

THE FIRST HERESY TRIAL IN THE UNITED STATES

THIS MANUSCRIPT SYNOPSIS EXTENSIVE RECORDS *provided by MY FRIEND - lawyer AMOS GAMBOL.*



"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).

Before Amos Gambol, then a New York City lawyer in the midst of a hard divorce, left the Group, Lefcourt, the group leader, had gently suggested he become a Small Town lawyer. Amos still carried from his days in the Group, Idries Shah's The Way of the Sufi through the events described herein. I suppose that his past experience

affected his attitude. During the proceedings described herein he studied the bible. As Northrup Frye, The Great Code, the Bible and Literature, (Harcourt Brace, Johanovich 1981) at 186. "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." And that may have affected Amos as it has many others.

August 8, 1983, as Amos sat in his country office in Buckingham Shire, he read in the Louistown Daily Sun:

"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 Porkland, 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 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 196. According to Rev. Matthew 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 twice in twenty four hours.

SOME YEARS BEFORE: CIRCA AUGUST 1975

Spruce, just about Amos' first client as a Country lawyer, then in jail for assault, could change a car engine with an iron pipe, plyers and a screwdriver. Amos' neighbor, retired New Jersey State Trooper and Kings County Jail Administrator, 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)...

Amos defended Spruce in my first major criminal jury trial, held in the York County Superior Court, Alfred, Maine. The stately courthouse looked down on the York County Jail, built in 1743 nearby. The State had to prove Criminal Mischief, both the criminal act, a riot and the criminal intent to cause damage, that Spruce consciously had the object to create a riot and destroy the jail. 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, historically is an element to be proved beyond reasonable doubt in most crimes. Spruce's state of mind was not an issue. Proving he did it was the issue.

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, 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 intimated he would impose the full five years penalty on Spruce after trial, had himself passed on before trial. Daniels, as he sentenced Spruce to Six months in jail upon conviction, told Spruce, "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, Amos reckoned how that same Spirit blows Down East, from the courts of dawn in the East, where sun rises,.. spreading light across the silver waves of Camden 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 ...

Spruce and Amos used to fairly fly over the frost heaves in my Red GTO, 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."

Amos also met Spruce's girlfriend, Gloria, who later became his confidential secretary.

As Amos wrote:

JULY 1983

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."

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 Amos surreptitiously had the Defendant interviewed by his friend, psychologist Parker Golyadkin and showed Defendant the Report, he delivered him 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." Amos defended his 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 Amos had been reading and which lay upon his desk, stating gently: "I can't do that." Defendant's intense sincerity checkmated my intellectual reservations about this apparent madman.

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

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 that night. "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, Amos got papers from F. Scott Gravely, Assistant District Attorney successor to Champion, stating Casey O'Neill's bail was to be revoked - for picketing! Sitting down at Gravely's desk, I asked, "Haven't you forgotten something?"

He was silent, but when all got into the Judge's Chambers, Gravely had to concede Amos' argument: 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.

PRETRIAL MIRANDA HEARING:

O'Neill had made some damaging admissions about possession of a shotgun and a revolver. Amos 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 William Corcoran 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 William Corcoran, although only in his forties, was stooped under the weight of his judicial duties. His toothy grin, like a mask, betrayed a sense of untimely resignation. He looked like a tired Burt Lancaster. He seemed like a kind man but Defendant O'Neill did not bring out his best side.

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, 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" is nearly passed ..Word processing has really just begun to typify the written work of law practice. 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 into a land the contours of which it self creates. I think to buy a computer. Computer, a term, where O'Neill reminds me, if on the letter "A" is six on a scale, the word totals 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. It never comes. Instead, my mother, 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. Always my supporter,

"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, to help me through law school, and of the meager income I generate. Of my continuing economic needs. I remember as a little boy too riding the third Avenue El with my father, to the Giants games, or just to recover from a hangover.

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

"How is Melody?"

"Fine," I say, lying. If only Melody would call; if only she had more female cuddling instinct for me now, her lover, her instinct for me now,, her lover, her

husband. 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. As Defendant and I were walking down Exchange Street in Porkland, a construction worker on top of a high roof, recognizing us from TV, O'Neil boomed:"Babylon is fallen! Babylon is fallen!" ...

"See that. That's a graven image, do you know that?" he 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 Scruggsy 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 II (so christened by Defendant O'Neill) who was then a defense lawyer a few months, before being appointed to the Maine Superior Court, about suing Champion. He had refused because he practiced defense law against her office. She was his bread and butter, he had said. When Justice Smellypanty II was assigned to the hearing pretrial motions, I moved to disqualify. Because O'Neill had consulted with Justice Smellypanty II before his appointment to the bench about suing Champion he should disqualify.

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

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

Justice 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 Goodrich, 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 ..."

"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.

Smellypanty reminded me of his name, "It's Smellypanty II," adding cryptically, "My father, a former Supreme judicial Court Justice would not be very proud of me."

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'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 Disraeli, a reputedly liberal and 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 Disraeli 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 Disraeli'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.

Crystal O'Neill observed how, in his black robe, high up upon the bench, he 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," Disraeli 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: "Why don't you lend him yours?" which 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 Louis Disraeli cut me off: "I'll take it under advisement." A vision of evil, 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 spring. 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 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 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. 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

I think in retrospect of the poems that mattered to Amos until this time. He was not an illiterate or unread man.

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

"I offer you the golden flagon, do not disdain its trimming gift.
Wind and rain await the opening flower, and partings take up too much of our time."
Wu Lu

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

Amos continued: My dilettante literary days in Buckingham with cutup poet Cowboy, Carlo

Pittore, concrete poet and painter, with the poet painter Zeus Petroff, and others, with whom I had incorporated the Maine Union of Vain and Miserable Artists, so

christened by one Brinely Maury, a decade ago, would shortly be numbered. My days would soon be blown away in the hurricane of Defendant 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 for the Old Boys
A Masonic Temple for the true hypocrits,
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.

Later August - 1984

The nights were stemming hot. Finally Melody and I had nevertheless become intimate. Three A.M. the phone rang. I picked up and asked: "Who is this?"

"AAAARRGHUAWAU...Awrergh. 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.

I gave her a very hard time. *I should never have gotten up and left.....*

MOTIONS BEFORE TRIAL JUSTICE STEVE 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. 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 Churches¹ had the Defendant's

¹The 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. 13:18 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 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 SCARLET BEAST OF REV. 17:3. THE WOMAN OF THE SCARLET COLORED BEAST IS THE CHURCH: THE SCARLET

fingerprint on it, I needed expert testimony that 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. Perhaps the circumstances, but not his beliefs, should condemn him.

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 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?

Incredulously, Justice Jerkins announced: "Unfamiliar with whatever symbols are suggested as being the subject matter of this action... If in fact the Defendants in

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...."

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...."

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, the Court was suffering from the false parallel 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. Unlike any one of twelve jurors, whose religion cannot be tested, a Trial Judge sits alone. A politician is supposed to weigh the evidence in a partisan manner; a Trial Judge is expected to be objective. And if 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, a converted Roman Catholic, listened, paused, giggled, yawned, then laughed. "I don't

care what your motion is," he declared, "I'm denying it."

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 Disraeli swept in from the side door, imperiously, books under arm. Some got up. Defendant didn't. Judge Disraeli 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 Disraeli compel Trial Judge Steve E. 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 Disraeli directed Defendant to keep quiet or he would put him out. Disraeli 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 Disraeli's face, declared: "I'll see

you in Federal Court!"

Glaring, Ben Disraeli 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 Disraeli, and added, laconically: "I thought you said the Hearing was closed?" In other words, at the close of hearing, Disraeli was no longer clothed with his power Judge and the library was no longer a Court room. Disraeli disarmed stood back, grimaced, swallowing his ire, 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, Disraeli 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), took one look, and the same day, (9-6-84), ruled:

"Dismissed:

Frivolous!"

He was seen that weekend at the Galley Restaurant in Falmouth dining with Justice Steve E. Jerkins. 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 and be interpreted today? Would Martin Luther spray paint his theses on the Cathedral Door launching the Protestant Reformation? Neither Daniel nor Luther were exactly popular at the time. But if one was God-inspired, why not the other? And who was the State to judge? 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's beliefs. The appearance of justice is an aim of justice. Crookedness and even the appearance of crookedness deprives a court of jurisdiction. The Judges acted with power, but 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 Thomas 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 P. 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 Wallethe 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 reentered 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 Fundamentalist 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, my birthday, we started trial. 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."

He 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), 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. Is one more a hallucination than the other, more irrational, less faithful, without a determination of the brethren? These people arguably are would be cannibals, depending on how you look at communion. I questioned 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."

Only after repeated objection did Justice Jerkins disqualify her identification that the jury had already heard in its entirety, as if that would erase the mis-impression. I moved for mistrial at the Bench. The error in allowing her testimony was obvious, fundamental and prejudicial. Denied by Justice Jerkins. LeGascan's counsel, and Goodrich, remained at the Bench to argue a point of law. Smith was excused.

The Defendant O'Neill at counsel table. The Court Reporter was taking notes as I walked back and sat down at counsel's table beside my client, Defendant O'Neill, raised his hand by my ear, when suddenly, Justice Jerkins stopped the trial and discharged the jury. He instructed the Deputies to take Mr. O'Neill into custody.

Without the jury present, the Judge gravely 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.

"You will not leave the courthouse," Jerkins warned me. He then 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 a 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.

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 -the Judge let the Jury out, again, 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 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 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 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 without explanation from his own trial, declaring: "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, Willy 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. For some reason, Aroostook reasoned: "Gambol should reasonably have been aware that his conduct was wrongful."

Because Jerkins was not "subjected to a personal attack by Gambol 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 issued later, 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."

BEYOND CONTEMPT

Odd, that I could win the trial by being contemptuous. Now the State attacked by stealth. I returned that night to an empty house. Bluejays about the feeder. The crows caw. A sparrow troubles one 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, and tears came to my 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 mothe,, 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, at the Little America Green Meadows Institute in Portland, 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.

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 that I could be thrown in jail for contempt, and yet the case never be retried because Double Jeopardy barred the Judge stopping the trial, which is what throwing me in jail did! Drug use would be a further easy script to discredit counsel.

I fought on, briefing again and again appeals to the higher courts. I remember one winter night in 1986, Gloria, the collar of her Napoleonic Ladies' Overcoat flying back in the wind. Snow blew everywhere in great gusts. We drove on ... , another Brief on the Constitution, in hand, ... into the dense white snow, ... on to Porkland. 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 had looked great as she strode down the street in her spiked high heels. She looked great, 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 said it, and threw me an enticing glance. The snowstorm howled. The ninth chime of the eleventh hour rang, up we pulled to the Supreme Judicial 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, too, in due course, the Supreme Court of Maine denied. Odd the Judge had authority to stop the trial by holding me in contempt. Yet he had no authority to stop the trial. Odd, yet not so odd:

"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 Pope, this 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 squelching of heresy.

The Attorney General of the State, endorsed by fifteen Maine Justices along

with the Chief Judge of the United States District Court and the First Circuit by implication had allowed a State criminal challenge not only to action, that is the method, spray painting churches, defacement, but also the putting of the Accused to the defense of the reason of his grounds to believe in the right to paint a message, and then refused the Defendant the defense of 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 that belief. The method of spray painting messages (although even that is in doubt, no Church having filed a complaint), never to have to prove the reason of his belief, rational or irrational, never to be put to that test was absolute. **To try any Defendant's religious belief as an element of the crime, which is just what the charge of Criminal Mischief did, was beyond the subject matter jurisdiction of any Constitutional court.**

Yet consistent with Justice Oliver Wendell Holmes insight that, "The life of the law is experience, not logic," obviously better than for the State Attorney General of Maine, the Judges of the District, Superior and Supreme Courts of Maine, the Chief Judge of the Maine United States District Court and the Judges of the First Circuit Court of Appeals, to admit they had allowed an obvious heresy trial to be conducted, to sacrifice the lawyer for this serial mischief maker. And better to sweep this grossly ignorant mistake under the rug **and** to throw the lawyer in jail, declare a unlawful mistrial insulating the case from retrial, and brand him as an intemperate dope fiend.

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. After all these years of fighting for others - and this defendant for three years - including two trips to the Supreme Court of the United States - breakdown was the inevitable outcome. It was also his only out from the impossible logical conundrum in which he found himself. I listened to the proceedings when chief judge of the new hampster district court sentenced him to a year in 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. James 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 God to an inner directed faith. After all, what is a heresy trial, to faith. Abraham challenged by God to sacrifice Isaac, his son, 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 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."

I thought Chuckles might better have said his analysand had the courage to act on "creative insight." Amos although disgraced had finally escaped the heresy concondrum. He held despite all a year in prison to be a relief. I am sure the Judges found it a relief. Amos stated it was much easier than working. After prison and after going through a lot of other things that never happened, Amos resumed his law practice, mended his past, remarried, and tried a number of other high profile cases. The above story 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 proceedings. However, any RESEMBLANCE of any character herein to any person living or dead is unintended and wholly accidental.

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