
Kafka in Roanoke

Judicial barbarism in the trial against Michael O. Billington

by Gail Billington

From a speech prepared for delivery on Nov. 5 to the Food for Peace conference in Chicago, Illinois:

I am here today on behalf of my husband, Michael O. Billington. Mike has been a political associate of Lyndon LaRouche since 1972. Since 1982, Mike has worked as a political fundraiser. In fact, Mike is a very good fundraiser—too good for the political enemies of Lyndon LaRouche. From 1982 until the government-imposed involuntary bankruptcy in April 1987, Mike had raised approximately \$5 million in sales of political literature, outright contributions, and political loans. From April 1987 through January 1989, Mike doubled that amount in sales of literature and contributions alone. In the closing days of the 1984 presidential campaign, the political enemies of Lyndon LaRouche launched an all-out attack to “Get LaRouche.” As part of that offensive Mike, and others like him, had to be put out of commission.

Mike is one of the six people tried and convicted with Lyndon LaRouche in federal court in Alexandria, Virginia, and sentenced to three years in federal prison in January 1989. Until September, he was serving time in a minimum-security federal prison. Mike is also the second of 16 individuals and five corporations to face trial in the Commonwealth of Virginia, on charges that the political loans they raised were “securities.” Mike was charged in Virginia on nine counts, carrying a maximum sentence of 90 years.

Mike saw his trial in Virginia as his moment to do what was made impossible by the rocket-speed of the Alexandria court. This meant completing the job started in Boston, which had led that jury to say they would have acquitted all the LaRouche defendants, because of the stench of government misconduct. Mike determined to put the whole truth on the table, including the direct role of the Oliver North/Spitz Channell/Iran-Contra crowd in disrupting the fundraising of LaRouche’s associates. It meant ripping apart the government’s lie that fundraisers used the War on Drugs as a gimmick to raise money, but putting on evidence of the LaRouche movement’s two-decade collaboration with heads of government, military, and political leaders to build an alternative to the multibillion-dollar drug economy.

And it meant ripping apart the biggest lie of all, the lie that underlies every prosecution against the members of LaRouche’s philosophical association, and that is, that Lyndon LaRouche is the evil genius of a tightly knit criminal conspiracy, whose sole purpose for existence is the self-aggrandizement of LaRouche, of aiding and abetting his “lavish lifestyle.”

This defense “strategy,” if you will, had been discussed among Mike, his Alexandria codefendants, and legal counsel repeatedly from January to July. Up until two days before the start of Mike’s trial, there was a clear outline of the strategy, tactics, and witnesses Mike would insist be called in his defense.

Defense lawyer joins the prosecution

Then, all hell broke loose. On Sept. 14, Judge Clifford Weckstein denied Mike’s motion to dismiss the case on grounds of double jeopardy. After that hearing, Mike’s attorney Brian Gettings told Mike that he could not wage the kind of defense Mike wanted, unless Mike gave up his fundamental constitutional right to a jury trial and put his fate in the hands of the judge. Gettings argued that a judge would be more lenient than a jury in sentencing, were Mike found guilty.

Mike did not dismiss the proposal out of hand. He told Gettings he would consider it, and would consult other lawyers and friends, including Lyndon LaRouche, over the next few days. This he did, and concluded that the only acceptable result was total acquittal, which he believed could only be possible in Virginia with a jury trial. He refused to be intimidated by the threat of a 90-year sentence by a runaway jury—as had happened with Rochelle Ascher’s 86-year sentence—and he insisted that presenting the whole truth was the only chance for justice.

That’s when Soviet-style justice moved in. Mike’s lawyer threw a fit. He accused Mike of offending his professional pride, even though he admitted that the choice of jury trial was *entirely* up to the defendant. He denounced Mike as mad, and accused him of taking orders from LaRouche.

At an emergency hearing on Sept. 18, the eve of Mike’s scheduled trial, Gettings introduced a motion to withdraw

from the case. His motion was carefully crafted to invoke the Virginia statute calling for Mike to be declared incompetent by the court. On the suggestion of the prosecution, Gettings seconded a proposal for Mike to undergo *psychiatric evaluation*. Mike protested, and was supported by the judge, who agreed with Mike, but felt overruled by the prosecution and defense attorney's request.

Solitary confinement

What came into play at the same time, was the second track of egregious violations of Mike's civil liberties. During the trial, Mike was detained at the Roanoke County Jail, having been moved from a lowest level federal security facility. For reasons *never* explained, Mike was immediately placed in solitary confinement, and allowed to make phone calls only to his attorney. To this day, Mike is being held in solitary confinement, confined to a 9-by-12 cell 24 hours a day, given only three hours a week in the gym to exercise, and *no calls* but to his lawyer. To this day, he is not allowed to call me, his wife; calls he has made are cut off. I am allowed to talk to him through a glass window 15 minutes a day, two days a week.

On Sept. 16-17, while Mike was considering the issue of a jury trial, the sheriff suddenly withdrew paralegal visitation rights to the two people who have worked on his case for two and a half years, myself and Martha Quinde. So Mike was effectively cut off from contact with everyone except an attorney who was committed to proving his client mentally incompetent to assist in his own defense!

Mike did allow a psychiatrist to interview him for one hour in the jail on the evening of Sept. 18. The following morning the local newspaper blared, "LaRouche aide trial delayed: Billington to undergo mental test."

In court on Sept. 19, the psychiatrist declared Mike to be sane, that he could find no disorders; but under questioning by the prosecutor *and* Mike's attorney, he admitted he was not an expert in *cults*, and therefore would welcome a second opinion!

Enter Dope, Inc.'s psychiatrists

Prosecutor and defense attorney joined forces and immediately demanded a second, in-depth psychiatric exam, and lo and behold, prosecutor John Russell knew just the place to send him: the Institute of Law, Psychiatry and Public Policy at the University of Virginia in Charlottesville.

What is the ILPPP? It is financed by, and enjoys a "strong" relationship with, the Virginia Attorney General's office—the prosecutors against Mike—and the FBI, two central elements of the "Get LaRouche" task force. Its director, Richard Bonnie, prides himself on being the "grandad" of the movement to decriminalize drugs in the United States, which had been exposed, and politically set sharply back, by the LaRouche-led forces in the late 1970s.

Mike refused the second exam by these political enemies,

knowing that it was an opportunity for those enemies to open a Pandora's box of attacks on his friends and associates. He refused, knowing that he was running the risk of facing contempt of court.

On Sept. 26, Judge Weckstein, instead of citing him for contempt, declared that he found "not an iota, not a scintilla" of evidence of Mike's incompetence, and also supported Mike's concerns that the ILPPP is hardly what you would call a "disinterested party." However, that same day brought a new level of Kafkaesque insanity, when the judge ruled that Mike had to proceed to trial the next day—with Brian Gettings as his counsel of record!

From this point forward, Gettings's overriding concern seemed to be to argue for his view that Mike was "directed" in his approach to the case, and not defending Mike against the criminal charges brought against him. The prosecution proceeded to jam the record with the most outrageous prejudicial hearsay evidence, including, not direct testimony from lenders, but testimony of their children and lawyers!

Mike filed no fewer than four separate motions, *pro se* (on his own behalf), pressing for substitution of counsel. Two of the motions requested mistrial on the grounds that he could not exercise his constitutional right to testify in his own behalf or to call witnesses.

Mike's jury trial lasted exactly 15 days, from selection to verdict. The *coup de grâce* came with the closing arguments on Oct. 23. Brian Gettings told the jury that, indeed, in some cases, these political loans were securities, and implied that Mike may have committed fraud, but begged for leniency. His parting words were high praise for the prosecution. The judge, for his part, concluded the day by chastising Mike that, were he in Mike's shoes, he could not have wished for a better closing argument than Mr. Gettings's.

In the Soviet Union, where the judge, the prosecutor, the local law enforcement, and defense counsel are all employed by the state, it is not unusual for the lawyer of a defendant accused of a political crime to argue that his client is insane, mentally incompetent, as demonstrated by his refusal to adhere to the belief structure of the state. More often than not, such prisoners are placed in so-called mental institutions, for "observation" and "treatment."

Mike has no doubt about *his* own competence, and has doggedly pursued his objective of putting on the table the whole truth, and that means acquittal for all the LaRouche defendants. It is precisely the extremes of judicial barbarism that will backfire on their perpetrators.

In a recent letter to his friends, Mike wrote how elated he was at the news of the bankruptcy ruling [see *Feature*, page 24]. In closing, he wrote, "Time is short, but the moment is ripe. The ground is shaking under the Olympians' feet, and Reason awaits our call."

Friedrich Schiller wrote, "Eine Grenze hat Tyrannennmacht!" There *is* a limit to the tyrant's power. And that idea lies at the very heart and soul of this nation.