

# INQUIRY

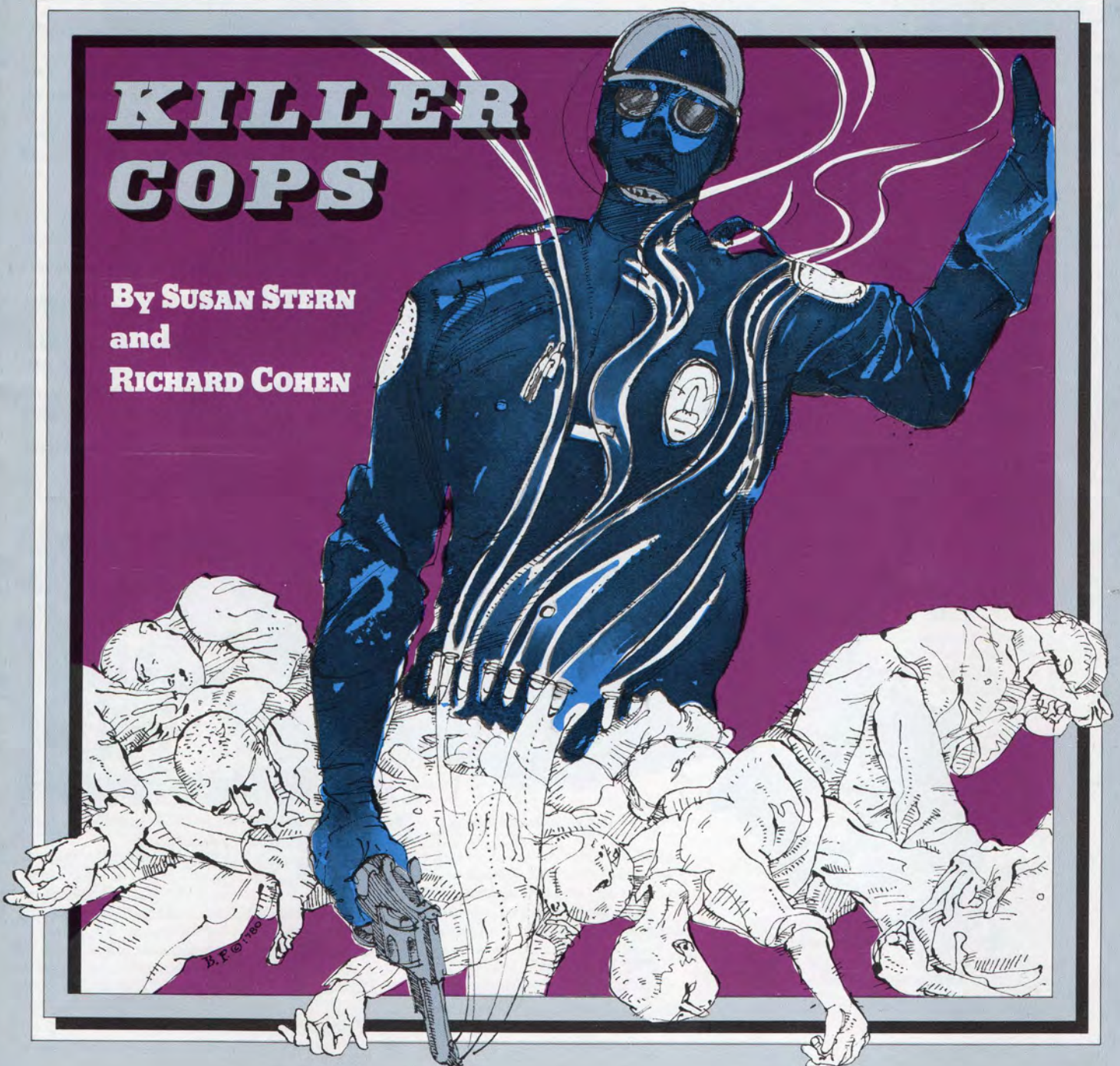
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## **KILLER COPS**

**By SUSAN STERN  
and  
RICHARD COHEN**



# KILLER COPS

In Los Angeles the police are an occupying army.  
Standard procedure is to shoot first and,  
if pressed, ask questions later.

By **SUSAN STERN** and **RICHARD COHEN**

**C**ORNELIUS TATUM WAS EDGY HIS FIRST night on the job at the Power gas station. The station had been robbed recently. At forty-two, Tatum was still a vigorous, powerfully built black man, but he wasn't taking any chances. When he left his Lakewood home that evening, he packed a shotgun in his camper. It was a cold, slow January evening in south central Los Angeles. At about 8 P.M. there was a commotion at the liquor store across the street. Tatum had just sold a pack of Winstons to a man who continued to loiter near the station office. He didn't know that the man, Oscar Haney, was an aircraft mechanic who lived just behind the station.

When a black Pontiac Firebird with two young black women pulled into the station, Tatum carried his shotgun with him across the brightly lit lot. Johnnie and Eleanor McMurray had driven to the Power gas station because it sold the cheapest cigarettes in the neighborhood. When they saw Tatum walking toward them with his shotgun, they wished they'd gone elsewhere.

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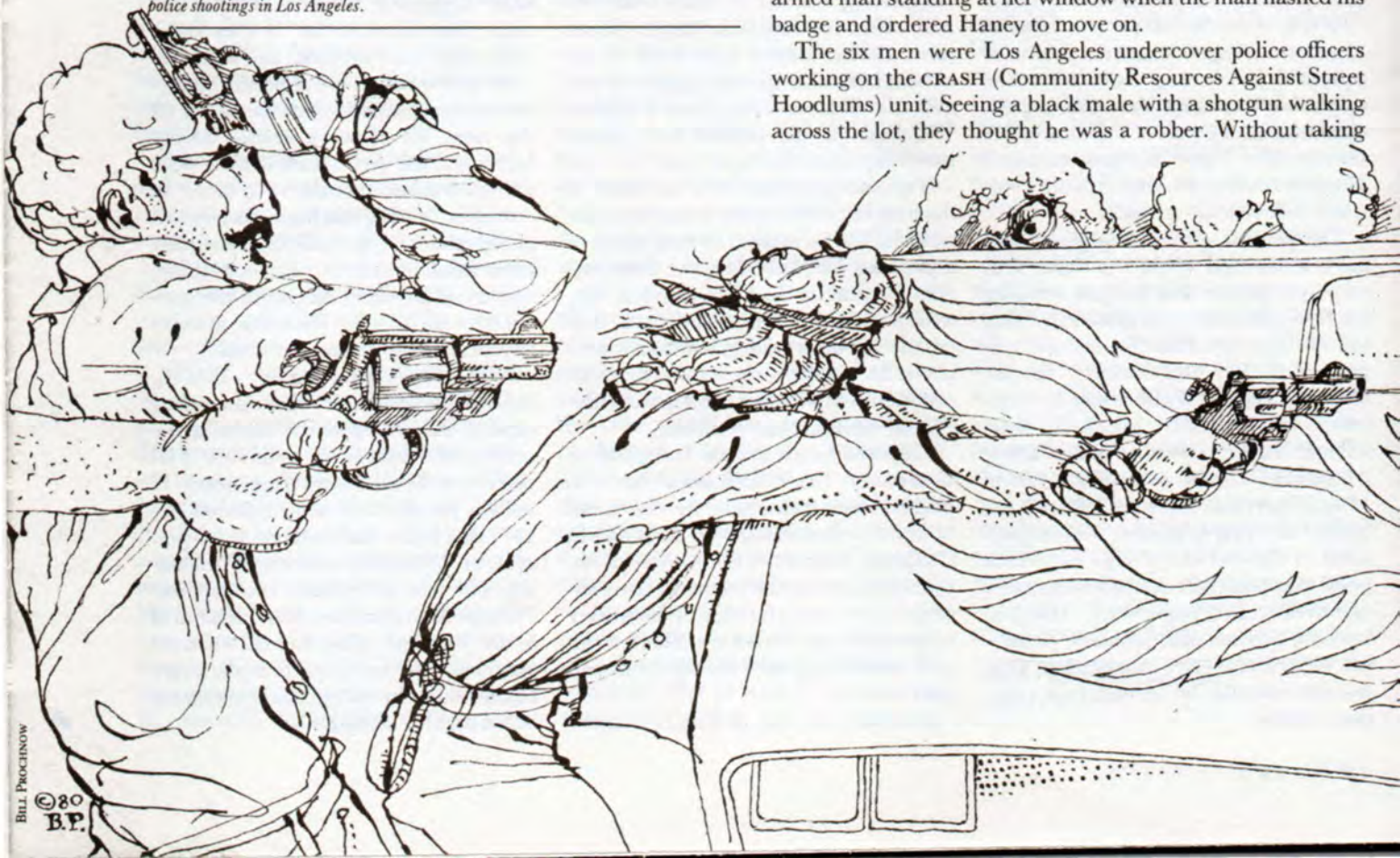
Johnnie McMurray was still nervous after Tatum explained the situation and stepped into the cashier's booth. She saw him put the shotgun down, but now she feared the station might be robbed at any moment. Johnnie remembers telling Tatum to hurry up and get the cigarettes, and he was, she says, reaching for a pack when she heard a funny noise and turned to see six men who looked like hippies running toward her with their guns drawn.

"Eleanor! Get down! They're going to shoot!" Johnnie screamed just before the bullets whizzed over the Firebird and shattered the glass near the cigarette rack. While the McMurrays crouched on the floor of their car, certain that their worst fears had come true, one of the white men ran up, leaned across the hood of their car, and pumped four more shots into the doorway of the cashier's booth.

Huddled near the wall of the service station office, Oscar Haney says he saw Tatum reaching for the cigarettes a split second before the first shot was fired. Then Tatum slumped down and disappeared into the booth. Haney was sure the station was being robbed.

When the shooting ceased, Haney walked over to the black Firebird. He was in the middle of assuring the shaken Johnnie McMurray that she didn't have to talk to the unidentified armed man standing at her window when the man flashed his badge and ordered Haney to move on.

The six men were Los Angeles undercover police officers working on the CRASH (Community Resources Against Street Hoodlums) unit. Seeing a black male with a shotgun walking across the lot, they thought he was a robber. Without taking



the time to plan their move, they swung their unmarked cars into the station and charged. They say they shouted, "Police! Drop it!" as they surrounded the cashier's booth, but that Tatum had spun in the doorway of the booth and leveled his shotgun at Officer Norman Nelson. Officers Nelson, Cesario Reyes, and Harrell Compton immediately opened fire. They saw Tatum go down. Then Nelson dashed to the McMurrays' car and fired the four shots that permanently paralyzed Tatum from the waist down.

Cornelius Tatum was lucky. Fifty-eight other Angelenos were shot by the LAPD in 1979 and fourteen of them died. Few would have remembered Tatum's story had it not been played out in a Los Angeles courtroom last summer, when the district attorney, for the first time in eight years, brought LAPD officers to trial for a civilian shooting. The charge: assault with a deadly weapon.

Los Angeles policemen answered District Attorney John Van de Kamp's indictment last March with a picket line outside an expensive Beverly Hills restaurant where the DA was enjoying a \$250-a-plate fund-raiser. Police Chief Daryl Gates angrily said the DA's staff had "acted incorrectly and in an irresponsible manner." The sharpest attack, however, came from the Los Angeles Police Protective League, the city's powerful police union. George Aliano, its president, denounced the indictment and charged that the DA was mixing politics with police work.

Mixing politics with police work is precisely what has been going on in L.A., but not quite in the way the police describe it. For years certain Los Angeles neighborhoods, notably the black and chicano districts to the south and east, have been characterized as "war zones" by both police and residents. Killings by police have become almost routine there during the last decade, so much so that the House Subcommittee on Crime came to Los Angeles for a series of public hearings on the use of "deadly force" by police. As Gerald Caplan, former director of LEAA's National Institute of Criminal Justice and Law Enforcement, reported last year, there have been shootings by police in L.A. which "would not have occurred in many other communities or, if they did happen, would have resulted in discipline or even criminal charges. . . . It is only a small hyperbole to state that the view of the LAPD is that it is the community that has the problem."

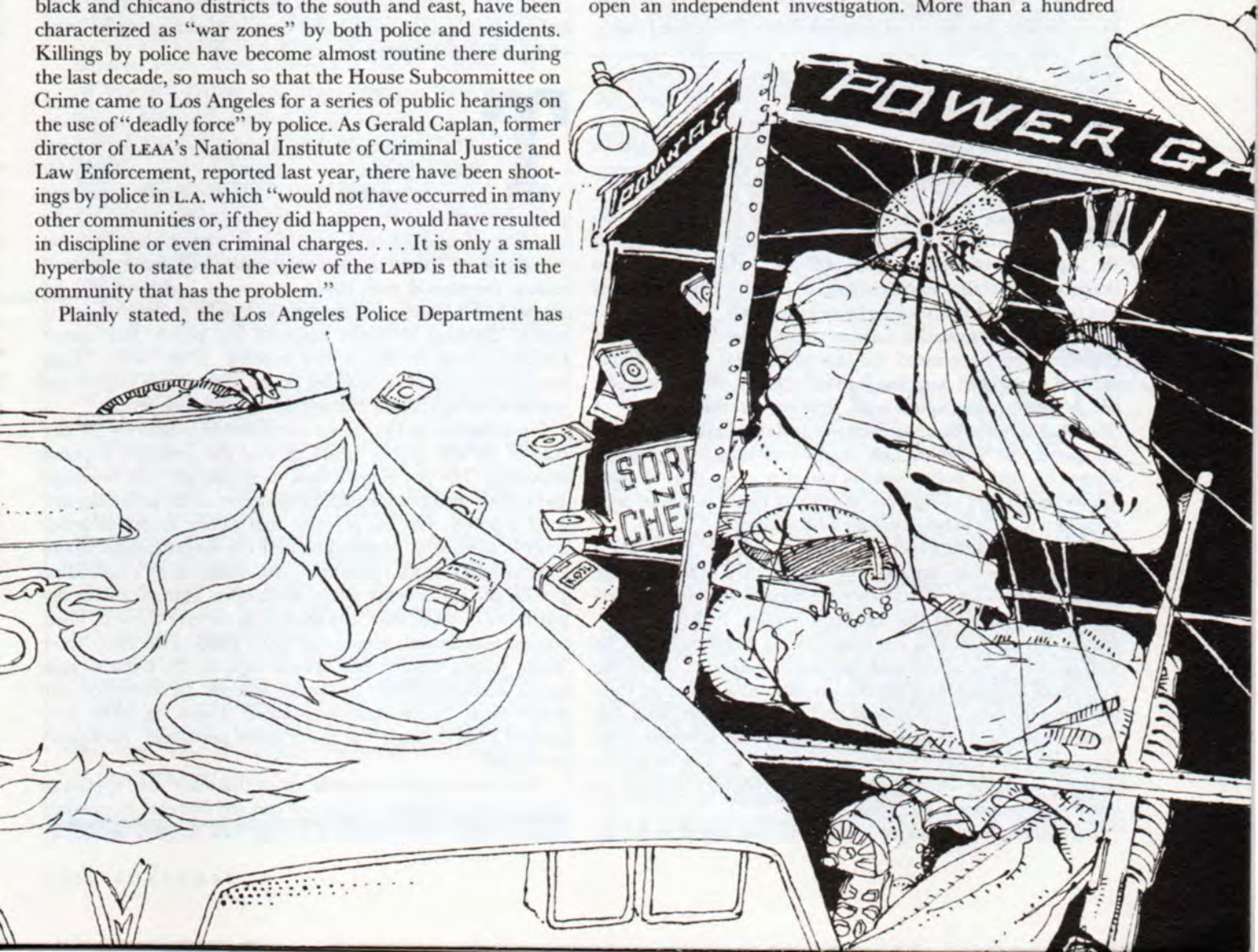
Plainly stated, the Los Angeles Police Department has

stationed itself as a virtual occupying army in a city where the order of the day is to shoot first and, if pressed, ask questions later. The backbone of the force and the fount of its war-zone mentality is not, however, the departmental hierarchy. It is instead the officers' union, the police protective league.

The league operates from a small gold stucco fortress in old downtown L.A. Great heavy wooden doors and wrought iron window bars protect it from the "war zones" outside. The league proclaims itself to be nothing more than the dedicated champion of "the cop on the beat." In fact it is one of the richest and most powerful political organizations in southern California. Its members are required by the nature of their jobs to canvass every block and alley of Los Angeles, its contributions to city council elections are unsurpassed, and its professed objective is to breed a climate of fear that no opponent will dare challenge.

Setting fear aside, a growing number of citizens have challenged the league and the department. Foremost has been the Coalition Against Police Abuse (CAPA). "There's been a lot of bodies laid in the streets in those years" since the last LAPD cop was indicted, says Charles Chapple, CAPA chairman. And many of these deaths, he adds, were even more "questionable" than the Tatum shooting. One was Barry Evans, a seventeen-year-old black high-school student stopped in 1976 by two LAPD officers in the walkway of his family's apartment. An argument erupted that turned into a fight, and one of the officers fatally shot the unarmed Evans in the back, claiming that the teen-ager was going for his partner's gun.

Scores of black citizens demanded that the district attorney open an independent investigation. More than a hundred



people banded together in an organization called People United. Nine months after the killing, Van de Kamp agreed to investigate. His conclusion, issued in language that would become routine over the next five years, was that there was insufficient evidence to prosecute. Calling the Evans shooting a murder, community activists plastered the streets with "Wanted" posters for the two officers.

The officers retaliated by suing People United for libel. Although the judge ultimately threw out the case, Chapple

## 'Police unions spend a great deal of their money ... to keep on cops who are crooked, brutal.'

says the suit had a serious effect on the new organization. "I had no money so they could sue me all they wanted," Chapple laughed, "but we lost quite a few members who owned homes and other valuables. They were scared off."

It was in 1976 that the battle between the police and the community escalated to a new level. Over twenty community groups banded together to form CAPA, and in the same month the protective league legally incorporated.

The league, which represents virtually all of the LAPD's 6600 officers (including, oddly, Chief Gates), occasionally acknowledges its role as the "political arm of the police department."

"The LAPD cannot give an endorsement to help a candidate in an election, but your Los Angeles Police Protective League can," *Blue Line*, the league's monthly newspaper reported recently. "As an organization we can provide political muscle in Sacramento for the LAPD and we are currently doing just that on certain legislation." Come budget time, the LAPD benefits from the league's \$1.2 million dues base, which allows it to make generous contributions to most city council members. Until this year, city funds paid the salaries of seven full-time league directors, whose lobbying activities are also an asset to the department. In 1976 the league won passage in the legislature of a police "Bill of Rights" that cut back the department's ability to investigate its officers for misconduct and freed officers from taking lie detector tests.

Even archconservative former police chief Ed Davis was appalled, and denounced the law as a "fatal blow." Davis charged that in Los Angeles, as in other cities, the police union has become preoccupied with fighting for the "rights" of officers charged with administrative and criminal offenses. He compared the trend in Los Angeles to that in Honolulu, where, he said, "police unions spend a great deal of their money, effort and energy not to get pay raises or better pensions, but to fight to keep on cops who are crooked, brutal. . . ."

When Ron Burkholder, a National Science Foundation fellow, was killed by the LAPD in August 1977, it was George Franscell, the league's flamboyant attorney, who represented the accused officer at the coroner's inquest. Naked and unarmed, Burkholder was cut down by six LAPD bullets as he walked down the street with his hands extended. After the Friends of Burkholder organization and CAPA protested their way onto the pages of *Newsweek* and the *Los Angeles Times*, the coroner convened the first inquest into a police shooting in six years. But the police department refused to turn over any records, and the officer who shot Burkholder refused to answer the coroner's questions.

Just three months before Burkholder was killed, KABC-TV

reporter Wayne Satz broadcast a series of stinging reports on the lack of police accountability in Los Angeles. Satz criticized the district attorney for his failure to check police crime, and he attacked the internal investigations by the department's Officer Involved Shooting unit (OIS) as biased in its own interest. To underscore his charges Satz brought an active LAPD officer on the air to tell the inside story. Disguised in a frogman suit and a Lone Ranger mask, and with his voice electronically distorted, six-year LAPD veteran John Mitchell

appeared anonymously on television at the dinner hour for five nights running.

"Policemen are eager to get into shootings," Mitchell declared. "It's supposed to look good in your package when you're up for promotion, the fel-las are excited for an officer who has just been in a shooting. It's comparable

to the excitement of a football team toward a player who has just scored a winning touchdown."

"I was never an aggressive officer myself," Mitchell said, summing up his six-year career with the LAPD in an interview for the documentary film *Deadly Force*, "but I never stood up to my partner and said, don't choke that person. I always backed up my partner, helped him make up stories [for police reports] to keep him out of trouble. . . . I perjured myself in court. . . . I wanted to fit into the system, I wanted to promote, I wanted to do well."

This spring, three police officers slapped KABC, Satz, and Mitchell with a multimillion dollar lawsuit for conspiracy to defame the LAPD. The suit was one of three recently filed by police against KABC, which has been the leading media critic of the police department.

**T**HE EVENTS OF 1977 PROVED TO BE A turning point for both the public and the police. For decades the Los Angeles Police Commission had held little more than titular responsibility for the department. But in 1977, the mayor-appointed police commission rewrote LAPD gun policy, outlawing the shooting of nonviolent fleeing felons and mandating that "deadly force" could be used only to protect a police officer or citizen threatened with death or serious bodily injury. Ed Davis, Chief Gates, and the league fought the new shooting policy, claiming it would handcuff the police. But CAPA's Charles Chapple said it did nothing of the sort: "They announced their new shooting policy to the City Council and within two days they'd gunned down two more people."

Nevertheless, in 1977 CAPA succeeded in pressuring the city council to hold public hearings into the problem of police shootings. The city council took no action after the hearings, but CAPA's testimony struck to the heart of the police department's power. On the premise that public access to police records of citizens' complaints and OIS investigations would rein in what CAPA considered the department's unbridled power, the community group demanded that the police department disclose some OIS reports to the city council. Their request was denied. Meanwhile CAPA joined with the Greater Watts Justice Center in a lawsuit against the LAPD to gain public access to citizen complaint records. In retaliation, the police went to the state legislature. There, in 1978, they pushed a bill through that made police personnel "packages" privileged.

"We have a public records act in this state that applies to other public officials so that we can see citizens' complaints against them," Bob Berke, a former Los Angeles public de-

## It's not just Los Angeles— it's Boston...

**S**INCE 1967 TWO AMERICANS HAVE been legally executed in the United States. Between 1967 and 1977, more than six thousand were shot dead in the streets by police, nearly two citizens each day. Last year a Department of Justice official warned that this use of "deadly force" is "one of the most serious and inflammatory community relations problems confronting the nation." Already, his words seem an understatement. This year police shootings have triggered riots and demonstrations in Miami, New Orleans, Philadelphia, and Michigan. In Baltimore, Chicago, Houston, and Boston police killings have brought out hundreds and sometimes thousands of demonstrators.

It was the shooting of fourteen-year-old Levi Hart that brought black Bostonians into the streets in July. "Police brutality" was a charge commonly heard in the black community, but it had been a secondary issue, overshadowed by the escalating violence between black and white citizens.

On July 15, Levi Hart and two friends went for a joyride in an allegedly stolen car. Officer Richard Bourque took up the chase. When the car finally screeched to a halt, the three fled on foot and Bourque pursued Hart. After a wrestling match between the six-foot-one, 220-pound police officer and the five-foot-four, 110-pound Hart, the youth ended up with a bullet through his brain. Bourque claims Hart, who was unarmed, snatched the officer's police revolver from its holster and accidentally shot himself. But several witnesses say that Bourque ran after Hart with his gun drawn, and beat the fourteen-year-old over the head with the pistol several times before administering the *coup de grâce*.

Though Officer Bourque denies pistol whipping Hart, the youth suffered a massive skull fracture which the pathologists claim could have been caused only by a blunt object. None of Hart's fingerprints were found on Bourque's gun, nor did Hart's hands show the telltale traces of gunfire.

Blacks in Boston demanded that the inquest into Hart's death be open to the public, but to no avail.

Judge Richard Banks, who is black, ruled there was "criminal responsibility" in Hart's death. But, when the district attorney presented the case to the grand jury, it found there was insufficient evidence to indict Bourque. Hart's family has sued the city for \$43 million, probably the largest police misconduct civil suit yet to hit the city of Boston.

No one in the Boston black community can even remember the last time the district attorney has prosecuted a cop for a shooting or a beating. Neither could David Rodman, executive assistant to the district attorney. "Boston just hasn't been out in the forefront in that area," he said.

fender, notes, "... but if it's a police officer, armed with weapons, with the power to put a person in prison for life or the power to cripple someone like Tatum, we can't even see whether there have been complaints against him. We can't even see if the department is well managed."

SB 1436 not only hides police records from the public; it also restricts the information that may be obtained in the courtroom. The bill states, for example, that judges considering discovery motions may "make any order which justice requires to protect the officer or agency from unnecessary annoyance, embarrassment, or oppression." According to "Masked Policeman" John Mitchell, the police have pressed assault charges against citizens to cover their own brutality. After the California Supreme Court ruled in 1974 that records of citizens' complaints could be subpoenaed, defense attorneys throughout the state were able to demonstrate that their clients were actually the victims of cops who had long prior records of brutality.

Not surprisingly, the LAPD was incensed. And not surprisingly, it took little time for the department to find a pretext for destroying the incriminating personnel packages. In 1976 the police shredded four tons of citizens' complaints. Though the shredding was in violation of a state statute, a Los Angeles grand jury failed to press charges.

Interoffice memos that led to the shredding also revealed the city attorney's concern over the civil liability threat from citizens' complaints. In 1976 Los Angeles paid out \$572,895 to victims of police brutality and false arrest. But by 1979 the bill for police misconduct civil suits had jumped to \$1,970,278, and the total for 1970-79 was \$7.4 million. Last January, a truck driver for the Los Angeles County school system won a \$1.25 million judgment against the police, the largest misconduct award in the city's history. Roy Wyche had been stopped for having an allegedly loud muffler and a dimly lit license plate. When he protested, one of the officers bashed in his skull with a heavy police flashlight.

The LAPD's drive against citizen complaints went largely unnoticed until Eulia Mae Love was killed in 1979 and the city attorney advised that SB 1436 forbade the police commission to disclose any information on the case. The commission may



have kept silent, but black Los Angeles was seething. Eulia Love, a widowed black mother of three, was gunned down by two policemen in her own home in a neat, middle-class section of south central L.A.

Delinquent in her Southern California Gas bill, Mrs. Love had struck a company employee who had come to turn off her gas. After the gas man left, the company called the police. Mrs. Love, meanwhile, had gone out to purchase a money order for her bill. It was in her purse when the two officers advanced on her with their guns drawn, and knocked a boning knife from her hand. As she picked up the knife and tossed it at them, the officers unloaded eight bullets into her body.

Virtually none of the people called to jury duty a year later, in the trial of officers Nelson, Compton, and Reyes, remembered hearing about the shooting of Cornelius Tatum. Many

of them had, however, heard of Love. After Love was shot, 200 women from black churches, including state assemblywoman Maxine Waters, mourned for her on the lawn of Parker Center, LAPD headquarters.

The district attorney did not indict the police officers in the

## ...and Houston...

**A**T LEAST 50 PERCENT OF AMERICANS killed by police officers are black, and in cities like Houston, chicanos are the main target of police bullets. Yet white citizens are also shot by police. It was the shooting of a white gay activist, Fred Paez, that brought thousands of candle-bearing marchers to the Houston city hall in June.

During Gay Pride Week, Officer K. M. McCoy was moonlighting as a security guard at a freight moving company. He and his buddy were sitting drinking beer at 2:30 a.m. when, they say, Fred Paez circled a couple of times around the block and then pulled up and "engaged them in conversation." McCoy and his friend say they went to the side of the building with Paez, at his suggestion. Then, in the language of the police report, Paez approached McCoy and "touched him between the legs."

McCoy, according to the police report, quickly flashed his badge and arrested Paez for public lewdness. Pistol in hand, McCoy had Paez bend over a parked car with his arms outstretched, in order to search him. But instead of getting searched, Paez got a bullet through the back of his skull. McCoy says Paez reached behind himself and tried to grab McCoy's gun, setting off the fatal bullet.

The Harris County medical examiner ruled the shooting accidental, but the Houston district attorney and the U.S. attorney's office are still investigating the case.

Fear of the police has become virtually a tradition in Houston. After twenty-three-year-old Joe Campos Torres was beaten and drowned by the Houston police in 1976, citizens of all races tended to agree with criminal lawyer Percy Forman when he called Houston a "police state."

Since 1976 Houston has been through three police chiefs and a series of police department reforms, including an expanded police misconduct investigation unit and a more restrictive policy on when cops can fire their guns.

But according to Jenifer Schaye of the Public Interest Advocacy Center, an LEAA-funded group that receives citizens' complaints of police abuse, the volume of police shootings and beatings in Houston has not declined.

Nor does the Houston DA seem to be prosecuting the police. Between 1974 and 1977 the Houston grand jury heard twenty-five police shooting cases and indicted only one officer. Since July 1979, the Houston DA has investigated sixty-eight police shooting cases; of those that have been presented to a grand jury, so far no indictments have been returned.

Love case, but the police commission, for the first time in its history, conducted a major investigation into the shooting, and finally declared it in violation of the LAPD gun policy. The league was infuriated by the ruling. And it was even angrier when the commission later announced that in the future it would review every police shooting.

Using a tactic that would become its hallmark, the league immediately filed two lawsuits against the commission. In the words of *Blue Line*, "The League is at the forefront of the recent upswing in the number of lawsuits by police officers who are unwilling to suffer abuse and injury at the hands of the public." According to *Blue Line*, the league financed about fifty such lawsuits filed by members between 1973 and 1978.

Now, in its first suit against the police commission, the league seeks to prevent the panel from putting its report on the Love case into the involved officers' personnel files. The second suit seeks to prevent the commission from investigating police shootings. "If we have to go all the way to the supreme court, we're going," league attorney Franscell said. "You're going to see a major fight. We can't live with this."

The final blow to the police came last December, when Van de Kamp's Operation Rollout received funding from the federal Law Enforcement Assistance Administration (LEAA). Rollout is, by all accounts, the most vigorous effort launched by a district attorney to investigate police shootings. It puts teams of deputy district attorneys and investigators on twenty-four-hour alert to "roll out" immediately to the scene of police shootings and conduct investigations. On paper the project seemed to be a serious attempt to keep the police under control, but according to a report made by federal law enforcement authority Gerald Caplan in March, the LAPD has successfully impeded the effectiveness of Rollout.

"Not only has Chief Gates refused the D.A.'s personal request to promulgate guidelines . . . but the spirit of resistance has permeated the bottom ranks of the department," Caplan wrote. The police had handcuffed the Rollout team by withholding information from them and delaying them in interviewing witnesses. Even more troublesome, Caplan reported, are the "fact finding" procedures used by the LAPD in carrying out their internal investigations. "These suggest," he wrote, "that LAPD resistance to Rollout is rooted in something more significant than bureaucratic rivalry with the District Attorney, and that an impulse to conceal misconduct may be the motivating force." Plainly stated, police policy encourages cover-up.

When, right on the heels of the new Rollout program, Officers Nelson, Reyes, and Compton were indicted for shooting Cornelius Tatum, the league went directly to the city council. Its demand, supported by Chief Gates, was that the city pay for the officers' criminal defense.

After only forty-five minutes of discussion, the city council decided to comply with the league's wishes. Not that the league was especially surprised. In private individual meetings, league lobbyists had already reminded the elected council members of their responsibilities. Well before the meeting was gavelled to order, league president George Aliano could rest assured of the officials' unanimous support. As Councilman Marvin Braude explained, the police demand for funds put the council in an uncomfortable position. "It was like having a vote in the council: It is resolved that we support our police department. Who is going to vote against that? The police always get what they want" from the council, he added.

When the trial of officers Nelson, Compton, and Reyes finally got underway on July 28, the "war zone" between the police and the citizens of Los Angeles moved for thirteen days

into an air-conditioned courtroom. Charles Chapple was there, and Maria Herbst, Ron Burkholder's widow. So was the league's City Hall lobbyist Sam Flores, along with a large phalanx of policemen in business suits. And when Cornelius Tatum was wheeled into the courtroom to face Norman Nelson, Cesario Reyes, and Harrell Compton, memory called to mind the names of the citizens and police officers who never made it to the witness stand.

It was, of course, only the shooting of Cornelius Tatum that was at issue—only the fragmented and conflicting story of what happened in five to seven seconds one night at the Power gas station. But in the politically polarized courtroom, where a nervous, frightened prosecutor faced off against the full power of the police protective league, many watched anxiously for an indication of who was winning the larger war.

Johnnie McMurray was nervous when she took the stand on the second day of the trial and recounted once again how she had driven her big black Firebird up to the gas station on that evening to buy cigarettes. Prosecutor Jay Lipman knew that McMurray, like all his witnesses, was terrified of testifying against the police. All of Lipman's eyewitnesses were black residents of south central Los Angeles. All the defense witnesses were police.

Keeping his questions brief and emotionless, Lipman brought out McMurray's story piece by piece. Yes, she had seen Tatum approaching with the shotgun and she had thought he was a robber. When he identified himself as the station attendant, she ordered Viceroy's for herself and Marlboros for her sister-in-law Eleanor. "He put the shotgun down inside the booth," she testified, "and I asked him again to get the cigarettes and hurry up."

Like all Lipman's witnesses, Johnnie McMurray testified that the last thing she saw before the blast of police bullets was Tatum reaching for her cigarettes. "Did you ever see the person in that booth point a shotgun?" Lipman asked her.

"No, I did not," she answered.

Despite occasional tremors, Johnnie McMurray seemed sure of herself on the stand. Then defense counsel George Franscell took over. Armed with a tape recording of McMurray's statement to OIS investigators three hours after the shooting, Franscell began to batter away at the young woman's story. After a series of thunderous demands from Franscell and the introduction of the nearly unintelligible tape recording, she acknowledged that she had made contradictory statements to the police. "I was in a state of shock," she told the court. "They had me down there all night. How would you feel if you had just saw someone get killed?"

**S**ET AGAINST THE FRIGHTENED YOUNG woman's testimony, the performance of the police officers was a model of seasoned decorum. And a performance is precisely what they gave. From the point of view of prosecutor Lipman, the entire police testimony about the shooting sounded "like a script."

Using phrases that would later be repeated almost verbatim in the testimony of Nelson and Reyes, Harrell Compton described how the three defendants, and the three other officers who charged but did not fire on Tatum, made a U-turn into the Power gas station after seeing the man they thought was a robber. Compton said he heard his partners yelling "Police officers, Halt! . . . Drop it! Drop it!" as they ran toward the cashier's booth with their guns drawn. But Tatum

spun around, he said, got into a "semi-crouched" position, and leveled the shotgun at Nelson.

Lipman hammered away at Compton in his characteristic low-key style, but there was no way he could do to any of the officers what Franscell had done to McMurray. For the OIS investigators had chosen not to tape-record the police officers' statements on the night of the shooting. Though Lipman was unable to crack what he called the police "script," his examination did reveal the peculiar steps the OIS team had taken to create an almost impenetrable version of the shooting.

When Lipman asked Compton which of the police officers had yelled "Drop it! Police!" Compton hesitated and said, "I now know."

"You know that from later conversations?" shot Lipman.

"Yes," Compton admitted.

## The entire police testimony on the shootings sounded 'like a script' to prosecutor Lipman.

"Did you go back [to the scene that night] and reconstruct with the other officers?"

"Yes I did."

"Is it because you went back that you now know?"

"Not entirely," said Compton.

Unlike Johnnie McMurray, Compton and the other officers not only had been escorted by the OIS team back to the police station after the shooting. They had all been interviewed together without the tape recorder running, escorted back to the gas station to reconstruct the shooting, and then returned to the police station for a second "group interview." (It was precisely this use of group interviews of officers that consultant Gerald Caplan cited as a critical flaw in OIS procedures. Without directly accusing the department of encouraging perjury among its men, Caplan pointed out that "Separating witnesses and taking their statements separately, without giving them opportunity to check with another and fashion a false narrative, is standard procedure elsewhere.")

OIS chief Charles Higbie admitted in an interview outside the courtroom that the Los Angeles Police Commission had expressly ordered the OIS team to interview police officers separately, as it interviewed civilian witnesses, and to record the statements. Higbie acknowledged Caplan's criticism. However, when asked if he planned to comply with the commission's directive, Higbie had "no comment."

Throughout the case prosecutor Lipman accepted the fact that juries usually place more credence in police testimony than they do in the accounts of untrained civilian witnesses. All of that would change, he believed, once the jury was taken to the scene of the shooting, the Power gas station. There, he reasoned, the jurors would see that a man of Tatum's height and girth could not possibly have contorted himself into the position the police described. They would have seen the five bullet holes in the glass next to the cigarette rack, several feet from where the police say Tatum was standing when they opened fire. And they would have seen, first hand, that the positions of Johnnie McMurray and Oscar Haney had provided them clear views of the assault. Common sense alone would have led them to the inescapable conclusion that the police had ruthlessly shot down an innocent gas station attendant who was doing nothing more than reaching for a pack of cigarettes. Beyond that "common sense" approach, Lip-

man did very little other preparation.

And so it was that Jay Lipman suffered a devastating blow when, halfway through the trial, police attorney Franscell withdrew his motion to visit the gas station and the judge denied Lipman's own motion for the visit. The jury could not be taken to the scene, the judge ruled, because he feared demonstrators and reporters might cause a ruckus.

Yet the constant, dominating presence of the police officers in the courtroom had begun to affect Lipman's performance. "I've been trying cases with policemen as my witnesses for years," he said after the trial. "Policemen are my friends. There were officers who walked in the courtroom who I've known for years, and they just turned their faces, they wouldn't even look at me. There was tremendous pressure."

## ...and Chicago...

**O**FFICER HOWARD SAFFORD OF Chicago's Afro American Police League claims that Chicago is "just as ripe as Miami or Philadelphia" for protests against police shootings and beatings.

This July, Richard Ramey, a fifty-one-year-old black man, was beaten to death by three young white Chicago cops after he allegedly "resisted arrest" on the El train. His crime? Smoking a cigarette.

It seems that the three plainclothes officers, assigned to watch for muggers on the subway, told Ramey to put his cigarette out. When Ramey refused, the officers arrested him for disorderly conduct.

About fifteen minutes later, when Officers Fred Christiano, Fred Eurallo, and Louis Klisz finally brought Ramey into the police station, he was semi-conscious and covered with blood. The officers charged Ramey with "resisting arrest" and "battery against a police officer." They were ordered to take him to a hospital.

Ramey died shortly after reaching the hospital. The police officers said they thought he'd suffered a heart attack. But the medical examiner found nine broken ribs, two broken legs, and a broken neck. He ruled that Ramey had died of "massive internal and external hemorrhaging" and called the beating a homicide.

The Cook County state's attorney indicted the three officers for murder. But according to Officer Safford, the Cook County state's attorney's office has a history of refusing to prosecute the police, and of preparing "shoddy cases" against police officers on the rare occasion of indictments.

Officers Christiano, Eurallo, and Klisz were suspended from the Chicago police force, but the Teamsters' Union, vying to become the bargaining agent for the Chicago police, immediately stepped in and offered the officers janitorial jobs—above their police salary level. That brought black Chicagoans out to demonstrate in front of the McCormick Center, where the policemen are now working.

Said Safford: "We don't need, we don't trust, and we'd rather not have the police. That's the way some people in Chicago feel."

It was as though the police, by their constant presence and their barely submerged disgust toward the prosecution, had converted the trial into an attack on anyone who would dare question police authority. Lipman's best chance to break that spell and corroborate his witnesses' testimony was to take the jurors beyond the courtroom, to the site of Cornelius Tatum's tragedy, where they could be vividly reminded that the trial was about the shooting of a man who had been pointlessly paralyzed for life. Once he lost that critical motion, Lipman said only that he had no time to prepare any evidence that could bring the Power gas station into the courtroom.

Police attorney Franscell, meanwhile, with the aid of Lieutenant Higbie, managed quite ably to bring his version of the scene of the shooting to the jury. On the seventh morning of the trial Lieutenant Higbie walked toward the courtroom under the glare of news cameras, carrying a huge carton wrapped in brown paper. Other police officers followed carrying a video monitor. The LAPD has worked around Hollywood long enough to know how to set a scene.

That afternoon, Franscell played the jury a minute-long video tape in which Officers Nelson, Compton, and Reyes, one after another, walked into the cashier's booth of the Power gas station with a shotgun and turned as they say Tatum turned.

It was a rather convincing ballet, except for the fact that Tatum is much huskier than any of the defendants. And on the one night that Tatum stood in the booth, he had shared the cramped space with a stool. The stool, however, was not in the videotape version produced by the OIS.

Higbie then presented another distorted piece of defense evidence: a scale model of the cashier's booth with a "Tatum dummy" which even Franscell later admitted was too small. As the only three-dimensional representation of the Power gas station presented in the trial, the scale model was sadly misrepresentative of the way things were on the night Tatum was shot. Unaccountably, Lipman failed to lodge any objection. "There were so many missing things," one black juror complained after the trial. "Why didn't they have a scale model of the car? We [the jurors] asked if we could get a car, but were told we couldn't once the evidence was entered."

After all the eyewitnesses' stories had been told and retold and the miniature props examined, the only evidence left in the trial was the expert interpretation of bloodstains and the trajectories of the bullets the police had fired. The three experts were all members of the LAPD, and they supported their fellow officers' stories. When Lipman pressed the defendants on why almost all the bullet holes were near the cigarette rack and not at the door where they claimed Tatum was standing, the officers said merely that their marksmanship was poor. Lipman did not ask the police department for their marksmanship records.

Which led to the final anomaly. Why, if Cornelius Tatum had been holding a shotgun, were there no bullet marks on the gun from the four shots that had paralyzed him? Under cross-examination, one police expert did admit reluctantly that a bullet that had passed through Tatum's wrist might well have hit the shotgun Tatum was allegedly pointing, but it was an admission which Lipman failed to pursue through independent expert witnesses. Why also were there only two specks of blood on the shotgun when Tatum's jacket and the bills in his pocket were soaked with blood? The OIS investigators had no answer, and by the time they arrived at the scene, Officer Nelson had already removed the shotgun from the cashier's booth.

Thus the testimony in the trial of Cornelius Tatum ended.



As police attorney George Franscell had presented the case, the only thought on the officers' minds that chilly January night was, "Oh my god, there's a robbery going on . . . and a car with citizens in it." (In fact, the officers testified that they had not even seen the car before they swung into the gas station.) On the other hand, argued Lipman, "From the instant those officers saw Cornelius Tatum with the shotgun, his life was bought and sold. They had a free robber. They said to themselves, 'We'll shoot now and ask questions later.'"



The predominantly white jury deliberated almost four days before finding Reyes and Compton innocent. A mistrial was declared in the case of Nelson, however, when three of the four blacks on the jury held out for a guilty verdict after several ballots. But the whole jury was clearly shaken by the episode. In an impassioned, handwritten statement they declared their "concern and dismay with the actions of the officers."

"We do not believe that in the actions related to the shooting of Mr. Tatum, the police conducted themselves with due concern for the lives and welfare of the persons who could have been seriously injured," the jurors said. "Two women in a vehicle, almost in the line of fire, were disregarded by the officers."

"In short," the jury concluded, "We believe that the Los Angeles Police Dept. should view with grave concern the actions of these officers. If the actions of these experienced officers are examples of the training they receive, then all citizens should be concerned."

**J**AY LIPMAN, WHO CLAIMS TO HAVE WON 98 percent of his cases against citizens before being transferred to the Rollout unit, appeared worn out by the trial and disappointed by the verdict. "People just don't want to convict the cops," he sighed. "My own next-door neighbor said to me 'Jay, I hope you lose, because I don't like to see policemen prosecuted.'"

George Franscell was jubilant: "This case had an awesome effect on the morale of the LAPD," Franscell declared. "There was more on trial here than three police officers. The integrity of the LAPD was at stake. And the jury upheld the integrity of our investigations."

But no cheer went up from the police officers in the courtroom when the verdict was announced. For the cops, league president Aliano explained, the trial itself was a major blow. The league had become convinced it was losing "clout" in Los Angeles politics largely as a result of being "beat up" in the media for everything it did. As Aliano sees it, now is the time for a new offensive. To regain that political clout and boost officers' morale, Aliano says the union must build public support and reestablish fear in the hearts of elected officials.

"I guess fear is what they believe in," Aliano said in an interview after the trial. "It's not being professional and all that; it's the clout that you have that makes them afraid. And what makes them afraid? Having the power to take somebody

out of office and having a lot of public support, so they know if they mess with the police, the public is going to be down on them." To unseat its elected enemies, Aliano said the league intends to put police officers out in the streets walking precincts for and against public officials. The league's enemies, Aliano boasted, "will have to put volunteers out to walk districts for them . . . but we have our own army."

"If you start putting 500 police officers walking precincts in a council district," Aliano said, "and you're able to take somebody out, ears are going to be perked up and they're going to say 'these people know the combination now and we'd better start listening to them.'"

Aliano will not name politicians his group is planning to walk against in upcoming elections. So far the league has sent out its troops in only two races—to support Sid Trapp against Van de Kamp, and to support Stockton assemblyman Carmen Perino. In Perino's campaign the league bussed policemen to Stockton from all over the state. Both Trapp and Perino lost, however.

The league has also just launched a \$1 million public relations campaign. The campaign will be directed by CAPS (Citizens Advocating Police Support). This new nonprofit organization established by the league will have a seventeen-member board made up of entertainers, business people, league directors, Chief Gates, a police commissioner, chamber of commerce representatives, and minority leaders. These board members, Aliano said, will be responsible for raising funds for the public relations campaign. Western Regional Banking and Union Oil, says Aliano, are among the major corporations that have already expressed interest in contributing. Aliano expects corporate gifts to be "in the six figures."

Meanwhile CAPA, the Coalition Against Police Abuse, is also going on the offensive, and has launched a voter initiative to establish a citizens review board. Immediately after the acquittals in the Tatum case, a newly formed coalition for a review board, of which CAPA is a member, handed out a ten-page indictment of prosecutor Lipman's handling of the trial; it criticized him as "careless, unconcerned, and unprepared." For CAPA and the hundred or so Los Angeles citizens groups united in the campaign, the trial of Nelson, Reyes, and Compton reinforced a growing feeling that such weak prosecutions are not enough to stem the tide of shootings by police in Los Angeles.

This summer marked the fifteenth anniversary of the riots in Watts, which were also triggered by a police shooting. Yet contrary to the fears of many observers, there was no explosion in Los Angeles ghettos when the LAPD officers were acquitted. Keith Wyatt, an attorney at the Greater Watts Justice Center, was not surprised. "There's about seven or eight people a year killed down here," Wyatt shrugged. "If people got upset about it the way they did in Miami, we'd be having a riot every other week."

Thirteen Los Angeles citizens have been shot by the police since Nelson, Reyes, and Compton were indicted last March. And at the Power gas station nearly all the traces of Tatum's tragedy have been removed. One week into the trial the gas station was sold, and Target Enterprises, the new owners, are remodeling. A new office building with bulletproof glass will be built. And most of the rest of the station is being slowly dismantled. The gas pumps were taken out midway through the trial, but the district attorney stopped Target Enterprises in the middle of sandblasting the jutting carport. All that remained was the cashier's booth, alone in the swirling sand, with its bullet holes and the sign that reads: "Warning, don't smoke. Turn off your car." □