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MARCH 25, 1983  
9:40 a. m.

THE COURT: All right, gentlemen. Call your  
next witness.

MR. SALESE: Dr. Leonard Gordon.

LEONARD GORDON,  
was called as a witness on behalf of the defense and,  
having been duly sworn, was examined and testified as  
follows:

THE COURT: Step right over here.

I will not put the doctor under the Rule.

MR. SALESE: That is correct.

THE WITNESS: Shall I sit there?

THE COURT: Sit right there.

DIRECT EXAMINATION

BY MR. SALESE:

Q Would you state your full name, please?

A Leonard Gordon.

Q And where do you reside?

A In Scottsdale, Arizona.

Q And your profession?

1 A Professor of sociology, Arizona State University.

2 Q Sir, would you give me a brief background of  
3 your educational training from college to the present, I  
4 guess?

5 A Sure. I received a bachelor's degree from  
6 Wayne State University in history, and a master's degree  
7 from University of Michigan in history, and a Ph.D. in  
8 sociology from Wayne State University.

9 Q All right. Have you published any research  
10 papers, any books, anything of that nature in your field  
11 of expertise?

12 A Yes, I have.

13 Q Can you tell me generally what you have  
14 published and in what area?

15 A Yes, I have published research on school  
16 desegregation involving blacks and whites, involving  
17 research outside of Detroit in a community called Oak  
18 Park in a research journal called Integrated Education,  
19 and several other sources.

20 I published a book on Detroit race riot called  
21 City and Racial Crisis. I am publishing an article next  
22 month in Sociological Perspectives on the situation there,  
23 and I published, co-authored three books that deal either  
24 entirely or substantially with the issue, over about  
25 two dozen articles.

1 Q Okay. Do you have a text on sociology that  
2 you published or co-published?

3 A Yes, I published with the Houghton Mifflin  
4 Company, called Sociology and American Social Issues.

5 Q Sir, can you give me a brief recital of your  
6 professional positions held since you have graduated?

7 A Yes. I have served as instructor at Wayne State  
8 University in the Department of Sociology, from 1960 to  
9 '62; three years before that I taught in the Oak Park  
10 high school system in the Social Studies Department.  
11 And then I served five years in the community relations  
12 field, two years as the research director of the Jewish  
13 Welfare Federation in Detroit, Michigan, and then three  
14 and one-half years as the Michigan area director of the  
15 American Jewish Community involved in community relations  
16 and black/white relations, as well as Jewish/Christian  
17 relations. I came to Arizona State University in 1967  
18 as an assistant professor, and then was promoted in 1970  
19 to associate professor, and full professor in 1977, and  
20 I am now serving as chair of the Department of Sociology.

21 Q What does that mean when you say "chair" of  
22 the department?

23 A I am the administrative head. I think, at  
24 the University of Arizona, they are called heads, but we  
25 are called chairs at ASU.

1 Q Have you engaged in any research projects  
2 with specific emphasis on riots, crowd control, crowd  
3 reaction?

4 A Yes, that is one of my research areas, and I  
5 have conducted the specific research in the Detroit  
6 racial conflict, but also have used some of the theoretic-  
7 cal research and empirical findings in other communities  
8 around the country. And I have a number that is related  
9 to the research that I have been publishing.

10 Q Sir, can you tell me whether there are generally  
11 accepted explanatory theories dealing with behavior of  
12 individuals in a riotous or melee situation?

13 A Yes, there is a well established theoretical  
14 framework called symbolic interaction, which is now over  
15 three-quarters of a century old. It began initially  
16 at the University of Michigan under Charles Horton  
17 Cooley, but became part of the Chicago school, socio-  
18 logical school, early in the century and as it has  
19 developed over the years, part of symbolic interaction  
20 theory that relates to crowd behavior, unstructured  
21 situation, is referred to as emergent norm theory, and  
22 part of that is related to what is called the Thomas,  
23 T-h-o-m-a-s, theorem. I better explain that. That is  
24 related to W. I. Thomas, who died about <sup>forty</sup> ~~four~~ years ago.  
25 He was a sociologist at the University of Chicago, and

1 based his studies on the Polish community, but there  
2 have been many studies since then. The emergent norm  
3 theory has been codified and employed in many situations  
4 by Ralph Turner, who is out of Chicago school, he is  
5 at UCLA, past president of the American Sociological  
6 Association.

7 Q Sir, I would like to state for you certain  
8 facts which have come out in the testimony of this trial  
9 regarding an incident that occurred on April 20, 1982,  
10 in Sierra Vista, Arizona, at Buena High School. And I  
11 will attempt to present those facts in a hypothetical  
12 question to you and in as accurate way as I can, and  
13 I am sure Mr. Arentz, if I deviate from the middle of  
14 those facts, will point it out to us.

15 But, essentially, on that date, around noon,  
16 a young man who had been expelled from the school,  
17 Lonnie Hayes, one of the defendants here, was seen on  
18 campus by two school officials and was asked to leave.  
19 He was seen in the cafeteria of the school. He stayed  
20 there for a few seconds longer after asked to leave,  
21 walked out of the cafeteria to a car that was driven to  
22 the school by Ricky Brown, another defendant. Also  
23 present at the car was Ricky Lamar. All three are  
24 defendants. Mr. Hayes got into the car, the two school  
25 officials approached the car, one of them asked Mr. Hayes

1 to leave again. He then indicated to the driver of the  
2 car, Ricky Brown, a defendant, that if Mr. Hayes did not  
3 leave, the car and all its occupants would have to leave  
4 the campus. There was a verbal exchange between Mr.  
5 Hayes and the principal and it is disputed as to what  
6 that verbal exchange was.

7 Mr. Hayes got out of the car and walked off the  
8 campus. The principal or school administrator went  
9 back to the school and made a telephone call to the  
10 police to inform them that this individual who had been  
11 expelled had been on campus, and didn't request assistance,  
12 but indicated if he came on again, they wanted to arrest  
13 him for trespass.

14 One of the individuals who was in the car,  
15 Ricky Lamar, had gone off to the gym to play basketball.  
16 The car starts to leave, gets not quite off campus and  
17 is stopped by an officer in a police vehicle requesting  
18 information about -- concerning the whereabouts of  
19 Lonnie Hayes. The officer is talking then to Ricky  
20 Brown. Lonnie Hayes is seen then running toward that  
21 car, and as he approaches, he may have come on school  
22 grounds, may not. There is a conflict in that testimony.  
23 He is waved back by the individuals in the car, and he  
24 doesn't approach the car or the police officer. Ricky  
25 Lamar, another defendant, approaches the car along with

1 several other black Miracle Valley students. The  
2 testimony is conflicting, but Ricky Lamar essentially  
3 squeezes past or pushes past, depending on your view,  
4 the officer and the car. And he is then confronted by  
5 or pulled by another officer and there is a verbal  
6 exchange between that officer and Ricky Lamar. One  
7 version is that Ricky Lamar pushed the officer and the  
8 officer pushed back. The other version is that the  
9 officer pushed and Ricky broke the push.

10 The testimony is that a school official then  
11 took Ricky Lamar and started to walk him off campus.  
12 And the other black students, and some of the defendants  
13 may have walked along with him off campus. At that  
14 point, as they got off campus, the officer, while this  
15 was going on, and had argued with Ricky Lamar, goes to  
16 his car and calls for backup. He wants to arrest Ricky  
17 Lamar. Apparently, that is heard by some of the  
18 students. When they get to the street, Officer -- this  
19 officer goes out there and another officer is out there,  
20 and there is a suggestion that they want that particular  
21 individual, Ricky Lamar, to be arrested. The group of  
22 students attempt to get Ricky out of there, to ward  
23 off that arrest. One of the officers grabs towards  
24 Ricky Lamar, the two of them roll down an embankment.  
25 An officer then pulls a gun, there is testimony that his



1 nightstick was taken from him, and either directly this  
2 way or when it was up here, from that point on, it  
3 becomes a melee. There is testimony that there is  
4 confusion, people running back and forth, that officers  
5 are hit, there is testimony that one of the defendants,  
6 Jerome Pipkins, is seen sitting on top of an officer.  
7 There is testimony of an officer having a young black  
8 student in a neck lock, over a car, and another defendant,  
9 Lonnie Hayes, comes over and asks the officer to let the  
10 girl up. The officer doesn't, he hits the officer with  
11 a nightstick. There is testimony that the boys, two of  
12 the boys, Ricky Brown and Ricky Lamar, are backing up  
13 with nightsticks, and ask the driver of a car to get  
14 out. They get in the car, another gentleman dives into  
15 the window and they drive back to Miracle Valley at a  
16 high rate of speed, being chased by police officers.

17 That is the scenario. I think I have fairly  
18 stated it as I can, given all the evidence.

19 The defendants have testified to a fear of  
20 the police, of fear of the situation. Based upon your  
21 training and experience, and expertise in the area of  
22 race relations, riot control, or riots, can you give any  
23 explanatory theories that you are aware of in the field  
24 of sociology help the jury understand the behavior of  
25 the participants in this?

1           A     I believe so. I did read Officer Bernheim's  
2 report and other documents that were provided to me  
3 before today. So I was familiar with those sets of  
4 facts. But I, of course, didn't see the situation and  
5 I have not interviewed the individuals involved. What  
6 emergent norm theory does, and it has been tested out  
7 in many different situations involving crowd behavior,  
8 melees, other kinds of confrontations, and a great deal  
9 of that literature is in respect to black/white relations.  
10 What that literature would suggest, given the set of  
11 circumstances, there would be high probabilities of  
12 certain actions flowing and basically what the theoretic-  
13 al framework would hold is that when you get an  
14 unstructured situation, that is, when the routine of  
15 daily interaction is broken, and people are not moving  
16 along in normative expectations of behavior, then what  
17 occurs, just as if a fire broke out, if you walked  
18 outside, would be a situation in which people would  
19 have to develop a normative response to this unstructured  
20 situation. Clearly the routine was broken in the school  
21 grounds and the nature of the school authorities, social  
22 control mechanism that was used, appeared to be quite  
23 unusual, which would have influenced the kind of emergent  
24 norm. That is, what the kinds of attitudes and behaviors  
25 would be elicited once the police came onto the scene.

1 I am quite sure this isn't what the principal  
2 Bergman or assistant principal Sandoval meant in terms  
3 of consequences, but in terms of emergent norm theory,  
4 if you communicate to individuals in such a way that  
5 there is a break in the normative routine, the values  
6 that come in to play are based on their past experiences.  
7 And in terms of the -- Lonnie Hayes, who was on the  
8 school grounds without permission, the normal school  
9 authority approach, initially --

10 MR. ARENTZ: I am going to object. Beyond  
11 the competency of expert testimony.

12 THE COURT: Objection sustained.

13 MR. SALESE: Your Honor, the sequence of  
14 events which have been described, fit within the  
15 emergent norm theory, he is competent to testify to  
16 that, why it would fall into play. And I have only  
17 stated the facts as they come out.

18 THE COURT: I say I am going to sustain the  
19 objection. His testimony is what the normal school  
20 approach would be in a given situation. He hasn't  
21 interviewed Bergman, he hasn't interviewed any of the  
22 defendants, he hasn't interviewed Sandoval --

23 MR. SALESE: I understand.

24 THE COURT: So I am going to sustain the  
25 objection.

1 Q (By Mr. Salese) Dr. Gordon, calling the  
2 police and informing them that Lonnie Hayes was on  
3 campus without any violence being conducted by Lonnie  
4 Hayes, was that -- would you consider that a normal  
5 reaction or response under the theory you have expressed?

6 MR. ARENTZ: Object again, your Honor, it is  
7 the same question.

8 THE COURT: I am going to sustain the  
9 objection. Ask him what he knows about the school  
10 district and see if he knows something. The proper  
11 foundation hasn't been laid for his response as to what  
12 the normal -- what is normal.

13 Q (By Mr. Salese) Okay. Dr. Gordon, in a  
14 situation like that, what would be normal? Would it  
15 be to call the parents, call the guardian --

16 MR. ARENTZ: Objection again, your Honor.

17 THE COURT: Your objection?

18 MR. ARENTZ: My objection is the same, your  
19 Honor.

20 THE COURT: What is your legal basis for your  
21 objection?

22 MR. ARENTZ: Competency. He is asking the  
23 witness to testify as an expert on school behavior and  
24 normative behavior as to school personnel faced with the  
25 kind of situation, and he hasn't established any

1 foundation that this man has any knowledge of school  
2 administration or school policies.

3 THE COURT: Objection sustained.

4 Q (By Mr. Salese) Doctor, Lonnie Hayes and  
5 Richard Brown and Ricky Lamar, when the response to Lonnie  
6 Hayes' being on campus is to call and inform the police,  
7 not to call or inform either their parents or guardians  
8 to try to deal with the situation, how would these in-  
9 dividuals react to that, how would they view it?

10 A In my research in Oak Park, which involved  
11 integration with Carver Elementary School, which <sup>was</sup> is an all  
12 black district at the time, this was in early 1960's,  
13 it had the rating of having the highest crime rate  
14 in the country. It was integrated into the Oak Park  
15 high school system, which was a middle class system that  
16 never had any blacks there before. When there were  
17 incidents that occurred that were of concern to the  
18 school authorities, the principal, assistant principal,  
19 school teachers, given the polarization and the community  
20 hostility to these blacks -- this made national news,  
21 it was in Time magazine at the time, it was a high  
22 profile situation. What would happen under those cir-  
23 cumstances is that the school authorities, in order to  
24 attempt to, knowing polarization, to defuse the  
25 situation, would initially attempt to contact parents or

1 other guardians or authorities, because by doing that,  
2 they took the necessary steps which -- and I taught in  
3 the school for three years, but I was doing this research  
4 while I was teaching at Wayne State University, which  
5 was in that area -- what they were attempting to do,  
6 which I believe is generally the case in other areas in  
7 similar situations, was attempting to defuse the  
8 situation, which they did successfully there. In fact,  
9 it turned out, <sup>not</sup> to be the melees or other confrontations,  
10 but it was high tension in that community for a number  
11 of years, and the reason why there wasn't -- and I  
12 interviewed police authorities in that area for several  
13 years -- was that by engaging in that approach, they had  
14 symbolically communicated to the black students that  
15 they -- that the authorities were making an attempt to  
16 resolve issues and only at the end of that -- and there  
17 were occasions when the police were brought on campus --  
18 only after that procedure, did the police come in. At  
19 that state, the black student response tended to be  
20 cooperative. When the initial response is to bring in  
21 police, according to the police chief Glen in Oak Park,  
22 he said that the probability of a confrontation and  
23 perhaps violence would have been too high. As I under-  
24 stood it, based on both the literature and police  
25 practice and school authority practice there, that is the

1 general approach and if that approach is not taken  
2 initially, the consequences are, you have to look  
3 at individual situation, but the consequences are very  
4 likely to increase the probability of some kind of  
5 confrontation geometrically in trying to control an  
6 interaction with school authority and these black  
7 students.

8 Q Why, absent that kind of normative contact  
9 from the school officials to either responsible people  
10 for the kids or parents, how then do the students view  
11 that break from the norm?

12 A Well, that gets into the related theory, the  
13 Thomas theorem, and that is utilized by both sociologists  
14 and psychologists. Mark Schneider, who just completed  
15 research at Stanford, for advanced behavioral studies,  
16 is at the University of Minnesota full time, wrote an  
17 article in Psychology Today, I believe in the July, 1982,  
18 issue, called "Stereotyping and Self-fulfilling Prophecies."  
19 When you have a view of a group, in this case blacks,  
20 which has been established for many years in generations,  
21 that is quite negative, and we have research going back  
22 to Princeton in the early '30's on this, and it has been  
23 done around the country, including Arizona State over  
24 the last 12, 14 years, there is nationally documented  
25 stereotyping data on the general negative images that

1 whites often have towards black about being aggressive,  
2 about being ignorant, about being dangerous, and unless  
3 there are communication steps that have been taken to  
4 short-circuit that, to communicate that, that isn't  
5 the imagery, it would be highly unusual for blacks to  
6 view authorities in a crowd situation, which existed  
7 reportedly here, in anything but threatening, in a  
8 threatening way, which could -- again, we are talking  
9 about probabilities -- but you are increasing the  
10 probability of a panic reaction, and as I understand  
11 the facts in this case, it appeared to me that is what  
12 was precipitated.

13 Q Okay. When you have, as I have described, the  
14 facts regarding the behavior of some of the defendants,  
15 walking backwards, even using the word "nigger," there  
16 is testimony that some of the defendants may have used  
17 that word, moving away from the police officer who is  
18 advancing with the nightstick, getting into a car,  
19 telling the driver, there is testimony, "Nigger, get out,"  
20 this kind of -- and you have had various testimony from  
21 three to 500 people standing around, most of whom are  
22 white students, this is lunchtime, when you have that  
23 kind of dynamics where all these people were, where you  
24 have police there, you have what preceded this, what  
25 would be the reaction? How would it be viewed?



1           A     Again, I can only speak in probabilities  
2     because there are individual psychological factors  
3     involved there, lots of factors, but in terms of what  
4     happens in these kinds of situations, you are increasing  
5     the probability of a protective and defensive panic  
6     reaction that I think is far less likely if the communi-  
7     cations had been of a different nature to the students,  
8     at least initially. If, under the facts as I understand  
9     them, what occurred in terms of emergent norm process,  
10    usual emergent norm process, that is, if the initial  
11    communication was a police communication, because as I  
12    understand it, there was no violence prior to the police  
13    coming on campus, and if at the same time you get a  
14    predominantly white crowd with all the symbolism that  
15    means, and as I read in the news media reports, if  
16    there were actions, there were shouts of, "Shoot them,  
17    shoot them," and other kinds of emotional statements  
18    coming out of the crowd, in that kind of a situation,  
19    I think it would be quite likely that you would get an  
20    aggressive verbal response and defensive reaction to  
21    escape. At least it appeared to me as that was primarily  
22    what was occurring in the various cases that were cited.

23           Q     In other words, the actions of trying to get  
24    away, of backing up, of even using offensive terminology,  
25    was protective as opposed to aggressive?

1           A     That is what it appeared to me, and I think  
2     it was precipitated by the view that there was high  
3     probability of being under attack. That would be more  
4     likely to occur in a homogeneous racial or ethnic grouping  
5     that is in context of what they perceive to be hostile  
6     environment. That is not unusual to blacks, by the way,  
7     and history of ethnic relations, they have rioting of Irish  
8     Catholics in New York, and of Jews, Greeks, Italians and  
9     others over the last century, so that is a fairly common  
10    kind of response.

11           Q     Is it unusual for them to be protective  
12    towards one another in terms of the homogeneity of the  
13    group?

14           A     Yes. Again, if the literature I mentioned,  
15    Chicago School, the research they precipitated on  
16    racial and ethnic neighborhood communities, if anybody  
17    looks as though they are in trouble, there is a -- it  
18    would be normative for people, if they are aware of it,  
19    to come out and gather around a situation in a protective  
20    manner. That would be common. In fact, it would be  
21    unusual for that not to occur.

22           Q     So that the generally accepted sociological  
23    view or theory regarding this kind of -- I hate -- I  
24    use the word "riotous" conduct, is that caught in the  
25    situation, given the facts we have in this case, the

1863 NYC  
Irish Catholics  
riots  
100+ killed

1 reaction of the individuals are going to be, one, escape  
2 is protective and defensive?

3 A That would be the likelihood, yes.

4 MR. SALESE: I have no further questions.

5

6 CROSS-EXAMINATION

7 BY MR. ARENTZ:

8 Q Dr. Gordon, you are from Detroit, is that right?

9 A Yes, that is correct.

10 Q And you have done studying in Detroit at Wayne  
11 State University?

12 A Yes.

13 Q University of Michigan?

14 A Yes.

15 Q And you are from the city of Detroit?

16 A Yes.

17 Q And your first large publication was concerning  
18 the 1967 racial riots in the city of Detroit, is that  
19 correct?

20 A First large publication? Actually, that was  
21 my first book, yes.

22 Q I'm sorry. Yes.

23 And when did you publish that book?

24 A The book was published in 1971, with William C.  
25 Brown Company.

1 Q Have you ever testified in court before as an  
2 expert witness?

3 A No, I have served as character witness for a  
4 student once, but not as an expert witness.

5 Q Not as sociologist?

6 A No, he was student in my class.

7 Q Okay. Let's talk about sociology a little bit.  
8 Isn't it true that sociology is the study of group  
9 behavior and group interactions, is that true?

10 A It is social behavior, and it often involves  
11 groups, but it gets involved in interpersonal relations.  
12 It could be a dyadic relationship, gets involved in  
13 mass public opinion and collective behavior, which is  
14 beyond a group, but certainly groups are one of our major  
15 areas of focus, that is correct.

16 Q You are not a psychologist or psychiatrist?

17 A No, no, I am a sociologist.

18 Q So primarily you do not study individual  
19 behavior, is that correct?

20 A There is a branch of sociology that is the  
21 symbolic interactions in theoretical branch -- you see,  
22 the institutional theories are either in what is called  
23 functional theory or conflict theory. This particular  
24 area, which is one of my theoretical specialties, overlaps  
25 with an area called social psychology. For example, the

1 emergent norm theory and the Thomas theorem is employed  
2 by psychologists, the Mark Schneider, whom I mentioned  
3 previously, a psychologist, he is not a sociologist, he  
4 used the Thomas theorem. Thomas was sociologist. The  
5 Princeton studies by Katz and Braly, those were conducted  
6 by psychologists. Gordon Al<sup>bert</sup> Pool of Harvard University  
7 is used by sociologists as well as psychologists. We  
8 have courses in our department of social psychology.  
9 That is one of our examination areas. So it involves  
10 individual behavior in a social context. It is what is  
11 called microtheory, focusing on individuals in often  
12 small group situations or crowd situations.

13 Q Did you, as a sociologist, give any psychological  
14 testing to individuals?

15 A No, I don't do that.

16 Q Do you, as a sociologist, deal with particular  
17 mental disorders or mental problems that an individual  
18 may have?

19 A The area of social psychology --

20 Q Excuse me, Doctor --

21 A The answer is -- would you reframe that,  
22 because --

23 Q Do you, as a sociologist, deal with any mental  
24 disorders that an individual may have, particularly to  
25 that individual?

1           A    I would, because I do engage in case studies,  
2 I don't want to be inaccurate in this, but I do deal in  
3 deviant behavior including what are generally classified  
4 as mental disorders. I did work out of <sup>the</sup> school of  
5 medicine at Wayne State University with H. Warren Dunham,  
6 who was trained in symbolic interactionism and worked  
7 with psychiatric team to identify people who are schizo-  
8 phrenic in the community, and it was a team of sociologists,  
9 psychologists, psychiatrists, psychiatric social workers.  
10 Professor Dunham was trained at the University of Chicago,  
11 but was at Wayne State at the time. His views were as a  
12 social psychologist, even though his degree is in  
13 sociology.

14           Q    Doctor, do you do any clinical treatment of  
15 individuals for mental disorders?

16           A    No, not treatment.

17           Q    Have you done any psychological examinations or  
18 clinical analysis of any of the five defendants in this  
19 room?

20           A    No.

21           Q    Do you have any ideas as to whether they suffer  
22 from any mental disorders or psychological or psychiatric  
23 problems?

24           A    No.

25           Q    Do you have any idea, Doctor, whether they

1 themselves, as individuals, operated in their behavior  
2 in the dynamics that you expressed?

3 A Yes.

4 Q Doctor, you have never even talked to these  
5 men before this morning, have you?

6 A No, I didn't.

7 Q So you have no idea what they are thinking,  
8 do you?

9 A I believe I do.

10 Q Doctor, are you familiar with the DSM-3,  
11 Diagnostic and Statistical Manual?

12 A That is in psychology or psychiatry.

13 Q Isn't it true that it is a manual put out by  
14 the American Psychiatric Association?

15 A Yes, I am (sic).

16 Q That lists all mental disorders and behavior  
17 problems, specifically that individuals may suffer from?

18 A Yes, that is correct.

19 Q Are you familiar with that book?

20 A I have -- I am familiar with the book, yes.

21 Q Can you, in that book, particularly find any  
22 mental disorders or abnormalities that may have affected  
23 any of these five defendants on April 20?

24 A As far as mental illness goes? I don't think so.

25 Q Is there anything in the DSM-3 that you can say

1 apply to -- individually to any of these five defendants?

2 A Yes. I think that again, in terms of theory  
3 probabilities, I think that would be the case. But that  
4 would not be the source that I would look to.

5 Q Doctor, do you have or are you aware of any  
6 mental disabilities or mental disorders any one of these  
7 five defendants may have that may have caused them not to  
8 know right from wrong on April 20?

9 A These would be normative responses.

10 Q Doctor, you are not answering my question.

11 A I --

12 MR. SALESE: I'm going to object. I think  
13 he should be allowed to answer the question asked.

14 THE COURT: Do you understand the questions  
15 asked? Reask the question.

16 THE WITNESS: I think I do.

17 Q (By Mr. Arentz) Take any of the five defendants  
18 in this room individually, are you aware of any mental  
19 disorders that would cause him not to know right from  
20 wrong on April 20?

21 A If you mean in a medical sense, a mental  
22 disorder, I don't believe so, no, I don't.

23 Q Okay. Sociologist, you are a social scientist,  
24 is that true?

25 A Yes.



1 Q You deal with statistics?

2 A That is one technique. There are other  
3 methodological techniques I employ which are interviews  
4 and observations and field analysis as well. But I also  
5 deal with statistics.

6 Q Would you say it is a precise science?

7 A If you -- like economics, we are not precise  
8 in that we don't control lab situations. We work in  
9 the natural human environment, so it is a -- we deal  
10 in probabilities and we can predict many behaviors with  
11 a high degree of accuracy, but within a margin of error.  
12 So, it is not precise 100-percent degree, that is correct.

13 Q Okay. Doctor, so what you're saying is that  
14 your analysis of this particular situation on April 20,  
15 is your opinion based upon sociological theory and  
16 probabilities, is that correct?

17 A And over half century of research findings in  
18 similar situations.

19 Q Okay. What I am saying again is that based  
20 again on case studies and probabilities?

21 A Both, that is correct.

22 Q Isn't it true that many social scientists,  
23 sociologists, may have different opinions as to particular  
24 group interactions as applied to fact situations?

25 A You can find in any discipline that I'm familiar

1 with, which are a fair number, trained people who will  
2 dissent from the general theoretical and research finding  
3 consensus, so the answer is yes, you will find some who  
4 will, but Jonathan Turner, no relation to Ralph Turner,  
5 has a widely used -- one of the most widely used theory  
6 textbooks. He cites Ralph Turner's emergent norm theory  
7 and the whole school of orientation --

8 Q Doctor, you are not answering my question.

9 MR. SALESE: I object, he is answering the  
10 question.

11 THE COURT: Let him finish.

12 THE WITNESS: Professor Turner, University of  
13 California at Riverside, cites this as one of the most  
14 widely used theories and accepted theories because it  
15 is so well established empirically, more so than some  
16 other theoretical frameworks we have used. So it, in  
17 terms of theoretical acceptance, Robert Merton, who is at  
18 Columbia University, and a member of the National  
19 Academy of Science, in his social problems textbook in  
20 the last issue, he cited the Thomas theorem as the most  
21 influential theoretical framework we have developed in  
22 the 20th century, and it applies to emergent norm theory  
23 and symbolic interactions, so it is a widely accepted  
24 theoretical framework.

25 Q (By Mr. Arentz) Okay. Let me go back. Isn't

1 it true that sociologists may differ as to their opinion  
2 in this fact situation?

3 A With qualifying points that I made, that some  
4 sociologists would, but not the majority.

5 Q Some would?

6 A Some would, certainly.

7 Q Ever been to Sierra Vista?

8 A No, no, I haven't, not that I'm aware of.

9 Q Ever been to Cochise County?

10 A My wife and children went down to Nogales, and  
11 I don't know if we passed through or not. I'm not aware  
12 of the fact.

13 Q Do you know where Cochise County is?

14 A It is south of here, I know that. Yes. I mean,  
15 in a map sense I do, but I have not been in the -- to  
16 my knowledge, unless you have to go through Cochise  
17 County to get --

18 Q Doctor, I believe Santa Cruz County is south  
19 of --

20 A My wife is the geographer. She would know for  
21 sure. But I haven't been to the church, if that is what  
22 you meant, or Sierra Vista.

23 Q Do you know what the black population of Sierra  
24 Vista is?

25 A I believe it is about eight percent.

1 Q Would it surprise you if I told you Sierra  
2 Vista had the largest black population in the city -- in  
3 the state?

4 A No. I deal with statistics, I do know that.

5 Q Have you ever been to Miracle Valley?

6 A I don't believe so.

7 Q Doctor, you wrote a study, A City in Racial  
8 Crisis, on the Detroit riots. Were the same kind of  
9 principals you talked about today employed by you in  
10 your study of the 1967 Detroit racial riots?

11 A The precipitating factors would be the same,  
12 but not the consequences because what happened in Detroit  
13 was in context of a series of other emergent norm processes.  
14 You might recall at that time that Detroit was not  
15 the first major race riot. The Watts situation had  
16 occurred prior to that. The Cleveland Huff<sup>ough</sup> riot had  
17 occurred before that. The Philadelphia Kensington riots,  
18 and early<sup>s</sup> that summer the Newark riots. Those, the norm  
19 that emerged by the time Detroit's events occurred, was  
20 a situation which most analysts have described as  
21 disorganized protest. After the riot occurred in  
22 Detroit, you had a great deal of looting and you had  
23 breakins of stores, you had a lot of symbolic confronta-  
24 tion with police and fire people, but it went on for  
25 four days of rather serious damage. There were 43 people

Banner  
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1 killed in that situation, hundreds injured, over 50  
2 million dollars of property damage. But that was a kind  
3 of a reaction <sup>in</sup> after the riot that I think is quite  
4 different than this kind of situation.

5 Q Doctor, I heard you called disorganized protest  
6 in Detroit. I know in your book you called it a civil  
7 disturbance. You called 43 people dead, 1,000 injured  
8 and 50 million dollars damage a disorganized protest?

9 A That term was used by Professor Robert Blauner,  
10 at the University of California at Berkeley. The studies  
11 that came out by Jeffrey Page<sup>1967</sup>, who is now at the University  
12 of Michigan, he was at Berkeley at the time, he headed  
13 a research team that investigated 24 major riots, and  
14 based on interviews with police, city authorities, blacks  
15 who rioted, blacks who did not riot, that was the general  
16 characterization that was used. The civil disturbance  
17 term was used by General Throckmorton, who came in under  
18 orders of President Johnson at the time. That was -- that  
19 was actually the official designation of that event, and I  
20 believe a number of others.

21 Q You talk about group characteristics. At the  
22 time, you talked about a black rage concept, the study  
23 Greer and Cobbs --

24 A That is <sup>not</sup> one of many studies.

25 Q Is that your characteristics that you're applying

1 to these facts?

2 A No, I have never used that term, "black rage."  
3 You were referring previously to mental disorders and  
4 the reason I didn't -- I wouldn't have -- I don't think  
5 it is likely that is occurring in this case. When you  
6 get the kinds of confrontation that existed in the Buena  
7 Vista High School on April 20, that is a rather --  
8 probabilities of that being a normative response rather  
9 than abnormal. You see, mental illness concept would  
10 relate to abnormalities. Given the background of  
11 hostility toward blacks had been communicated in terms  
12 of kinship and familial teachings informally, and given  
13 a confrontation situation, with the crowd that symbolically  
14 looks quite hostile, are white, yelling, it would be  
15 quite likely and normative to respond in a panic way.  
16 This happened in many other situations.

17 Q Okay. Doctor, so it does not happen solely  
18 with black people who come from innercities, is that  
19 correct?

20 A No, no.

21 Q Doesn't it also happen with ethnic minorities  
22 who may have the same economic class, such as you dis-  
23 cussed, the issue in <sup>(Irish)</sup> <sup>New York</sup> ~~Boston~~, is that right?

24 A Well, that went back to 1863 though. Actually  
25 a few hundred people were killed in that one.

1 Q Okay, Doctor, what I would like to do is ask  
2 you precisely why it is that you talk about white/black  
3 relationships in a situation that happened on Fry  
4 Boulevard, as opposed to situations concerning other  
5 minorities?

6 A Situations with other minorities have not  
7 nearly the history or the extensiveness of the black  
8 experience in American society. We made tremendous  
9 changes in both attitudes and laws in the last 20 years  
10 approximately, but there really is a history of over  
11 300 years of official hostility toward blacks. That  
12 isn't changed in terms of socialization within one  
13 generation, and the depth of confrontation is much deeper  
14 in relationship to black/white relationships than to  
15 most other minority groupings.

16 Q Doctor, black rage, or that concept came out  
17 in approximately 1968. The urban racial riots were  
18 in '64 through '68, your book came out in 1968 --

19 A 1971.

20 Q These defendants were three or four years old,  
21 in 1968. Are you telling me that the theories developed  
22 concerning those race relations have applied to these  
23 particular men who were four years old at the time that  
24 your studies were developed?

25 A If you look at the situation in Miami, with the

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1 recent riots there, there have been several. If you look  
 2 on global basis, I engaged in research at London  
 3 University, Goldsmith College in the spring of last year,  
 4 while I was there, there were two riots, one in London  
 5 and another in Brixham, I believe, during periods of  
 6 social strain, which can be induced and often are induced  
 7 during economically difficult times. You tend to get  
 8 a buildup of tensions within the community and old values  
 9 and attitudes emerge. One of the reasons I was engaging  
 10 in research at London University and, again, at Arizona  
 11 State University this last year, conducting new research  
 12 on stereotyping, is to find out to what extent some  
 13 of the old stereotypes have re-emerged. There appears  
 14 to be some increased tension in recent years on black/-  
 15 white relations/compared to the early '70s, and the  
 16 question of age at the time of the major conflict is not,  
 17 I don't believe, critical issue because it is the  
 18 attitudes and values and fears that are passed down within  
 19 the family, among peers, among friends, within the  
 20 community, and it is how one gets exposed as one grows up.  
 21 And I think it would be highly unusual if blacks, parti-  
 22 cularly in church groups, that would be unusual within  
 23 the black community, and in the general community, it  
 24 would be unusual for them not to have <sup>experienced</sup> a socialization  
 25 process that would make them somewhat fearful or at least

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1 concerned about whites in a very traditional sense. So  
2 I think that the age of four at the time of the major  
3 riots wouldn't be a factor in terms of what would have  
4 influenced them right now. There are many cities where  
5 confrontations are going on, and have gone on in the  
6 last two, three, four years. And I have been back in  
7 Detroit, there have been a number of problems emerging  
8 there, as well as other communities.

9 Q When is the last time you were back in Detroit?

10 A I was back there in 1980 doing research.

11 Q Are you familiar with the city of Hamtramck?

12 A Yes.

13 Q Correct me if I'm wrong, Doctor, Hamtramck  
14 is a very small ethnic Polish community in a very low  
15 social economic class in the center of black portions  
16 of Detroit, is that correct?

17 A That is correct.

18 Q Social economic class or level of Hamtramck  
19 is not any higher than the black areas that completely  
20 surround it, is that correct?

21 A Not quite, no. It is somewhat higher. You're  
22 talking socioeconomic status of the residents of  
23 Hamtramck?

24 Q Yes.

25 A Would be somewhat higher than black communities.

1 Q You said you were back there ten years ago?

2 A I was back there three years ago. I have <sup>had</sup> four  
3 funded research projects since I have been out here.

4 Q Isn't it true that about the only place of  
5 employment in the city of Hamtramck was Dodge-Maine, a  
6 large automobile plant at one time?

7 A It is not the only place, there are a lot of  
8 good restaurants there.

9 Q Isn't that the majority of employment in  
10 Hamtramck?

11 A Certainly.

12 Q Isn't it true that Dodge-Maine has been closed  
13 for four or five years?

14 A Yes.

15 Q So are you saying that they have a higher  
16 social economic class now than the black populations  
17 that completely surrounds Detroit?

18 A Yes, because a higher proportion of the Polish  
19 residents of Hamtramck are long-time members of the  
20 Auto Workers Union and built up seniority. Fewer  
21 of them were laid off, because they were able to --  
22 there were a number of factors operating. They got more  
23 support because of the union connection in terms of unem-  
24 ployment assistance.

25 > *Prosecuting Attorney waived off but*  
MR. DeFRANCESCO: Let him finish.

1 THE WITNESS: Do you want me to finish why  
2 there ~~is a~~ socioeconomic situation is not the same as  
3 the blacks in that area?

4 MR. ARENTZ: I don't know --

5 MR. SALESE: Yes, you asked the question.

6 <sup>[Looked up at Judge Arnold's]</sup>  
THE WITNESS: The children of the families  
7 in that area, you see, with an older work force and  
8 more family resources build up, a much higher proportion  
9 of those children went on to Wayne State University,  
10 University of Michigan. There are many more family  
11 supports that are available than in the black community  
12 surrounding it, and so their situation is not nearly as  
13 desperate. As a matter of fact, <sup>[black situation]</sup> it is typical of white  
14 ethnics that were in difficult situations when they  
15 came into the country, large numbers a half century ago.  
16 They came in when unskilled labor was needed. Blacks  
17 tended to move in<sup>to</sup> large cities like Detroit, ~~and~~ <sup>when</sup> unskilled  
18 workers were needed far less, so they never built up the  
19 seniority or economic support base or enabled a much  
20 higher proportion of their children to move into much more  
21 available occupational situations. And so that it is --  
22 I don't mean to underplay, they really are undergoing  
23 tremendous, terrible strain in Detroit, <sup>an</sup> economic disaster  
24 area, but in terms of levels of disaster, the black  
25 communities would be feeling it significantly more

1 <sup>7 in an</sup> objective way than Polish or other ethnic communities.

2 Q Okay, Doctor, we have eliminated most European  
3 ethnic communities from your characteristics. Let's  
4 talk about the Jewish population. You said that blacks  
5 have been under suppression for over 100 years. Many  
6 Jewish people have, if you agree -- tell me if you do,  
7 the apprehension that they have been suppressed for  
8 nearly a thousand years. Can you attribute the same  
9 characteristics that you have to those five men if they  
10 were of Jewish nationality?

11 A Not in American society because American society  
12 has been really open to most religious and ethnic groups  
13 including Jewish community. Where the analogy would hold,  
14 you are quite right, would be where my parents were  
15 born in Russia, both my mother and father. The reason  
16 they left that society is because there -- there were  
17 situations where Jews did riot and because they were  
18 repressed in an extremely hostile -- not only under Czar  
19 regime, but my mother lived under Lenin's Soviet regime  
20 until she was able to escape with my grandmother. The  
21 depressed circumstances of the Jewish community here was  
22 such that although extremely difficult, the opportunities  
23 were there, there were <sup>(a few)</sup> no laws against Jews in the same  
24 way that they were against blacks when my family moved into  
25 Detroit, for example, where there were many restrictions,

1 there were restrictive covenants on blacks moving into  
2 neighborhoods, there were all kinds of restrictions  
3 that were applied informally that didn't exist for  
4 Jews. And so the analogy is not an American analogy  
5 between blacks and Jews. It would relate to the  
6 experience in what was called the Russian --(palc)

7 Q Okay, Doctor, what I'm trying to get at is  
8 this particular situation of <sup>(April)</sup> February 20, are you saying  
9 the only ethnic background where the social interaction  
10 could have occurred is with young black males?

11 A What I'm saying is that in terms of the  
12 likelihood and probabilities, young blacks in that  
13 situation would be one of the most likely groups to  
14 respond in panic manner and engage in protective and  
15 defensive action. There may be some other groups that  
16 would, perhaps native American Indians, perhaps Puerto  
17 Ricans in New York, Chicanos in some communities in the  
18 southwest, under certain circumstances. In fact, during  
19 the Detroit riots in July of 1967, there were riots in  
20 south Phoenix, in the Chicano barrio, and that made  
21 some national news, but compared to what was happening in  
22 Detroit, it didn't make as much news.

23 Q Have you gone into the family background and  
24 upbringing of any of these five defendants?

25 A Do you mean in terms of interviewing them? No.

1 Q Individually, do you know any of the family  
2 background or upbringing?

3 A I have read accounts of their family background  
4 and the church community individually, but I have not  
5 interviewed them, and I haven't observed them, if that  
6 is what you mean.

7 Q Do you have any idea of what kind of education  
8 experience and background they came from in Chicago  
9 individually?

10 A My understanding is that they were part of a  
11 Pentecostal all-black church, and their schooling and  
12 family -- their entire social relationships were encom-  
13 passed within the church community.

14 Q Doctor, I'm talking individually, as far as it  
15 affects the individual man, where -- whether Ricky Lamar,  
16 Lonnie Hayes or Jerome Pipkins --

17 A My understanding is that each of these individuals  
18 had this experience.

19 Q Are you talking about a sociological theory?  
20 Doesn't psychology interplay into the personality of  
21 the individual such as Lonnie Hayes' interactions with  
22 the group, may instigate the group, may cause problems?  
23 Isn't that true?

24 A That could be the case.

25 Q Isn't it true, Doctor, that when you are talking

1 about group dynamics and sociological theory, that you  
2 are eliminating certain dynamics such as particular  
3 personalities that act and may instigate the group  
4 dynamic itself, isn't that true?

5 A Yes, only in a certain context, and the context  
6 is that if you are saying that there may be a character  
7 disposition of an unusual nature, that could occur. The  
8 only thing I can reasonably respond<sup>to</sup> and evaluate in terms  
9 of the situation, is what would be the likelihood of  
10 a normative response, given the situation, and what  
11 has occurred in hundreds of other situations that have  
12 been evaluated over the last quarter of a century.

13 Q Doctor, Lonnie Hayes wasn't involved in these  
14 hundreds of other situations, was he?

15 A A good theory predicts, both explains and  
16 predicts, and if you asked me, given a certain set of  
17 circumstances, we do this all the time with various  
18 kinds of public opinion behavior, that, in terms of  
19 elections or other kinds of behaviors, what we can say  
20 is that given the set of facts, the probability of  
21 certain kinds of behavior is likely to occur. And what  
22 I would estimate here is that there <sup>is</sup> a high probability  
23 of a confrontation here, but you're quite right, I  
24 couldn't talk about it in individual psychological cir-  
25 cumstances, but I could talk about what one would expect.

1 Now, again, this gets back to how useful the theory is.  
2 Emergent norm theory has been tested out in many specific  
3 crowd situations, and that is what I was drawing on.

4 Q Do you know if some shouts of, "Kill 'em"  
5 occurred before or after the fights started?

6 A I don't recall the time sequence noted in the  
7 documents that I received. However, that wasn't critical.  
8 The critical element was that once there was confronta-  
9 tion and a large crowd, a crowd in that context, serves  
10 as an audience that has a certain symbolic meaning. It  
11 just -- in a similar way to an audience in an athletic  
12 situation, where there may be a home crowd or a hostile  
13 crowd, and it could influence what happens in terms of  
14 the main actors interacting. The main actors interacting  
15 here would be the officers, school officials and the  
16 black defendants and others in the situation, but the  
17 crowd itself became a symbolic factor. It would be  
18 very unusual for it not to be. That would -- crowds do  
19 influence the behavior of people in very strong ways.

20 Q Doctor, what if the crowd, other than the  
21 students from Miracle Valley, consisted of two police  
22 officers?

23 A The crowd?

24 Q Other than those people from Miracle Valley,  
25 consisted of two police officers?



1 A That wouldn't be a crowd.

2 Q It wouldn't, would it?

3 A No, no.

4 Q If these particular men were threatened, why  
5 didn't they run rather than attack?

6 A That gets back to the emergent norm process  
7 that whether you are talking about a large crowd or  
8 whether you are talking about the immediate interaction  
9 with the police authorities, you had a non-normative  
10 situation, and then the question is, how do you respond.  
11 And that relates to what I believe was likely precipitated  
12 by the kind of initial communication that was occurring,  
13 namely, not family or church authorities, but the initial  
14 communication was -- has to do with police officers.

15 Q Again, Doctor, you don't know Lonnie Hayes,  
16 his personality interaction in this, do you?

17 A No, I do not know.

18 Q What if the school attempted previously at an  
19 expulsion hearing to notify the parents and the parents  
20 never showed up?

21 MR. SALESE: I will object, there is no facts  
22 in evidence.

23 THE COURT: Objection sustained.

24 Q (By Mr. Arentz) What if, Doctor, the school  
25 personnel felt Lonnie Hayes was a threat, that they wanted

1 protection for other students and asked the police to  
2 remove him?

3 A That gets back to a point I was raising  
4 before. There has been -- if the initial communication  
5 had been with parents or church authorities, even if  
6 there had been no response, if that had been communicated  
7 to the students, in this kind of situation, I think,  
8 again, the likelihood of the panic -- I think what I  
9 would have characterized as panic situation, I think would  
10 have been quite different. In terms of the school  
11 authorities, there is a great deal of literature that has  
12 been widely used, the Carnegie Foundation report called,  
13 "Crisis in the Classroom," came out in 1970, that is  
14 by Charles Silberman, that is standard reading of school  
15 officials for over a dozen years now, and there is a  
16 great deal of treatment of polarized interracial situations  
17 in school settings, and in that analysis, and among many  
18 others I cite that because that became a best seller and  
19 has been standard useage in school systems around the  
20 country.

21 Q You don't know what problems the school  
22 administration had with Lonnie Hayes, do you?

23 A Yes, to some extent. I know he was expelled  
24 and that he was not officially a student at the time  
25 of April 20.

1           Q     Doctor, a man is loitering on a school campus  
2     and the school administrators fear that he may cause  
3     trouble or hurt other students. Are you saying that they  
4     shouldn't ask the police to enforce the loitering statute?

5           A     If there is no violence, if there is no melee,  
6     if there is no confrontation, my understand<sup>ing</sup> -- in fact,  
7     I experienced that myself at the Oak Park High School --  
8     but the standard literature would -- I'm talking about  
9     just useage literature of school authorities -- would  
10    hold that the first thing that you normally would do,  
11    would be to try to initiate contact with guardians or  
12    parents or if there is a body like a church body, as  
13    in this case, communicating that attempt to the students  
14    before bringing in police authorities.

15          Q     Okay, Doctor, you mean you have to wait until  
16    violence occurs before you do anything, is that what  
17    you are saying?

18          A     If there is no violence, and the initial  
19    communication is of the order that occurred here, then  
20    I think what is being produced is a likelihood of a  
21    view on the part of the students that confrontation is  
22    going to occur. And I think that appeared to be what  
23    was happening here.

24          Q     Let me go back to my question, Doctor.

25          A     Sure.

1 Q The school administrators have to wait until  
2 violence occurs before they try to take some action?

3 A Well, the reason I don't understand the  
4 question is that there wasn't any violence or threats,  
5 as I understand it, before the police arrived, and in the  
6 absence of that, I don't understand why school authorities  
7 would believe that, because it isn't usual that you bring  
8 in police authorities when there is a problem, but there  
9 is no violence or confrontation. You try other mechanisms.  
10 In fact, that is a very unusual step.

11 Q Doctor, again, if someone is loitering on  
12 campus, isn't that a criminal offense?

13 A Oh, in school terms, that would be. I  
14 don't -- I don't know technical --

15 Q You don't know if that is a criminal offense  
16 or it is not?

17 A That would depend on the community.

18 Q On the situation?

19 A The laws vary. I assume that you're saying that  
20 it was a criminal offense in this situation. It varies  
21 from school district -- or community to community, I  
22 believe, but even if that were the case, there are --  
23 loitering, when there is no disruption of activities,  
24 is the kind of situation that usually the school  
25 authorities would ordinarily respond to in a way that would

1 not initially include police force being brought in.  
2 That would be highly unusual.

3 Q What if the school administration had previously  
4 had experience with violent behavior on the part of  
5 Lonnie Hayes, isn't their role as a school administrator  
6 to see that it doesn't happen again?

7 A That is why I was referring to the literature  
8 that is available. There is a lot of experience now,  
9 and as the experience in Oak Park indicated, it is  
10 precisely in those situations, where it is most critical  
11 to engage in the communication process with home, family,  
12 other authorities, home authorities, before engaging  
13 in police force, when there is no violence occurring.  
14 In fact, given the set of circumstances, the usual  
15 procedure that, as I understand, occurs generally through  
16 the literature, and my own experience as a high school  
17 instructor doing research, would be --

18 Q Do you have any children, Doctor?

19 A Three.

20 MR. SALESE: Let him finish answering the  
21 question.

22 THE COURT: Have you finished answering the  
23 question?

24 THE WITNESS: I was just about finished with  
25 that, I think. Yes, it would be, it is really -- I'm

1 repeating the same point. I think that is a very unusual  
2 initial step in that situation.

3 Q (By Mr. Arentz) You said you had three  
4 children, Doctor?

5 A Yes.

6 Q Would you want your children going to a school  
7 where the school administrator would wait to call the  
8 police before they --

9 A I would want the school authorities to take  
10 the most effective action to make sure that they contacted  
11 the home and church authorities. I would not want my  
12 children in a situation where there is a high probability  
13 of a major confrontation that could produce violence,  
14 and in terms of my own feeling, I feel much more secure  
15 if my children were in a school where the school authorities  
16 understood and went through what I believe to be the  
17 normal procedures. I think what occurred here appeared  
18 to me more dangerous approach.

19 Q Let's go into the facts a little bit. What  
20 if Captain Plum wanted to arrest one individual and the  
21 response to him was, "How are you going to do that? You  
22 are going to have to arrest all of us." Does that  
23 affect at all your characteristic?

24 A You see, at the point of time you are referring  
25 to, I believe it is very likely that quite a panic

1 situation had emerged. That is related to the emergent  
2 norm theory. You have an unstructured situation, it is  
3 outside, a crowd is emerging, you're likely getting, if  
4 it is a usual crowd, some [chance in] talking, and that  
5 is the description I have read about in that. Once you  
6 have gotten to that stage, you have increased the  
7 probability of panic, and<sup>a</sup> defensive and protective escape  
8 is reaction.

9 Q Doctor, if there is one police officer talking  
10 to a group -- by a group, I mean more than three, maybe  
11 up to ten persons -- could one police officer cause a  
12 panic situation?

13 A In those circumstances, given the hostility that  
14 black students from the church, as the church generally  
15 was experiencing on both sides, as I understand it, the  
16 initial communication to bring in police officer would  
17 very likely create a great fearful response, and then you  
18 have that contest, a homogeneous group likely feeling  
19 threatened coming to the assistance of a family or  
20 church member. That would be a common type of response  
21 in that situation, I think.

22 Q Doctor, I'm having some problem with some of  
23 the terms. You mean panic when you say that ten people  
24 are panicking because of one police officer in the usual  
25 sense?

1           A     I am, in terms of the -- you have a situation  
2     in which Lonnie Hayes is not supposed to be on campus.  
3     Rather than school authorities being brought in, when  
4     police are brought in, and I think that would trigger,  
5     at least, at the very least, a defensive response on the  
6     part of the individual, or the individuals involved in  
7     that case.

8           Q     I have trouble with the word "panic" again,  
9     Doctor, when -- if the facts show that they employed  
10    aggressive and violent behavior, is that panic?

11          A     Given -- you were referring before to attitudes  
12    about and toward blacks, and I was referring to the  
13    socialization process, the fear that blacks are socialized  
14    into -- in our society generally. The very initial  
15    response to them in this situation, I believe, is so  
16    unusual, that is, a police officer rather than an  
17    attempt to communicate through their family or church,  
18    that I think that would have created a very tense  
19    situation and my understanding is that although Lonnie  
20    Hayes was not supposed to be on campus because he had  
21    been expelled, my understanding is that Ricky Brown and  
22    Ricky Lamar could have been there to pick up people,  
23    that that was permissible. But as I was reading Officer  
24    Bernheim's statement or report -- I believe it was  
25    Captain Plum asked who was a student, the response was to



1 point out that these people were not students. Now,  
2 that communication, without any qualifying statement  
3 by the school authorities, that they -- it was legitimate  
4 for them to be there under the circumstances, would have,  
5 I think, triggered quite a panic response, because what  
6 if, in fact, the police officer~~s~~ is asking who is not  
7 a student, the response is that these two individuals  
8 were not, but there is no qualifying statement, I  
9 would have thought that <sup>they</sup> would have been quite frightened  
10 that they were about to be arrested or some other action  
11 that they didn't feel was justified. Now, I think that  
12 panic state is likely precipitated if -- it would be likely  
13 to be precipitated because there hadn't been other  
14 social control attempts.

15 Q Okay, Doctor, let's throw some more facts out.  
16 Suppose Mr. Bergman and Mr. Sandoval, school administrators  
17 lightly asked Lonnie Hayes, "Would you please leave  
18 campus," and Lonnie took his good old time about it like,  
19 in their experience, he always did on everything, did  
20 not leave campus. Suppose further that in their experience  
21 with Lonnie Hayes, they felt the only way they could  
22 get him off campus was to request assistance from police  
23 officers. Let's take that a step further and let's suppose  
24 that the first police officer arrives and politely asks  
25 Ricky Lamar, "Would you please leave campus"? Are you

1 saying that police officers or the school administration  
2 instigated the kind of situation that happened on  
3 April 20 by those actions?

4 A I think, again, the problem was that, as I  
5 understand the facts of the situation, as Lonnie Hayes  
6 was asked to leave, he did in fact go into an automobile,  
7 I think that was being --

8 Q You're not really sure, are you?

9 A Again, I'm just -- based on the information  
10 that was provided me, I wasn't there, that is for sure,  
11 that is true, but at that point, /if either the principal,  
12 Mr. Bergman, or the assistant principal, Mr. Sandoval,  
13 had gone back and instead of calling the police initially  
14 and called either parents or the family or church members  
15 to come back and communicated and said, "Look, I have  
16 talked to some people, your family, church authorities,  
17 they really think you ought to leave," or if he had  
18 said, "I called and got no response, but if you don't  
19 leave, I'm going to have to call the police," that is  
20 critical interim communication, because without doing  
21 that, which is, again, I think normal procedure, I  
22 think that is what most students would expect. But when  
23 you not only combine it with what most students would  
24 expect, but you communicated you have not done that in  
25 relationship to blacks who have already experienced a

*S. Bergman*  
*2/20/74*

1 great deal of polarization in the community and the  
2 school, as evidenced by the expulsion of Lonnie Hayes  
3 himself --

4 Q Doctor, I'm sorry --

5 A -- I think at that point, you have got a  
6 communication that again would have likely precipitated  
7 a fearful reaction.

8 Q Doctor, are you aware that Sierra Vista is  
9 next to Fort Huachuca Army Base?

10 A Yes.

11 Q If there was a couple of Army people on campus  
12 talking to or harassing girls in the high school, do  
13 you think the school would have to make the appropriate  
14 response of requesting the commandants to talk to them  
15 or do you think they should call the police?

16 A Well, as a matter of useful practice, if you're  
17 talking -- say that again, if they were already harassing  
18 some people? You see, that is a different situation.  
19 My understanding of this situation is that while Lonnie  
20 Hayes was not supposed to be on the school grounds,  
21 that there wasn't any harassment. There wasn't any  
22 confrontation or violence. You see, if there had been a  
23 melee going on, I think quite clearly that you have to  
24 have social control brought in with police force, but  
25 as I understand it, that wasn't the equivalent situation.

1 If I understand what you said, if some soldiers came on  
2 campus on --

3 Q Let me cut out the harassment. Let's say they  
4 saw them on campus and previous experience of the school  
5 administrators thought there would be trouble. Would  
6 you think that their appropriate response would be to call  
7 the police, "Let's get these military people off campus,"  
8 or would they have to say, "Captain, would you please  
9 come out and get" --

10 A I think, as a matter of fact, it is generally  
11 the case that in terms of social control in a school,  
12 you don't escalate immediately. It would sound to me as  
13 though it would be a good idea to first contact their  
14 authorities that have influence over them, but there is  
15 something different here. Soldiers would be adults,  
16 and I think here we are talking about high school age  
17 people, one of whom had been a student in the school,  
18 and I think when you have got a former student who had  
19 been expelled, that would -- that, again, is different.  
20 I think there you have the linkage, because the reason  
21 why it is so important is that there were other students  
22 from that church who were in the school, and if you are  
23 going to use effective social control techniques, you  
24 don't want to antagonize them immediately. Sometimes  
25 you have no choice, but certainly in that kind of a

1 situation, it would be, I think, more important than  
2 in the other case, with soldiers, to contact family,  
3 kin and church authorities, although even in that case,  
4 I think it would be wise practice to initially contact  
5 Army officials rather than police initially. If there --  
6 again, that is assuming there wasn't any harassment.  
7 If there was harassment, that is a different situation,  
8 and then, of course, you bring in police, I think.

9 Q Okay. You say you have never been to Sierra  
10 Vista, is that correct?

11 A Again, I don't believe so.

12 Q Do you know anything about Buena High School?

13 A I have never been to Buena High School.

14 Q Do you know how large it is?

15 A Not precisely, no. I know there are several  
16 hundred students, probably upwards of close to a thousand,  
17 I think, but again, I haven't been there, and I don't  
18 know the exact statistics on it.

19 Q Would 2,200 sound right?

20 A I don't know.

21 Q Have you ever met Mr. Bergman?

22 A No.

23 Q Have you ever met Mr. Sandoval?

24 A No.

25 Q Do you have any idea of the outlay of the campus

1 on Buena High School?

2 A I have seen some sketches about the physical  
3 layout of the school.

4 Q Do you have any idea what security problems  
5 they may have?

6 A In what sense?

7 Q Do you have any idea what security problems  
8 they may have on that campus?

9 A I believe so.

10 Q You do?

11 A In terms of the normal high school procedure,  
12 yes.

13 Q Are you aware that Buena High School encompasses  
14 approximately 80 acres?

15 A No, I don't know that.

16 Q You referred to the church, Miracle Valley  
17 church. Have you ever been there?

18 A No.

19 Q You have never been at the school, never met  
20 the high school administration, you have no idea what  
21 security problems they may have, you have no idea about  
22 the church that these men belong to, you have no idea  
23 about Lonnie Hayes' past experiences at that high school  
24 and, yet, you are making judgments as to the role of these  
25 professional people as school administrators, is that

1 correct?

2 A I do know something about what you have  
3 just referred to, because schools, young blacks,  
4 community situations, are not totally removed from one  
5 community to another in a society, one society, in  
6 terms of American society. Their values and attitudes  
7 are common to American blacks and whites and, again,  
8 when it is good research theory is useful and important  
9 when in fact it can explain different situations, in the  
10 only one situation where there is direct <sup>or</sup> conservation,  
11 and that is why I believe that the theoretical framework,  
12 which is predicated in many independent studies, is  
13 relevant to a given case situation such as this one.

14 Q So we are talking -- we are dealing with  
15 theory then, are we not?

16 A Also on the facts of the situation, as I  
17 understand them.

18 Q We are talking about theory, that means there  
19 are other theories, maybe even contradicting theories?

20 A Contradicting theories?

21 Q Counter theories?

22 A Yes, I think that there could be. For example,  
23 Marxian conflict theory, it would be in terms of  
24 economic classes that were operating, and you have some  
25 reputable Marxist theorists who will explain black/white

1 confrontations, a capitalist's exploitation. / I don't  
 2 think you will find many sociological theorists who  
 3 would adhere to that in this country, although there are  
 4 some, but there are other theoretical frameworks, but  
 5 I believe that most sociologists and social psychologists,  
 6 in fact many psychologists -- I mentioned Professor  
 7 Snyder, the works of Professor Alport and Katz and Braly,  
 8 I think would utilize this theory to explain the situation  
 9 in terms of what actually happened.

10 Q Doctor, when we're talking about theory, aren't  
 11 you really just speculating as to what happened on  
 12 April 20?

13 A No, there are speculative theories that are not  
 14 research based. We have some theories that, in my  
 15 judgment, are called phenomenological theories, which  
 16 you can speculate as to what could happen and interpret  
 17 it many different ways. Symbolic interaction theories,  
 18 which is the large framework, and emergent norm theory,  
 19 is much more grounded in actual observations of many  
 20 different crowd situations.

21 MR. SALESE: I just have a couple of questions.

22 THE COURT: All right. Mr. DeFrancesco is  
 23 going to have some questions, aren't you?

24 MR. DeFRANCESCO: Yes.

25 THE COURT: So let's take our morning recess.

*Note: Not a  
 reference  
 to Hofmann-  
 Circouel careful  
 observational and  
 documented and  
 phenomenological  
 analyses.*



1 We will stand in recess for 15 minutes. Remember the  
2 Court's double admonition to keep an open mind and don't  
3 talk about the case.

4 (Whereupon, a recess was taken.)

5 THE COURT: All right, Mr. Salese.

6 MR. SALESE: I think Mr. DeFrancesco had a  
7 few questions.

8  
9 CROSS-EXAMINATION

10 BY MR. DeFRANCESCO:

11 Q Dr. Gordon, there were some questions asked, I  
12 believe on cross-examination, about your testimony about  
13 panic situation developing here. I would ask you if you  
14 could explain that in terms of what you understand from  
15 the police reports that you have read in the development  
16 of the situation, the development of the melee up to and  
17 including the leaving in the car, going off at high  
18 speeds to Miracle Valley, with an emphasis on what you  
19 mean and the why of the panic? Could you do that for me,  
20 sir?

21 A Yes. There is a specific part of the research  
22 literature on panic. That is why under certain circum-  
23 stances people are likely to panic and why they are not.  
24 In a way, it goes back to, I think, what Justice Holmes  
25 noted in famous terms, that one can't yell "Fire" in a

1 closed theatre when there is no fire, because of the  
2 recognition that might induce a panic, but since that  
3 statement, there has been a lot of research on why  
4 people do or don't panic, because we know in some kinds  
5 of situations there is no panic that occurs. That  
6 appears on the surface to be the same as in other  
7 situations where it does occur. Generally, the findings  
8 hold this, and you can see it in many different situations.  
9 For example, in case of where miners are caught, panic  
10 generally occurs when either there is no fearful situation  
11 in terms of removal from an unstructured situation, that  
12 is, I mention if a mine collapses and people are caught.  
13 If all of a sudden they realize that all they have to  
14 do is just walk out of an open space, there is no panic.  
15 There tends to be no panic when people are caught in a  
16 totally hopeless situation where there doesn't appear  
17 to be any avenue of escape, that is generally the case.  
18 It is between those two polar situations that you have  
19 a high probability of panic occurring in such a way that  
20 you could get serious injurious behavior. For example,  
21 in -- there have been a number of famous fires in Boston  
22 and other places where when it appeared to people in the  
23 situation that some could escape because not everything  
24 was closed to them, it was a very fearful situation when  
25 a fire broke out, there was a high panic, and many people

1 were injured as a matter of fact, and there is -- you  
2 increase the likelihood of people getting injured when  
3 people panic. But the question is, why do they panic,  
4 and they panic when they believe they are in a state of  
5 threat or very likely to be, and that the only way to  
6 get out of that situation is if they escape and they  
7 see some circumstances in which it may be possible to  
8 escape.

9 Now, as I look at the various reports, the news  
10 media reports, the report of Officer Bernheim, the other  
11 information that I was given by Mr. Salese, and the  
12 attorneys, it appeared to me that once the situation had  
13 developed, where there was a fearful confrontation, that  
14 you have got a rather typical situation where panic would  
15 be quite likely if these people thought they were under  
16 immediate threat to themselves, physical threat of their  
17 own safety. And I think once that happened, the rest  
18 of the set of responses tend to be what would be viewed  
19 as quite irrational, that is, once panic actually sets in,  
20 many things happen at the same time.

21 Q Doctor, in this situation, based on the infor-  
22 mation you have available to you, and based on all your  
23 studies and research, would there be any perception con-  
24 cerning any of these young men as to the capability of  
25 being killed by police?

1           A     Well, that gets back to the findings of emergent  
2 theory researchers. In Ralph Turner's and Louis Killian's  
3 book on collective behavior, they cite literally hundreds  
4 of cases and many research sources. Again, that goes  
5 back to the nature of the theory, that is, when you have  
6 an unstructured situation in which you don't have normal  
7 routine, the question then occurs, how do people respond  
8 in that situation. That tends to be directly related to  
9 their background experiences and attitudes and values.  
10 In the case of the black experience, which is found to  
11 be the case in samples independent, independent samples  
12 since the '30s, right up to the current period, there  
13 is, relative to other groups, a high degree of fear  
14 toward police authorities to the extent that unless  
15 certain kinds of communications occur, when you combine  
16 police action initially, in this kind of situation in a  
17 school, with the attitudes that would be normally  
18 developed, being a black vis-a-vis police, and then you  
19 combine it with a crowd situation, in which the crowd is  
20 an onlooker grouping white, making statements of a  
21 hostile nature, such as the, quote, "Shoot 'em," and the  
22 term "nigger," and other kinds of chants, that would be  
23 the kind of situation where in terms of blacks and crowd  
24 situations, you are likely to get a panic, particularly  
25 given the history of police community relations in the black

1 community, which has generally changed around the  
2 country. But if you look, for example, at the National  
3 Advisory Report on Civil Disorders, which is the official  
4 title of it, with the -- again, the research headed by  
5 Jeffrey Page<sup>ice</sup>, there was a large research team involved.  
6 In over half of the precipitating incidents that resulted  
7 in over two dozen of the largest riots where there was  
8 injury, a police incident precipitated the riot.

9 Now, there have been a number of analyses of  
10 this. Since I work<sup>d</sup> in Detroit, I am particularly familiar  
11 with some of the research there, for instance, a former  
12 police chief, George Edwards, who is now, I believe, a  
13 federal judge, but at the time he was police chief in  
14 Detroit, he looked at the situation in terms of the  
15 Detroit police force, and then did research on other  
16 police forces around the country. He wrote a fairly  
17 influential and typical book called, Police on the Urban  
18 Frontier, in which he noted that the likelihood of  
19 police precipitating a confrontation in a situation in  
20 a black neighborhood is heightened where you don't have  
21 the normal kind of communication in the community. Most  
22 of the riots that occurred in the '60s actually through  
23 '71, involved young black males, and as Mr. Edwards had  
24 noted, until the '60s, overwhelmingly, police forces  
25 in this country were all white. In Detroit, for example,

1 I believe it was -- I have to check the exact figures --  
2 I believe it was about one percent of the police force  
3 was black in a city that had about 44, 45 percent blacks.

4 Q One of the facts in this case is, I think there  
5 was a DPS officer, a black man, who was not in uniform,  
6 but was assisting, and also that at some stage in the  
7 proceeding, there was a police assistant who wears the  
8 uniform, the same as a Sierra Vista police officer. How  
9 would that affect what you're talking about?

10 A That was Mr. Clabourne, Officer Clabourne?

11 Q Yes.

12 A I think that was -- I would think under the  
13 circumstances, an attempt by the police authorities to  
14 bring in a black officer to communicate more effectively  
15 with the young people. The problem I think there,  
16 there are about two problems. One is the immediate  
17 situational problem, is that at the time that Officer  
18 Clabourne came in, you already had an extremely volatile  
19 situation, I believe, as I understood Officer Bernheim's  
20 report. You already had a lot of very large crowd and  
21 you had a confrontation, the lack of communication of  
22 what I believe is normative in terms of school control  
23 approaches, but in addition to that, there is the larger  
24 background of the black experience in terms of police  
25 attitudes, not attitudes so much, but the actual fact that

1 police tend to be white with few black officers, and the  
2 past experiences that would be taught normally in a black  
3 family is that police are not the people you call to  
4 protect yourself, because they are part of the people who  
5 often engage in hostile actions or engage in control  
6 approaches that are dissimilar. They aren't the same  
7 that are used for other citizens in the community, and so  
8 you have a fearful and really hostile kind of a concern  
9 when the immediate approach is police in this kind of  
10 situation, where there had been no prior violence.

11 Q The prosecutor asked you if you knew Sierra  
12 Vista had the highest black population in the state.  
13 Would that have any significance to the testimony you  
14 have given with regard to this group and the black popu-  
15 lation of Sierra Vista, as you understand it?

16 A It could. As I understand it, again, reading  
17 the materials that I have, including news material, many  
18 of the blacks who are older and established, are not  
19 empathetic to the church in Miracle Valley. That is not  
20 unusual. I mention the Chicago school<sup>s</sup> sociology which  
21 started ethnic studies at the turn of the century, and  
22 has been developed in every city of the country. It is  
23 typical of older established minority group members to  
24 be concerned about new members of a minority community  
25 moving into their community. This is long history. The

1 older established Irish Catholics in Boston, (there is an)  
2 Oscar Handlin of Harvard University, has a good docu-  
3 mentation on that in a book called, The Uprooted. They  
4 often organize, try<sup>to</sup> to keep new Irish immigrants out of  
5 Boston because they perceived that as threatening their  
6 position. German Jews in New York City did the same thing  
7 in relationship to Russian and Polish Jews. They  
8 tried -- in fact, they organized a fund-raising to  
9 finance their way back to the old country. This has  
10 happened in Italian community<sup>s</sup> and in other communities.  
11 The black community of Sierra Vista is above, the older  
12 established is above average in education, income. I  
13 would think that it is very likely that just as in these  
14 other cases historically, they probably viewed this group  
15 as a threat. Now, why is there a threat? I don't think  
16 it is the same kind of threat, for example, if a white  
17 Pentecostal group moved in. It would have been also  
18 unusual, but I don't believe there is any real likelihood  
19 that kind of community would have been viewed as a threat.

20 The reason it is a threat to the black community  
21 is that I don't think whites would have viewed white  
22 Pentecostals as a threat, but when you bring in the issue  
23 of race and an unusual sect, religious sect, I believe  
24 the blacks would be fearful for the same reason that the  
25 older established Irish Catholics and Jewish community and



city  
pre - conducted  
65

1 Italian community would have been fearful, fearful that  
2 would have raised up the old prejudices toward the whole  
3 group, and that they would become a target if these  
4 poorer blacks and newer blacks were in the community.

5 MR. DeFRANCESCO: Just a moment, your Honor,  
6 if I can review my notes --

7 THE COURT: Take your time, Mr. DeFrancesco,  
8 take your time.

9 Q (By Mr. DeFrancesco) One further question. I  
10 think Mr. Arentz asked you, he said -- and gave you a  
11 factual situation where there was one policeman confronting  
12 a black and a group, I believe, of other black people,  
13 and he indicated, I believe, that there had been no crowd.  
14 Would that have any, you know, with respect to the  
15 facts as you understand them and the development of what  
16 occurred here, would the fact that at that time, that  
17 time that in the development of this incident, would that  
18 have any significance?

19 A In terms of what produced the crowd, precipitated  
20 the crowd development, again, as I understand the reports,  
21 the police officer, I believe it was Captain Plum, called  
22 for assistance. Now, again, I believe that it is likely  
23 that there was a fearful situation produced by the nature  
24 of the social control mechanisms adopted, quite clearly  
25 unintentionally by the school authorities. Given a

1 homogeneous grouping, you do have that small religious  
2 sect members in the school. The calling of other  
3 officers would have produced the beginnings of a crowd  
4 situation almost immediately. And that would be, I  
5 think, quite predictable on the scene. I'm sure I  
6 would think that the police officer thought it could be  
7 controlled, but I'm sure he would be aware, I would think,  
8 that there was going to be a crowd situation produced at  
9 that time.

10 Q Would it be fair to say that a black man, even  
11 with police baton in his hand, backing up on Fry  
12 Boulevard, would be fearful that he could be shot by a  
13 policeman that particular day, based on the facts as you  
14 know?

15 A I think the likelihood is very high, yes.

16 MR. DeFRANCESCO: Thank you, your Honor.

17 THE COURT: Mr. Kerley?

18 MR. KERLEY: No, your Honor, no questions.

19 THE COURT: Mr. Salese?

20 MR. SALESE: Thank you, your Honor.

21

22

REDIRECT EXAMINATION

23 BY MR. SALESE:

24 Q Sir, the prosecutor asked you about the Lonnie  
25 Hayes, the administration has some prior experience with

1 Mr. Hayes, he had been expelled, and we do have facts,  
2 and I think I recited them to you. Facts have come  
3 into evidence that at one point in this melee, after it  
4 began, Lonnie saw one of the church members, a girl,  
5 bent over the hood of a car and being choked by an  
6 officer. He ran over, he grabbed the nightstick from  
7 another church member and he ran over and asked the  
8 officer to release the girl, that is the testimony,  
9 and asked a couple of times, and then hit the officer.  
10 In the context of what we have been discussing on that  
11 day and what he saw, was that a normative or normal  
12 reaction to the circumstances?

13 A I believe so. And when, as I looked at the  
14 sequence of events, when you got to that stage of this  
15 interaction, as I looked at each of these incidents as  
16 they were reported, it appeared to me that, again, you  
17 have a panic and a very fearful situation developing  
18 that appeared from point of view of the black individuals  
19 involved, you've got a -- I think, two mechanisms are  
20 operating at the same time. It gets back to what I was  
21 saying about panic. You have both defensive and protective  
22 actions at the time. Now, given ultimately what happened,  
23 I think basically it was an escapist effort, but in the  
24 context of what is happening, and given the times of  
25 family and peers in that homogeneous grouping in that

1 setting, it would be abnormal for people not to respond  
2 to what they believe was a physical attack on one of their  
3 members. And in this particular case, you are referring  
4 to a young black female, I believe, who was being  
5 handcuffed, I think, and held. I think that under those  
6 circumstances, somebody in the church group, or more than  
7 one, would probably respond in some way, if they thought  
8 there was a physical threat.

9 Q Doctor, you were asked if you had personally  
10 interviewed any of the defendants and then asked about  
11 any particular psychological problem they may or may not  
12 have in terms of trying to show, I suppose, that since  
13 you didn't interview them, you couldn't predict their  
14 behavior on an individual basis. Let me ask you this:  
15 What you know of their behavior on that day, under those  
16 circumstances, had they had a particular disability,  
17 mental disability, would they have acted the way they did?

18 A Given the situation of -- I think that is why  
19 I was -- when questions related to mental disorders --  
20 I don't believe it likely fit this case. Now, if that  
21 occurred, one of two things would have likely resulted.  
22 If we are talking about an abnormal response, either no  
23 confrontation or an extremely violent confrontation in  
24 which there really would have been deaths, and we have a  
25 lot of documentation on both of those responses, but the

1 more typical response would be what appeared to happen  
2 in this case, and that would be normative. And please  
3 understand I don't mean normative in an acceptable basis,  
4 I mean sometime what happens in a society is normally  
5 injurious, including prejudicial attitudes and dis-  
6 criminatory behavior that may be normative in a certain  
7 context, but I think this was normative in that sense.

8 Q Does the concept, and the prosecutor asked you,  
9 did you think that these individuals knew right from  
10 wrong when they were out there that day? Does that  
11 concept enter in under these circumstances?

12 A I believe initially it would. These individuals  
13 were part of the school, the school has certain rules and  
14 regulations, one had been expelled, and there was a breach  
15 in the rules which occurs periodically in schools. And  
16 if there had been what I believe would be the normal  
17 communication process and social control mechanism,  
18 and then -- and they didn't respond at that point, then  
19 I think that you would have had -- at least, I would have  
20 interpreted that differently, but that wasn't the case  
21 here. This was a, I think, really, I think it falls  
22 within normal range of what you would expect.

23 Q Doctor, I have one last question. Do you know  
24 if anybody, any human being has landed on Mars or Venus?

25 A We have landed on the moon.

1 Q Just general knowledge.

2 A We have sent equipment to Mars.

3 THE COURT: You can give your opinion. Go  
4 ahead.

5 THE WITNESS: Not that I'm aware of.

6 Q (By Mr. Salese) Do you know whether astronomers  
7 study Mars and Venus without ever having been there?

8 A Oh, yes, certainly.

9 Q And obviously you haven't landed on Lonnie Hayes  
10 and Ricky Lamar, and you can still talk about theories,  
11 can't you?

12 A Yes, sir.

13 MR. ARENTZ: Just a couple more questions on  
14 recross.

15

16 RE-CROSS-EXAMINATION

17 BY MR. ARENTZ:

18 Q Doctor, I don't know whether Mr. DeFrancesco  
19 or Mr. Salese -- we are talking about a situation where  
20 you have 10 or 15 people, and Captain Plum somehow said,  
21 as a crowd or would be a crowd interaction, and you  
22 responded, "Well, if Captain Plum went to call more  
23 reinforcements, would have caused that kind of reaction."  
24 Is that what you said?

25 A I think under those circumstances, it would have

1 precipitated, because there again, if there had been --  
2 if the police had, in this case, Captain Plum, had inquired,  
3 had there been an approach to family or guardians or the  
4 church, if that had been communicated to the individuals  
5 involved, either by the school authority, which would be  
6 the normal procedure, or even by the police, I think the  
7 likelihood of the reaction would have been there.

8 Q What I'm having a hard time comprehending,  
9 Doctor, if this group of 10 or -- 10 black students saw  
10 Captain Plum and didn't know he called for more police,  
11 how was Captain Plum a crowd?

12 A My understanding is that there were that many  
13 of the black students in that area. And that would  
14 constitute a small crowd.

15 Q So it would be the interactions between those  
16 particular students from Miracle Valley that would have  
17 caused the situation, not pressure from other people  
18 watching?

19 A I think at that point, it is very likely they  
20 thought they were under threat, direct threat.

21 Q From one police officer?

22 A Who was contacting others to come into the  
23 situation.

24 Q Mr. DeFrancesco asked you a couple of questions  
25 concerning the black population in Sierra Vista, and their

1 views concerning Miracle Valley church coming in and  
2 moving there. First of all, you have already said  
3 earlier you don't know too much about the Miracle Valley  
4 church, is that correct?

5 A Only what I have read. I haven't studied the  
6 church or interviewed members; that is correct.

7 Q Do you know any black persons in Sierra Vista?

8 A Not that I'm aware of.

9 Q And do you believe everything you read in  
10 newspapers?

11 A Oh, no.

12 THE COURT: Any further questions?

13 You may step down, Doctor.

14 (Witness excused.)

15 THE COURT: We will stand in recess until 1:30  
16 this afternoon. Remember the Court's double admonition  
17 to keep an open mind and don't talk about the case.

18 (Whereupon, at 11:55 o'clock a.m., the hearing  
19 in the above-entitled matter was recessed, to  
20 reconvene at 1:30 o'clock p.m. of the same day.)

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