

Austria responds to LaRouche case

by Lena Mletzko

The gross miscarriage of justice in convicting Lyndon LaRouche for alleged “conspiracy,” and practically sentencing him to a life prison term (15 years for the 66-year-old economist and political leader), has caused leading Austrian jurists and media to raise more than an eyebrow. Already in 1987, shortly after the first indictment of LaRouche for one count of alleged “conspiracy to obstruct justice” in the Boston case, Prof. Dr. Hans Klecatsky, former minister of justice of the Federal Republic of Austria, in a public statement blamed “this kind of lawlessness” on the “establishment of a secret ‘parallel government’ in the U.S. Under the influence of these circles U.S. foreign policy has become a disaster.

“The U.S. government for example not only fell into the disastrous support for the ‘Contras,’ but sold out the rights of other sovereign states as shown by the U.S.-Soviet deal to extradite Karl Linna and others,” Klecatsky said.

Sensitive to U.S. security policy

Due to the very special situation of Austria as a neutral but nevertheless pro-Western country bordering Communist Czechoslovakia, Hungary, and Yugoslavia, Austrian security policy observes American strategic dealings with particular scrutiny. After all it was John F. Dulles who in 1955 was instrumental in bringing about Austria’s *Staatsvertrag*, that forced all foreign troops to leave the country for the price of neutrality.

By now three prominent Austrian jurists have decided to join LaRouche’s appeal against the outrageous judgment of the U.S. District Court in Alexandria, Virginia as *Amici Curiae* (“Friends of the Court”).

On April 18, 1989, Dr. Viktor Liebscher, former Austrian State Attorney General (Generalprokurator) described at a Vienna press conference of the Commission to Investigate Human Rights Violations, how the European Court for Human Rights would strongly condemn the prosecution of LaRouche and his associates as grave violations of the European Convention on Human Rights (ECHR). The principles codified in the ECHR, including the guarantees for a fair trial and the right to defense, “all Western nations should have in common as their joint heritage,” Liebscher said. But after examining the “LaRouche case” he had to conclude, that especially the selection of the jury in the Alexandria court

without participation of the defense, the exclusion of exculpatory evidence, and the insufficient preparation time for counsel constituted obvious violations of Article 6 of ECHR. The mistrial declared in the Boston case a year ago May 4, though, and the subsequent “reopening” of the case in a different state—Virginia—Liebscher called “almost incredible.”

“This mistrial in a case, that obviously did not yield the result desired by the prosecution and that denied the defendants the chance of a probable acquittal makes me extremely suspicious,” he said.

Especially in light of the great power given to the jury by the American legal system, this arbitrary change of venue was a serious violation of constitutional rights and an illegal double prosecution prohibited also by the U.S. code, Liebscher said.

Parallels to Nazi justice

Also the interpretation of U.S. conspiracy law has met with great reservation among European jurists for decades. Whereas European law can punish only criminal behavior, the construction of “conspiracies” might allow prosecution of “state of mind.” Parallels to the National Socialist treatment of “analogous crimes” were obvious, Liebscher warned.

Former Justice Minister Klecatsky, in a message to the press conference, pointed to the similarities between the prosecution of LaRouche and the 1987 decision by the U.S. Department of Justice to put Austrian President Kurt Waldheim on the infamous “watch list.” As in the case of LaRouche, he said, the U.S. authorities did not bother to grant Waldheim the constitutional right to be heard and to present his defense prior to the decision. Klecatsky regards the “LaRouche case” as an important indication of “how much has still to be done to make sure that universally valid human rights are also guaranteed. The treatment of LaRouche and his political associates by American juridical procedures is incompatible with the principles of law and democracy.”

Many journalists asked, “Why is it, that the U.S. establishment is so concerned to eliminate LaRouche?” in reply to which Professor Liebscher pointed to LaRouche’s function as the intellectual author of the Strategic Defense Initiative. Contrary to the Bush administration, which is growing soft toward Moscow and falling for *glasnost* and *perestroika*, “LaRouche is fighting for an uncompromising anti-Bolshevik course,” he said. “This is the reason why leading military men in West Germany stood up for him.”

The official Austrian Press Agency (APA) put out a wire on the press conference under the headline: “Conviction of U.S. Politician a ‘Miscarriage of Justice’—LaRouche Commission Sees Parallels to ‘Watch-List’ Decision against Waldheim.” Aside from a representation of the facts on the case, the release reports the charge that the judicial persecution of LaRouche is probably connected to the attempt to cover up for President Bush’s role in the Iran-Contra affair.