

The Gainesville Eight

DIRTY TRICKS ON TRIAL



PHOTOGRAPH COURTESY OF VVAW

This month, the Senate Watergate hearings will come of interest to a television audience which so far had rather watch soap operas. As the committee's emphasis shifts away from the Washington burglary—already hopelessly old news—it will begin to examine for the first time a monumental, nationwide conspiracy, the most sordid political scandal in American history. In the course of the investigation, the Watergate affair will emerge as a shoddy national *ménage* of cheap-shot politics and outright crime stretching from the California origins of men like Haldeman and Ehrlichman to the dirty tricks of baby-faced Donald Segretti. Much of the emphasis will fasten, of all places, on the quiet university town of Gainesville, Florida. It is there that the Justice Department is prosecuting seven Vietnam Veterans Against the War and one VVAW sympathizer, in a court action which began as the ordeal of the Gainesville Eight—and seems likely to end as the last inept assault in the Nixon Administration's war against dissent in America.

The government's case against the Gainesville Eight is being prosecuted by Guy Goodwin, fittingly enough one of the last surviving field generals of the Administration's pre-Watergate campaign to wipe out dissent and dissenters. As chief of special litigation for the Justice Department's Internal Security Division, Goodwin was the prosecutor who presented evidence to the grand jury that indicted Fr. Philip Berrigan and six others for the earlier "conspiracy" at Har-

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risburg. Undaunted by his failure in Pennsylvania, Goodwin has now indicted the Gainesville defendants.

In the beginning, the case seemed simple enough. A grand jury listened behind closed doors as witnesses supervised by Goodwin recited the atrocities that were to occur during the President's renomination. Then on July 13, 1972—the last day of the Democratic National Convention in Miami Beach—the grand jury indicted six leading figures of the Vietnam Veterans Against the War.

The VVAW leaders were accused of plotting to "organize numerous fire teams to attack with automatic weapons fire and incendiary devices police stations, police cars, and stores in Miami Beach, Florida, on various dates between Aug. 21 and 24, 1972," the dates during which the Republican Convention was scheduled. The indictment further charged that "the individual co-conspirators would fire lead weights, fried marbles, ball bearings, cherry bombs and smoke bombs at police in Miami Beach . . . by means of wrist rocket slingshots and cross bows . . . [and] would disrupt communications in Miami Beach."

The conspiracy was supposed to have been put together at a regional VVAW meeting in May 1972, at the Gainesville apartment of Scott Camil, a University of Florida student and the VVAW state coordinator. Camil was one of those indicted, and the government made no secret about contending he was the leader of the alleged plot.

From the beginning, the VVAW protested that the prosecution was political, that they were being scapegoated

by Rob Elder



John K. Briggs



Peter Mahoney



Stanley Michelsen



William Patterson



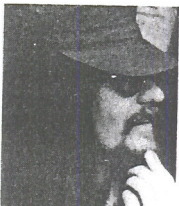
Donald Perdue



Scott Camil



Alton Foss



John Kniffen

in the same way the Chicago 8 had been after the 1968 Democratic Convention. The whole point was to discredit the anti-war movement and squelch anti-Nixon demonstrations at the convention. But at the time the defendants made these claims, they carried little credibility in Middle America.

Then came Watergate.

James McCord, security chief of the Committee for the Reelection of the President, testified that he received briefings from the Justice Department's Internal Security Division on anti-Administration groups. McCord specifically mentioned the VVAW. Pablo Fernandez, a member of the Miami Cuban exile team that worked for Bernard Barker, admitted he also worked as a spy against the VVAW. As a police informer, Fernandez revealed, he had approached Camil and other VVAW leaders and told them he knew where they could buy sub-machine guns. Vincent J. Hannard, a Florida private investigator, gave sworn testimony that Watergate burglars Barker and Sturgis tried to recruit him to disrupt and discredit the VVAW. Alfred Baldwin, a former FBI agent who worked for CREEP and turned state's evidence in the Watergate case, was quoted by the *Los Angeles Times* as saying McCord ordered him to infiltrate the VVAW.

Then there was the timing of it all, which seemed more than coincidental: the Watergate burglars were caught June 17, 1972, and White House officials immediately began preparing an elaborate cover story. The VVAW indictments were issued less than a month later.

On the basis of such evidence, fragmentary and circumstantial though it may be at this point, lawyers for the accused veterans are contending that the conspiracy case is "the ultimate coverup for Watergate." They claim the idea was to paint the VVAW as a grave threat to national security, and then try to link the anti-war group with the Democratic National Committee. "We will show," predicts VVAW defense lawyer Morton Stavis, "that the prosecution was brought solely to legitimize the Watergate break-in."

There is some question about this. Guy Goodwin and the Internal Security Division were busy prosecuting radicals long before Watergate, and other government motives, while not necessarily more palatable, are equally plausible. But whether there was a direct link in the narrow sense between the Gainesville Eight conspiracy charges and Watergate—i.e., as an attempt to "cover up" the abortive June 17 burglary—is hardly the main point. Far more important is the

mounting body of evidence that the Nixon Administration not only used nominally impartial federal agencies to harass its domestic "enemies," but used local government as well to wage war on radicals. It is not merely a matter of separation of powers, or jurisdiction. What is frightening about the information emerging from Gainesville is just how far the Administration's police state thinking permeated agencies outside Washington.

[POLICE CONSPIRACIES]

Key officials of the Miami Police Department have now confirmed they hired Pablo Fernandez, the informer who offered to help the VVAW buy illegal weapons. "We were hoping for the overt act necessary to produce a charge of conspiracy," confesses Major Adam Klimkowski, commander of the department's Special Investigations Section. While Klimkowski's boss, Miami Police Chief Bernard Garmire, denies that Fernandez was a provocateur, he has confirmed that his officers sent the Cuban to meet with several of the VVAW defendants just before they were indicted, as a "fomenter of problems"—a curiously fine distinction.

Fernandez himself has said he was working simultaneously for the Miami Police, the Dade County Public Safety Department and the FBI. His mission, according to the city police, was to find out whether Camil, the VVAW Florida coordinator, wanted to buy weapons from anti-Castro Cuban exile organizations in Miami. Fernandez says he told the Vietnam vets that he knew of "50 sub-machine guns which were supposed to be for sale," but did not volunteer the information that "the FBI was watching those guns." Explains Major Klimkowski of the Miami Police: "We did not want Camil to actually acquire weapons. We wanted to find out what was in the back of his mind."

According to testimony from another informer, the veterans were the victims of a two-stage set up: "These infiltrators who were members of the police were the ones who started asking Camil, 'How you going to defend yourself if you are attacked at the convention?' And then Pablo offered the opportunity by telling them he had access [to weapons]." That revelation came from Angelica Rohan, a Miami secretary and former anti-Castro "freedom fighter" who worked as an informer last year for the Florida Department of Law Enforcement. She was present for at least one of Fernandez' meetings with the VVAW.

At other VVAW meetings were still other police spies, including two Dade County sheriff's deputies, Gerald Rudoff and Harrison Crenshaw. This pair joined the VVAW using phoney names and gathered information which went to the grand jury at the beginning of the case.

Thus the federal case against the Gainesville Eight was put together with no small degree of cynicism on the part of the police participants. At the same time the Miami Police, for example, were sending Fernandez to talk to the VVAW about machine guns, Klimkowski and other officers were admitting to members of the press that there was no indication that the VVAW's convention demonstration plans were anything other than peaceful.

But the most striking example of government bad faith came when Goodwin swore to the court that with the one

exception of a legally recorded phone call between Camil and co-defendant Alton Foss, "there has been no electronic overhearings of any kind . . . of the said defendants at any location." However when FBI Special Agent Francis Gibbons was called by the defense at a pre-trial hearing earlier this summer, he admitted that he had a recording of a separate phone conversation between Camil and Fernandez. In addition, Officer Raphael Aguirre of the Miami Police has testified that he wired Fernandez with a "body bug" immediately before the informer went to one of his meetings with the VVAW. Aguirre has insisted under oath that no recording of that meeting was made because the bug failed to function.

[INTERNAL SECURITY, INC.]

Bugging is only one of several areas in which there are serious questions about whether the VVAW has been prosecuted under anything even remotely resembling due process of law. To begin with, there was the Nixon Administration's blatant failure, in Washington, to keep its own politics separate from the administration of justice. When Goodwin's former boss, the zealous Robert C. Mardian, moved from the Justice Department's Internal Security Division to the Nixon campaign committee, much of the information that had been gathered by the ISD followed him. Even more serious, however, is the curious relationship which existed between the Nixon Administration and local Florida police agencies during the 1972 campaign year.

There is something in the police mentality which often makes local cops jump at the chance to cooperate with the feds. But in this case big money was also involved. Both national nominating conventions were scheduled to be held in Miami Beach. Under the label of convention security, the Administration poured \$3 million in federal dollars into state and local police departments in 1972.

The Florida Department of Law Enforcement got \$750,000, part of which went to pay for a super-secret convention intelligence center in the bowels of Miami Beach's Jackie Gleason Auditorium. Working behind armed guards and in the cool of specially installed air conditioners, the center's staff of 35 persons processed reports from uniformed officers and clandestine undercover operatives of no fewer than 11 different government agencies. A lot of those reports had to do with protestors who were planning to demonstrate at the conventions. And no small part of the information had to do with the VVAW.

Jack Key of Miami, the state agent who ran the center, has conceded that the information flow was vulnerable to manipulation, and that indeed the center received reports, from "confidential sources," that the Vietnam Veterans were plotting disruptive demonstrations.

Without checking the origin of these reports, or their accuracy, the center passed them on, alerting local police departments that the VVAW was plotting violence. "Information was coming from the whole range of federal, state and local operations," Key says. "None of the agencies were required to identify their informants to us. Reports were written so that they would say, 'A confidential source advised such and such. . ..'" One of the agencies with rep-

resentatives inside the center was the Internal Security Division of the Justice Department.

Ironically, one local official would be skeptical enough to regard these reports as "garbage." That was the judgment of Seymour Gelber, a Ph.D. criminologist and special assistant to State Attorney Richard Gerstein of Miami. Gelber was on special assignment for convention security during the summer of '72, and he attended the intelligence briefings. "Most of it was worthless," he says now. "We got better information when we just went out and told the demonstrators who we were, and asked them what they had in mind." That direct approach, however, also had its pitfalls. With each agency jealously guarding the secret identity of its own undercover infiltrators, one never knew whether he was dealing with a genuine demonstrator—or with a fellow cop.

Thus under the special circumstances of a presidential election year, the whole structure of law enforcement—federal, state, and local—was mobilized against the VVAW. And one of the most disturbing aspects of the entire affair is that these defendants were not Maoists or Weathermen or anything resembling revolutionaries. If it could happen to the Gainesville Eight, it could happen to any American.

[UNLIKELY REVOLUTIONARIES]

Organized in 1967, Vietnam Veterans Against the War had moved to the forefront of the anti-war movement by the summer of 1972. Older movement groups were waning and hurting for money as liberal dollars went to George McGovern. The VVAW did not have money either, but it had credibility. After all, these guys had a special right to damn the war, because they had been there. Moreover, they were tough—so went conventional Movement wisdom—and if police tried to beat them the way they had the tender demonstrators in Chicago, they'd be repaid in kind.

But if as a national organization the VVAW had the credibility and prestige to lead demonstrators against the Nixon Administration, it was hardly a radical elite, and the Gainesville Eight less so than many other members.

Scott Camil, the VVAW Florida coordinator and alleged leader of the conspiracy, is 27, a former student at the University of Florida. Athletic, animated, given to bursts of energy and enthusiasm, Camil looks like an anarchist is supposed to look. He has flashing eyes and a bushy black beard, and binds his long hair back with a leather headband. But his mother is a former organizer for the John Birch Society, and his step-father is a police fingerprint technician. His half brother wants to be an FBI agent. And until his recent experiences with the American political system, Camil's own ambition was to become a member of Congress. Scott Camil grew up in South Florida, hardly a hotbed of revolutionary organizing. So did two fellow defendants, Don Perdue, 25, and Alton Foss, 27.

The other members of the Gainesville Eight are similarly Middle American. William Patterson, 25, of Austin, is the son of a lab technician. John Kniffin, 33, is from San



Guy Goodwin

(Continued on page 50)

VIETNAM VETERANS

(From page 27)

Antonio; his step-father works for the telephone company, and so did he when he came back from Nam. Peter Mahoney, 24, of New York, is a former seminarian. Stanley Michelsen, 23, of Gainesville, is a student majoring in broadcasting. John Briggs, 21, the one non-veteran, also lives in Gainesville and works as a water-bed salesman.

Except for Briggs, these men went to war with at least their nominal share of idealism. In the beginning, it never occurred to them that they might not be the good guys in the fight—that God and history might not be America's automatic allies. Camil was typical, writing home to his mother as a young Marine in Vietnam, "There is a job here I know must be done." The letter was published in a local newspaper as a glowing example of a serviceman's patriotism, and by military standards they now reject, Camil and his fellow defendants acquitted themselves well in the war. Camil became a sergeant, stayed in

Nam for 20 months, and earned two Purple Hearts. Kniffin also enlisted in the Marines and made sergeant. He served two tours in Nam. Mahoney was an Army lieutenant. Perdue was a Marine; Foss a Navy medic.

William Patterson enlisted in the Army and while in Vietnam was awarded the Distinguished Flying Cross, three Air Medals, the Vietnamese Cross of Gallantry with Palm Leaf, a Purple Heart, the Vietnamese Service Ribbon and Campaign Ribbon, the National Defense Ribbon, the Aerial Crew Member's Wing and the Combat Infantryman's Badge.

Since they enlisted in the anti-war movement, these men have participated in radical politics to varying degrees; for some the involvement has been a major, full-time commitment, and for others it has been marginal. Michelsen and Mahoney were part of the VVAW delegation that went to Paris in June 1972 and brought back the first photographs of North Vietnamese dikes bombed by the United States. Camil organized VVAW chapters all over Florida. Foss was the other extreme. Until shortly before his indictment, he was almost entirely apolitical, working as a truck driver.

[THE SUSPICION GROWS]

Would one of the defendants themselves turn out to be yet another informer? The question is as unavoidable as it is unpleasant. "Of course we all wonder about it," one of the Gainesville Eight admitted recently in a private conversation. "Some of these guys have money, and they aren't working. . . . You could see the suspicion growing, until we just couldn't talk about it any more."

That, perhaps, is the ultimate accomplishment of a police state—not the knowledge that Big Brother is watching, but the fear that one's little brothers might be. It would be hard for the defendants not to be spooked. One after another, their fellow members have been exposed as spies:

First there was William L. Lemmer, 24, the VVAW coordinator at the University of Arkansas, an outspoken former paratrooper who ultimately exposed himself as a paid informer for the FBI. Next came Rudoff and Crenshaw, the Dade County sheriff's depu-

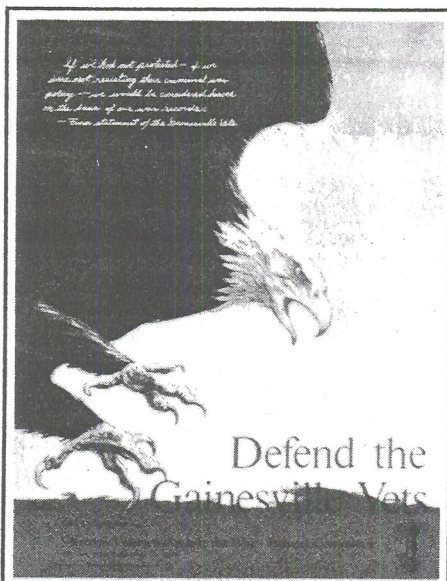
ties, and Pablo Fernandez, the Miami Cuban. How many others there were is anybody's guess. Of six young men arrested during a VVAW demonstration at the GOP convention, five were not members, and cannot be found at addresses they gave then.

Don Perdue, the defendant who was VVAW coordinator in Broward County, Fla., remembers the man who showed up at meetings there, claiming to have been an Army captain in Nam. "He was into violence," Perdue recalls. "He said we could buy cases of grenades for \$500 a case and he could get us the money from Mexico to buy whatever we needed. He said the money would come from a Castro bank account in Mexico City." After the indictments, the "Army captain" quietly vanished. So did another Broward County "veteran" who urged the VVAW to prepare for all-out war at the Miami Beach conventions.

Lemmer, the FBI informer from Arkansas, played on the same fears. Just before he disappeared into protective custody of the FBI last June, Lemmer confessed to his fellow veterans that he was an informer, and told them he had inside information there would be trouble at the conventions. It was after Lemmer and others fed the VVAW such scare stories that Fernandez made his approach about knowing where the veterans could buy sub-machine guns. But even with all that, the government case seems to be coming apart at the seams, with one informer after another exposing himself and discrediting his own potential testimony.

Lemmer has revealed that the Army offered him a psychiatric discharge while he was in the service, and his wife and others have disclosed that he had a history of mental instability.

Like Lemmer, Pablo Fernandez was scheduled as a government witness. Then he admitted being part of Bernard Barker's pre-Watergate team of Cubans who attacked anti-Administration demonstrators at the funeral of J. Edgar Hoover in Washington in May 1972. Fernandez's fellow Miami informer, Mrs. Rohan, has made matters even worse for the government. She has admitted being present on one occasion when Fernandez mentioned weapons to the VVAW, and "there was no indication whatso-



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ever that they wished or desired to purchase one single bullet.”

Earlier, another government ploy failed when Rudoff and Crenshaw, the Dade deputies, and Gibbons, the Miami FBI agent, tried unsuccessfully to turn Alton Foss into a witness against his fellow defendants.

Weakened by a drug habit he acquired after he was wounded in Vietnam, Foss waived. He made one statement at the Public Safety Department headquarters in Miami, then continued to talk as Gibbons hid him for a week in a motel and a rented apartment.

Ultimately, however, Foss decided he could not testify against the other seven. He refused to sign the statements he had dictated, and now says the government has changed them to make them untrue.

[A MYSTERIOUS BURGLARY]

Finally, in addition to all the disclosures about the informers, the FBI has been forced into an enigmatic admission concerning the alleged burglary of a VVAW film from a member's home in Jacksonville, Fla.

Anthony Sidell, 26, a student at the University of North Florida, is not a defendant in the conspiracy case, nor does he have a police record. But he is a Vietnam Veteran and a member of VVAW, and early this spring, a 16-mm film of the VVAW's 1971 "Winter Soldier Investigation" was stolen from his home. The documentary film depicted U.S. veterans confessing to Vietnam war crimes at a demonstration in Detroit. Prominent among them was Scott Camil, the Gainesville defendant.

Sidell told the Jacksonville Sheriff's Department he believed the film had been taken taken by two men who visited him the evening before the burglary. One of these men, Gene Thrasher, 23, of Jacksonville, had recently joined VVAW. His companion was identified only as David Williams, not a VVAW member.

When the *Miami Herald* investigated the incident, Thrasher denied having taken the film. He insisted that he worked for no government agency, that he had never informed on the VVAW, that he had joined because of "my own personal interest."

The Jacksonville Sheriff's Department confirmed that it had investigated the theft. But a spokesman there would say only that "we know who the perpetrator of the crime was, but it's out of our area of making an arrest—I can't divulge why."

Finally, when VVAW defense attorneys raised the issue in court, the prosecution produced an affidavit signed by FBI Special Agent Robert Pence of Washington. His sworn statement conceded that "Gene Thrasher gave the film to the FBI and the FBI subsequently delivered the film to the sheriff's office in Jacksonville." In addition, the FBI affidavit said that "Thrasher received a copy of the film from David Williams" and that "Thrasher had previously supplied information to the FBI in other matters."

At the same pre-trial hearing early this summer, a Gainesville lawyer, Carol Scott, told the court that her office had been burglarized early in July 1972, immediately before the VVAW defendants were indicted. Ms. Scott was at that time representing Scott Camil in another case. Her file

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on him was the only item missing.

The trial judge, U.S. District Judge Winston E. Arnow of Pensacola, was not impressed by any of this. Judge Arnow is a man of conservative mind. In pre-trial hearings, he banned television artists from his courtroom—and even ordered them not to sketch later from memory. (The ruling has been defied by CBS, provoking the judge to demand that the network show cause why it should not be held in contempt.) More important to the future of the Gainesville Eight, Judge Arnow was unmoved by the defense disclosures about the informers, the burglaries, and the possible links with Watergate. “There is nothing before this court but innuendo and supposition that does not even suggest government misconduct, much less prove it,” Arnow said.

“The government,” Arnow declared in a statement many may dispute, “is not on trial in this case.” ■

INFORMERS

(From page 24)

how long the job took, how important was the information and how good he was in bargaining with the police.

“It would be like two merchants arguing over a piece of cloth. The one merchant would say \$100 and the buyer would say, oh \$75 and the other guy would say \$85. So we’d always barter back and forth and I’d say forget it and walk out. And the cops would say, ‘wait a minute, wait a minute, come on back, let’s talk about it.’” Tackwood says that even when he wasn’t working on a specific job for the police, he could always get some money from them.

But neither fear nor money are the sole reasons why people decide to pick such a peculiar way of life. Some informers and provocateurs like the excitement, the danger involved. They are convinced of their own brilliance, cocky about their ability to play the double agent role and enamored of the right to commit criminal acts with the sanction of the police.

And of course those who are convinced, totally, of their own patriotism and of how much the country is menaced by radicals, are proud to engage in any kind of act, including wiretapping, burglary and informing. Bob

Wall, the ex-FBI agent, recalls with distaste arguing with one of his fellow FBI agents about the dangers in using a Cuban exile informer who proposed setting fire to the office of a Washington group which he had infiltrated. “The informant was crazy,” says the ex-FBI man, “but the trouble was that the other agent was a fascist in his politics and was absolutely convinced that the Communist menace was going to take over tomorrow. So he let the informant go ahead and set fire to the building.”

[DRASTIC NEW DEMANDS]

During the late '60s, all these types of informers, plus a few more, came into great demand to fill the shortage of people the government felt it needed to report about potential riot conditions in the black ghettos. The government officials, sociologists and urban specialists concerned with ghetto problems believed their information would come from “informants,” people either familiar over a period of years with a particular community or possessing particular insights which would enable them to communicate to others the sense, the mood of a community.

But the law enforcement agencies took on the assignment and to a police officer, an “informant” is an “informer,” with all the ugly connotations that word possesses. So when the recruiting drive for informers began, the police turned, naturally, to their usual resources among either criminals or borderline types, the fringe elements in the ghettos.

The use of criminal informants for spying on political and racial group wasn’t restricted to local police forces, either. When White House officials asked, in late 1967, for continuous reports on ghetto conditions, the FBI took on the task of providing the information. Initially, each agent assigned to a racial squad was instructed to recruit one racial informer. That task wasn’t too difficult since it was always possible to find some businessman in the ghetto willing to pass on rumors and gossip in exchange for small sums of money. But then Hoover demanded an increase in the amount of information flowing into his office, so the agents’ informer quota was also

increased—first to three and, in some offices, to ten.

In February 1968, all agents in one FBI office received a typical memo from the agent-in-charge stating that “It is essential that this office develop a large number of additional racial informants and that we continue to add and develop racial informants and exploit their potential during the months ahead . . . Whether or not a riot does occur, the Bureau holds us responsible to keep the Bureau, the Department and the White House advised in advance of each demonstration. The Bureau expects this coverage to come through informant sources primarily. In addition, we must advise the Bureau at least every two weeks of existing tensions which may trigger a riot. This type of information can only come from a widespread grass-roots network of sources coupled with active informant coverage by individuals who are members of subversive and revolutionary organizations. . . .”

Manifestly, it was impossible for each agent, almost all of them white, to find ten black informers. To help them in their task, the Bureau instructed them to try recruiting informers from among returning black military personnel, from among students, and to convert their criminal informers into racial ones. But even those techniques failed to provide enough information, although it certainly did provide a lot of petty criminals with a lot of easy money, earned through the simple expedient of making up wild stories about groups and individuals preparing to start riots in the ghettos.

And then in late July 1968, Hoover instructed “that all offices must now give serious and penetrative thought to methods for obtaining maximum productivity from the ghetto informants developed by each individual office.”

The new increased demand for informers put a heavy strain on the FBI agents. Many of them had found it impossible to recruit ten informers in any way and had complied with their orders by simply picking out of the phone book ten names which they listed as informers. And when the agents were ordered to get “maximum productivity” from their informers, the FBI men filed fictitious reports from their equally fictitious informers.

The new police interest in student