that officers then should have handcuffed their suspect and ended the incident. Duke disagreed, and he pointed to several moments on the tape where King can be seen moving a leg or arm, movements that he said could reasonably have been interpreted by the officers as attempts to get up.

At one point, Duke demonstrated the movements in the courtroom, leaping from the floor and charging toward the jury box. Two jurors in the front row jerked their heads back in surprise.

"They have the right to construe that as aggressive or combative behavior," he said. "So they have the right to use force even though they are not actually being attacked."

In testifying, Duke also was allowed to relay a conversation he said he had with Koon.

According to Duke, Koon said he had ordered his officers to use batons to subdue King after King shrugged off the effects of an electrical device known as a Taser. Koon also allegedly told Duke that all of the blows were used to try to force King to lie down on the pavement and that the beating halted as soon as King put his hands behind his head and said, "Please stop."

Assistant U.S. Atty. Steven D. Clymer vigorously objected to Duke being allowed to tell Koon's version of the story.

"It's a self-serving, after-the-fact statement by a criminal defendant," Clymer said.

U.S. District Judge John G. Davies disagreed, and allowed Duke to relate the conversation.

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After the King Verdict: What Can Parents Do for Peace?

FRANK JUAREZ

President-elect, League of United Latin American Citizens, Council 2010. Member, Westside Coalition de la Comunidad Latina Unida

I didn't think that I would have to prepare my children to decide on whether they could riot or not because you just don't expect those things to happen.

I asked my daughter what she thought of the [original] Rodney King verdict when it was announced. She looked at me like I was having another one of my weird moments. She said, "I understand why people got mad, Dad. I think they had a right to riot." Then I asked her if people had a right to burn other people's houses and stores. She said, "No. They did have a right to protest." I egged her along and said, "You mean like civil disobedience?" And she said, "Yes. Like civil disobedience."

Then I asked her what if the jury finds the officers innocent in this next trial? Do people have the right to riot? She said, "They do not have a right to go out and burn things, but they do have a right to protest."

Whether I taught her that or not, I'm happy that she answered me that way. So I gave her hug.

My son just turned 20. I still consider him sort of a teen-ager in a way. He just said, "It wasn't cool." He feels like people are just asking for trouble when they burn and loot. But he also felt that when the



individual goes up against the government, they always screw the little guy. But that still didn't give people the right to burn down the city.

Those are good questions to ask your children now. It's preventive maintenance.

CAROLYN HABERSHAM

Substance abuse coordinator, Walker Temple African Methodist Episcopal Church, Los Angeles

My son and I were sitting at home watching television when the Rodney King trial verdict was announced. I quickly got him into the car and drove to the rally at First AME Church. Having been a child of the 1960s, I knew that would be an event that would stick in his mind forever. I wanted him to understand what the rally meant.

After the rally, we got in the car and drove down Adams Boulevard. We had no idea what had happened, being inside. It was like driving in a twilight zone. He and his friends were with me. It was utter chaos. I knew that if we could get home safely, they were going to be afraid and it would be necessary to talk about it.

When we got home, the electricity was out. So he, a few of his friends and I sat in the dark and talked about what happened. I'm in school [training to be a counselor] and I think it helped my son and his friends to talk about their feelings and get their fears out. It was OK to be angry. It was OK



(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

Date: MON., 3-22-93
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SOUTHERN CALIFORNIA
VOICES -- PLATFORM

Title: AFTER THE KING VERDICT:
WHAT CAN PARENTS DO FOR
PEACE?

Character:

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to be scared.

Most of my friends and I come from the '60s. We remember [those] riots and some of us even participated. We understood that it was real important to talk to our kids. Having seen the violence of the 1960s, we teach our kids that violence isn't productive.

JUAN CRUZ

Member, Wilson High School PTA and Los Angeles Neighbor to Neighbor

I tell my kids that the best response to dealing with protest is not to destroy other people's property, public or private. That is my way of dealing with protest. I tell them that we speak to government and express our beliefs in a civil manner. We all have to defend our rights. But there is a right way and a wrong way.

The media coverage showed nothing but the bad things that people were doing. But I told my kids to look around themselves, and try to make up their own minds. Don't be followers. Be leaders.

My kids weren't really angry about the verdict. They tried to stay informed day-to-day about the Rodney King trial. One of my kids is studying to be a sheriff. He shared some insight on the situation from a law enforcement point of view with the other kids. And, basically, he reiterated what I said. If you do things the right way, things will turn out good. If you do things the bad way, things will turn out bad. Don't screw up and no one will screw with you.



ELAINE TAKAHASHI

UCLA administrative assistant, director of Asian Pacific Faculty and Staff Assn.

My son and I talked quite a bit about what happened—in the riot—the cause of it and the possibility of there being another one.

We live in the Crenshaw District. Even though there was a lot of tension during the time of the riot, we still feel very comfortable here.

My son, Sumiji Tamaki, is 17. He has been exposed to intercultural communication and living here has helped. He practically grew up in the Asian American Drug Abuse Program, where I worked with a very diverse staff of Latinos, African Americans and Asian Pacific Islanders, and the Crenshaw YMCA. That exposure strengthened his understanding of others.

Some of our friends were brutalized during the riot. One of my Asian friends was beaten in her car after people smashed the automobile's windows. Although it was such a horrible event and Asians were targeted, my son knows that those things are symptoms of a deeper problem that goes beyond ethnic lines. Not just Asians were brutalized. Latinos and African Americans were, too. He realizes the riot was fueled more by poverty than by racism and hate. I'm a single parent and our only [source of] income, so he understands the issues of economic hardship.



*Compiled for The Times
by Danielle Masterson*

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(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

Date: TUES., 3-23-93

Edition: METRO

PG. B1

Title: SERGEANT DEFENDS USE OF
FORCE IN KING'S ARREST

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Indexing:

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SERIALIZED	FILED
MAR 30 1993	
FBI — LOS ANGELES	

Sergeant Defends Use of Force in King's Arrest

■ **Trial:** The lead prosecutor attacks the witness's assertion that it could take many blows to subdue a suspect. The testimony contradicts earlier statements and could raise jurors' doubts.

By JIM NEWTON
TIMES STAFF WRITER

An aggressive young prosecutor and a veteran Los Angeles police sergeant squared off in the Rodney G. King civil rights trial Monday, dramatically disagreeing about how much force police officers were entitled to use in arresting King.

Sgt. Charles L. Duke testified for the police officers accused of violating King's rights and vigorously defended their actions. He told jurors, for instance, that King continued to pose a threat even after he had been knocked to the pavement with a series of baton blows because his movements continued to suggest that he was defying police orders to stay down.

But Duke's position came under attack

by Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors in the case.

Pacing behind the lectern as he fired question after question at the sergeant, Clymer challenged Duke to produce documents backing his claims about police training, and, in one particularly charged moment, mocked Duke's assertion that police officers have a right to beat a suspect into submission if that is what is required to take him into custody.

"Is there any document anywhere in the history of the Los Angeles Police Department that says officers can beat a suspect into submission?" Clymer asked.

Duke conceded that he knew of no documents stating that position but said officers are entitled to use force to overcome a suspect's resistance.

"You, in your mind as an expert, equate

overcoming resistance with beating into submission?" Clymer asked, his tone reflecting his disbelief.

"If that's what it takes," Duke responded. "If it takes one blow . . . or if it takes 8,000 blows to overcome resistance, then that's what it takes."

Duke took the stand Friday, and his testimony has contradicted that of the prosecution's use-of-force expert, Sgt. Mark John Conta, in almost every respect. Conta said the three officers—Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno—violated police policy by hitting, kicking and stomping King after he had been knocked to the ground. The fourth defendant, Stacey C. Koon, violated policy by allowing the beating to continue, Conta testified.

Duke, a highly decorated officer with impressive credentials, vehemently disagreed, and lawyers for the officers believe his testimony will raise reasonable doubts in the jurors' minds about what the proper level of force should have been. "If the

44A-LA-119954-D-413

experts can't agree on what the policy is, then how was Sgt. Koon supposed to know what the policy was?" Ira Salzman, Koon's lawyer, asked outside court.

Under questioning from Michael P. Stone, the lawyer representing Powell, Duke stressed that the officers should not have tried to use a technique known as the swarm because it was not part of their training and because it never should be used against a person suspected of committing a felony who has not been searched for a weapon.

Duke said officers have been killed when trying to wrestle suspects to the ground, but when he began detailing such incidents, Clymer furiously objected. He jumped to his feet time and time again, accusing Stone of trying to use his line of questioning to argue his case before the jury.

"Try to relax, Mr. Clymer," U.S. District Judge John G. Davies said at one point. "Everything will be OK."

In response to another question from Stone, Duke reminded jurors that department policy requires officers to give their "unquestioned obedience" to the lawful order of a superior. Powell and co-defendant Wind were under Koon's supervision during the incident.

Duke also meticulously reviewed the videotape of the beating for the second time Monday, this time at the urging of Paul R. DePasquale, who represents Wind. Duke analyzed the tape in segments, and he told jurors that none of Wind's actions appeared to violate police policy.

In his cross-examination, however, Clymer sought to portray Duke as evasive and willing to tailor his interpretation of the incident to favor the defendants. Duke often gave long-winded responses to yes or no questions, and Clymer reacted by repeating the questions until Duke answered them directly.

Reminding Duke that several witnesses had disagreed about aspects of the incident, Clymer asked how the sergeant had decided that Powell's version was the right one.

"You took all the information and construed it in the light most favorable to defendant Powell, correct?" Clymer asked.

"That's absolutely incorrect," Duke answered brusquely.

Clymer also displayed reports written by Powell and Koon in which prosecutors allege that the officers intentionally downplayed the seriousness of the incident. One report, for instance, does not mention that King was kicked or that many of the blows were delivered while he was on the ground.

Duke testified last week that the swarm technique was only appropriate on misdemeanor suspects who were nude or partially nude because it could not be used in situations where the suspect might have a gun. But Clymer attacked that argument as well.

To make his point, Clymer asked Duke to review lesson plans for Police Academy classes in the technique and demanded that he point out where the plans indicated that the swarm was not to be used on fully clothed, felony suspects.

Lawyers for the officers have argued that the swarm technique was not widely taught or used in the Police Department before King's arrest on March 3, 1991, but they appeared surprised Monday when Clymer produced a March 20, 1993, report prepared by the department's human relations office. That study found roughly 840 incidents in which officers said they used the technique in apprehending suspects between January, 1987, and March, 1991.

That appeared to contradict the contention that the swarm was not widely practiced within the department, but Duke and defense attorneys said the report was misleading.

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Koon Says King Defied Efforts to Subdue Him

By JIM NEWTON
TIMES STAFF WRITER

Sgt. Stacey C. Koon, the senior officer at the scene of the arrest and beating of Rodney G. King, took the stand Tuesday to defend his actions and those of his officers, telling jurors that King appeared to be under the influence of PCP and that he defied repeated attempts to get him on the ground.

"What I wanted to do was use the lowest level of force necessary to take Mr. King into custody," Koon said on the witness stand in the trial of four police officers charged with violating King's civil rights. "The safest thing for Mr. King, the safest thing for the officers, the safest thing for the citizens, is to have Mr. King on the ground."

Koon also firmly denied that any officer ever taunted King or yelled racial epithets at him, two claims that King made when he testified during the trial.

Koon, dressed in a navy blue suit and red tie, answered questions without hesitation, speaking forcefully but softly through most of his 90 minutes on the stand. Although he was occasionally animated—yelling loudly, for instance, when he imitated the sound he said King made at one point—he more often was matter-of-fact, and his voice often trailed off toward the end of his answers, forcing U.S. District Judge John G. Davies to interrupt at one point and ask him to speak up.

A few jurors leaned forward to listen to him while others took copious notes as he testified before a hushed courtroom.

Koon is the lead defendant in the federal case, and his appearance marked the first time that any of the four police officers has taken the witness stand during the trial, which began last month. Like his co-defendants—Laurence M. Powell, Timothy E. Wind and Theodore

(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

Date: WED., 3-24-93

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Title: KOON SAYS KING DEFIED
EFFORTS TO SUBDUCE HIM

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44A-LA-110954-D-414

J. Briseno—Koon faces up to 10 years in prison if convicted of violating King's rights during the March 3, 1991, incident.

Powell, Wind and Briseno are charged with violating King's rights by stomping him, kicking him and striking him with their batons. Koon never struck King, but he is accused of intentionally allowing officers under his supervision to administer an unreasonable beating.

As he did during last year's state trial of the same defendants, Koon took responsibility for his own actions and for those of his officers.

"That's my responsibility," Koon said at one point. "I'm accountable for that."

Although Koon did not finish describing the incident in his testimony Tuesday, he told jurors of the events leading up to the beginning of the videotape that captured the arrest on a darkened street in Lakeview Terrace.

Koon said he was at the Foothill police station when he heard a radio report indicating that a pursuit was in progress. He said he rushed to the scene despite conflicting directions about where the chase was headed.

"I got on the radio and announced I was going to respond," Koon said. "I wanted to catch up with the pursuit and involve myself in it and take control."

Koon said he needed to be at the scene when the pursuit concluded because his responsibility as a field sergeant demanded it.

"I had a duty and a responsibility, according to the policy, to manage and control the situation," he said. "That was my intent at the time."

Koon's lawyer, Ira Salzman, said later that as his questioning of Koon continues today he will return to the issue of the sergeant's intent again and again. To convict Koon and the other defendants, prosecutors must show that they willfully used unreasonable force,



RICK MEYER / Los Angeles Times

LAPD Sgt. Stacey C. Koon, holding coffee cup, arrives for testimony at Roybal Federal Building.

but Salzman said Koon's testimony will illustrate that the officers' only intent was to subdue King.

Koon said he first saw King standing outside his car just after the pursuit had ended. As the situation unfolded, Koon said he determined that King probably was under the influence of PCP, a powerful drug, in part because he saw King wave at a police helicopter overhead, shake his buttocks at officers and "do a little dance."

King also was staring ahead blankly, Koon said, an indication of PCP intoxication.

According to Koon, King refused to obey orders at first, but after much cajoling, eventually was persuaded to drop to his hands and knees. Although Koon said that King would not lie on his stomach as directed,

Koon testified that he nevertheless ordered several officers to try to handcuff him while he was on his hands and knees.

When the officers finally succeeded in pulling King's arms out from under him, his face slammed hard into the pavement, Koon said, but even then they could not manage to handcuff him.

King, according to Koon, rose up, tossing off the officers. "I believed he had thrown approximately 800 pounds of officers off his back," Koon said.

It was then, Koon said, that he became "100 percent" convinced that King was under the influence of PCP, and Koon said he shot King with an electrical device known as a Taser.

"I wanted him down flat," Koon added. "I wanted him down on the ground."

Koon's testimony was halted at that point, but Salzman said that when his client resumes, he will detail the rest of the incident and will explain why he believes that the baton blows and kicks were justified.

Koon was preceded to the stand Tuesday by a series of expert witnesses called by the defense. They testified that the officers acted properly under the circumstances and that their training left them ill-equipped to handle the problem.

One of those experts, Edward Nowicki, trains police officers in Milwaukee and is a recognized expert in the use of the baton. He testified that he had initially been contacted by federal prosecutors as they were preparing their case against the officers last fall.

Nowicki said that when he first saw the videotape of the incident, he was "outraged" and believed it was a clear case of police abuse. But after reviewing it with prosecutors and hearing more facts about the case, he said he reversed his position.

"I saw baton strikes that were absolutely appropriate," Nowicki said.

Prosecutors vigorously objected throughout Nowicki's testimony, and on cross-examination suggested that he had not fully reviewed the facts of the case before he had come to his conclusions. They also protested any testimony regarding their initial contacts with Nowicki.

Assistant U.S. Attorney Steven D. Clymer, one of two lead prosecutors in the case, asked that jurors not be told about Nowicki's meeting with the federal prosecutors, but Judge Davies ruled it was relevant.

"So the government thought they had a live one, and they didn't," Davies said with the jury outside the courtroom. "That happens all the time in this business of expert shopping."

Most of Nowicki's testimony centered on what he said was inadequate LAPD training on the use of batons, leaving the officers unprepared to deal with the situation that King presented. Nowicki is on an advisory council for the company that makes the baton used by the LAPD, and he said he is one of only 37 "certified international trainers" for the weapon.

Nowicki testified that Powell's blows were "weak and ineffective. . . ."

"He had no power," Nowicki added. "He did not know how to use his body to lower his center and use baton strikes effectively."

Nowicki said the LAPD failed to give "dynamic training" in which officers could swing at a real person in protective gear. He said Powell told him that he was taught baton technique by swinging at the air, and by hitting ax handles and rubber tires—methods that Nowicki called "substandard."

But while Nowicki testified that he did not believe the injuries to King's face and head were caused by baton blows, he conceded under cross-examination that he never reviewed medical records detailing King's injuries. He also acknowledged that he was unfamiliar with the specifics of LAPD policy regarding the use of the weapon.

Nowicki took the stand after another defense expert, Sgt. Charles L. Duke Jr., ended two days of testimony that roundly attacked LAPD training and greatly bolstered the defense case. In a final blast at the prosecution version of the incident, Duke testified that he saw no evidence that King suffered baton blows to the head, and said he believed King received his injuries from "a violent confrontation with the ground."

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(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA
TUES., 3-30-93
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WITNESS AGAIN CRIES IN
TELLING OF KING BEATING

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Witness Again Cries in Telling of King Beating

■ **Trial:** CHP officer describes blows to motorist's face and says she feared being heckled if she aided him. Though she testifies for the defense, her emotional account bolsters the prosecution.

By JIM NEWTON
and PAUL LIEBERMAN
TIMES STAFF WRITERS

Breaking into tears for the second time in as many days on the witness stand, a California Highway Patrol officer testified Monday that she will never forget watching Officer Laurence M. Powell repeatedly strike Rodney G. King on the head.

CHP Officer Melanie Singer also said she considered giving King medical treatment at the scene, but stopped herself out of fear that she would be heckled by the Los Angeles police officers who had beaten him.

Though called as a witness by Powell's lawyer as part of the defense case, Singer provided emotional ammunition for the

prosecution in the federal court trial of the four officers charged with violating King's civil rights.

Singer—who chased King's car through the San Fernando Valley early in the morning of March 3, 1991—also cried

Friday when she described the beating that followed the pursuit. Concluding her testimony Monday, she grew emotional again when asked by federal prosecutor Alan Tieger whether she had any doubt that Powell struck King on the head with his

baton.

"There is no doubt in my mind that he hit Mr. King repeatedly in the face," Singer said, her voice cracking. "I will never forget it to the day I die."

Singer's testimony did include points important to the defendants. She recounted, for instance, King's high-speed driving and erratic behavior at the scene of the arrest. In addition, her description of the head blows was challenged by Michael P. Stone, Powell's lawyer, who confronted her with the videotape of the beating to show that it did not always match her recollections.

But prosecutors, who had appeared dejected after Sgt. Stacey C. Koon concluded three days of powerful defense testimony last week—in which he repeatedly accepted responsibility for his officers' actions—could barely conceal their glee after Singer's appearance.

"One of the worst things about Singer's testimony is the morale boost it has given the government lawyers," said Harland W. Braun, who represents Officer Theodore J. Briseno. "You can see how they've gotten their momentum back."

Powell, Briseno and Timothy E. Wind

44A-LA-119954-D-415

are charged with willfully using unreasonable force against King. Koon is accused of allowing officers under his supervision to carry out an unreasonable beating.

Although Tieger's cross-examination of Singer was brief, it sought to undermine not only the defense's denial of head blows, but also its argument that it took numerous baton blows to subdue King, in part because he gained superhuman strength from the drug PCP. Singer said she did not smell a chemical odor on King's breath and that she received cogent responses from him after the beating.

Although King acted like a "wiseacre," she said, "He just appeared to be a very drunk man."

Singer recalled how she saw blood coming from King's mouth after he had been subdued and was lying hogtied by the side of the road. Tieger asked why she did not administer first aid.

"I started to do that," Singer said, adding that she then thought: "I better not. I don't want these guys to start heckling me."

"It appeared to me that they were joking around," she said. "I couldn't understand why they were just standing around, while this guy's laying there."

After Singer concluded her testimony, however, a Los Angeles City Fire Department paramedic, Kathleen Bozak, took the stand and said it looked as if King was suffering only from a few cuts on his cheek and from minor bleeding.

Although X-rays later found that King had facial fractures, Bozak's testimony was sought by Stone to bolster the officers' contention that they had no reason to

believe his injuries were serious.

Stone also called a series of law enforcement witnesses to support other parts of the defense case.

One, a Los Angeles County sheriff's deputy who retired last week, said King acknowledged to him during a drive to the county jail the morning after the incident that, "I was really resisting arrest."

Another witness, an LAPD lieutenant, commended Powell and Wind for detouring by the Foothill police station with King on their way from one hospital to another.

Prosecutors have suggested that the detour was unwarranted and that the officers covered it up by falsifying a police report. But Lt. Lindsay Brummel said the stop speeded King's booking into the jail ward at County-USC Medical Center and was "absolutely the best way of doing business."

Stone also produced an expert on police use-of-force incidents.

Former Lt. Charles A. Higbie, who led LAPD investigations of officer-involved shootings for 14 years before retiring in 1987, said a "perceived life-threatening situation" often causes participants to misjudge basic facts, such as the number of blows.

The testimony was sought to rebut allegations that omissions in police reports on the King beating were part of a cover-up and to raise doubts about Singer's description of head blows.

Assistant U.S. Atty. Barry Kowalski used his cross-examination to suggest that the LAPD often was lax in investigating force by its members. Higbie said that of the more than 1,600 use-of-force incidents he has investigated, only nine resulted in criminal prosecutions of officers.

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Title: KING CASE DEFENSE FORGES
A FRAGILE COMMON FRONT

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King Case Defense Forges a Fragile Common Front

■ **Trial:** The four officers and their attorneys have deftly avoided the rift that marred their presentation in last year's proceedings. But it has not always been easy.

By JIM NEWTON
TIMES STAFF WRITER

When federal prosecutors rested their case earlier this month against four police officers charged with violating Rodney G. King's civil rights, one of the defense lawyers admitted to a mixture of relief and anxiety.

"We've survived the prosecution," said Harland W. Braun, who represents Officer Theodore J. Briseno in the federal case. "The hard part is going to be surviving the defense."

As the defense case has unfolded during the past two weeks, Braun repeatedly has returned to that refrain, and both legal analysts and history suggest that he has good reason for concern.

During last year's state trial, opening statements had not even concluded before Officer Laurence M. Powell's lawyer criticized Briseno, and Briseno's attorney, John Barnett, responded by breaking ranks with the other defendants. The fracas threatened to undermine the cases of Briseno's co-defendants, leaving prosecutors crowing and Briseno ostracized.

The officers survived the infighting and went

44A-CA-119954-D-416

on to win that trial, but their lawyers clashed again after the officers were indicted by the federal government. This time, it was two attorneys new to the federal case who launched the assault with an unsuccessful attempt to have Michael P. Stone, who represents Powell, removed from the case for an alleged conflict of interest.

"It has been tricky at times," said Paul R. DePasquale, the lawyer for Timothy E. Wind. "There's no one party line, no one calling the shots. There's just four defendants fighting for their lives, and each of them has a slightly different story to tell."

But with the federal trial of the officers drawing to a close, defense lawyers have so far managed to maintain a common front, overcoming occasional flare-ups and defying early predictions of another bitter split. That has deprived federal prosecutors of a potent weapon that their state counterparts tried to exploit, and it has significantly affected almost every aspect of the federal trial—figuring in strategy decisions, for instance, about which witnesses the defense has called and the questions that those witnesses have been asked.

"Early on in this case, Braun was saying that they would have a unified defense, and I was very skeptical," said Erwin Chemerinsky, a law professor at USC. "But it has been, and it's obvious that there has been a dramatic effect."

Suspensions still run deep—the calm over the defense camp is less an alliance than a truce—but even after five weeks of sometimes damaging testimony, no defendant and no defense lawyer has attacked any other. Even the animosity between the officers seems to have abated: Once shunned, Briseno sometimes shares lunch with his colleagues and chats amiably with them in court.

"It's a fragile alliance, and it's witness by witness," said Laurie Levenson, a Loyola Law School professor and former federal prosecutor. "But they've held it together fairly well. . . . The question is: Will it hold up?"

Powell, Wind and Briseno are charged with kicking, stomping and striking King with batons that night, thereby depriving him of his right to be safe from the intentional use of unreasonable force. The fourth defendant, Sgt. Stacey C. Koon, was the senior officer at the scene, and he is accused of willfully allowing officers under his supervision to administer an unreasonable beating.

If convicted, each defendant could face 10 years in prison.

They were tried and found not guilty on all but one count in state court—the jury failed to reach a verdict on one charge against Powell—but not before Briseno broke ranks. Briseno's testimony rocked the Simi Valley trial as he attacked his fellow officers for the way they handled the March 3, 1991, incident.

"It looked like they were just hitting him everywhere," Briseno said during the state trial. "I thought the whole thing was out of control. It was wrong."

By the end of the trial, relations were deeply strained, defense lawyers were objecting to each other's questions, and none of the other officers were speaking to Briseno.

"He was the only witness to say

that I was out of control," Powell said in a recent interview. "That just was not true."

The sniping came to dominate the state trial. "It was obvious to the jury that there was war between the defense counsel," said Stone, who has represented Powell all along. "That created problems for us."

Barnett said the differences were handled professionally, but agreed that the split left nerves frayed. "There was a certain amount of tension," he said.

Barnett bowed out of the federal case, and Braun stepped in, bringing with him a new tactic. Braun had previously surprised pundits when he engineered a truce during the celebrated "Twilight Zone" case. Five defendants in that case were acquitted of manslaughter charges in connection with a helicopter crash on a movie set.

Braun was convinced that a similar arrangement would bolster the prospects of all four police officers in this case. Shortly after the officers were indicted, Braun took Briseno's case to the public, and Briseno made it clear in interviews that while he perceived the incident differently than his fellow officers did, he did not believe that any of them had violated King's civil rights.

"Everyone was pretty wary at first," Braun said. "There were so

on fear of what the other guy might do."

At Braun's urging, Salzman also agreed not to call two police officer witnesses who might have helped Koon's case at Briseno's expense. "In considering my case preparation, although my duty to Stacey Koon has always been foremost, I also have made concessions to other defendants," Salzman said.

The joint defense has not gone untested. Two witnesses—Paul Beauregard, a Los Angeles Unified School District officer, and Melanie Singer, a California Highway Patrol officer—were called by defense lawyers but delivered testimony that helped the prosecution. In both cases, defense lawyers were quick to criticize their colleagues for putting the witnesses on the stand.

It was Salzman who called Beauregard, but the officer withered under cross-examination. Under questioning by prosecutor Alan Tieger, Beauregard acknowledged that he, Powell and King himself had joked while King lay bleeding on the pavement, and he admitted that he had previously told a federal grand jury that he heard Powell laugh when he radioed for an ambulance to pick up King.

Stone called that testimony "not so good," and Braun agreed. Since then, some of the lawyers have privately referred to major mis-

on the stand or in closing arguments.

"It absolutely makes me nervous knowing that Harland can do whatever he wants," Salzman said. "If somebody goes another way, I'm exposed."

Like the other lawyers, Braun's only ethical obligation is to his client, and he says he reserves the right to make the decision most likely to result in Briseno's acquittal—including putting Briseno on the stand.

"That's not only something I would consider," he said. "That would be my obligation to my client."

Holding Braun back, however, is the knowledge that Briseno is unlikely to be convicted if the other defendants are acquitted. Briseno is the least implicated of the four defendants, and legal analysts agree that it would be extremely unlikely for Briseno to go to jail if the others go free.

Braun says he expects to stay put—not out of loyalty to the other defendants, but because it increases his own client's chance of winning. And that, he said, is at the root of the truce.

"We don't have friends, we don't have enemies," Braun said of both prosecutors and defense lawyers. "We have interests."

'We don't have friends, we don't have enemies. We have interests.'

HARLAND W. BRAUN
Attorney for Officer Theodore J. Briseno

many bent feelings from Simi Valley. But Ted [Briseno] has removed himself from being an irritant, which has diminished their need to go after him."

The truce engineered by Braun is rooted in the officers' common interests, but it has taken a patchwork of large and small gestures to forge unity in the face of the state trial—after last year's conflict-of-interest dispute, for instance, Braun gave Stone a \$60 cart as a token of his apology. Stone uses it to haul his documents into court every day.

Later, when Stone conducted a particularly successful cross-examination of a prosecution witness, Braun was lavish with his praise: "He's great," Braun said of Stone. "He's my hero."

But even a truce built on flattery and book carts can produce significant results.

Take the testimony of Sgt. Charles L. Duke, the defense's chief expert on the use of force by police. Duke was called to the stand by Ira Salzman, Koon's lawyer, and he spent days pointedly praising the actions of Wind, Powell and Koon. But when it came time to review the portion of the videotape that includes Briseno, Salzman carefully steered Duke away from expressing his views.

Duke previously has criticized Briseno, but Salzman was leery of soliciting that opinion, not wanting to antagonize Braun, who privately had threatened to attack Duke's credibility if his testimony damaged Briseno in any way.

As it was, Duke barely mentioned Briseno's name, and when it came time for Braun to interrogate the sergeant, Braun announced that he had no questions.

"Fear can be a powerful motivator," Braun said later. "A great deal of our defense unity is based

takes as "pulling a Beauregard."

Salzman publicly defended Beauregard's testimony, but sources say he privately blamed Stone for the decision to call him.

While Beauregard's day on the stand marked the first setback for the officers during their half of the trial, it paled next to Singer's appearance. Stone decided to call the CHP officer, and her testimony fleshed out the jury's knowledge of the high-speed chase that started the incident, as well as King's unusual behavior when he got out of his car in Lake View Terrace.

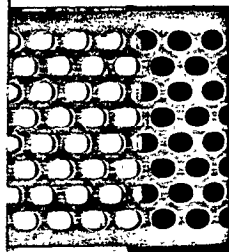
But Singer, a prosecution witness in Simi Valley, proceeded to deliver a wrenching account of the beating, crying as she told jurors that she would always remember Powell striking King repeatedly on the head and face with his baton. "I will never forget it until the day I die," she testified.

Salzman and Braun expressed surprise at Stone's handling of Singer. Salzman told reporters he could understand why "reasonable people" might be mystified by Singer's appearance as a defense witness, and Braun questioned Stone's sense of trial strategy.

Stone was visibly miffed by the sniping from his co-counsel, but he declined to respond.

While the truce between the lawyers has survived those rough spots, each of the defense attorneys keeps one wary eye on Braun, who has the advantage of presenting his case after all the others have rested. If he believed the defense was in trouble then, nothing would prevent him from calling his client to the stand and eliciting the same testimony that caused the furor in Simi Valley.

By then, the only recourse for the other defendants' lawyers would be to try to discredit Briseno



(Mount Clipping in Space Below)

Doctor Says Fall, Not Baton Blow, Caused King's Facial Injuries

By JIM NEWTON
TIMES STAFF WRITER

Rodney G. King's most serious injuries were the result of falls to the ground, not baton blows that hit him in the head, a Newport Beach doctor testified for the defense Tuesday in the federal trial of four officers charged with violating King's civil rights.

Dallas C. Long, a board-certified emergency physician, directly contradicted the testimony of two doctors who had been witnesses for the prosecution. Each of those doctors said that fractures in King's head and face were caused by baton blows.

The prosecution's version also was bolstered by a defense witness, California Highway Patrol Officer Melanie Singer, who testified that she saw King hit six times in the head and face by Officer Laurence M. Powell, one of the four defendants.

But under questioning from Powell's lawyer, Michael P. Stone, Long said that

Singer's account was not supported by the medical evidence in the case.

"Is there anything in the medical evidence that suggests a baton blow like this?" Stone asked, demonstrating with a baton on a kneeling Paul R. DePasquale, the lawyer for Timothy E. Wind.

"There is not," Long replied.

Still standing over DePasquale, Stone then emulated Singer's version of four blows that she said hit King on the left side of his head. Long said King's injuries to that area also were inconsistent with baton blows.

Long was followed to the stand by an expert in biomechanics, Dr. Carly Ward, who told jurors the force generated by a full-power baton stroke, such as the one Singer says she saw Powell deliver, would have done far more damage to King than was actually done.

Together, Long and Ward form the core of the defense's medical case, which is based on the premise that King suffered his most serious injuries when he fell to the pavement, not as a result of direct baton blows to his head.

Ward will continue testifying today, and she is expected to be followed by Powell, whose face-off with federal prosecutors has been anticipated for months. Stone said

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Tuesday that he expects Powell to take the stand.

However, Stone still could elect to rest his case without calling Powell to testify. Stone has dropped several other witnesses from the list of those he originally expected to call.

The medical and biomechanical experts called by Stone are intended to cast doubt on the prosecution's contention that King was struck repeatedly in the head with a baton. Intentional baton blows to the head generally violate police policy, and the prosecution's chief medical expert, Dr. Harry Smith of San Antonio, Tex., testified that King's injuries indicate that he was struck directly in the head at least three and possibly four times with a baton.

"Are the injuries to Mr. King's head and face consistent with a fall to the ground?" Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors in the case, asked Smith during his testimony.

"No, they are not," Smith responded.

Another doctor, Charles Aronberg of Beverly Hills, called the theory that King's injuries were caused by a fall "out of the question."

But Long on Tuesday rejected those doctors' conclusions, saying the nature of King's wounds led

him to a different explanation. In particular, Long said, the soft tissue injuries around King's facial fractures led him to conclude a baton could not have been responsible.

Had the injuries been caused by a baton, King's face would have had different cuts and bruises, Long said. In addition, Long testified that a grain of sand found deeply embedded in King's face bolsters the argument that he suffered the injuries in a fall because that would explain how the material was embedded so deeply.

Long did say that one head

injury could have been caused by a baton, but that even that one was probably the result of a deflected blow, he said.

Clymer attempted to undermine Long's testimony largely by questioning his credentials. In particular, Clymer noted that Long had never completed his surgical residency and that he had no expertise in biomechanics—a field in which injuries and the causes of injuries are studied.

Long conceded that he was not a specialist in that field, but he called it "a hobby of sorts."

Mount Clipping in Space Below

Powell Decides Not to Testify in King Case

By JIM NEWTON
TIMES STAFF WRITER

Laurence M. Powell, the Los Angeles police officer who delivered the majority of baton blows to Rodney G. King, rested his case Wednesday without taking the witness stand, a surprise development that rocked the civil rights trial of the officers.

Powell's lawyer, Michael P. Stone, had said for weeks that Powell would take the stand in his own defense and announced as late as Tuesday afternoon that Powell would be a witness. But lawyers for the other officers have expressed misgivings about Powell testifying, and during a meeting Tuesday night, the attorneys agreed that, despite Powell's strong desire to testify, he should not take the stand.

Before resting his case, Stone consulted briefly with Powell in court. Stone rested one hand on Powell's shoulder and asked him if he was comfortable with the decision not to testify. Powell nodded nervously.

Powell said afterward that he and Stone have discussed the issue for months and did not reach a final decision until Wednesday morning. In fact, Powell said he was studying with a drama coach late Tuesday, going over videotapes of his testimony during last year's state trial and talking about how to improve it this time.

"It's always a roll of the dice when your client decides not to testify," Stone said outside of court. "But this is all a gamble. I'd rather not be at the gambling table, but we're here."

The decision not to call Powell strongly increases the likelihood that neither Timothy E. Wind nor Theodore J. Briseno will testify, meaning that the trial, which had

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newspaper, city and state)

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been expected to last well into April, could be sent to the jury next week.

Powell's last-minute decision reflects at least two important defense considerations: That putting Powell on the stand would subject him to difficult cross-examination, and that the testimony of Sgt. Stacey C. Koon may be enough to speak for all four of the officers. Koon spent three powerful days on the stand, and he took responsibility for every baton blow and kick that King received.

But not calling Powell poses possible pitfalls as well. A California Highway Patrol officer, Melanie Singer, testified that she saw Powell strike King six times in the head with a baton during the 1991 incident. Now Powell will not have the opportunity to answer that allegation directly.

After court adjourned for the day, Powell acknowledged that he had some misgivings about forgoing his chance to take the witness stand. But he appeared relaxed, speaking to reporters as he leaned against the marble wall of a courtroom corridor.

"Now we have to worry about whether it's the right thing," he said. "I'll be worried up until the day I hear the verdict."

The medical evidence about the baton blows has been conflicting, with two doctors testifying for the prosecution that there were direct hits to the head and two medical experts testifying for the defense that the facial injuries were the result of a fall to the ground. Stone said he was confident that the defense experts raised sufficient questions about the issue that Powell did not need to testify.

"All of the tears of Melanie Singer in the world will not make head blows to Rodney King," Stone said, referring to Singer's tearful testimony.

Powell, Wind and Briseno are accused of kicking, stomping and striking King with batons, depriving him of his constitutional right to be safe from the intentional use of unreasonable force. Koon, the senior officer at the scene of the incident, is charged with allowing officers under his supervision to administer an unreasonable beating.

It was Koon's testimony last week that played the key role in the decision not to call Powell, according to Stone and other de-

fense attorneys.

On the witness stand, the sergeant strongly defended the actions of all four officers. He took full responsibility for all of the blows and said he never saw any officer violate police policy during the incident.

Defense attorneys believe that Koon's testimony was so compelling that there is little need for any of the other officers to take the stand.

"If the jury doesn't believe Sgt. Koon, we're all in trouble," Stone said. "If the jury does believe Sgt. Koon, we're not."

Although Powell had long said that he wanted to take the stand in this case, some of the other defense lawyers expressed concerns that his credibility might have been damaged by the grueling cross-examination that they expected Assistant U.S. Atty. Steven D. Clymer to deliver.

"I'm not afraid of the answers that my client might give," Stone said. "I'm afraid of the questions."

Powell was the lead defendant during last year's state trial of the officers, and he was grilled by Deputy Dist. Atty. Terry White. Powell was the only one of the four officers not to win complete exoneration in the state trial, as the jury failed to reach a verdict on one count against him.

Stone conceded that his client might have some difficulty on the stand again, not so much because of the substance of his testimony as because of the way he might deliver it.

"Some people are natural witnesses," Stone said. "Larry Powell is not that kind of a witness."

Harland W. Braun, the lawyer for Briseno, said he and the other defense lawyers were confident in the strength of their case and believed that calling Powell would only expose them to additional risks.

"Every time you put a witness on, you take a risk," Braun said. "So why take the risk?"

Braun said all four of the defense lawyers had met Tuesday night and had discussed the "cost-benefit analysis" of Powell taking the stand.

Although each of the lawyers stressed that there was no pressure on Powell, they all endorsed his decision not to testify. The final choice, Stone said, was left to Powell himself.

Before resting Powell's case, Stone called his chief medical ex-

perts, Dallas Long and Carley Ward. Both testified that the injuries to King's face and skull were caused by a face-first fall to the pavement, not by baton blows, as the prosecution has alleged.

Ward concluded her testimony Wednesday, telling jurors that a series of full-force baton blows would have inflicted far more damage to King than he suffered. Ward said such strikes would have at least rendered King unconscious, and could even have killed him.

"All of the facial fractures were caused by the fall," Ward said in response to a question from Stone.

She maintained that position despite a penetrating cross-examination by Alan Tieger, a Justice Department lawyer who is one of the prosecutors in the case.

Tieger challenged Ward's qualifications and competence, introducing evidence that a California appeals court once reversed a conviction in a case in which Ward testified for the prosecution. The court in that case found "flagrant loopholes in the acceptability of the procedures and calculations" that Ward used in that case, Tieger said.

Stone fought against allowing jurors to hear that evidence, but U.S. District Judge John G. Davies ruled that Stone had raised the issue of Ward's prior testimony during his questioning of her. Among the qualifications that Ward listed in response to questions from Stone was the fact that she has testified in numerous trials, including the one that was the subject of the appeal.

Davies criticized Stone for raising that issue and allowed Tieger to question Ward about it.

"It's the price you pay for gilding the lily," Davies scolded Stone. "You've spread too much butter on the slice of bread."

Ward conceded that the appeals court had overturned the verdict and had criticized her methods, but she said the court misunderstood her approach. The case was argued in the early 1980s, and Ward said the techniques that she used were less widely recognized in those days than they are today.

The abrupt close of Powell's case shifted the spotlight to Wind, whose lawyer, Paul R. DePasquale, called one of King's passengers as his first witness. The passenger, Bryant Allen, testified as a prosecution witness during the state trial, and he repeated some of the

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Preparation for King Verdicts Gains Urgency

By JAMES RAINEY
and HENRY WEINSTEIN
TIMES STAFF WRITERS

As Los Angeles' most volatile trial speeds to its conclusion, a heightened sense of urgency hangs over proposals to cope with a potentially explosive outcome. Officials are grappling with the possibility of delaying the reading of the verdicts, launching a massive show of force on the streets or even postponing the spring elections if unrest breaks out.

Planning for the aftermath of the trial of four police officers accused in the beating of Rodney G. King has been under way for months, but the abrupt conclusion of the defense case Thursday highlighted a flurry of activity:

- A spokeswoman for Mayor Tom Bradley disclosed Thursday that the mayor, Police Chief Willie L. Williams and Gov. Pete Wilson have repeatedly called the office of U.S. District Judge John G. Davies to discuss postponing the reading of verdicts.

- City councilman and mayoral candidate Joel Wachs called for a declaration of a state of emergency "several days before the verdicts," so that National Guard forces can be deployed. "These are extraordinary times, and extraordinary circumstances require extraordinary responses," said Wachs, who was promptly branded a demagogue by one mayoral rival and chastised by city officials for meddling in a

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highly sensitive matter.

• National Guard officials said they will be in the region this weekend for regular training exercises, with a particular emphasis on tactics for putting down urban unrest. Lt. Col. Bruce Roy, a Guard spokesman, said the guard has also moved four armored personnel vehicles into a local armory to protect soldiers in a "high-threat environment," if needed.

City officials revealed that they have begun to plan for how unrest could affect the April 20 municipal election. The head of the city's elections division has requested an opinion from the city attorney's office about Bradley's power to postpone the election, if trouble could interrupt voting.

• Wilson requested \$1 million in federal aid to pay for law enforcement after the verdicts. But that money would not go far; the Los Angeles Police Department estimates that it would cost \$1.5 million a day to deploy extra forces. The federal government had earlier said as much as \$1.7 million would be available from a Justice Department emergency fund, but part of the money has since been given to other states.

Some of the most intense interest Thursday centered around the question of delaying the reading of the verdicts. That decision is in the hands of Judge Davies, but he has yet to rule on a postponement request that defense attorney Ira Sälzman made more than six weeks ago.

Since then, Cardinal Roger M. Mahony has also called for a delay, asking that the verdicts not be issued during the upcoming spring breaks for public and private schools so that educators can discuss the outcome with students

and help vent any hostile feelings. City Councilman Nate Holden has called for a reading of the verdicts at 3 a.m., when instigators would find it more difficult to mobilize forces for an insurrection.

And the mayor, police chief and governor have made repeated calls to the judge's office to discuss a delay of unspecified length, Bradley spokeswoman Vallee Bunting said.

Short delays are common in trials, usually because it takes time for the parties to get to the courthouse for the reading of the verdicts. And one federal judge, speaking anonymously, said it was his understanding that Davies would delay announcement of the verdict for just three hours.

But a substantially longer delay would be highly unusual, and community activists and legal experts questioned the wisdom of imposing such a wait.

"The people in the community can get edgy hypothesizing what's happening. It's like the unknown is worse than the known," said Loyola University law professor Laurie Levinson, who has been an observer throughout the trial.

A substantial delay might just "feed the rumor mill," said Gerald F. Uelmen, dean of the Santa Clara University Law School. The rationale for requesting a delay would be to allow police time to deploy for what is expected to be a massive show of force. While some preparation is called for, Uelmen worried that "rolling out squad cars will give the impression of a not guilty verdict."

Despite the strong government interest in the timing of the verdicts, there is no accepted procedure for officials to formally request a delay, said Assistant City Atty. Byron Boeckman. Because of

'The people in the community can get edgy hypothesizing what's happening. It's like the unknown is worse than the known.'

LAURIE LEVENSON
Loyola University law professor

that, the city has not made a formal legal request for a postponement.

"The federal judges run their own shop," Boeckman said, "and they may listen to political requests, but it's their call. . . . It is one of those quirky little things: a political consideration for a judge to decide."

As officials learned Thursday that the case may go the jury by next week, Bradley was on a four-nation European tour. He had not altered his plans to return to the city on Saturday, which aides said will put him back in City Hall in plenty of time for the outcome of the civil rights case.

Meanwhile, despite calls from leaders to keep the trial out of the political theater, the proximity of the verdicts to the April 20 municipal election dragged the case into the mayoral debate.

Wachs, calling for an early deployment of National Guard forces, said: "We cannot afford to wait for trouble to break. We have to send a clear and unambiguous message."

But an array of other officials—including Bradley's top aide and the head of the Police Commission—derided Wachs' proposal.

"It's the kind of proposal that encourages violence because it pre-

dicts it," said Assemblyman Richard Katz (D-Sylmar), one of a host of mayoral rivals slamming Wachs. "This crosses the line from decency to demagoguery. He's trying to tap into the people's basic fear, and exploit it to the nth degree."

Deputy Mayor Mark Fabiani and Police Commission President Jesse A. Brewer said a comprehensive response to the King case verdicts has been in the works for months and that eleventh-hour posturing by others will do nothing to enhance preparations or to calm the city.

"The mayor would prefer to have [Police Chief] Willie Williams, not Joel Wachs, in charge of the city's emergency planning," Fabiani said. "Chief Williams has already worked extensively with the National Guard and the National Guard forces and equipment will be within easy reach of the city, if needed."

Councilman Mark Ridley-Thomas, who represents a South Los Angeles district heavily damaged in last year's riots, called Wachs' plan "headline-hunting."

The key to the Police Department's plan will be to have a large number of uniformed officers on the streets from the moment the federal court jury begins its deliberations. Stepped-up patrols will continue through the jury's delivery of a verdict, Fabiani said.

Police officials have declined to release more specifics about the number or location of officers to be deployed.

Last spring's riots erupted after the four officers were acquitted in state court of all but one count in the King beating. The police and National Guard were roundly criticized for a delayed response.

But former Police Chief Daryl F. Gates claimed that statements by

politicians, including Ridley-Thomas, contributed to an overly timid police reaction to the early rioting.

Ridley-Thomas maintains that his admonitions for a restrained police response applied only until trouble broke out. He is taking a similar stand now.

"There is a line between repression and responsible preparedness," he said. "This armed-to-the-teeth orientation is unsettling. I think it has more of a destabilizing effect than the effect of imposing calm."

One hint of the extent of city officials' planning came on Wednesday, when the city's emergency operations officials contacted the Los Angeles Convention and Visitors' Bureau to make sure that a sufficient number of hotel rooms would be available for law enforcement personnel in the event of a protracted deployment.

Large employers were also laying plans.

At Arco, for example, Chairman and Chief Executive Officer Lodwick M. Cook recently sent a letter to more than 1,500 employees outlining the company's plans if verdicts spark violence. While Arco declined to release a copy of the letter, company spokesman Al Greenstein said the communication was aimed at assuring employees the company is ready with security measures.

"We don't anticipate a riot. We are not telling employees there will be a riot," Greenstein said of the March 25 letter. "We are simply telling employees the steps we are taking to ensure their safety. It is simply emergency planning just as we do with earthquakes or other emergencies."

Times staff writers John Schwada, Greg Krikorian and Patrick J. McDonnell contributed to this story.

Defense Rests in King Trial; Jury Could Get Case Next Week

■ **Courts: Stunned federal prosecutors now plan to present rebuttal witnesses Monday. With potential violence closer at hand, city leaders look into delaying April 20 election.**

By JIM NEWTON
TIMES STAFF WRITER

Lawyers for four police officers charged with violating Rodney G. King's civil rights brought their case to an abrupt conclusion Thursday, resting a defense that depends largely on whether jurors believe the testimony of Sgt. Stanley C. Koon, the only officer to take the witness stand.

The move by the defense lawyers took federal prosecutors by surprise and forced the judge to dismiss the jury for the week because no rebuttal witnesses were ready to testify. Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors in the case, said he expected to present the government's rebuttal case Monday—which could clear the way for the jury to begin deliberating by Thursday or Friday, after closing arguments by both sides.

With the trial drawing to an unexpectedly quick close, political leaders and business executives turned with new urgency to the potentially violent fallout from the case. Among other things, debate

heightened over whether the judge should delay disclosing the verdicts so that law enforcement can mobilize. City officials also revealed that they are exploring the legality of postponing the April 20 municipal election if there is a recurrence of the unrest that followed the verdicts in last year's state trial.

A last-minute debate over prosecution evidence on Thursday could delay the start of jury deliberations. Over furious defense objections, U.S. District Judge John G. Davies ruled that an edited tape of Officer Theodore J. Briseno's testimony during last year's state trial may be played for the jury.

Briseno testified against his co-defendants in that case, and defense attorneys have fought vigorously to keep the state testimony from being played in the federal trial. They told Davies that they will ask the 9th Circuit Court of Appeals to intervene today and overrule the decision to allow the tape into evidence.

Meanwhile, the defendants concluded their case Thursday without calling another witness. Harland W. Braun, the lawyer for Briseno, had presented prosecutors with a list of 10 possible witnesses, but did not summon any. He said later that the list had merely been a bluff to keep prosecutors off balance.

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DEFENSE RESTS IN KING TRIAL
JURY COULD GET CASE NEXT WEEK

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"I just wanted to keep Clymer up to 3 in the morning," Braun said. Braun, who has delighted in tweaking the government lawyers, made no apologies for misleading them with his witness list. Outside court, Braun called the federal prosecutors "evil people" and "scum," and he accused them of

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waging a political prosecution against the four officers.

Braun's decision to rest his case after 13 days of defense testimony during which lawyers for the officers called two dozen witnesses to the stand, with mixed results. Most were Los Angeles police officers, but the defense witnesses also included a City Council member, a member of the Police Commission and a California Highway Patrol officer who cried on the stand as she recounted the beating of King.

Of those witnesses, however, none was as important as Koon, who supervised the March 3, 1991, arrest of King after the motorist led authorities on a high-speed chase. King was legally drunk at the time.

Because Koon was the only one of the officers to take the witness stand, his testimony effectively spoke for all four defendants. Thus, their fate rests largely on how jurors respond to the sergeant's version of the incident.

Unflappable as always, Koon said he was not troubled by bearing the burden for his co-defendants' case. "I've been comfortable with that from Day 1," he said as he left the courtroom.

During his three days on the witness stand, Koon testified that he took full responsibility for every baton blow and kick during the arrest. He said he gave the orders to strike King in the hopes that his officers could "cripple" him and prevent him from standing.

Had King been allowed to rise to his feet, Koon said, officers might have been forced to kill him.

"Stacey Koon makes or breaks this case," said Michael P. Stone, the lawyer for Officer Laurence M. Powell. "If the jury believes Stacey Koon, we all walk. If the jury doesn't believe Stacey Koon, we're all in trouble."

If convicted, the defendants could face up to 10 years in prison and could be fined up to \$250,000 each. Powell, Briseno and Timothy E. Wind are charged with kicking, stomping or hitting King with ba-

tons, depriving him of his right to be safe from the intentional use of unreasonable force. Koon is accused of allowing officers under his supervision to carry out an unreasonable beating.

In the early stages of their case, the defense lawyers presented an elaborate, point-by-point rebuttal of many of the prosecution arguments. Many early witnesses testified about Los Angeles Police Department policy—part of the defense strategy to shift blame for the incident from the officers to the training and policy that guided their actions.

Stone and Ira Salzman, the lawyer for Koon, scored several points on that theme. They presented witnesses, for instance, who said that a 1982 change in LAPD policy stripped officers of the right to use the chokehold, which had led to serious injury or death of some suspects. Defense experts said the technique could have been used to subdue King without baton blows.

Because of that ban, the defendants had little choice but to strike King when he resisted arrest, defense witnesses said.

Defense medical experts also challenged the testimony of prosecution witnesses on the question of whether King was struck in the head with a baton. Direct baton blows to the head usually violate Police Department policy, but the defense experts said King's facial fractures were caused by a fall to the ground, not by baton blows.

But defense attorneys struggled with a number of witnesses whose testimony undercut the officers' cases. During a meeting Tuesday night they decided that they were better off concluding their case quickly. Davies had shown impatience with the pace of the proceedings, and the defense lawyers said they were worried that they might weaken their case if they called more witnesses.

The meeting—a half-hour session in the Spartan office space that the lawyers share in the

'Stacey Koon makes or breaks this case. If the jury believes Stacey Koon, we all walk. If the jury doesn't believe Stacey Koon, we're all in trouble.'

MICHAEL P. STONE

Lawyer for Officer Laurence M. Powell

federal courthouse—produced a dramatic turn in the defense strategy. They emerged determined to shift from the detailed approach of their case's early days to the minimalist strategy that marked its conclusion.

"We got together and decided that less is better," Braun said. "Every time we called a witness, there was the potential for trouble."

Stone agreed.

"We agreed that the best thing we could do was to wind it up as fast as we could," he said. "Why take the risk?"

Peter Arenella, a UCLA law professor, said the defense strategy makes sense. He credited lawyers for the officers with presenting a case that raised doubts about the prosecution's account. But he and other analysts say the defense may have blundered when Stone called California Highway Patrol Officer Melanie Singer to the stand.

During two days of testimony, Singer twice burst into tears when asked to describe the beating. She told jurors that she had seen Powell strike King six times in the head with his baton, a sight so shocking that she said she will remember it "until the day I die."

Stone said he believed that Singer had testified truthfully, but that her recollection was incorrect. He acknowledged, however, that he was surprised by Singer's display of emotion and suggested that it might have been faked.

"I think her theatrics were calculated," Stone said Thursday.

Although Stone said he does not think that jurors will consider Singer's testimony credible, Arenella and other analysts said the lasting emotional impression may work against the defense.

"The defense did an excellent job of presenting a reasonable doubt up until Melanie Singer," Arenella said. "The difficulty now is weighing the emotional impact that she had."

Before resting their case, defense lawyers introduced two last pieces of evidence: transcripts of interviews that King gave to authorities while in custody and the shiny black boot that Briseno wore on the night of the incident.

Paul R. DePasquale, the lawyer for Wind, read the transcripts in court, delivering them with theatrical aplomb.

In those interviews, King gave accounts of the incident that differed in some respects from the testimony he delivered during the federal trial. In particular, King insisted many times that he was handcuffed and hogtied when police beat him.

That contention is not borne out by the videotape.

Braun presented the boot in order to show that it is lightweight with a rubber sole, not a heavy jackboot.

In presenting their cases, the lawyers for the officers avoided the rift that split their efforts during last year's state trial. Briseno testified in that case that his fellow officers, particularly Powell, were "out of control" and that the beating was wrong.

Briseno also told jurors in that case that Powell hit King in the head with his baton, and that King did not appear to be resisting during many of the blows.

This time Briseno did not take the stand, and his lawyer avoided tangling with the other defense attorneys throughout their cases.

But the ruling by Davies after

the defense rested on Thursday could still expose jurors in the federal trial to some of Briseno's testimony from the state case. Davies had ruled earlier that federal prosecutors could play an excerpted tape of that testimony for the jury, but prosecutors elected not to present it during their case.

Instead they asked to play it for the jury now that the defense has rested, a tactic that they had previously outlined but which sparked a pitched debate when they attempted to proceed. Stone argued, for instance, that it was unfair to play the tape because Briseno's testimony in Simi Valley was not aided by newly enhanced versions of the videotape of the beating.

Had Briseno been able to see those enhanced tapes, defense lawyers said, it would have changed his testimony about Powell's conduct. Because of that, Stone argued, playing the tape will allow jurors to hear Briseno's account from that trial without giving Stone the opportunity to question him about whether his views have changed.

Davies disagreed, allowing prosecutors to introduce an edited version of the tape that omits Briseno's opinions about the beating but includes his observations and explanations of his own actions. When defense lawyers continued to protest, Davies invited them to test his ruling with the 9th Circuit Court of Appeals.

"If you think I'm wrong, the 9th Circuit is across the street," Davies said. "File a writ and get it off my shoulders."

Braun later said the judge did not "have the guts" to rule against the prosecution in the emotional case and announced he would take Davies up on his suggestion that the matter be appealed. The other defense lawyers said they would join in that appeal, which they expect to file today.

They will seek emergency consideration from the appellate court.

(Mount Clipping in Space Below)

FAA Asked to Curb Flights

■ **Aviation:** Aircraft may be banned under 2,000 feet over all of Los Angeles County following verdicts in the Rodney G. King beating trial.

By **KENNETH REICH**
TIMES STAFF WRITER

Three major police agencies and the city Fire Department have asked that aircraft be banned from flying under 2,000 feet over all of Los Angeles County without prior approval when the verdicts in the Rodney G. King case are made public, the Federal Aviation Administration said Friday.

FAA spokesman Fred O'Donnell said the agency is considering the request and that a decision on temporary flight restrictions on helicopters and fixed-wing aircraft over the county, or a smaller area, could be implemented on as little as an hour's notice.

Under the restrictions, television news helicopters could apply for permission to cover a particular event, such as a demonstration or a violent incident, but it would probably take about an hour for the FAA to decide whether to allow it, O'Donnell said.

He said the Los Angeles Police Department, Los Angeles County Sheriff's Department, Los Angeles Fire Department and California Highway Patrol have joined in asking the FAA to act under Federal Aviation Regulation 91.137.

"Our people are looking at it," O'Donnell said. "No local government agencies can close airspace. Under federal regulations, this is up to us."

One law enforcement official, speaking on the condition that he not be identified, said Friday

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that the police agencies want to open up airspace for their flights and that they want to avoid direct coverage by news channels that might encourage the spread of riotous conduct if there is a repeat of the trouble that erupted last year after the verdicts in the King beating case.

Initial responses from Los Angeles television stations was, for the most part, restrained.

Terry Crofoot, president and general manager at KABC-TV Channel 7, said that until a decision is made by the FAA, "we wouldn't have any public reaction. Right now, they say they are considering it. If and when they make a decision, then we'll react."

At KNBC Channel 4, officials declined to comment.

But at KNXT Channel 2, Bob Tur, a reporter and pilot for the station, said the requested flight restrictions would result in censorship of news coverage of important events.

"It would be clearly designed to control the news media," he said, accusing police officials of "wanting to control the spin on the news and what people see."

"It scares me," Tur said. "You cannot have prior censorship in this country. This is prior censorship. The federal government and local government do not want people to see the truth."

FAA spokesman O'Donnell said the agency has made no decisions, and he indicated that a careful study is being made of the implications of the request.

O'Donnell said that some news stations have asked the FAA to notify it of any decision it plans to take, and to consider, if flight restrictions are implemented, giving news helicopters advance clearance to cover events in the restricted zones.

"But we're not going to do that," the spokesman said. "If we do order restrictions, bona fide news media will have to contact the controlling agency [the FAA] for permission to fly in specific instances. We would anticipate it would take at least an hour to get clearance."

This means that news helicopters could not immediately provide live coverage of such events as the April 29 attacks at Florence and

Normandy avenues at the onset of the riots.

Actually, as O'Donnell noted Friday, the Florence and Normandy intersection lies within a permanent terminal control area on the approach path to Los Angeles International Airport. Planes wishing to enter this area at any time must get prior approval from air traffic controllers. Aircraft providing news coverage at the intersection last year had to get permission to fly over the area.

But under the new restrictions being requested by law enforcement, the restricted area would be much wider and the procedures for getting permission to fly might be considerably more onerous.

Permission to enter the terminal control area is usually granted immediately upon request. But temporary flight restrictions, such as those requested by the police and fire agencies, require approval well in advance.

O'Donnell did not say what clearance policies the FAA would follow if it approved the requested restrictions. But law enforcement officials have been pressing a broad ban on almost all flights but its own.

There were widespread suggestions by law enforcement officials last year that the coverage during the riot was inflammatory, inciting a spread of the violence. Most station officials denied this at the time, although live coverage was noticeably more restrained during a brief flare-up of trouble several months ago that was quickly squelched by police.

During last year's riots, the FAA banned commercial airline approaches to Los Angeles International Airport from the east. That meant the flights could not fly over riot-torn South-Central Los Angeles and had to approach the airport from the west, over the Pacific Ocean.

O'Donnell said this procedure restricted the number of hourly arrivals for a four-day period, leading to long delays.

Meanwhile, as the King verdicts approach, Councilman Joel Wachs withdrew from his controversial stand for a council motion to place the National Guard in the streets several days before the verdicts.

Times staff writer James Rainey contributed to this story.

(Mount Clipping in Space Below)

Leaders Working to Quell Unsupported Riot Rumors

■ **Valley:** LAPD deputy chief criticizes Encino residents for 'hysteria' at meeting. Councilwoman sets up hot line.

By RICH CONNELL
and LESLIE BERGER
TIMES STAFF WRITERS

As a jittery Los Angeles inches toward verdicts in the Rodney G. King civil rights trial, chilling and often wildly unsubstantiated rumors of impending violence are swirling through offices, shops and neighborhoods across the county.

Law enforcement officials, political leaders and rumor control hot lines are struggling to douse the gossip as it leaps from place to place via alarming flyers and community and business grapevines.

An LAPD deputy chief felt moved this week to criticize Encino residents for slipping into what he regarded as hysteria during a

riot-preparedness meeting. In the South Bay, authorities have denounced a hoax in which an official-sounding, inflammatory leaflet predicts riot-related attacks on local cities and thousands of deaths. A notice sent to Westside office tenants claims that police will block roads and impose a dusk-to-dawn curfew when the verdicts come in—even though no such official decisions have been made.

Police Chief Willie L. Williams, in a Town Hall meeting broadcast Friday, tried to discourage rumor-mongers while reassuring the public.

"There are tens of thousands of rumors around every day," Williams said. "A lot of it is . . . fear on the part of members of the community. It's fear on the part of the Los Angeles Police Department as well. We're following every little tidbit of information."

Among the unsubstantiated rumors authorities are trying to quash: that law enforcement officials believe a major outbreak of

violence is certain; that gangs have plans to target certain suburban enclaves; that gangs have stockpiled large caches of weapons and will use stolen police uniforms to impersonate officers.

"There is no evidence we've seen of any organized effort" to plan for violence after the federal civil rights trial, said Deputy Mayor Mark Fabiani, a key figure in overseeing the multi-agency preparations for possible civil disorder.

Los Angeles County Sheriff's Department Capt. Douglas McClure said: "Our department has no

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evidence of any organized, conspiratorial efforts on the part of any street gangs, period."

Although many weapons were taken in looting last year, law enforcement officials believe they represent a very small percentage of the guns already on the streets, LAPD spokesman Lt. John Dunkin said. Some police uniforms were stolen from a dry cleaner's during last year's disturbance, but Dunkin said LAPD uniforms are sent to dry cleaners without buttons, badges and other accessories—which are crucial to assuming the appearance of an LAPD officer.

Still, the rumors seem to be picking up as the case of four police officers charged in the King beating appears to be headed to the jury as early as next week.

A "riot-preparedness" meeting of about 60 Encino homeowners Tuesday night opened with Homeowners of Encino Vice President Joe Dancygier saying: "It's been heard through the grapevine that they're going to come here and riot and burn down the Valley. We need to take a stand—either we take our city back, or we let everybody else have our city."

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LAPD Deputy Chief Mark A. Kroeker, a normally mild-mannered diplomat for the department who was in attendance, upbraided several people in the group.

"I think you need to reduce the hysteria I'm feeling in this room," Kroeker told the group. "Hysteria is more dangerous, in a way, than the problems you are describing. We are fully prepared and fully committed to protecting you with everything we have, including our lives."

Williams also assured the public of "maximum enforcement deployed throughout the city." "We're not getting ready to go to war," he said, "but we want to assure the community that they can go to work, go to school, go outside and carry on with their lives."

Robert Aguayo, a former gang member who works with gangs in the Echo Park area, said rumors of planned violence aimed at suburban areas are "mumbo jumbo." "I'm sure you've heard people say, 'We shouldn't be burning our own neighborhoods, we should go and burn other neighborhoods.' People take a comment [spoken] out of anger and make it into an official statement."

"I don't believe they are that organized," Officer Stephanie Tisdale, a community-relations officer with the Police Department's West Valley Division, said of rumors that gangs would target suburban areas.

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"Something like that would take tremendous planning," said Capt. Valentino Paniccia, the West Valley Division's commanding officer. "You're giving credit to gang members that they don't deserve."

Authorities have tried to dispel fears by noting that they are far better prepared for unrest than they were last spring. They are pinning their hopes on an early, heavy show of police force, and on plans to send teams of ex-gang members and community representatives into potential trouble spots.

Also, hot lines to deal with the rumors have been set up by the Los Angeles County Human Relations Commission and San Fernando Valley Councilwoman Joy Picus' office. In addition, the Neighbor-to-Neighbor program run by the Los Angeles mayor's office has been taking calls and trying to dispel rumors.

Six phone lines have been installed to form an Information and Rumor Control Center in Picus' Reseda field office, where trained volunteers and Los Angeles police will try to quash rumors and calm West Valley residents by answering questions.

"Never has it been more timely to say knowledge equals power," Picus said Friday during a news conference scheduled to announce the plan.

"We are empowering our community by setting this up."

Picus said several of her staff members suggested the idea after

they were shaken by alarming statements they heard at neighborhood meetings, including avowals by some residents and merchants that they would protect their property themselves, even if it meant taking the law into their own hands.

"It's frightening what we hear at meetings," said one Picus deputy, Sandy Kievman. "We just want to put people's minds at ease and keep people informed."

Charles Dickerson, chief deputy to South-Central Los Angeles Councilwoman Rita Walters, said the rumors of violence seem to be most intense in areas that were least affected by last year's civil

disorder. "It's real unfortunate that people in the suburbs, who were not victims of that last riot or the riot of 1965, are raising these issues now," he said.

"People who live in our community are just as concerned about safety in their homes and safety in their streets as are people in other portions of the city."

One anonymous flyer circulated widely in South Bay neighborhoods—and denounced by local law enforcement officials—purports to have inside official information of cities targeted in the area and predictions of thousands of deaths. "We quickly dismissed it as being a hoax," said El Segundo

Police Sgt. John Ogden, whose department tried unsuccessfully to track down the source of the flyer.

A Westside office building manager notified tenants that the "LAPD expects trouble no matter what verdict is returned" and outlined supposed city plans for imposing a dusk-to-dawn curfew and sealing off nearby freeway exits. Authorities said no such decisions have been made.

The rumors hit close to home for Asian-American merchants in riot-scarred areas. Word has spread of not-so-thinly veiled threats, said Deborah Ching, executive director of the Chinatown Service Center, a nonprofit health and human services organization. There is a fear that would-be looters are already studying potential targets, she said.

Ching said business owners who have rebuilt since last year's riots feel particularly vulnerable. "They feel people are looking at them, to kind of finish off the job. There's a clear hostility."

Meanwhile, Estelle Van Meter, a South-Central resident for 31 years, said there are concerns among African-Americans that police protection, should there be more rioting, will be focused on "protecting white neighborhoods."

"I'm tired of being ostracized," said Van Meter, who is the founder and president of the Estelle Van Meter Multi-Purpose Center in South Los Angeles.

Some of the rumors appear to stem from media coverage, including recent articles quoting inner-city gang members who say that if violence erupts again they will take to suburban neighborhoods. Authorities view those as being largely isolated comments, rather than a sign of organized planning.

Still, they have helped whip up fears in outlying areas.

Frank Wills, who became San Marino's police chief just seven weeks ago, said he had been fielding two calls a day, until they slowed last week to just one a day.

"I had one yesterday," Wills said. "A lady went to her dentist and the dentist told her rumor has it that San Marino is targeted."

Despite efforts of the LAPD's top brass to squelch rumors, at least

some appear to be fueled by police officers who pick up information from colleagues and sources on the street and discuss it with friends or associates.

A Pasadena resident, who asked not to be identified, said an LAPD acquaintance told her the "word on the street" was that gang members would lie low during an early high-profile police presence, but later move out to suburban communities.

Police appear to be exploring countless tidbits of raw intelligence about possible trouble. A recent internal LAPD intelligence report briefing cited information from one officer's source that black gangs were planning to ambush officers and another tip about a man claiming to be teaching young boys in Army tactics for forays into Beverly Hills.

But city and law enforcement authorities insist that none of this has yet proved to be pointing toward truly threatening, organized plans for violence.

The LAPD's Dunkin said he could not comment on what police officers may be privately telling relatives, neighbors and friends about rumors and self-protection. But he said he is urging calm among his circle of acquaintances.

"When my brother-in-law said he was going out and buying a shotgun I said, 'Jack, don't be ridiculous.'"

Times staff writers K. Connle Kang, Patrick J. McDonnell, Kenneth Reich, Vicki Torres and James Rainey contributed to this story. Special correspondents Scott Glover, Elston Carr, Mary Anne Perez and Gordon Dillow also contributed.

Riot Rumor Hot Lines

Officials have set up two hot lines for callers to check out rumors of possible civil unrest.

(800) 2-GOTALK—Sponsored by the Los Angeles County Human Relations Commission.

(818) 345-1091—Staffed, as of Monday, from 8 a.m. to 5 p.m. until King trial verdicts are announced. Hours will extend to at least 7 a.m. to 10 p.m. after verdicts. Sponsored by Councilwoman Joy Picus.

King Jury May Hear New Expert on Use of Force

By JIM NEWTON
TIMES STAFF WRITER

Federal prosecutors expect to call one of the nation's foremost experts in the use of police force as part of their rebuttal case against four Los Angeles police officers accused of violating Rodney G. King's civil rights, according to a government witness list obtained Friday.

James J. Fyfe, a professor of criminal justice at Temple University and a long-time critic of the Los Angeles Police Department, appears on a list of 14 possible government witnesses obtained by The Times. An associate of Fyfe's who has spoken with him about his possible testimony said he expected that Fyfe would be called to counter a Los Angeles police sergeant who defended every blow on the videotape of the King beating.

Fyfe served on the New York Police Department for 16 years, working as a patrolman, sergeant and lieutenant. He also taught at the Police Academy. More recently, he co-authored a highly acclaimed study of police tactics titled

"Above the Law: Police and the Excessive Use of Force."

The cover of that book features a frame from the videotape of the King incident, and the authors are scathingly critical of the officers who beat King. "The brutality of Rodney King's beating was self-evident to everyone who watched it," the authors wrote.

Although prosecutors will not comment on their case, Assistant U.S. Atty. Steven D. Clymer told U.S. District Judge John G. Davies on Thursday that one of the prosecution's witnesses was flying in from the East Coast to testify next week. Fyfe was in New York on Friday delivering a lecture on hostage procedures, but his associate and co-author, Jerome H. Skolnick, confirmed that Fyfe has been contacted about appearing as a witness in the King case.

Fyfe has appeared as an expert witness in several brutality lawsuits filed against the Los Angeles Police Department. This time, he is likely to be called to counter the defense's main use-of-force expert, Sgt. Charles L. Duke Jr., who testified that every blow against King was "reasonable and necessary" to subdue him.

Duke said that three of the four defendants—Stacey C. Koon, Laurence M. Powell and Timothy E. Wind—were within department policy when they used force against King. Powell and Wind struck King with batons and Wind kicked him several times, but Duke said every one of those blows was justified by King's apparent attempts to get up off the ground.

"If the officer were to allow this suspect to rise . . . it could escalate into a deadly force situation," Duke said during his testimony last month. "The safest place for him [King], and it may very hard to understand, is on the ground."

Duke did not testify about Theodore J. Briseno's actions, most notably a stomp that he delivered to King's upper body. Duke has previously indicated that he believed that the stomp was a violation of policy, but he was not questioned about it during the federal trial.

Fyfe and Skolnick have sharply criticized the officers' actions as well as the Police Department culture that they believe allowed brutality to flourish.

"There is no secretiveness in the Rodney G. King videotape or in the half-joking computer conversations that followed it," Fyfe wrote in a column that appeared less than a month after the incident. "Instead, we see officers who had to be confident that their colleagues would remain silent and that their department would reject any citi-

zen's account of their conduct. Their great confidence is evidence that this brutality was no aberration."

In addition to Fyfe, the government's list of possible witnesses includes LAPD Deputy Chief Matthew V. Hunt. Hunt, who declined to comment about his possible testimony, presumably will be questioned about the training that Los Angeles police officers received in the use of the baton.

A number of other officers appear on the latest witness list—including three who have testified in the federal trial—but some of them may not be called, depending on how a dispute regarding Briseno's state trial testimony is resolved. Prosecutors and lawyers for the officers met Friday afternoon to discuss editing some of the material out of the videotape, and they held a 40-minute conference call with Davies.

Briseno testified against his fellow officers during the state trial, and defense attorneys vigorously object to the admission of that testimony in the federal case. Bri-

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seno did not take the stand in the federal trial, nor did defendants Powell and Wind.

The meeting between opposing lawyers got off to a frosty start, as prosecutors were surprised to find that a reporter had been invited to observe the session. They objected, as did one of the officers' lawyers, and the meeting was held in private.

Even as they wrangled with government attorneys to produce a version of the tape that could be shown to the jury Monday, defense attorneys were preparing a writ for the U.S. 9th Circuit Court of Appeals in an effort to keep the entire tape out of evidence in the federal trial. William J. Kopeny was drafting the defense brief late Friday, and defense attorneys said they expected to file it today.

John Barnett, Briseno's lawyer from the state case, was working with Kopeny on the brief. He said lawyers would argue that introducing Briseno's testimony at this stage of the federal trial was "fundamentally unfair and constitutionally defective."

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King Trial May Come Down to a Case of Expert vs. Expert

■ **Testimony:** Specialists for both sides have taken the stand. Credibility of witnesses could be deciding factor.

By PAUL LIEBERMAN
TIMES STAFF WRITER

When a defense attorney announced plans last week to introduce yet another expert witness—this one to testify about a computerized three-dimensional re-creation of the Rodney G. King beating—Judge John G. Davies was hardly surprised.

"I'm sure it's all *marvelously* done," the judge remarked.

And when a prosecutor jumped up to object, declaring: "We have an expert [who] says it's imprecise," Davies was not surprised, either.

"That expert will testify and debunk the whole thing, right?" the judge asked Assistant U.S.

Atty. Steven D. Clymer, who dutifully nodded.

So it has gone for much of the last five weeks in U.S. District Court, where four Los Angeles police officers face charges that they violated King's civil rights when they beat him into submission March 3, 1991. Although the emotional testimony of King and a few others has drawn the most attention, the trial has been consumed largely by an almost numbing parade of expert witnesses. At times, the proceeding has looked more like a medical malpractice case than a criminal trial stemming from a gritty street confrontation.

With the stunning decision of defense attorneys Thursday to rest their case after calling only one defendant, Sgt. Stacey C. Koon, to the witness stand, the outcome could well hinge on how jurors view the competing medical and police experts who have tried to mold their views on most of the key issues before the panel:

Was King struck in the head with police batons, or were his facial fractures caused by a fall to the ground? Did the officers have reason to believe that King was crazed—and inhumanly strong—from taking PCP? Were the baton

blows a gross violation of police policy, or a textbook use of force by officers whose tools were limited by politicians' decisions and haphazard training?

From the start of the case, defense attorneys—encouraged by the outcome of last year's state trial in Simi Valley—made no secret of their hope that a barrage of conflicting expert testimony would, at the very least, create "reasonable doubt" in the jurors' minds.

As Harland W. Braun, who represents Officer Theodore J. Briseno, put it: "Your experts really don't have to be better than their [the prosecution's] experts. All you've got to have are experts on

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both sides. I think [jurors] wonder: 'How could we as lay people know beyond a reasonable doubt, when the experts can't decide?'"

The experts on both sides have come with a colorful array of props, from a plastic foam head and two skulls to fire-engine-red body armor. To illustrate their points, they have wrestled in front of the witness stand and sprawled on the courtroom floor.

Some have come from the medical world, lecturing the jury on eye socket wounds, the meaning of a speck of gravel embedded in King's face and how the jolt of a Taser affects enzyme levels in the body. This group also produced competing skulls—after a prosecution doctor used a plastic replica to detail King's injuries, his defense counterpart showed a film in which the fractures were outlined on a real skull.

From the police ranks, experts have testified about chokeholds and "swarm" techniques, on "static" versus "dynamic" baton training and on how cops often confuse basic facts of violent incidents, including whether they shot someone in the chest or the back.

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Davies has played the role of bemused referee amid the conflicting accounts, which often resemble a game of one-upmanship, such as when a specialist in baton techniques revealed that he had first been solicited by prosecutors before defecting to the defense camp.

"So the government thought it had a live one and it turned out they didn't," Davies remarked outside the presence of the jury. "It happens all the time in this business of expert shopping."

In many other countries, courts do not endure such battles of experts. If there is a technical issue to be decided—perhaps a defendant's sanity—the judge appoints one outside expert to serve as an adviser to the court.

But in the United States, with its fiercely adversarial system, the use of experts has become big business,

giving rise to medical and engineering consulting firms that provide fancy court exhibits and well-trained witnesses who can earn hundreds of dollars an hour. Such experts are usually associated with civil trials because "there are large dollar amounts involved," said Myrna Raeder, a professor at Southwestern University School of Law in Los Angeles.

But in the criminal realm there also is much to be gained by using experts, Raeder said. She cited the trial of William Kennedy Smith, a nephew of U.S. Sen. Edward M.

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Kennedy, which featured experts on such details as the type of grass behind the Kennedy estate in Palm Beach, where he was accused of raping a woman.

"Your limitation on use of expert testimony," Raeder said, "is only how imaginative you are."

In the first King trial, Los Angeles County prosecutors seemingly believed that the videotape of the King beating spoke for itself.

But defense attorneys argued that this was no normal assault case because the accused officers were trained and authorized to use force. Thus, they called a series of witnesses to explain police practices, most notably Sgt. Charles L. Duke Jr., a burly SWAT team leader who guided the jury through the videotape while providing his interpretation: The pictures widely viewed as police brutality, he said, actually showed officers doing what they were taught to do.

Only in its rebuttal case did the prosecution scramble to respond with its own use-of-force expert, Cmdr. Michael Bostic. But he had little street experience and, in the eyes of many spectators, was not as impressive as Duke.

Some legal scholars chastised prosecutors for not vigorously contesting the admission of expert testimony on use of force, calling it a strategic decision of perhaps even more importance than not calling King as a witness. These observers said the government could have argued that the issue of whether the officers used unreasonable force was a matter for the jury to decide and should not be subjected to expert analysis, which is generally reserved for scientific or technical questions.

"I thought they made a horrible mistake," said New York attorney Harvey Weitz, who monitored the state case for the Courtroom Television Network. Once the jurors were exposed to the testimony, Weitz said, they concluded: "Who am I to second-guess?"

Several of the Simi Valley jurors confirmed his speculation after they returned the not guilty verdicts that ignited last year's riots.

"This case has shown everyone has different perspectives," a juror said. "The judge's notes—our instructions of how we could consider evidence—stated . . . if there are two reasonable explanations for an event, we had to pick the one that points to innocence, not the one that points to guilt."

To avoid a reprise of the Simi Valley verdicts, federal prosecutors this time were determined to beat the defense to the punch—a move that set up a series of confrontations and swings in momentum in the war of experts.

The federal prosecutors struck first by dropping Bostic as a use-of-force expert and summoning the

more streetwise Sgt. Mark John Conta, who spent 17 years patrolling Los Angeles. Leading the jury through the videotape—much as Duke had done for the defense a year earlier—Conta told jurors that the officers acted in "clear violation" of LAPD policy.

Though called to speak as an expert, Conta also raised an important prosecution theme, that "expert" opinions should not replace common sense when viewing the videotape. Responding to a defense argument that the officers had never been formally trained in a "swarm technique"—which might have enabled them to subdue King without clubbing him—Conta remarked: "I did that technique in 1972. . . . An individual told me: 'Grab a leg.' . . . What training would you need?"

When it came to medical testimony, the federal prosecutors did not rely only on emergency room physicians who examined King after the beating and who were unable, during the state case, to say what caused his head injuries. Instead, they produced two medical experts who had examined X-rays, CAT scans and other records on King. They concluded that his injuries were caused by police batons.

The government this time also aggressively sought to impeach and embarrass the defense experts. Prosecutor Clymer repeatedly challenged their credentials and appealed to Judge Davies to limit their testimony by ruling out broad, preachy opinions that invade "the province of the jury."

But Davies gave the experts wide leeway, expressing confidence that the jury would be able to spot dishonest posturing. "You underestimate the jury and its ability to sort these things out," the judge said when prosecutors tried to cut off one line of questioning.

The prosecution's bid to undermine the opposing experts suffered a severe blow when the defense produced a former Wisconsin police chief, Edward Nowicki, who trains officers in the use of batons. The encounter demonstrated the considerable perils in the expert-witness game.

Nowicki disclosed on the stand that the prosecution had flown him to Los Angeles last year, figuring that he might be a good witness for them because he had reacted with "outrage" to the King beating. Nowicki said he changed his opinion when prosecutors showed him the full videotape, deciding that the baton strikes "were absolutely appropriate."

Prosecutors pleaded with Davies not to allow testimony about Nowicki's flip-flop, complaining that it could prejudice the government's case. But the judge allowed it, issuing his warning about the dangers of "expert shopping."

Clymer then challenged the credentials of the man the government had considered using. He got Nowicki to acknowledge that he had been police chief of a small resort town—with fewer than 10 officers—and that the training standards he trumpeted were assembled largely by the baton manufacturer, which makes its money selling the gear and training services.

The prosecution launched its strongest attack when the defense introduced its final expert, Carley Ward, a biomechanical engineer. She testified that force tests using batons indicated that King could not have been struck in the head because such blows would have caused far greater injuries than were found on him.

In an extended cross-examination, Alan Tieger, the most soft-spoken and detail-oriented of the Justice Department lawyers, introduced evidence that an appeals court once reversed a conviction in a case where Ward testified for the prosecution, finding what he called "flagrant loopholes" in her procedures.

Stone protested introduction of the evidence, but Davies allowed it and delivered another lecture—this time directed at the defense—on the danger of using experts. He noted that Stone had raised the issue of Ward's prior testimony by getting her to list all her qualifications, including the fact that she had testified in numerous trials.

"It's the price you pay for gilding the lily," the judge scolded Stone.

Tieger went on to belittle Ward's work on the King case by comparing one of her test instruments, a "force plate," to a bathroom scale. He asked Ward if it was true that her daughter had wielded the police baton in some of her tests.

Ward responded that her daughter weighed 150 pounds and was "one of those outstanding athletes very good at baseball."

After the day's testimony was complete, Laurie Levenson, a Loyola University law professor who has monitored the trial, said the brutal cross-examination might help to remind the jury "that there are experts and there are experts."

Although observers of the legal system have noted the seeming absurdity of having supposed experts issuing diametrically opposite opinions, Raeder shares Judge Davies' faith in the ability of the King jury to "figure this out . . . in terms of judging credibility."

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Appeal Filed Over Officer's Taped Account

■ **King case:** Defense asks a federal appeals court to prohibit the prosecution's use of Theodore J. Briseno's testimony in civil rights trial.

By JIM NEWTON
TIMES STAFF WRITER

Federal prosecutors in the Rodney G. King civil rights trial are trying to use state court testimony by one of the defendants to drive a wedge between the police officers and to force Officer Theodore J. Briseno to take the witness stand against his will, a lawyer retained by the officers said in an emergency appeal filed Saturday.

William J. Kopeny, a prominent Santa Ana attorney, argued that Briseno's state court testimony should not be admitted because it would deny all four officers a fair trial and because it is offered at an

inappropriate stage of the federal trial. All four defendants have already rested their cases.

"The apparent motive of the government in ever offering this evidence was to force Briseno to testify, in hopes of . . . causing the defendants to fight among themselves as they did, notoriously, in the state trial," Kopeny said in his motion, filed Saturday with the U.S. 9th Circuit Court of Appeals.

Briseno's state trial testimony is the core of the prosecution's rebuttal case, scheduled to begin Monday. But government lawyers also are wrestling with other rapidly shifting issues as they prepare to present their final witnesses.

On Friday, defense attorneys

received a copy of the government's list of 14 potential rebuttal witnesses, including James J. Fyfe, a Temple University professor and nationally recognized expert on the use of police force. After quickly researching Fyfe's background, lawyers for the officers said they could produce evidence that Fyfe had been exposed to Los Angeles Police Department internal affairs reports that would make it impossible for him to testify about some aspects of the case.

Because those statements were made under threat of firing, they cannot be used as evidence against the defendants. Moreover, witnesses familiar with the statements' contents must be able to show that their testimony is not influenced by them.

Fyfe had a plane ticket to Los Angeles, but prosecutors abruptly

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pulled the plug on his appearance Saturday. They were unavailable for comment on their reasons.

Although Fyfe's absence deprives the prosecution of potentially helpful testimony, their witness list still includes two of the LAPD's highest-ranking officials, Deputy Chief Matthew Hunt and Assistant Chief Bernard Parks. The key to their rebuttal case, however, is the videotape of Briseno's state trial testimony.

Briseno testified against his co-defendants in that case but has joined with them in a common defense this time. Briseno exercised his constitutional right not to testify in the federal trial.

Deprived of the chance to question Briseno, federal prosecutors would like to play an edited version of his state court testimony when trial resumes Monday. Defense attorneys are waging a spirited objection to that move, and Kopeny's brief asks the appellate judges to halt the trial until they consider the defense position.

Legal analysts agree that Kopeny's motion raises interesting legal questions, but they nevertheless consider it a long shot. Appeals of this sort are very rarely granted, especially in a high-profile trial with a sequestered jury.

U.S. District Judge John G. Davies ruled last week that much of Briseno's videotaped state trial testimony is admissible as part of the prosecution's rebuttal case. The appellate judges would need to find that Davies committed a "clear error" to overrule his decision.

Kopeny circulated copies of his brief to defense lawyers and prosecutors Saturday afternoon. The U.S. attorney's office in Los Angeles did not immediately file a response, but prosecutors there could

present one early Monday.

A research lawyer from the 9th Circuit was reviewing the motion, and a three-judge panel could take it up Monday morning if the judges believe that it presents sufficient grounds for them to intervene.

In addition to the legal reasoning in his 45-page brief, Kopeny appealed to the judges' respect for the judicial system: "The integrity of the federal court is, to some extent, at stake in this trial," Kopeny wrote. "The government should not be permitted, or be seen to be permitted, to engage in an unfair, last-minute tactic, as a means of obtaining a conviction at any cost."

Briseno joined fellow defendants Laurence M. Powell and Timothy E. Wind in electing not to testify in the federal trial. But prosecutors argue that they should be allowed to introduce an edited videotape of Briseno's state testimony to rebut the federal testimony by Sgt. Stacey C. Koon, the fourth defendant.

In three days on the witness stand, Koon vigorously defended the force used against King. He said King had been resisting throughout, and added that he never saw Powell hit King in the face or head. In state court, however, Briseno testified that King did not pose a threat during much of the beating and said he thought he saw Powell deliver several blows to King's head or face.

Assistant U.S. Atty. Steven D. Clymer argued in court last week that Briseno's state court testimony should be played for the jury because it contradicts Koon on "eight or nine critical points."

Even if the videotape is played, both sides already have agreed that some of it will be edited out, including Briseno's famous description of his fellow officers as "out of control."

That comment cannot be introduced because evidence rules prohibit a witness from testifying about another person's state of mind.

Prosecutors do hope, however, to include Briseno's explanation for his failure to report the use of force against King.

Briseno testified that he had returned to the police station intending to report the incident to the watch commander but that he saw a computer message from Koon and concluded that Koon already had reported it.

Prosecutors would like to play that statement and then bring on witnesses to say Briseno was lying.

The trouble with that tactic, Kopeny said in his motion, is that Briseno did not present any evidence in the federal trial that can be rebutted by his state court testimony.

Briseno's entire defense case in the federal trial consisted of admitting into evidence one of the boots he was wearing on the night of the incident. In addition, Kopeny said that Briseno's state trial testimony may not accurately reflect his current view of the incident. During the state trial, Briseno did not have access to enhanced versions of the videotape of the beating, and Harland W. Braun, Briseno's attorney, told the court that Briseno's impressions of the incident are different.

Don't Pump Up the Volume

As it await verdicts, L.A. must see things in perspective

As the Rodney King civil rights trial draws to a close, the fear that its outcome could result in renewed rioting is palpable in Los Angeles. The case is expected to go to the jury by the end of this week.

The fears of new violence are heightened by rumors that well-armed gangs will invade suburban homes and businesses. These fears have been stoked by tabloid-style television reports and out-of-town newspapers that give too much credibility to the braggadocio of a few gang members who boast they will take violence to affluent suburban areas. But a boast, or a rumor, does not a fact make.

Anxiety has sent people running to gun stores. "Gun sales are up at least 30 to 40% over the past eight weeks," a gun shop owner recently told a Times reporter. "Ammo sales have gone up over 100%. I can't keep ammo in stock." That's worrisome because the last thing the police need is "help" from untrained, overanxious vigilantes who may be a danger to themselves as well as others.

Deputy Police Chief Mark A. Kroeker expressed the police concern best when he upbraided several panicky Encino homeowners recently: "I think you need to reduce the hysteria I'm feeling in this room. Hysteria is more dangerous, in a way, than the problems you are describing. We are fully prepared and fully committed to protecting you with everything we have, including our lives."

There's a constructive way of checking out rumors: the county Human Relations Commission rumor line, 1-800-2-GO-TALK, which is operating now.

Tensions are high in the black, Latino and Korean communities, where the death and destruction were most severe last year. Although business owners are fearful, the Korean-American Grocers Assn. is wisely urging members not to buy guns.

That's wise advice that should be heeded. Because, after all, Los Angeles is much better prepared than it was a year ago to handle disturbances. A few key examples:

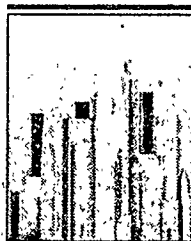
—The Los Angeles Police Department, Sheriff's Department, the California Highway Patrol and other agencies have trained to contain the spread of violence in case disturbances break out again. The National Guard has sent armored vehicles to this area to facilitate a rapid response. Additionally, the LAPD has improved emergency tactics, instituted new mutual aid procedures and strengthened lines of communications.

—The communications are most improved at City Hall. Last year, Mayor Tom Bradley and then-Police Chief Daryl F. Gates were feuding. Nowadays, the mayor and Chief Willie L. Williams speak regularly.

These are not minor changes. They are major improvements. Los Angeles is prepared. Gov. Pete Wilson, Bradley and Williams have asked U.S. District Judge John G. Davies to delay the announcement of the verdicts. A reasonable delay would be appropriate.

Teachers should help alleviate children's concerns, and the L.A. school district is encouraging such classroom discussions. Some classroom discussions will focus on a King—not Rodney, but Dr. Martin Luther King Jr.—who was assassinated 25 years ago Sunday. Speakers will explain how the human rights champion expressed his rage at injustice and how he expressed his moral outrage nonviolently.

As Los Angeles—and the world—contemplate the outcome in the federal civil rights trial and the trial of men accused of beating trucker Reginald Denny, responsible leaders must above all encourage calm. That will keep us all far safer than a gun in every closet.



WHAT NEXT FOR LOS ANGELES?
■ One in a series

(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

Date: MON., 4-5-93

Edition: METRO, B-6

EDITORIALS OF THE TIMES

Title: DON'T PUMP UP THE VOLUME

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(Mount Clipping in Space Below)

Fear, Anger Voiced in Citywide Town Meeting

■ **Communities:** TV hookup gives cross-section a chance to speak. A plea for hope and calm is heard.

By SHERYL STOLBERG
TIMES STAFF WRITER

They are the people who quietly go about their lives in Los Angeles, working and going to school as they struggle to make sense of a place that often makes no sense. Crying to be heard, they came from all corners of this fractured, fragile city, carrying anger and frustration and fear.

A Korean-American businessman who yearns for security, finding it not in the police but in a company named Smith & Wesson. An African-American woman from Baldwin Hills who is tired of seeing the media portray her people as thugs. An Anglo woman from the San Fernando Valley who thinks the school system is beyond repair. A Latino lawyer from Hollywood who says that what the justice system lacks most is justice.

These are the unheard voices of the City of Angels. On Sunday afternoon, they did something they have never done before. Through satellite and microwave technology, they talked to one another—and to the city at large. The format was a live, televised "Town Hall Gathering," broadcast on KABC-TV from 3 to 6 p.m.

The show came at an extraordinary moment in the city's history, a time when officials are publicly calling for peace while preparing for another round of possible civil unrest after the soon-to-be-con-

cluded trial of four Los Angeles police officers accused of civil rights violations in the beating of Rodney G. King.

Although the program touched on everything from child care to the possible breakup of the Los Angeles school district to what officials are doing to stem the tide

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L.A. TIMES
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CITYWIDE TOWN MEETING

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of businesses leaving the area, the fear that Los Angeles may erupt again provided a constant thread in the discussion.

There was also an ever-present subplot: the inevitable comparisons between the trial of the four white officers, who are accused of beating a black man, and the case of three black men accused in the beating of white trucker Reginald O. Denny.

"Wrong is wrong," said Barbara Jefferson, a 62-year-old resident of the Crenshaw district. "It was wrong for Rodney King to be beaten and it was wrong for Reginald Denny to be beaten."

"We need to focus in on what is facing Los Angeles at this given time and moment, of what's going to happen, so that the everyday [person], maybe somebody who's not so learned, is not so sophisticated or educated, can understand what is about to happen. The whole world is looking at us now."

The show was staged on the 25th anniversary of the assassination of Martin Luther King Jr. In a plea for calm, West Los Angeles resident Sandy Champion invoked the slain civil rights leader's name:

"Everybody seems to be preparing for the negative instead of hoping, as I feel and as Martin Luther King taught and preached, that we should be nonviolent," he said. "I think all this talk about preparing for the worst is not the way we should do it. We should be hopeful. And, yes, there have been some injustices but I think we should wait and see before we react, give the justice system a chance."

The program, staged in cooperation with Mayor Tom Bradley's Neighbor to Neighbor program, featured more than 300 community activists, city officials and just plain folk, as well as two videotaped

messages: one from actor Edward James Olmos, the other from President Clinton.

"The challenges and the trials ahead will not only be in courtrooms," Clinton said. "The challenge is to draw strength from our diversity every day, in every part of your community, to draw together and to keep up the dialogue with each other, even under stress."

As the cameras cut back and forth between the network's main studio in Hollywood and six satellite locations throughout the city, there were plenty of questions about Los Angeles' problems. Leonard Broom, a longtime resident of South-Central Los Angeles, did some of the asking.

"Justice begins at the top and not the bottom," he declared. "We know it took years for all this to happen. What we want to know is what you are going to do about it?"

But there were few answers—especially from those in a position to give them.

In a brief message delivered at the outset of the program, Bradley talked wanly of the need to quell rumors of a potential riot—and then left the studio before he could be asked any questions. Police Chief Willie L. Williams—who drew praise in Clinton's videotape for helping to make the program possible—did not show, sending an assistant chief who pleaded with residents not to stereotype the police.

Dist. Atty. Gil Garcetti was asked, point-blank, whether there will be justice in the city. His reply was an honest one—"I can't guarantee justice," he said—but the audience hooted and booed. Later, a frustrated Garcetti acknowledged: "I understand there is no credibility in the criminal justice system—it is lacking."

Peter V. Ueberroth, co-chairman of Rebuild L.A., fared little better. A man in the audience

wanted to know what the group was doing about companies leaving Los Angeles, taking away jobs that could help inner-city residents.

"That's the government's role," Ueberroth said. "RLA is not in the business of trying to keep business in town."

Curiously, with the city 15 days away from a mayoral election that features two dozen candidates, there was little talk of politics. Only once was the name of a candidate mentioned, when a man in Koreatown said he would be voting for Richard Riordan.

There were poignant moments: an 11-year-old schoolgirl who said she wished her elementary school had metal detectors so that she would not have to worry about children carrying guns; a tearful mother whose son was shot to death at Fairfax High School this year; a young black boy from West Los Angeles who told how the police pulled over his older brother and accused him of driving a stolen car—only to find out that he owned it.

"They didn't even apologize," the boy said plaintively.

And there were hot exchanges as well, such as the cross-city debate between Jill Reiss, a San Fernando Valley activist who is pressing for the Valley to secede from the Los Angeles Unified School District, and Leticia Quezada, a school board member who was stationed in East Los Angeles for the broadcast.

Although the topic was schools, the underlying issue was—not surprisingly—race. Over the groans and boos of the audience, Reiss maintained that the proposal to break up the district would not divide the huge school system along racial lines.

Over the airwaves, Quezada shot back: "It does in fact create segregation, racial divisiveness." And that, the school board member said, "is frankly something that we don't need anymore of in Los Angeles today."

Times staff writer Josh Meyer contributed to this story.

(Main Caption in Space Below)

Court OKs Briseno Tape at King Trial

■ **Ruling:** But prosecution victory is blunted by defense move that could bar part of officer's testimony given during state trial. Case could go to jury this weekend.

By JIM NEWTON, TIMES STAFF WRITER

A federal appellate court Monday rejected an emergency appeal brought by four Los Angeles police officers charged with violating Rodney G. King's civil rights, clearing away a major obstacle preventing jurors from seeing videotaped state court testimony given last year by Officer Theodore J. Briseno.

But before prosecutors had a chance to play the tape for the jury, a second legal tussle erupted that could block admission of large portions of Briseno's testimony. That issue involves Briseno's access to the Los Angeles Police Department's internal affairs statements made by his co-defendants.

During last year's state trial of the officers, Briseno was the only defendant to break ranks and testify against the others.

The extraordinary eleventh-hour legal battle over his videotaped testimony reflects the intense importance that both sides place on it. Prosecutors have called it "critical evidence," and attorneys for the officers concede that it contains statements that could badly hurt at least two defendants, Officer Laurence M. Powell and Sgt. Stacey C. Koon.

In the state case, Briseno told jurors that Powell had appeared to strike King in the head several times and that King was not resisting during much of the beating. Koon was the only officer to testify in the federal trial and Briseno's account contradicts the sergeant's on several points.

Koon is charged with allowing officers under his supervision to administer an unreasonable beating. The other defendants—Briseno, Powell and Timothy E. Wind—are accused of kicking, stomping and beating King with batons, depriving

him of his right to be safe from the intentional use of unreasonable force. All four men face up to 10 years in prison and fines of as much as \$250,000 each if convicted.

The videotaped testimony is the last major piece of evidence that either side is expected to present in the case. U.S. District Judge John G. Davies predicted that the case would go to the jury this weekend, and he told lawyers that he would hold court Saturday if that time is needed to conclude closing arguments and instruct the jury.

Davies also said he hoped that jurors would deliberate Easter Sunday if they have the case by then.

First, Davies must resolve the debate over admitting Briseno's state court testimony. Attorneys for the officers argued that Briseno had read statements by his co-defendants before testifying in the state trial, and they said those statements—made to investigators from the Los Angeles Police Department's internal affairs division—may have affected the version of events that Briseno presented.

Because those statements were made under the threat of firing,

(Indicate page, name of newspaper, city and state.)

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AT KING TRIAL

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they may not be admitted as evidence. Also, prosecutors must show that the testimony of any witness who has read those statements is unaffected by their contents.

As he wrestled with the issue of Briseno's state court testimony, Davies appeared first to favor one side and then the other before ending the day undecided. He initially dismissed the issue of Briseno's access to the other officers' statements, and was unimpressed by defense efforts to keep jurors from hearing the tape.

"It appears to me that the tape is destined to be played," Davies said during the trial's morning session.

Lawyers for the officers were dismayed. Harland W. Braun, the lawyer for Briseno, objected fiercely to the admission of evidence challenging Briseno's explanation of why he did not report the use of force against King. Braun accused Davies of "siding with the prosecution and throwing a stink bomb in the middle of the defense."

Braun moved for a mistrial, a motion that Davies brusquely rejected.

But Davies allowed lawyers to continue arguing the point, and after hearing the arguments about Briseno's access to the internal affairs documents, he backed away from his position. Davies agreed to consider the matter overnight, and ordered the lawyers to report back to his courtroom this morning for a ruling on the issue.

Lawyers for the officers were cautiously heartened by Davies' willingness to rethink the issue, but declined to predict how the judge would rule.

"I'm exceedingly pleased," said Ira Salzman, who is Koon's lawyer. "We'll see what happens tomorrow."

If Briseno's testimony is allowed into evidence, any of the officers would have the right to take the stand to respond. That would subject them to cross-examination by prosecutors, however. Lawyers for the officers said they are unlikely to allow their clients to be placed in that position.

While Davies' reversal at least temporarily left the issue of Briseno's testimony unresolved, the appellate ruling marked a major victory for prosecutors. If the appellate court had sided with the defense, it would have taken the matter out of Davies' hands and probably would have prevented the tape from being introduced.

That would have been a significant setback to the prosecution's case. Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors, has said that Briseno's version contradicts Koon on "eight or nine critical points."

Although edited to exclude his opinions about the conduct of his fellow officers, Briseno's videotaped testimony still includes vivid, hotly contested descriptions of the beating. That includes his statements that Powell appeared to strike King in the head and that King did not pose a threat to the officers during the time that many of the blows were administered.

Both comments contradict defense testimony by Koon and by Sgt. Charles L. Duke Jr., a use-of-force expert.

Davies ruled last week that the tape could be played, but lawyers for the officers were deeply concerned about the impact on jurors hearing those statements. On Saturday, the officers filed their emergency appeal with the U.S. 9th Circuit Court of Appeals.

That motion, drafted by Santa Ana lawyer William J. Kopeny, asked the judges to block admission of the tape. It also asked for a delay in the trial while the judges considered that request.

But a three-judge panel of the

circuit quickly rejected the officers' request.

"The emergency petition . . . is denied," the judges wrote.

Although the issue of Briseno's state testimony has bogged down the proceeding for several days, Davies told jurors that he expects them to begin deliberating this weekend. In a conversation with lawyers outside the presence of the jury, Davies said he will hold court Saturday if that is needed to complete final arguments and read instructions to the jury.

"It is my plan to have you deliberate through the weekend," Davies told jurors. "The courthouse will be available to you all day Saturday. The courthouse will be available to you all day Sunday."

Some attorneys consider it unlikely that the case will be concluded so quickly, but the pace of the trial was speeded up when prosecutors presented a pared-down list of witnesses for the government's rebuttal case against the officers.

The prosecution's original list included 14 witnesses—counting Briseno's videotaped testimony—but government lawyers dropped a nationally recognized police expert, James J. Fyfe, and a top LAPD officer, Assistant Chief Bernard C. Parks.

They also excluded a number of other witnesses, for reasons they did not explain.

Among those who remain is LAPD Deputy Chief Matthew V. Hunt, one of the department's highest-ranking officers. He is expected to testify for the prosecution today, as are three or four other LAPD employees.

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(Indicate page, name of newspaper, city and state.)

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SIDE

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LOS ANGELES

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Rapper Takes Officer's Side

■ **Trial: Controversial N.W.A. founder Eazy-E has stood by Theodore J. Briseno at the Rodney King trial. His actions have shocked some in the rap community.**

By CHUCK PHILIPS
SPECIAL TO THE TIMES

Eazy-E, the controversial Los Angeles rapper once accused of advocating violence against police officers, confirms that he believes in the innocence of one of the four officers on trial in the Rodney King case—shocking some members of the rap community.

"What the cops did to Rodney King was wrong and the officers who beat him should be sent straight to prison," said Eazy-E, in his first formal interview since he began attending the trial almost daily. "I went to the trial to support Rodney King and because I'm curious.

"The difference is that most people look at the video and say four white officers were responsible for the beating of this helpless, innocent black man. I say, 'Wrong.' Three white officers were responsible for beating Rodney King. The other officer [Theodore J. Briseno] happens to be Mexican-American, and he tried to stop them."

Questions about Eazy-E's role have been raised since he began attending the trial two weeks ago, frequently standing next to Briseno. But the issue escalated last Friday when The Times printed a front-page photo of Eazy-E with Briseno, identifying the rapper as a "supporter."

"Eazy-E is a sellout," said Houston rapper Willie D, a former member of the best-selling Geto Boys.

"He got everybody all riled up about police injustice with

[N.W.A.'s 1988 song] 'F--- tha Police,' but evidently he wasn't sincere. I guess maybe he should have called that song 'F--- Bein' Broke,' because that's all Eazy-E seems to care about. He ain't about nothin but money."

One key East Coast rap journalist who asked not to be identified said, "It takes guts for Eazy to stand up for what he believes in. But the general feeling in the rap community is that any hint of support for these cops is wrong."

Eazy-E (real name Eric Wright), founder of the rap group N.W.A. and president of the Hollywood-based Ruthless Records, said he was introduced to the officer two weeks before at the courthouse by Briseno's attorney Harland W. Braun, who also does legal work for the rapper.

"It was the first time I ever met the man, and all of a sudden everybody in the media starts spouting off about how Eazy-E supports Briseno," said Wright, 25, a self-professed ex-gangster and former drug dealer. "All I ever said to the press was that out of the four, he was the only one I saw who was trying to stop the beating.

"I never said I came down to the court to support him. I came down to watch the trial because this case is about police brutality, and anybody who knows anything about me knows [how I feel about] police brutality."

Four years ago, N.W.A.'s record company—Hollywood-based Priority Records—received a letter from an FBI official claiming that the Compton quartet's music incited violence against police officers.

"These people who are criticizing me don't have a clue as to what's going on," Wright said. Referring to the anti-police sentiments on the group's controversial 1988 "Straight Outta Compton" album, Eazy-E said the anger "wasn't about all cops. We were talking about bad cops who pull you over and harass you for nothing and do

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crooked stuff to you. There are bad ones and there are good ones. I still think the same way I did then. The bad ones ought to be sent to prison."

Briseno and officers Lawrence M. Powell and Timothy E. Wind are charged with intentionally violating King's civil rights by stomping, kicking or striking him with batons during a March 13, 1991, videotaped incident. A fourth defendant, Stacey C. Koon, the senior officer at the scene, is accused in the federal civil rights case of allowing officers under his supervision to administer an unreasonable beating.

Briseno—who can be seen stepping on the back of King's head in the videotape—could not be reached for comment.

During last year's state trial in Simi Valley, Briseno criticized the beating of King by his fellow officers, testifying that he thought they were "out of control." Briseno maintained that he was King's defender and stepped on him only to keep him from getting up and being struck again.

Wright refused to comment on whether he thought Briseno was a good or a bad cop, but said that

after watching the videotaped beating many times, he believed the officer did not mean to harm King.

"The way I figure it is if the man jumped in front of the other cops and took a couple of blows, he must have been trying to stop the beating," Wright said. "He must have had some kind of heart about what was going on. Why else would he risk getting hurt?"

Monday, the appeals court cleared the way for prosecutors to show the videotape of Briseno's testimony criticizing the beating

from last year's state trial. But defense attorneys are still scrambling to block—or limit—its use.

Assuming that Briseno was trying to stop King's beating, how does Wright rationalize the officer using his boot to force King to the pavement in the video?

"Sure, I've seen that little stomp Briseno does on the video, and I'm not saying it's justified, but we don't know what it was about, do we?," Wright said. "It could have been him just trying to tell Rodney, 'Stay down, man, stay down.' Who's to know?"



Agence France Presse

Rapper Eazy-E, left, says Theodore J. Briseno "was the only one I saw who was trying to stop the beating."

Police Officials Hold Briefing to Reassure Koreatown of Safety

By K. CONNIE KANG
TIMES STAFF WRITER

At a somber news conference Tuesday that began with a prayer by an elderly Korean-American minister for "peace and security," top Los Angeles Police Department officials told the Korean-language news media that Koreatown will be protected in the event of civil unrest.

"We would like to reassure everyone that officers will be on the streets," said Cmdr. David J. Gascon, spokesman for Police Chief Willie L. Williams. "They will be cruising in the streets. They're going to be visible in the area."

Noting that "no one suffered more than the Korean community" during last year's riots, Gascon also vowed that "we will not have another April 29, 1992, in this city."

Gascon, Police Commissioner Michael Yamaki and Capt. Julius I. Davis, head of the Police Department's Wilshire Division, held the 90-minute briefing in Koreatown to inform the Korean-language media of the LAPD's preparedness in the event of unrest after verdicts are announced in the Rodney G. King civil rights trial.

The meeting drew Korean community leaders and more than three dozen reporters, most of them from local Korean-language news media and Los Angeles-based correspondents for South Korean TV networks and newspapers.

Davis, whose command includes Koreatown, said that as soon as the verdicts are handed down, a "visible presence of police officers" from the Wilshire, Rampart and Hollywood divisions will be deployed to Koreatown.

All three officials said they were troubled by reports of Korean-American merchants arming themselves and urged Korean-language reporters to communicate their concern to the community.

Davis urged them to pass along a message: "Don't bring weapons into the streets." He noted that a Korean-American youth was killed last year by an armed civilian who mistook him for a looter.

If there is unrest, people should stay inside their businesses and homes, Yamaki said, and not take to the street wielding weapons.

"If a black-and-white unit rolls up, [police] don't know whether you are good or bad," Yamaki said. "The only thing they see is that gun. . . . Let the officer come to the store" if there is trouble.

Davis dismissed rumors that Koreatown has been targeted for another round of looting and burning.

Yongsohk Choe, Korean-American coordinator for the Wilshire Community Police Council, said he felt a "little more comfortable" after the hearing the police officials' remarks. "Until now, the Korean community has been getting only bits and pieces of information," he said.

Asked if his fears were calmed by what he heard in the news conference, Gene Kim, president of the Koreatown Assn. of Los Angeles, said: "We have to believe them; that's all we can do."

(Indicate page, name of newspaper, city and state)

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(Mount Clipping in Space Below)

King Jury Sees Key Videotape; Prosecutors Rest

By JIM NEWTON
TIMES STAFF WRITER

Jurors in the Rodney G. King civil rights trial finally saw the videotaped testimony of Theodore J. Briseno on Tuesday after prosecutors prevailed in a hard-fought battle to introduce the tape as evidence against the police officers who beat and arrested King.

Immediately after the tape was shown, federal prosecutors surprised defense lawyers by resting their case without calling another witness. The lawyers for the officers also concluded their cases Tuesday, leaving only a debate over jury instructions and final arguments before the case is handed to the jury, probably by this weekend.

As the final witness left the stand, U.S. District Court Judge John G. Davies grinned at the jurors and announced, "That's it, ladies and gentlemen! You've heard all the evidence."

It took days of argument and an unsuccessful emergency defense appeal to the U.S. 9th Circuit Court of Appeals before prosecutors were

(Indicate page, name of newspaper, city and state)

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allowed to play the Briseno tape—an edited version of his testimony given during last year's state trial of the same four officers.

Once it was played, defense lawyers responded by briefly recalling Sgt. Stacey C. Koon, the only defendant to testify, to the witness stand. Koon acknowledged that Briseno's version of the incident does not square with the one he told jurors. But Koon attributed the discrepancies to the fact that he and Briseno saw the incident from different angles.

Koon was the final witness of the trial, now in its sixth week in a city tense with anticipation over the verdicts.

The Briseno tape was the final major piece of evidence introduced by either side, and it climaxed the prosecution's case by casting doubt on several points that are key to the defense. Briseno was the only one of the four defendants to break ranks during last year's state trial, and the two-hour, 25-minute videotape featured Briseno's sharp criticism of his fellow officers.

"I couldn't understand," Briseno said of the baton blows that Officers Laurence M. Powell and Timothy E. Wind administered as Koon watched, directing their actions. "I was trying to look at and view what they were looking at, and I couldn't understand it."

Briseno said he yelled at Powell to "get off" King and that he intervened at one point to block a blow by Powell. Briseno said many of his actions were intended to "stop Officer Powell," and he added that he complained to his partner about the way Koon had handled the incident.

"I was very angry, very upset, very frustrated," Briseno said. "I was upset with the sergeant."

Jurors watched the tape curiously, occasionally glancing at Briseno, who followed along with a transcript. Briseno rarely looked up at the videotaped image of himself testifying a year ago about the same incident for which he and the other defendants are again on trial.

Much of the tape featured Briseno wielding a pointer as he described events on the videotape of the King beating. That placed jurors in the federal trial in the unusual position of watching a defendant on one videotape describe yet another videotape.

"They've got to be perplexed," said Harland W. Braun, Briseno's lawyer.

The videotaped testimony represents some of the prosecution's most powerful evidence in its case against the four officers. Recognizing that, defense attorneys waged the most spirited legal challenge of the trial in their efforts to block the tape from being admitted.

Davies wrestled with the issue, appearing to waver time and again. When he finally ruled against defense lawyers, they moved for mistrials.

"All right," Davies responded. "All those motions are denied."

Powell, Wind and Briseno are charged with stomping, kicking and beating King with batons during the March 3, 1991, incident in Lake View Terrace. Those officers, according to the prosecution, violated King's civil rights by intentionally using unreasonable force during the arrest.

Koon, the senior officer at the scene, never struck King, but he is accused of allowing officers under his supervision to administer an unreasonable beating.

The four officers presented a unified—if sometimes strained—defense in the federal trial, a marked difference from last year's state proceeding.



LARRY DAVIS / Los Angeles Times

Officer Theodore J. Briseno makes point in hall.

Although Briseno and Powell testified during the state trial, as part of the joint defense in the federal case, Briseno, Wind and Powell all chose not to take the witness stand. That deprived prosecutors of the chance to question Briseno directly, so the government lawyers instead relied on the videotape of the testimony he gave in Simi Valley.

They were forced to delete some sections of that testimony, however. In the state trial, Briseno was allowed to venture his opinions about the other officers' conduct, but rules of evidence generally do

■ ARTISTS RENDER VERDICTS

With cameras banned, the King beating trial has presented an opportunity for artists. B1

not permit witnesses to describe other people's states of mind.

In the state case, for instance, Briseno testified that "I thought the whole thing was out of control," and he described the officers' actions as "wrong."

Neither of those statements were played Tuesday but, by taking the stand to rebut the tape, Koon opened himself to further questions about it. In conducting his cross examination, Assistant U.S. Atty. Steven D. Clymer asked Koon about Briseno's description of the incident as "out of control."

Koon conceded that Briseno had described the incident that way in state court but said that Briseno "had a different perspective than I had."

Even in its edited version, the videotaped testimony included a number of passages that could hurt Briseno's co-defendants.

In one section, Briseno said that he did not believe King was resisting when many of the blows were delivered, an account that contradicted the testimony by Koon and a defense expert on the use of force.

"What were you thinking that night about those blows?" Briseno was asked during the state trial by his lawyer of the time, John Barnett. "Did you perceive

that [redacted] was a threat at that time?"

"No, sir," Briseno responded.

Later, in the videotape, Briseno was questioned by Deputy Dist. Atty. Terry White and again attacked his fellow officers.

"You saw misconduct by Officer Powell and Officer Wind?" White asked.

"Yes, sir," Briseno said.

"And you saw misconduct by Sgt. Koon, too, didn't you?" the prosecutor continued.

"Yes, sir," Briseno responded.

During the state trial, Briseno also was questioned about his explanation for why he did not report the incident, even though he said he believed it had been an excessive use of force. Briseno testified that he had returned to the Foothill police station to report the beating, but that he had seen a computer message from Koon.

That message, which has been introduced as evidence in the federal trial as well, was from Koon to Lt. Patrick Conmay. In it, Koon said that there had been a "big-time" use of force.

Briseno said he saw that message and determined that he did not need to file his own report because Koon had already done so.

Federal prosecutors have long charged that Briseno's explanation was false, and they have publicly accused him of perjuring himself during the state trial. They had said they would call witnesses to prove that Briseno had lied about the trip to the police station.

But when the time came to present those witnesses Tuesday, the government lawyers instead chose to abruptly rest their case.

Briseno's lawyer was jubilant.

"They presented nothing damaging about Ted [Briseno] at all," Braun said. He asked Davies to dismiss the case against his client. Davies declined, saying he would consider the request, which Braun has made previously, but would not rule on it immediately.

Ira Salzman, the lawyer representing Koon, said the prosecution's decision not to challenge Briseno's credibility reflects its willingness to see Briseno acquitted in exchange for his damaging testimony about Koon and Powell.

"It appears that the government was not truly intent on prosecuting Mr. Briseno," Salzman said. "It's clear that the government's strategy was that Briseno was to be employed to get at my client and at Mr. Powell."

As is their practice, prosecutors left court without commenting to reporters.

Although Briseno's videotaped testimony was the highlight of the prosecution's rebuttal case, the government attorneys had previously called as their final live witness LAPD Deputy Chief Matthew V. Hunt, the highest-ranking police officer to testify in the federal trial.

Hunt, a well-liked senior officer in the department, was called to rebut a defense use-of-force expert. The expert had maintained that Hunt once told him that batons could be used to "beat suspects into submission."

Asked whether he had ever made such a statement, Hunt responded, "Absolutely not."

At the conclusion of Tuesday's session, Davies informed jurors that they would be given today off so that lawyers can discuss the instructions that jurors will receive at the end of closing arguments. Those arguments will begin Thursday morning, and Davies told jurors that he believes they will begin deliberating Friday afternoon.

Others close to the case said the case more likely would be submitted to the jury Saturday.

Chief Will Deploy Officers at Start of Jury Deliberations

■ **King case:** Williams, Bradley seek to ease fears of renewed unrest. LAPD will put 6,500 police on street duty. Deputies, National Guard and others are set to help.

By RICHARD A. SERRANO and KENNETH REICH, TIMES STAFF WRITERS

Pléding that the Los Angeles Police Department will not fail the city again, Police Chief Willie L. Williams on Tuesday provided a highly unusual public briefing on his plan for quelling any civil disturbances that might break out at the close of the Rodney G. King civil rights trial.

Williams revealed that he will begin a massive deployment of officers across the city as soon as jury deliberations begin, instead of waiting for the verdicts to be announced. The federal civil rights trial of the four LAPD officers accused in the King beating could go to the jury by this weekend.

The chief said repeatedly that he does not expect a repeat of last year's rioting, which broke out after the officers were acquitted in state court of all but one count. Nevertheless, Williams said he will put up to 6,500 officers on street duty in the city as soon as jury deliberations begin. He also is outfitting his officers with additional equipment, such as special gas spray cans and rubber bullets to disperse unruly crowds in situations where, Williams said, "you don't want to use guns or send a wave of officers in with batons."

And he emphasized that he has helped line up assistance from other law enforcement agencies that would move in if there were more violence than the LAPD could handle.

His remarks, at a City Hall news conference organized by Mayor Tom Bradley, seemed to have a dual purpose: to calm rising tensions in the community and to deter anyone contemplating violence.

"Take it easy, we're here, we're not going to fail you this time," Williams said. "That is the message that this chief of police and this Los Angeles Police Department is delivering to the men and women of this community."

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AT START OF JURY
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Police Preparations

L.A. Police Chief Willie L. Williams unveiled plans Tuesday to quickly defuse any civil disturbances that might break out after verdicts are announced in the Rodney G. King civil rights trial. The steps include:

■ **OFFICERS:** Having up to 6,500 uniformed police officers assigned to street duty as soon as jury deliberations begin, perhaps as early as this weekend.

■ **EQUIPMENT:** Outfitting officers with tools and equipment, including special gas spray cans and rubber bullets, to disperse unruly crowds in situations where, Williams said, "you don't want to use guns or send a wave of officers in with batons."

■ **TRAINING:** Ordering all officers to undergo 16 hours of "unusual occurrence" training in which they will learn special tactics for dealing with mobs, looting, fires and other riot-related problems.

■ **MANAGEMENT TEAMS:** Assembling the top supervisors of the LAPD into a unified management team to maintain control of any situation.

■ **OUTSIDE AID:** Arranging for mutual aid from other law enforcement agencies, including the Los Angeles County Sheriff's Department, the California Highway Patrol, the National Guard, and federal agencies based in Southern California in hopes of averting some of the time-consuming logistics that resulted in slow response times last year.

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"You will have all of your officers on the streets between the time the jury begins deliberations and the time the jury comes in. The coordination is in place. The training is in place. The preparation is in place."

Police last year were criticized for inadequate planning to cope with what turned out to be the worst urban riots in the United States this century. Responses to the outbreak of violence were tardy and confused, and it was later revealed that Bradley and then-Chief Daryl F. Gates had not been on speaking terms during the period leading up to the state court verdicts.

In a separate interview Tuesday, Los Angeles County Sheriff Sherman Block also discussed plans for coping with any violence in the aftermath of the verdicts.

Although he said he believes there will not be another riot, Block warned of "a very, very dangerous potential" for trouble if fear takes over and armed homeowners and business owners take to the streets.

"This community does not want a repeat of last April," the sheriff said, "because everybody lost. Everybody lost."

To avert that, Block, who oversees the area's mutual assistance system, said that 600 California National Guard troops will be in local armories at the time of the King verdicts, ready for immediate deployment, and that 800 California Highway Patrol officers will be ready within two hours to guard freeway ramps and escort firefighters.

In addition, the sheriff said he has arranged for other law enforcement agencies in Los Angeles, Orange, San Bernardino and Riverside counties to send in platoons if needed. Block added that his department's Emergency Operations Center will open when the jury retires to begin deliberating—"not when we get the word that the jury is coming back."

"By the time the verdicts are rendered," the sheriff vowed, "everyone will be in place."

However, all may not run as smoothly as Williams and Block hope. For instance, Lt. Col. Bruce Roy, a spokesman for the National Guard, cautioned that his organization can be activated only by the governor, and only if "local law enforcement can't handle things."

He said that while the guard has been conducting special exercises on civil unrest in recent months and has gone into a "heightened sense of awareness about the situation," no troops from outside the area are being automatically dispatched to Los Angeles. However, he did say that 5,000 troops are normally available on weekends in Southern California, a figure he said was "more than enough" to assist local police.

Amid the announcements of police readiness, Bradley appealed for calm once the verdicts are read in U.S. District Court.

"We come to you to plead with you again, whatever the verdicts may be, to respond . . . not in a violent fashion," the mayor said. "I have confidence in this city that we will not repeat the violence of last year."

"Let us tone down the hysteria and calm ourselves and not create self-fulfilling prophecies."

Williams, in announcing his readiness plans, said he believes city government is well prepared this time.

Instead of the management gridlock that paralyzed the LAPD during last year's riots, Williams said, there is now a new "unified management team that takes its charge very, very seriously."

Police management, he said, has "once and for all been able to sit down and work with one another and support one another with the idea that we have to lead the LAPD."

He said that up to two-thirds of the force has taken mandatory 16-hour sessions in "unusual occurrence" training. Everyone on the force will have gone through the training by this summer, Williams added.

He said that mutual aid alliances are continuing to solidify, and that his senior staff is still meeting regularly with top officials from other agencies, such as the Sheriff's Department and the district attorney's office.

"We have mutual aid in place," the chief said. "We have had tabletop exercises. We have had live exercises."

"We are prepared to the best of our abilities to respond to any event large or small that should occur, and it's not just over this trial. This trial is the big mountain in front of us today. But there are other events that are certainly going to occur in the future and this department and this city government has to be prepared to respond to those events."

Times staff writers Marc Lacey and John L. Mitchell contributed to this story.

(Mount Clipping in Space Below)

Show of Force to Be Biggest in L.A. History

By RICHARD A. SERRANO
TIMES STAFF WRITER

Los Angeles Police Chief Willie L. Williams' ambitious plan to flood city streets with uniformed officers before verdicts are announced in the Rodney G. King civil rights trial would be the largest emergency show of force in the city's history.

Normal police operations, such as vice and narcotics squads and the DARE program, will be shut down to free officers for riot detail, and some sick and injured officers will be called in to duty.

On Wednesday, sources provided new details of the chief's plan.

■ DEFENSE MOVE DENIED

Argument by Sgt. Stacey Koon's lawyer is rejected. A24

which will get under way as soon as jury deliberations begin—perhaps as early as Friday. Although Williams promised to put the full strength of the department on the streets at that point, sources said Wednesday that total mobilization will come as part of a three-step process.

As soon as the jury retires for its deliberations, many normal police functions will be suspended as desk duty officers prepare for action.

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When the judge announces that the verdicts are ready, up to 6,500 officers will go on 12-hour shift rotations and begin patrolling all areas of the city. The third phase will come if police and city leaders call for assistance from other Southland law enforcement agencies, including the National Guard.

With full police mobilization, officers will form special units of up to 15 officers that have been trained to handle "unusual occurrences," sources said. These units will be backed up by six 50-officer teams that will be sent into the areas most affected last year, including South-Central, Koreatown, Pico-Union and Hollywood.

Despite Williams' optimism about his plan, even supporters acknowledge that it may be difficult for the department to closely patrol every neighborhood of the city with a large, uniformed police presence. The LAPD, with 7,690 officers, is one of the nation's smallest big-city police departments.

It also will cost a lot of money. With full mobilization, the city's cost for police services could reach \$1.5 million a day, city officials said. And if full-blown riots break out, as in the civil unrest last year, the costs could become enormous.

But officials say that expense is no object, even with the city facing a deficit of up to \$550 million.

City Hall support for the department is running high, unlike last year, when a slow and fractured police response was blamed in part on polarization of the LAPD and the city's leadership. Demonstrating the new level of partnership, Mayor Tom Bradley met with Williams on Wednesday, telling the chief that federal authorities have said they will approve \$1.7 million in aid to help pay for the costs of dealing with another riot.

Even City Councilman Zev Yaroslavsky, formerly a harsh critic of the LAPD, was flush with praise for Williams and his readiness to aggressively react at the time of the verdicts.

"I am very impressed," he said. "I have to tell you, if something goes wrong, it won't be for lack of planning and preparation on the part of the police."



AL SEIB / Los Angeles Times

Officer Arthur Holmes Jr. with VCRs for monitoring riot coverage.

Officials scoffed at questions about whether other crime-fighting functions could suffer during a massive mobilization. "The increased number of officers on duty will be so enormous that all communities will be protected," Councilman Marvin Braude said.

Williams' proposal, however ambitious, is not without its detractors, including some within his department.

One longtime police captain, speaking anonymously, said the chief should call in the California National Guard the moment the jury begins deliberations. He recalled the logistics problems that delayed the Guard's arrival in Los Angeles last year.

"I don't think the LAPD is enough," the captain said. "I think they should have the National Guard here immediately, before the verdict. Because if they're not here within an hour, there could be enough damage to the city of Los Angeles that the people here will never forgive us."

Equally skeptical was a police union director, who spoke anonymously because the Police Protective League has yet to officially issue an opinion on the LAPD deployment plan. He noted that police morale continues to sag miserably, with many officers still angry that overtime checks were delayed after last year's riots.

"They're asking us to do more with less here," he said. "They're trying to cancel days off without giving reasons."

"And it took them so long to pay the overtime last time that officers are still calling and complaining. Some are saying that if the same happens again this time, they want

their money up front."

Lt. John Dunkin, a Police Department spokesman, said Williams and other top LAPD officials will not address details of the deployment plan or respond to criticism.

"Clearly, we can't make this public," he said. "It would impact on the effectiveness of the plan. And we're not going to discuss specifics."

However, Williams was specific in his pledge Tuesday to meet any rioters with police muscle if things get out of hand as they did last April 29, when police officers accused in the King beating were acquitted in state court of all but one count.

"We want to let the community see that gradual building up of uniformed officers on the street," Williams said. "And then, as soon as we find out the verdict is going to be imminently announced, whether it's a few hours or overnight or whatever, we will go to a full mobilization. That mobilization will mean uniformed officers on the streets all across this city."

"We will not be sitting in command posts waiting for something to happen."

Mayor Bradley has expressed strong support for Williams and his deployment blueprint, calling the chief "the man of the hour" as the clock ticks toward verdicts in the King case. And Deputy Mayor Mark Fabiani said Wednesday that the mayor is committed to finding the money to pay for whatever it takes to protect the public.

But, he added, "money is not the issue here. The real issue is keeping the city safe."

(Mount Clipping in Space Below)

PLEASE SEE ATTACHED

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Judge, Attorneys Weigh King Jury Instructions

■ Trial: Wording of deliberation guidelines is debated.

Judge blasts news reports of statement regarding possible deadlock, saying they misrepresented his opinion.

By JIM NEWTON
and HENRY WEINSTEIN
TIMES STAFF WRITERS

On the eve of closing arguments in the Rodney G. King civil rights trial, the federal judge presiding over the case rejected a proposal Wednesday for a jury instruction that would almost certainly have allowed the lead defendant to go free.

The jury instruction requested by Ira Salzman, attorney for Sgt. Stacey C. Koon, involved the definition of "official custody," which he said is central to Koon's defense.

Salzman argued that the charges against his client require the prosecution to prove that unreasonable force was used while King was in official custody—which the lawyer said is defined as after King was handcuffed. There is no evidence that King was struck after he was in handcuffs, and Salzman maintained that the charges against his client are therefore faulty.

The issue would only apply to Koon because he is charged separately from the other three defendants. But U.S. District Judge John G. Davies rejected the request, saying that King was in custody from the moment that he was no longer free to leave the scene.

"I've heard your argument; you've made your point," Davies said after Salzman completed a long harangue on the topic. "I'm not going to rule in your favor."

That decision marked a clear setback for Koon's case; Salzman had hoped that a ruling in his favor would have prevented the jury from convicting his client. But Davies' other rulings Wednesday appeared to give the defendants some ground on the question of how jurors will be instructed on the use of excessive force.

In addition, Davies set off a mild uproar with a remark that appeared to some people to suggest that he was bracing for the possibility of jurors deadlocking on some of the counts. During the morning session, the judge asked lawyers why none of them had included a proposed instruction to deal with a possible deadlock, and he questioned whether one ought to be added.

"I foresee difficulties," Davies said. "What can we do to minimize the difficulties?"

Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors in the case, said it would be premature to inform jurors how to break a deadlock before they started deliberations and that it might be "reversible error" for the judge to give such an instruction at the start. Salzman agreed, and Davies dropped the topic.

In a federal criminal case, a judge is allowed to prod a jury to continue deliberating after jurors inform him that they have been unable to reach a verdict, said Peter Arenella, a UCLA criminal law professor. But a long line of cases dictates that the judge cannot take the step until the jurors have told him they are deadlocked, said Stanley Greenberg, a veteran Los Angeles criminal defense lawyer and former federal prosecutor.

Laurie Levenson, a Loyola University law professor and former federal prosecutor, said a number of restrictions have been placed on what a judge can say to jurors when he gives them the so-called Allen instruction, which also is known as the "dynamite charge" because many lawyers view it as overly coercive.

Although Davies did not pursue the issue of an Allen instruction after first mentioning it, his comments were picked up by a number of news organizations. During an afternoon break, Michael P. Stone, the lawyer for Officer Laurence M. Powell, told Davies that some radio stations were broadcasting that the judge anticipated a hung jury.

Davies angrily disputed the reports and chastised the media from the bench. His comments, Davies said, had been "twisted, distorted, embellished, disguised and then broadcast."

"I haven't any idea of what's going to happen in this case," he said. "I don't think any of us do."

Davies appeared to be on the verge of ejecting reporters from the remaining discussions about jury instructions, saying that the reports of his remarks were "a good argument for keeping these proceedings confidential." But he then demurred, allowing reporters to remain.

ed Davies comments had been misinterpreted, and he called the issue a "tempest in a teapot."

That fracas overshadowed a grueling, six-hour examination of the proposed instructions that jurors in the trial will receive when the case goes to them, which could be as early as Friday.

Davies deferred a final decision on what may be the most hotly contested element of the offense that the four officers are charged with committing: Prosecutors must prove that the officers used unreasonable force against King and also that they acted "willfully."

The issue of their intent distinguishes the case from last year's state trial, but the precise definition of what constitutes the required intent is bitterly contested by lawyers on opposite sides of the federal case.

In their proposed jury instructions, prosecutors suggested that jurors be told that they only need to find that the officers intentionally used unreasonable force. Jurors would not have to find that the defendants were thinking in Constitutional terms, according to government lawyers.

Essentially, that means that the prosecution would have to prove that the officers used unreasonable force and did so even knowing that it was unreasonable. But they would not have to show that the officers knew that their actions violated King's constitutionally protected rights.

Davies appeared to accept much of that reasoning, but lawyers for the officers raised objections to language suggesting that jurors could infer that people ordinarily intend the consequences of their actions. That touched off a lively debate that Davies had not resolved by day's end.

On another issue, however, the defense attorneys appeared to make significant headway. They argued that jurors should be instructed to view the incident from the perspective of a reasonable police officer under similar circumstances—a proposal that is central to their contention that the defendants handled the volatile situation as well as they could. They also asked Davies to remind jurors that officers often have to make quick decisions under stressful circumstances.

Alan Tieger, a Justice Department lawyer and a member of the prosecution team, objected to some of the defense's proposed language in that instruction. But the judge again declined to make a final ruling, saying he would draft the language himself and deliver it to the lawyers this morning.

(Mount Clipping in Space Below)

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Awaiting King Verdict

Potential for Trouble Stirs Visitor Anxiety

By JESUS SANCHEZ
TIMES STAFF WRITER

Fearing an eruption of violence at the end of the Rodney King trial, anxious out-of-town visitors have been flooding tourist bureau phone lines, and several business groups have postponed or relocated meetings outside of Los Angeles.

Tourist and civic officials say they do not expect any major problems. But just the potential for violence and intense media coverage of the King trial has undermined efforts to bolster Los Angeles' struggling tourism industry, which is still hurting from last year's riots and economic weakness.

"Any outbreak of violence would be further damaging to our reputation," said economist Jack Kyser at the

Economic Development Corp. The intense media coverage reinforces people's perceptions that "L.A. is not a good place to visit or do business."

However, there have been no widespread reports yet of tourists canceling or rescheduling their visits to the Los Angeles area. But anxiety has risen as the King civil rights trial draws to a close. The jury is expected to begin deliberating late today or later this weekend.

Since the defense in the King trial rested its case, telephone calls to the Los Angeles Convention & Visitors Bureau are up 50% from normal as tourists seek information about the potential for unrest.

Callers are told that all tourist attractions and hotels are open and that an outbreak of violence is not a certainty, but police are better prepared than last year to deal with any unrest—should it occur—bureau spokesman Gary Sherwin said.

"We talk more about Los Angeles Police Chief Willie Williams than we do about Disneyland," Sherwin said. Hoteliers in downtown and central Los Angeles say

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business is slow primarily because of the Easter and Passover holidays. Still, the fear of unrest led several groups to postpone their meetings in Los Angeles scheduled over the next few days, a Hilton Hotels spokeswoman said.

"A lot of guests are calling to make sure that we have contingency plans in place," said the spokeswoman, Kendra Walker.

The St. Louis Cardinals baseball team, which is scheduled to play the Dodgers early next week, has decided to stay at a hotel near the airport instead of the Sheraton Grande in downtown Los Angeles. "In case disturbances arise, they would find it easier to leave," General Manager Tom Curley said.

At the Hyatt Regency in downtown Los Angeles, general manager Donald Henderson says airline crews have been moved to the Los Angeles airport area while another group moved to Irvine. For downtown workers who might be marooned if rioting breaks out, the

hotel will offer an \$89-a-night "good neighbor" rate—a nearly 50% discount off weekday prices.

"We have tried to explain to everybody that we will not see a repeat of what happened last year," Henderson said. Nonetheless, the Hyatt has hired extra security guards, and managers are prepared to move into the 485-room hotel with their families to keep the facility up and running.

"If we get the crazies, we will be prepared," Henderson said.

Many hotels in suburban Los Angeles expect an increase in their overnight and meeting business at the expense of downtown properties, as they did last year after violence broke out.

In Orange County, Patrick Hynes, spokesman for the 1,600-room Anaheim Hilton and Towers, said: "We have had several tentative calls about using our hotel for backup for meetings scheduled for April" in Los Angeles in the event of disturbances. "At this point, there have been no bookings."

Terry Ashton, general manager of the Waterfront Hilton in Huntington Beach, said there have been no inquiries yet. "We got some business last time after the verdicts," he said. "I would expect if the same type of situation happens up there we will get some windfall from it."

At the Lake Arrowhead Hilton Resort, the 261-room San Bernardino Mountains hotel plans to boost newspaper advertising in Los Angeles if violence breaks out and install a television set in the lobby to keep guests up to date on the most recent news. During last year's rioting, business at the hotel rose 15%.

The hotel does not expect violence, and it does not want to appear to take advantage of any possible problems, said Julie Reigle, director of sales and marketing. But "we also need to have a contingency plan in case something does happen."

Times staff writer Chris Woodyard in Orange County contributed to this story.

(Mount Clipping in Space Below)

2 Sides Clash in Closing Remarks for King Case

Trial: Prosecutor says officers' actions show intent to deprive victim of civil rights. Defense begins counterattack.

By JIM NEWTON
and HENRY WEINSTEIN
TIMES STAFF WRITERS

A federal prosecutor and the lawyer for Sgt. Stacey C. Koon traded wildly different versions of the Rodney G. King beating during closing arguments Thursday, with the prosecutor alleging that the officers charged in the civil rights trial ruthlessly beat King into submission and the defense attorney suggesting that King was to blame not only for the incident but for last year's riots as well.

Assistant U.S. Atty. Steven D. Clymer addressed jurors first, and he delivered a compelling 3-hour, 15-minute presentation that accused Koon, Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno of beating King and then covering up their act with a series of lies and false police reports. Those lies, Clymer added, are powerful circumstantial evidence that the defendants knew they had acted illegally during the infamous arrest.

"The defendants tried Rodney King," Clymer said. "With Stacey Koon as the judge and with Powell, Wind and Briseno as executioners, they found him guilty and punished him."

The closing arguments are one of the final chapters in the volatile trial, which is concluding against a backdrop of mounting fear and uncertainty in Los Angeles. U.S. District Judge John G. Davies has told jurors that he hoped they would receive the case Friday, but arguments were proceeding slower than anticipated and most observers predicted that the case will probably continue into the weekend.

Although lawyers for the officers will present the bulk of their closing arguments today, Ira Salzman, the lawyer for Koon, kicked off the defense's closing arguments with a witness-by-witness attack on the prosecution's case.

Salzman's three-hour presentation was often personal and sarcastic and drew on sources as varied as the movie "Chinatown" and the Iran-Contra scandal. He called the

defendants "sacrificial lambs" and said they are paying the price for negligent LAPD superiors—officials who left their officers without sufficient weapons, short of deadly force, to handle defiant individuals such as King.

Salzman also pointedly attacked King, suggesting that he was responsible for the riots that ravaged Los Angeles last year after a Ventura County jury returned not guilty verdicts on all but one count against the four defendants.

On the stand, King told jurors that he and two passengers were headed for Hansen Dam when they were stopped by police just after midnight March 3, 1991.

"Because of that, people died," Salzman said. "People lost their homes because someone wanted to go to Hansen Dam without interruption."

Throughout his presentation, Clymer, a highly regarded prosecutor from the Los Angeles U.S. attorney's office, belittled the experts who testified on behalf of the officers and appealed to jurors to exercise their common sense.

"We are asking you as members of the community to apply the Constitutional rights that have kept us from being a police state, rights that we have fought for in wars," Clymer said. "You have to decide what police officers ought to

(Indicate page, name of newspaper, city and state.)

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do in a free country. You have to decide whether police officers can beat disrespectful suspects into submission."

Even lawyers for the officers conceded that Clymer's presentation was effective, but they vowed to undercut it as they continue presenting closing arguments.

"Given the restraints of his case, I don't think anyone could do any better than Clymer did," said Briseno's lawyer, Harland W. Braun, who has been relentlessly critical of the government prosecution since the indictments of the officers were handed down in August. "But I'm planning to go up there and argue for all these defendants. . . . We want every one to walk out of this courtroom."

Briseno was the only one of the four defendants to break ranks during last year's state trial, and federal prosecutors attempted to turn him against the others again by playing a videotape of his testimony for the jurors in this case. But Salzman accused prosecutors of believing Briseno when he favored their case—when he contends, for instance, that Powell hit King in the head with his baton—and then disbelieving him when his testimony works against them.

On the videotape of the beating, Briseno is shown stomping on King's upper body. Clymer described that

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as an "act of cowardice."

As he did in his opening statement six weeks ago, Clymer reminded jurors that King's behavior is not on trial. King, who was on parole and driving drunk on the night of the incident, led police on a high-speed chase that ended on a Lake View Terrace street.

"Rodney King should have been arrested that night, and Rodney King should have gone to jail," Clymer said. "If these defendants hadn't beaten him, that's exactly

what would have happened."

In a powerful twist to his presentation, Clymer's closing argument made heavy use of the defense's own witnesses, most notably California Highway Patrol Officer Melanie Singer.

"I expect that none of you will ever forget Melanie Singer's testimony," Clymer said, his voice dropping almost to a whisper. "That professional, accomplished police officer broke down and cried on the witness stand. . . . She said

she'd remember those baton blows until the day she died."

While focusing mostly on weaknesses in the defense case, Clymer also attempted to defuse a problem that emerged during the prosecution's presentation. In his opening statement, Clymer told jurors they would hear testimony that Powell and Wind stopped by the Foothill station, where Powell summoned colleagues to view King in the back of the patrol car when Powell and his partner were supposed to be transporting him between hospitals.

Clymer conceded that the testimony did not wholly support his earlier statements that officers had been called outside to see King. But Clymer said the prosecution had established that Powell was in the station telling "war stories" while King needed medical attention.

By confronting that prosecutorial shortcoming, Clymer deprived defense attorneys of the advantage they might have gained by raising it first in their closing arguments.

Throughout his presentation, Clymer repeatedly attacked two mainstays of the defense case—that the officers believed King was under the influence of PCP and that they beat him to keep him from getting up off the ground.

The real reason for the beating, Clymer said, was that the defendants were dealing with a disrespectful suspect and they refused to stop until he begged them.

"Why did it stop here?" Clymer

asked, as he showed jurors the portion of the videotape that shows King being handcuffed by Briseno. "It stopped here because Rodney King asked them to 'please stop.' He begged them to stop. When Rodney King begged them to stop, they had accomplished their purpose. They had beaten him into submission."

Both Clymer's presentation and Salzman's emphasized the key role that the testimony of Koon played in the federal trial.

Koon spent three days on the witness stand, coolly presenting his account of the incident and taking full responsibility for every blow used on King. Based largely on the strength of that testimony, the three other officers chose not to take the witness stand.

"No one can seriously deny the integrity and the moral courage that Sgt. Koon brought to his testimony," said Salzman, who emphasized that Koon had reported the incident to his superiors and had never tried to hide the fact that force was used to arrest King.

Far from violating King's rights, Koon actually was doing only that which the community was counting on him to do, Salzman added.

"Koon couldn't allow a man who took police on a high-speed chase to escape into the night in a residential neighborhood," Salzman said. "Koon was doing what we want him to do."

But Clymer attacked Koon's account, accusing him of exaggerating the danger that King posed and

attempting to deceive jurors.

Among the issues in Koon's testimony that Clymer challenged was the sergeant's contention that King appeared to be under the influence of PCP. Although Koon said he was "100%" sure that King was under the influence of the drug, King never tested positive for PCP and a number of witnesses said they saw no signs he was under the influence of it.

The federal case at times has resembled a battle of experts, and that contest continued into closing arguments as lawyers for both sides traded sometimes personal attacks on the credibility of one another's witnesses.

Clymer, for instance, called one defense expert a "small-town police officer," belittled another as a doctor who conceded that studying injuries such as King's was a hobby, and reminding jurors that a third defense expert once had her work rejected by a California appellate court.

Salzman responded by challenging the prosecution's chief expert on the use of force, Sgt. Mark John Conta. Salzman called the sergeant a "PR person," and he asked the jury to compare him with the defense's force expert, Sgt. Charles L. Duke, Jr., who testified that he had helped arrange security for the 1984 Olympic Games in Los Angeles and for the Pope during his visits here.

(Mount Clipping in Space Below)

Uneasy Schools

Some Campuses Prepare for Verdicts in King Case; Others Are Unaware of District's Plan

By SANDY BANKS
TIMES EDUCATION WRITER

Outside the LAPD's 77th Street Division station Thursday, city workers were laying down lines of yellow masking tape, marking parking spots on the street for the police vehicles that will congregate if violence follows the verdicts in the Rodney G. King civil rights trial.

But a short distance away, at 75th Street Elementary School, students were making their own, more hopeful preparations, tying red, white and blue balloons to the chain-link fence and singing songs of peace and unity.

As worried citizens arm themselves, police prepare their biggest show of force in L.A. history and politicians worry over the impact on the upcoming mayoral race, children in Los Angeles schools are

being urged through classroom activities and schoolwide assemblies to remain

■ RELATED STORY: D1

calm, no matter what the jury decides in the closely watched civil rights case.

The Los Angeles Unified School District appealed to its 650 schools to sponsor some form of unity activities Thursday to promote peace. But many schools did not comply, and several teachers complained that they were unaware of the theme.

They also complained that the district has not made safety training available in the event of civil unrest, leaving them at a loss to answer students' questions about how to cope.

"I didn't know there was a plan," said Bruce Williams, a history teacher at Jefferson High. "We've pretty much been left to our own resources, so I've just had to play it by ear."

But several schools—mostly those in areas hit

hard by last year's riots—offered elaborate programs and classroom activities, allowing thousands of students to spend the day contemplating what lies ahead.

"As it gets closer [to the verdicts], I can feel a little more tension in my students," said Roxanne Basso, a fifth-grade teacher at 75th Street Elementary, which was closed for two days during the height of last year's riots. "They're equating the trial with violence. They feel that's what caused the problem last time, so they worry about what's going to happen this time."

Students can recall buildings burning in their South Los Angeles neighborhoods, the noise of the helicopters overhead and the fire sirens wailing, as well as the sight of National Guard troops camped out on their playground.

"They have really strong feelings that they're trying to sort out in their 10-year-old way," said Basso. "We're trying to help them understand what happened and make the right decisions if that time comes again."

So on Thursday, her class talked of racism and inequality, and of peace and unity, and how to get there from here. And they focused on what Basso called "the positive things" that have happened since the unrest.

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The gas station that burned down on the corner near the school is open again. So is the nail salon, the grocery market, the doughnut shop and the Chinese restaurant.

And what about the spirit of cooperation that swept the city in the wake of the riots? People planted trees and helped with the cleanup, the students recalled. "And they gave us some of their own clothes and their own food to help us," remembered Kaleef Stephens.

Basso said teachers at her school have been briefed on emergency procedures and parents have been notified that school will remain open, with the children locked inside if problems occur around the campus.

But teachers at many schools complain that they have not been advised of special safety precautions, and the head of the teachers union blames district leaders for failing to inform parents, teachers and other campus workers of plans to ensure student safety.

"We've been getting hundreds of calls from teachers wondering what is going to be done to make sure they and their students are safe," said United Teachers-Los Angeles President Helen Bernstein.

Associate Supt. Ruben Zacarias said district leaders met with Los Angeles police officials to develop procedures to protect school employees, students and property.

But he conceded that most schools will have to rely largely on their generic disaster plans—developed primarily for use during earthquakes—for guidance.

With verdicts possible by the time school resumes Monday, Bernstein criticized the district for offering too little, too late.

"All they can say is 'Don't worry, everything's under control. Every school has a plan.' But the verdict is coming down, and what could happen if people take to the streets is very different from what is described in the earthquake disaster plan," she said.

Zacarias defended the district's plan. Officials did not want to cause alarm by offering detailed disaster scenarios built around a riot that may never happen, he said.

The district plan orders schools not to dismiss early on the day the verdicts are returned, he said. Instead, campuses may be locked down and teachers instructed to remain with their students until they can be safely dismissed.

School buses traveling into areas affected by any unrest will be rerouted to campuses in safer areas and parents notified either by phone or through broadcasts on the district's television station, KLCS, Zacarias said.

But several teachers said they have been told nothing of the plan, and they criticized the district for not aggressively finding ways to protect students.

Under state law, teachers are required to remain with their students until their safety can be assured in a civil disturbance.

But many teachers say they have not been made aware of that requirement so they could make plans to accommodate their own family needs. "I know most of the teachers at my school don't realize we have to stay until the last child goes home," said Becki Robinson at 1st Street Elementary.

"We've got parent conferences scheduled next week, and we don't know what to do about those if the verdicts come in. For a district that's been through this before, you'd think they'd do a better job."

(Mount Clipping in Space Below)

As King verdict nears, mayoral candidates turn up the rhetoric

By Patrick McGreevy
Daily News Staff Writer

With a federal jury within days of beginning deliberations in the Rodney King civil rights trial, top Los Angeles mayoral candidates traded charges Thursday night over who was responsible for the conditions that resulted in last year's rioting.

The candidates clashed during a debate at the Sinai Temple in West Los Angeles before a crowd of about 200 people.

The debate, attended by 11 major mayoral candidates, was taped by Century Cable and will be televised more than a dozen times until the April 20 Los Angeles city election.

Councilman Michael Woo accused fellow council members and mayoral candidates Nate Holden, Ernani Bernardi and Joel Wachs of contributing to pre-riot tensions last year by voting to keep Daryl Gates as chief of the Los Angeles Police Department after the violent arrest of King on March 3, 1991.

Holden accused Woo of increasing community tensions last year by not supporting Gates in public pronouncements.

Wachs agreed, saying that Woo and Mayor Tom Bradley contributed to community anger toward the Police Department last year by not supporting Gates.

Wachs was criticized by Assemblyman Richard Katz, D-Panorama City, for "playing on the fear of people to get votes" by calling last week for the National Guard to be deployed before the federal King verdicts are read.

Wachs countered that Los Angeles residents want to be protected. "It is not playing off peo-

ple's fears to be prepared," he said.

Businessman-attorney Richard Riordan said the city should lease out Los Angeles International Airport to pay for putting more police officers on the street.

"We have to make Los Angeles safe or we will not be able to turn it around," Riordan said.

Former Deputy Mayor Tom Houston repeated his call for banning convicted gang members from city housing projects and said that bickering between council members is an example of why the city has reached a stalemate over crime.

Parks and recreation commissioner Stan Sanders also criticized the council members.

"The kind of debate we have seen here among City Council members is probably what is wrong with the city. We need new leadership," Sanders said.

Former Deputy Mayor Linda Griego renewed her call for state legislation that would allow the city to ban handguns.

Crime in Los Angeles "is getting worse," Griego said. "These guns have to come off the streets."

Former school board member Julian Nava called for 8,000 federal military troops to be re-assigned to the city to assist police officers in keeping the streets of Los Angeles safe.

Businessman and transportation official Nick Patsaouras accused current city officials of "decimating" the police department by failing to provide adequate funding.

Bernardi called for quicker prosecution of criminals, saying that it now takes too long for cases to get through the judicial system.

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TURN UP THE RHETORIC

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King Jurors Hear Appeal for Powell

■ **Trial:** Attorney urges them to look at beating from point of view of an officer confronting danger. Closing remarks near an end, and deliberations may begin this afternoon.

By JIM NEWTON, TIMES STAFF WRITER

With the Rodney G. King civil rights trial drawing to a close, the lawyer for the officer who delivered the majority of the baton blows to King concluded his case Friday with an impassioned appeal for jurors to see the incident through the eyes of a policeman under pressure.

Officer Laurence M. Powell "could have preserved his own safety," said his lawyer, Michael P. Stone. "He didn't do that. He chose to stand his ground. He chose to do his duty."

Stone spoke for almost four hours, sometimes shouting, pacing and wielding a baton, other times leaning on the lectern and speaking in a soft, pleading voice. He accused King of lying on the witness stand and analyzed the prosecution's medical evidence in detail.

But he began and ended with poignant descriptions of the difficult choices faced by police officers in violent situations.

"It was Officer Powell who stood between Rodney King and his escape into the woods of Hansen Dam Park," said Stone, who spent 15 years as a police officer and sergeant before becoming a lawyer.

Powell "was faithful to his charge on March 3, 1991. He was faithful to his duty," Stone added. "He deserves to be acquitted. It is right. It is just. He is innocent."

Stone's closing argument came on what probably will be the second-to-last day of one of the most closely watched criminal trials in American history. U.S. District Judge John G. Davies has scheduled a rare Saturday session today, and closing arguments are expected to conclude this morning at the Edward R. Roybal Federal Building in downtown Los Angeles.

Davies is then expected to instruct the eight-man, four-woman jury and turn the case over to them for their deliberations. Jurors probably will get the case this afternoon, and they are scheduled to deliberate again on Easter, be-

ginning at noon.

In addition to Powell, Timothy E. Wind and Theodore J. Briseno are accused of stomping, kicking and striking King with batons, depriving him of his right to be safe from the intentional use of unreasonable force. A fourth defendant, Sgt. Stacey C. Koon, did not strike King, but he was the senior officer at the scene and is accused of willfully allowing officers under his supervision to administer an unreasonable beating.

If convicted, the four men face up to 10 years in prison and fines of up to \$250,000.

Stone's argument reached into virtually every aspect of the six-week federal trial, but he returned again and again to the dangerous challenge of police work. At one point, he asked the four defendants to stand, and told jurors they form the "thin blue line" that protects honest citizens from criminals.

Stone said King was a violently resisting suspect who the officers believed was under the influence of PCP, a powerful drug. The officers tried twice to subdue King using an electrical device known as a Taser, but King tossed off its effects, Stone said.

"Imagine what these officers thought, looking at this huge man getting up, his face convulsing," Stone said. "They thought: 'Uh-oh, it's not working.'"

At the conclusion of Stone's presentation, Paul R. DePasquale, the lawyer for Wind, delivered his closing argument, echoing many of the same themes about police work. He also guided jurors through the videotape of the beating, pointing out spots where he said Wind was pausing to consider

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his actions and take orders from Koon.

"Wind is in no frenzy," DePasquale said. "Wind is not out of control. He's a policeman following the direction of his sergeant."

Koon is the only one of the four defendants who testified and his account convinced the other officers that they did not need to take the stand. In their closing arguments, both Stone and DePasquale credited Koon for his supervision but pointedly emphasized that it was Koon who directed the actions of their clients.

"You must consider and decide the case of each defendant separately," DePasquale said. "This is not a team sport."

DePasquale stressed that Wind was not trying to hide behind Koon's orders, and Stone told jurors that he admired Koon's testimony. But their arguments made clear that if jurors believe unreasonable force was used during the beating, they could hold Koon solely responsible and determine that the other defendants merely followed his orders.

Although DePasquale's presentation occasionally bogged down in garbled syntax, he drew chuckles from the jury with a light joke about his baldness, and he moved swiftly through the videotape, focusing on Wind's actions throughout.

At one point on the tape, Wind appears to step forward to strike King with his baton but then pulls back.

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"Tim Wind checked that swing," DePasquale said. "Tim Wind appears to be checking that swing . . . rather than swing into the head of Rodney Glen King."

DePasquale's comments took about two hours; Stone's closing argument was more than twice as long and involved 18 charts and a variety of other evidence. Stone's presentation was the most complete description that jurors in the federal trial have yet heard about the arguments advanced by the four officers.

Stone's closing argument closely tracked the one he gave during last year's state trial in Simi Valley, sometimes even quoting directly from it. That case ended in acquittals on all but one count against Powell.

As he did in Simi Valley, Stone hammered on a theme central to the defense's case: that King, not the officers, controlled the incident in Lake View Terrace and that he, not the defendants, could have ended it at any time.

"From start to finish, it was Rodney Glen King who controlled his own destiny," Stone said. "Every time Rodney Glen King made a decision, he made the wrong one."

King, who did not testify in the state trial, captivated jurors for two days in the federal trial.

Stone, however, reminded jurors that King had admitted to lying about some aspects of the incident in the past, and Stone said King still is lying to bolster his chances of winning a large settlement in his civil suit. "Every time Rodney King has a stake in the outcome, he'll lie," Stone said.

The lawyer also mocked King's claim that officers taunted him during the beating with the falsetto chant: "What's up, killer?"

His voice heavy with sarcasm, Stone asked: "Have you ever heard anything so ridiculous in your life?"

In the federal case, prosecutors presented medical evidence and eyewitnesses to show that King suffered his most serious injuries from baton blows to the head. The

officers say those injuries were the result of a fall to the pavement, and Stone addressed that issue at length Friday.

Blows to the head are important for two reasons: Los Angeles police policy prohibits intentional baton strikes to the head of a suspect, and none of the officers reported any blows to King's head when they filled out their various reports.

Assistant U.S. Atty. Steven D. Clymer, in his closing argument Thursday, said the omission of that information demonstrates that the defendants were engaged in a cover-up, not knowing that their actions had been captured on videotape. Clymer said the omission of any information about those blows fits into a pattern of deception, exaggeration and concealment by the four defendants.

Stone attacked that premise, and he took particular aim at the notion that King was ever struck directly in the head.

A defense expert, Carley Ward, said that baton blows would have done far more damage to King's face than the injuries that he actually suffered.

Waving a baton in front of jurors Friday, Stone reminded them of Ward's testimony and added: "You

don't need a doctor to tell you that this will break your face."

While backing up his own witnesses, Stone also disputed the government's chief medical expert—Harry Smith of San Antonio—by suggesting that he had failed to do tests to back up his claim of blows to the head. And he attempted to undermine the credibility of two witnesses who said they saw head blows—Briseno and California Highway Patrol Officer Melanie Singer—by stating that their perceptions were not borne out by the videotape.

Explaining Singer's testimony was Stone's most challenging task, as the officer broke down and cried on the witness stand when she gave her description of Powell's baton blows. Stone told jurors that Singer's testimony was unsupported by the videotape and by the medical evidence.

"All the tears that Melanie Singer shed when she was on the witness stand will not turn fantasy into reality," Stone said.

Singer's recollections were distorted, according to Stone, by the stress and violence of the incident, which he compared to a bullfight or a boxing match. A defense witness testified that police officers

often have distorted views of violent situations, and Stone reminded jurors of that testimony.

In fact, Stone pointed out that four civilian witnesses called by the prosecution also testified in ways that were inconsistent with the videotape of the beating.

The same problems of distortion and faulty memory explain why police reports of the incident do not capture it in detail, Stone added.

Prosecutors say the omission of certain details from those reports is circumstantial evidence that the officers knew they had acted improperly. But Stone said the officers, just like the civilian witnesses, did not have photographic memories of the incident.

As he concluded his remarks, Stone confronted an issue that he and Powell have discussed for months: the fear that jurors might view Powell as a "throwaway" defendant, whom they could convict to satisfy the public even if they harbor doubts about his guilt.

"Forgive me if I am direct or perhaps blunt," Stone said quietly. "Don't make Laurence Powell a throwaway, please. Don't make him a compromise. . . . He deserves to walk away from this nightmare acquitted."

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WILLIAMS ORDERS 600 EXTRA
LAPD OFFICERS ON STREETS

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Williams Orders 600 Extra LAPD Officers on Streets

By PATRICK J. McDONNELL
and JEFFREY L. RABIN
TIMES STAFF WRITERS

As the federal jury began its deliberations in the Rodney G. King civil rights trial, Los Angeles Police Chief Willie L. Williams ordered a heightened state of readiness to bolster police presence on the streets beginning today.

Other law enforcement agencies also began to prepare for any disturbances that might result after the jury returns its verdicts.

Los Angeles police began canceling days off and redeploying staff to put about 600 additional officers on duty in the 24-hour period that began at midnight Saturday, said Lt. John Dunkin. The deployment, staggered over three eight-hour shifts, will put about one-third more officers on the streets citywide.

"This is a heightened state of preparedness and deployment of additional officers," Dunkin said.

The action stops short of placing the department on a citywide tactical alert, in which officers put less emphasis on nonessential calls. Such an alert will be called once the jury is ready to announce its decision, Dunkin said.

The Los Angeles County Sheriff's Department ordered deputies onto 12-hour shifts as a precaution at the sprawling 9,801-inmate Peter J. Pitchess Honor Rancho near Castaic, where disturbances erupted after last year's verdicts.

Sgt. Ron Spear said the Sheriff's Department wants "enough personnel on hand to handle anything that might occur" at the facility, which houses almost half of the county's jail population.

In calling for the enhanced preparedness, Williams put into motion the second phase of the LAPD's new emergency blue-

print—designed to avoid a repeat of the department's slow and chaotic response to last year's riots. In its third and final stage, the plan will enable LAPD commanders to mobilize the largest show of police force in the city's history.

The first phase consisted of planning, special riot training and other preparations, Dunkin said.

Although today's heightened deployment boosts staffing by one-third, that translates into about 200 more officers for each eight-hour shift—still not a massive presence. Of the nation's six largest cities, Los Angeles has the lowest ratio of police officers to residents.

"I think some people have an expectation that a great mass of officers will come rolling out of the stations," Dunkin said. "It's not going to be that way."

At the 77th Street station, for example, which covers much of South-Central Los Angeles, Lt. Joseph Ramm said an additional seven officers were called to duty for the overnight shift, boosting staffing to 23 officers.

At the Rampart station, which serves the area west of downtown, Lt. John Fletcher said the department was putting an unspecified number of additional officers on duty.

Meanwhile, the California National Guard plans to have 600 troops in area armories by Monday morning.

Full mobilization of the Sheriff's Department on half-day shifts could come when the jury nears a decision, Deputy Irma Becerra said.

In Long Beach, police plan to go to 12-hour shifts Monday, Lt. Don First said. Compton police will cancel holidays and days off to have more officers available, Lt. Al Smith said. And Pasadena police will also go to 12-hour shifts when verdicts are at hand.

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Wilson Orders 600 Guard— Troops to County Armories

■ **Deployment:** Governor says action is part of state and local plans to respond to any disturbances. 'There is no justification for violence,' he says.

By DANIEL M. WEINTRAUB
TIMES STAFF WRITER

Gov. Pete Wilson on Friday ordered the California National Guard to deploy troops to Los Angeles-area armories in advance of verdicts in the Rodney G. King civil rights trial.

At least 600 combat-ready soldiers will be stationed in about a dozen armories around the county by 7 a.m. Monday, Wilson said.

Once in the armories, the troops will be ready to hit the streets immediately if county officials request help from the state, the governor said.

"There is no justification for violence," Wilson said, speaking at a news conference at the Guard's Inglewood armory. "It will not be tolerated. . . . We intend to be ready to respond with whatever force is necessary."

The governor issued the order after consultations with Mayor Tom Bradley, Police Chief Willie L. Williams, Sheriff Sherman Block and county Board of

Supervisors Chairman Ed Edelman.

The preparations stand in contrast to last year, when state officials, not anticipating the need for the Guard, had lent much of the force's riot equipment to other agencies.

Although some state troops were on the streets about 18 hours after being summoned, the deployment would have been faster if not for a series of miscues that delayed delivery of ammunition and other gear. Once the troops were equipped, there was further confusion about what they would do and to whom they would report.

That will not happen this time, Wilson and other officials said. "All the agencies involved understand very clearly their mission, and they understand one another's mission," Wilson said.

Although the Los Angeles Police Department patrols much of the area in which rioting occurred last year, the city force is expected to work closely with the county Sheriff's Department. The county has the responsibility to seek state assistance if it is needed.

Block said his department will deploy several platoons of specially trained deputies throughout the county as soon as the jury reaches verdicts and before they are announced. These groups of 56 deputies each will be armed with their regular weapons as well as tear gas, pepper spray, rubber bullets, Taser guns and other riot-suppressant gear, he said.

"In case there are sporadic situations, these platoons can move quickly to put them down so they do not expand," Block said.

If trouble does spread, Edelman said, he would quickly ask the state for help.

"I will not hesitate, as chairman of the board, if the board is not in session, to ask for a state of emergency from the governor, which would then free the governor to bring in the National Guard," he said.

Wilson urged citizens to remain in their homes if unrest develops. "It is far preferable to have well-trained professionals dealing with this than well-meaning vigilantes," he said.

Despite the preparations, Wilson said he does not expect any violence. On a two-day swing through Los Angeles, the governor met with business owners affected by last year's riots and with leaders of the Korean-American, Latino and African-American communities.

"The spirit I find pervading this community [is] a spirit of seeking justice and peace, and seeing no purpose to the kind of mindless violence that occurred a year ago," he said.

Wilson said it will cost the state about \$235,000 a day to maintain the Guard troops in the armories. With the state expecting an \$8-billion budget shortfall, that money will have to come out of other programs and services. "There's not much slack," he said.

(Indicate page, name of newspaper, city and state.)

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(Mount Clipping in Space Below)

City, Religious Leaders Move to Calm Residents

By PATRICK J. McDONNELL
and SOMINI SENGUPTA
TIMES STAFF WRITERS

Acknowledging a collective sense of anxiety that has settled over the city, community and religious leaders are taking to the streets and airwaves to calm jittery nerves and urge restraint, regardless of the outcome in the federal trial of four Los Angeles police officers charged with violating Rodney G. King's civil rights.

As the trial entered its final phase this week, businesses and local government braced for worst-case scenarios and police prepared with massive deployment plans. But community activists

■ TROOP MOVEMENT

Gov. Wilson orders 600 Guard troops to armories in advance of Rodney King verdicts. A25

urged residents to respond nonviolently to the verdict.

"More violence will just hurt our community even more," said Oscar Andrade, executive director of El Rescate, an advocacy group serving Central American immigrants in the Pico-Union district, which was heavily damaged in last year's riots.

The activists called on lawmak-

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ers to address the poverty and social inequities that they view as the driving forces behind last year's devastating civil unrest.

"The root causes of last year's disturbances continue to exist," said Andrade, who cited the high unemployment, homelessness and poverty of many inner-city residents.

Immigrant advocates also said they were concerned about excessive police reaction—particularly if U.S. immigration agents are deployed, as they were during last year's unrest. More than 1,000 immigrants were returned to their homelands after being arrested during the riots.

Across town on the grounds of the Watts Towers, the architectural landmark of a neighborhood best known as the site of the bloody 1965 riots, elected officials also sounded a call for unity among city residents.

"We want to be sure there's not a division on the street between the black and Latino communities," said state Sen. Diane Watson (D-Los Angeles), whose Crenshaw Boulevard office will serve as a temporary emergency assistance center.

Assemblyman Richard G. Polanco (D-Los Angeles) echoed Watson's call for nonviolence.

"Our city can't afford the violence we saw last year," Polanco said. "We can't afford it financially, and we certainly can't afford it socially. We're asking everyone to stop and remember that we are all one people, living together, working together, sharing one city."

Cardinal Roger M. Mahony, in a dramatic Good Friday sermon at St. Vibiana's Cathedral in downtown Los Angeles, compared the mood of the city to that of Jerusalem during the crucifixion of Christ about 2,000 years ago.

"Those same kinds of fears and anxieties are in our hearts and in our citizens, in our homes, on the streets, in our office buildings, truly everywhere, because this year, the federal court trial coincides with the holy days," Mahony said.

"Los Angeles has suffered and died on its cross once," he said in cautioning his congregants against violence. "It is not necessary for our city to die again."

Meanwhile, a consortium of 40 Asian-American organizations announced plans to kick off a campaign to inject reason and calm into Los Angeles' diverse Asian-American communities.

"We don't want people to panic and start using weapons," said Stewart Kwoh, who organized Asian Pacific Americans for a New L.A. after last year's riots. "We want the people to utilize our information network."

The coalition's campaign will include an informational phone network, weekly meetings with representatives of Asian news media and weekly bulletins to Asian Pacific American organizations.

Kwoh said that at a time when many Asian-Americans have little faith in the Los Angeles Police Department, it is doubly important that the community know about the preparations the department has made.

Korean-language radio programs also urged their

listeners to remain calm.

"Law enforcement authorities have told us they are prepared for any contingency," Sung-Soo Kim told his audience Friday morning on his show, "Good Morning, America," on KCB-FM radio. "It's good to prepare for what could happen, but we must not get swept up in all this mainstream media hype and overreact."

Many stressed changes made in the last year that leave the city better prepared for any contingency after the verdicts. Watson expressed confidence that Police Chief Willie L. Williams, who took office after last year's disturbances, had taken precautions in the event of trouble.

"Chief Williams feels people should be able to demonstrate and vent, as long as they're within the law," said Watson, who added that she was not fearful of a police overreaction—a concern among some community leaders.

"I don't think you'll see an overreaction," Watson said. "I think you'll see a reaction and a response."

Rabbi Allen Freehling of University Synagogue in Westwood said he hoped that the city had learned its lessons from a year ago.

"If we believe ours is a nation of laws, then we have to depend upon the efficacy of jury trials," he said. "We cannot take to the streets every time and any time we are disappointed . . . by a court decision."

A coalition of African-American churches called on religious institutions to be "havens of relief, support, prayer and peace for all people," said Oscar Owens, staff chairman of the Los Angeles Ecumenical Congress.

In Watts, some residents said the anticipated police response would make mass disturbances unlikely.

"I think the police are going to be ready this time," said Reginald McClenton, a security guard who was having lunch on the steps of his residence across from the Watts Towers. "The community is just numb."

Times staff writer K. Connie Kang contributed to this story.

(Mount Clipping in Space Below)

Other Cities in U.S. Brace for King Verdicts

■ **Preparedness:** After last year's trial, there were outbreaks of lawlessness in several metropolitan centers. This year, officials are getting ready to respond more quickly.

By J. MICHAEL KENNEDY
TIMES STAFF WRITER

As the second Rodney King beating case moves to a conclusion in Los Angeles, city officials around the country are casting a wary eye at their own back yards, fearing that a second acquittal could trigger violence far from the site of the trial.

In the aftermath of the first King verdicts, anger flared in a number of cities across the nation, taking the form of vandalism, beatings, rock-throwing and theft. The incidents were nowhere near the scale of the Los Angeles riots, but showed the level of racial tension in a number of places and demonstrated how the King case had become a point of focus in the country.

Officials are hoping that the contingency plans in place in Los Angeles will discourage a recurrence, and thereby prevent a chain reaction spreading to other cities. They are also mounting their own preventive efforts.

At a press conference Thursday in Atlanta, high-ranking police officials said they were ready for anything this time around.

Last year, whites were attacked in a subway station and a shopping and entertainment complex was ransacked. A peaceful protest at Atlanta University turned into a rock-throwing battle with police in which 68 people were arrested and at least 22 were injured.

"We're trying to send a message to the citizens as well as business people that we are prepared to make sure that the kinds of things that occurred last year in the downtown area do not occur again," said Deputy Chief Julius Derico, who has been assigned to head the operation.

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Derico said that, among other things, there will be a larger police presence on the street as of Monday, as well as a rumor hot line to field questions from worried Atlanta residents. He said the police will use a much firmer hand this time around if violence erupts.

"Decisions will be made very quickly and firmly and actions will be taken to put down any problems," he said.

In Seattle, a county judge signed an order this week that will allow police in some cases to detain juveniles up to 24 hours if they are arrested with probable cause during an outbreak of civil unrest. Last year riots led primarily by youths resulted in overturned cars, broken windows and fires. Arrests were made, but the youths rejoined the melees after being released.

Though the order was criticized strongly by several civil rights groups, the Seattle police are all for it. Police spokeswoman Vinette Tichi said that last year the youths were cited, then quickly released. "We know some of those came back again," she said.

'We're trying to send a message to the citizens . . . that we are prepared to make sure that the kinds of things that occurred last year in the downtown area do not occur again.'

JULIUS DERICO
Deputy Chief
Atlanta Police Department

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In New York, precautions will take the form of a special command and control center that will be opened as the jury begins deliberations. And, like Atlanta, New York will staff a rumor hot line in an attempt to avoid the panic that swept through the city last year after the King verdict.

Last year in New York more than 120 people were arrested and 33 police officers were injured. The day after the verdicts, department stores along 5th Avenue, other shops and some major businesses closed in anticipation of rioting. Some mid-Manhattan streets became deserted canyons by late afternoon.

"The rumors were rampant. People were frightened," said Suzanne Trazoff, deputy police commissioner for public information. "We are going to put into effect a rumor control hot line."

In San Francisco, rioters last year broke windows and looted shops in Union Square, and more than 1,500 people were arrested. In Las Vegas, hundreds of people took to the streets, looting, setting fires and shooting at police. Police officials in both cities say they will be ready to react quickly to any disturbance this time.

The country's midsection was largely spared any trouble last year, but there were a few incidents. In Madison, Wis., for example, someone shattered the windshields of 34 police cars.

Chicago and Houston had almost no violence in the wake of the verdicts. The same was true for Dallas, New Orleans and Phoenix. Still, police in those cities are paying attention to what is going on in Los Angeles.

"We're not deploying manpower to the streets when the case goes to the jury, but we've notified officers to be prepared in case anything does happen," said Dallas police spokesman Sgt. Jim Chandler. "We have contingency plans drawn up and can handle whatever comes up."

Meanwhile, who broke all those windshields in Madison remains a mystery.

"We never found out who did it," said Capt. Richard Wallden of the Madison Police Department. He said there will be extra patrolmen at the car lot this time around.

About 400 law enforcement officials met in Washington this week to discuss how their agencies can prepare for unrest. At that meeting, Housing and Urban Development Secretary Henry Cisneros said there should be more discussion of racism and what it has done to American life.

"America has not come to terms with race," he said. "We've run from it."

Times staff writer John J. Goldman in New York and researchers Doug Conner, Ann Rovin, Tracy Shryer, Edith Stanley and Anna Virtue contributed to this story.

(Mount Clipping in Space Below)

SEE ATTACHED

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Scenes Laced With Dark Humor Play to Crowd Outside Courtroom

Although the main stage for the evidence and argument in the Rodney G. King civil rights trial was the courtroom of U.S. District Judge John G. Davies, an enormous and unruly cast gathered outside that dignified chamber, overrunning the Edward R. Roybal Federal Building in downtown Los Angeles.

For months, observers lined up 40- and 50-deep in the building's lobby for a two-hour glimpse into the trial, while protesters of all stripes regularly assembled outside. Scores of reporters have virtually taken up residence at the spanking new courthouse, lighting up a bank of cameras every time one of the four defendants—whose moods range from frayed to contemptuous to cocksure—passed by.

The trial is, of course, a profoundly serious business, and as it draws to a close, a nervous city and nation anxiously await word of verdicts.

But a case of such magnitude could not be contained by the courtroom. It played out as theater, unfolding in a series of scenes—some tragic, others bitterly comic, all laced with the dark humor and wrenching reflection that touch every one of the trial's many participants.

Every day of the trial was punctuated by at least two informal gatherings: The breakfast club between a handful of defense lawyers, their clients and early rising reporters, and the lunch seminars in which the same lawyers spun the day's proceedings over cheeseburgers and fries.

In the morning, Sgt. Stacey C. Koon was often seen drinking a Coca-Cola for breakfast, glancing at the day's newspapers—often to disparage the trial coverage—and sifting through a briefcase chock-full of documents. Koon, who boasts of having read every document related to the case, willingly fielded almost any question from almost any reporter.

Most days, he was joined by his attorney, Ira S. Salzman, as well as Officer Theodore J. Briseno and his lawyer, Harland W. Braun. While Koon took questions, Salzman and Braun started their day with what became a familiar mutual assault. Braun mocked Salzman's trial tactics, Salzman disparaged Braun's latest published comments.

Salzman brought plenty of ammunition to these face-offs, because Braun has grabbed the mantle of Peck's Bad Boy in this trial, gleefully spewing venom at prosecutors given the slightest provocation. But Braun got in his licks at Salzman, too.

One day, Salzman arrived with a note pad bearing a "Defenders of Wildlife" sticker. Braun rolled his eyes at his colleague's liberal sympathies—ironic, given Braun's well-known political activism.

But it was Koon who took particular notice of the sticker.

"Defender of wildlife, huh?" he asked. "What does that make me?"

Starting with their first witnesses, lawyers for the officers launched a full-scale attack on the training and procedures of the Los Angeles Police Department, a trial tactic that emphasized the limited options available to the police when they confronted King in Lake View Terrace.

One consequence of the strategy was that it allowed lawyers to conduct a host of demonstrations about the so-called chokehold, a now outlawed technique for subduing suspects.

Near the end of the case, Michael P. Stone, a former police officer who represents Officer Laurence M. Powell, demonstrated a chokehold outside the courtroom for the benefit of journalists, trying it first on a reporter from Reuters. Finding him too tall, Stone asked for another journalist and got one from the L.A. Weekly.

Stone enthusiastically grabbed that reporter with his left arm and pulled him tight. The reporter was released unharmed.

Inside the courtroom, however, Assistant U.S. Atty. Steven D. Clymer raised an objection to a chokehold demonstration in which a police officer said he would show the technique by using it on Salzman.

"I have an objection unless Mr. Salzman is going to be rendered unconscious," said Clymer, barely concealing a grin. Judge Davies chuckled appreciatively but let the demonstration proceed.

Salzman emerged red-faced and slightly flustered, but apparently fully conscious.

While lawyers wrestled—literally and figuratively—inside the building, outside the tension of the city gradually pushed toward the courthouse.

Early in the trial, a labor group known as the Justice for Janitors Organizing Committee set up a picket line outside the building, thrusting its literature onto the few passersby who showed any interest.

The janitors received scant attention from the media at the courthouse, but as the end of the trial neared, more protesters began to make their way to the building, drawn inexorably by the sight of dozens of television cameras and the promise of a national stage.

Many of those protesters arrived mad, and

uniformed officers of the Federal Protection Service warily cordoned off the plaza where lawyers for the defendants regularly briefed the media on their version of the day's events. One day, backers of a year-old record company called the New African Movement arrived to dole out videotapes, cassettes, baseball caps and their views of the history of police abuse and the King incident.

They called for the officers to be convicted, but they did so politely and went away disappointed that none of the television networks paid much attention.

The next day, however, Braun was giving his explanation of a trial development when a protester cast a chill over the gathering.

As the lawyer started to speak, the demonstrator—who had worked his way near the front of the media area—shouted at Braun, demanding to know if he had ever been hit in the head with a police baton. Braun, rarely known to skip an argument, turned on his heel and headed inside without another word.

Back inside the building, Braun paused for a deep breath. "It's just not worth it," he said, looking back outside at the crowd.

Despite all the expert testimony from a slew of medical and police experts, one group of professionals never quite fulfilled its promise—sound engineers. While technicians produced an enhanced version of the famous videotape of the King beating, sound experts also worked for months to filter the scratchy audio portion.

Stone insisted that the audio contained distinct clicks of a police Taser going off just when Koon said he used it—although Judge Davies and most courtroom spectators said they could not hear it.

Prosecutors said that was because no Taser was ever activated at that point in the incident, but Stone was not easily dissuaded. In a battle of labs, his worked up to the last minute to come up with a soundtrack that he said would show conclusively what was said early that March morning.

"They're using the FBI lab," Stone said of his government counterparts. "And you know how everyone always says how great the FBI lab is. But you know where you go to really get sound work done?"

He gazed around conspiratorially, then whispered: "Hollywood."

For the defendants, the trial brought a jarring combination of high tension and extreme boredom. Days went by with barely a reference to Briseno or Timothy E. Wind, and all the defendants were consigned to spending most of their time passing notes back and forth with their lawyers.

Outside the courtroom, Koon and Powell seemed the steadiest. Koon is thoroughly unflappable—as convinced today as he was the day of the incident not only that the beating was justified but that the arrest was a clean, even commendable one.

Unlike his sergeant, Powell conceded to moments of doubt about how the case is proceeding, but he too was usually chipper.

"It's just another wonderful day," he said one day, shuffling back into court during the trial's fifth week. "I can't think of any place I'd rather be."

Briseno was moodier. But after breaking ranks with his colleagues during the state trial, he was part of the common defense this time. Briseno warmed to his new relationship with his co-defendants, enjoying the fact that they were speaking to one another this time.

That left Wind. He was the trial's most elusive figure, except for King. Wind rarely made an appearance in the cafeteria, and even his pleasantries in the hallways seemed strained.

One day, however, he plopped down next to a reporter at lunch and quietly mulled over the events of the last two years.

Wind, who grew up in Kansas, looks every bit the farm boy. He has no close relatives in Southern California, and he, more than any of his co-defendants, showed the strain.

Because he was a rookie at the time of the King incident, Wind is the only one of the four officers who has been fired by the Police Department. His wife subsequently had to leave her job because of a stress disability, and Wind said his family is surviving on depleted savings and his wife's disability checks.

If he is convicted, Wind, like the other defendants, could face up to 10 years in a federal penitentiary—a possibility that he shrugged off without comment. But Wind seemed baffled by the idea of how to move on even if he is acquitted.

"I can't think more than a day ahead," he said. "I've been living too long a day at a time to think ahead."

And the problems, he said, run far deeper than money. His son is 3, and Wind looked especially pained when he tried to imagine what effect, if any, this event will have on his son's life.

"He looked up at me one day and said: 'Daddy, why do juries hate you?'" said Wind, who won complete exoneration from the only other jury he has ever faced, the state panel that acquitted him last year. "How am I supposed to explain this to him?"

Times staff writer Paul Lieberman contributed to this story.

King Case Is Handed to Jury; Deliberations to Resume Today

■ **Trial: Final defense argument is rich in biblical references, while prosecutor calls officers 'bullies with badges.' LAPD is now in a heightened state of readiness.**

By JIM NEWTON
TIMES STAFF WRITER

Almost one year after a state jury returned not guilty verdicts in the case of four police officers accused of beating Rodney G. King, another judge sent the case to another group of jurors Saturday, this time to decide whether the same defendants violated King's civil rights.

"You are now in the hands of the marshals," U.S. District Judge John G. Davies told the jury at 3:07 p.m. "You may retire to the jury room."

Deliberations will resume today at 12:30 p.m., a late start so that some jurors can attend Easter services.

The costliest riots in modern American history swept Los Angeles at the conclusion of last year's state trial, and the federal case ended Saturday in a city tense with anticipation about the verdicts. The Los Angeles Police Department went to a heightened state of readiness at midnight Saturday, adding 600 officers to patrol duties.

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The prospect of new rioting has haunted the federal trial from its opening moments. Davies told jurors that they should set aside any information they had learned about the case outside the courtroom and that they should not be "influenced by any external consequences of your verdicts."

After more than six weeks and 61 witnesses, the trial culminated with a pair of closing arguments delivered by a criminal defense attorney and a Justice Department prosecutor who have contrasting styles and who have come to dislike one another during the course of this case.

Harland W. Braun, the lawyer for Officer Theodore J. Briseno, kicked off the trial's final day with an eloquent two-hour presentation, rich in historical and biblical references and bitter in its attack on the government lawyers for

■ RELATED STORIES, PICTURE: A18-A19

indicting his client and for accusing him of lying.

"You call an American citizen—a police officer—a perjurer?" Braun asked the prosecutors. "Prove it."

Barry F. Kowalski, a veteran civil rights lawyer and one of two lead prosecutors in the trial, then concluded the government's case with a long but scrappy rebuttal that called on jurors to use their common sense.

"Let's call it like it is, ladies and gentlemen," Kowalski said of the four defendants. "They were bullies with badges."

The case is in the hands of an eight-man, four-woman panel of jurors, composed of nine Anglos,

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two African-Americans and one Latino. All 12 panelists, as well as three alternates, were selected after a grueling process intended to find citizens who could consider the case impartially. Although they fidgeted in their chairs at times, they stayed attentive for the most part throughout the five weeks of testimony and three days of closing arguments.

Even though they have seen the videotape of the beating dozens of times, they sat forward Saturday and watched again with interest as Kowalski showed it to them one last time.

"Watch the videotape. Use your common sense," Kowalski said. "It's wrong to beat a man who's lying on the ground. You know that in the schoolyard when you're a kid. You don't kick a man when he's down. . . . The law demands that we follow that schoolyard rule."

After the lawyers completed their closing remarks, Davies read 39 instructions to guide jurors in how they should weigh the evidence and in what is required to convict or acquit the officers. After his instructions, he turned the case over to the jurors who deliberated until about 5:45 p.m.

Davies also instructed lawyers for both sides to be within 15 minutes of his courtroom while deliberations are under way so the attorneys can be present if Davies is required to answer questions from the jury. Exact details for disclosing verdicts were unclear, but representatives of the U.S. Marshals Service said they expect that there will be at least one hour's notice when the jury concludes its work.

In addition to Briseno, Officers Laurence M. Powell and Timothy E. Wind are accused of kicking, stomping or beating King with batons, in the process depriving him of his constitutional right to be safe from the intentional use of unreasonable force. The fourth defendant, Sgt. Stacey C. Koon, was the senior officer at the scene of the beating, and he is accused of allowing officers under his supervision to administer an unreasonable beating.

Braun was the final defense lawyer to make his closing argument, and he chose a different approach than his co-counsel.

While the other defense lawyers used copious exhibits and electronic devices, Braun forswore the equipment in favor of what he called an old-fashioned approach.

As he sketched out the evidence in the case, Braun returned again and again to a biblical refrain: "What evil has this man done?" he asked, gesturing time and again at Briseno.

Braun set his tone with his opening sentences, reminding jurors that the trial was concluding on the day between Good Friday and Easter, and he used religious imagery throughout his presentation. Without ever mentioning Jesus by name, Braun structured his remarks around the judgment of Jesus by Pontius Pilate.

In considering the fate of Jesus, Pilate capitulated to popular whim, Braun said. The challenge for this jury, he added, is to resist the public pressure to convict the officers.

"No man should be condemned in this case because of the fear of a riot," Braun said. "My client is on trial. But you are also on trial. Your courage is on trial."

Besides defending his own client in his closing argument, Braun attempted to undermine the entire prosecution, which he said can be measured by its treatment of Briseno, who is seen on the videotape of the beating delivering one blow to King, a stomp to the back of his upper body.

Braun said Briseno was indicted for tactical reasons—Briseno broke ranks with the other defendants during last year's state trial, causing chaos within the defense—and he called that a cynical and indefensible move by the prosecution.

"Don't be fooled," Braun told jurors. "Don't use him to convict someone else."

Braun's tactic and his vigorous argument on behalf of the other defendants reflected the defense's determination to present a unified front in the federal trial. Although the truce between the officers was sometimes strained, the trial concluded without any of the defendants attacking one another.

Outside court, Braun said the truce was held together largely by the defendants' common opposition to the federal prosecution. In the courtroom, he devoted the bulk of his closing argument to criticizing the government lawyers.

"The indictment of Ted Briseno

is so immoral, so terrible, that it should undermine your confidence in the government," said Braun, who called the prosecutors "despicable."

At one point, Braun even drew Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors, into his biblical analogy. "I'm sort of glad that Clymer wasn't around in those days because he would have indicted the apostles," Braun said.

Clymer sat stone-faced while other courtroom observers laughed at that remark. During a recess after Braun finished, however, Clymer congratulated him on his argument.

Michael P. Stone, the lawyer for Powell, praised Braun's presentation and said he believed it bolstered the chances of all four officers being acquitted.

"This is the way this case should be argued," Stone said. "There's no reason for these officers to turn on each other and no reason for their lawyers to turn on each other."

Kowalski never directly responded to Braun's accusations, but the prosecutor accused lawyers for the officers of trying to divert attention from the facts of the case by striking out at the government.

"On the facts that have been

presented to you in this case, it is easier to attack the government than it is to defend the defendants," Kowalski said.

Sometimes impassioned and other times folksy, Kowalski accused the defendants and their lawyers of distorting the trial testimony and the facts of the case. He was particularly pointed in his criticism of Koon, the only one of the four officers who testified in the federal trial.

"You can expect defendant Koon to say whatever's in defendant Koon's interests," Kowalski said. "The truth doesn't change."

Koon remained expressionless, his head cocked to one side, as Kowalski accused him of lying. At the end of the session, Koon gathered up his materials and left the court without commenting.

Kowalski's argument, like one that Clymer delivered last week, struck two main themes that are essential to the prosecution case: that the officers used unreasonable force against King; and that they knew it was unreasonable when they did it.

The second issue goes to the officers' intent, and prosecutors have presented an array of circumstantial evidence that they say proves the officers knew they were wrong to beat King in the way they did. In particular, they have pre-

sented police reports that they say deliberately understated the nature and seriousness of the beating.

Kowalski noted that none of the reports filed by Wind, Powell or Koon specifically stated that the officers struck King while he was on the ground. Witnesses who testified for the defendants attributed that to faulty memory, which they say is a common affliction for people after a violent confrontation.

But Kowalski ridiculed the suggestion that the officers could have forgotten that King was on the ground when he was hit.

"There was one thing that everybody from Paris to Tokyo saw," Kowalski said of the beating, captured on videotape by amateur cameraman George Holliday. "There was one thing that causes horror and outrage throughout the world. . . . The thing that everybody saw, that everybody was so outraged about, was that the defendants were beating a man who was on the ground."

The failure to include that information in the reports was not because officers forgot it, Kowalski said. Instead, Kowalski suggested that they had omitted that and other information—including alleged baton blows to King's head—because they did not know that a

videotape had captured their actions and therefore thought that they could get away with having beaten King.

"The world learned what happened at Foothill and Osborne for one reason," Kowalski said. "That's because George Holliday had a videotape."

Kowalski also came to the defense of the prosecution's main expert on the use of force, Sgt. Mark John Conta, who has come under withering attack from the officers and their lawyers.

"He's an honest man," Kowalski said. "He doesn't deserve the name-calling he got."

Kowalski compared Conta to the defense's use-of-force expert, Sgt. Charles L. Duke Jr. Although Kowalski said Duke was a brave and accomplished officer, the prosecutor accused Duke of lying on the stand.

Duke testified that officers were taught to break bones and beat suspects into submission "if that's what it takes." Duke said Deputy Chief Matthew V. Hunt, then a police commander, ordered that training. But Hunt later took the stand to deny that he had ever made such a comment.

"Sgt. Duke, as accomplished and as brave as he is, lied to you," Kowalski said.

THE TIMES POLL

Mood Calm in Most of L.A. as Trial Nears End

By CARLA RIVERA
TIMES STAFF WRITER

As verdicts in the Rodney G. King civil rights trial draw near, residents throughout most of Los Angeles describe their neighborhoods as calm and say they have done nothing to protect themselves in the event of renewed violence, a Los Angeles Times Poll has found.

Although most residents worry that the verdicts will probably trigger another round of rioting, the majority do not believe that violence is inevitable and maintain confidence that police and city officials can quell another major outburst.

In fact, fully half of those questioned say they fear there is a greater danger that law enforcement officials will overreact and incite a new wave of violence.

"I think there is more likely to be an overreaction to compensate for the lack of reaction the last time," said Beth Comstock, 33, of Hancock Park. "I think the police force has something to prove and this time they are operating with foreknowledge."

Fifty-eight percent of residents of all ethnic backgrounds described their mood as calm, a sentiment shared among Latinos, Anglos and African-Americans, from the Eastside to the Westside and from the San Fernando Valley to the

harbor. The poll found no evidence that outlying areas of the city were more fearful of violence than inner-city neighborhoods.

If there is an eruption of violence, 55% of Los Angeles city residents believe it will be less severe than last year's sweeping disorder. Twenty-two percent believe that it will be worse.

The poll, conducted from Wednesday through Friday, provides cause for hope and pessimism as the city prepares for verdicts in

the racially charged trial of four Los Angeles police officers accused of violating Rodney G. King's civil rights.

The responses reveal a public with mixed emotions on many issues. Although 50% of Angelenos fear that police could overreact once the verdicts are announced, a bare majority also say they would favor deploying the National Guard on the streets before the verdicts and 7 out of 10 approve of allowing the police broad authority to make arrests during curfews.

Majorities of African-Americans (80%), Anglos (52%) and Latinos (65%) are inclined to believe that the police officers are guilty of the charges against them. Anglos are divided on whether the officers must be convicted for justice to be done. By contrast, 75% of African-Americans and 59% of Latinos say a just outcome requires that the officers be found guilty.

The question of whether renewed violence is justified if the officers are not convicted also produced divisions. Majorities of Anglos (79%), African-Americans (58%) and Latinos (53%) agreed that violence would be totally unjustified no matter what the verdicts. But sizable minorities of Latinos (40%) and African-Americans (32%) said they would consider violence partially or totally justified. Nineteen percent of Anglos thought renewed violence would be justified. The question provoked heated emotions.

"Blacks and other ethnic groups have been discriminated against by the police—whether they want to admit to it or not—and have a legitimate beef," said poll respondent Elizabeth Barash, 66, a retired Los Angeles Community College

THE TIMES POLL

employee from Van Nuys. "I hope that nothing happens, but if there is violence I will understand it. Whether it's right or wrong is besides the point."

But others disagreed.

Violence "is totally unjustified, it's counterproductive and it's not going to change the verdict," said Harriet Seay, a 57 year-old homemaker from South-Central Los

(Indicate page, name of newspaper, city and state.)

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Angeles. "When you think in terms of the loss of jobs and possibly lives . . . it only leads to the devastation of the community."

Conducted by Times Poll Director John Brennan, the survey interviewed 1,136 Los Angeles residents. It has a margin of error of 3 percentage points in either direction.

Despite a media blitz in recent weeks focused on the mood of the city and preparations for the possibility of renewed violence, 52% of residents agreed that the news media are simply doing their job by reporting the situation in the city rather than encouraging disorder. However, a majority of residents (59%) approved of barring news media helicopters from flying over certain parts of the city if police find that the flights interfere with law enforcement.

Some residents, though, said the news coverage should not be limited in any way.

"My feeling is the police don't want the helicopters flying over because they don't want to be ridiculed anymore," said San Pedro resident Debra Carmona, 31. "If the media had not been out there reporting last time, a lot of us would have been stranded away from home."

Jurors in the trial of officers accused of violating King's civil rights began deliberations Saturday afternoon.

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The not guilty verdicts for the officers in state court in Simi Valley last April 29 on charges that they used excessive force to subdue King triggered an eruption of violence that claimed at least 52 lives and caused an estimated \$1 billion in damage.

Significantly, although more residents living in areas unaffected by last spring's unrest reported their neighborhoods as being calm, that was not the case in areas hardest hit by the violence. In those places, 47% of respondents reported their mood as tense, while 44% said emotions were running calm.

Much of the city's composure may be because of the strong confidence expressed in the way Los Angeles Police Chief Willie L. Williams is handling preparations for the verdicts. Eight in 10 said they approved of Williams' planning, with only 10% disapproving. And a majority of residents (54%) say officials have done an adequate job of attempting to dispel rumors and ease tensions as the verdicts near. Only 37% said the city's efforts were inadequate.

Still, the poll found a public disheartened by conditions in the city since last spring's civil unrest. Seventy-six percent of respondents said things were going badly in the city, 78% said divisions and conflicts caused by the King beating were the same or worse, and an overwhelming 80% said not much has improved in their neighborhoods since the upheaval.

That gloomy outlook was shared across racial and geographic boundaries, with 82% of Westside and San Fernando Valley residents, 80% of central city residents and 75% of those living in South-Central Los Angeles saying not much has improved.

And despite evincing a generally calm mood, 75% of residents voiced concern that renewed violence would engulf their neighborhood and 78% said they worried that violence could spill over into

areas where they work or travel.

"We are worried because we have heard on the streets that this time . . . [the violence] is going to travel to other neighborhoods," said Sunit Gupta, a 32 year-old North Hollywood resident. "Last year we saw the mob mentality, and when that rules, all innocent people have problems."

But the concerns of Gupta and others did not appear to translate into concrete actions among the majority of residents.

Three in five residents (60%) said they have not taken actions to protect themselves in case of renewed violence. Of those who have taken steps, 14% say they are stocking food supplies, 7% say they plan to stay at home after the verdicts are announced, 4% say their employers have devised an emergency plan and 4% say they have bought a gun.

African-Americans, particularly, are stocking up on food supplies. A higher number of Latinos say they will stay inside.

On the question of what can be done to prevent another outbreak of rioting, most residents identified better law enforcement as the most useful approach. Twenty percent said beefing up the police force was the most important action to take to forestall more riots, 22% identified better policing

as the remedy, 12% thought deployment of the National Guard would work and 14% said the city must come together if it is to avoid a replay of violence.

Many issues identified by urban experts as underlying social causes of the riots received scant attention. Only 1% of residents thought more government aid was needed to prevent another outbreak of rioting, 4% thought education was the answer and 5% believed more jobs were needed. Equality of justice was identified as the most important factor in stemming future unrest by 5% and 4% said heightened police sensitivity was the key.

How the Poll Was Conducted

The Times Poll interviewed 1,136 adults in the city of Los Angeles by telephone from April 7 to 9. Telephone numbers were chosen from a list of all exchanges in the city. Random-digit dialing techniques were used to ensure that listed and non-listed numbers had an opportunity to be contacted. Interviews were conducted in English and Spanish. The sample was weighted slightly to conform with census figures for sex, race, age and household size. The margin of sampling error for the total sample is plus or minus 3 percentage points. For certain subgroups the error margin is somewhat higher. Poll results can also be affected by other factors such as question wording and the order in which questions are presented.

City's Views Before the Verdicts

As the Rodney G. King civil rights trial verdicts near, most city residents report that their neighborhoods are calm and most have faith that police can quell disturbances if they come. Three-quarters of African-Americans and 3 in 5

Latinos feel that a guilty verdict is necessary to ensure justice while Anglos are divided on that question. The sample of Asian-Americans is too small to be listed separately, but that group's opinions are included in the total and regional breakdowns.

✓ Answers to questions are broken down by ethnic group and by region of the city, according to the following key:

West: Westside

SFV: San Fernando Valley

Central: Central part of Los Angeles

Southern: Southern section of Los Angeles

■ So far, do you think the trial of the four police officers is biased in favor of the officers, or biased against the officers, or do you think it is generally unbiased, or is it still too early to say right now?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Too early to say	36%	32%	37%	44%	25%	41%	36%	37%
Biased in favor	17%	10%	39%	23%	12%	12%	16%	28%
Biased against	11%	16%	5%	9%	9%	15%	9%	10%
Generally unbiased	24%	28%	12%	16%	43%	21%	23%	17%
Don't know	12%	14%	7%	8%	11%	11%	16%	8%

■ In order for justice to be done, do you think the four police officers on trial in the King civil rights case must be found guilty, or is it possible that justice can be done if the officers are not convicted of the charges?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Must be found guilty	49%	37%	75%	59%	30%	41%	57%	64%
Justice can be done if not convicted	29%	40%	14%	21%	34%	38%	22%	23%
Don't know	22%	23%	11%	20%	36%	21%	21%	13%

■ Say the four police officers are not convicted of the charges against them. In that case, do you think renewed violence is inevitable or can it be prevented?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Inevitable	33%	37%	32%	34%	34%	38%	31%	28%
Prevented	58%	54%	60%	59%	61%	54%	57%	63%
Don't know	9%	9%	8%	7%	5%	8%	12%	9%

■ Are you very confident, somewhat confident, somewhat doubtful or very doubtful that the Police Department and other law enforcement officials will be able to protect your neighborhood adequately in the event of renewed violence after the verdicts?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Very confident	24%	19%	25%	33%	27%	22%	21%	30%
Somewhat confident	35%	43%	39%	26%	35%	40%	33%	31%
Somewhat doubtful	23%	22%	18%	24%	25%	24%	20%	24%
Very doubtful	14%	12%	13%	14%	11%	11%	20%	11%
Don't know	4%	4%	5%	3%	2%	3%	6%	4%

■ How would you describe the mood in your neighborhood as the verdicts in the King civil rights trial near? Would you say your neighborhood is tense or calm as it awaits the verdicts?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Tense	32%	27%	37%	37%	34%	23%	36%	37%
Calm	58%	60%	54%	54%	53%	66%	56%	55%
Don't know	10%	13%	9%	9%	13%	11%	8%	8%

■ What's a greater danger right now in Los Angeles: That law enforcement officials will underreact and let a new wave of violence get out of hand, or that law enforcement officials will overreact, inciting a new wave of violence? (Accept "neither" or "both equally" as volunteered responses.)

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Underreact	17%	24%	5%	15%	15%	21%	17%	15%
Overreact	50%	39%	67%	56%	48%	44%	52%	56%
Neither/Both	17%	24%	11%	13%	15%	23%	13%	16%
Don't know	16%	13%	17%	16%	22%	12%	18%	13%

■ In their reporting of the mood in the city as the King civil rights trial verdicts near, do you think the news media are improperly encouraging renewed civil unrest or are the news media simply doing their job by reporting the situation in the city as it is?

	Total	Anglo	Black	Latino	West	SFV	Central	Southern
Inciting violence	42%	52%	39%	30%	49%	49%	36%	37%
Reporting as is	52%	42%	50%	66%	45%	47%	62%	50%
Don't know	6%	6%	11%	4%	6%	4%	2%	13%

(Mount Clipping in Space Below)

King Jury Seeks Transcript, Picks Foreman

By JIM NEWTON
TIMES STAFF WRITER

Five jurors in the Rodney G. King federal civil rights trial attended Easter services Sunday and then the entire panel resumed deliberations, at one point asking for the transcript of testimony from a witness who had tearfully said that one of the four police officers on trial had hit King in the head with a baton.

After deliberating for five hours, jurors ended their day just before 5 p.m. They will begin deliberating again this morning.

Also on Sunday, U.S. District Judge John G. Davies told lawyers that the jury had chosen a foreman, who, like his fellow jurors, remains unidentified except by his seat number in the jury box.

The request for the transcript, which was denied by the judge, was the first made by the jurors, and it touched off speculation regarding its potential significance. The witness whose testimony the jury requested was one of the most memorable of the six-week trial: California Highway Patrol Officer Melanie Singer.

Singer was called to the stand by the defense and offered some testimony helpful to the cases of the four Los Angeles Police Department officers charged with violating King's civil rights. But she broke down and cried when she described six baton blows that she said Officer Laurence M. Powell delivered to King's face and head.

"I'll never forget it until the day I die," Singer said at one point.

She also testified that King did not appear to be under the influence of PCP—a claim central to the officers' defense. And she said she considered trying to give King first aid but decided not to because she was afraid that the other officers would heckle her.

All those points could work against the officers, but Singer's testimony about the blows to King's head was contradicted by medical experts called by defense attorneys.

It was unclear from the jurors' note why they were requesting the transcript.

"You don't really know what it means," said Harland W. Braun, lawyer for Officer Theodore J. Briseno. "The danger to the defense is the emotion of her testimony. The specifics of her testimony help us, at least to the extent that they discredit her."

Ira Salzman, the lawyer for Sgt. Stacey C. Koon, said he was heartened by the jury request because he interpreted it to mean that jurors were focusing on details of Singer's testimony that were challenged.

Davies responded to the jury

script. He told lawyers he did not want jurors to put undue emphasis on a single witness and added that he would deny any similar requests for transcripts of testimony by other witnesses.

Assistant U.S. Atty. Steven D. Clymer requested that Davies consider agreeing to have specific sections of testimony read back to jurors if they ask for them. Davies said he would consider those requests if they arise.

The foreman of the eight-man, four-woman jury was identified by the U.S. Marshals Service only by his seat number in the back row of the jury box—Seat 5.

All jurors' identities are being kept secret. The foreman, a bearded man who appears to be in his 40s, apparently works in the real estate business, according to answers he gave during jury selection.

Defense attorneys did not ask Juror 5 any questions during the selection process, indicating that they immediately regarded him as acceptable. In response to questions from prosecutor Clymer, the juror said he was not surprised by last year's state court verdicts and added that the first time he saw the

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defendants on television, they looked scared. note in writing, saying he would not honor the request for a tran-

Before commencing their deliberations Sunday, five jurors attended church services. Lawyers on both sides had expressed some concern that the jurors might hear references to the case during the Easter sermons. Many church leaders are calling for peace in the city after the verdicts are announced.

Clymer raised that concern in court Sunday, but Davies assured him that the Marshals Service had been monitoring church services attended by some jurors throughout the trial.

According to Davies, the marshal in charge of protecting the jurors contacted the ministers of the jurors' churches early in the case and asked them to refrain from commenting on the trial.

"I am informed that the ministers have obliged," Davies said.

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COLUMN ONE

How Good a Student Is L.A.?

Miami made missteps in trying to rebuild after devastating riots. Now, some wonder if Los Angeles will learn from that and attack the causes of urban unrest.

By MILES CORWIN
TIMES STAFF WRITER

MIAMI—Twelve years before Rodney G. King, there was Arthur McDuffie.

As in the King case, there was a chase. McDuffie, a black motorcyclist, led police on a high-speed pursuit through the streets of Miami. There was a beating. McDuffie died after police struck him repeatedly with heavy flashlights and then tried to cover up it up by staging an accident scene.

There was a trial—before an all-white jury after a change of venue out of Miami—that ended in the acquittal of four police officers. And there were devastating riots that lasted three days, claimed 18 lives and caused \$100 million in damage.

Then there was the aftermath.

Miami was not able to substantially improve conditions in its inner city, defuse racial tensions or greatly improve police relations with the African-American community. The problems continued throughout the 1980s, and Miami ended up enduring three smaller-scale riots.

Now, as Los Angeles awaits the verdicts in the federal trial of officers accused of violating King's civil rights, many community leaders wonder if Southern California can learn from Miami's mistakes.

The parallels between the two cities are striking.

In both cities, massive immigration—of Asians and Central Americans in Los Angeles, Cubans and Haitians in Miami—has contributed to new social tensions. The riots of 1965 in Watts, 1980 in the Liberty City and Overtown sections of Miami, and 1992 in Los Angeles all were triggered by police encounters with minority residents.

Each instance produced studies and reports calling for the revitalization of inner-city neighborhoods as the solution to underlying problems. Yet massive doses of national attention and federal aid has frequently failed to prevent renewed violence.

Such a history raises a host of complex, unsettling questions for local and national leaders: Why have Los Angeles and Miami been unable to change course despite experiencing major riots? How can the cities learn from each other? Will attention focused on Los Angeles in the aftermath of last year's disturbances result, finally, in an effective national policy that attacks the underlying causes of urban unrest?

"Los Angeles should look very carefully at what happened to Miami in the years after the McDuffie case," said H.T. Smith, a Miami lawyer and activist in the African-American community. "Because if L.A. doesn't learn from Miami's lessons, one thing will happen for sure: The city will burn again."

Miami offers a model of failure as Los Angeles attempts to rebuild its inner city, civil rights activists say. During the 1980s, much of the money targeted to rebuild riot-torn areas of Miami was spent on projects outside these neighborhoods and did not benefit inner-city residents, said Johnnie McMillian, president of the Miami-Dade branch of the National Assn. for the Advancement of Colored People.

Shortly after the Miami riots, then-President Jimmy Carter established a federal task force to devise an economic recovery plan for the city. As in Los Angeles today, local, state and federal agencies as well as area business leaders were expected to cooperate

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in rebuilding the city's hardest-hit neighborhoods.

The Miami Chamber of Commerce raised several million dollars to create jobs and build a business assistance center. A state-created revitalization board played a key role in opening Miami's first black-owned bank. And federal Small Business Administration money was made available.

But, according to studies, most of the efforts fell far short of their goals.

The impact of the SBA loans during the year following the riot was to facilitate the re-establishment of numerous businesses affected—but not in Liberty City," according to a book on the 1980 riots co-authored by Marvin Dunn. "Indeed the real impact . . . seems to have been to help drain riot-damaged businesses away from Liberty City rather than to keep them there."

Dunn, a psychology professor at Florida International University, said he sees Los Angeles heading down the same flawed path.

"If [Miami] took every new job that has been created for blacks since 1980, it wouldn't amount to more than 500, yet we raised millions of dollars to try to do just that. We tried some of the same things that you are now talking about in L.A. . . . Your ills are not going to be cured that way."

Although Miami has been the subject of much criticism, it also has created some programs that are used as models for other cities. These programs are being employed as South Florida gears up

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for another explosive, racially tinged trial. Next month, there will be a retrial of William Lozano, a Latino police officer convicted of fatally shooting an African-American motorcyclist in 1989, which sparked rioting in Overtown.

The Dade County Community Relations Board is compiling a weekly "tension chart," which assesses the community's volatility on a 1-10 scale based on police reports, demonstrations, impressions of staff members and other criteria. The board is sending crisis prevention workers into neighborhoods to diffuse tensions, will provide gavel to gavel coverage of the trial on cable television, and will sponsor discussions using volunteer attorneys to explain complex rulings. The board also is sponsoring a weekly radio show, featuring judges and prominent attorneys, during which residents can call in and ask questions.

If people understand the complexities of the trial, they will be less likely to riot even if dissatisfied with the verdict, said Lloyd Major, executive director of the board. "People will still be angry, but they may not be as shocked by a verdict if they are brought along through the whole trial," he said.

Los Angeles has introduced several similar concepts—including Mayor Tom Bradley's Neighbor to Neighbor program—although it remains to be seen how successful they will be.

But many analysts believe that local initiatives alone cannot solve the intractable problems of the inner city and that a comprehensive, integrated national attack, much like the 1960s war on poverty, must be planned.

The key question, many experts say, is whether cities such as Los Angeles and Miami—and the national government—have the political or moral will to undertake such a massive chore. Many are pessimistic and see the costs of years of neglect in a new generation of troubled inner-city youths.

"Unfortunately, things have not changed much for the part of the population that is most likely to riot," said University of Miami history professor Whittington Johnson. "There is a whole new generation that doesn't mind resorting to violence if things don't go their way."

□

Before the McDuffie verdict was announced, the Miami police were about as well prepared as the Los Angeles Police Department

was last April when jurors in the state King trial found the four officers not guilty on all but one count. The Metro-Dade Police Department had nothing more than a one-page riot guide. The only precaution taken by police was deploying one extra patrol car in largely African-American Liberty City.

Just as LAPD officers did at the intersection of Florence and Normandie, Miami police pulled patrol cars out of the area where the riots began, creating "a vacuum that served to increase violence," according to a Ford Foundation study.

And just as truck driver Reginald O. Denny was 12 years later, three whites in Miami were dragged from their cars at the riots' outset. They were beaten to death, and police later arrested five young black men in connection with the killings.

After the Liberty City unrest, the department compiled a book-length riot plan with voluminous charts, graphs and maps. In the years after the McDuffie case, Miami police have pioneered riot-control tactics now studied by departments nationwide.

If there is any hint of a civil disturbance in Miami, the city of Miami police and the Metro-Dade police—the larger law enforcement agency that patrols unincorporated county neighborhoods—block streets with barricades and police cars to seal off the area.

Specially trained "field force" units of about 50 officers then swoop in from strategic posts. Sometimes, just the sight of several field force units—carrying body-length riot shields, wearing helmets with face masks, and marching and banging their nightsticks on their shields in unison—will break up a gathering, said Angelo Bitsis, spokesman for the Miami police.

"If they're throwing a rock, they go to jail; if they have a gun, they go to jail; if they have a Molotov cocktail, they go to jail," Bitsis said. "You can't torch a building or cause any problems when you're behind bars."

The Liberty City riots differed dramatically from previous disturbances in the United States, according to a Ford Foundation report.

In the past, riots usually began with an incident on the street—usually a police beating, shooting or arrest—then escalated. But the McDuffie killing had occurred five months before the riots and inner-city residents appeared willing to

let the justice system run its course. And, according to the study, no one was prepared for the assaults on motorists because that kind of violence was "unprecedented in this century."

"Miami was taken by surprise, partly because this was a new kind of riot, something that didn't follow the pattern of the past," said James J. Fyfe, a Temple University professor of criminal justice and a former New York City police officer. "But there's no excuse for the LAPD. They should have learned from Miami and been better prepared."

Los Angeles police will not make the same mistake again, Chief Willie L. Williams has vowed, and he has assured residents that police are prepared for any level of civil disturbance. In an attempt to improve relations with minority communities during the past year, the department has initiated community policing on a limited scale.

Miami area police also have tried to improve relations with inner-city neighborhoods. Metro-Dade police, who have made more progress than other law enforcement agencies in the region, created a unit to patrol housing projects by foot. And Miami police have built a substation in Overtown. Both departments have hired more minority officers—Miami also has an African-American police chief—and contend that disciplinary procedures against officers who use excessive force have been improved.

Still, Miami-area police have put more emphasis on developing civil unrest tactics and have not "devoted the same time, money and energy dealing with the causes for civil unrest," said McMillian of the NAACP. Not enough progress has been made on such issues as instituting civilian review panels, creating widespread community-based policing or improving police sensitivity to minority communities, McMillian said.

"There were a lot of promises made after McDuffie, but there is still a great amount of distrust between the police and the black community," McMillian said. "If they had been truly working on the problem since 1980, we would have had more to show for it by now."

□

Just north of downtown, in the shadow of Miami's shimmering skyscrapers, there is block after block of ramshackle apartment buildings, crumbling housing projects and boarded-up storefronts. Throughout the neighborhood there are empty lots—some the

sites of buildings burned during the riots—encircled by chain-link fences topped with razor wire. This is Overtown, site of several riots during the 1980s.

Nearby is an area called Mud Flats, a dank, Third World-like village beneath a freeway overpass. Dozens of makeshift hovels—built from cardboard boxes, metal sheeting, plywood or tarpaulins—are scattered across the dirt.

"People living in this kind of poverty, so close to the affluence of downtown . . . it doesn't take much to make them mad," said Nathaniel Wilcox, director of a Miami civil rights group. "You brutalize people living like this, and they're going to take to the streets and riot right quick."

The underlying causes of the volatility in Miami and Los Angeles are the deterioration of inner cities, the lack of political power and diminished economic opportunity, said McMillian of the Miami NAACP. But an inability to reform police and justice system decisions that are considered slanted, McMillian added, have proven to be the main flash point for riots.

During the 1980s, African-Americans in Miami were woefully underrepresented in city and county government and were repeatedly frustrated by their lack of politi-

cal clout. Until this year, there was only one African-American city commissioner and one African-American county commissioner—in a city that is about 20% African-American. Only a handful of the county department heads are African-Americans, and there are few high-ranking African-American police officers at the station houses.

"When you have no political or financial muscle, riots are the only method of protest that is left to you," said Major, of the Dade County Community Relations Board. "Riots are an indication that the system has failed."

For Miami during the 1980s and Los Angeles in 1992, longstanding poverty has been exacerbated by racial divisions, urban affairs experts say. In both cities, the influx of immigrants has created resentment in inner-city neighborhoods and sparked a number of racial incidents.

Anger in Miami's African-American community over the increasing influence of Cubans—and complaints over government aid to Cuban immigrants—surfaces frequently, Major said. And inner-city blacks, he said, are frustrated by frequent comparison to the Cuban

immigrants. Many who fled Cuba in the 1960s were well-educated, successful entrepreneurs who soon succeeded in Miami—economically and politically.

"There was a lot of tension and competition over jobs right away," Major said. "And when the Cubans rose and the blacks stayed the same, it created anger and frustration that continues today. . . . No other city in the country had to absorb as many people from a single culture at one time."

In Overtown, the only thing that has changed in the past decade is the further deterioration of the area, said Wilcox, who heads People United to Lead the Struggle for Equality (PULSE). Wilcox, who was raised in Overtown, hopped in his car on a recent afternoon, drove through his old neighborhood and stopped at a corner with a check-cashing center and liquor store. He spotted an old friend, a man who had lived in the area for more than 30 years.

Willie Starks, a retired plumbing supply salesman and pastor of a neighborhood church, told Wilcox that in the past decade there has been little change in the way officers police the streets of Overtown. He pointed to a nearby intersection and described a recent incident.

"Right there, a young black man was being arrested for a stolen car, and police handcuffed him and then slammed his face against the car," Starks said. "I saw that boy covered with blood."

"Police have bridged a few gaps, but they've got a long way to go. As long as Miami police view this neighborhood as the jungle and don't get some serious attitude adjustment, nothing will change."

Times staff writer Carla Rivera contributed to this story.

(Mount Clipping in Space Below)

Trying to Judge the Jury Can Be a Risky Proposition

King trial: Courtroom veterans agree that trying to interpret gestures can mean everything—or nothing.

By PAUL LIEBERMAN
TIMES STAFF WRITER

The movement by Juror 6 came just as prosecutor Steven D. Clymer reached a peak moment in his closing argument. As Clymer lambasted the defendants for beating "a helpless man," Rodney G. King, the juror leaned back in his chair and rigidly folded his arms.

Most all the eyes in the courtroom were riveted on Clymer, a dynamic young prosecutor giving a virtuoso performance. But Juror 6 drew the interested gaze of others, including a woman seated quietly at the defense table for the last six weeks, a consultant who specializes in helping lawyers pick jurors—and monitors their reactions during the trial.

Criminologist Jo-Ella Dimitrius later resisted drawing firm conclusions from the gesture of Juror 6, a white man who appears to be in his 30s and is believed to work in the military. "He might've been cold," Dimitrius said outside court. "It does get cold in there."

But her own body language included a broad smile, perhaps because other professional jury analysts suggested a less tame interpretation of the folded arms—that the juror was not buying Clymer's pitch for convictions of the four police officers accused of violating King's civil rights.

Indeed, two hours later, Juror 6 was leaning forward on the edge of

his chair as the first defense lawyer gave his closing statement, urging acquittals for Sgt. Stacey C. Koon and his three co-defendants, asserting that they were being used as "sacrificial lambs" by Los Angeles police brass embarrassed by the videotape of the King beating.

Courtroom veterans agree that it is risky to try to read the minds of jurors, to interpret small gestures as evidence of their leaning. "A dangerous pseudoscience," one jury psychologist called it.

But it is also a game that most everyone plays, especially in a celebrated case where the earlier verdicts in Simi Valley were attributed in large part to the make-up of the jury.

So here in federal court in Los Angeles, more than a few glances have been directed at the eight men and four women—especially the two African-Americans—who hold the fate of the defendants, and perhaps a city, in their hands.

As the trial reached its climax, attorneys in the case, visiting lawyers and other spectators could be heard sharing whispered observations about the jurors, trying to decipher who might emerge as supporters of the prosecution or defense among the panelists known only by their numbers and now sequestered in secret deliberations.

A lawyer volunteered that Juror 3, one of the African-Americans, seemed to take more notes when the prosecutor spoke. An out-of-town journalist insisted that a woman on the panel, Juror 1, had nodded in approval with the defense.

As for Dimitrius, she said she feels she knows the jurors "intimately" because of 53-page questionnaires they filled out before jury selection, which have not been made public. But she complained that, in court, "it's a pretty poker-faced group," making it nearly impossible to measure reactions.

She ventured only one prediction. "Juror 8 will be forewoman," she said, referring to a well-dressed white woman, probably in her 50s, who showed an assertive personality during jury selection, volunteering such details about her life as that she works for an insurance firm and is active in Toastmasters.

The diversity of the panel was evident in the contrast between the woman and the juror to her left,

(Indicate page, name of newspaper, city and state.)

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TRYING TO JUDGE THE JURY

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a bushy-bearded white man, probably in his 30s, who wore T-shirts to court and looked as if he would be at home atop a Harley-Davidson.

U.S. District Judge John G. Davies has suggested that the jurors may not have an easy time deciding the sensitive case.

"I foresee difficulties," Davies commented outside the jury's presence, although he later noted firmly that, "I haven't any idea of what's going to happen in this case. I don't think any of us do."

That is a qualifier court veterans invariably start with when discussing perceptions of the jury.

"I never try to read a juror. Never!" said Laurie Levenson, a Loyola University law professor and former federal prosecutor who has attended most of the trial.

"The only time I ever got a clear signal . . . was when I had a murder trial and the jury came back and this one man looked at me and went"—she gave a thumbs-up sign—"and even then I wasn't absolutely sure what he meant."

Despite her disclaimer, Levenson could not help but be intrigued in the King trial when a former colleague in the U.S. attorney's office pointed out body language that, he said, seemed a good sign for the prosecution. When the defense use-of-force expert, Sgt. Charles L. Duke Jr., was on the

44A-LA-119954-D-449

stand, asserting that every blow rained on King was justified, an alternate juror sitting a few feet away—the only African-American among the three alternates—turned his back and refused to look at him.

Like others in her field, Ann Greeley, a psychologist with Forensic Technologies International, a Pennsylvania-based jury analysis firm, warns against reading much into juror behavior, even when one looks utterly bored or nods off. "It may be [they're tired] because their kid's home sick," she said.

On occasion, though, "there are pretty clear signs," Greeley added—including a juror "leaning back and crossing [his] arms. [That's] a pretty good indication they're . . . being resistant and distancing themselves from the message."

Dimitrius, the consultant in the King case, sat next to Harland W. Braun, the attorney for Officer Theodore J. Briseno. Her firm, Litigation Sciences, advertises that it has "teams of social scientists [to] help trial lawyers understand the biases, prejudices and perceptions that people bring with them into the courtroom. This knowl-

edge permits us to predict how people are likely to react to what a lawyer intends to do [in order to] recommend strategies and tactics which will be maximally persuasive."

When Koon's attorney, Ira Salzman, prepared his closing statement, he asked Dimitrius how jurors might react to a quote from Othello about the value of a man's honor. She cautioned that some "might not understand it," making them feel dumb—and turning them off. Salzman did not use the quote.

In giving such advice, "in a way I'm acting as a shadow juror," Dimitrius said.

Firms such as Litigation Sciences sometimes use polls, focus groups or mock trials to determine how types of jurors will react to a set of facts or arguments. Will they be swayed by reminders of how police can be killed in the line of duty—or insulted by the emotional appeal?

Duke University psychology professor Neil Vidmar, who co-wrote "Judging the Jury," said consultants help lawyers by doing such research and in evaluating potential jurors. But he is skeptical of efforts to make predictions based

on courtroom behavior, or even what panel members are wearing.

"There are jury experts who say the color of your clothes predict . . . how you'll go. [That] if you happen to be red, you're pro-defendant," he said. "The kind of stuff that's sold to people, it's ludicrous."

Yet, as a matter of common sense, "I'm willing to accept that sometimes our body language does give us away," Vidmar added. "We can see someone involuntarily shaking their head, 'no, no, no no.'"

This trial provided few such clues from jurors. And because the panel has been sequestered and carefully guarded, outsiders do not see them interact during recesses or when they leave the courthouse for their hotel.

One interaction that did surface came when a juror sent Davies a note suggesting that lunch breaks might be shortened to speed up the trial. When the judge asked other jurors about it, assertive Juror 8 spoke up to say the note did not speak for everyone. The lunch hour was maintained.

Three weeks ago, another message from the jury prompted a flurry of speculation in court. The defense case was getting off to a slow start—with a procession of police witnesses—and Clymer complained during a break that "the jury is getting very bored . . . very rapidly."

"I don't know whether it's boredom," Davies responded, ". . . [But] I'm told the jurors are asking: 'What about Easter?' Can they make plans for the Easter holiday? Take it for what it's worth."

The scrutiny of jurors is so intense that two spectators began speculating whether the reference to Easter was significant. "I assume none of the jurors [is] Jewish because they didn't ask about Passover," said one, a lawyer.

Although everyone in the case knows what is at stake, the jurors have not seemed overwhelmed by the pressure. They dutifully laughed at Davies' occasional jokes, such as when the judge cut off a line of questioning—although the defense had not protested it—then announced, "and I'm sustaining my own objection."

The panelists also burst into loud

laughter at the end of one day when they departed for the jury room. Those left behind in court were never let in on the joke.

Because of criticisms that the Simi Valley jury had no African-Americans, the two on this panel have been the most closely watched figures in the jury box. Unlike the black alternate, who turned his back on Duke, they have been among the most stoic members of the jury.

Juror 3 is a trim ex-Marine, probably in his 60s, with a close-cropped gray beard, who has lived in Watts for 25 years. Although he insisted he could be impartial, defense lawyers at the last moment tried to have him excused, only to be overruled by Davies when the prosecution argued that the challenge was racially motivated.

The juror usually sat back in his chair, tilting his head down to peer over his wire-rim glasses at the witnesses, hardly moving.

The other African-American is Juror 7, a reserved woman about 30. A single mother raising a 4-year-old son while working for the Postal Service, she said she was surprised by the Simi Valley outcome but believed jurors there "did the best of their abilities." Another careful dresser—her hoop earrings Saturday matched her red lipstick—she generally gazed straight ahead during testimony, rather than stare at the witness to her left.

Juror 6, in contrast, was the most animated of the panel, sometimes carrying half a dozen notebooks and scribbling in them like an eager student. A balding man who sometimes wore suspenders, he was seated in the back row and usually was the first to stand to better see witnesses demonstrate baton techniques. He also liked to study the attorneys, sometimes watching their response to testimony, rather than the witness giving it.

One lawyer analyzing the case for television speculated last week that Juror 6 might be "campaigning" to become the foreman over Juror 8, perhaps hoping to write a book on the case, like the Simi Valley jury's forewoman.

Not until Sunday was the mystery solved—it was neither.

With the jury in its second day of deliberations, Judge Davies revealed that the panel had selected Juror 5, a white man who appears to be in his 40s and is believed to work in the real estate industry. 1

Now a new game began—to guess the meaning of that vote, and of every question the jury would make to the judge to review evidence. Did it favor the prosecution or defense?

While the game is sure to continue until verdicts are reached, the last day of trial arguments Saturday provided ample reminders of the limits of such speculation.

On that day, many eyes were still on eager Juror 6, who had folded his arms during prosecutor Clymer's closing statement the day before—the gesture some called a sign of his resistance to the prosecution.

On Saturday, as arguments were concluded, all 12 jurors seemed transfixed by Braun's passionate final statement for the defense, comparing the trial of the four officers to case of Jesus Christ 2,000 years ago. At a peak moment, however, Juror 6 again leaned back and folded his arms—the same greeting he had given opposing attorney Clymer.

One person who did not notice was Braun. As the courtroom cleared, the defense attorney said he consciously avoided studying the juror's reaction.

"I can't pay attention to that," he said. "I'd go nuts."

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^King Trial, 2nd Ld

Defense Attorneys Call City Councilman, Police Commissioner to Stand
Eds: ADDS testimony from LAPD Officer Susan Clemmer.

By DAN WHITCOMB

City News Service

LOS ANGELES (CNS) - The defense opened its portion of the Rodney King federal civil rights today by calling a city councilman, who testified police have been unable to use chokeholds on unruly suspects since 1982.

Both City Councilman Hal Bernson, and Police Commissioner Michael Yamaki who followed him on the witness stand, were questioned briefly by defense attorneys representing separately and collectively Officers Laurence Powell and Ted Briseno, former Officer Tim Wind and Sgt. Stacey Koon.

The four men are accused of violating King's civil rights on March 3, 1991, by willfully using excessive force.

Bernson, called by Koon's attorney, Ira Salzman, testified that the city council outlawed use of chokeholds by LAPD officers 11 years ago.

On cross-examination, Justice Department attorney Barry Kowalski asked Bernson if the holds were outlawed "because of deaths to black suspects." The councilman replied that chokeholds were banned, in part, for that reason.

Yamaki, who answered only one question, told jurors the City Council has authority over the Police Commission. He was not cross-examined by the government prosecutors.

Defense attorneys have asserted that if the officers had been able to use a chokehold on King that the policemen would not have had to use repeated baton blows to subdue him following an eight-mile freeway-surface street chase.

Bernson's testimony about the death of black suspects brought an angry response from Officer Ted Briseno's attorney, Harland Braun, outside the jury's presence.

Braun said Kowalski's question was "highly prejudicial to the case and to the city." He asked U.S. District Judge John Davies to admonish prosecutors.

"It seems to me totally improper for Mr. Kowalski to question him in that manner," Braun said. "It simply injected race into a very volatile case."

But Davies quickly stifled Braun's efforts, saying the question was appropriate, "though it did tend to raise emotions."

"That witness was totally unnecessary to the defense case," the judge said. "When you call witnesses like that you are courting disaster, and that's why I allowed (Kowalski's question)."

Also testifying today was Officer Susan Clemmer, who directed traffic during King's arrest.

Clemmer said she arrived on the scene after King was in handcuffs and approached a sweating, out-of-breath Powell, who told her that he had been "scared" during the altercation.

She said Powell also told her that King had thrown him off his back and that he thought he would have to shoot the suspect.

Clemmer testified that she rode in an ambulance with King after the beating, and observed the Altadena man to be "laughing and spitting blood everywhere."

At Pacifica Hospital, a laughing King looked at Koon and said, "I love you," Clemmer testified.

Salzman also called to the stand a man that he billed as a PCP expert and 31-year veteran of the Los Angeles Police Department.

Edgar Oglesby, now a professor of police science, testified that -- based on King's actions the night of the beating -- officers would have had to assume he was on PCP.

Oglesby also testified that suspects under the influence of PCP often exhibit "superhuman strength" and are impervious to pain.

The defense case could take at least three weeks. More than 35 witnesses are expected to be called during that period.

The prosecution rested its case yesterday afternoon, after 13 days of testimony.

Salzman has indicated he will call 15-20 witnesses, and will need five to six days to present his case.

Michael Stone, who represents Powell, expects to take five days to present his case. Attorneys for Briseno and Wind estimate that their cases will take three to four days each to present.

Defense attorneys claimed at this trial, and during the state trial in Simi Valley last year, that the officers thought King was under the influence of phencyclidine -- or PCP -- when they tried to arrest him.

Medical and police experts claim the drug -- used legitimately to tranquilize horses and other large animals -- can imbue a person with superhuman strength and make him or her impervious to pain.

City News Service 13:30 3/16/1993

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L.A. TIMES
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LETTERS TO THE TIMES

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King and Denny Beating Trials

■ Regarding the Rodney King civil rights trial of the four LAPD officers:

With all the cries and demands for "justice" these days, I think we ought to remember that physicians are trained in medical school, not schools of healing, and lawyers in law school, not schools of justice. The ideals of both professions of good health and social equity are subject to many influences beyond the scope of academic training. Life with its shifting values and fashionable perspectives is just too unruly to conform to a succession of highly structured, broad principles argued in the safety of a distant classroom.

And that's the danger of a trial as provocative as this: The demand by so much of the public that it be turned into a referendum on life. It simply can't be and it isn't. The trial is basically an examination of history debated by a committee.

BILLIE FRANCIS
Monrovia

■ Newspaper, television and radio coverage of the current King and Denny beating cases is scandalous. A test of strength between the lawless elements of our city and law enforcement is invited daily by the press, radio and television. Publicity seekers including law professors, the Rev. Jesse Jackson and certain lawyers make it clear that verdicts are expected in the

court trials of these cases that will require further rioting to satisfy the misconception that burning and looting will correct social, racial injustice and poverty.

LEE G. PAUL
Los Angeles

■ According to the new math of our politically correct universe, two wrongs do make a right. Whether or not the actions of the Los Angeles police officers who arrested Rodney King were consistent with their academy training, no human being should be savagely beaten. There must be more humane ways to detain even the most hostile suspect.

More disturbing, however, is the fact that King was never cited for violating parole, endangering the lives of his passengers and the pursuing officers at speeds in excess of 80 m.p.h., operating a motor vehicle while under the influence or resisting arrest—any of which would put a non-celebrity behind bars.

Most disturbing of all is the prevailing sentiment that the young men who dragged a truck driver out of his vehicle and fractured his skull with a brick on live television should be forgiven their assault and battery in the name of racial justice.

The need to "heal a city" notwithstanding, it appears that, to politically correct congressional representatives, city council members and mayors, an accumulation of enough wrongs (police brutality, racially motivated violence against people and property, Reagan trickle-down economics, etc.) makes a potentially hideous miscarriage of justice right.

JOHN HOOVER
Fullerton

44A-110084-D-451

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County Unveils Measures to Keep Order

■ **Emergencies:** Officials say they do not expect trouble. Strategy includes reviving trauma hospital system.

By HECTOR TOBAR
and KENNETH REICH
TIMES STAFF WRITERS

Saying that they do not expect another riot but are prepared if there is one, Los Angeles County officials outlined a series of emergency measures Thursday that they could take in the event of violence after the verdicts in the Rodney G. King civil rights trial.

County Department of Health Services officials have prepared an emergency program that would require all hospitals to accept injured patients brought in by paramedic crews—a temporary revitalization of the county's ailing trauma system.

Other county agencies have developed plans to

(Indicate page, name of newspaper, city and state)

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increase security at parks, to provide for mental health needs of riot victims and to distribute welfare checks in the event that mail deliveries are stopped.

"Based upon the experience of last year, we want to ensure that if there is a repeat we are able to handle it quickly and efficiently with the least amount of confusion," said Virginia Hastings, director of emergency medical for the health department.

At a news conference, Board of Supervisors Chairman Ed Edelman joined Sheriff Sherman Block and other county officials in outlining plans for additional law enforcement protection and other contingency measures.

"Although we do not have an indication of significant problems, we are prepared to deal with them should they arise," Block said. He added that the county's Emergency Operations Center in East Los Angeles will be opened as soon as jury deliberations begin. He also described plans to put 2,000 uniformed deputies on the streets, 1,000 at a time, working 12-hour shifts when the verdicts come in.

The judge has told the jury it may get the case today, but observers say proceedings could run into the weekend.

Block said he and other officials had contacted the federal judge in the civil rights case to request a delay in the reading of the verdicts that could give authorities time to prepare for possible violence.

"We expect to receive a three-hour notification prior to the rendering of the verdict," Block said.

In a radio interview, Los Angeles Police Chief Willie L. Williams echoed Block's comments.

Edelman said he and other county officials are likely to be at the Emergency Operations Center sometime after the verdicts are announced. Edelman said he is prepared to use his emergency powers to declare a curfew in all unincorporated communities and in all 88 cities in Los Angeles County.

As board chairman, Edelman also has the power to declare a temporary halt to gasoline and alcohol sales—although he said he hoped that would not be necessary.

Rumor Hot Lines

Officials have set up three hot lines for callers to inquire about rumors of possible civil unrest in the aftermath of the Rodney G. King civil rights trial.

■ **(800) 2-GOTALK:** Sponsored by the Los Angeles County Human Relations Commission.

■ **(818) 345-1091:** Staffed from 8 a.m. to 5 p.m. until King trial verdicts are announced. Hours will extend to at least 7 a.m. to 10 p.m. after the verdicts. Sponsored by Los Angeles Councilwoman Joy Picus.

■ **(310) 548-7637:** Staffed from 8:30 a.m. to 5 p.m. Hours may be extended to 9 p.m. Sponsored by Los Angeles Councilwoman Joan Milke Flores.

"There is no justification, none whatsoever, for any act of violence . . . because one disagrees with the verdict," Edelman said. "This is the wrong way to take out a disagreement . . . to injure, maim, riot or loot."

County officials said they have spent several weeks preparing strategies to cope with potential post-verdict violence.

The Health Services Department has developed a plan to gather medical personnel at staging areas in the event that rioting makes traveling to public health facilities dangerous. Health workers would be escorted to hospitals.

Hastings said the opening of all hospitals to paramedics is similar to an action taken during last year's riots, when Inglewood's Daniel Freeman Memorial Hospital was overwhelmed with patients.

That resulted in a backup in the emergency response system. If there is a repeat of violence, Hastings said: "We want to try and keep the 911 system flowing as well as possible."

Officials are also prepared to deploy additional security officers at probation offices, said Mike Henry of the chief administrative office. In last year's riots, some ex-convicts attacked probation offices in the mistaken belief that they could destroy criminal records.

Officials at the Department of Public Social Services are ready to place in effect an emergency housing plan if people are left homeless by rioting and arson. Carol Matsui, a department spokeswoman, said

officials are prepared to close welfare offices in the event of rioting.

Welfare officials also met Thursday morning with representatives of the U.S. Postal Service to develop plans for delivering welfare checks if mail service is suspended in riot-affected areas, something that occurred last year.

At the Department of Mental Health, the 350 workers of Project Rebound are ready to address the emotional needs of those who could be caught up in another violent social explosion.

"We're been preparing for a couple of months," said Dr. Patricia Mendoza, project director.

County and city officials are counting on U.S. District Judge John G. Davies to give them a head start on their preparations.

During an hourlong question-and-answer session Thursday on KABC radio, Williams said the judge "has been very, very cooperative."

The chief also said his troops are on edge as the verdicts near. "They are men and women, they are mothers and fathers, they are sons and daughters. They are nervous, and my job is to try to relax the men and women in blue, as well as the men and women who live in this community."

Williams said morale in the LAPD still "has not come up significantly" in the wake of the videotaped beating.

Times staff writer Eric Malnic contributed to this story.

(Mount Clipping in)

Rumors Fly as King Jury Meets for 7½ Hours

By JIM NEWTON
TIMES STAFF WRITER

Federal jurors in the Rodney G. King civil rights trial completed their first full day of deliberations Monday, while National Guard troops reported for duty and false rumors of impending verdicts swept Los Angeles.

"It's nerve-racking," Ira Salzman, the lawyer for Stacey C. Koon, said of the wait while jurors consider the case. "There's nothing to do but wait. I can't even concentrate on my other work."

Evidence of the city's edginess surfaced in a blizzard of unsubstantiated reports that the jury had reached verdicts. Local news organizations were swamped with phone calls, and some businesses let employees go home early after rumors suggested that verdicts would be announced Monday afternoon.

Some reports were attributed to overheard police scanner reports, others to various insiders or anonymous tips. Some callers said they had heard radio reports of verdicts coming in, but radio stations said they had not reported the tips that callers said they had heard.

A few of the rumors were disconcertingly specific: A number of callers said they had heard that the jury had reached verdicts and that U.S. District Judge John G. Davies was prepared to announce them at 4 p.m.

That time came and went without an announcement, however, and no evidence surfaced that the jury had completed its work.

In fact, the only communication during the jury's 7½ hours of deliberations was a note to Judge Davies about 4:25 p.m. Jurors asked whether they could take their notes to study at their hotel, and Davies denied the request.

While the jury deliberated in seclusion, National Guard troops reported for duty shortly after dawn. About 600 guard officers and

enlisted men and women—all from local infantry, military police and support units attached to the 49th Infantry Division based on Los Alamitos—were deployed to six armories in Inglewood, Burbank, Glendale, Los Alamitos, Van Nuys and Arcadia.

"Our mission is to save lives and protect people," said Maj. Gen. Tandy Bozeman, just four months into his appointment as California adjutant general. Bozeman was at a Guard facility in Inglewood—not far from streets still showing the scars of last year's riots—as troops stormed their own gymnasium in a rehearsal of sniper clearance.

"The purpose of being here is to reassure the people of Los Angeles and be a deterrent effect," he added.

At Camp Pendleton, meanwhile, 800 Marines readied for a Tuesday exercise where they are to storm and occupy a mock-up of a small town. "This drill is just in case," said a Marine spokesman.

About 100 Guard members reported to the Inglewood facility, where the parking lot was jammed with camouflaged troop trucks, Humvees and armored personnel carriers. Armament included automatic rifles and light machine guns, and armories already have received ammunition allocations.

It was a sharp contrast to last year, when the Guard was slow to deploy, arrived in Los Angeles without ammunition and was accused by a state report of bungled logistics and poor training.

"That was insane," remembered Cpl. Eric Cannady, 23, a Fox television cameraman. "Last year, I hadn't even seen a baton and hadn't had any riot training apart from the riot itself."

To avoid inflaming the already jittery city, the Guard's combat vehicles will be kept off city streets unless officially requested.

In South-Central Los Angeles, Mayor Tom Bradley tried to reassure 30 elementary students who gathered around him on the floor of the library at Manchester Avenue Elementary School.

"No school was damaged. No school was burned. No school was destroyed [in last year's riots]," Bradley told the youngsters. "No matter what the verdict is this time ... we are determined to keep peace in this city and across the nation."

While the city braced for possible fallout from the trial, the four

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FBI — LOS ANGELES	

defendants—Koon, Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno—stayed mostly out of sight. Although most of them have commented throughout the trial, they were attempting to limit their television appearances, hoping to secure a paid interview at the end of the proceedings.

"We need the money," Powell said. None of the defendants have received paychecks since they were suspended from the Police Department shortly after the March 3, 1991, incident.

Powell and his lawyer spent most of the day holed up inside the Edward R. Roybal Federal Building, where the trial has taken place. Outside, a group of demonstrators held a morning news conference to urge calm and to ask that government agencies attend to the "underlying problems" of last year's civil disturbances.

"We are here today to make a unified statement about what we see as the real issues to be paid attention to," said Bong Hwan Kim, executive director of the Korean Youth and Community Center. "There's way too much emphasis on the possible consequences [of the verdict]."

The news conference was a symbolic display of unity after last year's civil unrest exposed sharp divisions among the city's ethnic communities. Leaders from African-American, Asian-American and Latino community organizations were present at the event.

44A-1A-119954-D-453

"It's about all of us coming together to work on our collective problems . . . recognizing that we are all in the same boat," said Shannon Reeves, western regional director of the National Assn. for the Advancement of Colored People.

Reeves echoed the other speakers who cited unemployment, homelessness and economic development as the most pressing issues of the day.

Those issues dominated the news conference, but most of the city reeled under the reports that verdicts were about to be announced.

The rumors swept across the state Monday afternoon, stirring up excitement at local businesses and in the state Capitol.

Police and sheriff's switchboards in the Los Angeles area were jammed with calls from concerned residents who had heard a variety of stories—all of them false—concerning the trial, a verdict and planned attacks by roving gang members.

A volunteer manning a rumor hot line set up by Los Angeles

Update: The King Trial

A look at the key developments Monday:

■ Jurors deliberated for the third day—their first full one. So far, the jury has spent a total of 15 hours deliberating the case. During that time, members have selected a foreman and sent two notes to the judge.

■ About 600 National Guard troops reported for duty at six Los Angeles area armories. The troops are remaining in their armories in order to avoid fueling community fears, but will be on hand if needed after verdicts are announced.

■ At a news conference outside the federal courthouse where jurors were at work, a coalition of activists from across the community called for calm regardless of the verdicts and urged politicians to pay more attention to the root causes of last year's unrest.

verdicts are coming," said Juan Vigil, who has been working on the hot line since last week.

Councilwoman Joan Milke Flores said calls were coming in every 30 seconds or so.

"There's just a general sense of panic because people think the

The rumors that a verdict had been reached began ricocheting back and forth between the Chiat/Day, McCann-Erickson,

Lord, Dentsu & Partners, and Foot, Cone & Belding agencies in Los Angeles shortly after noon. By 4 p.m., both Chiat/Day and McCann-Erickson had closed early.

In Sacramento, a call to a man with a portable phone at an Assembly Transportation Committee hearing on motorcycle helmet laws sent rumors spinning through the room.

Within minutes, Assembly Speaker Willie Brown's office had called to check the reports with The Times. About the same time, Gov. Pete Wilson's office got a call from an ABC television reporter, asking whether the stories were true.

At the eye of the storm, prosecutors and lawyers for the officers remained on call for any developments. Judge Davies has ordered them to be within 15 minutes of his courtroom, and they nervously paced the courthouse hallways, searching for clues from the silent jury.

They, too, heard the swirling rumors, and several defense attorneys repeatedly emerged in a sixth-floor press room on Monday to reassure reporters that they had no word of verdicts.

Aside from the request filed late Monday, the only communication from the jury has been a single note, filed Sunday and requesting a transcript of the testimony from California Highway Patrol Officer Melanie Singer. Singer, who broke into tears on the witness stand, told

jurors that she had seen Powell strike King six times on the face and head.

Davies denied the jury request for that transcript, saying he was concerned that providing transcripts would tend to overemphasize the testimony of a particular witness. It is common practice for judges to deny jurors access to transcripts for that reason.

On Monday, jurors broke for 40 minutes for lunch. Starved for other clues, some of the lawyers pondered whether the short break indicated that the jury might be pressing quickly because it was close to reaching verdicts.

But the attorneys said that any speculation was nothing more than a guessing game.

"There's no way to predict this," said Harland W. Braun, the lawyer for Briseno. "All you can do is wait."

Times staff writers Eric Malnic, Paul Dean, Dan Morain, Somini Sengupta and Consella A. Lee contributed to this story.

In General, *Calm* Is the Word for L.A.

Poll shows optimism across wide segment of the population

The mood is decidedly calm, though not relaxed, in Los Angeles as a jury deliberates in the Rodney G. King federal civil rights trial. Nearly 60% of area residents describe their neighborhood as calm, according to a Los Angeles Times poll. That encouraging sentiment is shared broadly, regardless of race, ethnicity, class or geography, and despite fears that the coming verdicts could trigger new civil disorder.

Those who see their areas as calm include whites, Latinos, African-Americans and Asians, and that description includes the San Fernando Valley and the Westside, despite unsubstantiated but pervasive rumors that street gang have targeted those areas. The poll also found no evidence that residents of the outlying areas, which were spared during last spring's riots, were more fearful of renewed violence than residents of the close-in neighborhoods. Tensions were highest in areas hardest hit after the acquittals in the state case, according to the Times Poll.

If there is trouble, the majority of Angelenos believe that it will be much less severe than before. The disorder last year resulted in 53 deaths, 2,400 injuries, 1,400 damaged or destroyed buildings and the loss of 11,500 jobs.

In contrast to some news broadcasts suggesting that every other Southern Californian is buying a gun and packing ammunition, the poll found that only 4% had bought a firearm in anticipation of another urban explosion. Most wisely prefer to leave protection to the police.

Police preparation is one reason for the cautious optimism. Los Angeles Police Chief Willie L. Williams continues to get high marks for the improvements he has wrought within an LAPD that was all but invisible as the unrest surged last year. The high

visibility of law enforcement reassures many. Yet 50% of Angelenos fear a police overreaction might trigger trouble.

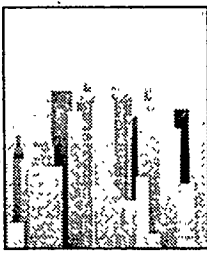
Those fears are pronounced among African-American and Latino youths, who historically have been discriminated against by police. But Rep. Maxine Waters (D-Los Angeles) warned in a CNN interview: "If you take to the street with a Molotov cocktail, with a gun in your belt, you will be killed. The Los Angeles Police Department is primed to keep the peace."

Several ministers warn that any disturbance in the face of the massive show of force that is developing amounts to a death wish. The buildup includes 600 National Guard troops, already at area armories.

"I'm very concerned, with all the military apparatus that is surrounding Los Angeles right now, that the people who live in South-Central Los Angeles may in fact become isolated from the rest of the United States," the Rev. Benjamin F. Chavis Jr., the new national executive director of the NAACP, said in a TV interview. "Law enforcement officials have the responsibility to keep order. . . . But I want to make sure we don't go too far and wind up doing something that is provocative." In urging peace, Chavis is expected to walk the streets of Watts today with ex-gang members.

Children are perhaps the most fearful at this time. During a visit Monday to the Manchester Avenue Elementary School in South-Central Los Angeles, Mayor Tom Bradley reassured youngsters that they will be safe.

Staying calm is the immediate task for Los Angeles. The people are doing a good job of that so far. More challenges face Los Angeles after the verdict—both in dealing coolly with whatever the jury's decision is, and in dealing seriously with the remaining economic and social needs of the city.



WHAT
NEXT
FOR
LOS
ANGELES?

■ One in a series

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA

Date: TUE., 4-13-93
Edition: METRO, B-6
EDITORIALS OF THE TIMES

Title: IN GENERAL, CALM IS THE WORD FOR L.A.

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Efforts for Calm Continue as King Jury Meets

By JOHN L. MITCHELL
and CONSELLA A. LEE
TIMES STAFF WRITERS

In a carefully guarded room at the Edward R. Roybal Federal Building, jurors in the Rodney G. King civil rights trial on Tuesday spent their fourth day mulling the case, shielded from the tightening security measures going into place around the city.

The jury concluded for the day at 4:15 p.m., having deliberated for another 6 hours and 45 minutes without reaching verdicts.

Meanwhile, various efforts by community leaders and activists to keep the peace took place throughout the city amid an atmosphere rife with rumors.

Rep. Maxine Waters (D-Los Angeles) issued a call for calm in a personal letter distributed by former gang members and community leaders to 350,000 residents in South Los Angeles. "We have to build, not burn. We've got to live, not die," she said in the letter.

The Rev. Benjamin F. Chavis, days after his selection as the new executive director of the NAACP, flew to Los Angeles Monday night and took up residence in the Imperial Courts housing project, where he also called for peace and asked the country to turn its attention to the needs of the inner-city poor.

Outside the federal building, representatives of the U.S. Marshals Service erected concrete barriers and fenced off a nearby parking lot to use as a staging area for police. Elsewhere, Los Angeles police officers remained at a heightened stage of readiness, with extra patrols poised to react, if necessary, when the verdicts are announced.

U.S. District Judge John G. Davies, concerned about a broadcast of a sketch that he believed could allow viewers to identify the anonymous jurors, ordered artists to take more care.

"The court has observed with concern that certain sketches of

(Main Clipping in Space Below)

the jurors aired on television news broadcasts may be sufficiently detailed to permit juror identification and are entirely too accurate for comfort," Davies said. "Any drawings of jurors or alternate jurors must contain minimal detail and must not render the jurors recognizable."

Courtroom artists responded by producing a stick-figure drawing of the jurors and posting it on a pressroom wall. The sketch was stamped: "Approved."

The jury deliberated in silence Tuesday, sending no new clues as to how it may be leaning. So far, the only communication came in the form of two requests, both denied by Davies.

The first asked for a transcript of testimony by California Highway Patrol Officer Melanie Singer, who told jurors that she had seen Officer Laurence M. Powell strike King in the face and head six times with his baton. Singer cried on the stand as she recounted the story.

The second request came late Monday. Jurors asked whether they could take their notes home with them at night. Davies also denied that request.

Waters released the text of her letter at a news conference and afterward made several trips through her district to deliver copies to residents.

"If you take to the streets . . . you give the police the legal right to kill you," she read from the text of the newspaper-sized letter. "Our anger and frustration must not drive us to the streets. We must use our minds and our God-given talents and our legacy of perseverance and struggle. We must fight our battles in the courtroom and in the halls of power."

At the Imperial Courts housing project, she was greeted with hugs by many residents as she walked about. "I feel like I can never stop campaigning," she said, smiling.

Chavis, who succeeded the retiring Benjamin L. Hooks at the helm of the 84-year-old civil rights organization, said he came to Los Angeles to dramatize the city's needs.

Chavis, who met briefly with Waters, said his first night in the project was peaceful. He plans to remain at Imperial Courts until verdicts are reached.

"People have bent over backward to be calm," he said. "There is calmness in the 'hood. But that is

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA
WED., 4-14-93

Date:
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Title: EFFORTS FOR CALM CONTINUE
AS KING JURY MEETS

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mismatched with the overall unreasonableness around the periphery of the city. I just hope that the people with guns don't get trigger-happy."

Chavis said Los Angeles has become symbolic of the problems faced by cities around the country.

"Los Angeles typifies the social disintegration of urban centers," he said. "If we are going to get relief, we need it quick. We don't need any more false promises."

Outside the courthouse Tuesday, waves of protesters aired various grievances. One man tied yellow ribbons around light poles, and a group waved signs reminding reporters that God would punish sinners.

With protesters commanding the plaza in front of the courthouse, the defendants—Powell, Stacey C. Koon, Timothy E. Wind and Theo-

dore J. Briseno—stayed securely inside, accompanied by their lawyers. The attorneys spent the day trying to catch up on other cases, but most conceded that they were having trouble concentrating.

Michael P. Stone, Powell's lawyer, began shipping out the reams of documents that he has collected in the tiny office space reserved for the defense lawyers. Other attorneys milled in the hallways, swapping copies of Koon's book and signing them as souvenirs.

Activists Tuesday criticized police, saying they have tried to squelch public debate and dissent over the King case.

44A-LA-119954-D-4/55

Decrying heightened police presence this week, they urged residents to protest unjust verdicts in the federal trial.

"With all this talk of repression, with all this talk of militarism, it

makes it pretty hard to even think about having a peaceful demonstration," said Arthur Goldberg of the Los Angeles chapter of the National Lawyers Guild.

More than a dozen civil rights organizations sent a strongly worded letter to Los Angeles Police Chief Willie L. Williams, county Sheriff Sherman Block and Mayor Tom Bradley on Tuesday, exhorting law enforcement officers to behave responsibly and not violate the civil rights of city residents.

"The police can and should prepare for all situations that may arise," read the letter, signed by officials from the Southern Christian Leadership Conference, the NAACP Legal Defense Fund, the American Civil Liberties Union, the Mexican-American Legal Defense and Educational Fund, and others.

"However, the decision to deploy massive numbers of armed forces prior to the verdicts communicates to many community members a militaristic presence bristling with potential confrontation that could all too easily spark the reactions everyone is trying to avoid."

But some of the city's peace efforts ran into trouble Tuesday, as Bradley's Neighbor to Neighbor program came under fire by Pico-Union leaders after the firing of a popular organizer.

Established in the wake of last spring's civil unrest, the program was designed to keep tempers cool before and after verdicts in the federal trial and the upcoming Reginald O. Denny assault trial by

using teams of community volunteers to canvass neighborhoods.

However, team leaders from the Pico-Union district scolded city officials for failing to consult them before firing organizer Michael Salcido last week. The group said Salcido was instrumental in pulling the community together after the riots and said the firing could harm efforts to quell apprehension on the eve of the verdicts.

City officials cited a difference of opinion about the program's approach as the reason for Salcido's firing.

At Tuesday's Police Commission meeting, Williams asked Los Angeles residents not to allow rumors of potential riots to goad them into picking up arms. With residents arming themselves, Williams said police officers might not know whether an armed merchant or resident is dangerous.

"Of all the messages that have gone out over the past few weeks, the message that we call for is use of sanity in decision-making and discussions and use of calm," Williams said, adding that law enforcement officers are prepared to protect residents from Watts to the San Fernando Valley.

"Remember that simply because that neighbor who has walked past your store or your residence is not one who is familiar, it does not necessarily mean that they are a foe," Williams said.

Times staff writers Somini Sengupta, Carla Rivera and Jim Newton contributed to this story.

Update: The King Trial

A look at the developments Tuesday:

- Jurors deliberated for another six hours and 45 minutes, bringing their total deliberation time to nearly 22 hours. They sent no communications to the judge, giving lawyers no hint of how much progress has been made.
- Officials put up concrete barriers outside the courthouse where the jury is deliberating, and police fenced off a parking lot across the street to be used as a staging area if one is needed.
- U.S. District Judge John G. Davies, concerned about sketches that may reveal jurors' identities, signed an order urging artists and news organizations to use caution.
- The Rev. Benjamin F. Chavis, the NAACP's new executive director, has taken up residence in the Imperial Courts housing project, where he called for peace and asked the country to turn its attention to the needs of the inner-city poor.

(Indicate page, name of newspaper, city and state)

L.A. DAILY NEWS
WED., 4-14-93
10:00 NEWS, FRONT COVER

WILLIAMS WANTS GUNS
OFF STREETS

Williams wants guns off streets

By Jim Tranquada
and Peter Larsen
Daily News Staff Writers

Police Chief Willie L. Williams urged residents Tuesday to keep guns off the streets, as the jury in the Rodney King civil-rights trial ended a fourth day of deliberations without reaching a verdict.

In a televised meeting with more than 30 members of Mayor Tom Bradley's Neighbor-to-Neighbor program, Williams asked the community volunteers to spread the word that guns should stay at home.

Related story in Business

■ Rebuild L.A. Chairman Peter Ueberroth lashes out at critics. Page 1

"Keep them in their house. Keep them out of the streets. Keep them out of their stores," Williams said.

"Our biggest concerns is our neighbors... will use the weapons on each other — or that our neighbors who are protecting their own property or business will turn around and there's a sheriff, a police officer, a highway patrol officer, or any other officer, and there will be a tragedy," Williams said.

"That's the biggest challenge we have to live with," he said.

In his second joint public appearance with Williams in a week, Bradley tried to calm fears raised by rumors of verdicts that have swept Los Angeles since Monday.

"Rumors are spreading like wild-fire," Bradley said.

The rumors ended, Bradley noted, when the jurors in the federal civil-rights trial went home for the day, ending 6 hours and 45 minutes of deliberations at 4:15 p.m.

Earlier Tuesday, some members

of the Los Angeles Police Department voiced concerns about whether they have received enough equipment to deal with potential uprisings, while Marines at Camp Pendleton stormed a mock town as part of an urban-assault exercise.

A host of civil-rights groups sent a letter to law-enforcement agencies, asking them to respond to any disturbances that might occur after the trial without violating constitutional rights.

And King — the man at the center of the fears and hopes gripping Los Angeles — went to Opening Day at Dodger Stadium as a guest of Dodgers outfielders Darryl Strawberry and Eric Davis.

At the Edward R. Roybal Federal Building where jurors deliberate, portable concrete barriers were moved into place early Tuesday to guard against the type of deadly unrest that followed the state trial last year.

More than two dozen television crews from around the world set up their equipment near the high-rise but behind the barriers.

The anonymous, sequestered jury broke only for an hourlong lunch before stopping for the day at 4:15 p.m. They are scheduled to resume their deliberations at 8:30 a.m. today.

Officer Theodore Briseno, Officer Laurence Powell and former Officer Timothy Wind are charged with violating King's civil rights by willfully using excessive force against him during his violent arrest on March 3, 1991.

Sgt. Stacey Koon, the senior officer on the scene and the only defendant to take the stand in the federal trial, is charged with allowing the unlawful assault to take place. All four have pleaded not guilty.

The acquittals of the four defendants in last year's state trial triggered three days of rioting that left 53 people dead and an estimated \$1 billion in property damage.

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The jury has now deliberated for a total of 21 hours since closing arguments in the trial ended Saturday afternoon.

U.S. District Judge John Davies — concerned about sketch-artist drawings of jurors he called "too accurate for comfort" — issued an order Tuesday that "reminded" artists not to provide detailed portraits to television stations and other clients.

With television and still cameras barred from federal courtrooms, six artists have been covering the trial since it began seven weeks ago, drawing hundreds of sketches that have become the mainstay of television reports on the case.

Despite his "intuitive feeling of optimism" that there would be no unrest following the trial, Davies ruled before jury selection process started that the identities of the 12 jurors would remain a secret both during and after the trial.

Davies said that sketches of jurors he saw Sunday during a KCBS (Channel 2) broadcast "improperly portrayed the jurors' identifying features in excessive detail." Davies insisted that future drawings contain only "minimal details."

The barriers outside the courthouse were among more than 300 that were set up around the city by Tuesday at the request of the LAPD and the California Highway Patrol, said Pat Reid, a spokeswoman for the California Department of Transportation.

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The barriers, designed to control crowds and traffic, also were delivered to a CHP division on Vermont Boulevard that came under attack during last year's rioting and to the LAPD's Parker Center headquarters and 77th Street station.

The LAPD also blocked the public parking lot across from the federal building with concrete barriers and a chain fence so that it could be

used by news media trucks and for a police staging area, said LAPD spokesman Lt. John Dunkin.

Security concerns prompted defense attorney Ira Salzman and his secretary to stop answering his office phone.

"I stopped counting the death threats at 25," said Salzman, Koon's attorney. "My secretary has logged over 400 threatening phone calls. I don't answer my telephone any more. All you get now is an answering machine."

As barricades went up around the city, some LAPD officers said they were concerned about the adequacy of the equipment they have been provided to face any potential unrest.

While Williams has said that the department is ready for whatever happens following the verdicts, officers have complained to police commissioners and others that a lack of equipment could hamstring their efforts to keep the peace.

"We're running short," said Officer Gregory Espinoza, who pointed out that Rampart Division's 360

officers will have to make do with a total of 68 shotguns and 90 patrol cars.

"If we're the best, like everybody keeps saying we are, why don't they put their money where their mouth is and give us what we need?" Espinoza said. "Basically, we feel management is telling us: 'We don't care about you, you're on your own.'"

Officer Jeffrey Graham said that while police are left to make do with the equipment that is available, they worry that their adversaries are "armed to the teeth."

"They're shooting at us more, getting more and more bold," Graham said.

More than 10,395 guns were stolen in Los Angeles County in 1992 — including an estimated 4,515 guns that were looted from stores during the riots. Only about 200 of the looted weapons have been recovered.

Acting Police Commission president Michael Yamaki confirmed that some officers in the field have complained about not having

enough equipment, even though the City Council recently approved \$1 million to buy riot equipment including shields, helmets and rubber bullets, tear-gas and rubber-pellet grenades and pepper spray.

Yamaki said all of the equipment that has arrived so far has been shipped out to officers in the field, but that some equipment, including bullet-proof riot helmets, has not yet arrived.

As the Marines practiced urban assaults at Camp Pendleton, about 600 National Guard troops waited in Los Angeles.

National Guard Col. Ezell Ware said that the Guard's top commander, Gen. Tandy Bozeman, met for 45 minutes Tuesday with the Rev. Cecil Murray of the First African Methodist Episcopal Church, soliciting "any guidance he might have" and assuring the reverend that the National Guard is here to protect lives and property, and not to flex its muscles.

Concerns about the buildup of law-enforcement officers in Los Angeles before the verdicts have

been delivered also prompted 13 civil-rights groups to send a letter to Bradley, Williams and Sheriff Sherman Block, calling for protection of civil rights if unrest occurs.

"The police can and should prepare for all situations that may arise," says the letter that was signed by groups including the National Association for the Advancement of Colored People, the American Civil Liberties Union and the Southern Christian Leadership Conference.

"We have no intention of opposing legitimate police response. However, we stand ready to oppose violations of the civil-rights laws and the Bill of Rights."

Outside the federal building, several activist groups demonstrated over a similar concern that police might stop legitimate and peaceful protests of the verdicts.

Daily News Staff Writers Rick Orlov, Pat Karlak, Patrick McGreevy, Ron Soble, Dawn Webber and Beth Laski contributed to this story.

Dizzying Pile of Evidence Could Back Either Verdict

By HENRY WEINSTEIN
and JIM NEWTON
TIMES STAFF WRITERS

As they begin their fifth day of deliberations, jurors in the Rodney G. King civil rights trial have a wealth of conflicting evidence to consider, giving them what analysts consider ample opportunity to support whatever verdicts they reach.

For starters, there is the testimony of 61 witnesses—including experts offered by both sides, many of whom contradicted each other. Then there are police reports, training bulletins, computer messages, fuzzy radio transmissions and the videotape of one of the defendants testifying, not in the federal trial but in state court last year.

And, at the core of it all, there is amateur photographer George

Holliday's videotape, both in its original form and in enhanced versions that stabilize the picture and attempt to reduce the blurriness.

All told, it is a potentially dizzying pile of information. Legal experts say jurors could find support for either guilty or not guilty verdicts against each of the four defendants—Stacey C. Koon, Lau-

NEWS ANALYSIS

rence M. Powell, Timothy E. Wind and Theodore J. Briseno.

But those same analysts agree that the case is far stronger against Powell and Koon, who defended and took responsibility for what happened during King's arrest, than against the other two.

"It's a very close case," said Laurie Levenson, a Loyola law school professor and former federal prosecutor. "It's just impossible to tell for sure how the jury will go."

The jury's task is made all the more difficult by the starkly different versions of the incident that each side has presented: Was the King arrest a case of embattled cops grappling with a PCP-crazed ex-convict, or was it street justice callously dispensed by "bullies with badges," in Justice Depart-

ment attorney Barry F. Kowalski's memorable phrase?

"There is no middle ground," said Michael P. Stone, the attorney for Powell, who delivered the majority of baton blows to King.

To find any of the four men guilty, the jury has to find that the prosecution proved five things: that King was an inhabitant of California; that the defendant was acting under color of law; that the defendant deprived King of a right protected by the Constitution; that the defendant acted with specific intent to violate the law; and that the offense resulted in bodily injury.

There is no debate about the first two points, and the standard for proving bodily injury is easy to meet, according to several legal experts.

Determining whether the force used against King was excessive is the jurors' first critical hurdle. If they decide excess force was used, they must turn to the issue of whether the officers who used that force did so intentionally.

The first question requires that the jurors stand in the shoes of a reasonable police officer "under the same circumstances, rather than with the perspective of perfect hindsight" in deciding how much force was justified to subdue King on that night in Lake View Terrace.

"The heart and guts of this case is what these 12 jurors think is reasonable for these police officers to have done," said Levenson. "And that ultimately is a question of community standards, a question that these jurors are qualified to answer not because of any expertise but because of their life experience and their participation as members of this community."

Along the same line, UCLA criminal law professor Peter Arenella said that the outcome of this issue may be influenced more by the personal philosophy of jurors than any piece of evidence.

"What constitutes a reasonable use of force requires a moral judgment by the community represented through the jury," Arenella said.

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA

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Edition: NEWS, FRONT COVER

Title: DIZZYING PILE OF EVIDENCE
COULD BACK EITHER VERDICT

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"And this case has revealed that within our community there are very different and very competing conceptions of what is considered an appropriate level of force in dealing with a suspect who has at least initially resisted lawful authority."

In making this decision, the panelists are guided by one key jury instruction:

"You may consider the fact that police officers are often forced to make judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation."

Defense attorneys fought hard to get that language included in the instructions that U.S. District Judge John G. Davies gave jurors. Although he overruled the prosecution's objections to the statement, the judge added a sentence reminding jurors that it is up to them to conclude whether the King arrest was made "under 'tense, uncertain and rapidly evolving' circumstances."

Arenella said the instruction's balance lets jurors make their own decision.

"By focusing the jurors' attention on tense, rapidly evolving situations, the instruction reminds the jury about one of the defense's key themes—that cops have a tough, dirty job," he said. "On the other hand, if this jury believes, using their own common sense,

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that the force used was excessive, then I don't believe this instruction will stop them from finding that it was excessive force."

Among the factors the jurors may consider is the LAPD's policy that an officer should use only the force that is reasonable and necessary to overcome a suspect's resistance. That standard determines whether the officers violated LAPD policy, not the Constitution, but it could help guide jurors in reaching their verdicts.

They also may take into account King's demeanor, his large and muscular size and the wealth of conflicting testimony about whether he appeared to be under the influence of PCP.

And they may scrutinize the injuries King suffered, his apparent attempt to put his hands behind his back about a minute into the beating, Briseno's videotaped testimony from the first trial saying he thought excessive force was used, and the fact that more than a dozen other officers stood around watching the beating.

If the jurors conclude that the force was excessive, they have to undertake perhaps an even more difficult task, legal experts say.

The jurors will need to put themselves inside the minds of each defendant and determine whether the officer's action was done willfully, with the specific intent of violating the law.

Davies has called this "a high burden and a heavy burden." Most analysts agree that the need to prove intent makes it harder for the federal prosecutors than it was for their state counterparts. The charges in state court did not include the same intent requirement.

On intent, the jurors will have to differentiate between Koon and the other defendants. Powell, Wind and Briseno are accused of Count 1—using excessive force against King. Sgt. Koon, the supervising officer, is charged with Count 2—failing to prevent the other officers from using excessive force against King.

The detailed jury instructions on this question says that intent can be proven by circumstantial evidence and tells jurors that they can infer that a person "ordinarily intends all the natural and probable consequences" of his acts.

Jurors do not have to find that a defendant was thinking of violating a specific provision of the Constitution or even was familiar with the Constitution. Perhaps most important, the instruction states that "the government may

meet its burden even if a defendant was motivated by fear, anger or some other emotion."

The government is not required to prove premeditation or that there was a conspiracy.

Among the factors that prosecutors say could be used to show intent are: the duration and character of the beating; Powell's laughter at the scene; Powell's computer transmission saying he had not beaten someone "this bad in a long time"; Powell's telling war stories about the incident at the police station, and the various police reports filed by three defendants in which prosecutors say the seriousness of the beating was

deliberately downplayed.

In addition, jurors may consider whether there are any significant inconsistencies between Koon's testimony at this trial and last year's state court trial.

Defense attorneys dispute all the evidence that prosecutors say shows intent to violate King's rights. They say the officers' only intent was to arrest a violently resisting suspect, not to harm him.

For example, Stone said that Powell's apparent laughter, captured on a tape recording of a radio transmission of him requesting an ambulance, was merely a release of nervous tension, not evidence of callousness. As to the police reports, defense attorneys acknowledge that full details of the beating are not included but say that this was natural given the difficulty almost all people have in remembering violent incidents precisely.

In addition, some legal observers say that there is another aspect of this case that makes it difficult for the prosecution.

Barry Levin, a Los Angeles criminal defense lawyer and a former LAPD officer, said prosecutors must persuade jurors that the conduct of the officers became illegal quite rapidly, almost in "the blink of an eye."

That is because both sides agree that the officers were initially entitled to use force against King. The issue, then, is not whether the entire beating was unreasonable, but rather whether a legal arrest at some point crossed the line.

That differentiates this trial from some prosecutions that have been brought under the statute used in this case—a law enacted in 1866 principally to deter attacks on blacks by the Ku Klux Klan in the aftermath of the Civil War.

In the King case, no one has alleged that the defendants "got together and said, 'Let's beat someone up tonight,'" Levin said. "The hallmark of the defense case is to portray these officers as just doing their jobs."

Indeed, the officers arrived at the scene in response to police radio reports that California Highway Patrol officers were engaged in a high-speed chase. No one disputes that they were entitled to arrest King for violating the speed laws while legally drunk and for fleeing the officers who tried to pull him over.

If there are convictions, this would not be the first instance of a successful prosecution in a case where officers started out doing their jobs legitimately "but then crossed the line into illegal behavior," Arenella said.

Among them is a 1970 case that began with a Macon, Ga., police officer arresting John V. Tucker on charges of being a "plain drunk." Tucker, a field representative of an oil company on a business trip to Macon, was obstreperous and verbally abusive to police officers.

After Tucker was taken to the police station, Officer Charles C. Stokes shoved him down a flight of stairs, struck him with his hands and a nightstick and threw him against a wall head first, resulting in a fractured skull. Tucker was still in a coma when Stokes was convicted in federal court of violating his civil rights.

In 1991, four Oakland Housing Authority policemen were convicted of violating the civil rights of residents by engaging in excessive force while conducting drug investigations. One of those convicted was the supervising sergeant who condoned the practices.

(Mount Clipping in Space Below)

DA to delay dropping state's Powell case

By Dawn Webber
Daily News Staff Writer

Prosecutors from last year's first Rodney King beating trial said Wednesday that they will delay dismissing a remaining charge against LAPD Officer Laurence Powell until a verdict is reached in the federal civil-rights case.

A hearing had previously been scheduled for Friday in Van Nuys Superior Court to dismiss one remaining count of excessive force against Powell that the jury deadlocked on a year ago.

"If the (federal) jury has returned a verdict by Friday, we will go to court to dismiss the

count as previously agreed," said Sandi Gibbons, a Los Angeles District Attorney's Office spokeswoman.

"If there is no verdict," Gibbons said, "we will ask to delay the hearing."

The county prosecutors said they plan to dismiss the charge because state law would prevent them from re-trying Powell if the jury now deliberating in the federal civil-rights case convicts or acquits Powell in the March 3, 1991, beating of King.

Some members of the African-American community questioned the timing of the move to drop the pending state charge, even if it is in

line with state law, noting the volatility in Los Angeles over the federal jury's deliberations.

"I think the timing probably could not be worse," said Kerman Maddox, chairman of the Political Outreach Committee at First African Methodist Episcopal Church.

"Even people who are well-informed don't understand the nuances of the criminal justice system," he said.

If the officers are acquitted in federal court and the last state charge is dropped, "The translation of both of those actions to the community at large means they got off — they walked," Maddox said. "And you inflame people."

Compton City Councilwoman Patricia Moore said the decision by

the District Attorney's Office to drop the case could be premature if the federal jury deliberating the case deadlocks, forcing a mistrial, and federal prosecutors forgo a second trial.

"That would only add to the disparity of justice," Moore said. "(District Attorney Gil Garcetti) has a moral and social obligation to do everything within his power to bring about true justice."

State law would permit a retrial on the criminal charge against Powell if the federal trial ends in mistrial and federal prosecutors opt not to seek another trial, officials say.

But Garcetti has said he would not go forward with another trial, according to spokeswoman Gib-

bons.

"He feels an ethical responsibility to abide by the representation made to the court," Gibbons said. "We made the commitment a year ago that once the jury was empaneled in the federal case, we would dismiss."

Assistant District Attorney Frank Sundstedt said the scheduling of the Powell hearing during the week the federal jury was deliberating its case was "a matter of pure coincidence."

Prosecutors agreed last August to drop the excessive force charge against Powell. The dismissal was delayed by prosecutors who feared that jurors in the federal trial might be unfairly prejudiced if exposed to news reports of the action.

(Indicate page, name of newspaper, city and state)

L.A. DAILY NEWS

Date: THU., 4-15-93

Edition: NEWS, FRONT COVER

DA TO DELAY DROPPING
Title: STATE'S POWELL CASE

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or

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SERIALIZED	FILED
APR 15 1993	
FBI — LOS ANGELES	

The acquittals of Powell, Sgt. Stacey Koon, Officer Theodore Briseno and former Officer Timothy Wind on 10 of 11 charges triggered three days of deadly riots.

The officers later were indicted by a federal grand jury and county prosecutors agreed to drop the remaining state charge — even if the second trial ended with a hung jury.

In an interview Wednesday, Powell said he understood county prosecutors were awaiting the result of the federal trial before moving to drop the remaining state charge.

"If we could get rid of it ... the sooner the better," Powell said.

Powell's attorney, Michael P. Stone, was unavailable for comment Wednesday.

44A-LA-119954-D-458

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA
Date: THU., 4-15-93
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BRIEFLY STIRS A FRENZY

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FBI — LOS ANGELES	

Illness of King Juror Briefly Stirs a Frenzy

■ Trial: Parties convene nervously in court, only to learn that a visit to doctor will delay deliberations.

By JIM NEWTON
and DAVID FERRELL
TIMES STAFF WRITERS

Hundreds of reporters descended upon the federal courthouse while helicopters took to the air overhead Wednesday after the judge in the Rodney G. King civil rights trial summoned lawyers and defendants to his courtroom for an afternoon announcement.

The accused officers fidgeted nervously in their seats as U.S. District Judge John G. Davies took the bench and dropped his bombshell: A juror had requested to see a doctor.

"There are no verdicts," Davies told the packed courtroom. "But we do have a problem. . . . One of the jurors appears to have become ill and needs medical attention. The juror has made a request to see a family doctor this afternoon."

Davies informed prosecutors and defense attorneys that he had granted permission for the juror to see the doctor, accompanied by a U.S. marshal. With the issue thus concluded, Davies grinned at the lawyers and said: "Have a good afternoon."

The courtroom erupted in nervous laughter as reporters dashed for the exits to alert their news organizations—many of which were broadcasting live reports from the courthouse—that the much-anticipated verdicts still had not been delivered. The jurors, who have been sequestered, left for the day before 2 p.m., having deliberated for just 3½ hours.

While the false alarm over the expected verdicts created an adrenaline rush among those carefully following the historic trial, residents in many corners of the city seemed oblivious to the all commotion.

At the intersection of Florence

and Normandie avenues, the flash point of last year's riots, all was quiet. At a gas station there, two men pumped gas and chatted about Tuesday's Dodger game. A woman standing nearby was asked by the only reporter who showed up whether she had heard rumors about possible verdicts. "What verdict?" she said.

At the Imperial Courts housing project in Watts, it was much the same. But for the presence of two news reporters, those who had gathered outside in the warm April sunshine would have been com-

44A-CA-119954-D-459

pletely unaware of possible developments.

Small children pedaled their tricycles on the grass and filled a small pool with a garden hose. Young men sat on a sunny bench, sipping malt liquor and playing dominoes. Drying laundry flapped in the breeze and an ice cream truck made its rounds.

For the most part, business continued as usual throughout the city, despite the brief midafternoon spike in anxiety levels. Venice advertising agency Chiat/Day, which closed early on Monday when verdicts were rumored, stayed open this time and "there was no panic," a company spokesman said.

A number of retailers noted an afternoon sales lull—among them the Fedco store on La Cienega, looted and burned last year but quickly reopened. A crowd gathered in the discount department store's television department to watch news bulletins. Employees were a bit jittery about possible verdicts, acknowledged assistant manager Ed Parness, who said: "There was possibly a slight letup in business, but not that much."

In Koreatown, one of the communities hardest hit by last year's unrest, merchants reported that business has been down 40% to 50% since the jury began deliberating. But there appeared to be little outward excitement over the sudden court hearing.

Most people already were prepared for the verdicts, merchants noted. Many had stocked up on such staples as rice, canned food and Korean-style instant noodles. Now they were going about their daily business, albeit with a weary stoicism.

"What can we do but wait?" asked Charles Yoon from his metal folding chair outside a key shop in a mini-mall parking lot.

At Bourbon Street Liquor, next door to a supermarket where a security guard was killed in a cross-fire of bullets last spring, owner Jay Shim reacted to Wednesday's false alarm by citing a Korean proverb: "When you get frightened by the sight of a turtle, you become startled even when you see the top of a hot pot."

At five inner-city police divisions—Southeast, Southwest, Hollywood, Rampart and Newton—and at headquarters downtown, officials reported ordering no increased patrols or other actions in response to the verdict rumor.

Rampart Sgt. Michael Chamberlain said officers were trying to find out themselves if verdicts were in store by monitoring news broadcasts.

"We probably did like a whole lot of other folks and watched," he said.

The only difference was that officers at Rampart were also fielding a greater than usual number of calls from merchants anxious for what they figured would be inside information in the hands of the police.

"When all that was going on, the officers at Newton Division were busy delivering a baby," reported a proud Capt. Jim Tatreau, "and that overshadowed any news about a possible verdict."

But that was not the case at the Edward R. Roybal

Update: The King Trial

A look at the developments Wednesday:

■ Word of a forthcoming announcement by U.S. District Judge John G. Davies sent hundreds of reporters scurrying to the federal courthouse in anticipation of a verdict, but it turned out to be a false alarm. The judge just wanted to report that deliberations would be halted for the afternoon so a sick juror could get medical attention.

■ Among those following the historic trial, the verdict rumor created an adrenaline rush. Local television stations went live. Media helicopters hovered overhead. But for most of the city, there was no panic, and businesses that had shut down Monday, when the last verdict rumor circulated, remained open this time.

■ In a separate development, Dist. Atty. Gil Garcetti said that the remaining charge against Officer Laurence M. Powell, left in limbo after the jury in Simi Valley deadlocked over whether the officer used unnecessary force against King, will be dismissed at his office's request, possibly this Friday. Garcetti said that because of the federal jury trial, the state cannot retry Powell without subjecting him to double jeopardy.

Federal Building, where the chaos and suspense began mounting during the lunch hour when Judge Davies' clerk began quietly circulating among the lawyers, telling them to be in court at 1 p.m. Meanwhile, the wire services notified the media about the scheduled proceeding.

When court convened, U.S. Atty. Terree A. Bowers and the head of the Justice Department's civil rights division were in attendance, fueling speculation that an announcement of the verdicts could be at hand.

Some radio and television organizations went live to announce the news that Davies had convened the afternoon session, and within minutes, helicopters were broadcasting aerial shots of the courthouse.

Then, just as the anxiety crested, Davies was forced to order a one-hour delay in the announcement because one of the defense lawyers, Harland W. Braun, was having a pasta lunch in Chinatown.

The extra time merely stoked the tension, and within the hour, the Federal Building was in an uproar.

"Lucille, I think that it's time to leave," one federal worker said to another as they boarded an elevator. "I feel like I'm in a MASH unit."

Braun and his client, Officer Theodore J. Briseno, were on hand when court reconvened at 2:07 p.m. Davies chided Braun for being away from the courthouse and told him to stay within 10 minutes' call from the building in the future.

"Some people really seem to enjoy the tension," Paul R. DePasquale, the lawyer for Officer Timothy E. Wind, said later of Davies.

Davies told lawyers that he was not sure how serious the juror's ailment was, and he did not disclose which juror it was.

Davies' handling of the issue drew some fire from defense attorneys in the case, who complained that he had allowed speculation to run wild about possible verdicts when he could simply have told lawyers that a juror needed medical attention.

"I really think this was unnecessary," Braun said. "He could have just issued an order and kept this all from happening."

If the juror is too sick to continue, Davies could allow the panel to continue with 11 members. Although the federal rules do not specifically address the question of whether one of the alternate jurors could be added to the 11 remaining panelists, lawyers said they might be allowed to draft one of three alternate jurors if both sides agreed to that idea. Those alternates, like the 12 regular jurors, have been sequestered since late February.

If one of the alternates were drafted, that could force deliberations to begin again, since none of the alternates have been allowed to attend the jury discussions that have been under way since Saturday.

Braun said that if both sides agreed to use an alternate juror, that person would be selected randomly.

Despite the uncertainty about the ailing juror's medical condition, jurors told Davies that they hope to reconvene this morning at 8:30.

In a separate development, Dist. Atty. Gil Garcetti said that the remaining state charge against Officer Laurence M. Powell, left in limbo after the jury in Simi Valley deadlocked over whether the officer used unnecessary force against King, will be dismissed at his office's request, possibly this Friday.

Garcetti said Wednesday that the decision to drop the charge was made months ago. Because of the federal jury trial, "Legally we will be obligated to do so, because it's double jeopardy," Garcetti said. "Even if we wanted to we couldn't try him again."

A hearing is scheduled Friday before Judge Stanley Weisberg, who presided over the first trial. A spokesman for the district attorney's office said prosecutors would move to dismiss the charge at that hearing if the federal jury has returned its verdicts by then. If not, prosecutors will move to continue the hearing until after the federal case is over.

Wednesday began on a strange note when one of the defendants, Sgt. Stacey C. Koon, and his attorney, Ira Salzman, arrived for the day's activities wearing Groucho Marx-style gag glasses with fake noses and phony mustaches. The two suggested that they were attempting to inject some levity into the situation.

Contributing to this story were Times staff writers Stephanie Chavez, Paul Feldman, Jesse Katz, K. Connie Kang, Eric Malnic, Dean Murphy, Nancy Rivera Brooks, Ted Rohrlich, Amy Wallace and Henry Weinstein.

King Case Verdicts Expected Today; Police Go on Alert

■ **Trial:** Jurors, after deliberating seven days, could make announcement this morning. Bradley urges calm, warns potential lawbreakers they 'will not get away with it.'

By JIM NEWTON and HENRY WEINSTEIN, TIMES STAFF WRITERS

After seven days of deliberating, jurors in the Rodney G. King civil rights trial appear to have reached verdicts and are expected to announce them this morning, according to law enforcement officials.

"They certainly are giving us plenty of notice to get prepared," said Los Angeles Police Commission member Stanley K. Sheinbaum, whose agency was among those alerted late Friday about the impending announcement. "Doing it early in the morning will help."

With reports circulating widely that verdicts were imminent, Mayor Tom Bradley briefly addressed the city Friday night and asked residents to "ignore all rumors and speculation."

■ MEDIA CRITIQUE

Some TV stations milked simple facts for emotion. A21

■ **MAYOR'S STATEMENT:** A21

■ **RELATED STORIES:** B1, B3

"In this hour, and over the next days, I know in my heart that the overwhelming majority of our residents will accept whatever happens with calmness and reason, regardless of their personal feelings," Bradley said. "To them I say: Keep the peace, because without it there can be no justice. To them I pledge: I will do everything in my power to maintain public order. . . . To those who may be itching for an excuse to harm our neighborhoods, I have this warning: You will not get away with it so don't even try."

It was unclear whether jurors had reached verdicts in the cases of each of the four Los Angeles Police Department officers, but legal analysts and sources close to the case said it appeared that the trial was likely to end today. If the jurors were deadlocked over any defendant, U.S. District Judge John G.

Davies could order them to deliberate further or he could declare a mistrial for those defendants.

The federal trial of Stacey C. Koon, Laurence M. Powell, Timothy E. Wind and Theodore J. Briseno has unfolded in a city apprehensive about the possibility of a recurrence of last year's civil unrest, and the prospect of verdicts jolted law enforcement agencies into high gear.

Just as the jury wrapped up for the day Friday, the Los Angeles Police Department and the Los Angeles County Sheriff's Department went on tactical alert. A Sheriff's Department spokesman said: "At the direction of the sheriff, the department is mobilizing as of [6 a.m.] tomorrow morning." The spokesman said he could neither confirm nor deny that verdicts would be announced.

"At the Los Angeles Police Department, a spokesman declined to discuss the reason for the increased police readiness. "We're confirming that there is a citywide tactical alert, but we're not making any comment about it," Sgt. Bill Frio said.

Lawyers for the officers also declined to comment about whether they had been informed of possible verdicts. U.S. Atty. Terree A. Bowers said the government would have no comment. He would not speculate about whether the jury had reached verdicts against any or all of the defendants.

Other observers said it appeared that the jury was prepared to

(Indicate page, name of newspaper, city and state)

L.A. TIMES
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KING CASE VERDICTS EXPECTED
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announce that it had concluded its work.

"We have plenty of objective signs that this could very well be a verdict," said Loyola University law professor Laurie Levenson, a former federal prosecutor who attended the trial almost every day.

Levenson added that the break between sessions not only would give law enforcement time to respond, but also would allow jurors to pack their things and head directly home today, rather than returning to the hotel where they have been sequestered since Feb.

News of the announcement from the jury spread quickly through Los Angeles, and authorities tried to reassure residents that there would be no repeat of last year's unrest.

In the San Fernando Valley, 200 business owners and residents met with police at Reseda High School and were told that authorities were ready for whatever might happen after the verdicts are read. Capt. Val Paniccia of the West Valley Division said: "We know from last year what can happen, but that cannot happen again. This time we have a plan to stop it."

Outside the auditorium, Sgt. Walt Kainz said police know that many in the audience had heard rumors that armed bands have targeted the Valley.

44A-1A-119954-D-2/60

"Business owners know the rumors that gangs will target this area and that they have the ability to pull off terrorist-type attacks in the Valley," Kainz said. "We know about the rumors too. We are ready."

In some areas, however, residents took precautions anyway, heading to supermarkets to stock up on staples. The Alpha Beta on Pico and Beverly boulevards was busy Friday night as customers bought more than usual amounts of bottled water, canned goods and produce.

The Vons on Wilshire Boulevard in Santa Monica reported extra purchases of canned goods and produce and said it expects a big day tomorrow. Pavilions at Melrose Avenue and Vine Street, the closest to the Larchmont area, reported being swamped by customers. The manager said he was so busy trying to keep the store under control that he could not talk.

Elsewhere, business appeared normal, and much of the city went about its normal Friday night activities. But many residents expressed weariness—and, in some cases, fear or resignation—as they learned that the civil rights trial might be about to end.

"I'm just tired, I'm just tired of it all," said Boyle Vasquez as she walked out of a market at 59th Street and Vermont Avenue with a bag of groceries. "I've gotten to the point where I've just lost interest in this."

At the Western Gun Shop on Western Avenue in Koreatown, employee Edward Kim said that news of possible verdicts brought relief and dread.

"I'm nervous and concerned and a little worried," Kim added. "But we are not afraid."

As the jury deliberated in seclusion Friday, Davies met with representatives of the media to lay out plans for announcing the much-awaited verdicts. The meeting occurred in the early afternoon, and Davies said he had no inkling at that time of how far along the jury deliberations were.

But he told reporters that he would allow the voice of his clerk reading the verdicts to be broadcast live, a dramatic break from federal practice in criminal proceedings.

"This is my slight gesture," Davies told a pool of reporters. "I know you have a tough job."

Davies added that "it seems petty" to deny the press and public the right to hear the verdicts announced live. A brief frenzy erupted this week when Davies summoned lawyers to his courtroom. He said that hubbub caused him to think about how the announcement of verdicts could best be handled.

In that instance, Davies summoned lawyers to his courtroom for an "announcement," but did not specify the subject. When journalists learned that a court session had been convened, hundreds descended on the courthouse and some news stations sent up helicopters, thinking that verdicts might be forthcoming. The announcement turned out to be that one of the jurors had taken ill and needed to see a doctor.

The jurors in the case have been sequestered for seven weeks at an undisclosed Los Angeles hotel. Since last Saturday afternoon, they have been deliberating on the eighth floor of the Edward R. Roybal Federal Building, in a jury room adjacent to Davies' courtroom.

It has been days since they have given any hint as to how their deliberations were progressing. Already the deliberations have exceeded the time that a state jury took last year to return not guilty verdicts against the same four defendants.

While city residents braced for the verdicts, the defendants and their lawyers were locked in a grueling waiting game as well. Throughout the day Friday, they paced the halls of the courthouse.

"We arrive here every morning optimistic that today might be the day," said Michael P. Stone, lawyer for Powell. "Then, as the day wears on, you get to a point where you think: It can't happen today."

Stone and Powell were forced to make a morning appearance in state court, where one charge against Powell remains unresolved from last year's state trial. Although that charge will not be dismissed until the federal jury returns verdicts, Superior Court Judge Stanley M. Weisberg did release Powell's \$30,000 bond, which had been secured by his father's house.

"At least we got the house back," Stone said later.

With the deliberations dragging

on, lawyers used some of the extra time Friday to solidify their plans for getting themselves and their clients to safety once the verdicts are announced.

Although they declined to comment on the plans in detail, lawyers for several of the officers said they had met with federal officials and had developed various scenarios for leaving the building if the defendants are acquitted and there appears to be a threat of violence.

One defense lawyer, Harland W. Braun, said months ago that a plan existed to fly the defendants off the top of the courthouse in a helicopter. Representatives of the U.S. Marshals Service will not confirm or deny that account.

Tensions are extremely high over the case, and several attorneys have received death threats—some of which have been shared with the judge. This week, Ira Salzman, the lawyer who represents Koon, called in an armed guard to escort his assistant from his legal office after receiving threats there.

Salzman said the threats were disconcerting, but he credited federal officials with handling the security issues competently.

"I believe that the officials are being totally responsible when it comes to handling these security arrangements," Salzman said. "I'm confident in their plans."

As the attorneys and their clients marked time inside the courthouse, a slew of demonstrators, civic leaders and public officials made their way to the bank of television cameras set up outside the building. Electronic media representatives from around the world are encamped in the Roybal Building plaza, biding their time while the jury deliberates.

That scene was disrupted Friday afternoon when a group of white supremacists traded harsh words with some members of the crowd.

Officials said the face-off began when the four men exited the federal building, where they had tried unsuccessfully to get a permit to demonstrate. Carrying a banner that said "Ku Klux Klan," their arrival in the outdoor rotunda drew a crowd of reporters, who at the urging of federal officials quickly moved the impromptu news conference to the sidewalk on Aliso Street.

Within moments, the commotion attracted a small gathering of on-lookers, some of whom shouted taunts. Fearing violence, the Federal Protective Service that patrols the courthouse grounds asked the LAPD to intervene.

Before any blows could be thrown, police officers in riot gear quickly escorted the four men away.

Flare-ups such as that have been rare in the courthouse plaza, and an array of protesters and public officials made their pitches peacefully Friday as the jury deliberated upstairs, shielded from the

commotion outside. A Latino merchants' group criticized officials for fueling public uneasiness with the high-profile security measures that are going in around the city.

"It has created a sense of impending doom," said Jorge R. Mancillas, a representative of the group. "These publicity campaigns of police preparations have fueled the fears."

Later, Los Angeles area Latino lawmakers came to the courthouse in a rare show of unity to urge restraint once the verdicts are announced.

The leaders also declared that they had received assurances that U.S. immigration authorities did not have definite plans to conduct post-verdict neighborhood sweeps and that Los Angeles police would abide by regulations limiting cooperation with the Immigration and Naturalization Service.

"We don't want to have the same kind of disturbances we had a year ago," said county Supervisor Gloria Molina. "There is a tremendous amount of fear out there in our community."

City Councilman Richard Alatorre said: "We are going to work together to make sure the government does the right thing."

The elected leaders—mostly of Mexican ancestry, but generally U.S.-born or longtime residents—pointedly sought to reach out to the new Latino immigrant communities, which include many recent arrivals from Central American and Mexico. Last year's civil unrest largely spared middle-class Mexican-American neighborhoods but cut a swath through poor immi-

grant enclaves, notably the Pico-Union/Westlake areas and South-Central Los Angeles.

"Our goal today is to stress that Latinos are coming together," said City Councilman Mike Hernandez, whose 1st District includes large populations of new immigrants. "We are building—not destroying—together."

Times staff writers Alan Abrahamson, Ashley Dunn, John Johnson, Carla Lazzareschi, Patrick J. McDonnell, Victor Merina, Kenneth Reich, Rich Tosches and Amy Wallace contributed to this report.

(Mount Clipping in Space Below)

2 Officers Guilty, 2 Acquitted

■ **Trial: Federal jury finds that Stacey Koon and Laurence Powell violated beating victim's civil rights. Sentencing is set for Aug. 4.**

By JIM NEWTON
TIMES STAFF WRITER

In an extraordinary early morning conclusion to one of the most volatile criminal trials in U.S. history, a federal jury returned guilty verdicts Saturday against two Los Angeles police officers for violating Rodney G. King's civil rights during an infamous 1991 arrest.

Sgt. Stacey C. Koon—a coolly confident police officer who has rarely shown any hint of emotion through two criminal trials—sat stoically as the clerk to U.S. District Judge John G. Davies read the guilty verdict against him. As he listened, Laurence M. Powell, the officer who delivered most of the blows, went pale and licked his lips.

Powell's lawyer, Michael P. Stone, turned to him and whispered: "We're going down, bud."

Within seconds, that was borne out as Powell, too, was convicted. Later, the normally articulate Stone groped for words during an interview, fighting to overcome his emotions: "I was stunned," he said. "I just felt like, I just can't believe it. I can't believe 12 people could convict Larry."

The panel—a racially mixed eight-man, four-woman group sequestered since Feb. 25 in the downtown Los Angeles Hilton hotel—completed its work against the backdrop of a city churning with *Angst* and anticipation.

Although Powell and Koon were convicted, the jury acquitted two other officers for their role in the March 3, 1991, arrest and beating. Prosecutors presented less evidence against Theodore J. Briseno and Timothy E. Wind, but even though they were acquitted, they, too, left the courtroom badly rattled by the convictions of their two colleagues. Briseno cried, his lawyer said.

Koon and Powell face maximum sentences of 10 years in prison and fines up to \$250,000 each, but federal sentencing guidelines suggest that they would not be likely to receive such severe penalties.

The verdicts ended a federal investigation that began two days after the incident and just hours after a videotape of the beating was first broadcast on television—igniting what defense attorney Harland W. Braun on Saturday called a "prairie fire across the country and the world."

Almost exactly one year ago, a state court jury returned not guilty verdicts against the same officers, and those verdicts touched off rioting that left at least 52 people dead in Los Angeles. On Saturday, news of the federal convictions had the opposite effect: Spontaneous celebrations broke out in South-Central Los Angeles and relief wafted through much of the city.

"Now it's time to just jump and

(Indicate page, name of newspaper, city and state.)

L.A. TIMES
LOS ANGELES, CA

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shout for a few minutes before we go back to work," the Rev. Cecil L. (Chip) Murray said at his church, First African Methodist Episcopal, in the West Adams district. "Today we celebrate, tomorrow starts to be more pragmatic."

Elsewhere:

- In some areas where looting and burning raged a year ago, a few people peacefully picketed with placards, some leaped into the air and cheered, and others planned barbecues and parties to celebrate what they regarded as justice. Many rose early to listen to the verdicts: "I woke up this morning and my mom was clapping when she was watching TV," said Kevis Manuel of Long Beach. "The two who did the most damage got what was coming."

- Thousands of police officers and federal agents took up positions across the city before dawn Saturday to brace for the worst, but by midmorning the fear of a crisis had passed. "I think the men and women of Los Angeles should go about their daily lives," Police Chief Willie L. Williams said at morning news conference. "If the sun comes out, get in the pool."

- Judge Davies ordered Powell and Koon to appear in his court for sentencing Aug. 4. In the meantime, they are expected to appeal their convictions. Koon's lawyer, Ira Salzman, dejectedly addressed reporters after the verdicts, and said that one likely ground for such an appeal will be Davies' decision to allow jurors in the federal trial to hear videotaped testimony that Briseno gave during the state case.

FBI/DOJ

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The judge told the still-anonymous jurors that they could speak publicly about the case that has consumed their lives for more than seven weeks. One came forward and said the fear of riots was never expressed in the jury room. The verdicts, he said, turned on the amateur videotape of the King beating.

Justice Has Been Done

A host of local, state and national leaders hailed the verdicts, praised the prosecution team and called on people to emerge with new confidence from a controversy that has gripped Los Angeles and the nation for more than two years.

In Pittsburgh, Pa., President Clinton said the case should strengthen the nation's commitment to putting more police officers on the street and redouble its dedication to certain values.

"Surely the lasting legacy of the Rodney King trial ought to be that a determination to reaffirm our common humanity and to make a strength of our diversity," Clinton said. "If we can do that we can get on about the business of this great land."

Gov. Pete Wilson said: "Justice has been done, whether or not people agree or disagree with the verdict."

Mayor Tom Bradley said he did not have all the evidence that the jury saw, but he called the trial's outcome a "fair and just result."

The verdicts also pitted some familiar adversaries against one another. Former Police Chief Daryl F. Gates—blamed by many for a tardy police response to last year's riots—held a morning news conference in which he referred to the federal case as a "politically correct trial" and said he was amazed by the jubilation over the verdicts. Gates' old nemesis, Bradley, responded later with a biting shot of his own.

"I want you to understand this," Bradley snapped at a reporter who asked about the former chief, "Daryl Gates is irrelevant to this issue, to this city at this moment. Any other questions?"

At the Edward R. Roybal Federal Building, where the trial was held and where demonstrators gathered in growing numbers as the jury deliberated, a few protes-

ters were on hand Saturday morning. Some were dissatisfied with the verdicts, complaining that all four officers should have been convicted. But others hugged in celebration and cheered.

The Prosecutors

U.S. Atty. Gen. Janet Reno had prepared two statements—one in case the officers were acquitted and another to be delivered if there were convictions. James Turner, the acting chief of the Justice Department's Civil Rights Division, read the latter on Reno's behalf.

"The jury has spoken, and justice has prevailed," Reno said. "The Department of Justice will continue to bring prosecutions to ensure that the civil rights of all citizens here in Los Angeles and across the country are protected."

From the start, legal analysts had said the civil rights case against the officers would be a difficult one, largely because of what Davies called the "high and heavy burden" of proving that the officers not only used unreasonable force but also did so with the intent to deprive King of his constitutional rights.

In his statement, U.S. Atty. Terree A. Bowers commended the prosecutors who tried the case—Barry F. Kowalski, Steven D. Clymer, Alan Tieger and Lawrence Middleton—calling the group "one of the most formidable prosecution teams ever assembled."

Clymer and Kowalski accepted the compliments modestly, but their enthusiasm was evident. They hugged briefly at one point, and Kowalski, one of the most experienced civil rights prosecutors in the nation, stressed that the prosecution team was acutely conscious of the weighty task they had undertaken.

"A year ago the conscience of the community, the conscience of the nation, cried out for justice," Kowalski said. "This verdict provides justice."

Each of the prosecutors emphasized that the verdicts were not an indictment of law enforcement, and Bowers stressed that point with particular care.

"It must be emphasized that this case is about four police officers, not a police department or law enforcement officers in general," Bowers said. "It is unfortunate that we have to pursue cases against law enforcement officers who are sworn to uphold the law. However, in pursuing cases such as this one, we vindicate the professionalism,

courage and dedication of those officers who abide by the law and serve their communities well."

A Night That Made History

Saturday's verdicts represent the final major chapter in the most volatile police brutality case in history, one that began mundanely just after midnight on March 3, 1991.

Accompanied by two passengers, King was driving in a white Hyundai that night when the California Highway Patrol tried to pull him over for speeding. King was drunk and on parole, and he fled, leading the CHP, and eventually officers from the Los Angeles Police Department and the Los Angeles Unified School District, on a chase that ended on a dark street in Lake View Terrace.

While the police officers beat and arrested King, an amateur cameraman, George Holliday, started videotaping the events from his apartment across the street. Excerpts of that videotape would be aired around the world.

It was the tape, more than anything, that turned the beating into a national symbol for police brutality.

"To the casual viewer, it appeared that the police officers were

methodically, systematically brutalizing a helpless, innocent black man who lay prone on the ground," Koon wrote in his book about the affair. "The picture of unjustified police brutality is untrue, grotesquely so."

But while Koon vigorously defended his actions and those of the officers under his supervision, the beating sparked state and federal investigations almost as soon as the videotape hit the airwaves.

The state investigation proceeded first, and the officers went on trial in early 1991 in state court. That trial lasted three months, and its finale stunned many Los Angeles residents who had assumed that convictions were a forgone conclusion.

The not guilty verdicts on all but one count—the state jury deadlocked on one charge facing Powell—were announced late in the afternoon of April 29, 1992. Within hours of those verdicts, Los Angeles was engulfed in violence that eventually would claim at least 52 lives and cause more than \$1 billion in property damage.

Within a month, a federal grand jury was at work.

Making of the Federal Case

Charlie J. Parsons, the special agent in charge of the FBI's Los Angeles field division, said that up to 17 agents worked on the case at a single time, an extraordinary commitment of staff to a single investigation.

On Aug. 5, with media from around the world crammed into a briefing room in the downtown federal courthouse, U.S. Atty. Lourdes Baird announced that all four officers had been indicted by a federal grand jury.

"The defendants are charged with stomping, kicking and beating Mr. King," Baird announced. "It was an unreasonable use of force."

After months of pretrial wrangling, jury selection opened Feb. 3, —the first official day of the federal trial. More than 6,000 Southern Californians received summonses to appear on the jury, but only 333 said they could afford to be sequestered for up to eight weeks, and dozens more were eliminated because lawyers were not convinced that they could be impartial.

The racially mixed panel that was selected—two African-Americans and one Latino were among the 12 jurors—was sequestered Feb. 25, shutting them off from the anxiety that grew in Los Angeles as the trial got under way.

During their case, prosecutors called 35 witnesses, most notably a police sergeant who testified about the limits that the LAPD places on officers who use force and a doctor who told jurors that the injuries to King's head were the result of baton blows, not falls to the ground. And in the trial's emotional climax, King took the stand, testifying in public for the first time about the beating.

"I was just trying to stay alive, sir," King said. "They never gave me a chance to stay still."

Lawyers for the officers responded chiefly by presenting evidence that the officers had been confronted with a violent, defiant suspect who had never been searched for a weapon. The defense's chief expert on the use of force, Sgt. Charles L. Duke Jr., defended each and every baton blow on the videotape.

And Sgt. Koon took the stand for himself and for the other defendants. In sometimes brutal language, Koon took full responsibility for the force used to subdue King.

"My intent was to cripple Rodney King," Koon said. "That is a

better option than having to use deadly force, having to choke or having to shoot Rodney King."

Finally, after six weeks of testimony and arguments, the case concluded on the Saturday between Good Friday and Easter. The jury began its deliberations that afternoon, and spent the next seven days weighing the evidence in a locked jury room on the eighth floor of the Roybal building.

The Final Days

While the jurors talked, a manic and sometimes bizarre atmosphere developed outside. Koon and his lawyer arrived for court one day wearing comic Groucho Marx nose-and-glasses disguises. A juror got sick, and there was momentary panic in the ranks of the international press staking out the building in hopes of a news flash. The judge broke a tooth. The Ku Klux Klan demonstrated.

But when the panel finally reached verdicts, it did so quietly, slipping a note to Davies to let him know that the process was over.

"Yesterday afternoon at 3:35 p.m. the court received a note from the jury," Davies announced at the beginning of Saturday's morning session. "This note reads as follows: 'The jury has reached a unanimous verdict.'"

From the bench, Davies acknowledged what many had suspected all along: that he had agreed to provide law enforcement officials with advance notice when verdicts were reached. Between the time he received the note Friday afternoon and the opening of the verdicts at 7:06 a.m. Saturday, a representative of the court quietly contacted law enforcement agencies, informing them that verdicts were expected the next morning.

Chief Williams said he received word Friday afternoon, and other law enforcement officials said they were notified as well.

"We certainly appreciated the court's consideration," Parsons of the FBI said after the verdicts were announced. "We had gone into our first phase of readiness when the case went to the jury. The notice allowed us to go to the second phase."

Word of the impending verdicts leaked out, however, at least in part because Police Commission member Stanley K. Sheinbaum publicly discussed it with several news organizations.

On Saturday, Sheinbaum came under fire from a number of insiders, including Bradley—who has long considered Sheinbaum one of his closest advisers.

Bradley called the commissioner's comments uninformed and irresponsible, and added: "I'll be talking to Mr. Sheinbaum about this matter on a personal and private basis."

As the trial concluded, Davies profusely thanked jurors for their service, noting that they had made great sacrifices by agreeing to be largely cut off from the world while the case was argued. Davies reminded jurors that their names would be kept anonymous by the court, but said they could speak out about the case if they wanted.

By day's end, at least two jurors had come forward, one speaking to KNBC-TV, Channel 4. That juror, who was not identified, said he was shocked to see the massive law enforcement presence as he and his colleagues were transported to the courthouse on the final day of their historic service. He said jurors had not considered the testimony by expert witnesses on the use of force as being particularly persuasive.

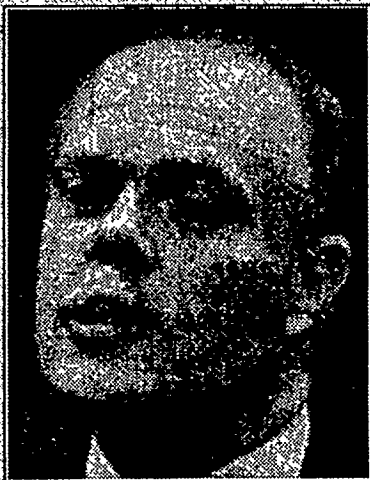
The juror said Koon appeared to be most culpable, while Briseno was at the opposite end of the spectrum—"a very excellent cop" who had done "everything that was humanly possible" to stop the beating.

Ultimately, the juror said, the case came down to one piece of evidence—the same one that millions of people have seen for themselves.

"I think the tape basically speaks for itself," the juror said. "I would have to say that's basically what convicted them."

The Outcome

The jury's decisions on the four defendants in the Rodney G. King civil rights trial and what lies ahead.



Stacey C. Koon

■ **Verdict:** Guilty

■ **Next step:** Koon is set for sentencing Aug. 4. He is likely to appeal the conviction. He also faces an LAPD board of rights hearing.



Laurence M. Powell

■ **Verdict:** Guilty

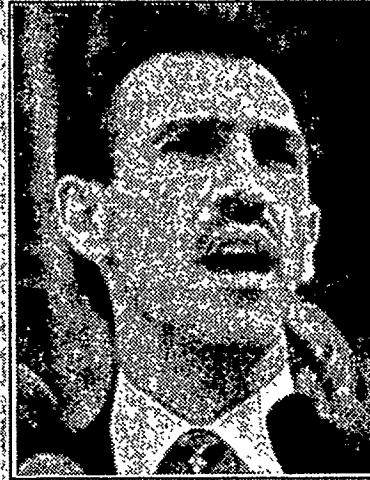
■ **Next step:** Powell is also scheduled to be sentenced Aug. 4. Meanwhile, he will file an appeal challenging the conviction. He also faces an LAPD board of rights hearing.



Timothy E. Wind

■ **Verdict:** Not guilty

■ **Next step:** A rookie at the time of the incident, Wind is the only defendant who has been fired from the LAPD. He will not face further prosecution, but he will not return to the department.



Theodore J. Briseno

■ **Verdict:** Not guilty

■ **Next step:** Briseno faces an LAPD board of rights hearing. Like Koon and Powell, he could apply for back pay if he is cleared of departmental wrongdoing.

JOANNE OSTENDORF / Los Angeles Times

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DEVELOPMENTS

Different Result in New Cop Trial

Defense missteps, prosecution tactics lead to two convictions for King beating

Prosecutors in one of the most closely watched trials of the decade had some help from an amateur videotape operator and a defense lawyer who made one classic mistake—conducting an overly harsh cross-examination of a sympathetic and pivotal witness, beating victim Rodney King.

The jury, sequestered for 51 days during trial and deliberation, returned a split verdict in April in the trial of four Los Angeles police officers on federal civil rights charges. Two of the defendants were acquitted, but the officer in charge during the beating, Sgt. Stacey Koon, and the policeman who delivered most of the blows, Laurence Powell, were convicted.

Defense Missteps

Powell's lawyer, former policeman Michael Stone, conducted the most aggressive defense, yet he made some missteps.

He called California Highway Patrol Officer Melanie Singer, who on direct examination began crying on the witness stand as she described the ferocity of the beating. Loyola Law School professor Laurie Levenson, who observed the proceedings, called the testimony the emotional turning point of the trial.

That was not Stone's most serious miscalculation, though, according to juror accounts. The lawyer had tried to defuse Singer's testimony in his final argument, saying he had called her as a witness knowing what she would say. But it was an incident in the jury room that made jurors discount her emotional response.

"At first, some people thought the testimony was real powerful," a juror told a local newspaper after the verdict. "But when a couple of people started crying during deliberations, everyone realized that it's easy to break down during a high-pressure situation."

A second aspect of Stone's defense, however, proved to be a bigger blunder—his harsh and humiliating cross-examination of King.

The defense lawyer dwelled on King's failure to graduate from high

school. He repeatedly asked King, who is a large but soft-spoken man, to read from a grand jury transcript. Although King would not admit it, it was clear even to reporters listening

defense portrayal of him as a PCP-crazed monster. "He came across as a beaten man," she said.

In addition, she said, federal prosecutors called a use-of-force expert in their principal case,

while their state counterparts waited until rebuttal. "The jurors began to see a very broad picture where all the witnesses said the officers went too far, that King was no longer a threat," according to Levenson.

Of course, the prosecution suffered some defeats as well. It was unable to persuade U.S. District Judge John Davies to impeach evidence that Koon had previously been suspended for failing to report a use of force.

Assistant U.S. Attorney Steven Clymer wanted to attack the officer's credibility in cross-examination with Davies.

in which Koon killed and another officer punched a juvenile who reached for his wristband after a high-speed car chase.

Using a balancing test, Davies said that the evidence would be too prejudicial and kept it out. The judge, however, did permit evidence of a former robbery conviction to impeach prosecution witness King.

Skillful Cross

Clymer was able to attack Koon's credibility anyway, in prior statements such as one from Koon's book about the incident. The prosecutor then concluded cross-examination with some damaging questions.

"You had finally beat him into submission, is that correct?" Clymer asked.

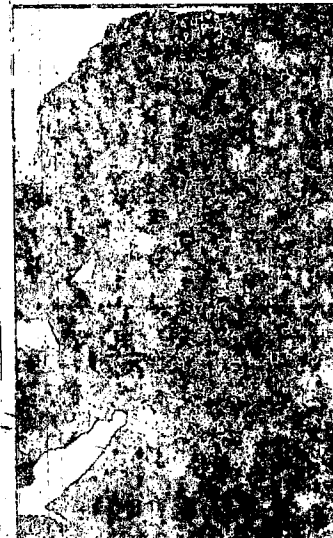
"Yes," said Koon. "That's correct. He was beaten into submission, and he was giving up."

Koon's admission apparently was remembered by the juror as he reflected on the deliberations. "Some people said, 'That could have been my son. That could have been me,'" the juror recalled. "Just because a man was driving drunk—he should be punished, he shouldn't be driving drunk—but you don't beat him into submission."

—Bill Girdner



Sgt. Stacey Koon (left), in charge during the beating, and Laurence Powell, who delivered most of the blows, were convicted in April.



to an audio feed outside the courtroom that he could not read.

"We were disgusted with Stone," said the juror, a welder who emigrated from Denmark, "for embarrassing the guy."

A New Approach

But much of the credit for the convictions must go to the prosecutors, according to Levenson. She said their approach differed greatly from that of state prosecutors, who were unable to gain any convictions in the former trial of the officers.

"The prosecution in the federal case presented a broader and more balanced case," Levenson said. "They didn't ignore the videotape, but they knew darn well that when jurors looked at it, they could see it with the prosecution version or the defense version in mind."

In the state trial, the defense had the upper hand when it analyzed each blow on the videotape frame by frame to the point where the violence lost its impact. This time the prosecution skillfully dissected the tape, stretching out the beating so as to emphasize its brutality.

Another effective prosecution tactic, Levenson said, was putting Rodney King on the witness stand, which humanized him and discredited the

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A Lesson

by Larry Powell

This is written to thank all of you who stood by me during this ordeal. It is also a lesson and a warning that everybody needs to consider. Many officers came up to me throughout these trials, some in court, some on the streets, some by phone or letter. Every time you expressed your encouragement, it strengthened me. It might not have seemed like you were doing a lot for me, but I assure you it was. It is hard to stand up for what you believe was right, but it is far easier when others are "standing" there with you. We did not betray you, smear the name of the good officers of the Department, or commit a crime. For those who knew this and those who took the time to learn this, thank you for standing by us. I know it was hard. Those who were closed-minded and failed to seek out all the facts need to pay attention. We have all been morally violated by the judicial system.

What is apparent about this jury's decision is that it was the jury we feared. It was a jury created in the shadows of the riots and public outrage. Even under protection of anonymity they must have believed, whether conscious or subconscious, that all people felt the verdicts were wrong. It was easy for them to reach the conclusion that the verdicts were wrong. Why else would there have been riots? Why else would the politicians, especially the President, condemn the Ventura county jury? The decision must have been wrong, one would only have to turn on the TV to see proof. With obvious threats that there would be more riots if we were once again acquitted, how hard would it be to once again find "reasonable doubt" at the very least? Real hard if you buckled under to cowardice like these twelve did.

I really believed I had a right to expect a jury of my peers to look at all the evidence in an intelligent manner with an open mind. Like the first time in Ventura county. I just can't believe that occurred. Not after listening to the juror's comments. Not after knowing what evidence was presented. It had nothing to do with emotional testimony. It had to do with the emotion of fear; the jurors' fear. It had to do with 12 people lacking the courage, honesty, and integrity to come to a decision that would lead to more rioting. They may not have discussed that fear among themselves, they knew that would have been wrong. But can there be any doubt as to whether that fear was in their minds as they heard all the evidence and as they deliberated? Of course not.

Consider these things the jury did: The jurors were given a jury instruction that basically told them they must judge our actions from the perspective of a reasonable police officer in the same situation with the same circumstances. They could not judge our actions from their own perspectives or experiences. So what they did was throw

out the testimony of reasonable police officers and judged the tape without it. They did not listen to the testimony of the prosecution's use-of-force expert. They did not listen to the testimony of the defense use-of-force experts either. Did they call upon their training and experience in using force in dangerous situations of arresting a felony suspect? At the very least they should have considered one of the views of the use-of-force experts from one of the opposing sides to aid them in determining what a reasonable police officer should do. They didn't, they threw them both out! They have stated over and over in their interviews that they judged the actions seen in the tape from their perspective. The perspective of an untrained and inexperienced non-police officer citizen. The same way you may be judged some day.

Far from being our peers, this gap could have been overcome by listening to and gaining some understanding of what it is a police officer is. They then should have used that new gained knowledge to judge our actions from the stand-

point of a reasonable police officer, not a reasonable person! The military understands that a non-military person cannot judge a military defendant as fair as one of his peers. A non-military person may lack the background, experience or training that military personnel have. Therefore military juries are made up of military personnel — a jury of their peers. We have no such luxury. Remember that.

In disregarding the testimony of the government's use-of-force expert, they threw out his opinion that the first 32 seconds of the use of force were within LAPD policy. Instead the jurors came to the conclusion that we had goaded King into getting up off the ground and charging me. King testified that the officers were chanting "What's up nigger" or maybe it was "killer" he wasn't sure. He said he got up and ran because he thought we were going to kill him. No other witness, not even his best friend who also has a multi-million dollar lawsuit against the city, testified that they heard any chanting or racial slurs. Nor could they be heard on the enhanced audio version of the tape. We all know that if there had been believable evidence to this point the district attorneys would have used it. So no evidence

to back up the conclusion the jurors came to except a statement from Clymer in his final argument that it happened. Another suggestion for an easy non-riot causing out.

The one black female juror from Orange County said she was "there to do what was right." She was the same juror accused by an excused juror of saying "they kept blacks off the jury in Simi, but that isn't going to happen this time." Motions to have her excused were denied. She said the jurors jumped for joy when the verdicts were reached.

"We cheered and hugged when we reached unanimous verdicts" another juror said. Another said they were high-fiving! Historically, jurors are not happy when they have to convict. The jurors in the Nightstalker case, perhaps as heinous and criminal as you can get, certainly didn't celebrate like this. Course they didn't get a cop (you know, one of those guys who writes tickets or arrests people when they weren't drunk driving). Don't people usually cheer and hug when they are happy about reaching a goal? When was this goal to convict set? How about April 29, 1992.

...take your chance of being the sacrificial lambs of department and city failings as the truth becomes politically twisted by dishonest administrators, your bank accounts and assets disappear, and you are on your way to prison for doing your job as you were taught...

They experimented in the jury room and conducted their own recreations. They re-enacted the first blow as King charged me. One juror put Brisen's boot on and stomped around. Jurors are prohibited from doing such recreations and experiments. They are supposed to deliberate only on what was presented in court. However they were not considering what was presented in court — like evidence. They had the tape and a directive from the "community."

Not one has spoken as to what they found as the intent. One juror said he saw one blow as the one which convicted me. Another said the first blow was the one that convicted me. Each juror that has spoken out has found a different part of the video where they found their evidence for conviction. At the worst if they felt the blows were excessive what intent did they find? The only comment as to intent was from a question by Dorothy Bailey the foreman of the Ventura county jury to a federal juror: How difficult was it to find intent? His answer: "It was the most difficult part."

Actually it was easy because it was a vague concept. The jury instruction given to them stated "it is impossible to get inside the mind of

the defendants to prove intent. You may find intent based on circumstantial evidence." In other words they had no clearly drawn map to indicate intent. They would have to figure it out for themselves amidst all the pressures to convict. Based on their interviews, it appears these jurors only decided the force was excessive. They have said parts of the video were okay but then at various points, depending on which juror is talking, it became a crime. A violation of King's rights under the 4th and 14th amendments to be safe from harm during arrest. Once they found some force excessive they just assumed intent. That is where the implied difficulty with finding "specific intent" fell to the wayside. If you don't like what you see and don't take the time to find out if it is wrong absent not liking what you see, then the decision becomes guilty. If the conclusion is guilty, then there must have been intent.

These jurors' identities were protected by a federal court order. They would not have their names released to the press if the verdicts were "unpopular" as Judge Weisberg did in Simi Valley. To teach them a lesson (Weisberg told a Ventura county sheriff's bailiff that he released the names of the jurors because he "was upset with the verdict they had reached"). However, families, friends, church members for some (who continued attending their own church during the trial accompanied by U.S. Marshals), and coworkers would easily figure out where these jurors were for 3 months if they didn't already know. The press would have eventually paid for or stolen the names, if it took years. In fact an ABC news producer tried offering a defense team associate "you name your price" for the jurors' identities, unsuccessfully I might add. Of course the jurors would not and could not realistically expect to have their identities kept secret although the judge did all he could. So of course these jurors had visions of being attacked by angry mobs (like the ones shown on TV all through last years riots) if they acquitted us again. Those kind of threats had been made over and over by "community spokespersons" as the new trial draw near.

If they came to the "right decision," they would be "heroes" and probably get paid to be on *Donahue* or *Inside Edition*. They could reveal their names and receive the Jesse Jackson — Maxine Waters Justice award. They would have upheld the politically correct stances taken by soon-to-be-ex-mayor Tom Bradley, ex-District Attorney Ira Reiner, and ex-president George Bush, ignorant voices during their respective reelection bids.

More and more comments are being made by the jurors every day. It all just solidifies our position that we were dead in the water before the trial began. This jury was going to do the right thing and correct the problems caused by the Ventura County jury. If all they needed was an excuse they got that

FOR YOUR INFORMATION



A Lesson

Continued from previous page

from the government arguments. In fact everything they are saying they found is word for word from Clymer's arguments. They ignored the fact that arguments are not evidence but just a lawyer's interpretation of what he thinks the evidence shows. The government prosecutor's arguments were just lawyer-like wording of the misunderstandings and ignorant, politically correct opinions that have been played like a broken record by the media for the past two years. These arguments were far from the truth. The evidence proves that. It was an easy out. It was a safe out. The jurors said over and over that they paid no attention to any evidence other than the videotape. It is pretty scary to be judged by 12 fearful of upsetting the loudmouths in the community and lacking integrity to listen to evidence that easily allows a finding of reasonable doubt if it is looked for. These 12's civic duty did not include that search.

These people relied on a tape taken from 150 feet away on a second floor balcony, that shows only where the blows landed. It doesn't show any emotions such as fear and frustration with a restraining technique that wasn't working to keep an unsearched felony suspect on the ground as he continued to try and get up again and again. It doesn't show depth. It doesn't have experience with parolees attacking officers in order to keep from going back to jail. It can't show you what was in our minds. It doesn't show what happened in the "real time" that we experienced. And it wasn't face to face and toe to toe with a buffed out man who had led police on a 7.8 mile chase, failed to comply with verbal orders from uniformed policemen pointing guns at him, exhibited bizarre behavior including dancing, laughing, and running around on all fours, threw myself and Briseno off of his back, rose up and failed to fall back down after two applications of 50,000 volts from the taser, and then made those actions and movements seen on the videotape amid shouting from the officers for him to "stay on the ground," "get down on the ground!"

I wondered if these jurors who failed to consider the evidence that the Ventura County jurors considered, are proud of what they did. They could have considered it and found a different explanation for what the evidence points to, but they did not even consider it. Can they explain their decision to you, the officers out on the front lines who no longer can enthusiastically enforce the laws that protect all of us? As a police officer you should know that some people do not understand all that is involved in using force on a suspect. There are many factors that may not be known to the average person and thus give them a perspective that a use of force was wrong. If these people were told of these circumstances, training, laws, and policies that govern a police officer's

use of force they would then be able to judge the use of force fairly and knowledgeably. This jury refused to do that!

Now we can see that if there is a loud ignorant outcry about a use of force, no explanations will be considered. No benefit of the doubt for a police officer making LIFE AND DEATH decisions in split seconds. No consideration for an officer's experience, training or lack of equipment. Instead the involved officers will be tried until the verdict is guilty, the officers are in prison, and the petty little politicians and "civil wrongs" groups will shut up. The writing is now clearly on the wall.

In August I must face Federal Judge John G. Davies for sentencing. Both Stacey and I will stand there and be expected to show our regret for doing our job. Hopefully Stacey and I have some appellate issues that will be found in our favor and we won't join our work products in prison for five to ten years. There is no chance of probation in this case. We face sentence enhancements for using a baton, for inflicting injury, and for being untruthful when testifying. We are too much of a danger to society so it is said. There must be some sort of a danger that if a drunk parolee on drugs drives at high speeds recklessly through city streets and freeways, that we would give chase until he picked a spot to stop, then we would defend ourselves and arrest him after he attacked a uniformed police officer who had every right to arrest him and bring him to "justice." I can't even picture being put in prison because a squeaky wheel needed oil, because an outspoken minor portion of the population was louder than the under-spoken majority of the population, because people who weren't interested in justice demanded "justice" in their redefined terms, because politicians were seeking politically correct positions in election years, because a small but loud part of the community of Los Angeles wants everything handed to them on a silver platter garnished with 100 dollar bills instead of working for it as Americans have done before we even became America. If I must go to prison, it is better to go there an innocent man.

I know that it is in the soul of every good police officer to stop the evil in society. To chase the bad guys, the robbers, rapists, murderers, dope dealers, gang members, and traffic violators was always part of our mission. To serve and protect. But either take your chance of being the sacrificial lambs of department and city failings as the truth becomes politically twisted by dishonest administrators, your bank accounts and assets disappear, and you are on your way to prison for doing your job as you were taught OR heed the words of Edgar Allan Poe's raven and say "NEVER-MORE, NEVERMORE, NEVER-MORE!"

It is not a decision you can morally make. It has to be made by our "leaders." Will they or will you? *

COLLECTION FOR TIM WIND

It has come to the attention of the author that Tim Wind is in desperate need of money. His wife is ill, and during the state trial he had an operation. He has no insurance.

This is not a question of right or wrong, or whether you agree or disagree with guilt or innocence. It is to help an individual in need of help. Any donations will be collected and given to him.

If you have any questions please contact:
Lynn Gollhofer
(213) 485-2883

Any checks should be made payable to:

Tim Wind

THANK YOU VERY MUCH !!!

**Donations for the families
of Sergeant Stacey Koon
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P.O. BOX 1406
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Koon, Powell Get 2½ Years in Prison

■ **Trial: Judge says King must bear much blame for provoking the incident. Officers are denied bail and must report to authorities by Sept. 27.**

By JIM NEWTON
TIMES STAFF WRITER

A federal judge on Wednesday ordered Officer Laurence M. Powell and Sgt. Stacey C. Koon to spend 2½ years in prison for violating Rodney G. King's civil rights, a sentence far less than requested by prosecutors and one that brought the wrenching case to a controversial finale.

"The task is not an easy one," U.S. District Judge John G. Davies said as the long-awaited sentencing hearing opened. "I have tried to treat all of the participants, not as symbols, but as individuals."

Far from treating the officers as symbols of racism or police brutality—as they often have been cast—Davies described them in warm personal terms, noting that Koon is an Air Force veteran, father of five and a "successful police officer with an extraordinary record." Powell, Davies added, did not have quite as distinguished a police record, but comes from "a family where he has enjoyed the strong support of his parents and four brothers and sisters."

In contrast, he blamed King for provoking the incident that set in motion more than two years of civic soul-searching and three

days of deadly rioting after Koon, Powell, Theodore J. Briseno and Timothy E. Wind were found not guilty in state court.

Despite requests from federal prosecutors that Powell spend 7 to 9 years in prison and Koon 9 to 10 years, Davies opted for 30 months each. He also rejected requests that the officers be fined and ordered to pay restitution to King. Their only financial penalty was an order that each pay a special court assessment of \$50.

Davies, a moderate conservative

■ RELATED STORY, PICTURES: A16-A17

appointed to the bench by Ronald Reagan in 1986, gave the officers until Sept. 27 to report to the Bureau of Prisons. Although federal prisoners are not eligible for parole, they may receive a 15% reduction in their sentences for good behavior.

Outrage mixed with resignation as news of the sentences swept through Los Angeles. Some worried about possible fallout, while others, particularly in the city's black community, complained that the officers had been let off too easily for a crime that shocked the city and the world.

Joseph Duff, president of the Los Angeles Chapter of the National Assn. for the Advancement of Colored People, spoke for many when he said: "This is a travesty of justice as opposed to a measure of justice."

Erik Rasmussen, one of the jurors in the trial, criticized the sentences as too lenient, saying the officers deserved prison terms of

between five and seven years.

"I didn't think the punishment fit the crime," said Rasmussen, a welder from Fullerton, who took the day off to watch the sentencing on television.

With emotions charged over the sentencing, the LAPD went on tactical alert at 7 a.m. Wednesday, with all plainclothes detectives ordered to report in uniform and all shifts continuing several hours past their usual end. By 4 p.m., the alert was lowered to "a modified tactical alert," said press relations officer Don Cox, who described the city as "very quiet" as of early evening.

Cox said he expected no extraordinary police efforts other than "an increased awareness."

In a live television address to the city just minutes after the sentences were imposed, Mayor Richard Riordan called on residents to put the long case behind them. "The judicial system worked," Riordan said, "maybe not the way that many of us would like it to have worked, but it did work."

In fact, the sentences pleased few people, with critics of the officers angrily denouncing them as unfairly lenient and supporters bemoaning that Powell and Koon will be forced to go to prison. The mood was somber at Parker Center, the police headquarters, as officers worried about the fate that awaited their colleagues behind bars.

"There's no elation," one officer said. "They're going to the joint."

Lawyers for Koon and Powell had argued that the two men deserved to spend less than a year in prison or to receive probation.

"It is harsh," Michael P. Stone, the lawyer for Powell, said of the sentences. "But it is harsh because the law requires it."

In court, Koon was typically unfazed, standing erect at the podium as Judge Davies formally imposed the sentence. Powell, however, was ashen and his voice wavered when he spoke briefly to answer a question from Davies. Behind him, Powell's mother, sister and girlfriend sobbed openly as his sentence was handed down.

(Indicate page, name of newspaper, city and state)

L.A. TIMES
LOS ANGELES, CA

Date THU., 8-5-93
Edition NEWS, FRONT COVER

Title: KOON, POWELL GET 2 1/2 YEARS IN PRISON

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LOS ANGELES AP-1

Indexing:

They left the courtroom without commenting, shielded from the press by U.S. marshals who escorted the family out of the building.

Even before the hearing was over, prosecutors were hinting that they might appeal the sentence. Assistant U.S. Atty. Steven D. Clymer, one of two lead prosecutors, guardedly responded to a question from Davies by noting that he would not make any statement that might jeopardize the government's appellate rights.

Later, U.S. Atty. Terree A. Bowers delivered a short statement indicating the government's dissatisfaction with the sentences.

"The government, in its sentencing memorandum, argued that the sentencing guidelines mandated substantially higher prison terms for both defendants," Bowers said. "We are disappointed by the downward departures imposed today."

Bowers added that the U.S. attorney's office would consult with the attorney general and the solicitor general to decide whether an appeal was warranted. That process is expected to take several days, as the prosecutors will first want to review Davies' written sentencing memorandum, which the judge released late Wednesday.

In providing his rationale for the sentences, Davies issued a series of controversial legal findings about the case. He methodically reviewed the incident during a hearing that lasted more than three hours, accepting much of the defense's version of the beating and leveling particularly strong criticism at King, who he said provoked the officers' initial actions.

Although Davies acknowledged that the jury had found the officers violated King's rights, he concluded that only the final six or so baton blows by Powell were unlawful. The first 55 seconds of the videotaped portion of the incident, during which the vast majority of the blows were delivered, was within the law because the officers were attempting to subdue a suspect who was resisting efforts to take him into custody, Davies concluded.

King's provocative conduct began with his "remarkable consumption of alcoholic beverage" and continued through a high-speed chase, refusal to submit to police orders and an aggressive charge toward Powell, Davies said.

Only after 55 seconds and several dozen blows did King finally succumb, Davies found, and only then did Powell's strikes become excessive. King appeared compliant at 55 seconds and only moved again after Briseno stomped on his upper back, Davies said.

From that point on, Davies counted approximately six blows delivered by Powell. Those blows, the judge said, were illegal, and both Powell and Koon were punished based on them and only them.

The judge also noted that Wind, who was acquitted by the federal jury, delivered several blows to King during the illegal portion of the beating. Wind, who is a close friend of Koon, was in court for much of Wednesday's packed hearing, sitting in the back row with his head bowed.

In contrast to his unflattering description of King's

actions, Davies made several findings that supported the officers' versions of events. At one point, he noted that although Powell struck King in the head or face with his baton during the opening seconds of the videotape—a blow that Powell has always denied—Davies said the blow was aimed for another part of King's body.

Davies did not say how he knew where that blow was aimed, but in his written memorandum he said he concluded it was an unintentional blow to the head because "Officer Powell never clearly applied force to Mr. King's head again, although he had ample opportunity to do so."

A government expert had testified that King was struck three to four times in the head with direct blows. Davies did not refer to that testimony in his oral or written findings.

"I think the judge's findings are nothing short of a total vindication of the defense," said Stone, Powell's lawyer. "The average person . . . will be surprised to find that Rodney King was a big factor in this incident."

As Davies recited his findings, King's lawyer, Milton Grimes, shook his head slowly. "We expected a longer time," Grimes said later, speaking for himself and his client, whom he consulted immediately after the

BACKGROUND

■ U.S. District Judge John G. Davies, who sentenced Officer Laurence M. Powell and Sgt. Stacey C. Koon on Wednesday, is a moderate conservative with an independent streak, according to associates. Appointed to the federal bench in 1986 by President Ronald Reagan, Davies came from a background in entertainment law. A native of Australia who won a gold medal in swimming at the 1952 Olympic Games, Davies earned his law degree from UCLA. He has presided over hundreds of cases, but the one aspect of his job that he says troubles him is sentencing defendants. "That is a heavy responsibility," he once told a reporter. "When you look across at someone whose freedom you have in your hands . . ."

hearing. "But we are thankful that there was some imprisonment."

Davies arrived at his sentences only after departing substantially from the prison terms called for under federal sentencing guidelines. Davies agreed with prosecutors that the officers had committed an aggravated assault and had used a dangerous weapon. But because of his finding that the first 55 seconds of the beating was lawful, Davies rejected the prosecution's contention that King suffered serious bodily injury during the unlawful portion of the beating.

Davies also rejected the government's argument that Koon should suffer special punishment for allegedly lying on the stand.

Still, Davies' calculation of the prescribed sentences for both officers under the federal guidelines came to between 70 and 87 months—roughly six to seven years.

From there, however, Davies whittled away at the sentences. He shaved the biggest piece off the sentences because of King's conduct, then cut the punishments again because of several factors, including the fact that the officers will almost certainly lose their LAPD jobs and because they have been forced to stand trial twice for their actions.

Although Davies acknowledged that the federal government had the right to indict the officers after a state court jury found them not guilty, he said the second trial was unusual and the officers had suffered because of it.

"The second prosecution has the specter of unfairness," Davies said, adding that the state and federal governments should have worked together before proceeding with the state case in 1991.

Legal experts said Davies could be vulnerable on that point because U.S. Justice Department policy strictly lays out the government's procedures for trying criminal defendants who already have faced state charges. No one has alleged that those policies were violated in this case.

In court, prosecutor Clymer defended the policy and said the case against the officers was handled in exactly the same way as hundreds of other federal prosecutions. He complained that Davies' decision to credit the officers for having been tried previously was "at best dubious."

One point that prosecutors prevailed on was the issue of whether the defendants should be imprisoned while they appeal their convictions. Prosecutors argued that Davies was obligated to order the defendants imprisoned because they committed crimes of violence, and federal law requires that they not be allowed to remain free on bail unless they meet specific criteria.

Davies ordered a 45-minute lunch recess while he considered that question. After returning, he announced that he agreed with the prosecution on that point.

Defense lawyers continued to press their point, urging Davies to take note of the fact that Koon has a family to support and that appeals could take years, meaning that the two officers could serve most of their sentences before they ever get a ruling from a higher court.

"There is no doubt that the situation of each defendant is fraught with sympathy," Davies said. "There is no doubt about that. But the court is bound by law."

Davies ordered Koon and Powell to surrender to the Bureau of Prisons on or before Sept. 27. Their lawyers said they will ask the U.S. 9th Circuit Court of Appeals to postpone that surrender date until after the appellate court reviews Davies' decision to deny them bail while they appeal their convictions.

That process begins next week, even as the next chapter in the long King saga reopens in none other than Davies' court. Davies also is hearing King's lawsuit against the officers and the city of Los Angeles. Hearings in that case have been on hold while the criminal case proceeded.

Now that it is concluded, lawyers for King and the officers have been asked to appear before Davies on Monday.

(Mount Clipping in Space Below)

Supreme Court to Write Next Chapter in King Case

■ **Law:** Ex-officers ask justices to affirm reduced sentences.
Key figures in incident still trying to sort out their lives.

By JIM NEWTON
TIMES STAFF WRITER

After five years of legal battles and social upheaval, the case that helped shape the modern history of Los Angeles makes its way this week to the nation's highest court, where government lawyers and attorneys for two former police officers will engage in what could be the last debate of the Rodney G. King beating.

As the saga marks yet another milestone, the principals still are battling to put their lives in order. Three of the defendants have struggled to make ends meet, but the fourth has raised millions of dollars from sympathetic support-

ers—more than King received in his lawsuit.

That irony is not the only one underlying the sensational case. In the arguments to be presented Tuesday, two of the former police officers are asking the U.S. Supreme Court to validate their controversially short prison sentences and, in effect, endorse the right of judges to impose sentences outside the ranges called for in federal guidelines. Such an endorsement would give judges more leeway to disregard the guidelines and could free them to hand out shorter prison terms to drug dealers, money launderers and the like.

The result: If the U.S. Supreme
Please see KING, A22

(Indicate page, name of
newspaper, city and state.)

LOS ANGELES TIMES, pg. A1

Date: 1/7/95
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Court agrees that U.S. District Judge John G. Davies had the right to depart from the guidelines and send Stacey C. Koon and Laurence M. Powell to prison for 30 months each, no one will be happier than criminal defense lawyers and their clients—the very people Koon and Powell spent their careers opposing.

"If the defendants win in this case," said Laurie Levenson, a Loyola law school professor, "it is going to be a windfall for other defendants, including some whom society may view as more threatening than these two."

But if the high court finds that appellate judges acted correctly in overturning the sentences, the King case will return to Los Angeles for at least one more volatile session: the resentencing of the two former officers, who were freed last month after serving their 30-month sentences—but whom the government wants resentenced and back behind bars.

Koon-Powell Rift

That would reunite the defendants one more time in a case that upended Los Angeles with the 1992 riots, led indirectly to the ouster of its police chief and ushered in a mandate for sweeping reform of the LAPD. Five years later, it continues to cast a long shadow across the lives of King, Koon, Powell and two other fired officers, Timothy E. Wind and Theodore J. Briseno.

The former officers have little to do with one another now. Wind relied heavily on Koon and still admires him, but they have only spoken once in months. Powell took orders from Koon on the night of the beating and went to prison with him, but their relationship has cooled amid disputes over fund-raising. Briseno, who testified against his colleagues in state court, has lost all contact with his fellow officers.

The rift between Koon and Powell may be the most surprising, because they were the principal defendants in two criminal trials, and Koon steadfastly supported Powell throughout.

"In many respects, Stacey put his head in a noose for Larry when he said he'd seen and approved every blow," said Ira Salzman, who represented Koon in the federal trial. "Stacey tried mightily to help."

It was not until they were behind bars that the relationship between the pair soured, according to people close to both. Koon launched a fund-raising campaign in which he blamed liberal media, overzealous prosecutors and cowardly politicians for putting him and Powell in prison.

That appeal struck a chord. More than 150,000 people contributed to Koon's fund-raising effort, which grossed more than \$4 million—more than King won in his civil lawsuit against the officers and the LAPD.

Although only a fraction of that sum made it to Koon's wife and five children—and none went to Koon directly—it has paid for additional lawyers and for family expenses during his incarceration. But advisors to the two men say Koon's camp has not shared the money with Powell, who has gone into debt and whose efforts to raise money, including a failed attempt to hold a welcome-home dinner at the Police Academy, have been halting and ineffective.

Compounding the Powell family's bitterness is that representatives of the former LAPD sergeant refused to allow them to use Koon's picture in Powell's fund-raising. Tensions flared so high over that issue that Koon's lawyers threatened to sue Powell's family.

Salzman acknowledges that there has been friction, but declines to comment on it in detail.

"We wish him well," Salzman said of Powell. "Stacey feels no distance between himself and Larry."

Today, both former officers are unemployed and idle. Powell emerged from custody embittered, according to his father. And Koon, who spent 30 months reading religious works and Tom Clancy novels, is home but in limbo, waiting for the Supreme Court to act before getting on with his life.

Although Koon and Powell endured months behind bars, their acquitted colleagues also have struggled since the trials and remain locked in their legacy.

Briseno, who stepped on King near the end of the beating but was twice found not guilty of any criminal misconduct, unsuccessfully fought to keep his job with the LAPD. He found work as a security

guard, a job that lacks the salary and benefits he enjoyed with the Police Department. And though he seeks anonymity, he still is regularly recognized.

At 35, Wind is the youngest of the four, but he too has found it difficult to get on with his life. He works for \$9 an hour at the Culver City Police Department, part-time work that does not allow him to carry a gun or patrol the streets. When news of his hiring was reported, protesters formed the "Committee to Remove Tim Wind."

Wind, a intensely private man who rarely smiles, was incensed.

"People don't have a right to extract a pound of flesh from me," he said. "It's already been extracted, and it didn't pan out. But people feel they have this right to a personal vendetta."

Without any real prospect of returning to full-time police work, Wind instead would like to make a clean break with the past by enrolling in law school. He hopes a sponsor will emerge to help him foot the bill.

Meanwhile, he acknowledges that it has been difficult to see Koon lionized while he has struggled to earn a paycheck.

"We've managed to keep our credit, but it's by the hair of our chinny-chin-chin," he said. "Each day, I manage to slip back into debt."

King Also Struggles

King also has struggled. Although a \$3.8-million judgment from a federal jury left him financially well off, his lawyer says the beating left him scarred, and his frequent scrapes with the law have provided a steady source of updates on this troubled life.

"He has had a lot of emotional traumas," said Steven Lerman, King's lawyer. "He really hasn't gotten over the incident."

Still, King bears no animus toward the officers who struck him, and does not particularly want to see them sent back to prison, his lawyer said. According to Lerman, "He would just as soon have what is commonly referred to as closure."

But the issues being presented to the Supreme Court are complicated and reach far beyond the King case—ensuring that closure remains a long way off.

In the narrowest sense, the issue before the Supreme Court is what standard that appellate judges should use to review sentencing decisions by trial judges. In overturning Davies, the U.S. 9th Circuit Court of Appeals applied what is known as a *de novo* standard of review, meaning that the appellate judges reviewed the same facts presented to Davies and concluded that he was wrong.

But the officers, in their briefs to the Supreme Court, argue that the 9th Circuit applied the wrong standard, and that trial judges should only be overturned on sentencing decisions when they clearly have abused their discretion. By that standard, they argue, Davies' decision should be upheld and the 30-month sentences allowed to stand.

Judge Davies' Ruling

That technical issue underlies the King case today, but beneath it are profound questions about how judges should apply the federal sentencing guidelines—a voluminous set of documents that attempt to quantify criminal offenses and set out sentences to match.

In computing the sentences for the officers, Davies began by defining the offense they committed. The jury found both men guilty of civil rights violations, and Davies concluded that the underlying offense was an aggravated assault on King.

The judge, after determining that their police batons constituted "dangerous weapons" and that King had suffered bodily injury, concluded that the guidelines called for prison terms of 70 to 87 months.

He then proceeded to whittle that away. Over the objections of prosecutors, Davies found that King had contributed significantly to the illegal beating inflicted on him—and that King's provocation warranted a reduction of roughly 29 months. Then he concluded that knocking off about 11 additional months was justified by a grab-bag of other factors.

He ruled, for instance, that trying the officers in federal court after they were acquitted on state

charges raised a "specter of unfairness." And he concluded that the officers faced the loss of their jobs and could be unusually at risk of abuse in prison because of their notoriety. Given all those factors and the unlikelihood that either defendant would commit crimes again, Davies reduced their sentences to 30 months.

Prosecutors appealed, and the 9th Circuit agreed that Davies had erred in several ways. On the reduction for King's behavior, Davies said the incident would never have occurred had King not been drinking, speeding and evading arrest.

Bill Kopeny, who will argue Powell's case before the Supreme Court, agrees.

"The conduct that Davies found to be criminal occurred after King was Tased and got up and charged at Powell," said Kopeny, who will be joined by Washington lawyer Theodore B. Olson, arguing for Koon. "That would provoke and scare anybody."

If prosecutors argued, and appellate judges agreed, that victim misconduct is common in police abuse cases and that King's conduct only provoked the lawful portion of the beating—the permissible blows at the outset of the incident—not the illegal strikes delivered to him after he was battered and prone.

Similarly, government lawyers maintain that the collection of other factors—susceptibility to abuse in prison, the dual prosecutions and the likely loss of employment—should not have been considered. Most people who are convicted of felonies stand to lose their jobs, and the federal government is specifically authorized to bring civil rights cases in the manner that the King officers were prosecuted. Why, prosecutors ask in their briefs, should Koon and Powell receive reduced sentences?

As for the susceptibility to abuse in prison, prosecutors acknowledge that more recognizable criminals may be more likely to be singled out for attacks. Over Thanksgiving weekend, in fact, a gunman broke into Koon's halfway house in an attempt to kill him. Koon was not there at the time.

How Much Authority?

Still, prosecutors counter, should judges be allowed to reduce the recommended sentences of criminals merely because their acts were especially notorious?

Salzman acknowledged that government lawyers make some provocative points in their briefs. But, like many legal observers, he said the fundamental issue before the Supreme Court is not so much the specific grounds for Davies' departures as it is a philosophical debate about how much authority judges should have in sentencing.

"What this case is about," Salzman said, "is whether judges can look at people as individuals or whether they have to look at them as numbers."

That is one of the hottest topics among federal judges, many of whom have grown increasingly disenchanted with the guidelines. The King case gives the Supreme Court justices—one of whom, Stephen G. Breyer, helped draft the guidelines—a chance to address that debate.

But Supreme Court rulings govern judges nationwide, not just defendants in a single case. Some analysts question whether the justices will be eager to draft new rules that might help Koon and Powell but also benefit criminals charged with drug and money-laundering offenses.

Three thousand miles away, Wind would like nothing more than to assess those questions as a lawyer rather than as a former defendant and fired cop. But he is under few illusions: The night in Lake View Terrace will forever haunt his life, just as it haunts King and the other officers.

For proof, he needs look no further than his young son. The other night, as they flipped through the pages of a magazine, the 6-year-old spotted a picture of retired Gen. Colin Powell.

"Does he run the Army?" the boy asked. "Is he Rodney King?"

"I had to tell him no, that was not Rodney King," said Wind. "Rodney King is someone else."

(Mount Clipping in Space Below)

High Court Delays Hearing on King Case Sentences

By JIM NEWTON
TIMES STAFF WRITER

WASHINGTON—The much-anticipated U.S. Supreme Court oral arguments Tuesday in the case of two police officers convicted of violating Rodney G. King's civil rights were a casualty of the snowstorm that has gripped the north-eastern United States since the weekend.

Although the Supreme Court has been virtually the only government institution in Washington to put in full workdays this week, William Kopeny, who was planning to present the argument for Officer Laurence M. Powell, was waylaid by the area's closed airports.

Other lawyers involved in the case improvised to try to overcome air traffic shutdowns and the stranglehold on the region's roads. Some were thwarted, but a few made it through, only to then turn around and head home after the court decided to delay the hearing.

Powell and his former supervisor, fired Los Angeles Police Sgt. Stacey C. Koon, were convicted of violating King's civil rights during

the infamous March 3, 1991, beating. Over the objections of prosecutors, U.S. District Judge John G. Davies departed from federal sentencing guidelines and sentenced each to a more lenient 30 months in federal custody.

The U.S. 9th Circuit Court of Appeals voted to uphold their convictions but said Davies erred on the sentencing and ordered him to impose terms within the guidelines—a ruling that could send both officers back to prison for an additional 40 months or longer. The U.S. Supreme Court declined to consider the officers' appeals of their convictions but agreed to hear arguments on whether the appellate panel improperly reviewed Davies' sentencing.

That hearing was set for Tuesday morning, but the justices agreed to delay it after hearing of Kopeny's plight. Initially, the justices had hoped to delay the oral arguments by just a day, but with airports struggling to reopen, Kopeny still in transit and the rest of the government shut down, the court agreed to postpone the matter until Feb. 20.

(Indicate page, name of newspaper, city and state.)

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LOS ANGELES TIMES, pg. B1

Date: TUES., 10/3/95
Edition:

Officer in King Beating Released to Halfway House

■ **Police:** Laurence M. Powell goes to a facility in Garden Grove after serving 24 months of his term in federal prison.

By ALAN ABRAHAMSON
TIMES STAFF WRITER

Laurence M. Powell, one of two Los Angeles police officers convicted in the 1991 videotaped beating of motorist Rodney G. King, has been released to an Orange County halfway house after serving 24 months in federal prison, authorities said Monday.

Powell left the federal prison camp in the Mojave Desert town of Boron last Tuesday for the My Break Transitional Center in Garden Grove, a two-story apartment building complete with amenities such as a shaded picnic table, a swimming pool and an outdoor deck sporting weight-training equipment.

He has 15 days to find a job, said U.S. Bureau of Prisons spokeswoman Pat Ellington, who oversees halfway houses

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in Southern California. Ellington said she did not know what sort of work Powell—who was a Municipal Court clerk before joining the Los Angeles Police Department in 1987—is seeking. He was not available Monday for interviews.

"The whole purpose [of the halfway house] is to acquire employment and residence prior to release," Ellington said. Powell is scheduled to be released Dec. 13, she said.

That release date remains uncertain, however, because the U.S. Supreme Court last Wednesday announced it will consider arguments over the length of the prison terms handed down to Powell and former Sgt. Stacey C. Koon, the other officer convicted in federal court in 1993 of violating King's constitutional rights.

The federal convictions followed not-guilty verdicts in state court for Powell, Koon and two other white officers on charges of assault and excessive use of force in the March, 1991, beating of King, a black motorist. The state court verdicts touched off deadly riots in Los Angeles and prompted the federal court prosecutions that led to convictions for Powell and Koon. Powell was convicted of beating King, Koon of allowing the beating to occur.

In August, 1993, U.S. District Judge John G. Davies sentenced both Powell and King to 30-month terms. Those terms are far less than the sentence called for by U.S. sentencing guidelines, which took effect in 1988 and eliminate, to a large degree, the discretion of trial judges in imposing sentences.

In the case of Powell and Koon, Davies said the guidelines called for a term between 70 and 82 months. However, Davies cited several reasons for leniency and also volunteered that a "specter of unfairness" hangs over their convictions because the federal trial came after the state court acquittals.

Both men went to prison in October, 1993. Koon, being held at a federal prison in Oregon, is scheduled to be released Dec. 14, according to authorities.

Prosecutors contested the 30-month sentences, saying they were too short. The U.S. 9th Circuit Court of Appeals ruled that Davies had erred in showing leniency.

The U.S. Supreme Court argument is set for January, Powell's Santa Ana attorney, William J. Kopeny said Monday. If the high court rules for the former officers, it
Please see POWELL, B6

POWELL

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will not change their situation because their sentence will be complete. If the court rules for the government, however, Davies will be obliged to sentence them to a longer term—meaning Powell and Koon would go back to prison.

But for the next couple of months, Powell will be among those living at My Break, a 49-bed facility in a middle-class neighborhood off Katella Avenue.

Executive Director Harvey De Meneces declined Monday to comment on Powell but said: "People in this program are really trying to make it, and everyone really does deserve an opportunity."

The typical inmate at the 49-bed facility, De Meneces said, shares a six-bed unit with other recently released inmates, all minimum security risks. Room and board—breakfast, a sack lunch and dinner—costs \$48.70 daily, and each inmate is required to set aside 25% of his wages toward that fee.

The inmates, he said, are "really very accountable, as accountable as they can be in a community center."

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Page 94 ~ b6; b7C;
Page 98 ~ b6; b7C;
Page 102 ~ b6; b7C;
Page 106 ~ b6; b7C;
Page 110 ~ b6; b7C;
Page 114 ~ b6; b7C;
Page 118 ~ b6; b7C;
Page 122 ~ b6; b7C;
Page 124 ~ b6; b7C;
Page 128 ~ b6; b7C;
Page 132 ~ b6; b7C;
Page 136 ~ b6; b7C;
Page 138 ~ b6; b7C;
Page 142 ~ b6; b7C;
Page 146 ~ b6; b7C;
Page 150 ~ b6; b7C;
Page 160 ~ b6; b7C;
Page 164 ~ b6; b7C;
Page 168 ~ b6; b7C;
Page 172 ~ b6; b7C;
Page 176 ~ b6; b7C;
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Page 184 ~ b6; b7C;
Page 188 ~ b6; b7C;
Page 192 ~ b6; b7C;
Page 196 ~ b6; b7C;
Page 200 ~ b6; b7C;
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Page 212 ~ b6; b7C;
Page 216 ~ b6; b7C;
Page 220 ~ b6; b7C;
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Page 246 ~ b6; b7C;
Page 247 ~ b6; b7C;
Page 256 ~ OTHER - Sealed pursuant to Court Order;
Page 257 ~ OTHER - Sealed pursuant to Court Order;
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Page 304 ~ b6; b7C;
Page 306 ~ b3; b6; b7C;
Page 307 ~ b3;
Page 308 ~ b3; b6; b7C;
Page 309 ~ b3; b6; b7C;

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Page 311 ~ b3; b6; b7C;
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Page 478 ~ b6; b7C;
Page 479 ~ b6; b7C;
Page 493 ~ b6; b7C;
Page 494 ~ b6; b7C;
Page 495 ~ b6; b7C;
Page 496 ~ b6; b7C;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954)

Date 3/26/91

From : SA

b6
b7C

Subject: LAURENCE M. POWELL, ET AL, OFFICERS, LOS ANGELES,
CALIFORNIA POLICE DEPARTMENT; RODNEY GLENN KING,
AKA-VICTIM;
CIVIL RIGHTS

Due to the volume of paper being processed in this case, the following sub files should be opened:

302's - A
Investigation by outside agencies - B
Medical records - C
News clippings - D
Public correspondence - E
TED J. BRISENO - F1
STACEY C. KOON - F2
LAURENCE M. POWELL - F3
TIMOTHY EDWARD WIND - F4
Police interviews FD-302's - G

This memo is to remain attached to the top file cover in each respective file.

44A-LA-119954

SUB A - FD302's
B - Investigation by Outside Agencies
C - Medical Records
D - News Clippings
E - Public Correspondence
F1- Ted J. Briseno
F2- Stacey C. Koon
F3- Laurence M. Powell
F4- Timothy Wind
G - Police Interviews FD302's
H - Financial Matters
I - Subpoenas
J - Grand Jury Transcripts
K - Garrity FD302's
L - Relavance 302's

Stacey Koon's file:

- Summaries of chapters from his book
- Sergeant's Daily Reports written by Koon
- Various police reports
- Performance evals for Koon
- Court documents
- Text from Koon's book
- Copy of the search warrant used to search Koon's home

Stacey Koon's file:

- Photographs of Koon*
- Photograph's of Koon's home
- Receipt of property received from the search of Koon's home
- Floor plan sketch of Koon home
- Search log of Koon residence

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954) Date 3/26/91

From : SA

b6
b7C

Subject: LAURENCE M. POWELL, ET AL, OFFICERS, LOS ANGELES,
CALIFORNIA POLICE DEPARTMENT; RODNEY GLENN KING,
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Police interviews FD-302's - G

This memo is to remain attached to the top file cover in each respective file.

JDD/ymj
(2)

44A-LA-119954-F2-1

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 27 1991	
FBI - LOS ANGELES	

Field File No. 44A-LA-119954-F2-1A

Serial # of Originating Document _____

OO and File No. LA

Date Received 5/21/92

From _____
(Name of Contributor)

(Address of Contributor)

By

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ No

Title: _____

Reference: _____
(Communication Enclosing Material)

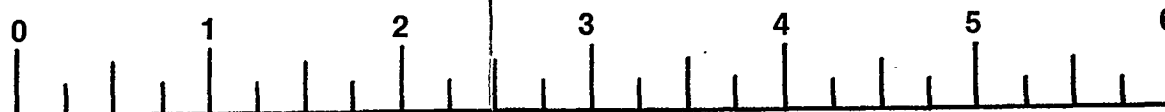
Description: [REDACTED]
PHOTOS OF KOON RESIDENCE
Roll #1

6-11-92w

b6
b7c

PHOTOGRAPHER DATE 5 / 21 / 92 ROLL # 1
Month Day YearLOCATION CASE FILE 44A-AGENCY F.B.I.

44A-11054-1a1



CAMERA Canon
 FILM : ASA 400
 ROLL No. 1

LENS - Normal - N
 Wide - W
 Macro - M
 Tele. - T

LIGHT - Available - A
 Elec.Strobe - E
 Flashbulb - F

Photo No.	Lens	Light	SS	f - stop	Description	Photo Log Sketch
1	N	A	1/25	11	Info. sheet	
2	N	A	250	16	outside house	
3					" "	
4	W	E	1/30	F-11		
5						
6						
7						
8						
9						
10	"	"	"	"		
11	"	"	"	"		
12	"	"	"	"		
13						
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17	"	"	"	"		
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27						
28						
29						
30						
31						
32	W	E	1/30	F-11	shot of	
33					evidence box	
34					SA searching thru papers	
35					outside shot	
36					outside shot	

REMARKS

b6
 b7C

PHOTOGRAPHER

DATE 5 / 21 / 92 ROLL # 1
Month Day Year

LOCATION

b6
b7C

CASE FILE

44A -

AGENCY

F.B.I.

44A-LA-119954F2-1a

44A-LA-119954-F2-1a

44A-LA-119954-F2-1a1

44A-CA-119954-F2-1a

44A-LA-119954-F2-1a4

3 3 PM 6 20 27

44A-LA-119954-F2-1a1

44A-CA-119954-F2-1a1

44A-LA-1119954-F2-1a

44A-UB-119954-F2-1a1

44A-LA-19954-F2-1a1

44A-LA-119954-F2-1a1

24 JUL 81 930

44A-6A-119954-F2-1a1

344409301

UUA-LA-119954-F2-1a1

7-11-85

44-1A 119954-F2-1a

7/11/2006

100-100000

44A-LA-119954-F2-1a4

341817-270

44A-4A-119954F2-1a1

44A-LA-119954-F2-b1

44A-LA-119954F2-1a1

44A-LA-119954

44A-LA 119954 F2-1a1

44A-4A-119954 F2-101

44A-LA-119954-F2 tal

7-11-1980

44A-CA-119954-F2-1a1

2025-08-08

44A-LA-119954-F2-1a1

2011-11-15

44A-2A-119954-F2-1a

44A-4A-119954-F2-1a1

44A-CA-119954-F2-1a1

2 JAN 1968 879

44A-VA-119954-F2-1a1

1724-1435

44A-4A-119954 F2-1a1

44A-4A-119954-F2-1a1

44A-LA-119954-F2-1a

U4A-CA-119954 F2-104

701114 07 337

4A-1A-19954-F2-1a

19954-F2-1a

14A-1A-119954-F2-1a1

4A-LA-119934-F2-1a1

7-11-2037

UUA-UA-119954-F2-1a1

44A-4A-119954-F2-1a1

Stacey C. Koon Residence

44A-LA-119954-F2-1a1

Field File No. 44A-LA-119954-F2-1A2

Serial # of Originating Document _____

OO and File No. LA

Date Received 5/21/92

From _____
(Name of Contributor)

(Address of Contributor)

B. (Name of Special Agent) (State) _____

b6
b7C

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☒ No

Title:

Reference: _____
(Communication Enclosing Material)

Description: [REDACTED]
PHOTOS OF KOON RESIDENCE
Roll #2

PHOTOGRAPHER

DATE

5

121

92

ROLL #

2

Month

Day

Year

LOCATION

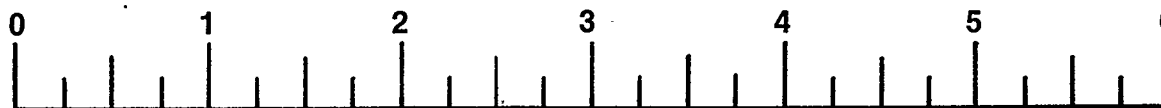
CASE FILE

44A-LA 119954

AGENCY

F.B.I.

44A-LA-119954-F2-1a2



CAMERA Canon
 FILM : ASA 400
 ROLL No. 2

LENS - Normal - N
 Wide - W
 Macro - M
 Tele. - T

LIGHT - Available - A
 Elec.Strobe - E
 Flashbulb - F

Photo No.	Lens	Light	SS	f - stop	Description	Photo Log Sketch
1	W	A	1/125	8	Description Sheet	
2			1/250	11	outside shots	
3				11		
4				11		
5				11		
6				F11		
7			1/250	F-16	outside shots	
8						
9						
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14	W	E	1/30	F11	Garage interior	
15						
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						REMARKS

44A-LA-119954-F2-1a8

44A-LA-119954-FD-1a8

UHA-CA-119954-F2-1a2

44A-LA-119954-F2-1a8

44A-1A-19954 Fata

44A-CA-119954-F2-1a5

44A-LA-119954-F2-1a2

SEP 20 1967

UUA-LA-119954F2-1a5

UUA-UA-119954-F2-1a8

44A-LA-119954-F2-1a8

44A-CA-119954-F2-1a8

44A-1A 119954-F2-1a2

7-14-1964, 20810

44A-LA-119954-F2-1aJ

UUA-LA-119954-F2-1a2

44A-LA-119954-F2-b2

UYA-4A-119951-F2-1a2

44A-4A 119954-F2-1a8

1000

U/A-LA-119954-F2-1a8

UUA-UA-119954-F2-1a2

Field File No. _____

Serial # of Originating Document _____

OO and File No. 44A-LA-119954-F2-1A3

Date Received 5-21-92

From SA [Redacted]
(Name of Contributor)

(Address of Contributor)

By SA [Redacted]
(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title: Stacey C. Koon, et al
Re: Rodney G King - Victim
Civil Rights Violation
OO: LA

Reference: _____
(Communication Enclosing Material)

Description: ☒ Original notes re interview of

Search Log Re: Koon Residence

6-11-92

b6
b7C

3 1/2 Search Log 8:08 A drive by ~~was~~^{is} conducted on residence. Stacy Koon is ~~identifiable~~^{observed} noting his lawn onto the residence.

5/21/92

8:12 a.m. Search Log Initiated by D.H. ASAC

9:36 ~~4:15~~^{8:15} Signed Seized Log

Search Warrant Served

Photos taken

Sketch

Log left

House Sealed

9:40 Exit + Secured

Koon
House

44A-LA-119954-F2-1a3-

On 5/21/92, a search was executed on the residence of Stacey C. Koon [redacted]

[redacted] The search was conducted by ^{the following} agents of the Federal Bureau of Investigation (FBI) [redacted]

b6
b7C

Also present during the search was [redacted] FBI photographer, and Stacey C. Koon, subject of investigation.

The following is a synopsis of the events which took place during the search:

8:12 a.m.

Search is initiated.

Agents [redacted] and [redacted] identify themselves and their purpose to Stacey C. Koon. Agents immediately gain entrance to [redacted]

b6
b7C

[redacted] California and serve Mr. Koon with search warrant.

8:15 a.m.

Mr. Koon discloses the location of manuscript entitled, "The Ides of March" to Agents. The manuscript, floppy disks, ^{word processor} & notes relative to manuscript were subsequently seized.

9:36 a.m.

Mr. Koon signs Receipt for Property Seized Form (FD-597) listing items seized pursuant to the warrant.

9:40

All Agents evacuated the premises, and the residence was secured. The search was then discontinued.

Field File No.

44A-LA-119954-F2-1A4

Serial # of Originating Document

OO and File No.

Date Received

5/22/92

From

[Redacted]

(Name of Contributor)

(Address of Contributor)

(City and State)

By

SA

[Redacted]

(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Stacey C. Koon, et al
Rodney G. King - Victim

Reference:

(Communication Enclosing Material)

Description:

☒ Original notes re interview of

[Redacted]

(CAUSA)

Transfer of Custody Form re: Manuscript

6-11-92

b6
b7C

b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/SeizedPage 1 of 1On (date) 5/22/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☒ Released To
☐ Seized

b6
b7C(Name) (Street Address) (City) Description of
Item(s):

One (1) Xerox copy of Manuscript entitled
"The Ides of March" Pgs 1-273
written by Stacey C. Koon

44A-LA-119954-F2-1a4

Received

Received from

b6
b7C

Field File No. 44A-LA-119954-F2-1a5

Serial # of Originating Document _____

OO and File No. LA

Date Received 5/21/92

From SA
(Name of Contributor)

b6
b7C

(Address of Contributor)

By SA
(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title: Lawrence Powell, ET AL
Rodney Glen King - Victim
Civil Rights Violation

Reference: _____
(Communication Enclosing Material)

Description: ☒ Original notes re interview of
FD-597 (Receipt of Property Forms)
re KOON'S Residence Search

10-23-92a

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

original 1A
copy warrant

Page 1 of 6

On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) Stacey C. Koon

(Street Address)

(City)

b6
b7C

Description of
Item(s):

Box 1

^(CDL)
Computer Disk Label Book Chapter I 1/4
CDL → " " 2/4
CDL → " " 3/4
CDL → 4/4
CDL Book Chapter 2 1/3
CDL → 2/3
CDL → 3/3
CDL Book Chapter 3 1/6
CDL → 2/6
CDL → 3/6

Box 2

7 CDL's with NO labels
1 CDL Labeled "MISC 1"

Bundle
#1

1 CDL Labeled "Political I"
1 CDL Labeled "Political II"
1 CDL Labeled "Political 3-"
1 CDL Labeled "Political 4- Mayor/Commission"
1 CDL Labeled "Grand Jury #4"

b6
b7C

44A-1A-119954-F2-1a5

Received by:

Received from

b6
b7C

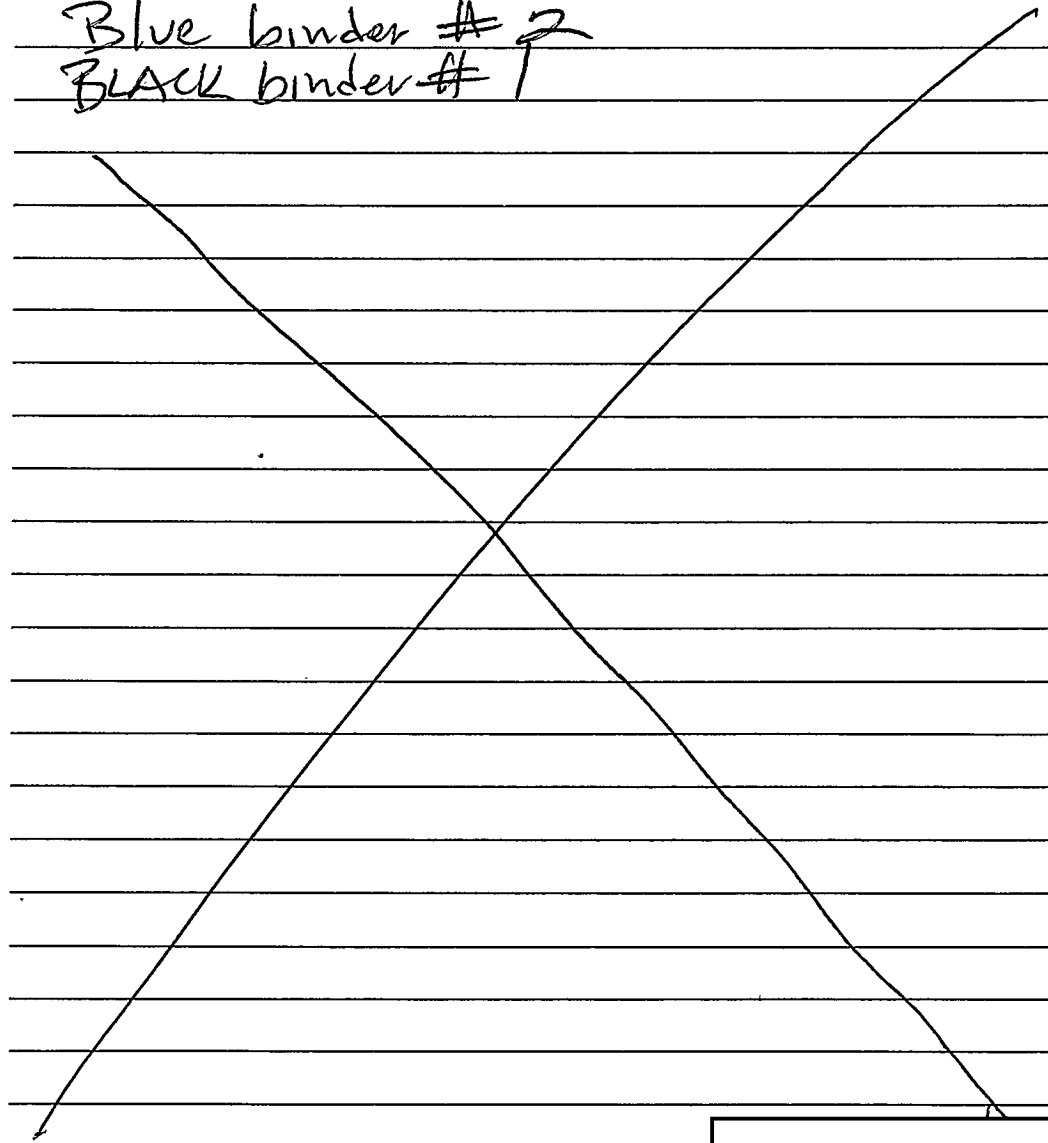
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/SeizedPage 2 of 6On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) STACEY C. KOON(Street Address) (City) b6
b7CDescription of
Item(s):

Blue binder # 1
Blue binder # 2
BLACK binder # 1

Received by: Received from: b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

Page 3 of 6On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) Stacey C. Koon(Street Address) (City) b6
b7CDescription of
Item(s):

1. Brother-word processor serial N
 2. Brother-word processor user's Guide
 3. One (1) brown binder manuscript "The Ides of March" - Stacey C. Koon, 273 pages.
 4. One (1) Black binder manuscript "The Ides of March" - Stacey C. Koon, 273 pages.
 5. ~~One~~^{MM} Folder #2 labeled Police Commission Report 10-19-82.
 6. One (1) Gray binder with manuscript.
- | | |
|--|-------------------------------------|
| <div style="font-size: 3em; line-height: 1;">{</div> <div style="font-size: 2em; line-height: 1; margin-top: 10px;">Box #7</div> | Computer Disk labeled (CDL) #1 1-14 |
| | CDL #2 15-30 |
| | CDL #3 31-45 |
| | CDL #4 46-59 |
| | CDL #5 60-77 |
| | CDL #6 78-92 |
| | CDL #7 93-108 |
| | CDL #8 109-122 |
| | CDL #9 123-139 |
| | CDL #10 140-154 |

Received by: Received b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/SeizedPage 4 of 6On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) Stacey C. Koon

(Street Address)

(City)

b6

b7C

Description of
Item(s):

Folder #1 containing xerox copies of newspaper articles *MS*
Folder #^{*MS*}2 containing "Ides of March" Manuscript *MS*
Kinko Box #1 containing Manuscript
Kinko Box #2 containing Manuscript
1 Box Containing personal notes re Manuscript; Misc
Manuscript documents; Newspaper articles. *MS*

Received by:

Received from:

b6

b7C

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized**

Page 5 of 6On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) STACEY C KODU
 (Street Address)
 (City)

b6
b7C**Description of
Item(s):**COMPUTER DISK LABELED (CDL)

Box #5

CDL Grand Jury #1
 CDL Grand Jury #3
 CDL #20
 CDL GT 2
 CDL FD #3
 CDL FD #4
 CDL FD #2
 CDL FD #7
 CDL FD #6
 CDL FD #5
 CD not labeled

Box #6

CDL #11 154-168
 CDL #12 169-181
 CDL #13 182-199
 CDL #14 200-214
 CDL #15 215-231
 CDL #16 232-246
 CDL #17 247-261
 CDL #18 262
 CDL #19

Received by:

Received from:

b6
b7C

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

Page 6 of 6On (date) 5/21/92

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) STACEY. C. KOON(Street Address) (City) b6
b7CDescription of
Item(s):COMPUTER DISK LABELED (CDL)

CDL Book Chapter 3 4/6

CDL Book Chapter 3 6/6

CDL Book Chapter 3 5/6

CDL Grand Jury 3.3

CDL GJ 6

CDL GJ 5

CDL GJ 7

CD not labeled (MAXELL MF2-00)

CDL WP-760D/1400D, WP-1600 & EM-350

Box # 3

CDL BK 2-1

CDL BK 2-2

CDL BK 2-3

CDL BK 2-4

CDL BK 2-5

CDL BK 2-6

CDL BK 2-7

CDL BK 2-8

Box # 4

Received by: Received from: b6
b7C

Field File No. 44A-LA-119954-F2-1a0

Serial # of Originating Document _____

OO and File No. Los Angeles

Date Received 5/21/92

From

(Name of Contributor)

FBI

(Address of Contributor)

Los Angeles, CA

By

(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title: Stacey C. Koon et al;
Rodney Glen King-Victim;
Civil Rights Violation
OO: LA

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Sketch of Stacey Koon's residence
at

10-23-92

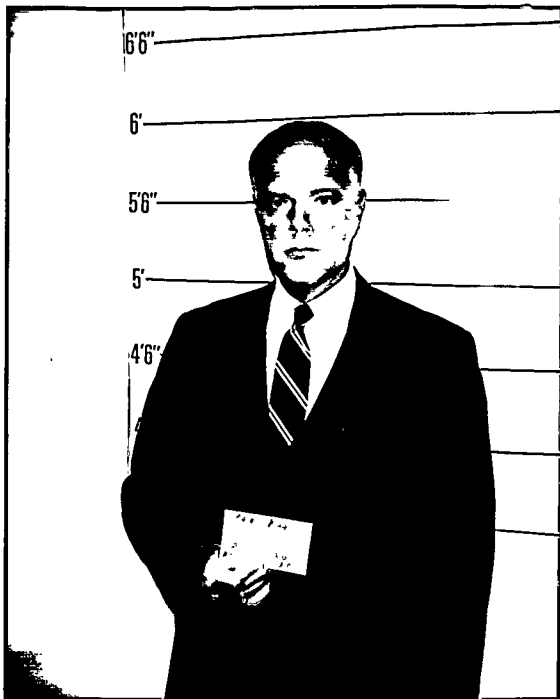
b6
b7C

b6
b7C

Field File No. 44A-LA-119954-F2-1a7Serial # of Originating Document OO and File No. 44A-LA-119954Date Received 8/6/92From _____
(Name of Contributor)_____
(Address of Contributor)_____
(City and State)By _____
(Name of Special Agent)b6
b7CTo Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☐ NoGrand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☐ NoTitle: Laurence M. Powell, ET AL,
OFFICERS, LAPD
Rodney Glen King - Victim,
Civil Rights
OO: LAReference: _____
(Communication Enclosing Material)Description: ☐ Original not [redacted]Two (2) photos of Stacey
C. KOON.

1083-92

44-4-10054-12-1a7



03015107200 0

KOON

L.A. CO. DISTRICT ATTY.

NAME KOON, STACEY

DOB

CASE 00-7020

DATE 3-12-71

b6
b7C

44A-4A-119954-F2-1a7



b6
b7c



Stacey Koon

SA

8/6/92
R.F.

b6
b7C



b6
b7C



b6
b7C

44A-UA-119954-F2-2x1

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/22/92

On 5/22/92, SA [redacted] made one (1) photocopy of a manuscript entitled "The Ides of March", which was seized from the residence of STACEY C. KOON under the authority of a search warrant. The photocopied manuscript was then transferred to the custody of Assistant United States Attorney (AUSA) [redacted]

b6
b7C

[redacted] for
investigative purposes.

The original Release of Custody Form (FD-597) has been placed into a 1A envelope and will be maintained in the case file.

Investigation on 5/22/92 at Los Angeles, CA File # 44A-LA-119954-F23
by SA [redacted] /dms Date dictated 5/25/92

b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/22/92

On 5/21/92, a search was executed on the residence of STACEY C. KOON. [redacted] The search was conducted by the following Agents of the Federal Bureau of Investigation (FBI): [redacted]

b6
b7C

Also present during the search was [redacted] FBI Photographer, and STACEY C. KOON, subject of the investigation.

The following is a synopsis of the events which took place during the search:

8:12 a.m.

Search is initiated.
Agents [redacted]

b6
b7C

[redacted] identify themselves and their purpose to STACEY C. KOON. Agents immediately gain entrance to [redacted]

[redacted] and serve MR. KOON with the search warrant.

8:15 a.m.

MR. KOON discloses the location of the manuscript entitled "The Ides of March" to Agents. The manuscript, floppy disks, word processor, and notes related to the manuscript were subsequently seized.

8:20 a.m.

Agents inventory and seal evidence to maintain proper chain of custody.

9:36 a.m.

MR. KOON signs Receipt for Property Seized Form (FD-597) listing items seized pursuant to the warrant.

Investigation on 5/21/92 at [redacted] California File # 44A-LA-119954-F2-2
by SA [redacted] Date dictated 5/21/92

b6
b7C

44A-LA-119954

Continuation of FD-302 of STACEY C. KOON, On 5/21/92, Page 2

9:40 a.m.

All Agents evacuate the premises. The search was then discontinued.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/1/92

On May 26, 1992, the investigating agent received
[redacted] from Investigative
Assistant [redacted]

b3
b6
b7C

Investigation on 5/26/92 at Los Angeles, California File # 44A-LA-119954-F2-4
by SA [redacted] *Burn* Date dictated 6/1/92

b6
b7C

United States District Court

5561

b3
b6
b7C

DISTRICT OF

ORIGINAL

SUBPOENA TO TESTIFY BEFORE GRAND JURY

TO

Attn:

SUBPOENA FOR:

☐ PERSON

☒ DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE

COURTROOM

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

* Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

LEONARD A. BROSNAN

DATE

(BY) DEPUTY CLERK

This subpoena is issued on application of the United States of America

LOURDES G. BAIRD
United States Attorney

1051

Assistant United States Attorney
1300 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

(213) 894-3045

Agent:
Tel. No.:

Note: An Agent of the FBI will deliver the above-marked document to the Grand Jury should you desire voluntarily to surrender them to the Grand Jury in advance of the Grand Jury

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954) (P) Date 6/23/92

From : SA

b6
b7C

Subject: LAURENCE M. POWELL, ET AL,
OFFICERS, LAPD;
RODNEY GLEN KING, AKA - VICTIM;
CIVIL RIGHTS;
OO: LOS ANGELES

Attached and incorporated by reference herein is a summary of impeachment material obtained from the STACEY C. KOON personnel files.

1-LOS ANGELES
DMS/dms
(1)

44A-LA-119954-F2-5

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 29 1992	
FBI - LOS ANGELES	

dm

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954) (P) Date 7/9/92

From : SA

b6
b7c

Subject: LAURENCE M. POWELL, ET AL,
OFFICERS, LAPD;
RODNEY GLEN KING, AKA - VICTIM;
CIVIL RIGHTS;
OO: LOS ANGELES

Attached is an insert and supportive data documenting the chain of ~~custody~~ for POWELL's arrest report of RODNEY GLEN KING, KOON's sergeant's log, and WIND's use of force cover sheets.

44A-LA-119954-F2-6

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 10 1992	
FBI — LOS ANGELES	

/bm

1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/2/92

The following investigation was conducted by SA's
[redacted] on 7/1/92 and 7/2/92:

b6
b7C

Captioned Agents obtained from the Federal Bureau of Investigation (FBI) Evidence Lockup, 11000 Wilshire Boulevard, Los Angeles, California, 90024, one (1) Brother WP-760D Word Processor, the Owners Instruction Manual to the Brother WP-760D, and 3 1/2 inch Double Density Computer Diskettes. All of the items were seized from STACEY C. KOON's residence pursuant to a search warrant on 5/21/92. Captioned Agents made duplicate disk copies from twenty-two (22) original diskettes seized. Duplicated copies of the originals were made on the seized Brother WP-760D Word Processor according to the seized instruction manual. Each original disk was write-protected before it was inserted into the word processor. The disks were not reviewed by Captioned Agents for content.

Investigation on 7/2/92 at LOS ANGELES, CA. File # 44A-LA-119954-F2-7
by SA [redacted] Date dictated 7/2/92

b6
b7C

44A-LA-119954-72-8

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 20 1992	
FBI — LOS ANGELES	
	10

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/23/92

On July 16-17-20, 1992, Special Agent (SA) []
[] printed out the information that was stored on roughly
twenty-two 3 1/2" computer diskettes belonging to Sergeant STACEY
KOON. SA [] used Sergeant KOON's wordprocessor which was
stored in the FBI's evidence room.

b6
b7C

Investigation on 7/16/92 at Los Angeles, CA. File # 44A-LA-119954 -F2-9
by SA [] Date dictated 7/23/92

b6
b7C

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954) (P) Date 7/31/92

From : SA [REDACTED]

b6
b7C

Subject: LAURENCE M. POWELL, ET. AL.,
OFFICERS,
LOS ANGELES POLICE DEPARTMENT (LAPD);
RODNEY GLEN KING, AKA - VICTIM;
CIVIL RIGHTS;
OO: LOS ANGELES

Re memorandum from trial team to SA [REDACTED] dated
July 12, 1992.

b6
b7C

Attached is an insert and supportive Los Angeles Police
Department (LAPD) documents identifying incidents in the KOON
manuscript as described on page 2 of the referenced memorandum.

1-
1-

1- File (44A-LA-119954)

44A-LA-119954-F2-10

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 17 1992	
FBI — LOS ANGELES	

FD

b6
b7C

44A-LA-119954

DMS ~~MS~~ms

The following investigation was conducted by SA
 in Los Angeles during the month of July, 1992:

b6
b7C

b6
b7C

44A-LA-119954-F2-111

44A-LA-119954-F2-12

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

nm

Pages 4 through 9
Removed

44-1A-119954-E2-13

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

#

44A-LA-119954-F2-14

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

44A-LA-119951-F2-15

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	
H	

44A-CA-119954-F2-116

SEARCHED	INDEXED
SERIALIZED	FILED
1 AUG 13 1992	
FBI — LOS ANGELES	
<i>[Signature]</i>	

44A-CA-119954-FD-17

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

44A-4A-119951-F2-18

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	
NA	

44A-LA-119954-F2-19

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

44A-LA-119954-F220

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

W/A

At his swearing-in ceremony last Tuesday at the LAPD Academy, Willie L. Williams warned Angelenos that "we must make peace with ourselves and with each other."

POLICE DEPARTMENT

Sex Harassment and Conspiracy Charges Fly at LAPD

Central Division Captain Jerry Conner Under Fire

by Steven Wolf

Downtown Police Captain Jerry Conner has been accused of at least a dozen incidents of sexual harassment by a fellow police officer and two civilian department employees, the Downtown News has learned.

The 29-year-veteran, who has been brought before police tribunals in the past for similar reasons, will face an internal review board Monday, July 6, to deal with the new charges that include both physical and verbal misconduct toward women.

A high-ranking official in the police department, however, strongly disputed the allegations and said the so-called "God Squad," a white fundamentalist Christian group of police officers, is conspiring to undermine the African-American captain.

Officers and civilians less supportive of Conner have labeled him "sexist" and "autocratic," and were not surprised by the charges. If found guilty, Conner could receive anything from "an official reprimand to termination."

"This matter is being sent to the board because of the seriousness of the accusations and because it allows Captain Conner the opportunity to ask questions of the com-

plainants under oath," said Deputy Police Chief Bernard Parks. "It is a process that is necessary in order to get to the truth of the matter."

Conner's alleged misconduct took place on numerous occasions between May and October of 1991, according to Lieutenant

John Dunkin, head of police press relations. The most serious charges involve the "inappropriate touching of a female typist" and the "making of improper remarks to a female officer." Conner is also accused of making improper remarks in the presence of a second female clerk.

Asked to comment, the 54-year-old captain said, "I don't have any reluctance to talk about this except it's a personnel matter, and

Continued on page 8

THINK TANK UPDATE

Strategic Planners Advance Toward Policy

Charrette Number Two Yields List of Potential Interventions

by Jack Skelley

"The word 'tentative' cannot be overused," cautioned urban planner Stephanos Polyzoides, describing the latest round of consultant groupthink for the Downtown Strategic Plan Advisory Committee (DSPAC).

Despite his disclaimer, Polyzoides introduced last week's second public forum DSPAC charrette by announc-

ing that the consultants had come up with a list of "interventions" to guide planning policy into the next century. DSPAC's final recommendations, if adopted—still a big "if" at this point—will be the blueprint for Downtown's future. The group's work is sponsored by the Community Redevelopment Agency (CRA).

The interventions, which represent

Continued on page 3

SINGLE LIFE 26-27

CLASSIFIED 'FOR RENT' 18

Los Angeles Downtown News July 6, 1992 Vol. 21 #27

Sex Harassment or Revenge of the 'God Squad'?

Continued from page 1
no one is allowed, including me, to discuss it."

Conspiracy Talk

Other officers were less reluctant to give their views. Lieutenant Lyman Doster, a member of the Association of Black Law Enforcement Executives, rallied to the captain's defense.

"I personally find these charges hard to believe," said Doster, stressing that he was speaking as an individual, not for his group. "He's been a very strong captain, he's always advocated the public first and he has ideas about how police work should be done and how police officers should conduct themselves. Because of that, some segments of the department don't like him."

Asked if Doster thought officers in the department were out to get Conner, he said, "There's no doubt about it."

The high-ranking LAPD official, speaking on condi-

tion of anonymity, amplified Doster's words. He contends that the accusations were orchestrated by the "God Squad," a group of officers that had gathered around Deputy Chief Robert "Bible Bob" Vernon, who retired last month.

"Bob Vernon's hands are all through this thing," said the official.

Ironically, Vernon was drummed out of the department because his religious views, colored by the credo that women should be subordinate to men, were said to have infected his policing and promotions. He did not return phone calls from the Downtown News.

The most serious charges involve the "inappropriate touching of a female typist" and the "making of improper remarks to a female officer." Conner is also accused of making improper remarks in the presence of a second female clerk.

While official police spokespersons would not divulge details of the charges, a source within the department said the inappropriate touching accusation refers to an incident in which Conner is accused of touching a typist's hair, in response to which she cried.

In another incident, Conner is reportedly being charged with asking one of his accusers to stand so he could evaluate her body. After making her twirl around the captain is said to have lamented the girth of her behind and requested that she lose weight.

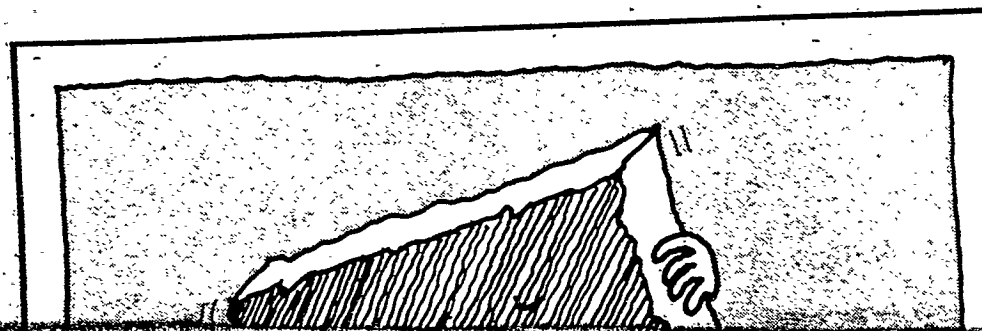
There is evidence, said the high-ranking official, however, that the charges are trumped up. The police officer who filed some of the harassment charges would not have done so if she weren't disgruntled over losing her position in a special unit, said the official. The female officer reportedly asked the Los Angeles Police Protective League to help her recover the assignment. Only when the League declined to back her did she threaten to drop a bombshell on the department, referring to the harassment charge, said the official.

The League refused to comment until the "board of rights" renders a decision on Conner. Since the police would not release the names of the complainants, they could not be contacted for this story.

Community Policing

While most of the police officers questioned about Conner were shy to comment—even anonymously—civilians who have worked with the the captain, especially women, were not.

"He has this attitude that women don't belong Downtown," said a youngish female resident of the central city who has solicited Conner's advice on neighborhood safety tips. "He listens to your problems, then



THERE'S NOTHING
YOU CAN DO TO
LOWER YOUR WATER
BILL.

NOT!

THE LOS ANGELES

when you're done, he says, 'Well, you know, you shouldn't be down in that neighborhood anyway. That kind of place is for men.'

"I think he belittles everyone," said another Downtown businesswoman, who has worked with Conner. "He belittles men as well as women, blacks as well as whites. He doesn't discriminate against the people he belittles. I saw him do it to another officer."

Conner does have his supporters Downtown. One businessman, whose firm has broad public interest and security concerns, said he believed "in his heart Captain Conner is a good person."

"I'm very sad to hear about the allegations," said the businessman. "I have a lot of respect for Captain Conner and a lot of empathy for him. Everything we've asked of him in our activities he's responded to marvelously. I've known of others who've had a tough time getting along with him. I think it's sad for him and for the department and for the people who felt it was necessary to make allegations."

Another businessman who has been Downtown a long time said, "I don't think he's abrasive."

"He doesn't always come through with what he promises, but that's something else."

Rude to Booster

One event, in particular, has come back to haunt Conner's relations with the public. At a July, 1991, banquet for the Central City Police Boosters, he reportedly drank several martinis and made rude remarks in a speech about three people, including former Booster President William Brothers.

After the banquet, Brothers fired off a written complaint, and internal affairs investigators scattered across Downtown, interviewing people who had attended. A department spokesman would not comment on the matter, other than to say that it has been "investigated and adjudicated." There remain differing views as to the complaint's validity and importance.

The LAPD official contends that Brothers' "10-page letter" was fueled by Vernon. Brothers, who has since moved to Florida, could not be tracked down for a comment. Other witnesses, however, remember Conner as behaving rudely to Brothers and said so to investigators.

"It was very embarrassing, said one source, who attended the banquet. "[Conner] is just not a nice person and he doesn't work well with the community."

There has been a movement in the community to oust Conner, said the source. Informal delegations have approached ex-Police Chief Daryl Gates and various elected officials with their complaints. A member of one of those delegations said deceased City Councilman Gil Lindsay was a protector of Conner. His replacement, Rita Walters, has also expressed her support for the embattled captain, said the source.

Walters declined an offer to comment.

According to some sources, Conner's arrival as head of the central division in 1987 was the result of a previous skirmish with the department's sexual harassment code.

When he was captain of the 77th Street Station in South Central, Conner was accused of "roughing up a female desk officer who had tried to stop him from taking a card she had received in a bouquet of flowers."

The woman was then-24-year-old *Rita Ibarra*, a "95-pound Pixie," according to the L.A. Times. She later filed a \$500,000 claim against the department.

Conner, who is six feet three inches tall and weighs over 200 pounds, was ultimately exonerated of using physical force on Ibarra, declaring it the result of a joke. One officer described his career of history as "morbid and..." The



Central Division Captain Jerry Conner: Claims of improper touching and belittling; is former Deputy Chief Robert Vernon behind the charges?

SALE S July 8,

There's No Place Like

Mic

Sale Effective July:
W T F S S
8 9 10 11 12

THE ARTS &

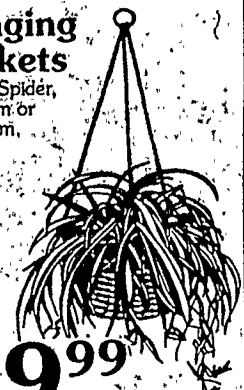
All Greene

Choose from a
with many var



Hanging Baskets

Double Spider,
Caladium or
Geranium.



\$19.99

Reg. 29.99

Tulip Fine Line Paint Writers

- 4-oz.
- Asst. colors
- Great for decorating wearables

2/\$

All Photo Albums

Asst. colors and designs.



Oak Frames

5" x 7", or
8" x 10",
with glass
and backing.

Brothers' "10-page letter" was fueled by Vernon Brothers, who has since moved to Florida, could not be tracked down for a comment. Other witnesses, however, remember Conner as behaving rudely to Brothers and said so to investigators.

"It was very embarrassing, said one source, who attended the banquet. "[Conner] is just not a nice person and he doesn't work well with the community."

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Walters declined an offer to comment.

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When he was captain of the 77th Street Station in South Central, Conner was accused of "roughing up a female desk officer who had tried to stop him from taking a card she had received in a bouquet of flowers."

The woman was then 24-year-old Irené Ibarra, a "95-pound Pixie," according to the L.A. Times. She later filed a \$500,000 claim against the department.

Conner, who is six feet three inches tall and weighs over 200 pounds, was ultimately exonerated of using physical force on Ibarra, declaring it the result of a joke gone bad. One officer described his sense of humor as "morbid and offbeat." The hearing officers merely chastised the captain for allowing his "ego and judgement to take charge at a time when he should have shown leadership."

But he was found guilty of threatening to fire Ibarra if she filed charges. He was also found guilty of failing to take "appropriate action on a citizen's complaint" and sentenced to a 15-day suspension without pay. In a separate incident several months before that, Conner was reprimanded for not disclosing to superiors that he operated a car wash in his own district.

Even after being presented with Conner's record, police spokesman Dunkin refused to concede that the incidents at the 77th Street Station played a role in his transfer Downtown.

"I know that's about the time he came to Central Division," said Dunkin. "But we transfer captains all the time. I'm not entirely sure if [being transferred to Central] wasn't a promotion."

It is also unclear what impact the new wave of charges will have on Conner's future in the department. He is now a "Captain 3," one of between 18 and 25 on the force. The next step up is commander; it could not be determined if Conner is being considered for promotion.

Bad Timing

Not only do the charges reflect badly on Conner, if proven they will make an untimely stain on a police department which has been trying to distance itself from the flood of negative publicity that followed the beating of Rodney King and subsequent riots.

The department has hired kinder, gentler ex-Philadelphian Willie Williams to replace the bunkerized Daryl Gates as chief, while implementing a new policing mode more sensitive to communities.

Dunkin, who couldn't recall another captain on the force ever being accused of sexual harassment, downplayed claims that the allegations are representative of police behavior. He described the case as "not a common, everyday occurrence" in a department of 7,900 officers, 1,100 of whom are women.

"We go to great lengths to educate our employees toward those type of issues," said Dunkin. "It's a matter of sensitivity."



Central Division Captain Jerry Conner: Claims of improper touching and belittling; is former Deputy Chief Robert Vernon behind the charges?



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This Week's Demonstrations



- Weekdays**
- 11:00 Victorian Heart Projects
 - 12:00 Lunch Time Demos
 - 4:00 Decorating Hair Barrettes
 - 5:00 Victorian Heart Projects
- Sat., July 11**
- 2:00 Victorian Heart Projects
 - 3:00 Decorating Bamboo Fans
 - 4:00 Decorating Hair Barrettes
- Sun., July 12**
- 12:00 Hattie Is A Witch
 - 3:00 Glass Ornaments
- Kid's Club Crafts**
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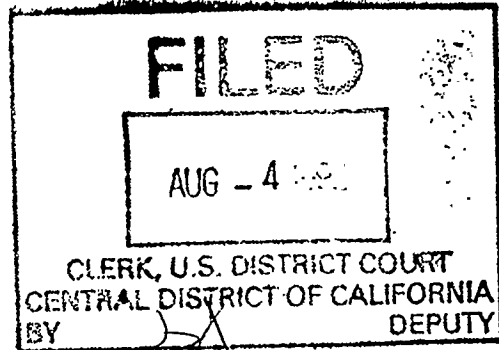
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44A-119954-F2-21

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	

44A-LA-119954-F2-22

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 5 1992	
FBI — LOS ANGELES	
JD	



8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 February 1992 Grand Jury

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13
14 v.
15 STACEY C. KOON,
16 LAURENCE M. POWELL,
17 TIMOTHY E. WIND, and
18 THEODORE J. BRISENO,
19 Defendants.

CR 92- 686

I N D I C T M E N T

[18 U.S.C. § 242: Deprivation
of Rights Under Color of Law;
18 U.S.C. § 2; Aiding and
Abetting]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. §§ 2 & 242]

21 On or about March 3, 1991, in Los Angeles, California, within
22 the Central District of California, defendants LAURENCE M. POWELL,
23 TIMOTHY E. WIND, and THEODORE J. BRISENO, then police officers with
24 the Los Angeles Police Department, while acting under color of the
25 laws of the state of California, aiding and abetting each other,
26

27 SDC:sdm
28 SPC

1 did willfully strike with batons, kick, and stomp Rodney Glen King,
2 an inhabitant of the state of California, resulting in bodily
3 injury to Rodney Glen King, and thereby did willfully deprive
4 Rodney Glen King of the right preserved and protected by the
5 Constitution of the United States not to be deprived of liberty
6 without due process of law, including the right to be secure in his
7 person and free from the intentional use of unreasonable force by
8 one making an arrest under color of law, all in violation of Title
9 18, United States Code, Sections 2 and 242.

COUNT TWO

[18 U.S.C. § 242]

On or about March 3, 1991, in Los Angeles, California, within the Central District of California, defendant STACEY C. KOON, then a sergeant with the Los Angeles Police Department, while acting under color of the laws of the State of California, did willfully permit other Los Angeles Police Officers in his presence and under his supervision, namely Laurence M. Powell, Timothy E. Wind, and Theodore J. Briseno, unlawfully to strike with batons, kick, and stomp Rodney Glen King, an inhabitant of the State of California, while Rodney Glen King was in the custody of those officers, and did willfully fail to prevent this unlawful assault; resulting in bodily injury to Rodney Glen King, and thereby did willfully deprive Rodney Glen King of the right preserved and protected by the Constitution of the United States not to be deprived of liberty without due process of law, including the right to be kept free

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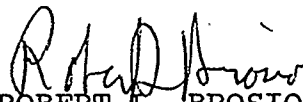
1 from harm while in official custody, all in violation of Title 18,
2 United States Code, Section 242.


3
4 A TRUE BILL

5
6 
7 Foreperson
8

9
10 LOURDES G. BAIRD
11 United States Attorney

JOHN R. DUNNE
Assistant Attorney General
Civil Rights Division

12 
13 ROBERT L. BROSIO
14 Assistant United States Attorney
15 Chief, Criminal Division


BARRY F. KOWALSKI
Deputy Chief
Criminal Section
Civil Rights Division

44A-LA-119951-F2-23

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 13 1992	
FBI — LOS ANGELES	
JD	

Memorandum



To : SAC, LOS ANGELES (44A-LA-119954) (P) Date 8/13/92

From : SA [REDACTED]

b6
b7C

Subject: LAURENCE M. POWELL, ET. AL.,
OFFICERS
LOS ANGELES POLICE DEPARTMENT (LAPD);
RODNEY GLEN KING, AKA - VICTIM;
CIVIL RIGHTS;
OO: LOS ANGELES

Re memorandum from trial team to SA [REDACTED] dated
July 12, 1992.

Attached is an insert detailing a comparison of rough
draft copies with the original manuscript of STACY C. KOON'S
book, "Ides of March".

1 - [REDACTED]
1 -
1 - File (44A-LA-119954)

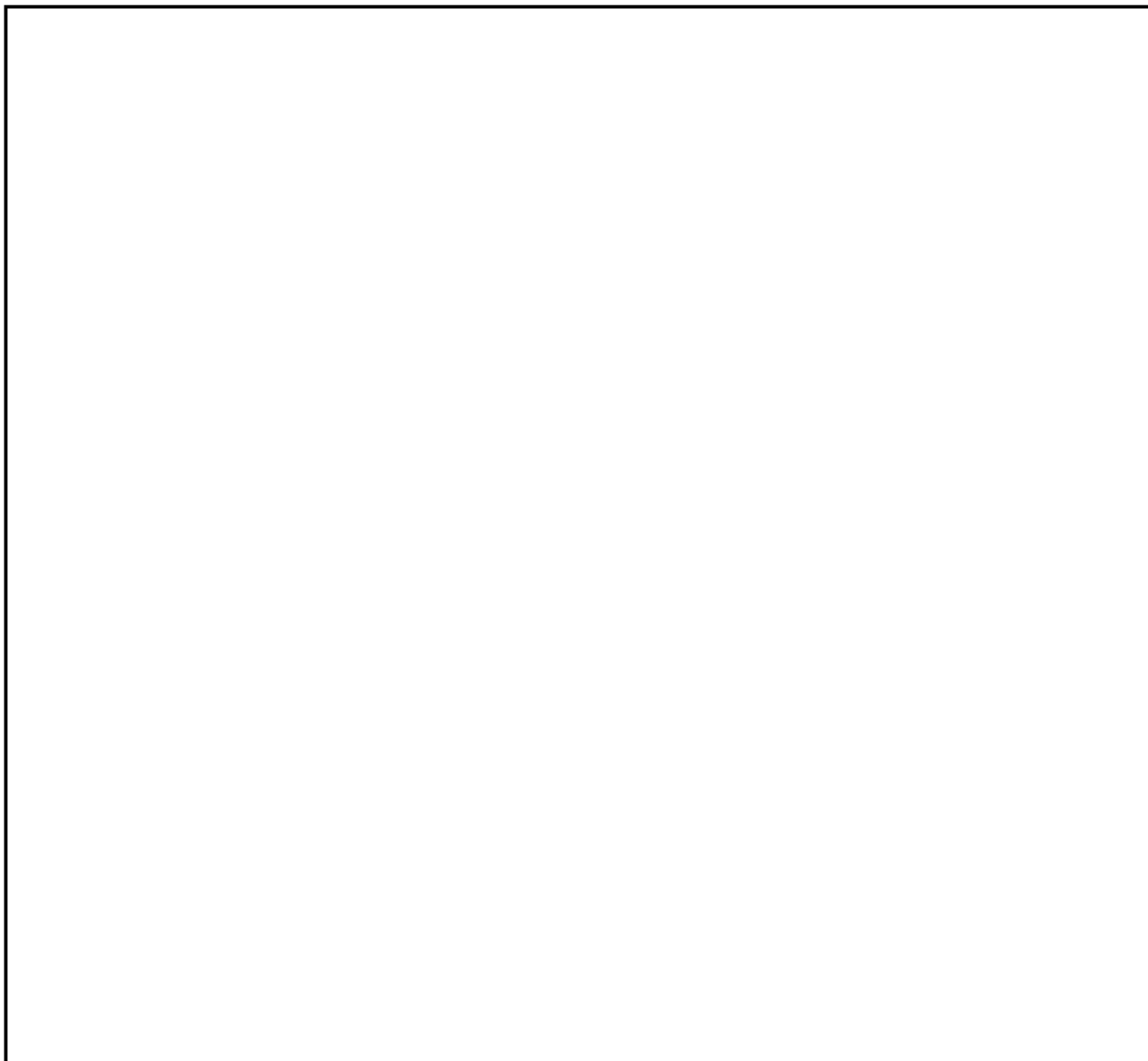
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44A-LA-119954
ARG/ag

The following investigation was conducted by SA [redacted]
[redacted] in Los Angeles during the month of July, 1992:

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Below is a chapter to chapter review of LAPD Sergeant. STACY C. KOON's Manuscript, "Ides of March" along with several copies of rough drafts seized at KOON's residence on May 21, 1992. Although the rough drafts are not dated as to time written, they are labeled in the order in which they appear to be written in, with rough draft "A" being the earliest one in time. Citations to pages refer to the specific document being reviewed.



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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/1/92

Special Agent assigned to the Los Angeles Field Office of the FBI, phone 310-477-6565, reproduced a number of documents. The documents were rough notes of a manuscript prepared by Sergeant STACY KOON. The documents were in a box marked by the file number, plus "1B4".

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Investigation on 7/1/92 at Los Angeles, Ca. File # 44A-LA-119954 *-F2-24*
by SA Date dictated 7/1/92

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/21/92

Special Agent assigned to the Los Angeles Field Office of the FBI, phone 310-477-6565, reproduced a number of documents. The documents were rough notes of a manuscript prepared by Sergeant STACY KOON. The documents were in two boxes marked by the file number, plus "1B3" and "1B5", respectively.

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Investigation on 8/21/92 at Los Angeles, Ca. File # 44A-LA-119954 **F2-25**by SA Date dictated 8/21/92b6
b7c

44A-LA-119954-F226

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Attorney for Defendant STACEY C. KOON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 92-686-JGD
)	
	)	EX PARTE APPLICATION
	)	FOR PERMISSION TO
Plaintiff,	)	TRAVEL OUTSIDE OF
	)	CALIFORNIA
vs.	)	[STIPULATION AND
	)	PROPOSED ORDER FILED
STACEY C. KOON,	)	CONCURRENTLY HEREWITH]
LAURENCE M. POWELL,)	
TIMOTHY E. WIND, and)	
THEODORE J. BRISENO,)	
)	
Defendants.)	

DEFENDANT STACEY C. KOON, through his attorney of record
[redacted] hereby applies for permission to travel by
plane on October 24, 1992 going to Washington D.C. and return
October 29, 1992 from Dallas, Texas. This application is
based upon the attached Declaration of [redacted]

Dated: October 20, 1992

Respectfully submitted,

[redacted]

DECLARATION OF [REDACTED]

I, [REDACTED] DECLARE AS FOLLOWS:

1. I am an attorney at law licensed to practice in the State of California and am admitted to practice before the Federal Court for the Central District of California.

2. I represent STACEY C. KOON in the matter of United States of America v. STACEY C. KOON, et al., Case Number 92-686-JGD.

3. Defendant STACEY C. KOON has his travel restricted to the State of California as a condition of bail. I discussed this matter with Assistant United States Attorney [REDACTED] on October 16 and October 20, 1992 who said there is no government opposition to the proposed trips as long as the itinerary is provided.

4. The itinerary for the proposed is as follows:

On October 24, 1992 a flight to Washington D.C., remaining in Washington D.C. through October 26th. On October 27th Mr. Koon will be in New York City to appear on CBS A.M. and participate in other interviews. On the evening of October 27th return from New York City to Washington D.C. On October 28th Mr. Koon will fly from Washington D.C. to Dallas, Texas and participate in certain interviews and a dinner speech the location of which is as yet unscheduled. On October 29th Mr. Koon will be in Dallas in the morning and return to Los Angeles that afternoon.

1 Thus, Mr. Koon will need to be out of state from October
2 24, 1992 through October 29, 1992.

3 5. On October 20, 1992 I spoke with [redacted] of
4 the Pretrial Services Unit located in the Federal Court. Mr.
5 [redacted] informed me he was provided a copy of the itinerary
6 from STACEY C. KOON and requested copies of any Orders signed
7 by the Court, which I will provide in the event this
8 application is viewed favorable. [redacted] also stated that
9 Mr. Koon is under the least restrictive terms available, but
10 does need permission of the Court to travel outside of the
11 State of California.

12 I declare under penalty of perjury all of the above is
13 true and correct. Executed this 20th day of October 1992 at
14 Pasadena California.

15 [redacted]
16
17

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CERTIFICATE OF SERVICE BY MAIL

I, [REDACTED] declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is [REDACTED] California

[REDACTED] that I am over the age of eighteen years, am not a party to the above-entitled action;

That I am employed by [REDACTED] an attorney at law who is a member of the bar of The United States District Court for the Central District of California and the State Bar of California, at whose direction the service by mail described in this Certificate was made; that on October 21, 1992, I deposited in the United States mail in Pasadena California, in the above entitled action, in an envelope bearing the requisite postage, a copy of:

EX PARTE APPLICATION FOR PERMISSION TO TRAVEL OUTSIDE OF CALIFORNIA;

DECLARATION OF IRA M. SALZMAN

addressed to:

SEE ATTACHMENT

at their delivery service by United States mail.

This Certificate is executed on October 21, 1992 at Pasadena, California.

I certify under penalty of perjury that the foregoing is true and correct.



b6
b7C

1 [REDACTED]
2 Assistant United States Attorney
3 1100 United States Courthouse
4 312 North Spring Street
5 Los Angeles, CA 90012
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Attorney for Defendant STACEY C. KOON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 92-686-JGD
)	
	)	STIPULATION AND
	)	[PROPOSED] ORDER RE
Plaintiff,	)	PERMISSION OF STACEY C.
	)	KOON TO TRAVEL OUTSIDE
vs.	)	THE STATE OF CALIFORNIA
)	
STACEY C. KOON,)	
LAURENCE M. POWELL,)	
TIMOTHY E. WIND, and)	
THEODORE J. BRISENO,)	
)	
Defendants.)	

GOOD CAUSE HAVING BEEN SHOWN, it is hereby Stipulated
between Plaintiff United of America and Defendant STACEY C.
KOON by and through their respective attorneys of record, that
an Order issue allowing STACEY C. KOON to travel outside of
///

1 the State of California from October 24 through October 29,
2 1992 in accordance with the itinerary set forth in the Ex
3 Parte application for permission to travel filed concurrently
4 herewith.

5
6 Presented by:

7 [Redacted]
8 [Redacted]

9 Attorney for Defendant
10 STACEY C. KOON

11 Approved as to content:

12 [Redacted]
13 [Redacted]
14 Assistant United States Attorney
15 Attorney for Plaintiff United
16 States of America
17 [Redacted]

18 IT IS SO ORDERED.

19
20 October , 1992

21 THE HONORABLE JOHN G. DAVIES
22 United States District Court Judge
23
24
25
26
27
28

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CERTIFICATE OF SERVICE BY MAIL

I, [REDACTED] declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is [REDACTED] California

[REDACTED] that I am over the age of eighteen years, am not a party to the above-entitled action;

That I am employed by [REDACTED] an attorney at law who is a member of the bar of The United States District Court for the Central District of California and the State Bar of California, at whose direction the service by mail described in this Certificate was made; that on October 21, 1992, I deposited in the United States mail in Pasadena California, in the above entitled action, in an envelope bearing the requisite postage, a copy of:

STIPULATION AND [PROPOSED] ORDER RE PERMISSION OF STACEY C. KOON TO TRAVEL OUTSIDE THE STATE OF CALIFORNIA

addressed to:

SEE ATTACHMENT

at their delivery service by United States mail.

This Certificate is executed on October 21, 1992 at Pasadena, California.

I certify under penalty of perjury that the foregoing is true and correct.

[REDACTED]

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Assistant United States Attorney
1100 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012

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b7C

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TO:

From:

WCA A.

44A-119954-#7-27

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