
European Labor Party vs. Der Spiegel

Anti-LaRouche magazine in Germany gets slapped down by court for lies

Recently, the peculiar journalism that is the trademark of the German weekly magazine *Der Spiegel* suffered a considerable setback.

A suit was filed against the publisher of *Der Spiegel*, Rudolf Augstein & Company, Ltd., by the European Labor Party (EAP) over a four-page article that appeared in the magazine over two years ago, on March 5, 1984, and imputed to the EAP and to Lyndon H. LaRouche, the American politician and the husband of Helga Zepp-LaRouche, the chairman of the EAP, among other things, anti-Semitic statements, "methods such as those of youth sects," "telephone terror," a crude worldview, and connections with radical anti-Semitic or racist organizations such as the Black Muslims, the Liberty Lobby, and the Ku Klux Klan.

On March 6, 1986, a judgment, incorporating a partial judgment by acknowledgement of Feb. 22, 1985, was rendered against the *Spiegel* publishing house of Rudolf Augstein and Company Ltd., enjoining them to cease stating or otherwise disseminating the defamatory remarks against the EAP and against LaRouche. For every case of violation of the judgment, a penalty was threatened of "as much as 500,000 deutschmarks in an individual case"—or imprisonment of "up to six months" (in total, as much as two years).

Additionally, *Der Spiegel* may no longer assert that "Willy Brandt's office manager Klaus-Henning Rosen stated recently in *Bildzeitung*, that 'a systematic disinformation campaign from a Western intelligence agency is being conducted' under the cover of the EAP."

In the view of the Third Civil Division of the Hamburg Regional Superior Court, the "German News Magazine," as *Spiegel* is subtitled, failed to give any proof of the factual assertions of *Spiegel* editor Jörg R. Mettke, former correspondent in East Berlin and specialist in positive reporting on the German Democratic Republic and the Greens:

- As proof for the "crude worldview" of Lyndon La-

Rouche, *Spiegel* claimed it "was to be read" in an *EIR* law-enforcement newsletter, *Spuren und Motive* (LaRouche is the founding editor of *Executive Intelligence Review*), that the Club of Rome, the Anglican Church, and the animal lovers of the World Wildlife Fund were "behind the attack on the Polish Pope." The court could only determine that the assertions attributed to *Spuren und Motive* were simply not there to read. "The statement, that the imputed assertion is to be read in the publication named is not true," according to the Hamburg Regional Superior Court. Mr. Mettke had thus either not read the article at all, or had missed something, namely, the fact that the article referred to by him gives a detailed discussion of the involvement of Eastern intelligence agencies in the assassination attempt on the Pope.

- Concerning Mettke's imputation, "Willy Brandt's office manager Klaus-Henning Rosen asserted recently in *Bild*. . . ." the court ruled quite concisely: "The contested assertion is not true according to the defendant's [*Der Spiegel*] own statement." *Der Spiegel* had not even made the attempt to factually support this rumor-mongering from the questionable gossip column written by Count Nayhauss in *Bildzeitung* that was put forward as a quasi-official "statement." The charge of systematic disinformation—on whoever's commission—thus better fits Augstein's own weekly publication.

- *Der Spiegel* had been forbidden in the February 1985 judgement to disseminate absurd defamations such as "The EAP uses methods 'such as youth sects,' urges young people 'to discontinue their professional training or studies,' and keeps youth 'from freely available news media.'" The researchers of *Spiegel* had unfortunately overlooked that Christian Democratic Union politician Irmgard Karwatzki had previously, on May 3, 1985, been legally enjoined to cease making these false and defamatory statements. "The defendant [again, *Der Spiegel*] also did not support the content of

this assertion in the present litigation," according to the District Superior Court.

- Likewise, in the first court, *Spiegel* was forbidden to assert that followers of LaRouche's "deployed, using aliases, an intense telephone terror, recruited workers with house visits, and occasionally cast aspersions on those unwilling to cooperate by means absurd insinuations to their bosses." Since not a single concrete instance could be given for these vehement accusations, *Spiegel* had abandoned this charge in the first trial and had acknowledged the EAP's demand for an injunction.

Anti-Semitism 'simply not true'

- Concerning *Spiegel's* charge, "LaRouche also attacks [Henry] Kissinger occasionally because of his Jewish descent," with which Mettke intended to support the claimed anti-Semitism, the judges decided quite unequivocally: "The contested statement is not true." The inept attempt to at least begin to give argumentation floundered miserably. The court did not allow itself to be misled by the "method of textual association" with which *Spiegel*, using the otherwise proven model of most of its exposés, arbitrarily strings together quotes that are as devoid of content as they are of coherence, and where, additionally, the source of the statements remains a mystery. Also, the Superior District Court rejected the *Spiegel's* evidence. Jörg Mettke himself was called as a witness, and claimed to have heard from a third party, otherwise not described, whose identity or even existence will probably never be revealed, how LaRouche—concerning the when and where, of course, no information was given—was said to have made the remark ascribed to him.

The summery judgment of the court concerning this inept attempt at proof: "This report is not sufficient," and yields "nothing tangible."

Newspaper articles are not fact

- The treatment of the major lie, that LaRouche occasionally "consorted . . . with Black Muslims, the anti-Semitic Liberty Lobby, the racist Ku-Klux-Klan or with all together," was quite shameful. Here, *Spiegel* did introduce extensive written material, but on closer examination these proved to be merely articles that were equally wild and inflammatory, whose fanciful offerings Mettke had obviously used without discrimination. That sort of "offering of proof" was judged with annihilating clarity by the Superior District Court: "The defendant [*Spiegel*] supports itself in this litigation not on concrete facts, but on sources that make similarly situated accusations that are equally unsubstantiated. . . . That is not sufficient. . . . The defendant has otherwise not proven that it has exercised its duty of journalistic conscientiousness. The burden of proof therefore still lies with it. The quotes do not furnish the proof."

The present judgment was issued almost exactly two years after the publication of the contested article in *Spiegel* on March 5, 1984. It is revealing to look back at the situation at

that time. In March 1984, one year after President Ronald Reagan's historic announcement of an American beam weapon program (the Strategic Defense Initiative), it had become clear to *Spiegel* and other similarly inclined circles what a decisive influence LaRouche and the Fusion Energy Foundation (FEF) co-founded by LaRouche had had on the initiation and working out of this military program. One entire page of the *Spiegel* article in question was therefore concerned with the reputation that FEF scientists have in university and specialists' circles. Uneasily, Mettke stated then: "Nevertheless, the fusion propogandists have no lack of acceptance from the academic profession." In addition, he appealed to his journalistic colleague Mathias Schulenburg of the German radio Westdeutschen Rundfunk (WDR), who had made the same complaint, and had smelled behind the successful FEF work a sinister LaRouche conspiracy and an attempt by LaRouche to get an nuclear bomb of his own. After the Hamburg Superior District judgment, Mettke once again has something in common with Schulenburg: Previously, on June 25, 1985, the Cologne Superior District Court had ruled that the WDR cease making a series of charges made against the EAP in the broadcast in question.

Another aspect of the 1984 *Spiegel* piece evokes smiles today. Mettke gloated over LaRouche's political influence at that time, saying that Larouche was supported merely by a "politically insignificant 'National Democratic Policy Committee' (NDPC)." Since the sensational electoral victory of the NDPC candidates in the state of Illinois, *Spiegel* is again given the lie.

The one flaw in the District Superior Court's ruling in the *EAP v. Der Spiegel* case is the explanations of those statements that the Third Civil Court considered as "fair statements of opinion" or as cautious acceptance of utterance of third parties, and therefore, in both cases, as protected by the German fundamental law on freedom of speech. Thus, the judges deliberately avoided comment on the rightness or wrongness of the insults that *Spiegel* had written, arguing that a political party such as the EAP must "tolerate fundamentally sharp and even polemical criticisms. That would even be valid if those sorts of statements would contribute nothing to a suitable formation of opinion," or if the "evaluation" rested on a "subjective, possibly biased view of the defendant."

It is interesting that *Spiegel* is not prepared to give the wide room for tolerance conceded by the judgment in regard to criticism of its own magazine. When the counsel for the EAP reprimanded the underhanded trial proceedings of *Spiegel*, in attempting to give a totally opposite interpretation to the meaning to a quote whose source had not even been identified, the *Spiegel* spokesman made a veiled threat of bringing charges against the EAP lawyer. The *Spiegel* lawyer reacted in a similarly uncontrolled manner when the London trial of *Spiegel v. Goldsmith* was referred to. Sir James Goldsmith had reproached the magazine, with, among other things, "KGB propaganda techniques."