

Secret government infiltration of the LaRouche jury

The following are excerpts from the amicus curiae brief submitted by Attorney Edwin Vieira, Jr. in the appeal of LaRouche et al:

A member of the petit jury that convicted LaRouche—indeed, the very foreman of that jury—was one Buster E. Horton. Although Horton modestly identified himself on his juror-registration card as simply an employee of the United States Department of Agriculture (USDA), post-trial investigation has revealed that he is, in reality, a member of a unique, highly selective interagency apparatus composed of approximately 100 specialists from various departments and branches of the national government, including the Department of Justice (DoJ) and Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), the National Security Agency (NSA), and representatives from all branches of the armed forces organized and coordinated under the aegis of the Federal Emergency Management Agency (FEMA), which in turn is subordinate to the National Security Council (NSC). The ostensible purpose of this elite team is to ensure the “continuity of government” during any national emergency, from a widespread natural disaster to thermonuclear war. The severely truncated and overly accelerated *voir dire* imposed by the District Court prevented defense counsel from discovering the character and significance of Horton’s position in the FEMA apparatus before trial. Had defense counsel been able through *voir dire* to develop the facts that post-trial inquiries have exposed, they would certainly have exercised a preemptory strike to exclude him from the jury, had the District Court itself not stricken him for presumptive bias.

I. Horton’s position, relationships, and importance in the FEMA apparatus. Horton is deputy to L.P. Mandrgoc, Chief of Emergency Programs, USDA Office of Personnel, in charge of overall program direction and coordination. The tasks of the directorate for intergovernmental affairs of the USDA Office of Governmental and Public Affairs, to which Horton’s USDA unit is subordinate, include “[d]irect[ing], coordinat[ing], provid[ing] assistance, and support[ing] * * * all emergency programs of USDA”; “[p]roviding liason with executive departments and agencies and the Congress on

policy matters”; [r]epresent[ing] USDA on international defense organizations, such as NATO”; and “[e]stablish[ing] and maintain[ing] liaison with [FEMA].” The tasks of “[d]irect[ing] and coordinat[ing] USDA * * * emergency preparedness programs” and “establish[ing] and maintain[ing] liaison with [FEMA]” have been designated “USDA essential uninterrupted functions” that “must be performed” in order “to provide continuity of Government” throughout all “periods of a national emergency.” Horton is second in the USDA emergency-preparedness chain of command to receive information from FEMA concerning “readiness level[s] and actions to be taken.” . . .

In 1983, FEMA established the Emergency Information and Coordination Center (EICC), “an around-the-clock, seven-day-a-week operation which provides for the centralized management of emergency management information.” EICC’s 1985 contact guide listed Horton as an “emergency preparedness specialist” assigned to “preparedness,” “response,” and “interagency-coordination” duties as a USDA contact. The guide also listed former U.S. Marine Lt. Colonel Oliver North under the designations “preparedness” and “response,” as an NSC contact. In addition, the guide listed Bernard A. Gattozzi and William E. Kardash, Jr., as primary EICC contacts for the DoJ and FBI, respectively, under the same three designations applied to Horton. Kardash was at about that time reportedly assigned to the FBI’s Emergency Operations Center, Criminal Investigation Division.

Horton, Gattozzi, and Kardash attended FEMA’s first annual symposium of emergency-management personnel in 1983; and Gattozzi, Kardash, and Horton’s immediate superior, Mandrgoc, attended FEMA’s second annual symposium in 1984. According to the summary of the first symposium, among the computer data-bases to which the emergency-management personnel have access is the FBI’s “[i]nvestigative data bases on organized crime, general investigative matters, foreign counter-intelligence, and terrorism.”

In sum, Buster E. Horton is no ordinary federal bureaucrat. To the contrary: Horton is one of two individuals from USDA assigned to an interagency team responsible for no less than the “continuity of government” in the face of a

natural or man-made national emergency, and has held this position throughout the Reagan administration and to date in the Bush administration. Horton's duties are considered so crucial that he is on permanent 24-hour call both at work and at home. Reflecting the sensitivity of his position, he has multiple national-security clearances. He interacts regularly with high-level representatives of the FEMA, NSC, CIA, DoJ, FBI, armed forces, and other agencies. Moreover, as indicated by his listing in the EICC's contact guide as an "emergency preparedness specialist" assigned to "preparedness," "response," and "interagency-coordination" duties, and his attendance at an annual FEMA seminar for emergency coordinators, Horton is one of a super-elite group of approximately 80 to 100 individuals at the very highest rank of governmental experts in emergency planning.

II. The significance to this case of Horton's position, relationships, and importance in the FEMA apparatus. Horton's appearance as the foreman of the jury in this case should arouse the gravest concern, because of the direct or indirect connections involving: (i) the elite FEMA team which includes Horton; (ii) the so-called "secret-" or "parallel-government" operations of Lt. Colonel North and others that came to light as a result of the Iran-Contra congressional investigation and the subsequent criminal trial of North; and (iii) what appellants have denounced as a "get LaRouche strike force," ensconced primarily in the DoJ and FBI, but working with the "secret government" to destroy the political movement associated with LaRouche.

A. Through participation in the EICC, Horton has had institutionalized contact with Lt. Colonel North himself (representing the NSC) and with representatives of such agencies central to this case as the DoJ (B.A. Gattozzi) and FBI (W.E. Kardash, Jr.). Moreover, the link to Kardash can be extended through the FBI's Emergency Operations Center, Criminal Investigation Division, to the division's then head, Oliver Revell. Defense evidence obtained in the Boston prosecution of LaRouche and certain of his associates (but excluded in this case by the District Court's granting of the government's motion *in limine*) has identified North and Revell as participants in both the "secret government" and the "get LaRouche strike force."

B. For over 20 years, LaRouche and his associates and political allies have contended that a "secret" or "parallel government" operates behind the scenes in the United States, unconstitutionally controlling or manipulating the policies and actions of elected officials. One of the major thrusts of LaRouche's political program has been exposure of, and mobilization of the American people to dismantle, this "secret government," with the goal of restoring the open and honest decision-making processes of government originally mandated by the Constitution. A concurrent theme of his political organizing on this subject has been LaRouche's claim that the "secret government" has recognized him as the most principled, committed, and articulate leader in opposi-

tion to its operations; has realized that he could become the central figure in a successful national resistance-movement; and therefore has resolved to destroy his personal and political credibility, dismantle his allied political organization and publishing-network, and deploy a bevy of overt and covert agents against him and his associates in operations smacking of the *Nacht und Nebel* [Night and Fog] tactics of the Nazis. . . .

III. The circumstances that conspired to enable Horton to sit on the jury, despite his intimate relationship with FEMA, the "secret government," and the "get LaRouche strike force." Prior to trial, however, appellants' attorneys did not know and were denied any reasonable opportunity to determine who Horton was. Certainly, in a venue in which so many employees of the national government routinely appear as veniremen, Horton's mere self-identification as a USDA employee did not necessarily arouse suspicion among the trial attorneys.

The so-called "rocket-docket" *voir dire* procedure the District Court employed provided them with no assistance, either. Although appellants' attorneys requested that the veniremen complete a questionnaire, and be individually sequestered and asked specific questions designed to detect bias, the District Court instead conducted a very general examination directed to the panel at large on possible prior exposure to publicity about the case itself. Those veniremen who responded affirmatively to its general questions were then questioned individually by the District Court—ultimately resulting in but four of the twelve final jurors being interrogated. The District Court asked no questions that could have elicited a positive response from a venireman, such as Horton, who could have been biased because of his institutional role as part of a government agency that had been the subject of direct political attacks by LaRouche (FEMA's EICC), or his indirect involvement through that agency with the quasi-legal investigation of LaRouche centered in the "get LaRouche strike force" or with the illegal, anti-LaRouche "secret government." And, in any event, Horton responded affirmatively to no question the District Court did ask. The entire jury-selection process took less than two hours overall. . . .

The factual setting that dominates this appeal, then, is as stark and shocking as it is simple: The foreman of the jury that convicted LaRouche and his associates was, unknown and unknowable to their trial attorneys, a key figure in an elite governmental "emergency-preparedness" unit which LaRouche had long opposed as a potential threat to the survival of constitutional government in this country, and which interlocked (legally and illegally) with both the very "get LaRouche strike force" that had engineered the prosecution and the "secret-" or "parallel-government" apparatus of Lt. Colonel North against which LaRouche was also fighting politically and which had included LaRouche on its "enemies list."