

9 Angry Men and Women Assail The Juror Who 'Wouldn't Listen'

By GEORGE VESSEY

The drinks were soothing and the free shrimp was delicious. But the words spoken by the nine persons standing around the bar at Foffe's yesterday were bitter.

"She wouldn't listen to us," a woman said.

The object of their vehemence as they were gathered in the Brooklyn Heights restaurant, was Gertrude Hass, their fellow juror for almost six weeks in the airplane hijacking trial of Garrett B. Trapnell. But that association ended yesterday in a mistrial after Miss Hass had been the lone holdout for a not guilty verdict in three days of heated deliberations.

Miss Hass had gone her own way with her lawyer, declining to be interviewed and later issuing a brief statement asserting that she had "served conscientiously."

Meanwhile, two of the jurors went into the subway on their way to resuming their normal lives while the nine other jurors seemed reluctant to let each other go, welded together in frustration.

"I put my head in my hands and cried for an hour last night," said DeWitt Powe, the foreman of the jury, taking the first sip of his first Scotch. "I've had four heart attacks already and I was afraid I'd have another one."

Agreed on Every Point

As they talked, the nine jurors agreed on every point.

They felt that Trapnell was brilliant, sane and guilty.

They felt that Miss Hass had formed her opposite opinion early and had refused to listen to other viewpoints.

They expressed rage that one juror could turn so much work, so much time, into a mistrial.

Several suggested there should be some kind of "investigation" into her motives, but nobody said there was any sign of collusion between Miss Hass and the defendant.

As the first few minutes



The New York Times
Gertrude Hass, a juror in trial of Garrett B. Trapnell, leaving court in Brooklyn yesterday.

lynch law," said Lillian Foglia of Plainview, L. I.

"She said the judge had a bad reputation," said a male juror who declined to identify himself. "She called the prosecuting attorney 'an actor.' She said that Dr. Abrahamsen was a joke." (Dr. David Abrahamsen, a noted psychiatrist and author, testified that he thought Trapnell was sane.)

After having nearly a month of testimony, the jurors said they were surprised when Miss Hass claimed she had 30 years' experience in psychiatric social work.

Miss Hass is listed in the 1972 directory of the National Association of Social Workers and she is also a member of the Academy of Certified Social Workers, which means that she has earned a master's degree and has reached a high level of competence.

"I thought we wanted laymen on the jury," said Mrs. Foglia. "But Gertrude said she'd been around people like this. She said she had her doubts about him being sane."

Tried to Persuade Her

Once deliberation started on Thursday, the 11 jurors said they tried to persuade Miss Hass that Trapnell's deliberation actions were those of a sane man.

"Trapnell is one of the smartest men I've ever met," said Mr. Powe, a retired maintenance man. "He's got an I.Q. of 130, and I have no doubt he knows right from wrong."

"We told her to keep talking," said Judith Pilz of Flushing, Queens. "We begged her to ask to look at testimony, we asked her

and the first drink slipped away, they marveled that 11 persons could spend six weeks together, real love and respect growing among them, with the 12th juror apparently holding herself aloof.

The jurors said that Miss Hass seemed to be in her 50's and that she had not volunteered much about herself. But they said they could sense her attitude when she made hostile comments and gestures during the trial.

"One day she said that the American jury system is a

what she thought. But Gertrude wouldn't explain."

The jurors envolved their theories about Miss Hass, with the women suggesting that she had a "mother image" toward the 54-year-old trapnell.

"Why not?" said Mrs. Foglia. "She didn't have a family of her own."

By Saturday, the jurors said, things were getting so vehement in the jury room that people in the courtroom could hear occasional noises.

But the jurors insisted that they did not abuse or threaten Miss Hass, who made that claim in a letter to Judge George Rosling on Saturday, saying she was afraid to return to the jury room.

When the defense asked for a mistrial, the jury sensed that its nearly six weeks of work might end without a verdict.

Nobody Ate

"We sat here in Foffe's—and believe me they put out quite a meal — and nobody ate a thing," said Mrs. Pilz.

When the jurors returned yesterday, they were thanked by Judge Rosling and then dismissed. Mr. Powe made an emotional apology for not reaching a verdict and then they conferred with the judge in his chamber to try to explain the deadlock. After that, the bar at Foffe's.

"I'm an American," said Mr. Powe, who is black. "I believe in this country. We've got so many black militants, so many white militants. I could have gotten off this jury because of my heart attacks. But I felt I had a duty. Hell, this man is guilty. One woman, that's all. It doesn't seem right."

The jurors finally disbanded, kissing each other and promising to meet again somewhere.

Miss Hass did not return to her third-floor walkup apartment at nearby 26 Middagh Street, and her neighbors said they knew little about her or her career. Instead, she spent three hours at the office of the American Civil Liberties Union refusing to be interviewed and putting out a brief statement.

"I served conscientiously as a juror in this case," the statement said. "I listened carefully to all the evidence, the lawyers' arguments and the judge's instructions to the jury."

"During the course of deliberation with my fellow jurors, I listened carefully with an open mind to their arguments. The conclusion I reached on the charges against the defendant was based exclusively on my understanding of the evidence and upon nothing else."