

Old testimony on fellow officers looms large in trial

LOS ANGELES (AP) — Just when the defense thought it was safe to rest, Theodore Briseno's year-old testimony against three fellow policemen in the Rodney King beating has come back to haunt them.

After the defense abruptly rested its case last week in the officers' federal civil rights trial, prosecutors announced they wanted to show jurors a videotape of Briseno's testimony in their trial on state charges.

The defense had been forewarned of the possibility, as legal papers had been filed early on the Briseno tape. But defense lawyers claimed they never anticipated facing that testimony on rebuttal.

"Is it potentially damaging? Absolutely," said defense lawyer Ira Salzman, who represents Sgt. Stacey Koon.

Is it admissible? U.S. District Judge John G. Davies says it is. Defense lawyers say it isn't, and they are asking the 9th U.S. Circuit Court of Appeals for a quick ruling.

Peter Arenella, a UCLA law professor, doubted that the appeals court would intervene.

"We're at the end of the trial," he said. "We have a sequestered jury. Appellate courts are reluctant to stop a trial. I wouldn't be surprised if the Ninth Circuit decided not to take it up."

Loyola University law professor Laurie Levenson agreed that it would be extraordinary for appeals court judges to stop such a high-profile trial. But she said their interest might be piqued if the matter raises a new and

important problem of law.

In the federal trial, the four policemen have presented a united defense. In the state trial, which ended in acquittals, Briseno had a different lawyer and a different strategy, and he testified against the others.

Officer Laurence Powell, who struck King the most times in the videotaped beating on March 3, 1991, stands to lose the most if the Briseno testimony is replayed.

On April 3, 1992, Briseno testified that he saw Powell strike King's head repeatedly with a baton while the motorist lay prone on the ground.

"Did you perceive that Mr. King was a threat at that time?" asked John Barnett, Briseno's lawyer at the time.

"No, sir," Briseno said. "I just thought the whole thing was out of control."

The first baton strike by Powell to King's head was accidental, but the rest were not, Briseno said.

"I saw Officer Powell standing over Mr. King and giving what were just a series of forward and reverse power strokes," Briseno said.

"What were you thinking?" Barnett asked.

"I was thinking that he was delivering them to the head," Briseno said.

Briseno also gave a graphic description of Powell's appearance when the beating ended.

"Officer Powell had a look I'd never seen before. ... It was a look of just pure exhaustion," he said. "His eyes

looked like they could explode, like they were coming out. He was constantly gasping for breath."

Briseno blamed Koon, the commander, for failing to stop the beating.

"Did you have a belief that what you were seeing might be improper?" Barnett asked.

"Yes, sir," Briseno said.

Briseno said Powell was joined by Officer Timothy Wind, who delivered more baton strokes.

"Did you think it was right or wrong?" Barnett asked.

"Wrong," Briseno said.

In cross-examination, defense lawyers tried to show that Briseno was lying, suggesting he would have reported misconduct if he perceived it. He testified that he went back to his police station planning to tell his captain what had happened.

But Briseno claimed he saw a message from Koon in the captain's office saying there had been a "big-time use of force," and he figured it had already been reported.

Briseno also claimed that a police "code of silence" discouraged him from informing on fellow officers.

Briseno, Koon, Powell and Wind were acquitted in state court on all but one charge against Powell on which jurors deadlocked last April 29. The verdicts set off riots in Los Angeles in which 54 people were killed.

Navy proposes to lift ban on women in combat jobs

WASHINGTON (AP) — The Navy wants to put women in all of its front-line combat jobs — as fighter pilots, submariners and warship crew members — within the next four years, officials say.

In a tradition-breaking plan ready for action by Defense Secretary Les Aspin, the Navy suggests allowing women to serve on six classes of combat support ships within the next several months. It would also allow them to enter training for more advanced combat jobs, some of which take years to earn.

The sweeping plan is designed to repair the Navy's battered image in the wake of the Tailhook sex abuse scandal. It would also

put the service in the forefront of revising attitudes toward women in the military.

The plan would also make it difficult for the military to bar any other group — such as homosexuals — from combat jobs, as some have proposed.

"The plan is to increase the role of women in the Navy ... it is something the Navy would very much like to have happen," said a senior Pentagon official knowledgeable about the plan who spoke on condition of anonymity.

Adm. Frank Kelso Jr., the Navy's top admiral, has approved the plan, the official said.

At present, women are barred from flying combat aircraft and

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— Sean O'Keefe, former Navy secretary

serving on major warships, such as aircraft carriers, destroyers or cruisers and submarines.

However, they do serve on 64 of the Navy's 453 vessels — primarily supply ships, such as oilers or submarine tenders, or repair and salvage vessels.

Allowing women in the Navy's premier combat slots means they could seek out and destroy enemies as F/A-18 fighter pilots, for

example, or as nuclear missile launchers on Trident submarines.

Congress has passed legislation to repeal the ban on women in certain Air Force aircraft and to allow women to fly Navy aircraft. However, the law does not require the armed services to change their policies.

The Navy's push for addressing the role of women in the service gained momentum under a

former Navy assistant secretary for manpower, Barbara Spyridon Pope. She headed a panel set up after the 1991 Tailhook convention, where more than two dozen women — half of them naval officers — reported being groped and fondled by Navy and Marine Corps aviators.

Pope's committee recommended that all naval combat jobs be opened to women, a position backed by then-Navy Secretary Sean O'Keefe.

"I believe we should expand the role of women in combat in all the armed forces, including permitting women to fly combat missions, as well as serve in all naval vessels," O'Keefe said in January.

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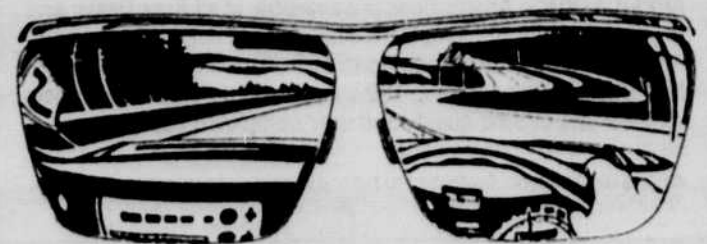
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