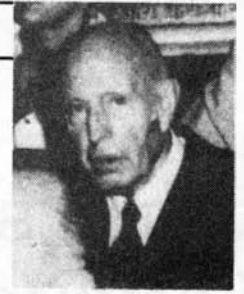

Interview: Brig. Gen. F.A. von der Heydte



To enforce the Constitution, Americans must work at it

Brigadier General of Reserves Baron Friedrich August Freiherr von der Heydte, a former deputy in the Bavarian State Parliament and member of the Christian Social Union Party (CSU), is author of the book Modern Irregular Warfare recently published by the New Benjamin Franklin House. From 1951-53 he held a chair of Constitutional and International Law at the University of Mainz; from 1953-74 he held a chair of Constitutional and International Law at the University of Würzburg. The following interview was conducted on Nov. 3, 1986, when the "International Commission to Stop Soviet-Style Human Rights Violations in the United States" had just been established.

EIR: What are the implications for our Western legal system of the events in Leesburg on Oct. 6 and 7 and thereafter?

Heydte: Here we have the same problem as that posed for the Federal Republic: Shall we in the West attempt to establish possible relations with the Soviet Union or not? As you know, the Social Democratic Party (SPD) is advocating here in the Federal Republic more or less friendly relations that would then be at the cost of the United States and our sovereignty.

EIR: On Wednesday Oct. 29, press conferences took place in Washington, Bonn, and many other cities, to officially announce the formation of an International Commission of Inquiry that would initially concern itself with the human-rights violations committed against supporters and associates of Lyndon H. LaRouche. At the press conference at the Washington, D.C. National Press Club, the endorsement from S.C. Birla, attorney for the Supreme Court in India and secretary of the All-India Bar Association was read. Birla raised an important point: He said that up to this point the existence of the United States as a constitutional state was seen in the Free World as a guarantee for the maintenance of human rights. . . .

Heydte: If we look at the European Convention for Protection of Human Rights of 1953, or the General Declaration of Human Rights of the United Nations of 1948 . . . we see that all these declarations go back to the American Constitution. Unfortunately, if you will forgive me, I must put this harshly,

the American Constitution is no more considered by Americans at present than the Human Rights Convention is by the Europeans. Enforcing the fundamentals of the Constitution is a question of having the intention to work at it. And I believe that this intention is lacking.

EIR: In all democracies, the fundamental law is rooted in the principle that violation of any personal rights must not be allowed except when based on a constitutional procedure. In early October these and other basic constitutional principles were blatantly violated with regard to the organizations friendly to LaRouche.

Heydte: If such violations of the law took place, then this would undoubtedly entail a danger for the rest of the Western world. Unfortunately in the United States, there is merely a residual awareness and consciousness of democracy, and this primarily with the [sections of the] American population to whom the contents of the American Constitution are still a living memory.

EIR: If we consider the commercial and political background of the individuals who are responsible for the "official" proceedings in the United States against the organizations friendly to LaRouche, what comes to light are connections in part to corrupt circles, to banking circles that have dealings with drug money, connections that show clear links to left-leaning interests, in part connections to Chinese-Soviet channels. Simultaneously, these persons are hiding behind the procedures of the judicial system. What happens to the separation of powers in this respect?

Heydte: This certainly means a violation of the separation of powers. We must not confuse the democracy of today with the democracy of the age in which the Americans received their freedom. The American democracy at the end of the 18th century is for us Europeans still an unattainable ideal. Since that time, this democracy has changed so much, however, that I sometimes wonder whether we don't have two totally different political conditions being designated with the same word.

EIR: Many who fear that are like the political supporters of

LaRouche, demanding a return to the principles of the Founding Fathers of the American Republic.

Heydte: That is exactly what interests me so much. I am very glad that there are still people in America who have a feeling for these values.

EIR: Alexander Hamilton wrote in one article in *The Federalist Papers*, that the judicial branch, in comparison to the legislative and the executive, should be the weakest. The legislative branch, Hamilton said, controls the money, since they make decisions

means of power (military and police). All this is denied to the judicial branch. This situation portrayed by Hamilton no longer exists today. As we can see in the Federal Republic in many judicial decisions that have gone in favor of violations of the law such as, for example, use of duress committed by members of the so-called peace movement, the judiciary has a monstrous influence, not least on public opinion.

Heydte: Yes, that's right.

EIR: In the United States, it has been shown that these proceedings against LaRouche would not have been possible without the media.

Heydte: Here, a "fourth" estate has grown up that exercises power that is in nowise constitutionally established.

EIR: What can be done about that?

Heydte: If there were something to do about that, I would first do it in my own native country. Because of commercial developments in the major nations, a policy motivated by purely utilitarian considerations is now dominant. That is also true in the United States.

EIR: At the press conferences on Oct. 29, there were, among others, leading representatives from Ibero-America, for example, Ricardo F. Martín, the former deputy attorney general of Peru and a member of the ruling party, the APRA; he said that, previously, the United States was the hope of the world, and that now this hope rests entirely on Lyndon LaRouche.

Heydte: This confirms once again that the tradition of the American Founding Fathers is at least supported in foreign countries. There it is still more alive, far more than in the United States itself. I am convinced of that.

EIR: Leading spokesmen for the Soviet Union increasingly demanded from August and September and finally on Sept. 30, a few days before the events in Leesburg, that U.S. authorities, above all the IRS, should take action against LaRouche and his supporters. Less than a week later, exactly that was done. Isn't that a violation of the CSCE [Helsinki] Agreements?

Heydte: Yes, certainly. First of all, it is a violation of the principle of non-interference in the affairs of a sovereign nation, not to speak about the human rights question. In any case, it should be investigated. But in such cases it is always

extremely difficult to produce a proof, because the Soviets will endlessly invent subterfuges. Nevertheless this case should be put on the agenda at the next conference.

Let me say in closing, that the more American elections have become a question of who has the most money, the less American democracy has remained. That is like a game in which everyone deals from the bottom of the deck; whoever deals from the top is considered stupid.

EIR: The scandal of the finances of Mondale, Geraldine Ferraro, etc. was very instructive in this regard.

Heydte: That is something that is to me personally totally incomprehensible, how this can possibly be tolerated in society and politics.

With us, there are still some people who have a sense of political shame. This sense of political shame is really minimal in the United States, given the experiences I have had in America. Forgive me, that I put it so harshly.

EIR: The openness with which political corruption is practiced in the United States is certainly very difficult for a European to understand.

Heydte: Yes, and the openness with which things are done that are really undemocratic, to say the least. But for your efforts, I really wish you every success!

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by Professor
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