

Citizen Laguer: A life on hold



PATRICK J. O'CONNOR

In the years since his conviction, Laguer has managed to attract the attention of a succession of media reporters as he has stubbornly carried out an extended process of legal appeals. Reporter after reporter has fallen under the spell of his charm — most of them gradually coming to believe in his cause, whether or not they can swear that they believe he is innocent.

The court system has not become so enthralled. Laguer has based his attempts to obtain a new trial upon the gathering of new alibi witnesses, the securing of blood-type analysis of a tube sock left behind at the victim's apartment, and allegations of significant racism expressed in the jury room.

But thus far he has been unsuccessful in his efforts. Currently his appeal is scheduled for a hearing in September in the Supreme Judicial Court of Massachusetts.

Laguer's ability to capture the imagination of the media is testament to the enormous personal appeal of the man, as well as to his propensity for expressing himself at a level that transcends the blood type analysis of scrapings from a tube sock.

The water torture of his continual collect telephone calls is tempered by his perpetual tact and good humor, and by his apparently limitless reservoir of personal energy, patience and networking skills. The gradually accrued conviction that he could not have committed the crime then remains undermined only by a lingering possibility — that this same personal capacity for an almost manic persistence could have been operative in the crime as well. Be that as it may, cloaked in the warmth of personal acquaintance, Laguer's arguments in favor of a new trial become compelling to a lay person. A juror is alleged, after all — in a sworn affidavit — to have commented to his fellow jurors that "The goddam spic is guilty just sitting there: Why bother to have a trial?"

One is tempted to compare such obtuseness to the subtlety, warmth and irony implicit in remarks by Laguer himself — such as the time, five years into his sentence, when he was discussing his appeal process and his allegation of "ineffective assistance of counsel": "Peter [his attorney] ain't going to like me for this: He ain't going to send me no more Christmas cards." Such a comparison would be subjective in nature, however, and would not play to the objective nature of the facts and evidence. And a reporter must always be objective. ▀

-Allen W. Fletcher

An interview with Benjamin Laguer

Conducted July 1 at North County Correctional Institute in Gardner

By Allen W. Fletcher

How long has it been?

It's been a decade. A third of my life here. ...

Is that 10 wasted years?

Ten years for me here has become a growing process. A growing process in the sense that I am alone. Even though there are a thousand individuals here, I am alone. I am alone in the sense that I must go into that cell with nothing but a bed, a window, a toilet and I must confront myself.

Inside that cell, that 12 by 12 cell, I must be the one, and I'll have crystallized myself and I have seen myself naked. I know my weaknesses and I know my strengths. I know there is no lying to yourself when you're in a place confined. There is no lying to the individual when you say to yourself, this is who I am.

To a great extent, I think that — even though everything has happened that has happened to me I believe has been a tragedy — I also think that had it not been for what has happened to me, I would not be the person that I am today.

And who is that?

When I first came here, I was 20 years old and I didn't know who I was, what I

wanted to be. I'm sure that if it had not been for this experience that I would be dead. I have two brothers who have died of AIDS. Quite honestly I, from time to time, although never addicted, took part of that world.

Because, to my brothers, getting high on heroin was the only way to communicate. That was the language, that was the spirit, that was the culture of the jungle. If it was not for that, there was no culture for them. It was just out there a lawless jungle.

To me now, I'm concerned about people. I'm concerned about how my life and my issues affect a great many people. It's been through my struggle that I have convinced people — and more than anything else for the sake of dignity. I have learned today ... that a person can live without his freedom but he cannot live without his

dignity. I cannot say that today I stand before you an unhappy man, even though I am here — although for the people out there, there is a cloud of shame that hangs over it.

Do you think you have proven yourself in some way to people on the outside?

I stand proud today. I stand proud in the sense that I can tell people my story and what I have gone through. My sisters and my nieces — at one time I could not look into their faces and they could not look into my face without that doubt. I knew that to me there was no greater purpose than for me to convince

my sisters, to convince my friends, the people who are friends of my family, that it wasn't so. I had to do that.

[I remember an episode]... in which my niece stood right there, with her eyes cold,

looking at me, and I could sense the vibration when I touched her she was afraid of me. I knew somehow that something had gone wrong because she had once expressed a forever love for me. And now she was afraid of me. I found out soon after, that she had been raped, not once but twice, by a friend of the family.

And how — how do I say to her, "It isn't so." How do I prove, not only to her but to the victim's family, my family, "It isn't so." With every day that passes, with every decision that brings defeat, I must counter that. I wrote her several letters which I didn't send. You know I said, "Someday I'll be able to — um — regain that trust." Not a trust that I had taken away from my own doing, but what [that man] took away. I secretly vowed to myself — made a secret promise to me and in a way an implicit one to her — everything will be all right. It might not be today, or tomorrow or the next day but everything's going to be all right.

A few years later, perhaps many years later ... I made a plea: I stood up and made a plea to [Judge Robert] Mulikern that I was not asking him to open the doors and let me out — I was asking for the court to stand up to its true character of dispensing justice impartially. I managed to get the tapes from Channel 7 — the raw footage — and I'm looking at the tapes and ... after I make my plea, after I tell Mulikern what I have to tell him, the camera panned, and

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there she [my niece] was crying.

And you weren't aware of that at the time?

And I wasn't aware of that at the time. I was focused on Mul Kern. I knew then that she felt the same thing that I was feeling. A cry for justice. I don't know what was going through her mind but what I had to say obviously caused an emotional reaction towards her. She later came up and she hugged me and said, "Benji, I love you." That to me meant more than my freedom itself.

Let's go back 10 years. First of all, you're innocent — right?

Um hmm.

What did you think when you were first put in jail?

I always believed in a system in which if I was guilty I would be found guilty, and if I was innocent I would have confidence in the system. That confidence came because my attorney [Peter Ettenberg] said, "Don't worry about it. Everything is going to be all right." Which, of course, fortified my own belief that everything's going to be all right.

When they found me guilty, Ettenberg told me, "Don't worry about it, we still have a motion." Well... I knew something was wrong, because throughout the trial

[one of the jurors] is looking at me and he's giving me an assurance that everything's all right. ...

What do you mean?

Throughout the trial, when the victim is picking out photographs of dark people and confusing them with white people, everybody is laughing and everybody is

sort of like cavalier about what is going on. And I'm sensing that everything is all right with some of these jurors. But when they started deliberating, when they came back that Monday morning, they went inside and they came back out and he [Ettenberg] never looked at me again. There was a dark cloud that came over the jurors. And at that point I knew in my heart that something is wrong here. And I was scared. It really wasn't until then that I knew that something had gone wrong.

That's when I came to doubt Ettenberg. I came to doubt the white pictures on the walls. I came to doubt all the white people in the courtroom. I came to doubt all the white jurors because inside that court-

room I was the only "other."

At that point I was scared. I was scared to the point that if there was television cameras, they would have said, "He stood there emotionless." It was not that I was emotionless, it was that I was paralyzed. All my emotions became paralyzed. I became paralyzed sitting in a chair wondering what's going to happen. That uncertainty that I didn't know. It was that uncertainty that was crumbling me inside.

I was scared. I didn't know what was going to happen.

What did happen?

I was taken to Walpole. That afternoon. That afternoon I was taken to Walpole and I go in through some chambers. It was like my entire chemistry changed as I go into Walpole. I never felt like that — I felt like my body temperature had lowered, literally, and I was cold. It was like, I say in my manuscript, "like animals are hesitant to go voluntarily into the slaughterhouse." Nor was I physically willing to go in there. I went in there, grabbed by two arms, and it was like going inside another world.

I grew up in a Catholic, Seventh Day

Adventist family and all the hell that they had talked about. If hell existed, that was the place. That was the place, in the sense that my vision became blurred and all I see was moving objects. People, all I could see was their eyes as if their eyes was diseased. And all I could see was moving objects. In my mind, all I could see was flashes of my life, flashes of the courtroom, flashes of everything that I had ever been, going through my mind.

They put me inside a cell that looked exactly like the cell in which I had gone to in the Bronx zoo. ... I had this feeling when I went in there, when they locked me in the cell, like when I had gone to the zoo when I was little, and I was looking at the animals: It was I who was looking out now and I felt like an animal.

It was an experience which forever will live. They can never take that experience away and that feeling of hopelessness. Like I had nothing to say. And the way animals are treated, that's the way I was being treated.

How did you get from there to here?

Then I got a job at the law library and I read. I read *The Powers That Be* by David Halberstam. I read *The Best and the Brightest*. I read Alan Dershowitz's *The Best Defense* and I read everything that I could read in order to understand, not my world, but the forces operating outside my world. ...

It was not me that caused what was happening. Something else was causing me to be there, and I needed to understand what was it. I needed to understand those white people who had put me there. I had to make them understand in their language, in their culture, in their legal



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