Interview: Lennart Hane

When 'rule of bureaucracy' replaces rule of law

Lennart Hane is a well-known attorney and author in Sweden, who has taken a leading role in opposing "gulag justice" in his own country, and who is a member of the International Commission to Investigate Human Rights Violations, based in Paris, France. In early December, he traveled to Alexandria, Virginia, to observe the "railroad" trial of Lyndon H. LaRouche, Jr. and six associates, which led on Dec. 16, 1988 to conviction of all the defendants by a runaway jury (see EIR *Vol. 16, No. 1 for a report on this shocking miscarriage of justice). Lennart Hane was interviewed in Washington, D.C. by William Jones of* EIR. *The interview was conducted in Swedish, and translated into English by William Jones.*

EIR: Mr. Hane, you spent two days as an observer for the Human Rights Commission at the trial against Lyndon LaRouche and his associates now ongoing in Alexandria, Va. I wonder if you could say a few words concerning your impressions of the trial, and perhaps some more general remarks on the legal harassment operations against Mr. LaRouche, of which this trial is an integral part.

Hane: I can begin by saying that my observations are based on the somewhat depressing experiences of the gradual destruction of the Swedish system of justice, and I therefore recognize the similarities of this whole process. Therefore, I would like to make some comments of a more general nature before I start to take up the particular circumstances surrounding the case against Lyndon LaRouche and his associates. The first thing I'd like to mention is that the United States government totally lost all respect internationally when it turned over the American citizen Karl Linnas to the Soviet authorities to be executed. The Russians took him directly when he arrived and he was immediately put to death. At that point, the state had betrayed its primary function of protecting its citizens against violence. It was horrifying to know that something like that could happen. Even more horrifying was the fact that there was no public reaction to it. The public and, most emphatically, the press, were obviously totally indifferent to the Linnas case. What was most striking in the Linnas case was above all the uncivilized nature of the whole procedure.

In a constitution and in a system of law, there are established standards, and it is a rule of thumb, that measures taken against an individual or an organization must meet the requirements of civilization. And the requirements of civilization are incorporated, for example, in the European Convention for the Defense of Human Rights, which has been accepted by most of the West European nations, including Sweden. They have not only accepted sanctions against violations of those rights guaranteed by the Convention, but have even introduced a procedure by which one can first go to the European Commission, and then further to the European Court of Human Rights. At the end of that process, the court's ruling is binding for each state which is a party in that type of case. They have established a series of criteria for the violations of human rights. And in these individual criteria, which would determine whether a violation of human rights has in fact occurred, lie the requirements of civilization. It is my conviction that these requirements have been abrogated in the case of Karl Linnas, and we also see the same thing in the actions taken against Lyndon LaRouche and his colleagues.

EIR: So you see the case against Lyndon LaRouche as similar in kind to the Justice Department's handling of the case of Karl Linnas, an American citizen of Estonian origin, who was turned over to the Soviets for execution simply on the basis of Soviet assertions that Linnas was a war criminal?

Hane: Yes. In the Linnas case, the government totally lost face and gave up its lawful monopoly on the use of force against its citizens. If one cannot trust that the state can protect its citizens against violence, then perhaps one should emigrate from such a country—or return to more primitive measures in order to get protection. We talk in Swedish about the *raettsstat* or in German, *der Rechtsstaat,* which in English is called the "state rule of law." That means that everything that happens in such a state must be based on a system of law. The power of a state based on law lies thus in the law itself. The opposite of that state of affairs is called lawlessness or barbarism. We also see this in the English characterization of such a state of lawlessness as "the rule of men." But, in effect, somebody must rule, and often enough, under the "rule of men," that somebody is the bureaucracy. The bureaucracy represents a sort of pyramid of power, at the top of which sits the dictator.

We can see such a situation developing in the Alexandria trial when the position of the prosecutor—the "power" in this

case—becomes perverted. Previously it was the case that the prosecutor was always somewhat cautious, when he was called to wield the power to indict, since he can cause serious harm to people if they are then proven to be innocent. In this way the position of prosecutor should be that of the foremost protector of the freedom of the individual. He should thus respect that freedom.

EIR: Was this the case in the proceedings against LaRouche?

Hane: On the contrary. In the Alexandria case the prosecutor worked together with the police, so that it became a type of action which doesn't fill the requirements of a society governed by the rule of law. It was more characteristic of a police state where the prosecutor works hand-in-hand with the police. We see a rather ugly example of that in the Alexandria courtroom, where all sorts of police and security guards are milling around. In that way one can indirectly influence the jury into thinking that the accused are terrible people and that the jury should be happy and grateful that the police are there to protect them. They should, therefore, be glad that we have a police state. Those are the signals the prosecution wanted to get across. There were also a number of dirty tricks during the course of the trial where the prosecutors, who sat within the rails, would write small notes to the policemen who were sitting in the public gallery behind them. In this way, there was a continual unrest among the police officials, creating the impression for the jury that something especially important was happening. Such tricks are rather ugly, but quite consciously perpetrated in the case of a trial, like this one, which has an almost exclusively political character.

The prosecutor is banking on the possibility that the innocent will be convicted, and therefore he uses the position of prosecutor as a weapon, to tire out people mentally, with false and groundless accusations. It is said that "to err is human," but in this case we might say "it's hell to persevere." It's quite barbaric to see that the prosecution, which time and again has had these indictments defeated in a variety of courts in several different states, can continue to raise the same suspicions and go after the same "crimes." It's as if they are using the trials to try to break people down psychologically or to get them to overexert themselves—and their finances. It becomes terribly expensive, not only because it forces very valuable people to spend their days almost like prisoners, sitting in a courtroom, but because of the tremendous costs of the legal assistance. There are some 10 lawyers involved in this case, you see.

EIR: Isn't it also a breach of legal praxis and of the individual's civil rights that the principle of double jeopardy, for which there is undoubtedly a Swedish equivalent, has been violated by repeatedly issuing indictments for charges which have previously proven to be groundless?

Hane: I must admit that here you've got quite a primitive judicial regulation which I don't think exists in any legal system in Western Europe. There, it is the responsibility of the prosecutor to carry out the judicial procedure in a correct manner very early in the trial. If any portion of the legal procedures has been missed in the trial, the prosecutor cannot then use that "oversight" to get a new trial. If that were the case, a trial could be conducted in such a way as to consciously miss or exclude important elements of the case. A trial could be repeated numerous times at the mere behest of the prosecutor. The principle preventing such abuses is called, in Swedish, *raettskraften,* the "force of justice." That principle says that if a person has won or lost a case, it cannot be taken up again, except under very extraordinary circumstances, that is, if new, quite powerful evidence is later brought to light. And even then, the prosecutor has only a very short period of time in which he may again take up the case. Such new evidence must be strong enough to potentially change the entire nature of the case, for instance, if someone has committed a crime during the trial, if a witness has lied, or the judge, the prosecutor or the defense attorneys have committed a very serious crime during the course of the trial. The American legal system is somewhat comic and primitive in that respect. We have a quite frightening example of how such a prerogative can be abused in the Alexandria case.

I would also like to indicate, with my background in the Swedish situation, how the state has gradually, apparently under the influence of subversive elements, begun to change its character in such a way that the power of taxation, which was originally simply a means of providing the state with funds needed to finance certain common, useful social functions, has been transformed into a weapon against the citizenry, a taxation weapon. The use of such a power as a means of control and repression—as a weapon—is normally ascribed to the administrative procedures in the Soviet Union. There they talk about various administrative prerogatives, which the bureaucracy possesses, which are used as weapons of repression against their citizens.

EIR: How was that "tax weapon" used in the Alexandria case?

Hane: Well, if there are regulations by which an organization may receive gifts and by which it can arrange its activities in accordance with the regulations which apply to such organizations, then it is not possible to bring in a myriad of exceptions to those rules, since you would soon not be able to distinguish between what is an exception and what is a rule. And if there are exceptions, they must be very clearly defined, or else the "rules" lose the character of lawfulness. For instance, let Rule A be covered in its entirety by Exception B. Does Exception B then serve as a rule, or is Rule A still in force? Nobody knows. If this were the case in the domain of public authority, then "lawfulness" would be determined by the arbitrary rule of power.

We see that in this case where you have income comprised of contributions and loans from the same persons. There were several witnesses who, after having difficulties

in getting their loans paid back, continued to make contributions. The "loans" obviously had a rather special character. So one must be very careful in trying to determine in this kind of situation that a criminal offense has been committed. You also have to figure out who is fooling whom. One can also fool oneself. The lender may be thinking, "I want to give a contribution, because I really support the activity of these people, but, at the same time, I would like to fool myself into believing that it is a loan, as it is a bit too much for me to give." This was quite clearly the case with the two women the prosecution called as witnesses. Such a situation can never become a crime for the person who has taken the loan. At most, a civil case might develop in which it would be determined how large a repayment should be made to the lender. Even then it's not certain whether a judge would rule that the lender gets his money back. Now if the prosecution has such little support for its indictments, then it should never have issued them. Such is the responsibility of the prosecutor in civilized society. If, of course, he wants to use the taxation issue as a political weapon, well, that, of course, can always be done.

EIR: What is the basis of the charges against LaRouche for "conspiracy to obstruct the IRS in the ascertainment and collection of taxes"?

Hane: As far as I can see, it should be relatively simple to get a conviction, if we were here dealing with a case of tax fraud. It's the responsibility of the taxpayer to support his reported income and expenses with genuine documentation. But this had been done by the defendants. There are no falsified figures, no manipulation of the bookkeeping. All the figures are genuine and correct. There are no misleading elements whatsoever in the reported figures. That means that here the "taxation weapon" has been used even with regard to the evidence. It becomes somewhat farcical that the police and the prosecutor—not the law—seem to determine which criteria shall apply here. This is quite beyond the bounds of reason. Here it is the police who want to determine what an organization may or may not do with its income or with money which they have received as gifts, when they make such a strange construction of a tax fraud case. They make their own, totally arbitrary evaluations and create, on totally fictitious grounds, a crime. This is indeed a very strange thing. It becomes something of a classic witchhunt, where the woman was always proven to be a witch—whatever she may have done. However she may have behaved, she is seen as a witch. And the one who interpreted the proof against the woman-witch, during the time of the witchcraft trials, was the priest. The priest appeared both as a witness and as an expert on what constituted witchcraft. In this case, the prosecutor appears as both priest and executioner, when he, for example, brings up false evidence, characteristic of a witchhunt. For instance, one day at the trial, witnesses were asked questions like: Who bought Lyn's underwear? When did he swim in the pool? Who paid for his haircut? For flowers? How much did the cars cost? Now really, are these signs of a crime, or are they not rather indications of a witchhunt? I think that they clearly are signs of a witchhunt, and that the prosecutor has perverted his civilized role of protecting freedom, in order to abuse his position and cause damage to an individual, and therefore damage to the civil rights of that individual.

We then see the next stage of this process where the prosecutor serves simultaneously as the expert on witchcraft as well as the executioner. This is also clear from the way the prosecutor prostitutes himself to the press, appearing as a whore to the mass media. Such a combination becomes extremely dangerous, when an indictment or arrest is announced to the press in a sensationalist manner. Here we have a further degeneration in the judicial system. Now we're dealing with a lynching.

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Lynching was a very primitive phenomenon where people took justice in their own hands. Naturally, many innocent people were hanged out of rage or on the basis of totally false information. A trial was originally conceived as a means of protecting against such methods, but now it has been revived as an institution—in my opinion, as a result of the activity of the KGB. Through their subversive activity, they have succeeded in gaining key positions in the mass media, and knowing the value of fooling the prosecutor, they bring him into their schemes. Previously, when there were controversial trials, the press was always on the side of the people, that is, on the side of the accused, and would gladly discuss with the defense attorneys. But in this case, they are always sitting on the prosecutor's side of the room, always discussing with him or his assistants. The things they write in their articles are always the most banal, stupid items, which, in fact, should never have been given the dignity of being brought

into a courtroom procedure.

In addition, the Alexandria trial also breaks an old rule of jurisprudence, that "you shouldn't stoop so low as to listen to slander." But in this case, the prosecutor is putting forward slander as a type of evidence! That gives you an idea of the very primitive level of the prosecutor's case.

EIR: In addition to the violations of the rules of jurisprudence as well as the civil rights of the defendants, does not this case violate the rights of freedom of association guaranteed by the U.S. Constitution?

Hane: Oh, indeed it does. In fact, the trial itself is a brutal attack against the organization's finances. And it's a simple fact that no organization can survive if its economic basis is destroyed. The financing of an organization is a vital part of the life of an organization. It's the same as if you were to drain the blood from the body of an individual. That individual dies. Similarly, if you drain an organization of its finances, it will also die. But that's precisely the idea behind the whole operation.

In this case, it seems to be the preconceptions of the prosecution which are to determine how an organization organizes itself and its financing. What business is it of the prosecutor, if I want to invest money in a swimming pool? I am of the opinion that it is extremely dangerous to attack the finances of an organization in that way, since that would also be a weapon by which one destroys that organization. This is also characteristic of the extremely banal and stupid attacks which the prosecutor has been launching. It is so far-fetched and alien to civilization to elaborate in a courtroom questions like: Who paid for the flowers? It would be an entirely different question if this were some form of collection agency for maintaining an extravagant mode of life. But here it's a question of an organization engaged in a productive, creative activity of precisely that type which makes it so valuable to protect the freedom of the individual. An organization could never maintain a free creative activity if the values of the prosecutor were to carry the day.

The question of the attacks on the organization's finances can best be envisioned using the analogy of a balloon. St. Augustine said that if a state is "lacking justice," then that state is transformed into a gang of hooligans. That's precisely what is happening here. The prosecution is exhibiting a form of primitive hooligan mentality. The only consolation I have is that this organization has shown the required stamina not to crack under such an onslaught. There is a concept which the Swedes call *raettsaekerhet,* in German *Rechtssicherheit,* for which there is no real English equivalent, but which includes the right to a fair trial as well as other civil rights. Now imagine these guaranteed rights as the glue in a balloon. If you poke even a little hole in the balloon, the air will go out. That's why this whole process is so dangerous. Here it's not a small hole, but a deep gash that's being made in the balloon.

The judge was a classic case of a person who was not educated to deal with political questions. He always wanted to keep them out of the questioning. But then it becomes a rather difficult role for him as a judge in a political trial, since he's not so sure how he is going to deal with the whole affair. He is then pretty much in the hands of the prosecutor and the police. That's also quite harmful. I think that we should start a debate among judges in this country as to how political cases should be handled. Because you obviously can't simply say, "This is politics. We can't discuss these matters." With this attitude, the more politicized a trial is, the easier it becomes to neutralize and censor one of the parties to the case. His case is prejudiced right from the beginning, since every sentence and every phrase is characterized as "politics." In the end, the accused stands there with his mouth taped with several pieces of adhesive. That makes it impossible for a person to defend himself. The judges must learn how to deal with that problem. If a trial has the character of a political witchhunt and political persecution, one cannot simply blind oneself to the possibility of showing that that may be the case. One has to be able to defend oneself. It seemed, however, that the judge gradually became aware of that fact, and therefore was forced to take away one or two pieces of the adhesive which he had placed on the mouths of the defendants.