

Billington, fundraiser for LaRouche, given 77 years as political 'message'

Michael Billington, a fundraiser for political causes associated with Lyndon H. LaRouche, Jr., was sentenced to 77 years in the Virginia penitentiary on Dec. 1 by Roanoke County Circuit Judge Clifford R. Weckstein in Roanoke, Virginia. Billington had been convicted by a Roanoke jury of selling unregistered securities, failure to register as a securities broker-dealer, and securities fraud. Weckstein's sentence is believed by legal experts to be a record in the State of Virginia and the United States for this type of criminal allegation. Prosecutor John Russell, in arguing for the sentence, said that it should be a "message to the LaRouche organization which continues to wreak havoc throughout the United States." Billington's attorneys called the sentence an "atrocious" and said they would immediately appeal.

Virginia is one of the few states in the United States where juries sentence the accused in addition to making findings of guilt or innocence. This process has been upheld against repeated constitutional challenges because, it is argued, judges have the right to reduce the sentences where the jury's sentence is disproportionate to the alleged crime. In Billington's case the jury sentenced him to 77 years.

Billington argued in a separate motion filed Dec. 1 that the jury had been inflamed by a deluge of prejudicial publicity prior to their selection. Judge Weckstein—one of whose in-law's writes for the local newspaper—denied this motion. Billington had also filed a double jeopardy motion which was denied by Judge Weckstein. The motion points out that the case against Billington by the State of Virginia is exactly the same case for which he was tried and convicted by the United States in Alexandria, Virginia, receiving a sentence of three years. Billington's federal conviction is now on appeal.

At issue in the substantive charges in Billington's case is \$56,590 in unrepaid loans to political supporters of LaRouche. The process of repayment was stopped by a bankruptcy instituted by the U.S. government, which U.S. Bankruptcy Judge Martin Bostetter found to be in "bad faith" and a "constructive fraud" on the Court one day after Billington's jury verdict. The State of Virginia ruled that the loans were "securities" one month after Billington was charged with the crime in this case, in February 1987. Judge Weckstein found that the bankruptcy judge's ruling would have "no impact" on the trial or sentencing of Billington.

'Community standards'?

In arguing for sustaining the jury's sentence, Virginia prosecutor John Russell stated that the jury sentencing was

"constitutional as reflective of contemporary community standards." Russell argued that Billington had committed, in effect, a heinous crime by his political fundraising activities, "using the telephone rather than a gun as an instrument of theft." The method for this crime, according to Russell, was that "Billington would call individuals on the telephone and engage them in discussions about important national issues, such as AIDS. He would also discuss with them art, music, and culture, thereby winning their trust. Then he would ask them for money." According to Russell, Billington is an "enormously talented individual who could have been a success. Instead he chose the political path dictated by Lyndon LaRouche."

Next Russell pointed to the extensive eve of trial proceedings involving Billington's choice of a jury trial. He stated: "Michael Billington was told by his counsel that he had a choice as to whether to proceed with a judge or a jury—he was told by his counsel what the probable result of proceeding with a jury would be. He chose a trial by jury and he must now live with those results."

Billington's attorney, Brian Gettings, attempted to have Billington declared insane in court proceedings on the eve of trial because Billington refused to give up his right to a jury trial. After Judge Weckstein found that Billington was perfectly competent, with Gettings still insisting that Billington was insane, Billington was forced by Weckstein to proceed to trial with Gettings as his attorney.

Prosecutor Russell said that the most important reason that the jury's sentence should be sustained was its "deterrence value." He stated that the 77-year sentence would "send a message" to "Billington's codefendants who also wish to exercise their right to a jury trial about the result of exercising that right." Fourteen individuals and four corporations still await trial in Virginia's "Get LaRouche" rampage. Prosecutor Russell has previously pointed to a "lack of resources" in the State Prosecutor's office as hindering the speedy jury disposition of these cases.

In addition, Russell argued, the 77-year sentence "will send a message to the LaRouche organization which continues to wreak havoc throughout the United States by continuing to raise funds, some of which come from elderly individuals who are preyed upon by precisely the methods we have seen in this case."

Michael Billington's attorney, Jeffrey Hoffman, rose in indignation following Russell's presentation. "I would not dare, because of the Constitution of the United States, to

argue before any court that the sentencing of an individual should be made on the basis of whether or not someone chooses to exercise the right to jury trial, as Mr. Billington did, or to deter others from exercising that fundamental right or other rights. I can't believe that Mr. Russell has just made such an argument, it is outrageous."

Next Hoffman pointed to a second issue in the sentencing—the fact that Judge Weckstein is himself a compromised critical witness in the Soviet-style procedures employed pre-trial to declare Billington incompetent. Unrecorded in-chambers discussions among Weckstein, Russell, and Gettings precipitated Gettings's efforts to declare Billington insane, allegedly because Weckstein stated that he never reduced jury sentences. It is clear from the record in Billington's case that Weckstein, Russell, and Gettings all wished to "dispose" of the Billington case in a bench trial with an efficient and inexpensive finding of guilt. Billington is paying the price for bucking that decision. Defense attorneys commented outside the court that a 77-year sentence appears to be the price of "rent on the Courthouse for a jury trial in Roanoke."

Hoffman told the Court that a "chill went up my spine" when he realized that "in order to be consistent" about his early role in the proceedings," Weckstein "would be forced to uphold the abhorrent jury sentence."

Documentation

Michael Billington's allocution at sentencing

The following statement was made by Michael Billington before Judge Clifford R. Weckstein on Dec. 1, 1989, just before he was sentenced to 77 years in a Virginia state prison.

"My conviction on the charges against me here is best addressed by looking at the history of arrogance of the Get LaRouche Task Force. Last month, the prosecutor in the New York case admitted in court papers that there was indeed a joint task force of the federal government, the State of New York, and the Commonwealth of Virginia to prosecute Lyndon LaRouche and his associates.

"The arrogance of this Task Force has been demonstrated repeatedly. In Boston federal court, the government intentionally withheld crucial documents and information about FBI and National Security Council infiltration and wrecking operations, which was determined by Judge Keeton after evidentiary hearings to have been *serious institutional and systemic prosecutorial misconduct*. The role of FBI agent Egan in blatantly destroying our records in that case is now infamous.



Michael Billington (right) and his wife Gail

"When that case failed, the arrogance continued with government forum shopping into Alexandria, to a judge who had participated in imposing the involuntary bankruptcy to shut down our political and scientific publications, who then ruled that we could not tell the truth to the jury that the government was responsible for shutting us down and stopping all debt repayment.

"The arrogance was demonstrated in Virginia when 16 of us were arrested on security charges *before* the State Corporation Commission was even *asked* to rule on whether or not loans such as ours *were* securities.

"Then the involuntary bankruptcy, the height of arrogance, was brought *ex parte*, and blatantly ignored bankruptcy law on several counts. The only effect was to shut down our publications and order the discontinuance of any further debt repayment. It did not affect our borrowing, which had already stopped completely following a cease and desist order.

"Then here in Roanoke I was forced to trial with a lawyer who had spent over a week working with the prosecution to have me declared mentally incompetent, and even trying to have me sent to a state mental institution for 30 days, and who accused me of being guilty of precisely the acts alleged repeatedly by the Joint Task Force. With my accuser as my lawyer, and thus without representation, I was unable to present my defense.

"I am glad to say to the Court and to those who have followed this case around the world, that since my conviction here, Judge Bostetter has thrown out the bankruptcy and ruled that the government acted in bad faith and committed

a constructive fraud on the Court. This has brought great hope to me and to people around the world that it may still be possible to reverse this tyranny in America.

“The bankruptcy ruling points to another issue. The charges against me still did not accuse me of greed. Rather, the prosecution argued that I believed that my political ends justified *any means*, including fraud. This is a philosophy that is abhorrent to me, and against which a good part of my life has been spent combatting. Indeed, Judge Bostetter’s ruling makes clear that it is the Get LaRouche Task Force that believed that any means, no matter how blatantly illegal, were justified, in their view, in their drive to shut down my political movement.

“I must add, that Mr. Russell’s argument that we’re *still raising money*, as if this is part of a criminal activity, demonstrates the incredible arrogance and lawlessness of their effort to stop our political activities. The millions of people now risking their lives to fight for freedom against communist tyranny in China and Eastern Europe will certainly be shocked to hear that in America raising contributions to fight for freedom is a crime!

“As to the lenders—these were our *supporters*. I worked exhaustively especially during 1986, through government raids, arrests, slanders, harassment, to put our companies back on their feet so we could repay these lenders. Only the government’s bankruptcy made that repayment impossible. I only regret that the ruling overthrowing the bankruptcy, coming two and a half years later, cannot reverse the great damage already done to these people, for whom I have great sympathy. I certainly never did anything that was intended to cause the pain to these people.

“And, finally, Your Honor, it is *still* my hope that I will one day be allowed to present the truth of this case to a fair and unbiased jury, prove my innocence, and thus help to restore justice to this nation.”

The issue of classical culture

At the beginning of his allocution, Mike noted that he was departing from his remarks to address Russell’s charges about his method of organizing directly: “To say that by talking and arguing with people about ideas, about classical culture, about the need for a renaissance in the United States, about a strategy to bring the United States out of its degeneration, I traded on their trust, is an absurdity. It is true that many of the supporters I talked with are older. These are the people who are at a stage of their lives when they are looking for universal values. Many of them were stopped by the government or their families from exercising their constitutional rights to support these ideas. I regret that their constitutional rights were interfered with.”

Billington pointed out that Russell’s message was a message that it is this method of organizing, organizing around the highest ideas of Western civilization, which the Task Force wants stopped at any price.

After the Seasick Summit

Bush has the power LaRouche—now he

Warren Hamerman, chairman of the National Democratic Policy Committee, issued the following statement on Dec. 3.

The summit which will go down in history as the “Seasick Summit” has now been completed. Now is the time to take to the streets against George Bush. And George Bush must now take personal responsibility to act on what is within his power, to release material that proves that Lyndon LaRouche is innocent. George Bush personally is acting to keep Lyndon LaRouche in prison, by refusing to release masses of exculpatory material on LaRouche.

The same George Bush administration has recently stonewalled the release of national security matters files in the recent trial of CIA Costa Rica station chief Joseph Fernandez. This action led to the dismissal of the trial and may lead to the dismissal of the trial of Adm. John Poindexter as well. The actions of the Bush administration through Attorney General Richard Thornburgh not to release alleged national security documents has ignited a firestorm of justified outrage from Special Prosecutor Lawrence Walsh, Sen. David Boren (D-Okla.), and other congressmen. They argue that the Bush administration is adopting a double-standard policy to protect a gang of national security operatives above the law.

This is precisely, as well, the central issue in the LaRouche case. The various U.S. intelligence agencies, including the FBI, have admitted that there is a national security file of documents on Lyndon H. LaRouche, Jr. This file was created in part under Executive Order 12333, the same “secret government” executive authority for intelligence operations which are at the core of the Iran-Contra Affair. The Justice Department even admits that they will not release this LaRouche file because it is a “national security repository.” George Bush has the personal executive authority to declassify these files. When the Bush administration refused to declassify the files against Fernandez, his case was dismissed. But in the instance of LaRouche, he was framed up, falsely imprisoned, and today sits in the Rochester, Minnesota federal prison. The Justice Department knows that Lyndon LaRouche is innocent—that is, the Justice Department of George Bush’s administration.

Lyndon LaRouche has been denounced by the government of Mikhail Gorbachov as the Soviet Union’s number-one strategic adversary. Again and again, the Soviet media have targeted Lyndon LaRouche as public enemy number