

Judge orders hearing in Billington case

by Bruce Director

U.S. District Judge Richard Williams on Jan. 8 ordered a hearing to determine whether Michael O. Billington, a political associate of Lyndon H. LaRouche, Jr., had adequate legal representation in his 1989 Roanoke, Virginia trial. Billington was convicted in a now-infamous proceeding in which his lawyer's behavior was so bizarre, that it virtually left Billington unrepresented.

The judge's ruling came in response to a petition for *habeas corpus* filed by Billington, who is seeking to overturn his fraudulent conviction for "securities violations." Billington's attorneys had also asked Williams to hold a hearing on other violations of Billington's U.S. constitutional rights during the trial. Williams dismissed all of Billington's other claims, including claims of prosecutorial misconduct and judicial bias.

Billington is currently serving an outrageous 77-year sentence in a Virginia prison. Before being tried by the state of Virginia, Billington was a co-defendant with LaRouche in the 1988 federal frame-up trial in Alexandria, Virginia. Evidence presented in that case has proven that the government prosecuted LaRouche and his associates, despite the fact that they knew that LaRouche and his co-defendants were innocent of all charges. An international campaign for the exoneration of LaRouche and his co-defendants is under way. More than 600 U.S. state legislators, 29 former U.S. congressmen, civil rights leaders, and prominent international figures have signed a public letter to President Clinton, urging LaRouche's exoneration. In December, the National Black Caucus of State Legislators, representing 574 African-American elected officials, passed a resolution calling on the U.S. Congress to investigate government misconduct in the LaRouche case.

The hearing ordered by Judge Williams will focus on the conduct of Billington's trial attorney, Brian Gettings. On the eve of the 1989 trial, Gettings, a former U.S. Attorney, tried to have Billington declared mentally incompetent, for insisting on his constitutional right to a jury trial. What followed was a sham trial in which Gettings was more interested in protecting himself than defending his client, in some instances actually becoming Billington's adversary. Consequently, Billington received no effective defense.

'Get LaRouche' strike force exposed

In denying Billington's other claims on procedural grounds, Judge Williams has, for now, blocked a full hearing into misconduct of the "Get LaRouche" prosecutorial strike

force. Billington's petition charges that prosecutors, "motivated by unlawful political animus," conducted a campaign to violate Billington's rights, including: withholding exculpatory evidence, suppressing evidence of government misconduct, tampering with witnesses, knowingly presenting false evidence and perjured testimony, conducting illegal searches and seizures, and interfering with Billington's right to counsel.

Additionally, the petition charges that the trial judge was politically biased; the jury was wrongly instructed on the law; and the jury was polluted by pre-trial publicity generated by the prosecution and its allies. These claims were also dismissed by Williams on procedural grounds.

Virginia authorities also charged 15 other political associates of LaRouche in their bogus prosecution. Five of those charged, Billington, Anita Gallagher, Paul Gallagher, Donald Phau, and Laurence Hecht, are currently wrongfully incarcerated in Virginia prisons, serving sentences from 25 to 39 years.

The more than 100-page petition lays out the details of a massive conspiracy involving government and private organizations bent on fraudulently convicting Billington at all costs, because of his political association with LaRouche. These facts were uncovered in a post-trial investigation which reviewed thousands of pages of government documents and interviews of witnesses. The investigation also showed that prosecutors lied in court to cover up their illegal activities.

The petition documents that prosecutors used coercive techniques against financial and political supporters of LaRouche, in order to get them to present false testimony against Billington. One witness, former LaRouche associate Chris Curtis, was "deprogrammed," i.e., brainwashed, by Cult Awareness Network kidnapper Galen Kelly and former Loudoun County, Virginia Sheriff's Deputy Donald L. Moore. Both Moore and Kelly have served federal prison sentences for a CAN-related kidnapping.

Billington also presents extensive evidence of illegal activities conducted by government officials. According to the petition, Moore illegally entered buildings without a warrant, illegally obtained photographs, and seized computer printouts, including lists of financial supporters and notebooks. Moore also engaged with others in illegal wiretappings, and interfered with the finances and operations of the Constitutional Defense Fund, which was assisting in Billington's defense.

Billington was also denied an impartial trial judge. Just months after Billington's conviction, evidence surfaced in the case of his co-defendant Richard Welsh, that Judge Clifford Weckstein, who presided over several of the LaRouche cases, had ties to the Anti-Defamation League of B'nai B'rith. The ADL sought to influence Weckstein while offering him support for a promotion to a higher court. Weckstein's actions during the Billington trial show that Weckstein was in fact prejudiced by the ADL.