

Episode 10

The Gainesville 8 trial started in August of 1973, after 14 months of hearings.

The trial started with the jury selection.

Federal prosecutors have always had an advantage selecting juries. They have the FBI do a background check on the jury pool: Have they or a family member ever been arrested? What kind of organizations do they belong to? Have they or any member of their family had any problems with a government agency such as the IRS that might make them hostile to the government? So when the jury selection starts, the government has an idea of who they want and who they don't want on the jury.

During the jury selection process, each side gets to remove potential jurors from the pool. There are two ways you can remove a potential juror - one is for cause and one is because you want to without a reason. This second way is called a "Peremptory Challenge". Both sides have an equal amount of Peremptory Challenges and both sides have an unlimited amount of challenges for cause. The judge decides if the reason is good enough to remove a person from the pool.

In general, the government didn't want young people, students or black people. We did not want people if they or their family members were federal employees or law enforcement.

During this time in history, there were many political trials: the trial of Dr Spock and friends, the Chicago 8, the Camden 28, the Catonsville Nine, Ellsberg and Russo, and The Harrisburg 7, to name a few.

The Harrisburg 7 were the first to use "Scientific Jury Selection". Jay Schulman a sociologist from Columbia University and some friends, signed up to help Philip Berrigan and the rest of the Harrisburg 7 who were charged with conspiring to destroy draft records and kidnap Kissinger in 1971. The idea was to balance the jury selection process. After their trial, the perimeters were honed and Jay came to Gainesville to help us. In the Gainesville 8 jury selection, we used this method and selected the first

perfect jury.

The method was a lot of work. First, a survey was drawn up to determine community attitudes. Then there was a random selection from the voter files using the same method of selection that the clerk of court uses to pick the jury pool. An example would be going down the voter rolls and selecting every tenth name. Then people we trained did the phone calling and asked the survey questions. After that, they used statistical analysis to link attitudes to things like age, sex, race, education, religion, job type, marital status, section of town they lived in, and other parameters. Each parameter was given a point rating.

Once we received the jury pool list, we were able to get a score for each person. We added to this several other pieces of information. We went by each house and looked at bumperstickers on cars, yard signs, yard upkeep, children's toys and such. We assembled a team to help in the court room during the voir dire of the jury. The voir dire is when both sides get to question the jurors before the selection. The judge decides the parameters. While this process was going on, our experts included body language experts and semantic experts who rated each juror.

We had assembled a huge group of volunteers made up of clergy, professors, and others who knew many people. They each received a list of the jurors and supplied us with 3X5 cards with info on the people they knew. This proved invaluable. There was a young Jewish female student who had a high score, but her 3X5 card indicated that she spoke out about against the protesters in class. We made believe that we wanted her on the jury and the prosecution knocked her off.

Then we looked at the psychology, who were leader types and who were follower types. We wanted those who had high scores and were leader types. We wanted those who we liked to have things in common and those who we didn't like to not have things in common.

Using all of these things we were very prepared. We were able to determine the make-up of the jury before hand, who would be chosen as foreperson, and what the first vote would be. All of this happened before the trial began. We had selected a perfect jury.

At the hearings, I wrote a motion to go Pro Se - to represent myself. So I represented myself but we all worked as a team.

The trial started and the judge had given us a room across from the courtroom to hold discussions with the lawyers. The first day of the trial, we were in the room that the judge gave us, discussing strategy. Inside of the room was a locked closet with air vents at the bottom. Someone thought they heard a noise from the closet, got down on the floor, looked through the vent and saw 2 pair of feet. We got the Federal Marshals, unlocked the door, and caught 2 FBI agents with bugging equipment. We went ballistic and the judge held a hearing outside of the jury. The agents said they were checking equipment in this communication closet. The judge decided that the FBI would not do anything wrong and we were admonished for "making a mountain out of a mole hill".

The next day the trial started with opening statements from the prosecution and several from us including one from me. Then the government began to call witnesses.

The first one was my land lord Tex Marshall who had been a Marine in Korea and he testified that he was a small arms expert and had seen cases of automatic rifles in my house. Next was cross examination and we asked for Jencks Act material. Under the law, the defense is allowed to see any statements that the witness has made to the government and we had received none from this witness. Tex had testified that he had given a statement but the government said he had not. The judge ordered the government to find and produce this statement. The government found the statement but claimed that it was not really a statement. The judge ordered the government to give it to us. They objected but we got it. We were sent home to study the new material and cross examination started the next day.

Attorney Larry Turner pulled a plastic toy M16 replica out of a bag and asked Tex if he recognized the rifle. Tex said that that was what he saw in my house. Larry asked him again if he was sure and he said yes. Larry pulled the trigger and the toy gun made a ratatatat sound. The public and press broke out laughing and the judge was mad about that. The rifles were

the same ones that we had used in the homecoming parade - they were smaller than a real M-16 and colored black and blue. They did not have M-16s in Korea and this "expert" had never even seen a real M16. The government's first shot was was a miss.

Then came Wild Bill Lemmer - he was a VVAW coordinator working undercover for the FBI. He drove me from Gainesville to Miami to meet with the Cubans and others. He had confessed to me that he was a spy for the FBI and testified to that. Then he testified about all of these illegal things that I told him I was going to do. He was very specific about every detail. On cross examination, he could not remember anything and "I do not recall" was his standard answer. He admitted that the FBI paid him for his services and that they would not prosecute him for continued involvement with drugs as long as he continued to give them good information. We were able to show that wherever he went there was violence. The jury did not accept the idea that we knew that he was working for the FBI but told him our plans for illegal activities anyway.

Emerson Poe, my best friend and assistant co-ordinator, took the stand next and we raised hell. When we were originally subpoenaed to the grand jury, there were 24 of us and 8 lawyers. The lawyers argued that they needed more time because they could not work with us in the time they had. The judge ordered them to work with us as a group. The lawyers complained that it would violate attorney client privilege and that some of us might work for the government.

The judge put the lawyer from Washington who was in charge, on the stand. His name was Guy Godwin and he was in charge of the Special litigation section for the internal security section of the justice department. He was asked under oath, " Are any of the people here today represented by these lawyers working for the government or government informers?" He answered "No".

We felt that all 24 of us had been cleared so we put some of the 24 on the defense committee. Poe had signed a paper that the lawyers asked all of us to sign, requesting the lawyers to represent us. Poe was put on the defense committee and helped us with jury selection.

When he was called as a witness for the prosecution, that meant that Guy Goodwin had lied, so we had a special hearing to get to the bottom of this. Poe and the government tried to argue that our lawyers were not representing him. Our lawyers produced a letter signed by Poe authorizing the lawyers to represent him.

The judge allowed Poe to testify after 2 witnesses. Poe's FBI handler testified that Poe was ordered not to reveal what went on in the meetings that he attended with the lawyers and the defense committee and that he didn't reveal anything. Next the prosecutor testified that he received no information from Poe about what went on at those meetings. We argued that Poe was working for the FBI as an informant and that just him being there was a violation of our rights. The government said that it would have been suspicious if Poe did not help us and would have blown his cover. The judge ruled that there was no violation, that Guy Godwin did not lie, and that Poe could testify. In the end, 2 of the people who testified for the prosecution had met with our lawyers.

Poe testified that he helped me prepare the planning letter that I wrote, took it to the FBI office, copied it there, put the copies into envelopes that were addressed to the people who were supposed to get it, and mailed them.

This letter was called government exhibit 4. It was totally couched in terms of self-defense but the government tried to build their case around it.

One of the other things that further hurt the government's case was that the people who were undercover did not know about each other so they said bad things about each other and on cross examination were unable to corroborate each other's testimony about what happened at meetings that they attended together.

There were a bunch more informers that testified and after about 3 weeks of witnesses the government rested its case.

Next was our turn. In our planning meeting with the lawyers, they wanted to rest our case without putting on a defense. They felt that the government did not prove the charges. This would give our lawyers a tactical advantage. Under normal conditions, the government presents its case, the

defense presents its case, then the government presents rebuttal. Then the government gives a closing statement, the defense gives its closing statement, and then the government gets the last word.

If we rested without a defense, everything would be reversed we would give a closing, the government would give its closing and then we would have the last word. Under this scenario, if the government was holding back any witness for rebuttal they would not be able to call them. The lawyers also argued that the jury had been locked up in a hotel for a month and not allowed any private contact with anyone including family members in person by phone or letter. The lawyers thought if the trial went on for another month, the jurors would be more interested in going home than in arguing the merits of the case.

I argued against this. I felt that we were anti-war activists, and now we finally had an international stage. We could educate the public on the tactics of the war, the true history of the war, agent orange, free fire zones, search and destroy, PTSD and a host of other issues. We had worked on this defense for a year. The vote was 6 to 2 to rest our case. I was very unhappy about this and raised hell but the vote stood. When we went into court the next day and rested, everyone was very surprised and the government was unprepared.

We made our closing, the government made their closing, we got the last word. The judge gave instructions to the jury and the jury went into deliberations. Four hours later, the jury came back with unanimous verdicts of not guilty on all charges for all of us. This was September 1st. at the same time, I graduated from UF with a degree in philosophy.

A cab driver went to see Larry Turner and said that he had taken the prosecutors to the airport and that they were very angry and talked about getting Scott Camil.

After the trial I was bitter that we did not put on a defense. My girlfriend and I left Gainesville and lived in a tent for awhile. In 1974, I came back to Gainesville.

On March 31st, 1975 federal agents posing as friends of my new girlfriend

came to Gainesville and put a bullet in my back behind my heart which came out my stomach. I was arrested and charged with possession and delivery of drugs, assaulting federal agents, and resisting arrest with violence. After I got out of the hospital, I had another jury trial. I acted as co-counsel. Two hours after the jury went into deliberation, they came back with a verdict of not guilty and recommended that the agents be indicted for attempted murder. The agents were not charged.

Many years later, through the Freedom of Information Act, I started getting my FBI files. One of the files signed by Hoover in 1972 called for my “neutralization” as a threat to the national security of the United States and authorized the use of “Pretext Operations” and “Counter Intelligence Techniques”.

I felt like I had earned 2 Purple Hearts in Nam for defending the constitution and 1 more for exercising those constitutional rights when I came home.

Episode 10: The Weight of Memory

The final episode starts off with Tim O'Brien reading from The Things They Carried. The words speak for themselves. Thank You Tim O'Brien.

Next the show moved to Nixon and the POWs. Everett Alvarez, the first pilot shot down over North Vietnam, said something that I had thought but never had the courage to say: “Sometimes I feel too much attention was being paid to the POWs and what about the poor guys that fought the war, those kids? You know that came home, um, you know, amputees... Uh, wounded with the injuries of war. What about them?”

The narrator said that the combat had ended but the controversy had not. I personally feel that for the most part, this series has validated my thoughts about the war. I gave 100% to the war as a Marine and I gave 100% to stopping the war after I learned the truth. I think that I understand both points of view.

This series shows all of the lies and waste. I don't believe that you can come away from watching it and still believe that our intentions really had anything to do with what was best for the people of Vietnam. We used them

for our own political reasons. I also believe that this series shows that our politicians did not really care about us. We were just fodder.

Tim O'Brien said, "But the rectitude of the war was in great dispute." I don't think that there can really be dispute after watching these 18 hours filled with liars and their criminal behavior.

During Watergate, I watched the hearings religiously, I was glad that they were finally catching up with Nixon.

They got him to resign but his treason was still hidden.

Next came a lot of stuff that made it seem that we were still painting the South Vietnamese as victims and the North Vietnamese as the bad guys.

There was a lot of talk about what the peace deal encompassed but in truth it was a trade: we withdraw our forces and we get the POWs back, the Vietnamese got all of the Americans out of Vietnam.

I am troubled by the arrogance of the idea that Americans are more important, that we must account for every American MIA. North Vietnam has 300,000 MIAs from the war and I could not find statistics for South Vietnamese MIAs.

There were those that complained that we needed to live up to our commitment to South Vietnam. I agree that living up to your commitments is very important but I also believe that when it is obvious that the objective is unobtainable, it is immoral to continue taking life. It is very obvious that staying in Vietnam would not have made a difference. Defeat was inevitable and by the US trying to save face, countless more deaths occurred.

It was obvious to the ARVNs, and in the end they were deserting at more than 20,000 a month. Ambassador Graham Martin's refusal to accept reality resulted in needless chaos because he wouldn't allow a planned evacuation. I believe that his judgment may have been clouded because he lost his son in Vietnam.

The North Vietnamese female soldier who lost 4 brothers to the French and 4 to the Americans demonstrated the strong commitment and sacrifices

made to rid Vietnam of the foreigners.

It angered me to hear the politicians who were responsible for the “messy ending to this messy war” call for all Americans to come together and put this behind them. These criminal cowards were just trying to cover their asses.

Walter Cronkite said, “ We are at the end of the tunnel and there is no light there”. He always put things clearly.

Phil Caputo referred to the end as “disbelief and relief”. This was a spot-on description using 2 words that seemed awkward to me.

In the end, the forecast bloodbath did not take place.

Then we refused to recognize the new government. For many years, we also refused to recognize China.

The idea that something does not exist if we don't recognize it is kind of a nutshell of the war. Our government would not recognize the truth about what was happening so they buried their heads in the sand and thought they could prevail. They called this leadership.

The plight of the refugees was terrible. I kept thinking, “What if the US had not undermined the Geneva Accords and allowed Vietnam to be reunited by an election?” That did not happen because the self-proclaimed protectors of world democracy didn't like that Ho Chi Minh would win. So much for defending democracy around the world. In the end, it was our policies that were responsible for creating all of these refugees. It is Criminal.

There was talk about PTSD. The recognition of PTSD was really the result of Vietnam Veterans coming home and recognizing that we had psychological problems from our service in Vietnam. The VA doctor that I saw when I came home told me to “Grow up, be a man, put it behind you.” That wasn't working for me, so we started our own self-help clinics and called our problem Post Vietnam Syndrome, or PVS.

I am very thankful for those psychiatrists and psychologists who were there

for us in the beginning: Arthur Egendorf, Robert Jay Lifton, Chaim F. Shatan, Florence Pincus, and others who I can't remember.

The Vietnam Wall - I have been there many times and each time it kicks my ass. I think that it is very powerful and appropriate. I take exception with those that bad-mouth it.

Veterans For Peace has a project called Letters to the Wall. Here is my letter: <http://www.gainesville.com/opinion/20160529/scott-camil-country-didnt-learn-from-sacrifices-in-vietnam>

I went back to Vietnam in 1994. It was very therapeutic for me. I was surprised by how friendly everyone was to me. Among the places I visited was Dai Loc where I spent much time during the war. In February of 1967, we killed 272 people in Dai Loc including women and children. I was also wounded there by a bouncing betty mine. There is a memorial for those 272 people. I spent 1 day putting 3 sticks of incense on each grave. The people of the village knew that I was one of the people who was responsible for this. I experienced no hostility from anyone there. It was strange to shoot pool with people in a place that was once a free fire zone.

I like the fact that the 3 senators who were responsible for normalizing relations were all Vietnam veterans, John Kerry, John McCain, and Bob Kerrey.

Talking about continued negative effects from the war, we heard about agent orange and unexploded ordnance. I have a good friend Chuck Searcy who is an international advisor for Project Renew: "Project RENEW was founded in August 2001 by the government of Quang Tri Province and international NGOs as an effort to reduce the number of deaths and injuries caused by cluster bombs and other munitions remaining in Quang Tri Province in central Vietnam, since the war ended in 1975." Chuck was a member of VVAW with me. <http://landmines.org.vn/what-we-do/>

I was taught that the duty of a Marine is to destroy the will of the enemy to resist the authority of the United States, and you do that by making the price they have to pay for that resistance more than they can bear.

The series ends and we see that the ending of the war was as chaotic as the war itself. I don't feel like my country has learned the lessons of Vietnam. We still think that with all of our might and technology we can threaten and beat the world into submission. Just look at the middle east, look at North Korea - our bullying and killing continues unabated. This means that the sacrifices we made in Vietnam did not buy anything but a very expensive black marble wall in Washington DC. So sad.

The show should have ended with John Lennon's song Imagine.