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Prosecutors in King Trial Are Handpicked 'A-Team' : Law: The federal attorneys have disparate styles. But they are a tenacious pair, driven to win the volatile case.

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When the lawyers in the Rodney G. King civil rights trial gather informally in the courthouse hallways, Justice Department attorney Barry F. Kowalski works the crowd, shaking hands, gently ribbing his rivals and trying to coax bits of information out of them.

His colleague, Assistant U.S. Atty. Steven D. Clymer, is more prone to brood silently. He often stands alone, exuding intensity and concentration.

Inside the courtroom, the contrast between the two is just as striking: Kowalski is light and conversational; Clymer hard-charging and unyielding. Although the two men are opposites in style, they are a fearsome combination, the best of the best in the Justice Department's huge stable of prosecutors. And it is no accident, insiders say, that they were handpicked to try what may be the most volatile civil rights case in decades--the federal trial of four Los Angeles police officers accused in King's beating.

"This is the A-Team," said one federal prosecutor. "If this case is lost, it was unwinnable."

When jury selection begins next month, the nation's attention will turn to these two men--the good-natured lion of the civil rights division in Washington and the 34-year-old rising star of the U.S. attorney's office in Los Angeles. In Kowalski, the government has a top-notch lawyer who has spent more than a decade prosecuting civil rights cases; in Clymer, it has a bulldog.

Kowalski was dispatched from Washington immediately after the officers were acquitted in April on all but one count during a state trial in Simi Valley, sparking rioting that engulfed Los Angeles. His mere presence on the case signaled to some observers that the federal government would spare no effort in its investigation. Clymer was chief of the major crimes section of the Los Angeles U.S. attorney's office when he was asked to take this case. It meant giving up that job, but Clymer agreed.

"The energy level on this case is somewhat astronomical," said Laurie Levenson, a Loyola law school professor and former federal prosecutor who knows Clymer and Kowalski. "These guys are both very, very good."

Clymer and Kowalski agreed to be interviewed for this article, but both declined to answer questions regarding the case.

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Barry Kowalski has spent more than a decade traveling the United States in pursuit of hate. Where he has found it--and he has found plenty--he has prosecuted its practitioners with enormous success.

Klansmen in Alabama, members of the Order in Seattle, skinheads in Dallas, neo-Nazis who shot radio talk show host Alan Berg in Denver, a white racist accused of shooting civil rights leader Vernon Jordan in Fort Wayne, Ind.--all have ended up across a courtroom from the affable former law professor.

He does not, at first sight, cut an imposing figure. Kowalski is a slight, trim man who laughs easily and makes jokes at his own expense. Despite his stature in the civil rights division, where he is the deputy chief of the criminal section, Kowalski refers to himself as that rare person who took a job with the government "for the money."

In fact, Kowalski was practically born into government service. A native of Connecticut, he moved to Washington with his father, a Democratic congressman who served two terms until 1962. "He taught me everything I know about politics," said Kowalski, who worked for a time as "an aide to an aide" of Vice President Hubert H. Humphrey.

In 1967, he joined the Marine Corps and was sent to Vietnam as an infantry platoon commander. He was assigned to a pacification program, advising a Vietnamese major with 1,300 paramilitary personnel in winning "the hearts and minds" of the Vietnamese, "the only really useful thing going on there then," Kowalski said.

After earning his law degree at Catholic University, he worked as a city prosecutor in the corporation counsel's office and then taught law for seven years at Antioch Law School in Washington.

He says he enjoyed teaching, but he was "going broke" doing it. So in 1981, a friend persuaded him to join the Justice Department. Kowalski, who faced college tuition bills for his daughter in four years, jumped at the offer.

Few cases are bigger than one of Kowalski's first. Soon after joining the Justice Department, he was assigned to write a memo "closing" the lynching of Michael Donald, a young black man killed in Mobile, Ala. Local prosecutors insisted that the crime was not racially motivated, but Kowalski's task was to look at the case as a potential civil rights violation.

Daniel Rinzel, Kowalski's boss at the time, recalls the day that Kowalski came to him to complain that he could not wrap up the case.

"He came in and said: 'I just can't close it. There are too many loose ends,' " said Rinzel, who was then head of the criminal section of the Justice Department's

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Instead of closing the case, Kowalski took it over.

At first the going was slow. Members of the local Ku Klux Klan insisted that they spent the night of the murder playing poker, and they stuck to that story until Kowalski began running them one by one before a federal grand jury.

After more than a month of grillings, James Knowles broke down and admitted that he had participated in the lynching. He also implicated another klansman, Henry Hays. Knowles drew a life sentence, and Kowalski turned Hays over to the local district attorney for prosecution. Hays is on Death Row in Alabama.

"Without Kowalski, it never would have happened," said Rinzel, now chief minority counsel of the Senate permanent investigations subcommittee.

That case's aftermath was in some ways just as spectacular. Based on evidence that Kowalski uncovered, the Southern Poverty Law Center filed suit against the Klan and won a \$7-million verdict. In 1987, the mother of the slain man took possession of the sole remaining asset of what was once the nation's largest Klan organization: Beulah Mae Donald became the owner of the Klan's national headquarters.

"He's one of the finest civil rights criminal prosecutors I know in the country," Morris Dees, director of the center, said of Kowalski. "He really works the facts. That's how he wins cases. He's even-tempered, and he doesn't jump into a case because it's a cause-type thing."

He is also, beneath his veneer of lightheartedness, thoroughly committed to winning, and he presses every angle, no matter how unorthodox.

Rinzel recalled that when Knowles decided to plead guilty in the Donald lynching, his defense attorney wanted to withdraw from the case out of fear that the Klan would retaliate against him. The withdrawal would have blocked Knowles' plea, and a new attorney would have to be retained. Instead, Kowalski took the defense lawyer out for drinks, "stiffening him up" until about 3 a.m., Rinzel said. The lawyer stayed on the case.

Although Kowalski's career is dotted with success, he has experienced some setbacks.

In 1982, he helped Rinzel prosecute an avowed white racist who was charged with violating the civil rights of Vernon E. Jordan Jr., the former head of the Urban League. Jordan had been shot outside a Fort Wayne motel two years earlier.

The suspect, Joseph Paul Franklin, said during the trial: "I hate the race (African-Americans) as a whole," but he denied shooting Jordan. It took a jury eight hours to find him not guilty.

The defense lawyer in that case, J. Frank Kimbrough, says Kowalski and his fellow prosecutor failed to win largely because they could not convince a judge to let jurors hear evidence about another shooting in which Franklin had been convicted, one involving an interracial couple in Salt Lake City.

"They tried to get in that situation to show similar conduct," Kimbrough said. "The judge wouldn't have it, and then their case fell apart."

Curiously, the same issue has arisen in the civil rights case against the four LAPD officers--and with the same result. Kowalski argued that prior acts by three of the defendants should be admitted into evidence, but U.S. District Judge John G. Davies ruled against the prosecutors.

Kowalski accepted those rulings with composure, and plunged back into the work of preparing for trial. Those who know him say that his easygoing court appearance is deceptive: Outside public view he is reputedly driven and demanding--of himself as well as others.

Kowalski does not deny it: "In fact, Steve (Clymer) told me that he never thought he'd meet a guy as pushy as he was until he met me."

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While Kowalski was prosecuting the Klan in Alabama, Steve Clymer was a law student at Cornell. But Clymer has prosecuted criminals nearly since the moment he graduated, and his rise through the hierarchy of the U.S. attorney's office in Los Angeles has left few doubts about whether he is up to handling this case.

In fact, most of the public action has been directed by Clymer, who has argued the bulk of the government's pretrial motions. That may change once the trial gets under way, but Kowalski says Clymer's skills have made it easy for Kowalski to let his partner handle pretrial matters. Clymer's colleagues are not surprised.

"He is, in my mind, the model of what a U.S. attorney should be," said Assistant U.S. Atty. John Wiley, a colleague in the Los Angeles office whom Clymer trained. "When he tries a case, there's a crowd in the courtroom of people who want to learn by watching."

A native of White Plains, N.Y., Clymer's first job out of law school was with the Philadelphia district attorney's office, where he cut his teeth on a major police corruption case that led to the indictments of 27 people.

It was one of his first triumphs as a prosecutor, and on the wall behind his desk Clymer keeps a picture of two police officers who helped with the prosecution. But the photo, he says, is not meant as a tribute to his own victory.

"The reason I keep the photo up there is because Pat Devlin (one of the officers) died of leukemia shortly after the case was over," Clymer said. "He had leukemia the whole time, and never told any of us about it. He was a very courageous guy."

Clymer grew up in a family of engineers, not lawyers, but their influence shows up in his trial work, particularly in his commanding attention to detail.

At one pretrial conference in the King case, he meticulously argued not only the legal intricacies of admitting prior testimony from one of the defendants but

12/16/2014 Prosecutors in King Trial Are Handpicked 'A-Team' : Law: The federal attorneys have disparate styles. But they are a tenacious pair, driven to win the volatile... also the technical question of why the videotape of the beating should be played on several small television monitors instead of one large one.

Judge Davies at first balked at that idea, suggesting that it would raise questions about whether different jurors saw different portrayals. Clymer was ready with a response.

"I have watched the videotape simultaneously on various screens, and there are things you can see on a higher resolution screen that you cannot see" on a large-screen monitor, he said. "It's as if you're watching the street through your windshield when it's raining."

After hearing Clymer's argument, Davies relented and said he would reconsider.

That was a small point in this enormous case, but Clymer's approach to it was typical. He researched the question thoroughly, argued it persuasively and, when challenged, politely declined to back down. Those qualities, combined with his will to win, have won Clymer a committed cadre of admirers in the law enforcement community.

"If there was ever an individual who was dedicated to accomplishing his mission, it's Steve Clymer," said John Zienter, the resident agent in charge of the Drug Enforcement Administration's Los Angeles office. "We really admire him."

That is not to say that Clymer is without critics.

"He's exceptionally dedicated, and when I say he's bright, I mean really bright," said one defense lawyer. "What he may not have is an understanding of people, nor do I think that he cares to have that understanding. He's got a gigantic ego."

That impression may be fueled by Clymer's brusque demeanor in court and his feisty approach to argument. A former rugby player who bristles with competitiveness, there is little about Clymer that suggests he is subject to private doubts.

But when pressed, he admits that there are aspects of his job that have tugged at his conscience. In 1988, he was asked to prosecute a case that required him to seek the death penalty against one of two men accused of killing two DEA agents. He hesitated before agreeing.

"It was a very, very tough decision for me to make," said Clymer. "It's always been difficult for me to think of myself as sufficiently wise or sufficiently intelligent to be able to ask 12 people to take somebody's life."

After spending about a week wrestling with the idea, Clymer took the case. Once he did, there was no looking back. He prosecuted it feverishly, and both defendants were convicted.

Earlier in his prosecutorial career, Clymer says he fought with just as much determination to let a defendant go free.

"When I was in Philadelphia, I worked very hard and successfully to get a case dismissed against a guy who police officers claimed had tried to kill them," Clymer said. "I didn't believe the police officers. . . . That's one of the victories of which I'm the proudest."

Today, Clymer is again challenging the credibility of police officers, this time in a case that could send four of them to prison for 10 years each. But even though he started his career by prosecuting corrupt cops and stands to cap it by prosecuting allegedly brutal ones, Clymer's belief in law enforcement remains unruffled.

"My feeling about police officers is that the vast majority of them are incredibly decent, hard-working, honest people," he said.

Harland W. Braun, one of Clymer's adversaries in the current case, considers him a skilled and formidable opponent. But Braun, who is representing Officer Theodore J. Briseno, questions Clymer's sensitivity to courtroom subtlety, and already has conducted a persistent campaign of baiting his foe.

"He's a very hard-working guy, very competitive," Braun said. "His instinct is to go, go, go. But one consequence of that is that he jumps in when he doesn't need to. He's obsessed with convicting these guys, and it shows."

Clymer appears thoroughly untroubled, and he dismisses criticism from current and former opponents.

"I've never seen this job as a popularity contest," he said. "I have a very strong sense of what's right and what's wrong, and I abide by that sense. If I do something that displeases a defense attorney, that's not my problem."

Profile: Barry F. Kowalski

Kowalski is one of two lead prosecutors in the federal case charging four Los Angeles police officers with violating Rodney G. King's civil rights.

Born: Aug. 26, 1944.

Education: Graduated from Brown University, Providence, R.I., in 1966 and Catholic University Law School in 1973.

Career highlights: Kowalski lists the highlights of his life as raising his daughter, going to Vietnam in combat and two of his most celebrated cases--the prosecution of Ku Klux Klan members in the lynching of Michael Donald and convictions he obtained in the murder of disc jockey Alan Berg. "Michael Donald was a horrible, atrocious murder that went unsolved until we did a federal grand jury investigation and brought (the killers) to justice. Berg because of the difficulties of that prosecution, with the evidence entirely circumstantial and based on confessions of people who made deals with the government."

Interests: Horseback riding, skiing, running, windsurfing, bird-watching.

Personal: One daughter, 24.

Quote: "It's honestly true that I came to government for the money. Once I got in my job, I became incredibly impressed with the fact that to my knowledge the United States is the only government which has a group of prosecutors whose only job is to make sure that the constitutional rights of all citizens are protected. And that's my job."

Profile: Steven D. Clymer

Clymer is one of two lead prosecutors in the federal case in which four Los Angeles police officers are charged with violating Rodney G. King's civil rights.

Born: May 16, 1958.

Education: Graduated magna cum laude from Cornell University in 1980. Also graduated magna cum laude from Cornell Law School, where he was editor of the Cornell Law Review.

Career highlights: As a freshman lawyer, Clymer worked for the Philadelphia district attorney's office, where he was prosecutor in a lengthy police corruption investigation that resulted in 27 indictments. In 1987, he came to the U.S. attorney's office in Los Angeles. As a federal prosecutor, he has tried a number of high-profile cases, including a 1988 case in which two defendants were charged with murdering a Drug Enforcement Administration agent. He also has served as chief of training and the major crimes section, and as deputy chief of the narcotics section.

Interests: Reading (mostly history and biography), skiing, running, bicycling.

Personal: Engaged to be married.

Quote: "When I was in Philadelphia, I worked very hard and successfully to get a case dismissed against a guy who police officers claimed had tried to kill them. I didn't believe the police officers. . . . That's one of the victories of which I'm the proudest. It wasn't one I fought in the courtroom, it was one I fought in the office."

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