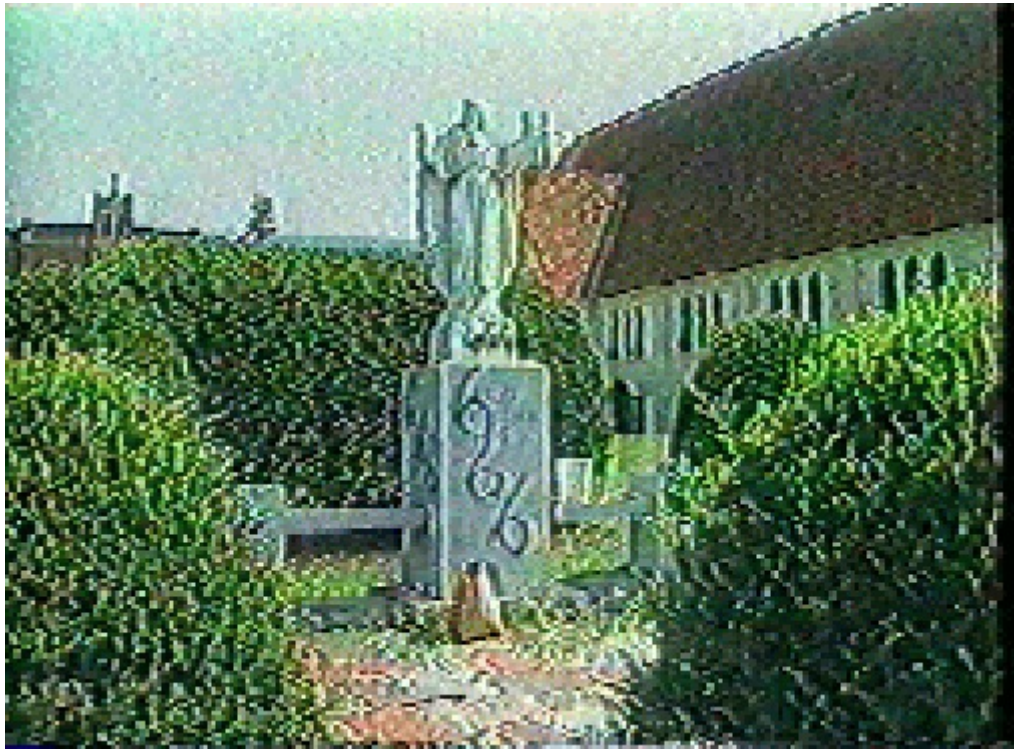


THE FIRST HERESY TRIAL IN THE UNITED STATES



SOON TO BE A STUDY IN SHAPED VERSE AS TRULY DEAD SOULS at Gates of Paradise dot Com.

This manuscript synthesizes extensive records provided by my friend - lawyer Amos Gambol which he described as depicting some of the minefields in the practice of law. Most lawyers want first money. Not Amos. He wanted to drive his chariot right across the sky like the sun. He wrote at the beginning of his manuscript:

“Yes, there are serious esoteric schools ... doing their work without all of the fanfare and without taking on disciples who shout their names from housetops. Obviously, these schools would not be available to just anyone. They would have “cover stories” for their actual operations. Otherwise they could not operate.”

(John C. Lilly, M.D., The Center of the Cyclone).”

I recall before Amos left the Group, taught by the teacher Gerald Lefcourt aka Shah (anaegram Real Effort), later somewhat well known for his account of Allen Grogrief's life, " the Teachers of Grogrieff," who had gently suggested Amos become a Small Town lawyer. Real Effort had come from the New Jersey branch of the Ouspensky/Grofrieff groups, which were in the Sufi Naqsbandi lineage - the only known method to learn the very little it is necessary to know but takes a great deal to learn. Amos still carried Idries Shah's The Way of the Sufi at the Trial the story of which his manuscript, The First Heresy Trial in the United States, recounted. And also the bible, KJ Version. I suppose that and past experience affected his attitude.

"A book that speaks to the word of God ... is a priori likely to have a different attitude toward the relation, of words to things." Northrup Frye, The Great Code, the Bible and Literature, (Harcourt Brace, Johanovich 1981) at 186. Amos was not a person "of the book," (like the shiite or the sunni, or most followers of the prophet, peace be on his name), or the fundamentalist, who only read one book, but a moderate, whether conservative or liberal uncertain. He drew a circle in the sand and saw a mandala, symbol for the whole trip. I think his story recounted in part his exposure to people of the book, who, if zealous beyond measure, at the cost of tremendous destructive stress, can surely teach faith. He began:

"THE FIRST HERESY TRIAL IN THE UNITED STATES

August 8, 1983, as I sat in my country office in Buckingham Shire, I read in the Louistown Daily Sun. I had recently moved here, having broken off from the Old Pork, Porkland firm of JOESEPH BRIMSTONE & GAMBOL. Joeseph, who was then a green graduate of Suefolk Law School, I had taught all he knew. He was now famous for his settlement ability, but my motto was:

“WHY SETTLE WITH BRIMSTONE,
WHEN YOU CAN WIN WITH GAMBOL!”

The Sun read:

"REVELATION VANDALS STRIKE" ... "Anti-religious messages were painted on at least 15 churches of various denominations in Queens and Kings Counties this weekend... Six churches in Portland, five in Lesbian Falls, three in Louistown, and one in Sagacious Falls were sprayed with the numbers 666 and or the word `Babylon'. Ministers say 666 is an anti-Christ symbol and Babylon is a place of evil...The Church vandalism has been occurring since last month. In Louistown, the huge Saints Peter & Paul Church on Ash Street, the Holy Cross Church on Lesbian Street and the Holy Family of Righteous Judgment Church on Sagacious Falls Street were all struck.

The vandals sprayed the doors and fronts of the buildings and an outdoor statue at the Holy Cross Church. In Sagacious Falls, Our Lady of the Rosary Church was also defaced. Meanwhile, all six churches in Lesbian Falls were also targets of vandals. They include St. Cyril and Methodius on Maine Street; St. Matthew Episcopal Church on Maine Street; United Methodist on School Street; and Baptist Church on Route 206.

According to Rev. Mark Kantro, the numbers "666" symbolizes the enemy of God. Both come from references to Book of Revelations. The defacing of the Sagacious Falls Church had an additional message sprayed "I John Chap 2- verse 3 & 4. ... "The Rev. Edwards Peter, pastor of St. Peter's Episcopal Church said he doesn't agree with some people who say the vandalism is the work of a Satanic cult. Rather, he said, a small group of radical Christians, who might look upon the organized churches as being captured by the devil, might be responsible. "There are groups of extreme radicals who feel that only they have the true word of God," Edwards Peter said. "I feel that whoever it is is a very sick person. I don't think there's much you could say to him," said the Rev. Freeling Malheureux, pastor of Sacred Heart Church in Freeport. "

Whatever its merit, the message went around the world in the media

twice in twenty four hours.

SOME YEARS BEFORE: CIRCA AUGUST 1975

Spruce, a character straight out of Jack Kerouac's novel *On the Road*, was my first client as a Country lawyer. He was then in Kings County jail for assault. He could change a car engine with an iron pipe, plyers and a screwdriver.

My neighbor, retired New Jersey State Trooper and Kings County Jail Administrator, King Merritt who also lived in Buckingham, would let Spruce out on work release to fix police cars, his car, other cars and my car (until one day Spruce drove drunk across the D.A.'s lawn party)...

I defended Spruce in my first major criminal jury trial, held in the Old York County Superior Court, Alford, Maine. The stately Dorian columned courthouse, like a Southern plantation, looked down on the York County Jail, built in 1743 nearby. As one sat on the porch waiting for trial, members of the Bar could rock and listen as the happy prisoners sang. Oh yeah.

The State had to prove both the criminal act, a riot and the criminal intent, that Spruce consciously had the object to create a riot. The criminal law is intended to deter and control misconduct. If conduct is not voluntary or intentional, punishment deters little, so state of mind, which can be reformed, or *mens rea*, the Common Law term, in Anglo American jurisprudence, is an essential element to be proved beyond reasonable doubt in most crimes. Spruce's state of mind was not the defense issue in this case. Holding the State to proving he did it was the issue.

And that is what the defense lawyer does - not defend guilt, but hold the State to prove a person did the crime, in an adversarial rather than inquisitorial system. For who is smart enough to be an impartial inquisitor? Far preferable to let a Judge decide between two sides vigorously argued. And what, if there is an Inquisitor, happens to the right to privacy, not to answer questions? I defended sacred, fundamental and inalienable rights first of Englishmen, now of Americans.

York County jail, still had slop buckets for toilets in the 70s. Spruce had vowed, if sentenced there, to close the Jail down. The trouble started shortly after his arrival - one day after - when guards failed to administer prescribed medications to an epileptic who choked to death at night in the next cell next to Spruce. Over the ensuing three day riot, the jail was *permanently* destroyed. They stuck Tooth brushes in the old locks; ripped out the plumbing and wiring; and a well positioned inmate lookout threw loose bricks at any guard preventing entrance from the only door.

Justice David Daniels,¹ after a four day jury trial, where an enraged Assistant Attorney General, was driven to tears at the refusal of any inmate to testify against Spruce. Everyone took the Fifth. Finally he got a grant of special immunity for a barely competent inmate removing the risk of self incrimination and thereby forcing his testimony.

Thankfully for Spruce, the originally assigned Justice, “Shorty” Harden, who had announced at the outset he was no “bleeding heart” and declared that he would impose the full five years penalty on Spruce after trial, had himself passed on before trial. By contrast, Justice Daniels, as he sentenced Spruce to six months in jail upon conviction, told Spruce, “You just did what the Commissioners of the County should have done for ten

¹ Cases involve in contexts other than court unintended consequences. There is adifference between fiction and real cases.

..... In the case after which this part of the story
is modelled: In fact there was an angle iron barred bed between the wall and the door, made out of bars, which kept the door shut. The door swung in and Spruce dropped it perfect so they couldn't get in. Their fingers lifting the door through the door upward got hit with bricks. A whole brick could go through sideways. They opened up the peephole and shot tear gas through but this didn't help because Spruce had knocked all the windows out. They were locked out of their own jail.
..... It would have been easy for Spruce to
.....knock the bricks out!!!!!!
and made sixteen doors inside
.....the place
but that would have let them in with 45
.....Thompson machine guns, the old original clip 4.
.....At the end they would have blown anyone who tried to escape away.
He opted to stay in.
The leader kind of like George Washington.
..... One inmate who threw bricks at a deputy sheriff during the riot, where guards were trying to pick up a bed, was later put in a padded cell, given a book of matches when they put him in the padded cell. He thought they would come in and save him but he ended up dying. A padded cell isn't meant to burn. That is when everyone and his brother was sheriff in Old Yorke County, not so long ago

years. If I had been there, I would have done the same thing.”

“But why the six months, then?” Spruce lamented. The law is full of mysteries.

The great Barrister, John Buchan, author of *The Thirty Nine Steps* wrote in his classic, *Midwinter* of:

“ ... *The old England, which had outlived the Saxon, the Norman, the priest and presbyter and “has only smiled.”*

Riding the summer back country roads, I reckoned how that same Spirit blows Down East, from the courts of dawn in the East, Buchan wrote, where sun rises,.. spreading light across the silver waves of Camden ennobled by painter and woodsman George Bredeau, on the Atlantic Coast . . . stretching to the mountainous and forested inland where the sun sets in the blue mists of what is called the Eastern Kingdom, and among the people where a tradition older than present memory dictates justice for all ... on the West Coast of Middle Maine.

Spruce and I used to fairly fly over the frost heaves in my Red goat convertible, once stopping at the farmhouse of one Casey O’Neill in Buckingham. Expressing a certain caution, Spruce went in on personal business, leaving me in the car, saying, “Wait, Amos, you don't really want to meet this guy.”

I also met Spruce’s girlfriend, Gloria, who later became my confidential secretary.

JULY 1983 - THE CHURCHES CASE

Somehow it did not surprise me when Melody, my wife, and I returned after a sunny afternoon at the beach in August 1983, to find a note on my door signed by our neighbor, Chief Deputy Sheriff Biggy Pee: “Call S.O. Defendant O’Neill wants you to represent him.” Ten minutes later followed a frantic call from Crystal O’Neill, Defendant O’Neill’s wife. “You got to come over. They took Casey. He's in jail, in Kings County. They charged him and LeGascan with the Churches.”

They had been busted for Aggravated Criminal Mischief, the alleged painting up of thirty one churches with the numerals 666 - over the past months, repeated vandalisms reported in the local news all spring.

Penny Harborson, Porkland Herald, August 16, 1983, under head, "END IS NEAR O'NEILL VOWS," reported:

"The thirty four year old Buckingham man, a burly 270 pounds, his auburn hair flowing down his back said people look at my long hair and beard, and they think I'm a religious fanatic. Well, I don't mind being called that. I don't care what they call me if they listen to me.... The father of four children, from age 18 months to 14, with one coming, O'Neill was the youngest of five children, who worked for four months in his father's lumber business, in Madawaska before quitting. 'You know how families get along,' he said.

After graduation from Brooks Academy, he studied accounting and business law... He said he has been selling cars since 1971 in Porkland and Buckingham.... O'Neill said he came to his religious views through eight years of study.... `It all started when I found out Paul was a liar ... Then I found out that the Pope is the beast. It just got me in deeper and deeper."

But this was no soft touch. When O'Neill, handcuffed and surrounded by a throng of Deputies, was brought into the District Court for arraignment, by contrast to the elderly and patrician Judge, of kindly countenance, and slow and deliberate manner, O'Neill glared menacingly, as someone had once described Stalin "with the opaque eyes of a predator, the violent judgment of a Jehovah."

After I surrepticiously had the Defendant interviewed by my friend, psychologist Golyadkin Parker and showed Defendant the Report, he delivered me a copy of a letter he had mailed in response, addressed to "Golyadkin Puker", which began, "You do not even know there is eternal life ..." and ended, "with help, maybe something can be done for you."

I defended my effort: "I am only doing my duty; if insanity is a defense, or lack of competence to stand trial, you have a right."

The Defendant clenched his fists fiercely like a bears claws, then calmly smiled, glancing toward the face of Jesus on the cover of Berrigan's compilation of New Testament scriptures, *The Sayings of Chairman Jesus*, which I had been reading and which lay upon my desk, stating gently: "I can't do that." Defendant's intense sincerity checkmated my intellectual reservations about this apparent madman.

Radar Blackjack, DA for Kings County meanwhile busted Defendant again for being a felon in possession of a shotgun and twenty two in his home.

SUMMER 1983 -THE GUNS CASE.

Defendant asserted in fewer words he was defending the great moral check on Government, the individual right to bear and keep arms.

Speaking of the great Constitutional rights we defended, I quoted Francis Bacon saying: "We are dwarves standing on the shoulders of giants ..." adding, observant of Defendant's barrel chest, piano legs, and ham sized fists, "Perhaps your family are giants."

A Spiritual giant, I can accept that," Defendant laughed. I may look like proof of man's descent from the apes, but I am not one."

Pretrial Hearing:

LaBelle Champion represented the State at arraignment and pretrial hearings on the Guns Case, rather than Blackjack, because it was a different county and venue. She was ardent in her zeal to hold this Defendant behind bars, the Constitution be damned.

MR. GAMBOL: Your Honor, I got a letter saying if I give the names of witnesses to my client, I would be considered as assisting my client in violation of the law.

MS. CHAMPION:... One witness having been shot at by this

Defendant.

“THE DEFENDANT: That's a lie!”

MS. CHAMPION:...Another witness who received a note pinned to her door that said, "do not testify or else somebody will be hurt, or words to that effect.

THE COURT: Mr. O'Neill, do you wish to say anything now?

MR. O'NEILL: Sure do. If a Court of law means anything at all "this" is not supposed to be here to prosecute me in any way. I have reason to believe, I can come up with affidavits to prove it is a lesbian and it is against the law to have it here.”

If the Judge had been a snake, his jaw would have dropped to the floor. I shrunk into my pin-striped suit.

THE COURT: I'm not going to tolerate that kind of accusation in this Court.

MR. O'Neill: Look at the accusations brought against me....

THE COURT: I want to to hear what you have to say concerning bail

...

MR. O'Neill: This bail is unconstitutional. Do you want to hear about that?

The Judge quickly recessed, drawing Champion and me into chambers. There he showed me a letter the Defendant had written to him, the main point of which was stated as follows

"... I cannot wait till you face the seven plagues, announced by the Fifth Angel in Book of Revelation."

I put the letter down with a kind of forced smile, apologizing that I was sure Defendant O'Neill did not mean anything except theological by it. The Justice shuffled his papers, and uneasily responded:

"It's not the Spiritual threats that bother me, Amos, but the

temporal."

Reporter Scruggsy for the Louistown Sun reported Defendant stating: "I'm completely out of place in any courtroom,' he says. "Courtrooms rub me the wrong way because they're like little Nazi setups. How comfortable can you feel in the enemy camp with enemy soldiers all around?"

Virginia Champion never again appeared in open Court in the prosecution of Defendant O'Neill.

The rage in the man was insane. I did not know what he would do. I felt for the first time in my life a force of unmitigated hatred, unredeemable anger *like an occupying force* that claimed my psyche ... as if I were being drawn into an occupied territory, possessed by a denial of grace ... by an assertion of evil in reality ... Defendant would have said, by an awesome reality.

PICKETING outside the Courthouse, the Defendant stated:

"I am going to prove whether the Constitution is dead, or whether it's just Champion who buried it." O'Neill announced he was out to get signatures for her impeachment. He stated, "Her stories are a lie- a bad lie." He was quoted in the papers and appeared briefly even on TV , the first of numerous appearances. This case was the most highly publicized case in Middle Maine history and in fact the bust went around the world three times in a matter of weeks.

"The Constitution is Dead," read his placard. The York Times Record on January 31, 1984, quoted Defendant: "I won't go along with this communist system."

Alpha and Omega O'Neill, Defendant's young daughters, carried a large placard announcing: "The Communists aren't coming. They're here."

Defendant continued in the press, "Today I am teaching my children how to fight the system. This is a three-hour lesson on hand to hand combat with the system... The public education system has gone to hell literally since the Bible was taken out of the school in 1963. I'm considered

a heretic because I am someone who doesn't go along with the system.”

The next week, I got papers from F. Scott Darth Vader, Assistant District Attorney, successor to Champion, who never showed her face in Court with Defendant again after his spurious but effective attack upon her, stating Casey O’Neill’s bail was to be revoked - for picketing! Sitting down at Darth Vader's desk, I asked, "Haven't you forgotten something?"

He was silent, but when we got into the Judge's Chambers, Darth Vader had to concede: the grant of protection to freedom of religion, freedom of speech and freedom of assembly of First Amendment to the United States Constitution precluded his using picketing as a reason to revoke a man's bail.

But then, he pulled out an Affidavit taken by a Court Reporter, which ran:

"I heard Casey O’Neill say, `If he ... my Constitutional rights, I'll blow his f-ing gray haired head off,' signed, Court Reporter ..."

Judge Daniels, reclining on his couch, took one look at the Affidavit, closed his eyes musing, lay down on the divan and put his feet up, peered at it again, and laughed. "Look," he said, "I don't give a damn if he blows my head off, but you tell him, Amos, if he calls me gray headed once more ..."

Daniels realized that the word evidently unheard and unrecorded, was "... denies..."

He added: "And he can picket as long as he wants."

As John Buchan essayed: A truly impartial Judge is as rare as a good man. Were only there more Judges cut of the same cloth. Nevertheless, preparation of the defense of this Motion to Revoke had only taken about eighty hours unpaid time. Fighting for rights is a luxury only the

rich can afford. I was not rich. Neither was my client.²

PRETRIAL MIRANDA HEARING:

O'Neill had made some damaging admissions about possession of a shotgun and a revolver. I sought to suppress them. O'Neill was furious that his individual right, felon or not, to keep and bear arms should ever be challenged, and he let the Court know it. Eventually, Justice Lucky Broodbrick stated:

THE COURT: ... Mr. O'Neill, I have bent over backwards to tolerate you at this hearing.

MR. O'NEILL: And vica versa.

THE COURT: Kick him out. Take him out.

MR. O'NEILL: I will just keep going.

THE COURT: Don't let him back in.

MR. O'NEILL: You are all communists.

(whereupon Mr. O'Neill was escorted out of the Courtroom)

Justice Lucky Broodbrick, although only in his forties, was stooped under the weight of his judicial duties. He looked kind of like Burt Lancaster. His toothy grin, like a mask, however, betrayed a sense of untimely resignation. He seemed like a kind man but Defendant O'Neill did not bring out his best side. Not surprising:

THE COURT: ... Before we go any further the record should first reflect for about the fourth time during this hearing Mr. O'Neill has given the finger to either Mr. Radar or to myself and apparently anyone else in the Courtroom. On top of all that his constant gesturing and face making and all the comments he has been making, I'm not sure all of them have been picked up, but I want the record to be clear he has been making consistently ungentlemanly, uncivilized and un-everything else comments throughout this hearing."

I listened. As the Defendant turned to leave, he said to me, "Amos,

²UNLIKE MY FRIEND, AMOS, I TOO HAVE KNOWN THE MIDDLE MAINE JUDGES AND JUSTICES AND BY AND LARGE IN FACT THEY ARE AS FINE A LOT AS A MAN OR WOMAN COULD FIND FOR JUDGES IN THE WORLD. IT IS REMARKABLE.

you come too."

O'Neill slammed the door to the Courthouse, cursing the Judge as he left. In retrospect, his instincts to leave were right. But unlike the Defendant, I was a Court Officer, and could no more walk out of Court in mid proceeding, than demonstrate. The incriminating statements were suppressed as involuntarily made.

THE COURT: I don't see any point in putting Mr. O'Neill on on that issue. I have trouble being convinced that Mr. O'Neill is exercising his free will and rational intellect... Beyond that I have seen Mr. O'Neill here this morning. He is barely rational at the best of times ..."

Reporter Scruggsy's later description of Defendant in the Louistown Sun contrasted the many sides of Defendant O'Neill:

"But there are other sides to him as well. His spiritual side can be startling, interesting ,inspiring, or maddening, depending on the religious orientation of the listener. And there is an engaging side of O'Neill, one of which the public often is unaware. He's a man with a hearty laugh and he's not afraid to turn that laugh on himself. He's also a man willing to help others. According to his attorney, Amos Gambol, for example, his thirty five year old client had posted bail for others more than 200 times. ...

"Any of those three sides of O'Neill might be uppermost at any one time. But whether it's O'Neill the brawler, O'Neill the religious zealot, or O'Neill, the friend and family man, people around him sit up and take notice."

FALL 1984.

I go to the Office. The day is full of fights. Many Court Pleadings to reply to. George Orwell's "1984" - the year is nearly passed . Defendant O'Neil prophesied the mark of 666 would be out by October 15.

That is, the number 666 would in some way be on the forehead and right hand of every person who bought or sold. And that mark probably would be under control of the Vatican Computer which would control the entire computer world.

Word processing had really just begun to typify the written work of law practice. Its 1984 but Big Brother does not yet look at us from the T.V. Monitor Screen ... My electric IBM typewriter is the standard technology of the law office...

Calls from Court Clerks, appointments, the overwhelming tide of work carries me away with scheduling and paper work problems. I think to buy a computer. "COMPUTER," a term, where O'Neill reminds me, if the letter "A" is six, on a scale, can total 666.

Melody my wife does not call - as always. She never does. I long this day, in remembrance of a more confident light I felt in the morning, for a reassurance.

The call never comes. Instead, my mother, Sophia, eighty years odd old calls.

Her family is everything to her. Having outlived two husbands and one son, she sometimes wonders why she is living. She is wonderful. She has sixteen grandchildren and some great grandchildren on the way.

"Amos, just calling to see how you are," she says.

I put aside my files. "Hold on a minute ..." I say and close the door to my office.

"Hi, Ma, how are you?..."

She is always concerned. I answer,

"No, this is an OK time to call."

I notice a distracted tone in her voice. I think of all the things my parents did, to put me through college, with scholarships and the GI bill, filling in gaps to help me through law school, and of the meager income I generate.

I remember as a little boy too riding the third Avenue El with my father, Joshua Gambol, to the Giants games, he more often than not

recovering from a hangover but of strong spirit!

"Come on down and see me. You know I miss you," my mother says.

"How is Melody?"

"Fine," I say, lying. I am never going to be good enough for her.

If only Melody would call; if only she had more need for me now, her lover, her husband, or have I already destroyed it. Wu Lu wrote:

"I offer you the golden flagon
Do not disdain its trimming gift
Wind and rain await the opening flower
And partings take up to much of our time"

I had drunk the golden flagon at risk, in violation of every commandment. Those wounds do not heal easy. Women may forgive but they don't forget.

My mother and I talk a few moments of nothing and she says, "No need to talk now, call back. I want to know about you. Goodbye." She is reassured. I am too. A mother is a great thing, as my brother Stewart noted at her eightieth birthday party, "Everyone should have one."

WINTER 1984: ...

Soft dry pillows of white snow, cushioned upon the Pine branches were inexorably falling, amid the glimmers of moistness and spring. Rain came and heavy sleet...

For some reason, I was reading in the *bible*, the dream of the young Soloman, later famed builder of the Temple, when, Soloman asked God not for power, but for wisdom. I had meditated in my studies upon the infant, Hermes in Greek mythology, who stole the sun god Apollo's cattle, and like Soloman beguiled the Almighty, with his innocence., "... Just born yesterday, can barely get the blanket over my shoulder." Were the



Defendant and I not, like Soloman and Hermes, stealing the light?

"For God, everything is possible," Defendant responded. "But your Sufis and your zen are child's play. Solo man," as Defendant called Soloman, "was not even a consistent believer. He turned to build altars to false idols. Hermes, Apollo, these idols are not God. The people who teach them do not know God. I'm not stealing anything. Neither did God. They are stealing from me."

Casey pointed toward the golden calf, perched on a weathervane atop the Purse Atwood Insurance building. A worker on the roof yelled down, "Hey Casey! BABYLON IS FALLEN!! BABYLON IS FALLEN!" ...

"See that. That's a graven image, do you know that?" Casey asked the obvious. But contrary to his thinking it was not truly a graven image unless worshiped.

Casey continued: "Remember Moses how when he was on the mountain receiving the Ten Commandments from God. The Jews could not wait while he got them, and in the meantime took up worshipping a golden calf?" I did not know the story. Reporter Scruggs described Defendant's views for the Louistown Sun:

"... O'Neill's main target is Pope John Paul II, the man he believes is the `beast'- prophesied in the Book of Revelation - who will lead a worldwide union of church and state. A mark for the pope's followers will be coming out very soon. Perhaps by Monday or Tuesday, O'Neill says.

He expects it to be placed on the hand or forehead and read by a computer system much like the one's now used in grocery stores. Without it noone will be able to buy or sell or work. `Be ready for a drastic change,' O'Neill warns. Your money ain't going to be no good. We're not going to be able to buy or sell save he that has the mark of the beast or the number of his name - 666."

"Those like O'Neill who refuse to accept that mark will be forced to flee to the wilderness, to survive. O'Neill and his family are prepared for that now. Their camper in the woods is designed to be a kind of `boot camp' for the more rigorous life awaiting them. After the mark comes out, O'Neill believes there will be a world wide war as the nations that followed the pope than turn on him. Bombs will fall within a year. The church and the nations will try to destroy each other. But the remnants of their armies will rejoin to fight the coming of Christ and then be destroyed by fire from heaven. "The people who remain faithful to the Bible and refuse the mark will be taken to heaven before the earth is completely destroyed. Many people O'Neill knows will not believe his warning. "They was all sitting around- except for those that was teasing Noah- on the day of the flood," he says, "Of course, it's hard to believe and noone is going to believe unless they seek. If ye seek, ye shall find. And if you don't find, you're going to find yourself in a helluva mess."

May 29, 1984. PRETRIAL HEARING:

During the later fall, Defendant had abandoned me and sought other counsel in then retired U.S. Attorney Cedric Smellypanty, as Defendant without affection called him, who was then a defense lawyer for a few months, before being appointed to the Middle Maine Superior Court, about suing Virginia Champion. He had refused to do this because he practiced defense law against her office. She was his "bread and butter," he had said to Casey. When Judge Smellypanty was assigned to the hearing pretrial motions in the Churches case, I moved to disqualify. Because O'Neill had consulted with Judge Smellypanty as an attorney before his appointment to the bench about suing Champion he should disqualify.

Judge Smellypanty responded from the Bench: "Well, O'Neill never hired me."

"But he spoke to you in confidence," I argued. Defendant tried to speak .

Judge Smellypanty shot back: "Let him speak. He seems to know more about it than you." Chastened, I was silent.

"You are violating my rights by sitting here," the Defendant declared, "because you don't want to injure your bread and butter. Now, you're in a position to protect your bread and butter ... I told you a lot of facts. Now I'm telling you to recuse yourself."

"Now you're protecting your own, you can smile if you want to, but you'll be smiling on TV, buddy boy." O'Neill added. The argument was well put. The new prosecutor, Tim Rich Good, too could not help smiling.

Justice Smellypanty ruled that because no money had changed hands; therefore, no attorney client relationship had been created. No confidence shared, nothing would conflict with his judicial impartiality.

I cringed as my client declared to the Justice: "You're a liar!"

Justice Smellypanty, unruffled, continued: "Now there are other motions to consider ..." (Was this indifference or the intelligence not to rise to the bait?)

"Not as far as I am concerned, I'm suing you, Smellypanty. I'm not listening to your ..." said the Defendant, abruptly turning and leaving the Courtroom.

A SPRING DAY IN 1984:

This morning, the birds sing outside the window. Melody rises, gets Melissa ready for school. God, do I love this bedroom, this house, the fields flowing down to the road...

"Amos, you are spending too much time with Casey, him again today?" she says as I come downstairs. Melody has her separate first floor bedroom now.

"I sleep so much better alone," she says.

"You are like a little boat bobbing in the waves," she says. "A rowboat up against a battleship. They're too strong. You don't stand a chance."

I look out our living room window, across the green and beautiful fields, stretching down Landscape Hill. Summer has hit with a passion.

"Have a nice day," Melody manages to smile, as she leaves. Her slightest gesture haunts me with a fleeting sense of light, of hope, me a little bobbing boat in the oceans of rural Maine... As they leave, the phone rings. I pick up the receiver. At the other end I hear, Casey O'Neil's voice.

"... Hello, Satan speaking..." The voice growls like a lion purring.

"Hah! Hello Satan, yourself!" I respond.

"Hey, none of that," he replies righteously, "See you this afternoon."

1984 - THE WRIT OF MANDAMUS:

The Judges ruling against the Defendant were all Roman Catholics. Mandamus, like Habeas Corpus, is an extraordinary writ, with its origins in the Common Law of England, designed to compel a public official to do something he refuses but that is mandated to do by clear unmistakable duty. I moved in the Supreme Judicial Court of the State of Maine for an extraordinary writ to enjoin the Justice's rulings holding Defendant to trial. Justice Benjamin Campbellstein, a reputedly liberal, at this point the Old Maine Supreme Court's only Jewish justice, to whom we presented our request for relief, asked us preliminarily to go into his well appointed chambers, his golden retriever to one side, law clerk at the other, where he addressed us in the most polished and refined manner. He was wearing bifocals, *pince ney* today.

"Looking to your memo, of course, Mr. Gambol," he addressed me, "I assume you're citing the British precedent," referring to common law precedent, *Gould v. Caper*, relied upon by the dissent to the opinion of United States Supreme Court Justice Powell.

I relied on Justice Powell's majority opinion, not the dissent which said, in effect, you can't mandamus or enjoin a judge. It was a good thing I had read the cases. Was Campbellstein playing devil's advocate? I answered:

"No, not at all. I am not. I rely upon the Irish precedent, Judge, *King vs. Emerson*." The Irish case had allowed an injunction.

Judge Campbellstein's urbane smile seemed to dissolve in displeasure. Abruptly, looking upon me with a stern glance, he rose. The conversation was over.

"Well, let's go into Court." He said disconsolately.

Crystal O'Neill observed how, in his black robe, high up upon the bench, Campbellstein looked like a vulture. Tim Goodrich, the prosecutor now represented the Judges I sought to disqualify. "The rules reserve our rights at Common Law," I responded. "The Constitution protects our rights at Common Law to an impartial judge. Although the Rules claim to have "abolished the Common Law Writs," like Mandamus, they also expressly reserve necessary rights under the Constitution, and the Common Law

when no other procedure is provided."

"Let me see the Rule," Campbellstein said. I had left my Maine Rules of Court book in the library. With an incredulous slightly threatening look, he asked: "Don't you have the rules?"

Before I could answer, Defendant by my side replied to the high and mighty Supreme Court Justice: "Why don't you lend him yours?" which Rules were prominently sitting on the wall of the bench behind which he sat.

I looked at the judge. He seemed archtypically black and brooding, in my mind's eye, uncannily like some being I had been dealing with life after life after lifetime. I waited, perusing the mottos on the high Courtroom walls, "Honor ... Justice ... Integrity ... Mercy ..."

Reluctantly, he handed down to me his set of rules.

I continued:

"Your Honor, the prophylactic rule, the rule this Court has ennobled in it's cases, is that a Judge who rules in a case has the duty not to create the appearance of impropriety. Even if judge Smellypanty II is guilty of no impropriety in fact, my client will never believe it. He counseled my client. Here, he is represented by the prosecutor. The notes explaining which would reveal a conspiracy of his former friend, his "bread and butter," and which Justice Smellypanty II has protected against disclosure."

Looking down from the Bench intently upon me, as if upon some prey, Justice Campbellstein cut me off: "I'll take it under advisement." Despite my admiration for his liberal and intelligent attitude, ordinarily, he appeared as a vision of evil, as he stood, turning, his black robes sweeping the air. Within the week, his answer came.

"Petition denied."

CONVERSION BY THE SWORD

I had not even gotten a garden in this year. The closest thing I knew to heaven on earth. The only day off I take by now is the Sabbath, Friday sundown to Saturday sundown. One summer evening, it came to me that Revelation was directed at me too. As Revelations says: "Jesus stands at the door knocking, waiting for you to open the door."

"Everything connects, don't you know?" Defendant readily assented.

Defendant always had the seat of honor at CoDefendant LeGascan's kitchen table. Others scattered to the sidelines as he arrived. As counsel, I shared the honor. We perused the news, which Maddy LeGascan, his wife, had faithfully kept for us, about the Pope, the Vatican, and current events.

I speculated in answer to some question: " Well, *if Jesus is god ...*"

When I found myself fairly jerking away from the point of a hunting knife's blade - tip held to my ribs. Defendant glared at me fiercely, as I looked down to the steely point of the threatening blade.

"*Do you really mean that?*" Defendant asked, suddenly smiling.

"No... I mean, Yes. I mean, of course, I mean I believe in Jesus, the Living Son of God!" I exclaimed, now with fervor. Beyond belief.

"And the Commandments?" As I looked at Defendant, there were clearly no "ifs" about it. The persuasion of a knife point held by a potentially homicidal fanatic, a man without a job, without a house, in whose presence the security of law and order seemed a mirage, made you want, definitely want, to believe, the Ten Commandments, especially the one against murder. And more that he, and anyone he knew, believed in them!

The necessity of a moral law with the authority of God over the individual was instantly apparent.

"It's lucky for those bastards I do believe in the Commandments," Casey sneered with contempt. Everyone laughed.

"Crystal, get some coffee!" The subject changed. We drafted an affidavit for LeGascan, complaining of the way he had been roughed up when he was arrested. I quoted the words of Christ the spring before he entered Jerusalem.

"What say you? The Harvest is in four months? I say the fields are white and ripe for harvest." The second coming. Justice. The time is near and at hand. I knew the world wasn't going to end - pretty much. But I wasn't quite so sure anymore. It was ending as I knew it. The force of Defendant's mind in the present and his hope of Jesus' return was compelling.

THE MAINE FESTIVAL- AUGUST 1984

". . . Anon the clouds shed tears. Anon there laughs the rose . . ."
Hafiz of Shiraz, the Sufi poet

". . . One cannot speak to the summer insect of winter ice;
The frog in the well cannot describe the Heavens . . ."
Mencius, the Confucian scholar

My dilettante literary days in Buckingham - with cutup poet, Cowboy, with Carlo Pittore, concrete poet and painter, with the poet painter Zeus Petroff, and others, with whom I had incorporated the Union of Vain and Miserable Artists, as Buckingham's most famous Tequila drinker, the Olmec scholar, Huxley Morebelley called us, used to say, a decade ago - would soon be blown away in the hurricane of Defendant Casey O'Neill's reality. A pitcher of Sangria to the better, I recited poetry myself at Maine Arts Festival:

"Buckingham subculture
Buckingham, Maine, USA
Black thoughts on Life, Liberty and the Pursuit of Happiness,
Buckingham, USA.
Where people for whom enough is very little.
Stupid people, no account people, no can do people.

Church going hypocrits . . .
A country store where coffee still costs 15 cents . . .
Used to be called the choke and puke . . .
An American Legion Post, only bar in a Baptist town . . .
A KP, a Masonic Temple, a Town Manager, a Town DUMP . . .
It used to be you could shoot rats there.
Now you need a sticker to get in.
An American Legion Americanism officer . . .
But its battery, the Constitution, is dead.
Hanging Jean, our Federal Judge, sentenced a young cowboy pilot
to nineteen years- no prior record, for flying a couple of bails of
weed, ...
and God made the seed bearing plants and said they are good.
Genesis 1:26.
Everywhere you go to get in you have to pledge allegiance to the
Flag- an empty symbol clanging . . .
We passed the nuclear freeze in . . . Buckingham, Maine USA.
Now they tell us the Mark, sign of the devil, is coming out.
After all our exchange is 666.
Rough neighborhood we live in.
And we have the biggest bloodiest picture of Jesus in the East
at Servants of the Cross- no kidding.
We have a psychiatrist who wears knickers.
A great legal secretary who doesn't type very well but looks great in
a skirt, in Buckingham, Maine, USA.
Where marriages rust out like old cars on the lawn. And women sit
at home knitting mittens ... And ... speaking in tongues.
And we have the Church of the Holy Smoke.
A lawyer to get you your loopholes.
We have the highest population of people with beards and without
running water in the East.
And we have crime: murder, arson, burglary, incest, and yes:
Treason. Think about that.
A homegrown crop, chainsaws, snowmobiles, foods stamps.
Our greatest living poet lives not to get drunk but to communicate.
Hari Bo.
Last winter all the chickens froze to death, in
Buckingham, Maine, USA . . .



An ominous tree hanging
on a cliff,
In its branches,
manifesting darkly as if
real,
a bird.
Buckingham, Maine,
USA.
20th Century nuclear
apocalypse.
Snow, white snow. Low
mists, low mists over
white snow.
Dark clouds. Dark clouds
in mind.

Washing away. Washing away Mud Season.
Chickadees, robins, yellow goldfinch, blue birds, cardinals foraging
at the feeder.
Light out of darkness.
Millions of blades of grass struggling toward the sun.
Sand roses, sand roses, petals in the water,
Blue waves, blue waves,
breaking from 10,000 miles away,
Spiritual meltdown,
Buckingham, Maine, USA.
Inerrant way.
Salvation. Transcendence.
Time stops here

Yours truly dealing with the situation ...

LATER AUGUST - 1984

The nights were steaming hot. Finally Melody and I had nevertheless
become intimate. We were on the mend maybe.

Ring! Ring! Three A.M. the phone rang. I picked up and asked:

"Who is this?"

"AAAARRGHUAWAU....Awwergh. AWW. (Hey, it's my attorney, let me use the phone)

..." Then I heard silence, and another voice came on the phone.

"Hello, Attorney Gambol? ... Your client wants to speak to you .." says a Deputy Sheriff from the Kings County jail. I knew it was a law enforcement officer. Only varying in degrees of authority, they all have the same voice. He's in here on an assault charge.

"Eeeeh ..." He was back on the phone, and obviously drunk. But capable of being sober enough. I remembered how, once my friend Spruce had described how Defendant was about to heave a sarcophagus through a stained glass church window, when a police car arrive. He sobered up immediately and told the officer that he was drunk and needed a ride home.

Waking from my reverie, I heard: "Uugh, Amos, you better come and get me.

"Geemmee oudah heere."

Did Defendant have a wonderful sense of humor? Was this some kind of joke? How much crap was I supposed to go through? I was asleep with my wife. The last thing I needed was this call!

Suddenly fully coherent, Defendant soberly stated, "Hello ..."

"What happened?" I asked.

"Oh nothing," Defendant replied, " Just twenty pigs beating on me. Nothing much," he laughed. I wanted to go to sleep but got up to go get him out.

"Turn the light off, will you," begged Melody, who clung to the covers, in the moonlight, a small, fragile, a wistful being. A very true artist.

I should never have gotten up and left

MOTIONS BEFORE TRIAL JUSTICE CONVERT E. JERKINS,
SEPTEMBER 1984

The charges against Defendant Casey O'Neill were that he painted up the churches

without any reasonable ground to believe in a right to do so.
The State had to prove that element of the indictment against him.

I moved for appointment of an expert, Reverend Al Saliva, Professor, University of Toronto, to show that the belief in the Sunday worship churches and especially Roman Catholic as the Antichrist symbolized by 666 was not so uncommon. He reported:

"It seems to be a relatively common custom of some Christian fundamentalists and evangelicals to berate the Catholic Church and to carry out a propaganda against Roman Catholicism by demagogic denouncements and written tirades. One of the most frequently heard accusations is that the Catholic Church is the "whore of Babylon"

(cf. for example Book of Revelation ch. 17:1-7)"

Because the State's evidence, the Letter to the Churches³ had the

³The letter read: A LETTER TO THE CHURCHES

TO THE PASTORS AND PRIESTS AND SHEEP OF THE CHURCHES WHO HAVE RECEIVED WARNING, AND TO ALL WHO READ OR HEAR THIS LETTER: THE WARNING HAS CLEARLY BEEN MISUNDERSTOOD AND NEEDS TO BE FURTHER EXPLAINED. THE PASTOR GAVE A HUMBLE TRY BUT LEFT OFF AT THE BEGINNING. HE DID SHOW REV. 13:18 AND SAY IT WAS THE MARK OF THE DEVIL BUT THAT'S WHERE HE LEFT OFF, HERE IS WHERE I WILL PICK UP... IN ORDER FOR REV. 134:18 TO BE CLEARLY UNDERSTOOD IT MUST FIRST BE PUT INTO CONTEXT. DOING THIS IS EASY, FIRST START BY READING WHERE THE BEAST IS INTRODUCED INTO PROPHECY, AND THAT IS CHAPT. 13, v. 1. THIS CHAPTER DESCRIBES THE LEOPARD BEAST AND THE TWO HORNED BEAST. VERSES 1-8 HAS THE DESCRIPTION OF THE BEAST AND SOME OF HIS MORE PREDOMINANT CHARACTERISTICS: ONE BEING THAT HE HAD A HEAD WOUNDED TO DEATH AND IT WAS HEALED. AND THE OTHER HE HAD A VERY BIG MOUTH SPEAKING GREAT THINGS

Defendant's fingerprint on it, I needed expert testimony to the effect:

Just because the Defendant condoned the paint job, and apparently knew about it, this did not mean, necessarily, beyond reasonable doubt that the Defendant also spray painted the Churches. A lot of people held this strange apocalyptic and anti Roman Catholic belief. It was historically grounded and in line with a lot of Fundamentalist beliefs: Perhaps the circumstances, but not his beliefs, should condemn him.

OF BLASPHEME, AND HE HAD A 1260 YEAR PERSECUTING SPREE. THE FORTY TWO MONTHS EQUALS 1260 DAYS OR YEARS IN PROPHETIC TIME. THE DRAGON THAT GAVE THE LEOPARD BEAST "HIS POWER AND HIS SEAT: AND HIS GREAT AUTHORITY WAS ROME. THIS WAS DONE AT THE FORMATION OF THE PAPACY IN 538 a.d. THIS IS WHEN THE POPE GOT THE ROMAN ARMY BEHIND HIM TO "PUNISH ALL HERETICS," (THAT IS TO SAY MASS MURDER OF ALL THOSE WHO DON'T GO ALONG WITH THE CATHOLIC LEFTIST GOVERNMENT COMING UP.) AND, THIS IS WHEN HE BEGAN HIS 1260 YEARS OF PERSECUTION. THIS IS THE POPE AND HIS ROMAN CATHOLIC CHURCH: HE IS THE BEAST "THAT WAS AND IS NOT AND YET IS" OF REV. 17:18. HE'S THE ONE WHO THE TWO HORNED BEAST, THE U.S.- IS GOING TO BE WORKING FOR. VERSES 11-16 EXPLAIN ALL THIS... VERY CLEARLY. VERSES 11-15 EXPLAINS HOW THE TWO HORNED BEAST "CAUSES THE EARTH AND THOSE THAT DWELL THERE IN TO WORSHIP THE FIRST BEAST, WHOSE DEADLY WOUND WAS HEALED," WHICH IS THE U.S. FORCING SUNDAY WORSHIP MARK OF THE BEAST, CATHOLICISM ON THE WHOLE WORLD. THIS IS THE FORMATION OF THE Campbellstein BEAST OF REV. 17:3. THE WOMAN OF THE Campbellstein COLORED BEAST IS THE CHURCH: THE Campbellstein BEAST SHE IS RIDING AND CONTROLLING IS THE NEW CATHOLIC LEFTIST TOTALITARIAN GOVERNMENT; WHICH, BY THE WAY, COMES COMPLETE WITH A NUMBER NEEDED BY "THE SYSTEM": BY NO COINCIDENCE THE VERY NUMBER OF THE BEAST. IN VERSE 15 (OF REV. 13) IT EXPLAINS HOW IF ANYONE DOESN'T WORSHIP THE BEAST AND HIS IMAGE THEY SHOULD BE KILLED. THIS IS GOING TO HAPPEN AS SOON AS THE WORLD IS DIVIDED UP INTO THE FINAL KINGDOMS-REV. 17-3,7,12,16,17. AND THESE TEN KINGDOMS, ACCORDING TO AT LEAST THREE HIGHLY RENOWNED WORLD GROUPS OF THE "ELITE" SHOULD BE FORMED BY 1984. REV. 13:16-18. THE HE HERE IS THE U.S. (THE TWO HORNED BEAST) ALSO KNOWN AS THE FALSE PROPHET (REV. 16-13; 19:20) THE U.S. IS THE ONE WHO'LL BE BACKING THE BEAST-THE POPE- AND HELPING THE BEAST BY SPREADING SUNDAY WORSHIP ALL OVER THE WORLD BY ALL OUR MIRACULOUS T.V. MINISTRIES... THIS OF COURSE FULFILLS THE PROPHECY OF THE U.S. OF BEING THE FALSE PROPHET AND SIMULTANEOUSLY BEING THE TWO HORNED BEAST AND THE ONE WHO'LL BE THE LEADER IN AND THE PUSHER OF THE MARK OF THE BEAST AND THE NUMBER OF HIS NAME. THE MARK OF THE BEAST IS HIS SUNDAY WORSHIP CHURCHES, THE NUMBER OF THE BEAST IS IN REV. 13:18. THIS SUNDAY WORSHIP CHURCH IS IN DIRECT DEFIANCE OF GOD'S COMMANDMENTS, AND WHO IS THE HEAD OF THIS APOSTATE CHURCH? MR. 666 HIMSELF. THE POPE'S TITLE IN LATIN IS VICARIUS FILII DEI, TAKING THE ROMAN NUMERALS OUT OF THIS BLASPHEMOUS NAME AND YOU COME UP WITH 666! "THE NUMBER OF THE BEAST IS THE NUMBER OF A MAN AND HIS NUMBER IS SIX HUNDRED THREE SCORE AND SIX. THERE ARE ALSO THREE MORE WARNINGS IN REV. 14:6, 7:14 AND IN 14:9-12. THERE ARE ALSO THREE MORE WARNINGS IN REV. 14:6, 7:14 AND IN 14:9-12. THEY MAY EVEN HAVE TO BE HERALDED IN THE SAME MANNER, BUT WHO KNOWS? MAYBE A BETTER FORM OF COMMUNICATION IS AVAILABLE...."

I argued also: "Mr. O'Neill may very well assert the right to testify and has every right to. In that case, I got ...a jury of people who don't understand the symbols... (T)hey're going to tie him to those symbols just because he understands them ..."

The Sunday Louis town Sun had stated: "Most of the faces at St. Peter and Paul Church never age. The wooden angels pray with a look of devotion they've worn for forty five years. A marble devil looks down with the same self-satisfied smile."

The Defendant and LeGascan had urged me: "You ought to go up and look at it, Amos. Tell me it's not Babylon," as I pondered just how Flying Gargoyles and demons on Church walls differed in principal from "666" on church walls?

Who in the irrational realm of religion was to say what is reasonable and what was not? Surely not a converted Roman Catholic, no matter how nice a guy he might be, or she might be, otherwise. Not if their faith involved any zeal at all. That is who the Court assigned to hear this case: Justice Convert Jerkins, who had indeed in mid life converted to Roman Catholicism.

This was our first appearance before his honor. We asked him to disqualify himself. His whole attitude denied the wholeness, the life of faith of the Defendant, an individual entitled to be a Human Being!

Incredulously, Justice Jerkins announced:

"I am unfamiliar with whatever symbols are suggested as being the subject matter of this action... If in fact the Defendants in this matter decide that they are going to use this as a forum to discuss their religious beliefs in an effort to prejudice the jury, then they do so at their own peril...."

Casey growled.

"So the Court hasn't seen the letter to the churches?"

"No. I haven't seen anything," Justice Jerkins responded.

Defendant put his fingers in his ears and his hands over his eyes.
Hear no evil, see no evil...

Justice Jerkins continued: "I find that to recuse myself merely because I happen to belong to one of those denominations of the Churches damaged in terms of embracing a given faith would be an error..."

"As far as I know the State is not going to be permitted to develop into his religious background or belief. If he chooses to make that known to the jury, he is doing so at his own peril..." said the Judge.

Unconsciously, I guess, the Court was suffering from the false parallel or analogy between having had a Roman Catholic President in John Kennedy, whose job was politics, and judging.

A politician does not have to be unbiased.

A Judge does have to be impartial and unbiased. He is a one man authority with tremendous power. (It's the same reason a felon maybe can be a lawyer but should never be a clerk of court or Judge. A judge's beliefs and his associations color and intimidate people in the court.)

A Trial Judge sits alone upon the woolsack on a lofty throne. A Defendant is stuck with that one individual's judgments, and from the Defendant's viewpoint it already looks like he usually instructs the jury to find him guilty. No room there for appearances of bias or corruption.

A politician is supposed to weigh the evidence in a partisan manner; a Trial Judge is expected to be objective. And if he cannot or it appears he cannot, he must disqualify in the interests of justice.

"Then we have a First Amendment problem here right now," I said. "In order to testify and stand trial in this matter, Mr. O'Neill is being denied the right to express and stand on his religious convictions. I respectfully submit a direct and serious violation of the Maine and United States Constitutions... He is a man of religious convictions. Everything he does

reflects it. If he testifies it will be seen."

Something was wrong. Exercise of religious belief should not be at peril. Evidence tying an accused to a crime by internal content should not be admitted by the prosecution without the opportunity to rebut and explain by the defense. The long haired Defendant, an indigent, without funds for respectable expertise, could not win.

Jerkins growled: "This Court will make a decision as to what is admissible in evidence."

Undaunted, I replied, "... That's exactly why the Defendant cannot have a Judge of the Roman Catholic faith."

Defendant was indigent. I needed funds for the expert. Justice Jerkins, listened, paused, to my amazement giggled, yawned, then laughed:

"I don't care what your motion is," he declared, "I'm denying it."

What he said reflected the most basic error in principle, an historic error, an error with roots in the declarations of the first errant and upstart Italian princes, who declared *their power to be and to declare the truth*, (when there is only one son of man, one Jesus who is the Truth, the Life and the Way, a truth equally available to all human beings) ... He determined based on his belief that the Defendant's beliefs and their assertion in his own defense were frivolous.

What Convert Perkins did involved an error in principle, an error to this day continuing in the Roman Church, and its servants, the principle that *the end justifies the means*. (Dostoyevsky's Grand Inquisitor in the Brothers Karamazov summed it up.)

Power may be exercised to achieve the good regardless of the means. For the good of the sheep to be led. And that is why the Vatican may be said to be the Antichrist. In denial of the enlightenment, of the principles upon which the American Republic and Middle and Old Maine are founded, of the inherent inalienable rights of man.

So said Amos. Of course I knew Amos. He thought the Judges would see this error and would not accept the application of the end justifies means in court. He was an optimist. Casey O'Neill was a pessimist. Amos believed in the Republic, where Casey had concluded in fact the Constitution was "D.O.A." and that the peaceful lamb America was when founded had turned to a second beast which did the will of the Vatican.

THE SECOND MANDAMUS- AUGUST 1984

My confidential secretary, Gloria, and Spruce, her mechanic boyfriend were there, and old Ed Bangs, an evangelical friend, who had seen us on TV and became a camp follower. Something was striking about Spruce's clean and neat appearance, like a person's face who has just cut off a beard. He had scrubbed off the honorable marks of his trade, layers of grease. We sat down.

"All rise," cried the bailiff as Judge Campbellstein swept in from the side door, imperiously, books under arm. Some got up. Defendant didn't. Judge Campbellstein took his seat. The archetypical shadow hung over him somehow, in this large windowed library flooded with light, and packed with friendly faces. We used the Library because the Court Room was occupied. This was the old Maine, the sense of good old fashioned advocacy among friends. I asked that Supreme Court Justice Campbellstein compel Trial Judge Convert Jerkins to disqualify for the sake of the appearance of impartial administration of justice because as a Roman Catholic Jerkins at the very least looked openly biased against the vehemently anti-Roman O'Neill.

As reported in the Louistown Sun, July 31, 1984, I argued that:

"Many people in Maine understand the cited scripture in the Bible, probably to be used in evidence; many others hold anti-clerical, anti-church doctrines or dogmas; therefore are potential culprits. A ruling as to the relevance of this potential evidence and need for an expert involves ... certain assumptions on religious matters."

Looking for a seat in the overcrowded library, Spruce sat down innocently beside the female Assistant Attorney General whom Attorney General Stokes, who was arguing the case, had brought with him. I could not help laugh at the discomfort Spruce's looking over her shoulder produced. He'd keep poking her when he didn't like what he heard. In a loud whisper, Spruce would grab her arm, say, "You can't say that!"

Finally, they had to move him back. From the back, it was difficult for him not to look up the skirt of the female Court Reporter. She continually stopped to re cross her legs.

Twice Justice Campbellstein directed Defendant to keep quiet or he would put him out. Campbellstein finally stated, "I've heard enough. The hearing is closed." As he got up from behind the library desk, as it were to leave the bench, Defendant approached him, and, pointing his finger into Campbellstein's face, declared:

"I'll see you in Federal Court!"

Glaring, Ben Campbellstein drew up and responded, "You are held in contempt!"

Did this mean Defendant was going to be thrown in jail right before trial?

I panicked. After a pregnant silence, Defendant Casey O'Neill looked directly at Campbellstein, and added, laconically:

"I thought you said the Hearing was closed?"

In other words, at the close of hearing, Campbellstein was no longer clothed with his power as a Judge and O'Neill knew it. The hearing closed, the library was no longer a Court room. Campbellstein, disarmed stood back, grimaced, swallowing his ire, and replied:

"You're lucky, ... Mr. O'Neill."

Defendant glared, and turned to his kids and Crystal.

"Come on, let's get out of here. This damn Communist State.."

Spruce was still trying to buttonhole the young female D.A.

I tried to act scholarly, fingering my papers.

Four days later, Campbellstein came down with a written opinion:

"Because the refusal of the judge to remove himself is reviewable on appeal, the Petitioner here is unable to demonstrate that he does not have a sufficient or adequate remedy available to him through appeal after the case is over," as reported by the Portland Press Herald.

SEPTEMBER 1984

"666 TRIAL SET TO BEGIN MONDAY" headlined the Friday morning news. The Portland Press Herald went on to report:

"Finally O'Neill asked to have the trial postponed because, he said, there are still unresolved issues in the case, including a complaint he filed in the United States District Court Wednesday against Jerkins, six other judges, three prosecutors, and Governor Joseph E. Kennedy. ... The fourteen page complaint claims the parties have denied O'Neill the right to a fair trial "by corruption and conflicts of interest that riddle the Maine Judicial Branch from top to bottom making appeal a meaningless hollow reed which if a man should lean on would snap and go in his hand."

The Chief Judge of the Maine Federal Court, known affectionately in the world of drug dealers, as Dancing Jean, the Hanging Machine, most powerful man in the State of Maine, able even to impose the cruel and unusual punishment of sentencing a convicted eleven ton millionaire pot dealer Dana Blue to a Clerkship on the Maine Supreme Court, while sentencing his companions to many years in prison (Times Picayune Record, 10-5-94),⁴ took one look, and the same day, (9-6-84), ruled:

"Dismissed:

Frivolous!"

Hanging Jean was seen that weekend at the Choke and Puke Restaurant in Falmouth dining with Justice Convert Jerkins. (Jerkins of course was not the man's name but another pejorative coined by the Defendant.) It could be said that the use of such pejectives displays an incredible disrespect for the Judiciary. My only defense is that this story is a satire and is not a Judiciary which conducts, allows and covers up the conduct of a heresy trial deserving of utter and complete contempt? Both ignorant and corrupt, as the Defendant plainly stated and fearlessly plead to the court.

⁴ This situation was a real mess.

I filed an emergency appeal with the Federal First Circuit Court in Boston.

BEGINNING OF TRIAL

I argued again to have a religious expert witness on our side. Defendant had to be found to have had criminal intent to be found guilty. Merely painting up churches with a religious symbol if a belief based in reasonable grounds was not a crime.

Daniel, the Prophet, interpreted the handwriting of an angel upon the wall of Balthazar's Court. "Mene Mene Tekel."

Would the angel spray paint today? And the powers that be be found wanting?

Would Martin Luther spraypaint his theses on the Cathedral Door today? Launching the Protestant Reformation?

Neither Daniel nor Luther were exactly popular at the time. But if one was God-inspired, why not the other? Who was the State to judge that Casey O'Neil's beliefs were to be discredited, not heard, not justified as a defense, as a legitimate belief held by others, in the Court room? The defense hinged on showing that Defendant because of his beliefs was not the only likely suspect.

"THE COURT: I'm denying the motion as unnecessary.

MR. GAMBOL: Your Honor, I respect your authority and judgment-

"

MR. O'Neill: I don't.....

MR. O'Neill: There are crooked judges--

THE COURT: Mr. O'Neill--

MR. O'Neill: What?

THE COURT: That very statement in and of itself in my opinion would be sufficient to hold you in contempt of court. Now if you wish to continue with that sort of disrespect for this Court I will see that you are handled in a proper fashion and legal one in an effort to make sure you don't do it again."

I apologized to the Court. Yet the Court had dehumanized Defendant O'Neill. Is there anything greater about the Human Being than his capacity for Belief in something beyond this mortal coil?

The appearance of justice is an aim of justice. Crookedness and even the appearance of crookedness deprives a court of jurisdiction. The Judges acted over Casey O'Neil without legitimate power. They lacked in fact jurisdiction. Only it required an individual in power who was not a moron to see and say it.

SEPTEMBER 11, 1984: (BANGER SENTINEL): "CHURCH
DEFACING CASE OPENS

--Tight security was maintained during the proceedings. All persons, including 110 prospective jurors, were searched upon entering the Courthouse. All had to pass through a metal detector..."

Of course it wasn't just Defacing that was charged, but the reason behind it was being criminalized. We caught a glimpse of Judge Jerkins as he hustled up the elevator to his chambers, surrounded by Deputies. His apparent fear was matched by the good humor of the Deputy at the gate to the Courthouse where all the jurors were being searched.

"Tickets, tickets, get your tickets for the show!" He laughed.

"Speak of the devil," I turned, as Defendant spoke.

Tim Goodrich, just arriving at the Court door, and announced himself with a smile. "*Speaking,*" he said.

Counsel were ordered into chambers with the Judge. In moments, the Deputy burst into chambers, declaring:

"THE COURT OFFICER: Mr. O'Neill is raising the devil. He insists upon seeing his lawyer again.

THE COURT: I'm in the process of a conference. He'll have to

wait. “

Christians testify they suffer persecution. Jesus said men will consider it a favor to have you killed. Crazy or not, paranoia and delusions of grandeur and persecution or sense of humor and proportion or not, I stated:

"The other thing I would like to make of record is I have woke up in the last two mornings with choirs of angels and then there are reports of the reigning Pope being in Canada. I realize that `religion is not coming into the case'. It may not but this creates an additional problem. The Pope has scheduled his visits on the Maine radio and the TV for the next twelve days."

Assistant Attorney General Goodrich facetiously commented:

"He's come to Canada at my request."

I laughed. Tim's gesture of unity between Church and State, however zaney, was awesomely in synch. I went out and told Defendant what the Judge was doing.

The Press reported Defendant's reaction:

9/11/84: "O'Neill TRIES TO FIRE HIS ATTORNEY. Rockland- the trial of Defendant Casey O'Neill got off to a fiery start Monday as accused church vandal Defendant O'Neill tried to fire his Court appointed Attorney...

"Well, you're done, Amos," O'Neill told his attorney. "You're all done. I'm going to represent myself."

Gordon Walette of the Louistown paper reported, Defendant saying "This is just the beginning of the pig scene."

I informed the Judge I had been discharged! Unperturbed, Judge Jerkins, now in open Court, held me captive:

"THE COURT: Now just let me tell you, gentlemen, one thing: I have been present during two hearings in which you both have been available and present. I have watched the Defendants, particularly you, Mr. O'Neill, make gestures such as the one you are making right now which I find to be very disrespectful. I want you to understand Mr. O'Neill--

MR. GAMBOL: I'm not sure what he's doing. He's sitting right here.

THE COURT: I'm directing the Court Reporter to take down what I'm saying and also the observations of Mr. O'Neill.

MR. GAMBOL: The observations, if you could make it for the record. I would ask that any observation that my client conducts be spelled out for the record.

THE COURT: They have to be. I'm required to see that they are. ..."

We re-entered the Courtroom to find Court Clerk Scigliano, reading the indictment charging Defendant with having painted up some 32 churches intentionally and knowingly without any reasonable ground to believe in a right to do so...."

We also continued now out of chambers with jury selection:

THE COURT: Let me just say while we are on Juror 66 obviously he's going to get out. He's going to, no matter what. I have a letter from him that he submitted at noon. He's about to have a nervous breakdown out there unless he gets out of this case. He doesn't care how. I might as well grant your request on 66."Under the Judge's fist, we continued with voir dire. I wanted to redo the exclusions he had already done out of the Accused's presence:

"Your Honor, my client again wishes me to raise-- he would still like to have the same process with respect to the jurors who were dismissed in chambers for having knowledge of 666 and Babylon because his position is contrary to what I took out of his presence. To take all those people off the jury is prejudicial and perhaps takes some people out on religious grounds. If he would have been present he would have informed me of that. My judgment would have been different than his in

this instance."

My choice in Chambers without my client, under the duress of the Court's order, had been to excuse all those identified in preliminary Voir Dire questioning to be Fundamentalists or Christian Believers. Now, in open court, Defendant pointed out they would have accepted the veracity of Revelation. He wanted them. I had unwittingly allowed the assertion of an unconstitutional religious test for jurors. Moreover, the Accused has the Constitutional right to be present at all critical stages of his trial, including the selection of the jury. Judge Jerkins answered:

"I understand fully, gentlemen. If it's being asked as a formal motion, it's denied..."

Defendant O'Neill spoke out: "I'll leave. I don't like your pukey face."

THE COURT: Mr. O'Neill...

MR. O'NEILL: I want to state on the record that there is no way you are going to be a fair judge. The proof of this is in the pudding. Today you denied me everything I wanted. You denied my Constitutional rights up and down. You take him in there and you do motions and you know you are supposed to do them out here. He told you I told him and-- you just go ahead and step on all the laws of my constitutional rights. I have you as a Defendant in Boston in the First Circuit Court of Appeals. I have had you twice in the Maine Supreme Court, and you think you can be unbiased and unprejudiced? I don't think you can. I want you to disqualify yourself. This may sound cute but I'm serious. There is no way you can be unprejudiced. You have proven that.

THE COURT: Is that all?

MR. O'Neill: Do you have more time? I have plenty of time.

THE COURT: I'm not going to sit here and listen to you ramble on about matters which have already been disposed of by this Court.

MR. O'Neill: Unlawfully.

THE COURT: Just a moment. I'm aware of your being unhappy with the decisions of this Court and other Courts prior to today. But that

is immaterial and you are free to go until 9:00 tomorrow morning."

That night I spent alone, studying, studying the evidence, collating pages of possible questions for witnesses, referencing them to rules of evidence, anticipating objections, and formulating questions that would elicit answers I wanted, summarizing in my mind, the fallout of a thousand hours work in preparation spread before me. Defendant had left Court in such a huff I did not even know if I would see him the next day. I was afraid and anxious. Everything was on edge. The Pope's visit was loudly announced on the radio.

9:14 AM, September 11, 1985, (Amos Gambol's birthday, my birthday too and for that matter of the ancient patriarch Theodore Coconut, scholar of the Attica school) The only trouble was the Defendants weren't there. I answered the Court's inquiring and stern gaze: Maybe the Defendant had gone to Boston in fury over his belief that "the United States Constitution is being flagrantly violated."

THAT PARTICULAR ITEM

Casey came back late, was tossed in jail for being late, then quickly was released. Witnesses were called. When the first witness took his oath, Defendant pointed his finger to the Bible upon my desk. Judge Jerkins looked over at my table, aghast:

THE COURT: Excuse me. Just a moment. Please take that, Mr. O'Neill. He was pointing to a book there. Would you, please, put that down.

MR. O'Neill: It's the bible.

THE COURT: I understand what it is, Mr. O'Neill.

MR. GAMBOL: It is the bible, your honor.

THE COURT: I understand what it is.

MR. GAMBOL: I think the record should indicate--

THE COURT: He was pointing to that particular item. You may impanel the jury, Madam Clerk.

It was perhaps not strange that a Roman Catholic would shrink

from the Bible as inappropriate for the jury's attention. Yet "that particular item," as Judge Stephen Jerkins put it, is what until recent times, Jurors have been sworn in on. The oath is, after all, before God.

Prosecutor Timothy Goodrich sauntered over to the stand, resting a somewhat portly frame. He proceeded with an undramatic opening:

... The Churches were vandalized... A letter was found at the Churches, and that the State would prove that fingerprints of Defendant tied him to that letter and other writings seized from his apartment. Eyewitnesses would try to tie O'Neill and LeGascan to the vandalism...

I waived opening statement until after the State's case, letting LeGascan's attorney make initial opening. He announced the fact that the indictment was no evidence of guilt, and went on about the presumption of innocence.

Next came a slew of Ministers and Pastors, called by Goodrich. In each case, the Church had been painted up with "666" and it had cost to repaint. I established the factual basis for the defense, that even if Defendant were to admit writing the letter to the churches, which the fingerprints the State had analyzed showed to be the Defendant's, which as counsel it appeared he would have to admit, should he testify, that was not an admission of the spray painting, even though he condoned it. Moreover, without a Church determination, (and none had made a choice independent of the State to prosecute). And so, HOW could the State determine what was religiously impermissible, what sign, what symbol, except by prejudice? Even the criminality of the act could not be determined except by prejudice.

Who was to say, if not the churches, that "666" spray painted on a stone idol, for example, was self evidently any more a trespass or a crime than the "Ne Blaspheme pas" inscribed upon the stone later painted by the alleged vandals? Is one more a hallucination than the other? More irrational, less faithful, without a determination of the brethren? These Christians think like cannibals, depending on how you look at communion. How is a Judge to determine which of them are

rational and which not?

I questioned on the witness stand, the representative for one of the painted up churches - Pastor David MacFarland:

"Q. Now, I heard you say God owns the Church?

A. yes.

Q. I think you said God owns the church?

A. Yes.

Q. He owns the Church of living stones.

A. The living stones referred to in the scripture would refer to believers.

Q. He doesn't say they are necessarily people who are members of your church or

members of a Catholic or other church?

A. Anybody who is a true believer in the Lord Jesus Christ as his personal savior.

Q. He's part of the church if somebody believes that, right?

A. If they believe that and have acted in faith upon it and their trust is in that fact.

Q. God passes judgment on that right, not man?

A. The judgment on whether they're part of the church or not?

Q. The true church of Christ?

A. God does.

Q. So any true believer is really a member, right?

A. Yes sir, well in the respect you are talking about... There is a sense in which one day all those who are true believers, whatever label they go by, we are going to be with the Lord together and we will be part of that true church, the living church.

Q. Regardless of who did that, it's God's property ... Maybe God was sending a message, true?

A. I would have a hard time believing that was from God.

Q. It could be, couldn't it? God has written on walls several times hasn't he?

MR. GOODRICH: I object.

THE COURT: I sustain the objection.

MR. GAMBOL: Nothing further.

The Defendant stated later, under oath:

"I observed an extreme amount of hate from Jerkins to Gambol, extreme amount. You could see it written all over his face. His face was all red, his veins sticking out, his jaw just shivering up and down before and after and while talking to him. He couldn't control his anger. There are witnesses to that ..."

A State's identification witness, labeled by Defendant during the time I was supposed not to communicate their identities to him, as Fat Pussy, testified she saw the Defendant painting up the Church near her. Strangely, her statement spoke of Defendant as "the subject." Just as she had done at a pretrial hearing, over my objection, she was allowed to testify that From 360 feet away at night she could identify the Defendant as the perpetrator:

Q. (A)t the time you made the observation some months before, Deputy Barney Herrick took the statement and you saw these individuals you did not at that time see any of the individuals' faces. Is that true or false?

A. I told you, I said I did not see their facial features.

Q. That means you didn't see their faces, right?

A. I didn't see if they blinked, no.

Q. What do facial features mean to you? Does that mean the nose?

A. Yes.

Q. The lips?

A. Right

Q. The eyes?

A. Right.

Q. Does that mean the facial features?

A. Yes.

Q. Those are the features you did not see?

A. Right.

Q. Thank you."

The identification of the Defendant had been made in front of the

jury, even when before hand it was known she could not do so with honesty or accurately. After my repeated objection Justice Jerkins disqualified her identification that, telling the jury to ignore what it had already heard, in it's entirety, as if that would erase the mis-impression. Mistrial was moved for at the Bench. The error in allowing her testimony was obvious, fundamental and prejudicial. Motion, Objection and Motion to Strike were summarily denied. Motion for Mistrial denied. LeGascan's counsel, Smokey Wistberg (who had taken a somewhat more passive approach than me), and Goodrich, remained at the Bench to argue a point of law. Smith was excused. The Trial would continue.

The Defendant O'Neill at counsel table.

The Court Reporter was taking notes as I walked back and sat down beside my client, when Defendant O'Neill, raised his hand by my ear. Then, suddenly, Justice Jerkins stopped the trial!

"Bailiff, take the Jury out," he ordered. "Deputies, take Mr. O'Neill into custody."

I was dumbfounded. Without the jury present, the Judge Convert Jerkins announced that Defendant O'Neill was excluded from the courtroom and would remain in custody, the trial would proceed in his absence, until over or he otherwise ordered. A loudspeaker was installed in a separate room in which he was being held and could listen. Jerkins then warned me.

"You will not leave the courthouse,"

He abruptly called a recess until after lunch, at which time the trial would resume. Crystal hollered at me from the seats: "Amos, you Judas!" Great. I had had nothing to do with what had just happened. I did not know what happened. As the courtroom emptied, I paced, brows furrowed, astonished and confused. I beat the table! I slammed my fist! I leapt, slamming the Judge's vacant bench with a hard kick.

SUMMARY CRIMINAL CONTEMPT

"Would we tolerate the removal of a defendant from the Courtroom during trial because he was insisting on his Constitutional rights, albeit vociferously, no matter how obnoxious his philosophy might have been to the bench that tried him? ... It will be time enough to resolve those weighty problems when a political trial reaches this Court for review."

Justice William Douglas, Concurring in Illinois v. Allen, 353 U.S. at 356, citing The Trial of William Penn (trial for tumultuous assembly when Penn had refused to say anything except that the Court lacked jurisdiction and who stood mute)

Over lunch, the Deputy unlocked the door and let me into the small locked room where Defendant O'Neill was incarcerated. There was a loudspeaker, a table, two chairs. "You've got to do something, Amos!" He told me. We sat, we thought. He could not be acquitted, win trial, when excluded from the presence of the jury. The prejudice of what had already happened was probably fatal. He wanted me to go to Boston, to the Federal Court of Appeals, and see if I could get reversed on an expedited basis Hanging Jean's denial of Injunction against the trial. But the Deputies had been instructed to arrest me if I attempted to leave the Courthouse.

Testimony resumed. The Judge asked again if I wished to cross examine State's witnesses. No, I informed the Court: "I have been ordered to stand mute already by my client ... I believe this is not a trial as defined under the United States or Maine Constitution ..."

The Judge shot back: "I am extremely concerned about your performance here." He added that if I left the Courtroom to speak to my client "at your peril." As Defendant testified at the later Bar Proceedings to sanction my conduct: "... He told Amos if he communicated with me that it was to his peril; he told Amos if he stood mute that it was to his peril; he told Amos if he tried to go down to Federal Court that was at his

peril. He told Amos at every point of Amos's defense to me that it was at his peril.”

Testimony proceeded. Like Tarbaby, I didn't say nothing.

After watching, while I did not cross examine even the finger print expert - we had decided to do nothing to lend legitimacy to the continuing show trial -

Now, again, the Judge let the Jury out, and addressed me:

THE COURT: ...(W)hen you say your client has ordered you to stand mute, that, sir, does not permit you to stand mute.

MR. GAMBOL: Your Honor, I made that decision myself.

THE COURT: Let me finish. If you make a conscious choice your are in effect jeopardizing your profession and your professional status.

MR. GAMBOL: I ...

THE COURT: Before you begin, let me caution you, counsel. You are an attorney at law licensed to practice in the State of Old Maine.

MR. GAMBOL: I hope so.

THE COURT: Let me finish, because it is very, very important that the record reflect what I am saying. As an officer of the court and an attorney at law, you are obligated to represent your interest or your client's interest with respect to any given case in a manner that is required of you as a lawyer.

MR. GAMBOL: I don't think anybody has ever done more than I have as a lawyer for his client.

THE COURT: Let me finish. That would include being in this courtroom whenever he's on trial to represent his interests and protect him.

MR. GAMBOL: Your honor --

THE COURT: Let me finish, Mr. Gambol. And protect his interests fully by virtue of listening to the evidence that is offered against him during the course of the trial, and, if necessary, to cross-examine any witness to make sure your client is duly protected and his interest is fully protected.

MR. GAMBOL: ... if this was a trial I think the court, as I have said, has jeopardized his status under the Constitution. He's been denied the fundamental right to a fair trial. He's been booby trapped. All the evidence indicates -- I don't know if he has been booby trapped. I have argued four times he's been denied the right to a fair trial.

THE COURT: Mr. Gambol --

MR. GAMBOL: Let me finish. The right to a fair trial, his interests are not to be subjected to what he has called an inquisition. In my opinion the facts in court, in open court, are such to give reasonable credence to what he has said. His decision, I will tell you mine too, sir, is that his interests demand my being in federal court. If I have to stay here I cannot get that man out of jail before he's put at the State Prison by this court, and myself, possibly sir, sentenced without any fair ground.

THE COURT: This court does hereby find that you have committed contempt in the actual presence of this Court. I do hereby hold you in contempt. I sentence you to five days to the County Jail --

MR. GAMBOL: Sir, that makes, that means my client can't get out.

THE COURT: That sentence will be stayed until such time as this trial is concluded or you, of your own choosing, are not here, whichever first occurs."

He then explained that he was going to declare a Mistrial as I was obviously not representing my client, and, after a hushed conference with other counsel in chambers, announced in open court:

"(T)he Court does hereby revoke the order of appointment of Mr.

Gambol representing the Defendant. Mr. Gambol, You are further found in Summary Contempt of court and ordered to serve five days in jail, commencing immediately. Deputy, you will take Mr. Gambol into custody."

Before they could hustle me away, I shouted: "I object to the Court's order. "

Fortunately the Court Reporter picked it up, for Goodrich had the nerve later to argue that I had consented the mistrial. So much for integrity I thought, forgetting he like me is an advocate. I waved to my mother, who had been in the audience:

"Goodby Ma, I'm going to jail," as reported the next day in U.S.A. Today.

It was also fortunate I had spoken to the press at lunch, otherwise only Convert Jerkins side would have been carried on the Six PM TV News, where I was pictured speaking on the courthouse steps, outraged by O'Neill's removal from the Courtroom, from his own trial, without explanation by Convert Jerkins.

I declared: "If this is what the practice of law is all about, then I don't want to be a lawyer..."

MANIFEST NECESSITY

The Trial Judge's seldom exercised Summary Contempt power is unique to the American system and dictatorial. Under this rule, a Trial Judge who experiences a challenge to the dignity or authority of the court is empowered, without explanation, to throw you in jail and explain why later by affidavit. I was sublimely ignorant of this uncivilized power until I looked up the law after being served in jail with Justice Jerkin's affidavit, in which he stated *inter alia*:

"During a bench conference, Mr. O'Neill stood up, announced that he had to piss and walked up to the bench conference, stopped, and glared at me. At that time I informed Mr. O'Neill's attorney, Mr. Gambol,

that I would not permit Mr. O'Neill to walk in and out of the Courtroom whenever he desired. Mr. Gambol then returned to the Defendant's table and conferred with Mr. O'Neill. Then, directing his actions toward the bench, Mr. O'Neill lifted his hand with his middle finger pointing upwards and stated smirkingly, "Next time I will ask to go number one. At this point, I cited Mr. O'Neill for contempt."

Later, O'Neill insisted the Judge was lying. He had only put up his index finger. Interestingly, Wiley Galoopa, the Court Reporter, took down no obscene gesture. And no one else had seen the middle finger go up. But the Judge's Affidavit cannot be challenged. Judge Jerkins also swore that Mr. Gambol had: "displayed complete and blatant disregard for the proper administration of justice" by shaking hands with Reverend David McFarland, in front of the jury! After Mr. O'Neill had been cited for contempt, his conduct had been "nothing short of outrageous."

So ended the Churches trial.

On Appeal, the Office of the Attorney General, as reported in the Portland Evening Express, 3/14/85, claimed Gambol had made "A Declaration of War on the Court." Gambol's conduct was "wholly disrespectful... insolent...and a direct attack on the integrity of the court."

August 7, 1985, I arrived at the office to read in the Associated Press release, "O'Neill's contempt Citation Upheld." Supreme Court Justice Aroostook, writing for the Court continued: "(T)here was a discussion between the presiding justice and counsel concerning the contempt finding made against O'Neill."

Of course, just the contrary was true. Judge Jerkins had point blank refused to discuss with counsel why he had held O'Neill in contempt and removed him from the Courtroom. Based on the misstatement of fact, Supreme Court Justice Roostik, an Old Mainer, reasoned: "Gambol should reasonably have been aware that his conduct was wrongful." Roostik did not add what appears to have been the unstated reasoning of the Court that the end of stopping O'Neill's and his attorney's farcical and perceived drugged up challenge to authority

justified the means.

Because Jerkins was not "subjected to a personal attack by Gambol (Gambol should have attacked him in other words, strange logic) that would necessarily call his impartiality into question, the involvement between the presiding justice and Gambol does not require referral of the contempt charge to another justice."

The fact that every ruling of Roman Catholic Jerkins excluding the relevance of the Bible, excluding fundamentalist jurors, excluding witnesses on Defendant's beliefs, was objected to politely meant there was no conflict! The unfulfilled threat to go to Federal Court was held to be contemptuous and inappropriate as well. Speaking for the Supreme Court, Aroostook noted that after Defendant was taken out of the Courtroom, "Mr. Gambol refused to participate in the proceedings and packed his files in a cardboard box on top of counsel table reading the bible in open court and in the presence of the jury... After a careful examination of the record ...(W)e conclude that the presiding justice displayed exemplary patience and restraint in dealing with Gambol's conduct."

Yet, in a separate decision, although my contempt conviction had been upheld, the Supreme Court refused to allow the State to retry the Defendant on Double Jeopardy grounds, affirming the decision of Superior Court Justice I. Edward Cohen who, when the State tried to prosecute O'Neill again in early 1985, reasoned:

"(W)hen the Judge declares a mistrial, not requested by the defense, the State has a heavy burden to show "manifest necessity" for it. Unusual though it may have been, defense counsel was simply saying he was not going to cross-examine witnesses... I'm granting Defendant's motion to dismiss."

So the Trial Justice Jerkins could not declare a mistrial and stop it, but he could throw counsel in jail which meant the trial had to stop. Thus, affirmed the principle: life of the law is experience, not logic, as Justice Holmes observed in *The Common Law*. And the fact is, as a

general matter the paradigm is a good one. The law could not survive on logic if it wanted to; although the aim is justice, politics is a big part of it.

BEYOND CONTEMPT

Now the System attacked by stealth. I returned that night to an empty house. Bluejays about the feeder. The crows caw. A sparrow troubles down below the horizon. There was big wind, big rain, speaking sadness and betrayal, no promise of the sun. Distraught, I walked down to the inlet. Wind, water Lillies, mud, the beauty of nature, and this home, but I was all alone.

As night set in, lightning danced in the Western sky. An aria from Giacomo Puccini's La Boheme sang on the radio. Tears came to the eyes.

On the news, they reported Carlos the Jackal, double amputee terrorist has threatened to kill the pope. Why would anyone want to kill him? Why was he so important?

I went over to my neighbors with whom my little daughter Melissa spent the afternoons after school. Like her mother,, she sometimes resembled a pure china porcelain doll. My child ... "Where is Melody? where is Melissa?"

They threatened to have me arrested if I did not leave.

The next day I received a harassment order. What had I done?

Finally Melody called. She had been going to Alanon. I was an alcoholic. She and Melissa had left. Melody would meet me, and come home, if I met Doctor Whitecoat, a black man in the whitest coat he could wear, who ran the Little America Green Meadows Institute in Porkland, and was a big time forensic witness on alcoholism, not otherwise. .. Of course this was, if not the beginning, the harbinger of the end of our road. She was ready to buy into my conduct as the result of drugs and alcohol...and to hit me for it - hard. She was willing to accept the

symptom as the cause. Not good.

In later disciplinary proceedings they would interrogate Defendant (to no avail) about me:

“Q. During that time were you using any mind-altering substances?”

A. I object to that. What the hell does that have to do with it?”

Odd, odd, odd that I could be thrown in jail for contempt, the trial stopped due to my misconduct allegedly, and yet the case never be retried because it was the Judge’s misconduct, that caused the trial to stop. How could this oddity be explained? I was coming out looking too good. Drug use would be an easy script to discredit counsel.

I fought on, briefing again and again appeals to the higher courts.

One winter night in 1986, Gloria, the collar of her Napoleonic Overcoat flying back in the wind... us, driving in my Red Goat Convertible to Porkland ... Snow blew everywhere in great gusts. We drove on ..., another Brief on the Constitution, in hand, ... into the dense white snow, ... on, on to Porkland.

This trip, it was to deliver the Guns Brief, on what early Chief Justice of the U.S. Supreme Court, Joseph Storey called “the great moral check on Government, the Right to Keep and Bear Arms.” Convicted by jury after a six day trial, (in a case where many of the earlier Churches case procedural rulings had been heard together and thus, unknown to the Court at the time of mistrial had been preserved for appeal) amazingly I was still fighting the same Heresy issues. They infected every case to do with O’Neill.

The city rose, a mirage in the white gusty snow, out of the Ocean Harbor. It was a dark night, although in memory I associate with Porkland the morning sun, shimmering on tar rooftops. .. Gloria’s ankles looked great as she strode down the street in her spiked high heels. She was seductive, alluring.

She noticed the Roman Catholic Cathedral, standing high, lit like a castle spire on the dark city skyline.. "There's Babylon," she smiled, as she threw me an enticing glance. The snowstorm howled. The ninth chime of the eleventh hour rang. Up we pulled to the Old Maine Supreme Court. She stomped up the snow banks to the Courthouse door, high heels buckling, and delivered our brief to the night watchman.

"Had a bad day?" the watchman quipped good naturedly.

"Do I look that bad?" Gloria asked, with her offhand smile, as she swept her loose and long blond hair away from her face and eyes. They were so alert.

This appeal, in due course, like all the other appeals, including the Double Jeopardy Appeal by the State against throwing out the Churches case out on no manifest necessity grounds, thus assuring the heresy issues would never again be reached, the Supreme Court of Old Maine denied. Odd the Judge had authority to stop the trial by holding counsel in contempt but the same stopping the trial was unjustifiable so the Defendant could not be retried. Further odd, the Supreme Court of Old Maine in the Guns Case refused to acknowledge the preservation of the issue at trial level in joined motions for appeal? The Old Maine decisions made no sense whatsoever and no one cared - that's the problem with heresy. Why would they with a heretic?

"Heresy is the dislocation of some complete and self-supporting scheme by the introduction of a novel denial of some essential part therein: We mean by "a complete and self-supporting scheme" any system of affirmation in physics or mathematics or philosophy or what-not, the various parts of which are coherent and support each other." H. Beloc, The Great Heresies, 10 C.Trinity Communic. (ed 1987) (1938)

Defendant took all the Pauline Biblical scriptures out of the Bible; for Born Again Christians, who took *every word* in the Bible as God inspired, and for Roman Catholics, who accepted *the infallibility of the traditions as announced by the Pope*, the rejection of St. Paul, and of the

Vatican too, was a theological heresy. But what was significant in fact was that the entire Aggravated Mischief charge against this Defendant had embodied and endorsed secular heresy: the squelching of belief by those who considered themselves to be the "true believers."

The Attorney General of the State, endorsed by fifteen Old Maine Judges in all who had passed on the Churches and Guns cases, including its Chief Judge, C.M. Pusick, along with the Chief Judge of the Old Maine United States District Court, the First Circuit Judges, and in denial of certiorari twice, U.S. Supreme Court Justice Edward MacDonald, who simultaneously wrote an article in the N.Y. Times about how a Roman Catholic could be impartial as a Judge, had allowed a State criminal challenge *not only* charging vandalism or defacement, *that is the method*, spray painting churches, *but also charging a message*, that it was a crime that the Accused had no reason to his beliefs in the right to paint a message, and had then on top of it, by Jerkins rulings, refused to let the Defendant defend the reason to his belief.

The Supreme Court of the United States in United States v. Ballard, 422 U.S. 78 (1943), threw out the conviction of one Ballard, (whose main difference from Defendant was that while Ballard taught Jesus learned in early years from Mid Eastern teachers, Defendant proclaimed, Jesus, greater than the prophets Elijah and Elisha - who asked twice the spirit of Elijah, stopped the sun in it's tracks and called fire down from heaven - taught them), holding:

"Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines and beliefs. Religious experiences which are as real as life to some may be incomprehensible to others . . . Freedom of thought includes freedoms of religious belief and embraces the right to maintain theories of life and death and the hereafter which are rank heresy to followers of orthodox faith, and precludes the putting to proof of religious doctrines or beliefs...The law knows no heresy..."

The Defendant had the absolute Constitutional right to state the



reason behind his belief in the message and not to be tested for it, the right, if not to employ the method of spray painting messages (although even that is in doubt, no Church having filed a complaint), never to have the reason of his belief, rational or irrational, be put to the test. To try any Defendant's religious belief as an element of the crime is beyond the jurisdiction of any Constitutional court.

Justice Oliver Wendell Holmes stated "The life of the law is experience, not logic." Experience teaches Judges decide what issues are decided and reviewed. In this case, the issue decided was not belief, because the declaration of a mistrial made it a sure thing the question never got to the jury, and the later declaration that there was no manifest necessity for a mistrial ensured the case would never be heard again. Throwing the defense lawyer in jail for contempt also discredited his view of the issues.

January 13, 1987. Melissa cried that night, when she saw her father on the Evening News, in cuffs, gaunt but defiant between two ignorant pigs, being led into the County jail. The morning headlines read:

"AMOS GAMBOL, PROMINENT LOCAL ATTORNEY ARRESTED IN DRUG BUST AT PLEASANT STREET MOTEL. MARIJUANA TRAFFICKING CHARGED. MAXIMUM TWENTY YEARS ON CHARGES. MILLION DOLLAR FINE. HELD AT KINGS COUNTY JAIL. NO BAIL."

"I thought you were an honest lawyer, Gambol," an inmate observed in a sickly tone, "But you're not; you're just like me, another dope dealer." Like an exile without papers, Amos Gambol had no difficulty identifying with Ravic, Erich Maria Remarque's hero in Arch of Triumph, which along with Victor Hugo's Les Miserables, he read while incarcerated for one year.

Of course, I knew Amos Gambol. He was simply paying a price and acting the role he had voluntarily assumed and knew he would pay for beating some dust out of the rug of the Old Maine Court system. It was with a sense of irony that I listened to the proceedings when Chief Judge of neighboring Commonwealth Federal Court Judge Buddy Savage sentenced him to Federal Prison :

The Defendant spoke at sentencing on Gambol's behalf:

"Q. And I assume you were satisfied with his representation?

A. 99 percent of it.

And he was an ardent advocate in your behalf?

A. very much so. I always referred to him as a workhorse. He would do more

work in a day than most lawyers do in a month.

Q. Do you have any idea from the civil litigations and the criminal litigations that he had represented you on in total, do you have any idea what

he was paid for all that?

A. I would say 37 cents an hour.

Q. Do you have any idea how many hours he put in?

A. Thousands, literally thousands."

After conviction and pending an appeal to the First Circuit Court of Appeals, Gambol, in preference to reporting to a Probation Officer, had undergone a kind of analysis with the Jungian, Dr. Chuckles, who also testified:

"Q. ... Describe what his condition was ...

A. ...confusion between reality, external reality and the power of the irrational kind of forces that were breaking through ... There is an element of truth in his writing - a kernel of truth in it. But there is a whole confusion. ... bordering on a delusional idea, a delusional process ... (H)e is obsessive in the kind of mania, and the energy, and the drive that he has, and he is compulsive because of detail and demands..."

He continued:

"... I think it has to do with his Yale background, his whole social intellectual process where he never quite achieved a level of performance that was expected of him by his family. I think it comes from choosing to be a scapegoat for some reason... He consciously chose to become a scapegoat..."

I would have called it an inductive leap from an outer directed ethical forum which had betrayed the Defendant, Defense counsel, and the source of its authority, God, to an inner directed faith. After all, what is a heresy trial, to faith. Abraham challenged by God to sacrifice Isaac, his son, per Soren Kierkegaard, too rejected every stated value of society. Examination continued:

"Q. You use the word negative inflation, what is that?

A. That is a very poor kind of beggar attitude, self-demeaning, self-deprecating, ..."

He continued:

"... Underneath it is a very powerful kind of force, inflated to one's value or one's power of words.... (I)t manifested itself in his tremendous tirades against the Maine court system, ..."

Chuckles testified about my alleged rage:

"... against anybody who would stand in his way who disagreed with him. I think it manifested itself in his tremendous need to champion the underdog, to achieve some kind of notoriety or recognition in a cause... I think his taking on the O'Neill case ... represents a regressive identification with -- for the outcast, they simply mirror his own inner feeling about himself, because I think what is active in his psyche is what I would call the feel of becoming a beggar, so one of the ways to overcome that is to identify that in other people and then become a champion for that."

"Q. And a lot of people represent poor downtrodden people, but they don't necessarily become completely consumed by one cause

in all the successions, what is it about this particular one that did?

A. It was certainly a participation mystique ... a lowering of the thresh hold of consciousness with O'Neill... I think O'Neill represents the kind of energy and physical power, and just pure outrageous animal kind of instinctiveness that is missing in his own inner psyche and somehow those two make a pair some way.

Q. So basically this man appeared at the doorstep and as a result of psychological need he plunged into this man's cases and his life-style almost unconsciously; is that what you're saying?"

"A. Yes, I think he finally found somebody he could champion, because people were afraid of O'Neill, afraid of the results of challenging him. That fear became paramount.

"Q. Do you feel that Amos has some sort of psychotic insight?

"A. I think he has a negative psychotic insight... If you have any weakness, or flaw, or anything you're hiding, he certainly will find it if you're not completely honest with him."

Q. "You are aware that he has been convicted of a crime in this Court... do you feel that he has a potential of being a law abiding citizen out there in the real world?

A. ... I would say so, with careful supervision and analysis... There is a whole healing process that is emerging in him that can be made conscious and integrated and I think lived in some human way."

Chuckles was way off. Gambol was always in reality. He was just stepping out to see what he could DO: Never a faint heart achieved a thing.. The Jungian Chuckles would have been closer to the truth to have described Gambol, Spruce, Cowboy, Pittore, and the iconoclast O'Neil too, as creative. Many human beings. As I say, I knew them. Ivor Gladwell, IPD

The above satire is loosely based upon the Record of State v. Campbell, 1985 ME, 497 A.2d 467 (1985), State v. Friel, 1985 ME, 497 A.2d 473, State v. Friel, 1986, ME, 500 A.2d 631, United States v. Campbell, 874 F.2d 838 (1st Cir. 1989) and photos from the public record of those and other proceedings. Any resemblance in the story of

any character to any person living or dead is wholly accidental.

