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Judge Threatens to Declare a Mistrial in

Jurors Unable to Break a Deadlock After Five Days in CIA Ex-Spy

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A federal judge said yesterday that he would declare a mistrial in the case of former CIA spy chief Clair E. George if the jurors cannot break their deadlock today.

The jury reported late yesterday afternoon that they were still unable to reach a unanimous verdict on any of the nine counts against George. They have deliberated almost 29 hours over a five-day period.

In a note to U. S. District Judge Royce C. Lamberth, foreman Steven Kirk said "each juror has freely expressed their views and each has attempted to persuade the majority and minority to their point of view.

"In recent hours, jurors have reviewed exhibits, testimony and recollections to no avail. I believe that no additional amount of time will persuade remaining jurors to a unanimous verdict."

The note did not indicate whether the "majority" was for conviction or acquittal on any of the charges. George, the CIA's deputy director for operations from 1984 to 1987, has been accused in six counts of lying to congressional committees and a federal grand jury about the Iran-contra affair and in three counts of obstructing investigations of the scandal.

Defense attorney Richard A. Hibey asked the court to declare a mistrial immediately. But Lamberth gave the jury a final, so-called "dynamite" instruction in one last effort to break the impasse. Hibey complained that the judge had already given the jury a similar instruction on Monday and said there was no precedent for a second.

Lamberth pressed ahead, telling

the jurors that "in most cases, absolute certainty cannot be attained and expected" and there was no reason to suppose this case would ever be submitted to a more competent jury. With this in mind, he said, "you should decide the case if

you can conscientiously do so." Foreman Kirk let out a heavy sigh at the end of the judge's remarks. Lamberth assured them that if they are still at loggerheads after meeting again this morning, "that'll be the end of the matter."

George Case

Chief's Trial



The jurors, who have been sequestered since last Thursday, were taken back to their hotel minutes later. Lamberth approved a request they made for "a fresh-air outing" in the company of federal marshals.