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As Paparazzi Push Harder, Stars Try to Push Back

By **DAVID M. HALBFINGER** and **ALLISON HOPE WEINER**

LOS ANGELES , June 8 - Lindsay Lohan once called the attentions of picture-hungry paparazzi "a blessing." But the 18-year-old film star adjusted her view of aggressive photographers last week after the police say one of them rammed his minivan into her Mercedes on a crowded street here, and at least three others somehow arrived within seconds to shoot her distraught reaction.

"A line needs to be drawn in terms of getting violent," she said in an interview on Wednesday. "It was a very frightening experience."

Hoping to draw that line, Ms. Lohan is joining with Cameron Diaz, Justin Timberlake and an A-list of Hollywood actors who are trying to turn the tables on the paparazzi. Spurred by the stars and their representatives, the Los Angeles police and prosecutors have opened a criminal investigation into what they describe as a new breed of photojournalists willing to flout the law, drive recklessly and even slam into celebrities' cars. "The concern is that because of these hyper-aggressive tactics on the part of the paparazzi, someone is going to get hurt or killed," said William W. Hodgman, head of the district attorney's target crimes division.

Routinely now, law enforcement officials said, paparazzi use several vehicles to "box in" a celebrity's car; try to force stars off the road; chase them at high speed as they do nothing more than run errands, often with their children in tow; and recklessly put pedestrians, other drivers and even themselves at risk.

The criminal inquiry, which was under way even before the Lohan collision, begins a new phase in this seemingly never-ending struggle - one waged over the years with fists (à la Sean Penn and Alec Baldwin), boycotts (as with one led by George Clooney against the television show "Hard Copy") and the occasional lawsuit or call for legislation. And it comes as glossy magazines like Us Weekly, In Touch Weekly and Star are fueling a highly competitive market for pictures of stars looking their worst.

The new effort also has a new angle. Civil lawsuits and legislative curbs on photojournalists face very strict standards, particularly in light of First Amendment protections. But criminal acts by journalists, like false imprisonment or assault with a deadly weapon - the charge filed against Galo Cesar Ramirez, 24, who drove his minivan into Ms. Lohan's coupe - are not protected.

And while many of the crimes the stars accuse photographers of committing may by themselves be only misdemeanors, the investigators said they were studying whether the teams of paparazzi could be prosecuted on felony conspiracy charges.

Investigators said they were looking at several leading photo agencies in Los Angeles, including X17, Splash News, Ramey Photo Agency, Bauer-Griffin and Fame Pictures Inc., Mr. Ramirez's employer.

Boris Nizon, owner of Fame Pictures, said he was aware of the criminal investigation but unconcerned. "We obey the law and we work really professionally," he said. Of the collision with Ms. Lohan, he said: "It was an accident. If somebody is responsible for the whole thing, it's most likely Lindsay, who has nearly one a month, an accident." In interviews, several top actors, mindful of backlashes against Mr. Clooney and others, said they were hesitant to act or complain publicly lest they be ridiculed as hypocrites for wanting to enjoy their freedom of expression while curtailing it for others.

"The last thing you want to sound like is a crybaby," Halle Berry said. "I do understand the First Amendment and I understand the right of the paparazzi. I think the problem is they are crossing the line."

Aggressive tactics by photographers came under harsh scrutiny in 1997, when Diana, Princess of Wales, died in a Paris car accident after her driver, who was drunk, drove at high speed while being pursued by a clutch of paparazzi. The photographers have long been a fixture in Los Angeles, on red carpets and outside fashionable restaurants and nightclubs, and there has always been a kind of symbiosis between them and celebrities, and particularly celebrity publicists. But veteran stars, publicists and entertainment lawyers say that certain photographers, and the publications they sell to, began increasing the pressure several years ago and seem to have changed the rules of the game - transforming Los Angeles, even more than New York or other hot spots, from a somewhat safe haven into a hostile environment.

"They weren't always as invasive," Ms. Berry said. "There was some healthy respect about it - they kept a certain distance from you. You weren't chased at high speeds through the streets where you endangered other lives and other innocent people who really don't know what the heck is going on."

Ms. Diaz said screeching tires and honking horns had become a kind of personal soundtrack for her whenever she ran errands - typically with three or more paparazzi cars in pursuit. "People used to ask me how I could live in Los Angeles, and I'd say it's the best place, everybody's so jaded," said Ms. Diaz, who appeared in her first movie in 1994. "That's how it used to be: I could go to the dry cleaners or to grocery stores. In the last few years, it's gotten to the point where you literally cannot walk outside your front gate without being literally attacked."

Ms. Diaz recalled walking in the street with Mr. Timberlake and a friend and his dog about two years ago, when a photographer in a Toyota 4Runner roared up from behind them, knocking the friend to the ground, then shot pictures of her and Mr. Timberlake coming to the friend's aid. "We're so used to not having any rights, we didn't think we should call 911," she said. Photographs of the incident wound up in the next US Weekly with a caption saying, "Cameron and Justin race to help a friend" after the friend's dog was nearly hit by a car.

Janice Min, the editor of Us Weekly, said she recalled the photo but that she did not know the photographer's role in the incident when he sold it to the magazine. She added that while the magazine had no policy against running pictures of reactions provoked by paparazzi, she had pulled pictures many times at stars' requests. "If there is a set of photos that come in that seem to show someone under great duress or cross the line," Ms. Min said, "or we're made aware of a situation where a photographer behaved badly, and often times that request comes from the publicist, yeah, we do that all the time."

Ms. Min acknowledged that the market for photos of stars' unguarded moments might have eroded Los Angeles's status as a safe haven. "But anyone who's a celebrity in this day and age knows this is part of what being a celebrity is, for better or worse," she said. "It's a 24-7 job."

Still, stars say the risky behavior is becoming untenable. The actress Reese Witherspoon said in an interview that her car was sideswiped a few weeks ago when she tried to leave her gym and was hemmed

in by photographers. "After last month, I feel the boundaries are slipping," she said. "One tried to ram the back left of my car. That had never happened before."

She added that paparazzi had been aggressive for some time: about two years ago one photographer followed her into an elevator as she took her toddler daughter to the pediatrician, screaming profanities at her while his shutter clicked rapid-fire.

"There seems to be no repercussions for the behavior," she said. "It's starting to feel chaotic and lawless."

Detective Jeff Dunn of the Los Angeles Police Department's threat management unit, which is investigating the Lohan and Witherspoon incidents, among others, stressed that stars were not being given preferential consideration, but said that their complaints - and 911 calls - could not be ignored, either. "By the simple fact that they are celebrities, they are being targeted for harassment that the normal, everyday citizen would not be," he said.

The impetus for the proposed criminal prosecutions was frustration, said some of the top entertainment lawyers in Hollywood. Mr. Timberlake's lawyer, John H. Lavelly Jr., said he had won a restraining order last year against a photographer who tried to run Mr. Timberlake off the road as he drove to a physical-training session. But that was the rare exception, he said: Most celebrities shrink from filing suit because litigation allows defense lawyers to put stars' private lives on display. And, Mr. Lavelly said, paparazzi have taken to wearing hats and sunglasses and covering or removing their cars' license plates, tactics that can prevent a positive identification.

Blair Berk, a leading criminal defense lawyer for celebrities, suggested going to the police about a conspiracy case after tiring of the periodic calls for special legislation. "My thought was, we have criminal laws on the books to handle this," she said.

Indeed, Detective Dunn said that illegal actions by the paparazzi, when taken by themselves, might "seem minimal," but that "when you factor in that these people are typically working together as groups, there is a conspiracy issue there."

"Once it's a conspiracy," he continued, "it's a felony."

Detective Dunn added that a conspiracy case could ultimately lead to charges against the magazines that commission photographers to hunt certain celebrities in certain types of situations. "We're going to take it as far as we can," he said.