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HOW THE TRIAL OF THE GAINESVILLE EIGHT CHANGED MY LIFE

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August was a peculiar month for me. I spent my time sewing, gazing out a hotel window at McDonald's golden arches, reading a monumental fairy tale. And sitting in a courtroom deciding the case of the Gainesville Eight.

To you — because of newspapers, television, daily conversations — this trial was a news spectacular, a classic confrontation between the Establishment and wild radical youth, the latest in a series of conspiracy - trial circuses. To us it was a quieter, more serious, tension-filled time: We were charged with deciding whether the terrible crime of conspiracy had taken place. We knew nothing of

the things that excited you and the press — FBI men in closets, Watergate conjectures, grumblings about the judge — for we were carefully isolated from every comment about the trial. In fact, we were locked away from our families and from ordinary life during the case — ironically, it wasn't until I became a juror that I learned what it is to be a prisoner.

After the trial was over and I was released, I discovered how important this case had grown in the eyes of the nation. But even that didn't much affect how I personally felt about this experience. The trial of the Gainesville Eight had already changed my life.

On June 21, I received a summons from the U.S. District Court to appear for jury duty. I was to appear in Gainesville, which struck me as odd for the federal district

court. That was when the thought entered my head that this might be the famous Gainesville Eight case. Two weeks later, when I received a letter postponing the summons until July 31, I was sure of it, for I'd read that the Gainesville case was postponed until the same date. I told my husband, Jim, who is a professor of education at the University of Florida, what I suspected the case was. He said, "I bet it is, too." I don't mind telling you I was shook.

For to my knowledge this was an important case, with national coverage that dated back to last summer's political conventions. The charges against the Vietnam Veterans Against the War (VVAW) of conspiring to disrupt with violence the Republican convention were provocative and serious.

The first day of the trial —

July 31 — was very tense, and nothing had even happened yet. The Federal Building was heavily guarded, and my jury summons became a passport, winning for me a badge which read "Federal Juror." There were about 80 other prospective jurors in two rooms. I don't think I've ever seen so many nervous people.

Jury selection took three days, but it seemed much, much longer, as we spent most of our time waiting. During this time, the prospective jurors loosened up a bit. By the second day, faces were becoming familiar and we could chat; one man, I remember, told me how to boil peanuts. We talked about anything — except the firecracker-volatile case we all now knew we might be judging.

The first time we were led into the courtroom the prospective jurors nearly filled

all the spectator benches. As soon as we were seated in the courtroom, someone rushed in and herded us back out.

After the trial I learned that during this interval a report of FBI men found in a broom closet was presented to the judge. It seems these men were discovered with some curious electronic equipment right next to the defense office. I knew nothing of this at the time.

All questioning of prospective jurors was done by the judge, Winston Arnow. He asked about our feelings on owning guns, about relatives in the military, about opinions on demonstrations, about how the defendants' unconventional appearance would affect us. He didn't probe about political affiliations. I spoke to the judge on several points — I told him I thought everyone had the

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Lois Hensel, 40, served as foreman of the jury in the trial of the Gainesville Eight. She is a museum administrative assistant, mother of four, a resident of Gainesville.

PHOTOGRAPH: FRASER HALE

THE 12: THE DECISION WAS IN THEIR HANDS

These are the 12 people who decided the fate of the Gainesville Eight: five men and seven women; three blacks and nine whites; eight college-educated.

The jurors were heavily guarded and sequestered. The cost of their sequestration is hard to total, because several government agencies paid the bills, but hotel costs amounted to about \$6,000. The jurors received \$20 a day jury pay.

This photo was taken during the trial's tumultuous early days. The numbered key identifies the jurors; others in the photo are jury alternates and federal marshals.

1 Lois Hensel, the author, served as foreman and social chairman of the jury. She works for the Florida State Museum; her husband is a professor of education at the University of Florida. She says that recently returning to the university to complete her college degree dissolved her bad image of long-hairs.

2 Housewife Joyce G. Gray is 28 years old and has three small children. Her husband is the executive director of the Gainesville Area Chamber of Commerce.

3 Twenty-four-year old Donna Bannister joined Mrs. Hensel in a "stare-down" directed at a courtroom body-language expert who was making them uncomfortable. She works as a counselor at a savings and loan association, plans to enter law school in March. Her husband, a photographer, covered the trial for UPI.

4 The oldest juror was Mary Anne Henderson, 58. She is a cottage parent at Sunland Training Center. Mrs. Henderson is a religious woman who felt that her presence on the jury was "meant to be." It wasn't all serious business, though: She got her first wig while a juror.

5 Mary Ann Emerson is a student at Santa Fe Junior College. The youngest juror, she celebrated her 22nd birthday while sequestered.

6 Of all the jurors, 25-year-old Carol Alfred had the strongest feeling about guns; she thinks those who own guns should keep them at a police station. Mrs. Alfred, 25, recently quit a secretarial job to return to college.

7 Unofficial "entertainment chairman" of the jury was 24-year-old Allen D. Amos, an elementary school teacher. Amos livened the jury's long waits with songs, old jokes and magic routines.

8 Lou Ellen Aaron, 48, earns her living as a maid. One juror says she "has the knack for telling stories so that everyone ends up laughing."

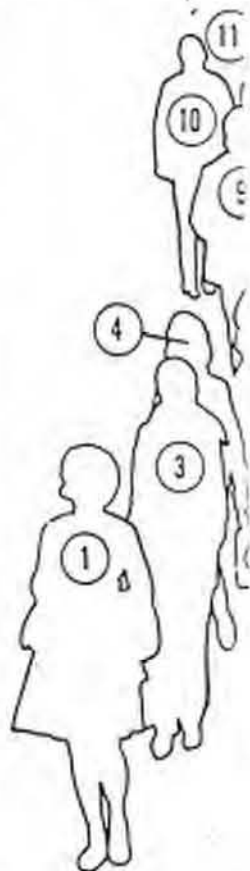
9 The jury had its own Vietnam veteran: 23-year-old Paul E. Banks. Banks is a housekeeping aide at the Gainesville Veterans Administration hospital; he recognized prosecution witness Emerson Poe as a fellow employe at the hospital.



10 Truby English, 24, is a plumber's assistant; he is married and has one child. A sports fan, he asked federal marshals if he could attend home games while sequestered, but the trial ended before the football season began.

11 Gerald Bennett, 33, is a utilities lineman; he would like to become an electrician. During deliberations, one juror says, Bennett "was particularly worried whether his decision would let guilty persons go free or would put innocent persons in jail; he didn't want that on his conscience."

12 Northern Godbolt, 27, had to postpone his marriage to serve on the jury. He is a part-time security guard and grocery clerk. He learned how to swim while sequestered and, says a fellow juror, "amazed many waitresses with his enormous appetite."

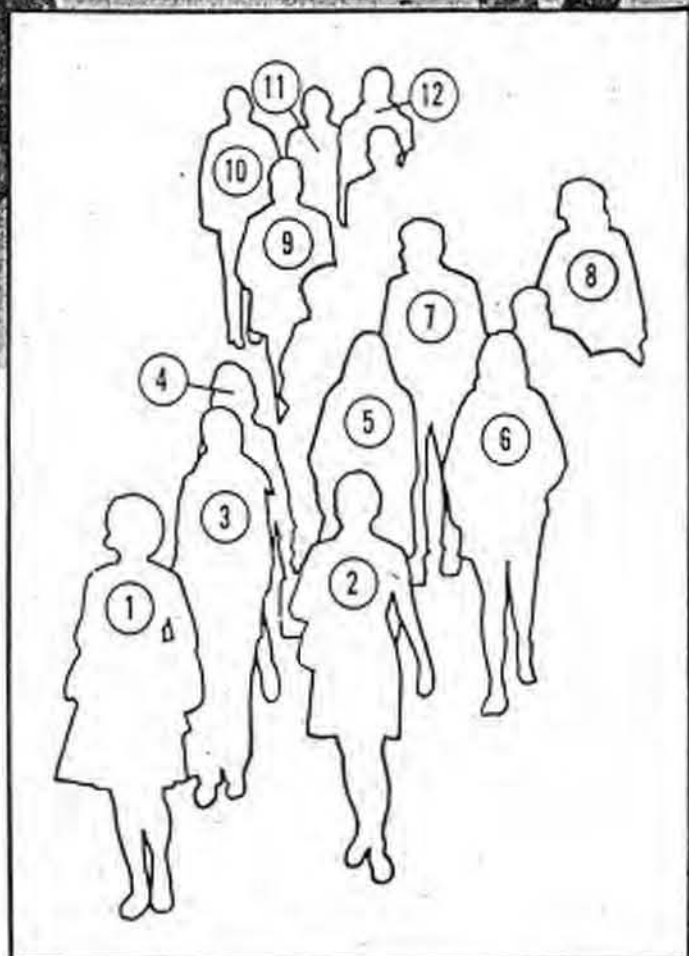




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right to demonstrate his feelings, and that my husband is a Korean veteran and my brother served in Vietnam as a Marine.

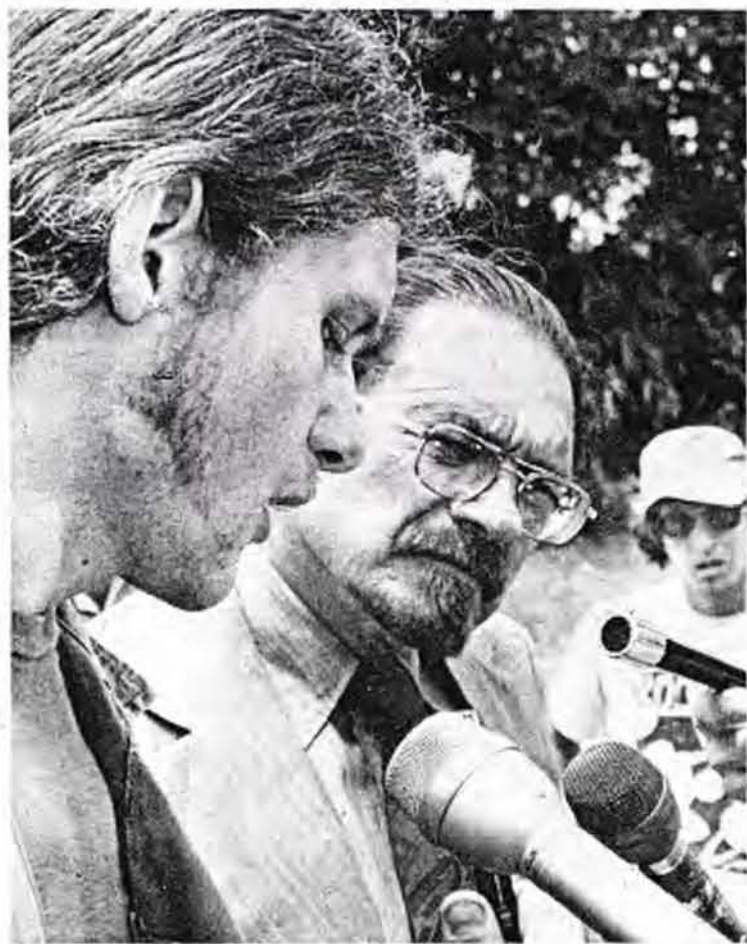
One prospective juror was dismissed when he admitted he couldn't stand these long-haired men with casual patched denim clothes wearing military fatigue shirts. He had grown up in the military world and felt appearance makes a big difference.

Some people made disqualifying remarks just to get out of jury duty, I'm sure. As for me, I wanted to be a juror. I thought it would be interesting and genuinely educational. But I wasn't going to misrepresent myself in any way to try to be picked. I really tried to be fair — and so did every juror who was finally selected. We really obeyed

would put us up. How long we would be away from our families was uncertain. Some had speculated the trial would last four or even six months.

Gainesville had never seen anything like this trial. Much of the city operates around the schedule of the University of Florida, which in August is at its least active. University summer classes were ending, and public school was not yet open. The trial was the only show in town.

The indictment charged seven defendants, all members of Vietnam Veterans Against the War (VVAW), with conspiring to use violence to disrupt communications during the Republican National Convention in Miami Beach in August of 1972. An eighth defendant was charged with being an accessory after the fact. The charge further stated that the



For the defense: attorney Morton Stavis is at the microphone as client William Patterson, left, listens.

all the rules, including the judge's order not to discuss the case. (For one thing, he kept telling us that our sequestration might be eased if we could keep ourselves isolated from commentary on the trial.)

When the jury selections were announced, I was shocked — I had expected more questioning by both sides. Frankly, though, I was far more shocked and concerned by what happened next. After the jury box was filled — 12 jurors and four alternates — the judge told us that because of heavy publicity surrounding the case, we would be sequestered starting at 10 o'clock that evening. We had six hours to go home, pack, make family arrangements and check into the hotel where the government

defendants plotted to fire lead weights, "fried" marbles, ball bearings, "cherry" bombs and smoke bombs at Miami Beach police, using wrist rocket slingshots and crossbows.

What with the provocative charges, heavy media coverage and touches like a body language expert in the courtroom trying to second-guess the jurors' gestures and twitchings, this was a bizarre trial, all right. But even the most bizarre situation can fall into a routine. Here's what a "typical" day on the Gainesville Eight jury was like:

At 7 a.m. the marshals would awaken us with a knock on our doors. About 9 o'clock a bus would transport us to the federal court building, midst radio signals be-

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tween marshalls along the way. There were steel gates to be raised, rear entrances to slip through, photographers to dodge.

Proceedings were scheduled to begin at 9:30. One of the more fun-loving jurors became pretty good at imitating the ritualistic solemnity that reopened the trial each day; back at the hotel we frequently heard him tell us to "All rise."

The witnesses testified one by one — first for the prosecution and then cross-examined by the defense. Some witnesses would look jurors in the face, others did anything to avoid eye contact. My seat was so close to the witness chair that I could see the pounding pulse of some. One witness was so unsure of himself he had to read his testimony.

I found some witnesses very believable, but others contradicted themselves and other witnesses. One man was a whiz at minor dates and details of two-year-old incidents, but when cross-examined couldn't remember a thing.

Was it just my imagination about that one government witness, or did he answer "I don't recall" on cross-examination each time the prosecuting attorney touched his head with his fingers? Had other jurors noticed this coincidence? It seemed quite obvious.

Some of the testimony was so ridiculous. Not because it was untrue, but how was it informative or relevant that the fingerprint expert studied a catalog from a store — and found the store owner's prints on it!

There were many pauses during the trial when we had time to look around. This was because of the bench conferences: The attorneys discussed points of law with the judge while the jury was in the courtroom but out of earshot.

You couldn't ask for a more colorful gathering to observe — reporters, relatives, defendants, legal aides. The defendants had a ragtag appearance, most of them in jeans and fatigue shirts (though one, in great contrast, wore short hair and sport shirts). I must admit that a few years ago, their long-hair look would have made me think less of them. But I've been back to the university recently, completing my college degree, and got used to the ways of my classmates. I could watch the defendants with curiosity, not animosity. Some looked back at us and smiled; I'm sure they were "checking us out" too.

One time we mentioned to a marshall that one man on the defendants' side of the

room kept staring at us. The marshall said they believed he was a body language expert studying the jury. Several of us on the jury formed our own "conspiracy" to confuse him. Finally, fellow juror Donna Bannister and I engaged him in a stare-down contest: We gaped at him during every pause. The next day he was not there. I would like to meet that man one day and find out what my body language told him.

Often the jury left the courtroom, not only during regular morning and afternoon recesses but during the many times the judge dismissed us so certain points could be discussed. We would be locked in a jury room across the hall. These were tedious times; it was only later in the trial that we were allowed to read even magazines in this waiting room. We tried to amuse ourselves, and sometimes that side jury room looked like amateur night at the vaudeville theatre: We made up songs, warbled old favorites, told jokes. Some of us even tried to do calisthenics, and our favorite extrovert juror put on a magic act.

Suddenly a marshal would open the door and announce, "Let's go," and we'd troop back to the courtroom: The action had resumed.

Many times I felt I was in the audience of a theatre, watching a huge stage production. The plot outcome was uncertain, and every type of drama was represented.

There was comedy when the obviously tongue-in-cheek name of the Wang Dang Doodle Store was continuously bandied about. (This was the store that ordered the slingshots the defendants purchased.)

A prosecution witness said the defendants were planning to use rockets, submachine guns and bombs. We realized that the rockets were the wrist-rocket slingshots and the bombs referred to cherry bomb firecrackers. The defense attorney also saw the comedy in this; his cross-examination asked the witness, "But didn't you also see nuclear subs and B52 bombers?" How could we keep from laughing at that?

The tragedy was the betrayal of friendship by a man named Emerson Poe. He had been close to defendant Scott Camil, posed as his friend even during early days of the trial. The look on Camil's face when Poe took the stand and revealed himself as a government informant was one of utter devastation. Camil's face showed dark circles and marks of despair for days. The sympathy I felt for this man who'd been betrayed destroyed whatever testimony Poe may have given. I could

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feel only disrespect and mistrust toward Poe — what a dirty, rotten trick to pull on a friend!

At one point the prosecution brought in as evidence a stack of blue documents with beautiful seals and ribbons. This seemed such a farce. They were documents about the defendants' not paying a tax for making destructive devices that had not been properly registered. I remember the time when, teaching elementary school, I had used chemicals to simulate an erupting volcano: Should I have applied for a certificate with the beautiful seals and ribbons for making a destructive device? I felt the prosecution was treating us as children, to be easily impressed by glitter and pomp.

Proceedings usually lasted until 5:30 in the afternoon. We were again escorted to our bus and taken back to the hotel to change and relax until dinner.

The evening hours were the longest. Perhaps I seem overconcerned with the strain of sequestration, but it is an indescribable shock suddenly to lose your freedom. Here I was locked away from my family, with only three weekly visits of two hours — all closely monitored by officials.

It troubled me when my husband and children said our home telephone was acting strange. There was difficulty in calling, and one long-distance call picked up a sound like a tape recorder slowing down. Was I getting paranoid? But four other jurors were hearing of similar problems with home phones. We reported this to the judge. He reported back that our phones had been checked and no tampering found.

We could read the newspapers — after a fashion. Our copies were so cut up and censored that usually only the sports and classified sections were intact. I missed all the news of Agnew and Nixon, Watergate, the tapes. They also cut out everything pertaining to Glenn Turner and his problems with the government, though I can't imagine why. Even the comics were monitored: One day *Doonesbury* was missing. I wondered what kind of political shenanigans my favorite cartoon character was up to. (I later learned that the prosecution had bugged the room of *Doonesbury's* friend Zonker, blowing the government's case against him.) We could watch selected television shows only under the supervision of a marshal or matron.

Our books were censored too. I remember one — *A Short History of China* — that the marshal looked at dubiously until I assured him

jokingly, "It's just a history book, not Communist doctrine." The main thing I read that month was J.R.R. Tolkien's *Lord of the Rings* trilogy — I guess you can't get more innocuous than that.

My room had a dreary view — a hamburger stand, a parking lot and a house with two upper windows: one white-shuttered, one green-shuttered. (How I puzzled over that!)

Inevitably the 16 jurors and the marshals came to know one another well. We talked, sketched, played chess, sewed. Each juror was allotted two alcoholic drinks a night if he cared for them; these were carefully recorded on a chart. During our second week, the marshals asked us to elect a social chairman, so suggestions, complaints,

arrangements to isolate them from the public.

But no temporary measure could eliminate our weariness and the strain. After 28 prosecution witnesses, the defense announced it was calling only one witness. I tried to keep my face from lighting up with the relief I felt.

Two days later, we heard the closing statements by each side.

During the prosecution's closing address, I felt I was being harangued, preached to, yelled at. I resented their calling the defendants "criminals" in this statement. Wasn't that supposed to be determined by the jury?

The defense made a much better impression. They seemed real and honest in their statements. The closing statement of Scott Camil



U.S. District Court Judge Winston Arnow questioned prospective jurors himself.

problems would come through one person rather than 16. I was elected, and for this reason got to know the marshals a little better;

Social chairman or not, I was feeling the pressure of sequestration. I had trouble sleeping and by Tuesday, August 14, had become ill. I served out the rest of the week, but the diagnosis was physical exhaustion. As a "cure" I was sent home for the weekend, accompanied by the marshal's wife. I slept almost the entire time, and returned Monday, glad to be feeling up to continuing my responsibilities as a juror. I guess the government realized all the jurors were getting frazzled, for the weekend I was home, the others were taken on a trip to Walt Disney World, with special ar-

(who had chosen to represent himself) really hit home: "Is 1984 so far away?" he asked. I'm sure some jurors didn't recognize the allusion to George Orwell's frightening novel of the future, but Camil's words stuck in my mind.

We began deliberations the next day. First the judge dismissed the alternates, admitting theirs had been a trying task, since they knew they probably would not get to participate in the final decision. The dismissal happened so fast we didn't have time to say goodbye.

The judge told the remaining 12 that our first job was to choose a foreman, adding that the term was a tradition and did not mean the head juror had to be male. He outlined the indictment and told

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As the trial ends, fans of the defense rejoice over the verdict. They include two acquitted defendants: Stanley Michelsen, far left, and Alton Foss, far right.

Jurors, from page 10.

us what was necessary to determine innocence of guilt. He instructed us, "You should first determine whether a conspiracy existed. Next, you should determine whether each of the defendants wilfully became a member, and then whether one or more of the defendants committed an overt act."

When the instructions were complete, we retired to the jury room.

What a relief! We could finally talk about the trial, and everyone exploded with his opinions; for a while all were talking at once. What did you think of (informant William) Lemmer? Of Poe? Did you think the prosecutor was giving witnesses signals?

After the first rush of discussion, we elected a foreman. I found that I was chosen — which put me in charge of a sheaf of 16 official papers. There were two papers for each defendant's name, one pronouncing him guilty, one innocent. Which one would we agree to sign?

My mind was made up. All during the trial I had decided to keep my decision open until all evidence was in. I particularly kept waiting for the prosecution to offer its heavy-weight evidence. This kept me patient during the silliness about rockets and fancy documents. But during the closing statements, I realized I was waiting for something that would never come.

As a jury, though, we deliberated for some time. The evidence was brought in for our examination. I read to the group one document both the prosecution and the defense had asked us to review — a letter from the VVAW telling of its plans for the Miami Beach conventions.

We searched this letter for conspiracy plans, as the prosecution had asked us. But what we found was the stated intention of these men, former soldiers trained in warfare by the government, to

use as weapons — defense weapons only — slingshots.

We looked at other evidence and talked of testimony from witnesses — those informants who remembered evidence well but could not recall the amount of money they were paid.

Finally we agreed we were ready for our first vote — we had taken no preliminary pollings. Our orders were to reach a unanimous decision. I remember wondering how to get 12 diverse people to agree.

I needn't have worried. I conducted a voice vote for the first defendant. The vote? A unanimous Not Guilty — and from that point I think I knew what would happen. We repeated aloud the words on the paper, "So say we all," and I, as foreman, signed and dated the Not Guilty paper.

And so it went — we proceeded through all eight defendants, finding each one Not Guilty. For each defendant, we repeated in unison, "So say we all." It was a rather solemn moment when I signed the last paper. Then we all smiled together.

After four hours of deliberation, we filed into the jury box for the last time. The clerk took the verdicts from me, showed them to the judge and began to read.

No verbal outbursts were allowed — but none was needed. The defendants hugged, shook hands, burst into smiles as the clerk read. It was quiet but beautiful.

Judge Arnow assembled the eight in front of the bench and declared them free men. He turned to us and thanked us. As he shook each juror's hand, he gave us each a certificate stating we had served as jurors in the Northern District of Florida and a blue booklet containing a copy of the U. S. Constitution.

At the moment the court was dismissed, the defendants rushed over to shake hands and embrace many of the jurors. It was an emotional and satisfying time for all of us. The "Not Guilty" ver-

dict was the only one possible with the evidence presented.

Several of the jurors went to a big party given by the defense afterward. But not me — I was longing to be with my family. When I got back to the hotel, my husband had already heard the news and was waiting for me. I was free again.

Or was I?

I began my stint as a juror with more trust in government agencies than I have now. Since early childhood I believed that the FBI was a super power on the side of all that is good. Perhaps that TV image is still true — but my faith has had a severe setback.

After hearing so many informants testify from so many different undercover agencies, I too ask, "Is 1984 so far away," as one defendant put it. I've been a trusting person in the past, and I know that has changed now. I now feel my phone conversations may be monitored, my movements recorded for future evidence of some sort. Whom can you trust?

I did emerge with faith in our jury system — but with questions about court procedures and the law that I intend to learn more about.

And sometimes I wonder, with a bit of cynicism, if the government didn't win its case after all. I recently talked to one of the defendants, and he said, "There were eight men acquitted, yet the Vietnam Veterans Against the War organization has nearly been destroyed by infiltration of informers." The members no longer trust each other, and this is one dissident organization that probably won't bother the government any more.

As I look back now on what I learned from being a juror, I'm sure it would equal 15 quarter hours of credit at any university. You could catalog it as sociology, psychology, law, government or history. It was an experience I will never forget.