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### The beating of Rodney King

Shortly after midnight on 3 March 1991, Rodney King was beaten by officers of the Los Angeles Police Department. King was hit by two tasers — electroshock weapons using two darts connected by wires to a high-voltage source — and then struck dozens of times by metal batons, as well as being kicked, over a period of several minutes. Four officers participated in the arrest and more than 20 police were present during the beating, which was illuminated by floodlights from a police helicopter hovering overhead.

This event probably would have become just another arrest statistic except that a portion of the incident was captured on videotape by an observer, George Holliday, who heard the commotion from his apartment nearby. After the video was screened on television, the “Rodney King beating” became the most well known case of police use of force in history, with serious adverse effects for the police. The reputation of the LAPD took a battering, as the force was widely perceived to be tolerant of brutality. There were vociferous calls for LAPD Chief Daryl Gates to resign. The four officers directly involved in the beating were charged with assault and brought to trial. Media attention was intense over the following months, with thousands of newspaper articles published as well as extensive coverage by electronic media. Morale in the LAPD was seriously damaged.

The King beating is an ideal case study for social analysis given the great amount of documentation of the incident and the subsequent media coverage, trials, and riots. Among the studies undertaken are assessments of the

context of racism and social control,<sup>1</sup> an examination of the practices of professionals, namely the police,<sup>2</sup> an analysis of media narratives about the beating,<sup>3</sup> and a study of the effects of the beating on public opinion about racial discrimination.<sup>4</sup>

If the beating is thought of as an attack on King, then it is reasonable to say the attack backfired: it recoiled adversely on the attackers. That the beating ended up being damaging to the police has been attested by observers of diverse persuasions<sup>5</sup> and confirmed by research.<sup>6</sup>

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1. Robert Gooding-Williams, ed., *Reading Rodney King/Reading Urban Uprising* (New York: Routledge, 1993).

2. Charles Goodwin, “Professional Vision,” *American Anthropologist* 96 (1994): 606–33.

3. Ronald N. Jacobs, “Civil Society and Crisis: Culture, Discourse, and the Rodney King Beating,” *American Journal of Sociology* 101 (1996): 1238–72; Ronald N. Jacobs, *Race, Media, and the Crisis of Civil Society: From Watts to Rodney King* (Cambridge: Cambridge University Press, 2000).

4. Lee Sigelman, Susan Welch, Timothy Bledsoe, and Michael Combs. “Police Brutality and Public Perceptions of Racial Discrimination: A Tale of Two Beatings,” *Political Research Quarterly* 50 (1997): 777–91.

5. Lou Cannon, *Official Negligence: How Rodney King and the Riots Changed Los Angeles and the LAPD* (Boulder, CO: Westview, 1999), 228; Jerome H. Skolnick and James J. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: Free Press, 1993), 10.

6. J. R. Lasley, “The Impact of the Rodney King Incident on Citizen Attitudes toward

Several factors contributed to the backfire. George Holliday's video was an essential element, enabling a vivid visual exposure of the events. Television stations repeatedly screened a portion of the video, taking it to a huge audience.<sup>7</sup> The timing was advantageous for obtaining media attention. The first Gulf war had ended just recently, leaving the news agenda open to other issues. If the video had come to attention on the day the Gulf war began, for example, it undoubtedly would have had far less impact.

Also crucial was the symbolism of a police beating. Police are supposed to be protectors against injustice. Though many people are aware of discrepancies between the ideal and the reality of policing, nevertheless dramatic evidence of police abuse can strike a chord through its challenge to the dominant belief system about policing and justice. Furthermore, it was important that Rodney King, a black man, was beaten by white policemen (though a few of the police observing the arrest were black). The graphic image of whites attacking a black man resonated with the U.S. history of racist violence against blacks.

Although there were quite a number of citizens and groups concerned about police misconduct, there was not a powerful social movement to boost concern about the beating. Existing groups did not have a high public profile, nor was King associated with them in any way.

As in the cases of Sharpeville, Dili, and Dharasana, the King beating involved a violent assault by authorities. But there is also a big difference: King was neither a protester nor — as described later — particularly peaceful, and certainly not a practitioner of nonviolent action. Yet the public reaction to his beating

precisely parallels the reaction to violent attacks on peaceful protesters.

I will look more closely at the King beating by examining in some detail each of the five methods of inhibiting outrage: cover-up; devaluation; reinterpretation; use of official channels; intimidation and bribery. I present evidence, especially from valuable partisan books about the beating, that is especially useful in illustrating features of the struggle over reactions to the beating.<sup>8</sup>

This is not an attempt to tell “the story” of the King beating, much less to determine “what really happened.” Despite the existence of the videotape, the meaning of the events remains contested. My aim here is to show how attackers and their supporters used a variety of methods that inhibited outrage and how critics of the beating countered these methods.

#### Key Figures

- Rodney King, a black man beaten in the course of being arrested on March 3, 1991.
- Stacey Koon, the police sergeant in charge of King's arrest.
- Lawrence Powell, Timothy Wind, and Theodore Briseno, police officers directly involved in King's arrest.
- George Holliday, a witness to the beating who recorded it on his videocamera.
- Daryl Gates, Los Angeles police chief at the time of the events.
- Tom Bradley, Los Angeles mayor at the time.

#### Cover-up

The defining feature of the King beating is the availability of a videotape recording the event. As noted by numerous commentators, without the videotape, the beating would have been

Police,” *Policing and Society* 3 (1994): 245–55.

7. Richard L. Fox and Robert W. Van Sickel, *Tabloid Justice: Criminal Justice in an Age of Media Frenzy* (Boulder, CO: Lynne Rienner, 2001), 33–35. I thank Kevin Wehr for recommending this book.

8. For a vivid film documentary, see *The Rodney King Incident*, video. Directed by Michael Pack. Chevy Chase, MD: Manifold Productions, 1998. I thank Jeff Ross for recommending this treatment.

unlikely to come to public attention.<sup>9</sup> Therefore, cover-up, as a means to inhibit popular anger, failed spectacularly in this case. Nevertheless, evidence of cover-ups can be found in the King saga. But first it is worth noting the usual scenario for cases of police brutality and other misconduct: no publicity and little or no negative consequences for police.<sup>10</sup> An investigation into police misconduct in the United States, stimulated by the King beating, stated:

Many cases of police misconduct take place out of the public eye. Often, there are no witnesses to the incident other than police officers and the victim of the misconduct, and thus no one to corroborate the complainant's account. Representatives of community organizations and legal agencies described the difficulty of pursuing complaints against the police, particularly in the absence of witnesses. Both police and civilians agreed that, if it comes down to a citizen's word against an officer's story, the police version controls. In the vast majority of cases involving one civilian and one officer the complaint is not sustained.<sup>11</sup>

9. Charles J. Ogletree, Jr., Mary Prosser, Abbe Smith, and William Talley, Jr.; Criminal Justice Institute at Harvard Law School for the National Association for the Advancement of Colored People, *Beyond the Rodney King Story: An Investigation of Police Misconduct in Minority Communities* (Boston: Northeastern University Press, 1995), 6; Michael Omi and Howard Winant, "The Los Angeles 'Race Riot' and Contemporary U.S. Politics," in Gooding-Williams, *Reading Rodney King*, 97–114, at 97; Skolnick and Fife, *Above the Law*, 3, 190.

10. Jeffrey Ian Ross, *Making News of Police Violence: A Comparative Study of Toronto and New York City* (Westport, CT: Praeger, 2000), 199.

11. Ogletree, et al., *Beyond the Rodney King Story*, 60–61.

Some of the reported cases of police brutality are far more serious than the King beating and seem to have less justification. They include beatings without pretext, torture, and killings, some apparently premeditated.<sup>12</sup> In these cases, cover-up is central to reducing a backlash. The basic means of cover-up is police lying about what happened: "Far too many officers lie with impunity about the conduct of a defendant, about what they were able to observe, and about whether proper procedures were followed."<sup>13</sup>

Other police often know their colleagues are lying but decline or refuse to speak out against them. This so-called "code of silence" is a form of police loyalty that inadvertently can sanction abuse. As described by the Christopher Commission, set up in response to the King beating, the code of silence "consists of one simple rule: an officer does not provide adverse information against a fellow officer."<sup>14</sup> Long-time Minneapolis police officer Michael W. Quinn wrote a book about code of silence. He says when he joined the force, he had no idea about the extent of corruption, including lying, burglary, and beating prisoners. These activities often were tolerated. But —

There was only one thing you *never* did. You never snitched on another cop.

*The Code of Silence was the only rule you had to obey above all other. Cops didn't tell on other cops. Not for any reason. Ever!*<sup>15</sup>

12. Ogletree, et al., *Beyond the Rodney King Story*; Skolnick and Fife, *Above the Law*.

13. Ogletree, et al., *Beyond the Rodney King Story*, 57.

14. Warren Christopher, et al., *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: Independent Commission on the Los Angeles Police Department, 1991), 168.

15. Michael W. Quinn, *Walking with the Devil: The Police Code of Silence* (Minneapolis: Quinn and Associates, 2005), 33. Emphasis in the original.

The code of silence is part of the culture of many police departments, including the LAPD. It is enforced by reprisals against those who speak out, as described later in the section on intimidation.

Of crucial importance in the cover-up or exposure of police misconduct is the role of the media. In the conventional social science view of the news, called the "official dominance model," officials are the primary definers of events. Consequently, most police use-of-force incidents are never mentioned in the news, and even those covered typically receive only cursory treatment, with the official versions of events predominating.<sup>16</sup> In most cases journalists do not even find out about police use-of-force incidents, and many such incidents do not conform to news values of prominence, proximity, and so forth. One consequence is that most police shootings in the United States are not reported.<sup>17</sup>

The interaction of official lying, the police code of silence, police public relations techniques, and the orientation of most news to official sources operates to minimize attention to most cases of alleged police brutality. These processes serve, in effect, as means of cover-up.

Regina Lawrence in her book *The Politics of Force*, a highly sophisticated analysis of media treatment of police use of force, argues that a few exceptional events break through the usual elite-oriented framing of news. The King beating is the most prominent example of this alternative, event-driven media treatment of police use of force. She argues that three factors combined to make the beating into an agenda-setting event: the video, a dramatic political struggle between LAPD Chief Daryl Gates and Los Angeles Mayor Tom Bradley, and public reaction.<sup>18</sup>

16. Regina G. Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley: University of California Press, 2000), 28–29.

17. *Ibid.*, 29.

18. *Ibid.*, 62–85.

Though the King beating is the most dramatic *exception* to the usual pattern of cover-up, nonetheless there are some instances of attempted cover-up in its story. George Holliday, who made the video of the beating, rang the local police station saying he had witnessed a police beating, intending to offer the video. However, the desk officer expressed no interest in what Holliday had to say, nor did the officer record a complaint. Given this official unconcern, Holliday offered the tape to KTLA, a television station in Los Angeles.<sup>19</sup> In retrospect, it is possible to say that had the officer taken Holliday's call seriously and obtained the videotape, then destroyed it and claimed to have lost it, the scale of the backfire might have been dramatically reduced if not eliminated. Paul King, Rodney King's brother, attempted to make a complaint, but was given the brush-off. Indeed, Paul King was inappropriately asked whether he himself "had ever been in trouble."<sup>20</sup>

During the arrest of King, more than 20 police officers were present in addition to the four immediately involved in subduing King. None of the observing officers made any attempt to report inappropriate behavior. This could be because they believed the arrest had been carried out according to proper procedures or can be attributed to the code of silence. In the latter case it is possible to speak of a cover-up. The effect of the code of silence is more obvious in the first trial of the four officers directly involved. The prosecution approached police use-of-force experts to testify at the trial, but they were unwilling.<sup>21</sup>

19. Christopher, et al., *Report of the Independent Commission*, 11; Tom Owens with Rod Browning, *Lying Eyes: The Truth behind the Corruption and Brutality of the LAPD and the Beating of Rodney King* (New York: Thunder's Mouth Press, 1994), 56.

20. Christopher, et al., *Report of the Independent Commission*, 10; Owens, *Lying Eyes*, 39.

21. Cannon, *Official Negligence*, 242; Owens, *Lying Eyes*, 266.

These few instances illustrate that cover-up played a role in the King beating. The code of silence, police lack of interest in recording a complaint, their lack of interest in searching out additional witnesses of alleged brutality (there were numerous civilian eyewitnesses to the beating), and media acceptance of official interpretations, might well have relegated the beating to a non-event so far as citizen concern was concerned — except for the videotape.

It is also worth mentioning what can be called a backfire within a backfire, related to apparent cover-up. Holliday's video was edited at KTLA before being broadcast, removing the first few seconds because the image was blurry and hence not good for television. This edited version, which showed a lengthy beating of an apparently nonresisting man, was the one shown by CNN and other networks; very few people saw the full tape.<sup>22</sup> At the first trial, the jury was shown the full tape, in which the early seconds showed King apparently charging at officer Lawrence Powell, who initially struck King in self-defense. This made jurors think they hadn't been told the full story, suggesting a cover-up of evidence supporting the police.<sup>23</sup>

In summary, three key techniques were involved in cover-up in this case. First is the police code of silence, which essentially means lying — often by omission, namely not speaking up — about what happened or didn't happen. Second is failure to receive or collect evidence, as when complaints about the beating were not even recorded. Third is the routine interplay between police and the media whereby most police use of force is not seen as newsworthy by journalists or editors. Police public relations helps in this process, but the crucial thing is the routine cooperation between police and journalists.

These techniques are quite effective in limiting exposure of most police abuses, so usually only the victims and their immediate acquaintances may know anything about them. But in the case of King, the Holliday video cut

through these techniques of cover-up. It did not abide by the police code of silence; it was a graphic testimonial offered to the public eye despite police failure to report the events or collect evidence; and it broke through the routine relations between police and the media.

### Devaluing the Target

When police use violence, they commonly blame suspects who are painted as deviant and violent.<sup>24</sup> The beating of King was more likely to cause indignation if King was perceived as innocent, indeed a model citizen, not only during his encounter with the Los Angeles police on March 3, 1991, but also before and after. In many news reports, King was described as a "black motorist," with the implication that he had been doing nothing wrong.<sup>25</sup> Others, though, emphasized King's shortcomings and transgressions, thereby devaluing him as a person and reducing some people's disgust over the beating.

The officer in charge of King's arrest was Sergeant Stacey Koon, who with the support of journalist Robert Deitz wrote a book about the affair, published in 1992.<sup>26</sup> A few years later, Deitz wrote his own book, again focusing on Koon's role.<sup>27</sup> Tom Owens, in contrast, was a former LAPD officer who became an investigator for prosecutions of police for misconduct. He was hired as investigator for King's initial legal team. His book, titled *Lying Eyes*, gives a very different perspective.<sup>28</sup> Each of these authors pays attention to the characters of both King and

24. Lawrence, *Politics of Force*, 14, 37, 179.

25. Cannon, *Official Negligence*, 82.

26. Stacey C. Koon with Robert Deitz, *Presumed Guilty: The Tragedy of the Rodney King Affair* (Washington, DC: Regnery, 1992).

27. Robert Deitz, *Willful Injustice: A Post-O.J. Look at Rodney King, American Justice, and Trial by Race* (Washington, DC: Regnery, 1996).

28. Owens, *Lying Eyes*.

22. Cannon *Official Negligence*, 23–24.

23. *Ibid.*, 195.

Koon, as well as the other indicted police officers. As might be expected, Koon's and Deitz's books are far more derogatory of King.

Koon was proud of the arrest; he considered it a model arrest and, when initially hearing it had been videotaped, was pleased, as he assumed it would show the high quality of his performance. (This was before he knew about the public reaction.) In subsequent trials he justified every blow to King as appropriate and carried out according to official procedures. He is also forthright in mentioning a critical perspective on King.

The force we used was well within the guidelines of the Los Angeles Police Department; I'd made sure of that. And I was proud of my officers, proud of the professionalism they'd shown in subduing a really monster guy, a felony evader seen committing numerous serious traffic violations. And subduing this guy without the deadly force that all too often accompanies the arrest of a PCP-dusted felony suspect.<sup>29</sup>

(Koon assumed King had taken the drug PCP, which is said to endow the user with extraordinary strength.) Koon also referred to King's criminal record:

Rodney King's biography wasn't happy-face reading. Not only did he have a troublesome criminal record before March 3, 1991, his conduct afterwards had been less than exemplary. It included an arrest for picking up a transvestite prostitute and then trying to run over two LAPD vice squad cops.<sup>30</sup>

Deitz in his book wrote about "matters of character," lauding Koon's sterling record, giving extensive attention to King's failings, and claiming King was treated with kid gloves

by the police and courts because he was so well known through the video.<sup>31</sup>

Owens gives an entirely different perspective. He describes various attempts to smear King by associating him with crimes or by framing him. On March 28, 1991, Los Angeles media reported that King was being investigated for two robberies early in the year, with the victims being shown photos of King by officers from the Foothills Division, in which key police involved in the beating had worked.<sup>32</sup> Owens collected evidence clearing King and concluded that the episode was a "set up by the LAPD meant to [damage] King's image, detract from his credibility and integrity, make the four cops look good by making King look bad."<sup>33</sup>

On May 26, 1991, LAPD vice officers arrested King for consorting with a transvestite and attempting to run down officers, and the media immediately had the story. Owens again sprang into action, finding witnesses and collecting evidence; King did not have his parole revoked as a result of the arrest. Owens "was convinced the arrest of Rodney King was a staged event."<sup>34</sup> This was only the first of a series of LAPD arrests of King. Owens was proud of collecting evidence that cleared King on four occasions.<sup>35</sup>

Owens also spends some time in his book telling of his personal interactions with King. While Owens certainly does not idolize King — he tells of King's crimes and impulsive and dangerous behavior — he does describe good sides to King, for example King spontaneously spending time with a group of kids, encouraging them to get an education and buying them ice creams.<sup>36</sup> Owens concludes that King is neither a hardened criminal nor a saint, but

29. Koon, *Presumed Guilty*, 21.

30. *Ibid.*, 134.

31. Deitz, *Willful Injustice*, 31–60.

32. Owens, *Lying Eyes*, 103.

33. *Ibid.*, 105.

34. *Ibid.*, 114.

35. *Ibid.*, 222.

36. *Ibid.*, 151.

“just a man.”<sup>37</sup> In humanizing King, Owens counters others’ denigration. In the first trial, King did not testify, making it easier for the defense to demonize him; in the second trial, he did testify, making him more human to the jury.<sup>38</sup>

There is no doubt King is an easy target for denigration, given his limited literacy, his arrest and prison record, and his penchant for drinking and fast driving. In a 1992 article in *Vanity Fair*, King’s failings are recounted, along with criticisms of his lawyer and others cashing in on the “Rodney King trade.”<sup>39</sup> In an article about yet another arrest of King on August 27, 2003, more than a decade after the famous beating, David Horowitz defended the LAPD, criticized “liberals,” and denigrated King, calling him “a self-destructive lout,” “a pathetic bum,” and “a reckless criminal.”<sup>40</sup> The struggle over the meaning of the beating, including the reputation of the target, thus continues long after the event.

In summary, three main techniques of devaluation were used against King by his detractors, notably the police. The first was to find dirt on him, such as his criminal record and complaints against him. This wasn’t difficult, because King’s past contained many damaging episodes. The second technique was to publicize the dirt, for example by police feeding information to the media. The third technique was to manufacture dirt, as when King was apparently set up to be involved with a transvestite prostitute, with media primed to be present and record the embarrassing and discrediting interaction. For most cases of police brutality, these methods are not

needed because cover-up and intimidation are sufficient to minimize the consequences for police. In the King case, the impact of the Holliday video seems to have stimulated some police to take extra efforts to discredit the victim.

### Reinterpreting the Event

If outrage can result from a perceived injustice, then an effective way to counter it is to convince people that what happened was not actually what it seemed. In the case of King, most people perceived a brutal police beating of an outnumbered and defenseless man. Although the video of the King beating has often been assumed to be self-explanatory, in practice it must be interpreted.<sup>41</sup> Police countered it with a different story: King was a powerful and potentially dangerous threat to the police. He had been speeding, tried to escape when police signaled him to stop, and led police on a high-speed chase before he was forced to stop. Police then had followed normal procedures in arresting him and thus were fully justified in their actions.

Stacey Koon, in charge of the arrest, said LAPD policy had been followed throughout. The policy specifies a series of options, with escalating use of force: presence; verbalization; commands; firm grips; pain compliance; impact techniques; and deadly force.<sup>42</sup> On the night of 3 March, police went through the stages of presence, verbalization, and commands, but King did not acquiesce. Koon ordered a “swarm”: four officers each grabbed one of King’s arms or legs, but he threw them

37. Ibid., 152.

38. Cannon, *Official Negligence*, 427–28.

39. Peter J. Boyer, “The Selling of Rodney King,” *Vanity Fair* (June 1992): 78–82, 158–61.

40. David Horowitz, “Rodney King: Once a Bum, Always a Bum,” *FrontPageMagazine.com* (9 September 2003). <http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=9712> (accessed 29 June 2006).

41. Judith Butler, “Endangered/Endangering: Schematic Racism and White Paranoia,” in Gooding-Williams, *Reading Rodney King*, 15–22, at 17; Robert Gooding-Williams, “‘Look, a Negro!’,” in Gooding-Williams, *Reading Rodney King*, 157–77, at 165. That reality is socially constructed is argued by Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, NY: Doubleday, 1966).

42. Skolnick and Fyfe, *Above the Law*, 37–42.

off. Then Koon used two tasers, whose high-voltage shocks normally bring down the target, but King, unlike most people hit with tasers, was not subdued; he made a charge at officer Powell. Koon believed King had superhuman strength due to being “dusted” with the drug PCP.

Next on the continuum of force options was impact techniques. Koon instructed two officers to use their batons on King; policy insists there be occasional pauses between strikes to observe whether the suspect is complying, in which case a lower-force option can be adopted. But, said Koon, King did not adopt the fully prone position demanded by the police; the beating continued until he did. Koon said the arrest was undoubtedly brutal, but it followed procedure.<sup>43</sup>

Because the police adopt force options in response to the suspect’s behavior, the police attribute their own actions to the suspect. Koon claimed that, “I had been in charge of the officers, but Rodney King had been in charge of the situation.”<sup>44</sup> This theme of King being “in charge” was used by the defense throughout the trials and nicely captures the reinterpretation involved. Normally, “in charge” implies having power or authority, which the police certainly had during the arrest. By portraying King as being “in charge” — validly so, from the perspective of police use-of-force options — the responsibility for the beating was attributed to King. More generally, the defense tried to make King the focus of attention, instead of the police.<sup>45</sup> In the initial Simi Valley trial, the jurors accepted the police framing of events, finding the four officers on trial not guilty.<sup>46</sup>

The police thus blamed King for his own beating, whereas most viewers of the video blamed the police. But “the police” has multiple meanings: it could mean the four officers directly involved in the beating, the 20 or so other police at the scene who did not intervene, the Los Angeles police force generally, the LAPD as an organizational entity, or LAPD top officials — especially chief Daryl Gates — who were formally responsible for policies, training, and discipline. The popular and political response to the beating opened some divisions between these groups. Gates referred to the beating as an “aberration,” blaming the individual officers.<sup>47</sup> The Christopher Commission took a more structural view, examining police attitudes, complaint procedures, and official tolerance of brutality, concluding that “The problem of excessive force in the LAPD is fundamentally a problem of supervision, management, and leadership.”<sup>48</sup> Koon blamed not only King but also LAPD managers, especially Gates, as self-interested bureaucrats who protected themselves at the expense of street cops.<sup>49</sup> Some commentators agreed: journalist Lou Cannon noted that because there had been other events equivalent to the King beating, the problem was systemic.<sup>50</sup>

Cannon said the beating was like the Japanese film *Rashomon*, which portrays dramatically different perspectives on the same event, except that one particular perspective received most of the attention: the version shown in the video.<sup>51</sup>

In summary, police used two principal methods in reinterpreting the events aside from blaming King. First, they presented their own perspective that the arrest was done

43. Koon, *Presumed Guilty*, 25–52; see also Deitz, *Willful Injustice*, 61–91.

44. Koon, *Presumed Guilty*, 45.

45. Laurence H. Geller and Peter Hemenway, *Last Chance for Justice: The Juror’s Lonely Quest* (Dallas: NCDS Press, 1997), 186.

46. D. M. Osborne, “Reaching for Doubt,” *American Lawyer* (September 1992): 62.

47. Daryl F. Gates with Diane K. Shah, *Chief: My Life in the LAPD* (New York: Bantam, 1992), 316.

48. Christopher, et al., *Report of the Independent Commission*, 32.

49. Koon, *Presumed Guilty*, 105–9.

50. Cannon, *Official Negligence*, 107.

51. *Ibid.*, 21, 450.



according to normal procedures. Second, when the pressure was on, they blamed each other: Gates blamed the arresting officers whereas Koon blamed police managers, especially Gates.

In the first trial, the jury was convinced by the police interpretation of what happened, leading to acquittal. But for members of the public who saw the beating on television, the police interpretation was abstract or nonexistent. Furthermore, when watching the video, it was easiest to blame the officers involved, simply because they were the ones visible. The effectiveness of reinterpretation varies from person to person and depends on the circumstances, including information, knowledge, and the response of respected others.

### Using Official Channels

Given that one way to reduce the popular outcry from injustice is to refer the matter to official bodies or experts with a reputation for being independent and fair, it is to be expected that court hearings and commissions of inquiry would be commonplace after prominent incidents of police violence.<sup>52</sup> For some people, the promise of justice through official channels — or through “champions of justice” such as honest politicians<sup>53</sup> — provides a substitute for taking action personally.

The King beating was seen by many as a blatant injustice, leading to demands and expectations that justice be done, with a range of possibilities expressed, including penalties for the police involved in the beating, resignation of police chief Gates, reform of the police to reduce brutality and penalize its perpetrators, and new policies to redress the economic and political disadvantage of poor minority inner-city communities in Los Angeles and elsewhere. The meaning of justice in part depended on whether a person saw the beating as an isolated incident or as a symptom of

systemic problems, and on which of the “multiple publics” the person was a member.<sup>54</sup>

Within days of the screening of the Holliday video, a grand jury was formed to look into the beating. This was followed by initiation of an FBI investigation and by the indictment of four Los Angeles police officers. These uses of formal procedures focused on the police involved in the beating, but pressure was intense for more sweeping reforms. Calls for chief Gates to resign reflected an assumption that new policies would be implemented.

At the end of March 1991, Gates formed a commission to investigate the beating; at the same time, mayor Tom Bradley also formed one. By agreement of the two bodies, they combined to form the Christopher Commission, which carried out a thorough investigation in a matter of months, reporting in early July. The commission did not examine the culpability of individual officers for the beating, which was a matter for the courts, but instead reported on systemic problems in the LAPD: the use of excessive force; racism and bias; police culture; recruitment and training; complaint systems; and formal structures for control of the police department and its chief. The commission’s report was seen by many as a largely sound and far-sighted document which, if its recommendations were implemented, would transform the police.<sup>55</sup> (In contrast, Gates was very critical of the report.<sup>56</sup>) This was quite different from some official reports that essentially whitewash the problems. After the report was released, pressure mounted on Gates to resign; eventually he announced he would step down in 1992.

Attracting far more attention was the trial of the four police officers directly involved in the arrest. Nearly everyone — the public, journalists, lawyers, and the defendants — expected a guilty verdict. Such an outcome would help

52. Ross, *Making News of Police Violence*, 6, 38–44.

53. F. G. Bailey, *The Prevalence of Deceit* (Ithaca, NY: Cornell University Press, 1991).

54. Jacobs, *Race, Media, and the Crisis of Civil Society*.

55. Cannon, *Official Negligence*, 121–47.

56. Gates, *Chief*, 347–51.

satiate the popular demand for justice. In an unusual development, the trial judge changed the venue to Ventura County, so that most of the jurors were drawn from Simi Valley, a population highly sympathetic to the police. At the trial itself, the defense effectively countered the evidence of the video by deconstructing it and encouraging the jury to see the events through the eyes of the police — an effective exercise in reinterpretation. The police code of silence ensured no convincing use-of-force experts were willing to testify for the prosecution. The prosecutors were not too worried, though, because they believed the video spoke for itself. The jury, though, was convinced otherwise and, on 29 April 1992, brought down a verdict of not guilty for all four officers.

News of the verdict, accompanied by repeated screenings of the original beating,<sup>57</sup> acted like a shock wave through the country and especially through South Central Los Angeles, where a massive riot ensued in which more than 50 people died, thousands were treated for injuries, and 800 buildings were burned with more than \$900 million in property damage. Undoubtedly many factors contributed to the scale of the five-day riot, notably existing racial tensions. One of the factors, and certainly the immediate trigger, was fury over justice denied or, in other words, to an extension of the original outrage over the King beating.

... the imagery of the “rule of law” suggests that the prohibition against racial discrimination is clear and determinate. It doesn’t depend on “subjective” evaluation. And from this frame, what’s so enraging about the King verdict is that it seems to show that even such clear, objective prohibitions

can be subverted by racial power, like that embodied in the Simi Valley jury.<sup>58</sup>

In short, the legal system promised to rectify an injustice to King; when it failed, the result was rage, though this rage was not targeted in any effective manner. Thane Rosenbaum in his book *The Myth of Moral Justice* comments on the failure of the law to achieve moral justice:

When the application of the law is perceived as senseless, it has a shattering effect on the capacity of the parties and the community to reconcile and move on. ... Unjust verdicts and the deep mistrust of and moral disgust with the legal system sometimes cause riots in the streets.<sup>59</sup>

The LAPD was not prepared for the riots. Gates was a lame duck chief, with less than full attention to the job; when the verdict was announced, he was attending a function to oppose some of the Christopher Commission recommendations.

On the third day of the riots, President George Bush addressed the nation on television and “virtually promised federal prosecution of the acquitted police officers ... the president and the attorney general felt the prosecutions were politically imperative.”<sup>60</sup> According to Lou Cannon, in his mammoth account of the King beating and its aftermath titled *Official Negligence*, the government’s goal was preventing “far-reaching investigations into police conduct” and “defusing the concerns of civil rights activists.”<sup>61</sup> Enormous government resources were poured into a

57. According to Fox and Van Sickel, *Tabloid Justice*, 35, the media’s screening of the video after the verdict contributed to public anger.

58. Kimberlé Crenshaw and Gary Peller, “Reel Time/Real Justice,” in Gooding-Williams, *Reading Rodney King*, 56–70, at 62.

59. Thane Rosenbaum, *The Myth of Moral Justice: Why Our Legal System Fails to Do What’s Right* (New York: HarperCollins, 2004), 16, 107.

60. Cannon, *Official Negligence*, 374; see also Deitz, *Willful Injustice*, 96–98.

61. Cannon, *Official Negligence*, 375.

second trial of the same four officers, this time a federal trial. In the new trial, with a different venue and jury composition, plus enormous pressures on the jurors to reach a guilty verdict to prevent further riots, the result was that two of the four officers — Stacey Koon and Laurence Powell — were found guilty and sent to prison. The system appeared to work and after the second verdict no riots or disturbances occurred.

The two criminal prosecutions of the four officers received saturation media coverage; far less media attention was given to system reform in the LAPD. In part this reflects news values that give priority to personalities and conflict. The net effect was to personalize the provision of justice and divert attention away from system reform.

To point to the role of official channels in reducing outrage is not to reject official channels, especially when they can bring about real change. The point here is that official channels can be used, cynically or inadvertently, to reduce anger resulting from a perceived injustice. The media are offered “a ritual of normalization in which problems are identified but then handed off to officials to resolve.”<sup>62</sup>

Gates, who felt the officers involved in the beating had let down the LAPD, wanted official action targeted at them, telling Mayor Bradley “we should isolate the Rodney King incident, let the courts handle it” and let the commissions do their work.<sup>63</sup>

Koon clearly recognized the way formal inquiries could be used to reduce outrage:

In the turbulent wake of the Rodney King affair, Los Angeles city officials scurried to repair the damage. Damage control was the foremost consideration. The first step was to make certain the officers in the Rodney King affair — the presumed guilty — were indicted ... the presumed guilty had to be prosecuted to

pacify an inflamed public that had been deceived by the media.

And what was the next step? It was predictable. As officials are inclined to do, the city appointed a study commission. The commission’s job was to patch the holes in the road.<sup>64</sup>

As stated by Koon, court cases and commissions of inquiry are a predictable response to public anger, because they give the appearance that justice will be done by responsible bodies. This is familiar from historical cases of backfire. The King saga reveals another important feature of such cases: in order to placate a horrified public, the official channels need to be seen to work. Many people who saw the Holliday video believed the police were guilty, so a guilty verdict was necessary to prevent anger turning into action. A guilty verdict, even with relatively mild penalties, might have been enough to mollify residents of South Central Los Angeles sufficiently to prevent a riot.

It is useful to remember that from the point of view of system change — a revamp of the Los Angeles police to eliminate racism and brutality, and promote community-building instead of force — the four police officers brought to trial were scapegoats. The verdict of guilty in the second trial gave the appearance of justice without any promise of more systemic change.

### **Intimidation and Bribery**

Police abuses are often accompanied by intimidation: the victim may be threatened or arrested. “Far too frequently, the citizen who has just been subjected to police abuse is then arrested and charged with a variety of crimes.”<sup>65</sup> Sometimes witnesses are charged as well. Many people are afraid to complain about police abuses, fearing retaliation and lack of response, hence complaints are made

62. Lawrence, *Politics of Force*, 113.

63. Gates, *Chief*, 338.

64. Koon, *Presumed Guilty*, 219.

65. Ogletree, et al., *Beyond the Rodney King Story*, 42.

about only some incidents. Police discourage complaints by resisting the filing of them, by harassing the complainant, by making threats, and by making arrests. For example, "In Virginia Beach, an NAACP attorney was arrested and prosecuted for trespass when he went to the police station to file a complaint about police misconduct toward an NAACP observer at a major disturbance."<sup>66</sup> Police may also sue citizens who they allege are making false allegations about police misconduct, an example of Strategic Lawsuits Against Public Participations (SLAPPs).<sup>67</sup> Most of this intimidation by police is made more effective by being behind the scenes: cover-up and intimidation go hand in hand.

Bribery is another tool to limit outrage. When citizens sue police over alleged misconduct, the result is often a settlement in which the citizen receives a pay-out but in return signs a confidentiality agreement that bars public comment on the case.

Evidence about intimidation and bribery can be hard to obtain, given the reluctance of targeted individuals to talk and the interest of the police in keeping the issue quiet. In the King case, the most extensive account of intimidation is given by Tom Owens, the former LAPD officer who became an investigator for King's legal team.

It seemed every time someone on our side became publicly known, confidential information about that person's background surfaced. Within two days of appearing at a press conference, a doctor who had initially scheduled various specialists to work with King became the target of a minor scandal. Confidential information about an alleged past problem of the doctor's — an overbilling to an insurance company

— was leaked to the media "from an informed source." As quickly as the smear was out, the doctor resigned from the team.<sup>68</sup>

Owens tracked down quite a number of witnesses to the beating of King, most of whom were reluctant to comment, much less testify, due to fear of reprisals.<sup>69</sup> Freddie G, one of the two passengers in King's car during the chase before the beating, was killed a few months later in a car crash. Owens spoke to witnesses who said the car was run off the road.<sup>70</sup>

Police and others who spoke out critically about the LAPD and chief Gates suffered threats and harassment.<sup>71</sup> As previously noted, police use-of-force experts were highly reluctant to testify at the trials of the four officers: the police code of silence was backed up by reprisals, especially ostracism.<sup>72</sup> Alan Yochelson, one of the prosecuting attorneys in the first trial, told Owens:

... we talked to any number of other force and policy experts, who told us the video showed excessive force. Clearly, there was excessive force on that video, but none of them would go on the record. They said it would end careers.<sup>73</sup>

According to Owens, most civilian witnesses of the beating had moved due to threats and unwanted publicity. Many Simi Valley jurors also moved due to threats.<sup>74</sup> After George Holliday became widely known for his videotape, the Immigration and Naturalization

66. Ibid., 56. The NAACP is the National Association for the Advancement of Colored People.

67. George W. Pring and Penelope Canan, *SLAPPs: Getting Sued for Speaking Out* (Philadelphia: Temple University Press, 1996).

68. Owens, *Lying Eyes*, 32.

69. Ibid., 93–94, 99–101, 112.

70. Ibid., 119.

71. Ibid., 182–87, 249.

72. Ibid., 186–87.

73. Ibid., 266.

74. Ibid., 259.

Service began trying to deport him to South America.<sup>75</sup>

Lou Cannon in his book *Official Negligence* reports some of the same findings as Owens. Cannon recounts how LAPD use-of-force experts refused to testify at the Simi Valley trial. Fred Nichols, who had testified to the grand jury about excessive force, did everything possible to avoid testifying in court, including resisting a subpoena by claiming to suffer stress.<sup>76</sup> One of the four officers involved in the beating, Theodore Briseno, testified against his fellow officers. He was labeled “Benedict Briseno”; the LAPD later instigated an investigation of Briseno for perjury.<sup>77</sup> In the second, federal, trial, LAPD use-of-force expert Mark Conta testified for the prosecution; initially some officers were angry at him, and Koon called him a “whore.”<sup>78</sup> But, according to his wife, “most officers respected him for telling the truth.”<sup>79</sup>

It is also possible for intimidation to be used by the other side. Many of the police present at but not participating in the beating resented the prosecutions. To prevent them testifying for the defense — namely in support of the four officers who were charged over the beating — they were threatened with prosecutions for perjury; few of them testified.<sup>80</sup> In this case, intimidation was used not to inhibit outrage from the beating, but rather to prevent a diminution of the outrage.

Journalists who cover police brutality can come under attack. Lew Irwin, in a story in the *Columbia Journalism Review*, described two cases of reprisals against television journalists who covered police abuses, as well as a case of

anticipatory censorship to prevent reprisals.<sup>81</sup> Journalists reporting on the King beating seem not to have had the same problem, perhaps because the story so quickly obtained saturation coverage.

The various arrests of King, described earlier as means of devaluing him, can also be considered forms of intimidation. Furthermore, two of the officers involved in the beating charged King with assault,<sup>82</sup> though this might be better understood as a legal gambit than as attempted intimidation of King.

As noted, intimidation is difficult to document, but even more so is bribery. Were police who adhered to the code of silence and refused to testify against fellow officers rewarded with collegial support, better assignments, or promotions? The processes involved are often unconscious, so producing documentation is extremely difficult. Bribery may be too strong a word to describe subtle ways of rewarding those who do not speak out about an injustice.

In summary, in cases of police brutality, intimidation can be directed at many targets, including the victim of the brutality, witnesses, and journalists. However, evidence of intimidation is often hard to obtain. Without Tom Owens’ revealing book, there would be little on the public record about intimidation in the King story. Bribery is even harder to document. Often it operates so subtly it can only be inferred.

Intimidation can be very effective, but always has limits. Holliday’s video, once created and in the hands of television stations, was beyond the immediate influence of the police. After it was broadcast, too many people were shocked and infuriated for intimidation to make a significant dent in public opinion. Intimidation often serves to ensure cover-up, and once cover-up failed, backfire was predictable.

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75. Ibid., 258.

76. Cannon, *Official Negligence*, 237–38.

77. Ibid., 598.

78. Ibid., 416–17.

79. Kathy Conta, personal communication, 13 June 2006.

80. Ibid., 436–37; Deitz, *Willful Injustice*, 101–9.

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81. Lew Irwin, “Cops and Cameras: Why TV is Slow to Cover Police Brutality,” *Columbia Journalism Review* 30 (September/October 1991): 15–17.

82. Owens, *Lying Eyes*, 132–33.

## Conclusion

The King beating is a multifaceted and vivid case study showing how what is perceived as an unjust attack can backfire. Reactions to the King beating were part of a struggle over perceptions of reality and what to do in response to those perceptions. George Holliday's video enabled this particular police beating to break through the media's usual reporting of official interpretations of police use of force, generate widespread revulsion, and trigger a major political struggle and crisis of legitimacy. As a result, the King beating provides extensive case material for examination, containing ample evidence of the five methods for inhibiting outrage.

Although the video circumvented the usual means by which police cover up misconduct, nonetheless evidence from the King affair shows attempts at cover-up both before and after the release of the video. Denigration of King as a person was a conspicuous technique used by defenders of the police. The video was interpreted by most viewers as clear evidence of police brutality, but the police involved offered a contrasting interpretation, namely that they were following official procedures and that King controlled the situation. After the video was broadcast, political and popular pressures led to the setting up of a commission and launching of two criminal cases against four police officers. In each case, these formal procedures gave the promise of dispensing justice and thus reduced outrage. Many people felt only a guilty verdict would provide justice, so when the jury in the first trial rendered a verdict of not guilty, public fury was reignited and a major riot erupted. Finally, there is evidence police intimidated witnesses and others in order to reduce the adverse consequences of the beating for the Los Angeles Police Department.

The analysis here is compatible with, but different from, Jeffrey Ian Ross's political process model of police violence as presented in his book *Making News of Police Violence*.<sup>83</sup>

This model, consisting of the stages of media initiation, arousal, reaction, and outcomes, describes what can happen after a public case of police violence; backfire analysis draws attention to tactics used by those who stand to gain or lose from outrage over police violence.

It is worth looking at each of the five methods for ideas about how to promote outrage from police brutality. Given that cover-up is such a potent technique for inhibiting outrage, reformers and activists should devote attention to means of exposing abuses. Jerome Skolnick and James Fyfe in their insightful book *Above the Law: Police and the Excessive Use of Force* adopt openness as a key principle of police reform, arguing that monitoring and documentation systems should be set up to "routinely videotape police conduct during those occasions where propensity to excessive force are most likely to occur: high-speed chases, interrogations, protests, and riots,"<sup>84</sup> a recommendation endorsed by Jeffrey Ian Ross.<sup>85</sup> It is important to remember, though, that all videotapes are open to manipulation and interpretation.

Other means of challenging cover-ups are to support investigative journalism and encourage whistleblowers, something especially challenging and important for police departments where the code of silence reigns. The human rights group Witness provides video equipment and training to groups around the world where human rights violations are likely to occur, as a means to document abuses, increase popular concern, and ultimately help deter abuses in the first place.<sup>86</sup>

84. Skolnick and Fyfe, *Above the Law*, 266.

85. Ross, *Making News of Police Violence*, 126. For a detailed study of the use of closed-circuit television in custody cells in a British police station, and the trade-offs between privacy and protection of prisoners, see Tim Newburn and Stephanie Hayman, *Policing, Surveillance and Social Control: CCTV and Police Monitoring of Suspects* (Cullompton, Devon: Willan, 2002).

86. "Witness," <http://www.witness.org/> (accessed 29 June 2006).

83. Ross, *Making News of Police Violence*.

Opposing devaluation is not easy. Those who are concerned about justice for all, regardless of status or stigma, need to be aware of techniques of devaluation, to be prepared to expose it, and to argue that everyone deserves to be treated with dignity and fairness. Humanizing targets, such as by showing what they have in common with others, can be an effective way of countering devaluation.

Interpretation struggles can persist long after apparently uncontested documentation such as the Holliday video. News stories and interpersonal communications — from backyard conversations to chatrooms — are all part of interpretation struggles, which can carry on for months, years, or decades. For many activists, participation in protests seems more real and substantial than writing a letter to the editor; looking at backfires suggests that interpretation struggles can be as crucial to the impact of social action as the immediate action itself.

The commission and the court cases following the King beating were the key official channels involved. They served to dampen demands for radical change in police procedures and management. In particular, the criminal cases against the four police officers served to direct attention and attribute blame to individuals and divert attention away from institutional reform. The implication for activists is that official channels should be used with care, if at all. Certainly, before using a particular procedure, it is worth investigating what happened to others who used it previously. Someone studying the fate of complaints against the police — nearly all of which exonerate the police of any wrongdoing — might conclude it would be far more effective to write a letter to the newspaper, circulate a leaflet, or call a meeting. As argued by Regina Lawrence, mobilization of popular concern is a key reason why the King beating received such intense media coverage.<sup>87</sup>

Although intimidation and bribery can be potent tools for inhibiting the expression of

outrage, they are seldom studied. Police brutality is often accompanied by threats and arrests of the victims, a process strongly linked with cover-ups. More widely, many activists and movements have been targeted for harassment and disruption, but there is relatively little written on how to deal with this.<sup>88</sup> Preparation is crucial, as is refusal to be intimidated and willingness to expose threats and attacks.

A study of the King beating offers several insights about the backfire process. First, backfire can occur well outside the template of violent attacks against nonviolent protesters found in the classic cases of Sharpeville, Dili, and Dharasana. King was not a protester, but instead a drunken and perhaps drugged man who had sped to escape police. He was not a principled practitioner of nonviolence, but rather resisted arrest, though the extent of his resistance is a matter of debate. He was not part of a movement seeking an end to injustice. Despite all this, the beating caused tremendous shock and anger, backfiring against the police. Whatever King had done, most viewers believed the police had done something much worse. This excessiveness or disproportionality is the key to backfire, along with communication to receptive audiences.

A second insight from the King saga is the importance of media practices in routine cover-up of police misconduct, as analyzed brilliantly by Regina Lawrence in *The Politics of Force*. The normal news routine makes journalists de facto collaborators with police by taking their perspective and adopting their priorities. But occasionally an incident breaks through this routine, and media coverage becomes critical, at least for a while. The same thing can happen with other injustices, including massacres: only some types of injustices by powerful groups are exposed in the media, whereas others are routinely ignored, falling outside the mass media's

87. Lawrence, *Politics of Force*.

88. An excellent treatment is Brian Glick, *War at Home: Covert Action against U.S. Activists and What We Can Do about It* (Boston: South End Press, 1989).

criteria for newsworthiness. Therefore, for those concerned about these low-profile injustices, it should be a priority to find ways to break through mass media indifference, or to use alternative media.

A third insight from the King story is that those perceived as responsible can fall out with one another. Police Chief Daryl Gates blamed the arresting officers for the incident, whereas Stacey Koon, the officer in charge of the arrest, blamed Gates for not standing behind established procedures. Those who wanted to blame someone for police brutality in the King case had several possible targets: the arresting officers, the police chief, the city government, police culture, and police procedures.

Police officers, the police chief, and the city government normally support each other, but in the face of public pressure it is understandable they tried to displace blame from themselves to others. Interestingly, blame was usually personalized: individuals such as Gates and Koon were blamed rather than arrest procedures or the bureaucratic processes of the police and government. Yet, it can be argued, getting a new chief or getting rid of a few officers would not do a lot to change the routines that led to the beating, a point recognized by the Christopher Commission. But one of the key features of backfires is that they are driven by perceptions, which may or may not correspond to a deeper analysis. The most common public perception was that responsibility should be placed on individuals. In response, some of these individuals blamed others. It is reasonable to expect to find a similar process in other types of cases.

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