

Insanity defense possible option for Furrow lawyers

Linda Deutsch

AP Special Correspondent

LOS ANGELES - How does a lawyer defend a case that seems indefensible?

The problem may prove especially vexing in the trial of Buford O. Furrow Jr., the white supremacist who allegedly confessed to shooting up a Jewish community center full of children, then killing a Filipino-American postman — all in the name of hate.

Furrow now sits in federal prison awaiting the process guaranteed to every American: a fair trial.

Finding a jury to judge him dispassionately will be a daunting challenge.

Surprisingly, finding a lawyer for his federal trial was much easier. With no money to pay his own counsel, Furrow became a client of the federal public defender's office, perhaps the best representation he could have hoped for.

With intimate knowledge of the federal system and wide experience with unpopular defendants, federal public defenders have the resources to handle cases that many private lawyers might avoid for personal or professional reasons.

"All of these cases are hard," said Quinn

Denvir, the chief federal public defender in Sacramento who represented Unabomber Theodore Kaczynski. "There are always victims and a lot of sadness. But that's what we sign on for. You don't focus on your feelings. You have a job to be done and you do it."

Denvir, like others, suspects some form of mental illness defense will be offered for Furrow, who turned himself into the FBI in Las Vegas the day after the shooting.

He allegedly told authorities the shooting was "a wake-up call to America to kill Jews."

Furrow had tried to check himself into a mental hospital near Seattle last year but wound up pulling a knife on staff members and went to jail for second-degree assault.

Because of the alleged confession and the overwhelming evidence in the case — and because both the state and federal charges carry the death penalty — Denvir said lawyers could have one overriding consideration: "Maybe all you try to do is save his life."

The federal public defender's office in Los Angeles has assigned one of its top attorneys, Deputy Public Defender Sean Kennedy, to represent Furrow.

Senior Litigator Marilyn Bednarski has

joined the effort and more lawyers may be coming on board.

The U.S. Attorney's office has assigned a veteran of its major crimes unit, Michael Terrell, to the case along with the head of the civil rights division, Michael Gennaco.

Although the only crime now involved in the federal case is the killing of Filipino postman Joseph Ito, the government could add hate crimes allegations that would encompass the Aug. 10 shooting that wounded five people, including three children, at the Jewish Community Center in suburban Granada Hills. Furrow faces state charges of attempted murder in that shooting.

The law offers Furrow assorted potential defenses, but Laurie Levenson, Loyola University Law School associate dean, said the only viable one is a claim of mental illness. Whether he wants to invoke such a claim is unknown.

The public defender's office declined comment on strategy.

"The available defenses are insanity and diminished capacity or lack of intent," Levenson said. "Everything else is implausible. There is no alibi; it was not self-defense."

She said that Furrow's confession to the FBI makes it impossible to argue that he was not involved unless he can prove the confession was coerced, and physical evidence found in his van seems to link him to the crimes.

"His only hope is a mental defense," she said. "Or he can plead guilty and go directly to the penalty phase."

David Lehrer, executive director of the Anti-Defamation League, said his group will send an observer to the trial, which could come next year.

"We understand the nature of the legal system and know that every accused is entitled to a defense," Lehrer said. "Some defenses are more difficult than others."

Ira Glasser, executive director of the American Civil Liberties Union in New York, said the legal defense of white supremacists is familiar territory for the ACLU. To preserve the rights of many, the rights of the most unpopular must be protected, he said.

"Lawyers represent people all the time whom they wouldn't enjoy inviting home for dinner," Glasser said.

"It goes against human nature to defer your disgust. But it's for larger principles."

O.J.'s friend wins federal court battle over slanderous headline

LOS ANGELES (AP) — Former O.J. Simpson house guest Kato Kaelin won another battle in federal court in his \$15 million lawsuit against a tabloid over a headline that said "Cops Think Kato Did It!"

U.S. District Judge Dickran Tevzizian Jr. on Monday rejected an argument by attorneys for the *National Examiner* and its publisher Globe Communications Corp. that the headline was not malicious because it was screened and approved by the company's lawyers.

"What Globe has done ... has set itself up a system of checks and balances by giving attorneys veto power" over stories, Globe attorney Amy Hogue told the judge.

But Tevzizian rejected the argument.

"Simply because an attorney approves of it doesn't mean that actual malice doesn't exist," he said.

Kaelin was Simpson's house guest when Simpson's ex-wife Nicole Brown Simpson and her friend Ronald Goldman were killed in front of her nearby condominium on June 12,

1994. Kaelin testified about hearing thumps on the wall the night of the slayings.

Simpson was acquitted on Oct. 3, 1995. The Globe story ran a week after the innocent verdict.

The tabloid article did not accuse Kaelin of killing the two. The paper's news editor, John Garton, had told Kaelin's lawyer that the headline "could have been better" but explained that the "it" referred to perjury, not murder. He said there was

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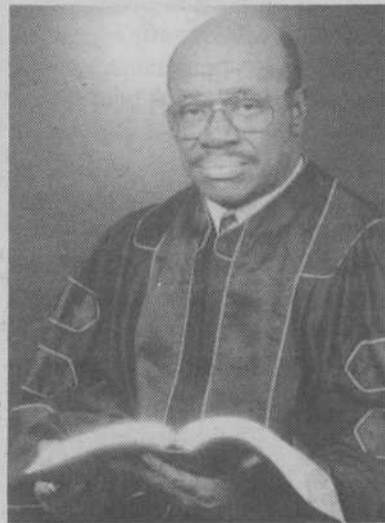
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