

77 years in jail for political organizing

Michael O. Billington, a political associate of Lyndon LaRouche, was sentenced to 77 years in prison by a Roanoke, Virginia jury on Oct. 24. The outrageous sentence ended one of the most barbaric judicial proceedings in U.S. history and reflected the fact that Billington was prevented from putting on his defense by a concert of action among the prosecutor, the judge, and the defense attorney.

Billington was convicted on nine counts of “securities fraud”—failing to register to sell securities, selling unregistered securities, and conspiracy to commit those crimes. Never before have the Virginia “securities” laws been applied to the solicitation of political loans—a practice which, if applied generally, would shut down virtually all political fundraising in the state. Billington was indicted in February 1987, along with 15 other LaRouche associates. He is the second defendant to stand trial, following Rochelle Ascher, who was convicted in April 1989 and sentenced by the jury to 86 years in prison. The judge later commuted her sentence to 10 years in prison and 10 years on probation. She is currently free on bond pending appeal.

‘Judicial barbarism’

In a statement released immediately upon hearing of the sentence, Nancy Spannaus, a LaRouche Democratic candidate for the U.S. Senate in Virginia, said:

“The conviction of Michael Billington today is the result of a process of judicial barbarism in which the prominent organizer in the LaRouche movement was denied his most elemental constitutional rights. Billington was confronted on the eve of trial with his lawyer calling him insane, and joining the prosecution. He was not allowed to change lawyers and thus went through the entire trial unrepresented.

“As a result of this denial of his Sixth Amendment right to effective counsel, Billington could not call the witnesses he wished. Nor could he himself go on the stand as he had planned from the beginning.

“Billington’s lawyer, Brian Gettings, wished to show that a jury trial would be a disaster and he acted to ensure that result.

“The verdict also directly reflects the venality of Commonwealth Attorney General Mary Sue Terry, who has determined to wipe out the LaRouche movement by any means necessary, and doesn’t mind ripping up the U.S. Constitution and violating all fundamental fairness to do so.”

The final week of the trial, in which Billington was supposed to be able to put on his defense, was nothing more than a continuation of the collaboration among judge, prosecutor, and defense lawyer, against Billington. First the judge denied Billington’s motion for a mistrial. In that motion, Billington documented how Gettings had become so hostile to Billington’s interests, that it had become impossible for Billington to testify in his own defense. Then Gettings agreed to a series of six stipulations with the prosecution which kept out crucial exculpatory evidence while at the same time helping the prosecution. For example, Gettings agreed not to call two key witnesses, FBI agent Richard Egan and wealthy Connecticut contributor Barbara Newington, both of whom could have given testimony about how the prosecution of Billington was part of a dirty tricks operation of the U.S. intelligence community directed against LaRouche.

The judge also refused to consider an *amicus curiae* brief filed by attorney John Flannery, which supported Billington’s claim that Gettings’s hostile actions had violated Billington’s right to an effective defense.

On the day the case went to the jury, Billington filed a memo to the court entitled “Applications Upon Conviction.” In the memo he said, “I did not wish to be convicted by the jury hearing my case, but I fully expected that would be the result given the difficulties I suffered for insisting upon a jury. . . . I regret to say that it appears in retrospect that I insisted on my right to a jury trial at the expense of my right to a counsel of my choice . . . I am . . . asking the Court to permit Mr. Gettings, whom I fired before this trial began, to withdraw so that counsel of my choice may substitute to represent my interests—at least post-trial.”



Michael Billington, with his wife Gail.

Stuart Lewis