

Lawyer's tactics 'gift from heaven' for Titchbourne side

By FRED LEESON

PORTLAND ATTORNEY Ted Runstein was arguing a pretrial motion last March on behalf of the Church of Scientology when a portly Boston Irishman with thinning red hair and a fat briefcase ambled into the courtroom and parked himself at the counsel table.

"I'm too old to fight the preliminaries," the Boston lawyer told Multnomah Circuit Judge Donald H. Londer. "I'm just measuring the ring and getting a feel for the rules. I'll be here for the main event."

Such was the introduction of Earle C. Cooley, 53, hired by the church to help defend the second fraud trial against the church brought by Julie Christofferson Titchbourne of Portland. Cooley's arrival proved to be the start of what may be remembered as one of the major trials of the century in Oregon. It ended with Cooley on the losing end of a \$39 million judgment against the church and its reclusive founder, L. Ron Hubbard.

As it turned out, Cooley couldn't wait to put on his figurative gloves and enter the fray. When Cooley jumped into a pretrial argument and Londer teased him about the main event not yet starting, Cooley replied, "Anything I do is the main event, your honor."

Cooley is described by some lawyers in Massachusetts as the best trial lawyer in the state. He formerly worked for the big Hale and Dorr firm that represented Richard Nixon during the Watergate proceedings.

Once the 10-week trial got under way, Cooley quickly established himself as the prominent figure in the arena. He shambled his way around the courtroom with a lumbering gait, peered at witnesses over the top of his glasses and chewed piece after piece of hard candy to keep his gravelly voice lubricated during hours of cross-examination.

Word of Cooley's quick wit and aggressive interrogations spread quickly in local legal circles. Several trial attorneys perched in the gallery at times to watch his work.

What the locals observed was a theatrical, aggressive style more common to litigation in the East than in Portland. Cooley's cross-examination of some witnesses lasted for days. On occasion Londer warned him to stop shouting at witnesses.

Some of the former Scientologists he grilled broke down in tears as he questioned them about their personal lives or their experiences in Scientology. But Cooley was unmoved. He suggested out of the jury's presence that those witnesses had been coached to cry.

Whether Cooley's techniques were so aggressive they would offend the jury was a question that occurred to many observers, especially since testimony in the trial dealt with the church's policy of attacking those who attack the church. "That's a risk I take," Cooley said during a break. "In this business you don't have to wait long to find out if

you are right or wrong."

Garry P. McMurry, Titchbourne's lead attorney, seemed taken aback by Cooley's folksy gregariousness and slashing attacks at the outset. But after a few days, courthouse gossips reported McMurry as considering Cooley and his blustery attacks as "a gift from heaven" for Titchbourne's case.

The witnesses who fared best with Cooley's interrogations were those who answered the questions at hand and didn't try to figure where Cooley was headed. Those who wanted to make their own speeches or thought they could outwit him tended to suffer for it.

Cooley's cross-examining technique involved a bob-and-weave pattern in which he would pose a few questions on one subject, switch to several other topics and then return to the original subject to ask what he planned to be his most damaging questions. The tactic left witnesses unsure where he was headed and placed Cooley right where a cross-examiner wants to be — in control at all times.

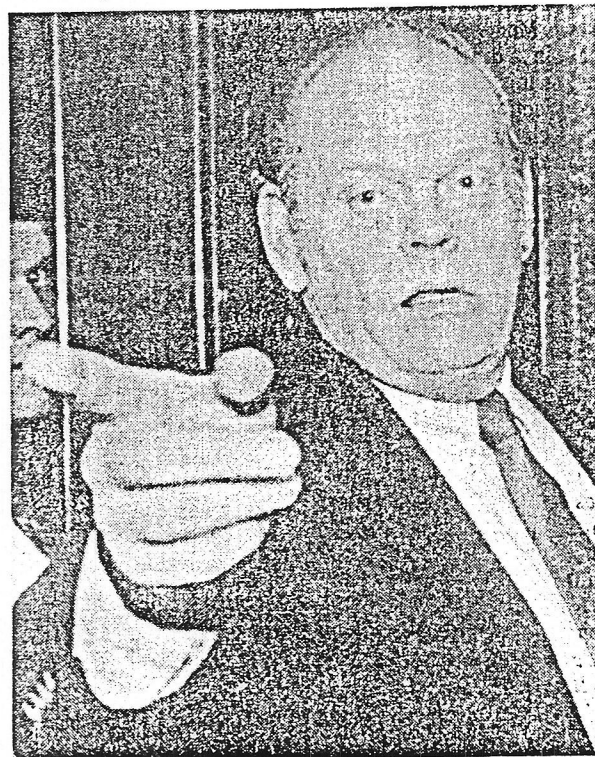
His lengthy interrogations also were aided by the use of daily transcripts of prior testimony, an expensive luxury that most litigants cannot afford. The transcripts allowed him to focus in detail on specific words used by a witness as recently as the day before.

But in the end Cooley's laborious cross-examinations apparently gained him precious little. He made few references to that testimony in his closing arguments.

Lawyers never know for sure to what extent their conduct rather than the facts of a case affect a jury's decision. Cooley, who flew off immediately to a Hawaii vacation, no doubt was happy to put a few miles between himself and Friday's verdict.



LEESON



EARLE C. COOLEY

The Oregonian/TOM TREICK

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FORUM

Scientology trial jurors ignored advertising blitz

By FRED LEESON
of The Oregonian staff

The Church of Scientology in Portland waged an expensive, large-scale advertising campaign throughout the fraud trial that led to a \$39 million verdict against the church and its founder, but jurors said they paid no attention to it.

Printed advertisements appeared frequently in daily and weekly newspapers in the Portland area throughout the 10-week trial, and radio and television commercials were played on several local stations.

Two jurors who were interviewed Monday said the jury's decision was based on long discussions and detailed review of many of the more than 500 exhibits entered into evidence during the 10-week trial.

The jurors, both of whom agreed to talk about the deliberations only if their names were not used, said the biggest single factor in the case was L. Ron Hubbard, the church's founder, and the documents he wrote that were admitted as evidence.

"The most compelling thing was L. Ron Hubbard himself and how the whole organization is geared to exactly what he wants to do and how he wants them to do it," one juror said.

John Carmichael, a spokesman for the Portland Scientology mission, said the advertisements were part of a nationwide campaign to inform people about Scientology and members who practice it.

He said he could not place an estimate on the amount spent for advertisements in the Portland area, but he

said he thought each large ad printed in The Oregonian cost about \$3,000 or \$4,000. Similar ads have appeared in major cities across the country, he added.

Scientologists have continued in the spotlight by staging demonstrations in Portland during the weekend and on Monday to protest the verdict. About 1,000 Scientologists attended a demonstration in downtown Portland Monday, when protesters heard from such followers as movie star John Travolta and musician Chick Corea in different events.

Carmichael said the advertising expenses "were not as much as the attorneys cost" in the unsuccessful defense of the fraud complaint filed by Julie Christofferson Titchbourne.

Garry P. McMurry, a Portland lawyer who represented Titchbourne, said, "I think the (public relations) campaign didn't have any purpose other than to put some money into the local economy."

At McMurry's request early in the trial, Londer also instructed the jurors not to look at Scientology advertisements.

"The jury didn't read them, and we knew the jury wasn't reading them," Carmichael said. "Obviously, the ads were meant to continue telling people about Scientology and people who used Scientology."

McMurry said Londer instructed jurors to advise the court of any contacts with parties during the course of the trial. Two jurors during the first week said they were stopped on the

downtown transit mall by people saying they were doing a public opinion poll about Scientology, the day after Scientology circulated a full-color, 18-page advertising section in Sunday editions of The Oregonian.

Londer ordered that such polling be stopped, and no other similar incident was reported.

Individual jurors on at least two occasions reported receiving threatening phone calls from callers professing to be Scientologists, but it was never determined where the calls came from or who made them.

Attorneys for the Scientologists asked Londer to declare a religious holiday near the end of the trial to commemorate the 35th anniversary of the publication of a seminal Scientology book written by Hubbard called "Dianetics: The Modern Science of Mental Health." Londer declined.

In a publicity event that Carmichael said was "not purely coincidental" to the timing of the trial, Scientologists involved in an anti-drug program called Narconon staged a spectacle on April 28 in Pioneer Courthouse Square.

Several actors who perform stunts giving the appearance of danger in Hollywood movies performed for an audience.

Asked at a news conference Monday about her opinion of the Scientology advertising campaign, Titchbourne said, "I guess they've got the money to do it. They've got the freedom to say what they want, as long as it is true."

Additional details on Page B1.

Scientologists, others hear protest concert

By HOLLY DANKS
and PAUL MANLEY
of The Oregonian staff

About 2,000 Scientologists and Portland music fans gathered in downtown Portland's Tom McCall Waterfront Park Monday night for a free concert that was billed as part of a crusade for religious freedom.

Against a backdrop of the Burnside Bridge and a huge U.S. flag on which the cross of Scientology was superimposed, piano virtuoso Chick Corea and rock musician Frank Stallone performed.

Scientologists identifying themselves as having come to Portland from Canada, Britain, Mexico, Germany, France, Australia, Sweden and New Zealand joined hundreds of Portlanders in stretching out on the grass and listening to rock, jazz and popular ballads.

Television actor Jeff Pomerantz introduced Stallone's group after declaring, "Acting is what I do, but above and beyond that, always and ever, I am a Scientologist."

Alluding to the \$39 million judgment against the Church of Scientology on Friday in Multnomah County Circuit Court, Pomerantz said, "I am here because a great injustice has been committed against a basic inalienable right — freedom of religion."

Earlier Monday, Corea told an outdoor news conference and rally at Lownsdale Square that he had cut short a concert tour in Japan so he could "support my group here." He said he made five appearances on a 16-concert schedule and planned to return to Japan after he had done all he could in Portland.

"I haven't canceled a concert in over 20 years as a professional musician," Corea said to underscore what he said was the importance of his be-

liefs in Scientology and freedom of religion.

"I started to envision what it would be like if I couldn't think like I wanted," he said. "That's the great plus about living in America."

Scientology members are billing their protest of the \$39 million award in the fraud suit against their church and L. Ron Hubbard, the organization's reclusive founder, as a crusade for religious freedom. About 300 people greeted Corea at Portland International Airport Monday afternoon, some waving banners that proclaimed, "Religious Freedom Begins in Oregon."

Church leaders have said that members from all over the world are descending on Portland and are prepared to stay as long as it takes to right what they perceive as a travesty of justice. Buses displaying flags of Canada and Great Britain and license plates from California paraded around Lownsdale Square Monday at intermittent intervals. In the park, supporters waved banners from Mexico and other countries, while "America the Beautiful" and praise of the U.S. Constitution boomed from the public address system.

Monday morning, approximately 1,000 Scientologists and supporters gathered in downtown Portland for the third day of public demonstrations against the verdict in the lawsuit brought by Julie Christofferson Titchbourne, a Portland woman and former member of the church. Titchbourne, 27, said the church fraudulently claimed that membership would increase her intelligence quotient, eyesight and creativity.

Corea, who joined the church in 1968, called the process of making music "a very, very spiritual experience."

"That's probably why you see a lot of interest by performers and artists" in Scientology, he said.

Movie star John Travolta, looking tired, tousled and in need of a shave, was another celebrity who arrived early Monday to defend the Church of Scientology and back the growing protest of the lawsuit award.

Travolta, a private pilot, flew to Portland from Los Angeles in his own jet and left about 2 a.m. Monday directly following his 10-minute news conference and quick huddle with church leaders and other Scientologist celebrities at the Hilton Hotel. Prior commitments to the promotion of his new movie, "Perfect," dictated the timing of his short stay, a visit he said he made on his own initiative and at his own expense.

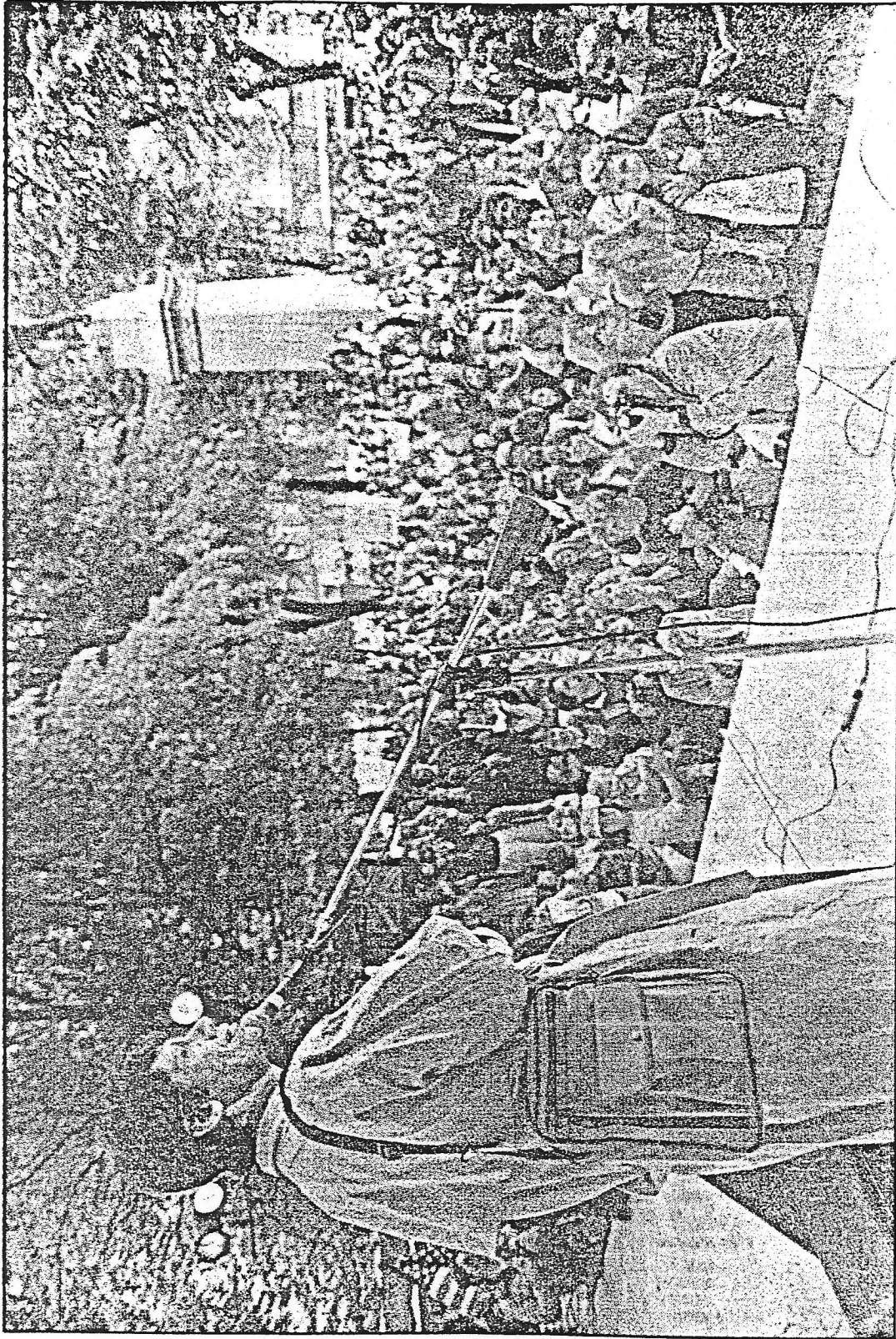
A Scientologist for 10 years, Travolta said he had never come out this strongly or visibly for the church. Having gained a reputation as a box office sex symbol for films, such as "Saturday Night Fever," "Urban Cowboy" and "Stayin' Alive," the 31-year-old Travolta said it had crossed his mind that his support of the demonstrators in Portland could hurt his career.

"For something that you feel saved your life a couple of times, you take the chance," he said, declining to elaborate his specific beliefs or experiences with Scientology.

Scientologists, who seemed to be arriving by the hour by plane, bus and car, were being housed by church members in Portland and in area hotels and motels.

The church over the weekend unsuccessfully sought to have the city of Portland rescind its ban on camping within city limits in order to accommodate a "tent city" in Tom McCall Waterfront Park, according to Jack McGowan, press aide to Mayor Bud Clark.

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The Oregonian/MICHAEL LLOYD

SCIENTOLOGY SUPPORT — Chick Corea, known for his inventive piano music, stands on stage in Lownsdale Park Monday and tells a crowd of fellow Scientologists that he is in Portland to join demonstrations protesting a \$39 million fraud judgment against the church.