

Editorial

A tale of two juries

Whatever complaints Lt. Col. Oliver North may have about his trial—and he should have quite a few—the jury is not one of them. Not only did Judge Gerhard Gesell take great care in selecting the jury over a span of many days, but the North jury's deliberations were more or less a model of conscientious and thoughtful jury conduct. Edward Spannaus, *EIR*'s law editor and now a fellow political prisoner with Lyndon LaRouche, has contributed the following observations on this subject:

In interviews after the trial, the North jurors said they found the Marine officer guilty only on those offenses for which they believed he had responsibility alone, and where they felt North knew he was wrong—such as destroying documents and accepting a home security system. On 9 of the 12 counts, for which the jurors believed that President Ronald Reagan or others of North's superiors were responsible, the jurors acquitted North in their verdict handed down on May 4. On a tenth count, they split the verdict and found North guilty on only part of the offense charged.

In so doing, the jurors ignored Judge Gesell's instruction, in which he said that following orders was no defense. The jurors apparently believed that North was being used as a scapegoat, and voted accordingly.

(For the jurors not to follow the judge's instructions on the law is not without precedent. In the early years of our republic, juries of citizens regarded themselves as judges of both the facts and the law. Today, juries are instructed to accept the law as the judge gives it, and to only decide on the "facts"—a distinction sometimes impossible to make.)

The Oliver North jury spent most of its time studying documents, and didn't start its actual deliberations until the 10th day. According to press reports, the jurors were skeptical of the testimony, especially from witnesses who were given immunity from prosecution, and placed more trust in written documents.

The conduct of the jury in the trial of Lyndon LaRouche and six associates across the river from Wash-

ington in Alexandria, Virginia last winter, was shamefully different. The North jury spent 12 days in their deliberations; the LaRouche jury spent less than 12 hours. This averaged 15 minutes per count for the 48 separate "guilty" verdicts they returned on each of the counts against seven defendants. The North jury averaged one *day* per count.

At 15 minutes a count, the LaRouche jury couldn't have read any documents; they didn't have the time. There were voluminous trial exhibits submitted to that jury, and in fact Judge Albert V. Bryan, Jr. had prohibited witnesses from reading aloud at trial from documents, saying that the jury could read the documents for themselves.

Obviously they didn't. They couldn't have even taken the time to consider the evidence pertinent to each count.

Who railroaded the LaRouche jury? To all indications, it was the jury foreman—Buster Horton—a U.S. Department of Agriculture representative on an elite inter-agency task force that deals with "emergency preparedness" and sensitive matters of national security. Ironically, Oliver North was a member of that same task force, along with representatives of the FBI and other intelligence agencies.

The defense only learned of Horton's "secret government" affiliations *after* the trial. There was nothing to prevent a Buster Horton or any other ringer from slipping onto the LaRouche jury. Unlike Judge Gesell—who took widely protested precautions to ensure a fair and impartial jury—Judge Bryan in the LaRouche case ridiculed defense efforts to probe for bias during juror selection as a "smokescreen." He seated the jury in less than two hours.

While there are grave questions as to whether Oliver North's case should ever have been brought to trial, he at least was tried before a judge who upheld his constitutional duty to find a reasonably impartial jury. Lyndon LaRouche, still in jail without bond, was not so fortunate.