



On the death penalty: U.S. legal system is a nightmare

The following is part of an interview with American statesman Lyndon LaRouche in Rochester, Minnesota, where he is held political prisoner. The interview was conducted on Feb. 6, 1993 by Katharine Kanter for Scolag, a Scottish legal news bulletin; Alan Clayton, a Scots nationalist; and John Carroll, a well-known Glasgow solicitor. The first part of the interview was published in EIR on May 28.

Q: Is your objection to the death penalty based on ethics or religion, or is it simply that you don't trust them to get it right?

LaRouche: I would not disagree with any of the arguments advanced from any of the three standpoints. Of course, I don't like the term ethics. Ethics has come to be used as a substitute for morality. There is a tendency toward Lockean forms of legal positivism in the interpretation of the term ethics.

The American legal system has become a nightmare; this new federalism is a form of Lockean positivism. Religion is not the term I would usually use. I qualify that. To me the term *imago Dei* is a term of scientific certainty, and you don't have to invoke religion as such. It happens that Mosaic Judaism as understood by Philo, which contains the principle of *imago Dei*, and Christianity, which is based on the principle of *imago Dei*, the convergence of man in the image of God, on God in the image of man, happens to be scientifically valid if one wished to press the point from that quarter.

Furthermore, the strength of our entire culture and civilization depends upon our acceptance as morality of that Mosaic, Christian heritage, as part, in a Platonic form, so to speak, of European culture. So that once we depart from that kind of morality, we are tolerating a change in morality which could very well mean the doom of civilization. When one murders a person, one is violating morality. When one entertains the death penalty, one is killing morality. The first is bad, the second has more awesome portent.

Q: Do you think there are some people who are so dangerous and evil as to merit death for crimes they've committed?

LaRouche: Two arguments remain. One is the superficial answer, the other the more profound. We separate them so that they don't muddle. The danger of the death penalty,

using it, no matter what the pretext, is so great today, given the governments and existential movements that we have, that I think under no circumstances could I justify the death penalty. To make that clear on this first level.

As to killing of persons, I would take the position of St. Augustine on justified warfare, and say that the same logic applies to the entire gamut, as to killing of persons by persons. Killing of persons is not the issue, the issue is judicial execution. No matter what the cost is, it is less costly to the society in the true sense to incarcerate an unspeakable person for the rest of their natural life than it is to risk the consequences of the assault on morality. It is to open the door to those, in my own country and elsewhere, whom I find no better than Nazis and probably worse.

The deeper issue is this. I posed this in a paper, prompted by a Cambridge professor up at Edinburgh for the Science Fair a few months ago, entitled "On the Subject of God" [published in *Fidelio*, Spring 1993].

I refer to Friedrich Schiller on tragedy in this connection. The question Schiller poses is, what is the use of ugly passions, or horrid circumstances in a drama on stage? Presumably, the drama is to ennoble the audience, in the sense in which Schiller describes this, which I won't go through now. But let's think of the horrible passions, the contemplation of disgusting passions, and horrid things which occur in real life. Is there any compensation to mankind for experiencing these things, apart from the desire that they should not have happened at all? We have to ask ourselves, are we moral enough, that the witnessing of horrible, disgusting passions and horrid consequences, as in the case, shall we say, of the former Yugoslavia, or the wretchedness wreaked upon Iraq, motivate in us the impulse to do good? Not only to do good, but to hopefully take some corrective action to prevent the likelihood of such horrid acts ever occurring again?

If so, then Gottfried Leibniz's argument for the best of all possible worlds is somewhat borne out. The evil in us, and in our society, exists; the question is, can we use the evil, as Schiller used it in theater, to prompt society to improve itself? This of course is an interesting question from the standpoint of law. Is it not the case that when we use the proper execution of due process in a horrid crime, as opposed to one of these modern, more efficient but more corrupt



A demonstration in Richmond, Virginia on the eve of the May 20, 1992 execution of Roger Coleman by the Commonwealth of Virginia. Coleman had strong evidence to back up his claim that he was innocent of the murder for which he had been convicted, but neither state nor federal courts would hear it.

things, is the function of that not merely to effect justice respecting the accused and the victim, but is it not the case that this process itself serves as a useful moral instruction to society at large? Is it not the case that when we try to make these trials more efficient, by leaving out certain elements which are necessary to understand the nature of the crime, that we deprive society of insight into the problem posed by the crime? Thus we deprive society of the most efficient means of moral suasion to remedy its own faults.

I would say, what we must do in these cases from the higher moral standpoint is to insist upon due process, not merely to ensure a less imperfect justice, but also to bring forth in trials, particularly of horrid crimes, insight into how this crime came about, and how it reflects upon the society about us, so the society in general can derive some beneficial insight from the trial, and from the currents of what may be the most extremely deplorable events.

Q: Many of the problems which have befallen you have been from the mingling of the judicial and the Executive functions with a big dose of professional corruption. To what extent do you believe this to be the case throughout the United States and other countries?

LaRouche: In the recent years, through my impulse to be helpful where and in ways that I can to others around me, I've had an enhanced opportunity to get some insight into the legal process in the United States today. It horrifies me. I'm not the kind of impressionable person who's going to rush

about and say that everybody who's been the victim of injustice in the judicial process is necessarily innocent. Most of the people that I know in this category are not innocent of anything, and in most cases are likely to do pretty much something of what they are accused of in this area once they get on the streets again. But, nonetheless, there are things to be said about a very unjust system.

What I see as legal process in so many cases in the United States today is disgusting, and it has no consistency with something which ought to demand respect as law. It's not law. It's politically corrupt.

The drug cases exemplify this. The largest drug pushers or drug money-launderers either go scot free—though perhaps I shouldn't say that, talking to a Scot—they just seem to escape the problems. Whereas people who are only marginally culpable seem to get the long terms.

For example, [there are] the people who are guilty in the sense that they would condone, or were sympathetic to, or would participate to some degree in, the circulation or use of drugs, narcotics, and unlawful substances for "entertainment" purposes—so therefore there's an element of guilt. However, they were never caught doing a criminal act. What happened was that they had association with people who were culpable and who happened to be working as government agents, who were regular drug traffickers. When the government agent was squeezed, in order to keep the government agent from serving a long sentence under these prescribed guidelines today, they would roll in a number of other

people, who would also be charged and given a very speedy trial, and railroaded into prison under this plea bargaining and so forth system.

Then I see these cases of people who are clearly culpable, where they admit it, the paper shows it clearly, the evidence is more or less clear, but the way the sentences are manipulated is disgusting, there's no proportionality. So the general impression I have is that the whole system is rotten, it stinks. You have on the one hand, people who are either guilty or they're part of a community of people which tends to condone criminality, or have done criminal acts such as the use of drugs, and therefore they cannot get on the stand and say they would never use the stuff, never be involved. They did associate with certain people whom they should have had sense enough to stay away from socially. They're convicted.

The problem is that the system is rotten, the way the conviction is done. Granted, that what they're doing now in plea bargaining and other things, is much cheaper and more efficient from an administrative standpoint than giving these people due process, but it's much better to spend the money and give the due process, and thus have it. By not having due process, by corrupting our courts in the name of efficiency or in the name of political policy objectives, in not giving proper administration of justice, all we do is to create a system which then can readily be turned around and used for purely political purposes against the innocent. And that's the problem: We have no regard for justice.

I recommend the recent six-part *Washington Post* series, referring to cases in the U.S. judicial, prosecutorial practice. All of the constitutional rights of citizens, all the conceptions of due process, are being totally eroded. The series was critical, demanding some kind of reform. I would generally endorse this, as being truthful and accurate. The system is corrupted so that even where the system is used to convict people who are either guilty of what they're charged, or misused somewhat to convict other people who may not have been guilty in the way they're charged or not on that occasion, who are not fairly charged, they have created a system which is so rotten that it's readily used for corrupt political purposes. Through the media, we've conditioned the general public to accept it. I wonder, for example, as a result of all this, if it is possible in many parts of the country, to actually assemble a jury capable of considering a case fairly.

You get better odds in a gambling casino than you get before a jury. The situation is so bad that even many attorneys in this country will recommend to their clients bench trials as against jury trials because the juries have become so bad. It's a horrible situation, and without a major reform, I think we can say that the judicial system in the United States compares unfavorably in many respects, philosophically, to that in Nazi Germany.

Q: Can you think of any mechanism by which this can be avoided, given the propensity for power to corrupt?

LaRouche: I don't believe in the propensity of power to corrupt, as such. I think that aphorism is exaggerated.

There's also the question of the power to do good. What we need is a general cleanup of the system. It's going to be a shocking affair—it has to be a shocking affair.

We have to get at what's being done, or attempted at least, in the [John] Demjanjuk case [the Cleveland auto worker who has been deported and convicted in Israel for war crimes on the basis of manufactured evidence and U.S. government misconduct], to go at this justice system for acts of fraud upon the court, and also to eliminate from the federal court system this new federalist tendency which is a violation of our Constitution, and explicitly so. This new federalism is implicitly as bad as, or worse than, Nazism. These people are just as bad as or worse than people like Karl Schmidt or the Nazi court justices like Freisler. I've read a couple of their decisions—unbelievable, that this could happen in the United States. As in the Herrera case, unbelievable.

So we need a cleanup. It's going to be extremely painful, because we're going to have to do some work on the reputation of a number of institutions, but I think that has to be risked because the penalty of not doing it is so great.

I think it may tend to occur if the present administration has any sense at all, even the barest instinct for personal survival. It has to clean out that mess in the Justice Department represented by such people as Richard Thornburgh, [Arnold] Burns, etc. If it does not do that, with that philosophy, if it does not realize that the neo-federalist tendency in the federal courts is something that must be reversed, this country will not be called free for much longer.

Q: Even without direct interference, most judges seem to speak or act as though they were unduly influenced by the Executive, or political expediency. How can this be curtailed?

LaRouche: It's going to be difficult. One should not exaggerate the corruption of the American people themselves or the corruption of every part of life in the United States. Look at the new administration itself and ask what are the problems there.

The real problems should be quite obvious. What has come to power in the United States, reflected in various kinds of institutions, and reflected in the age of Clinton himself, is the generation which was entering or graduating from universities in the early 1970s, and has now taken over—people under 50, under 45. The so-called yuppies. This stratum as a whole is the stratum behind the so-called Political Correctness movement on campus. For example, the Department of Health and Human Services appointee Donna Shalala is part of that movement.

These people do not believe in reality. Their inclination for scientific subjects is virtually nil. Their idea of science is mathematics as applied to a personal computer for stock speculation. The case of Zoe Baird and her business with

getting cheap, illegal nannies is typical of the stratum. These people do not believe in reality. Their idea of reality is having a consensus of support for a policy, which gives them the political power to implement a policy roughshod with the least political resistance. As to what the consequences of that policy might be in practice, they are not concerned. They believe, like the Nazis in fact, perhaps worse than Nazis, that if they have the political authority and consensus to carry out a policy, that that policy will succeed in the universe as well as in the political domain by virtue of that power. They believe, in a sense, in magic. They're superstitious. This is very dangerous.

They're not concerned with the fact that the ozone story is a hoax. Or with the fact that eliminating these chlorofluorocarbons [CFCs] means that no jet aircraft will be safe to fly, because without halon as a fire extinguisher, I'd hate to have people fly on a jet aircraft. The refrigeration cycle upon which we've come to depend over the past 40 years, no longer exists; there's the danger of food spoilage, mass deaths. Meanwhile, there's no danger at all from these CFCs in respect to UV radiation in the atmosphere. The whole thing is a hoax. They don't care about that, they care about opinion.

They don't care that what they're converging upon in a health reform, is worse than what the Nazis did in the 1930s. This is killing the useless eaters. The only kind of physician who will be left standing is, of course, Dr. [Jack] Kevorkian, of Michigan, the pathologist who's killing people. That's what it heads toward.

They don't care. They don't worry about this or that sort of thing. Maybe they can be brought to the point that they do. But the great danger in the United States is the indifference to the fact that when you do something, it has a consequence, and rather than considering whether you have the support to enforce the policy, you ought to be concerned with something down the road: What is the consequence of trying to put that policy through, and do you want the result that you're going to get, as opposed to the result that you propose to seek?

And that is the danger in the whole system, that we have forgotten the values. The problem is accentuated by their self-inoculation against what they call value judgments. They are concerned with "sensitivity." Exemplary is, the City of New York, recently, has decided not to call its most famous institution the Bronx Zoo, because, they say, the word zoo has come to have unpleasant connotations for some people. Therefore we're not going to call it a zoo anymore, we're going to call it a wildlife sanctuary!

We have dictionary nominalism, with a dictionary written by a lunatic, run wild toward our national life, and policy is made in a framework in which these standards of judgment are prevalent. We have become a nation like that in Jonathan Swift's *Gulliver's Travels* to the land of the Houyhnhnms, in which we are ruled over by the rear-ends of horses, and we are Yahoos. If this doesn't stop, there's not much chance for good government, under such circumstances.