
The LaRouche Cases

Billington federal habeas filing exposes government violations

The Commonwealth of Virginia, in concert with corrupt federal law enforcement officials, knowingly violated the U.S. Constitution when it prosecuted Michael Billington, a political associate and co-defendant of Lyndon H. LaRouche, Jr., according to papers filed in federal court in Richmond on July 17. The petition for a writ of *habeas corpus* charges that prosecutors, "motivated by unlawful political animus," conducted a secret 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 Billington's attorney was ineffective and disloyal; 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 (see *Documentation* for a summary of the evidence contained in the petition).

Billington is asking the federal courts to overturn his state conviction because state authorities violated his constitutional rights in order to obtain that conviction.

Billington, who is currently serving a barbaric 77-year prison sentence in Virginia, was falsely convicted along with LaRouche and five others in a 1988 federal frame-up trial in Alexandria, Virginia. While wrongly incarcerated in federal prison, Billington was prosecuted on virtually the same charges by then-Virginia Attorney General Mary Sue Terry, a partner of the federal prosecution.

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 wrongly incarcerated in Virginia prisons serving sentences from 25 to 77 years.

Billington's petition focuses attention on the need to clean out the Bush-linked corrupt permanent bureaucracy of the U.S. Department of Justice and the FBI typified by Deputy Assistant Attorneys General Mark Richard and John Keeney, both of whom played a role in supervising the fraudulent prosecution of LaRouche and Billington.

Richard and Keeney also supervised the deadly shootouts in Waco, Texas and Ruby Ridge, Idaho. In the weekly *New*

Federalist on July 17, LaRouche, in a statement issued by his Presidential campaign, warned that upcoming congressional hearings into the Waco and Weaver cases would be a massive cover-up if congressional Republicans failed to investigate the permanent bureaucracy typified by Richard and Keeney and their private collaborators such as the Anti-Defamation League (ADL) of B'nai B'rith and the Cult Awareness Network. A good place for any serious investigation to begin, is with the pattern of abuses in the LaRouche cases, as documented in the Billington *habeas* petition.

Avoid a cover-up

To avoid a cover-up, LaRouche said that any competent investigation must investigate the LaRouche cases, and also the case of retired Cleveland autoworker John Demjanjuk, who was falsely accused of war crimes, and the campaign to prosecute black elected officials under the FBI's racist "Frühmenschen" ("early man") program (see *EIR Special Report*, June 30, for an exposé of the corrupt Department of Justice bureaucracy).

The more than 100-page petition, filed by Richmond, Virginia attorney Gerald T. Zerkin, is a detailed account of a shocking judicial atrocity perpetrated against Billington. On the eve of his 1989 trial in Roanoke, Virginia, his lawyer, Brian 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.

Billington falsely charged

A post-trial investigation by Billington's attorneys uncovered 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. The investigation showed that prosecutors knew that Billington was innocent of the crimes charged, but knowingly presented a false case in order to obtain a conviction. The investigation also showed that prosecutors lied in court to cover up their illegal activities.

The petition documents that prosecutors used coercive



Political prisoner Michael Billington and his wife Gail. Falsely charged and convicted on bogus "securities fraud" violations, Billington is currently serving a 77-year sentence in a Virginia prison. His habeas filing asks the federal courts to overturn his conviction because state authorities violated his constitutional rights in order to obtain that conviction.

techniques on 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 actually "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 wiretaps, 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 ADL. Under pressure from Welsh's attorneys, Weckstein revealed a series of correspondence between himself and ADL National Commissioner Murray Janus, ADL Regional Director Ira Gissen, and Janus law partner and Weckstein family friend John Lichtenstein. 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.

Janus is now facing indictment on state bribery charges stemming from a case in which his law partner has already pled guilty to attempting to sodomize a potential client.

Prosecutors chastised

It is this kind of conduct which has already led three different judges to severely chastise prosecutors for their misconduct in various phases of the LaRouche cases. In 1988, Boston federal judge Robert Keeton said federal prosecutors were guilty of "institutional and systemic misconduct," in the Boston federal trial of LaRouche, in which Billington was a co-defendant. In 1989, U.S. Bankruptcy Judge Martin V.B. Bostetter found the government's actions against LaRouche's associates to be in "bad faith" and "fraud on the court." Most recently, in 1995, N.Y. State Supreme Court Judge Stephen G. Crane found an "inference of a conspiracy to lay low these defendants at any cost here and in Virginia."

Former U.S. Attorney General Ramsey Clark told a blue ribbon panel of legal experts that the LaRouche cases, "represented a broader range of deliberate cunning and systematic misconduct over a longer period of time utilizing the power of the federal government than any other prosecution by the U.S. government in my time or to my knowledge."

Summary of evidence in the Billington case

The Billington federal *habeas* petition seeks to overturn the conviction on 11 separate violations of the U.S. Constitution.

I. Billington was denied effective assistance of counsel because his lawyer abandoned his interests and became his adversary.

Billington had retained Brian Gettings, a former U.S. Attorney, to represent him. On the eve of trial, Gettings urged Billington to waive his right to a jury trial. Gettings's advice followed an unrecorded backroom conference between the prosecutor, John Russell, the trial judge, Clifford R. Weckstein, and Gettings, in which Weckstein stated he would not reduce a jury sentence, no matter how outrageous. Weckstein pressured Gettings to, in turn, pressure Billington to give up his right to trial by jury.

After careful consideration, Billington insisted on his constitutional right to a jury trial. On this basis alone, Gettings tried to have Billington declared insane, adopting the prosecution's false portrayal of the LaRouche political movement as a "cult," which he later told the court he did not believe. Gettings knew this "cult" theory was also promulgated by the Anti-Defamation League, which had been actively assisting the prosecution's case. This was particularly damaging because Judge Weckstein had ties to the ADL, something Gettings refused to investigate.

Over Billington's objection, Judge Weckstein ordered Billington to undergo a psychiatric exam, which found Billington competent. Gettings then joined with the prosecutor and asked for a second exam to be undertaken at the FBI-linked Institute for Law, Psychiatry, and Public Policy. Prior to the second exam, Russell sought to put the institute in contact with Mira Lansky Boland of the ADL as an expert on cults, and Gettings falsely told the institute that he had received a "death threat." Billington refused to be examined by the institute.

Gettings's actions led to pre-trial publicity prejudicial to Billington. The Roanoke newspapers quoted the ADL's Mira Lansky Boland as an authority on Billington, LaRouche, and cults. As a result of Gettings's actions, Billington tried to fire Gettings and substitute John Flannery. At a hearing on the issue, Gettings, who appeared disassociated and confused, was represented by his partner Harvey Cohen, who had previously acted as a spokesman for the ADL. Billington had no lawyer at all. Judge Weckstein refused the substitution

request, forcing Billington to stand trial with Gettings, who had abandoned his interests and now became his adversary.

Billington was forced to file written *pro se* objections in an effort to protect his rights.

In the sham trial that followed, Gettings entered into false stipulations with the prosecution without Billington's consent. Gettings refused to properly investigate and cross-examine witnesses, allowing the prosecution to present a false case. Gettings refused to prepare Billington to testify, and threatened to prevent him from testifying if he tried. He refused to call a key defense witness on Billington's behalf. He failed to make crucial objections, which allowed irrelevant and inadmissible evidence to be presented to the jury. In closing arguments, he conceded the government's case.

II. Prosecutors improperly interfered with Billington's defense.

After Billington was indicted, Loudoun County, Virginia Sheriff's Deputy Donald Moore, a key prosecution investigator, regularly obtained documents from the dumpsters located on private property next to offices occupied by the Constitutional Defense Fund, which Moore and prosecutors knew to be assisting in Billington's defense. Moore also sought and obtained information from CDF employees and monitored amounts of funds expended on lawyers. He also coordinated with the ADL and private litigants to seize funds from CDF with the intention of hampering Billington's defense.

III. Billington was denied his right to a lawyer of his choice by actions of the judge and the prosecutors.

After Billington fired Gettings, he sought to substitute attorney John Flannery, who had previously represented Rochelle Ascher, a co-defendant of Billington. Prosecutor Russell objected, saying he intended to call Ascher as a witness, thus raising a conflict-of-interest issue. Russell had no intention of calling Ascher as a witness, and only raised this to prevent Billington from hiring a lawyer who would defend his interests. Judge Weckstein refused to allow the substitution.

IV. Trial judge Clifford R. Weckstein was biased.

Four months after Billington's trial, evidence surfaced in the case of Richard Welsh, a co-defendant of Billington, that Judge Weckstein was a partisan of the ADL, a branch of the prosecution. In response to a motion filed by Welsh's attorneys, Weckstein disclosed a series of correspondence between himself, ADL National Commissioner Murray Janus, ADL Regional Director Ira Gissen, and Janus law partner and Weckstein family friend John Lichtenstein. The correspondence revealed a pattern of corruption of Weckstein by the ADL, including an attempt to bribe Weckstein with the promise of ADL support for Weckstein's appointment to a position on a higher court.

Janus is currently under indictment in Richmond for brib-

ery in a case in which his law partner has already pled guilty to attempted sodomy.

Weckstein knew of the ADL's role in the prosecution and concealed his relationship with the ADL. Nevertheless, he demonstrated his prejudice throughout Billington's trial, including forcing Billington to go to trial with Gettings, allowing Gettings to fill the record with false accusations against his client, and making numerous gratuitous, unwarranted, and inappropriate on-the-record remarks about Gettings's competence, plainly intended to thwart Billington's ability to challenge the conduct of Gettings.

At sentencing, Weckstein refused to reduce the barbaric 77-year sentence imposed by the jury.

V. The prosecutor systematically withheld exculpatory evidence.

Prosecutors deliberately withheld evidence that their witnesses were brainwashed. According to statements made by Sheriff's Deputy Donald Moore, which were secretly recorded by the FBI, key prosecution insider witness Chris Curtis had been "deprogrammed" by Moore, Cult Awareness Network "deprogrammer" Galen Kelly, and others. Moore and Kelly have each been sentenced to federal prison for their involvement in CAN-linked kidnapping and deprogramming attempts of others. The effect of the "deprogramming" was to make Curtis so hostile to his former associates that his testimony was totally unreliable.

Prosecutors also concealed that Curtis received immunity from California prosecutors and escaped severe civil penalties in New Mexico in exchange for his testimony. Curtis also received a recommendation to law school from Moore and federal prosecutor John Markham.

Additionally, prosecutors withheld evidence that they used coercive techniques on financial and political supporters of the LaRouche movement in order to get them to present false testimony against Billington. Prosecutors concealed statements which contradicted the testimony of those witnesses. Furthermore, prosecutors concealed evidence that the government itself engaged in interference with the finances of the LaRouche political movement, in effect creating the crime for which Billington was prosecuted.

VI. The prosecution suppressed evidence that Billington's double jeopardy rights were violated.

In pre-trial hearings, government officials gave false testimony in order to conceal the relationship between the federal and state cases. Government documents obtained under the Freedom of Information Act, prove the officials lied under oath at those hearings.

VII. The prosecutors were motivated by unlawful political animus and engaged in a secret campaign to interfere with Billington's rights.

According to government documents, interviews with

former officials, and secretly recorded FBI tape recordings, Virginia Attorney General Mary Sue Terry, Loudoun County Sheriff John Isom, and his deputy Don Moore engaged in a politically motivated campaign to destroy the political movement of LaRouche.

Isom told a meeting of his top deputies in 1985 that he would do "anything to stop LaRouche." Isom assigned Moore to coordinate anti-LaRouche activities outside of normal Sheriff Department channels. Moore then illegally entered buildings without a warrant, obtained photographs, and seized computer printouts, including lists of financial supporters and notebooks. Moore also engaged with others in illegal wiretaps. The activity of Terry and her underlings was so egregious that even the FBI called her "politically motivated" in their memos.

VIII. All the above circumstances combined, deprived Billington of a fair trial.

IX. The jury was tainted by pre-trial publicity.

The prosecution participated in a nationwide campaign of defamation and vilification of LaRouche and his political associates for years prior to Billington's trial. Terry and Russell repeatedly made comments to the news media, and Terry made the prosecution of Billington and LaRouche an issue in her reelection campaign. Despite the inundation of the jury pool with this prosecution-generated inflammatory publicity, Judge Weckstein would not allow prospective jurors to be questioned about their exposure to it. A post-trial investigation produced evidence that the jury was polluted by exposure to the government's pre-trial propaganda.

X. The jury was wrongly instructed on the law of the case.

Billington was charged with knowingly and willfully failing to register as a securities broker. Nevertheless, the jury was not instructed that to find Billington guilty on any count, they had to find beyond a reasonable doubt that he knew the notes at issue were securities.

In fact, Billington could not have known the notes were securities because the State Corporation Commission did not determine these notes to be securities until after Billington was indicted. Elizabeth Lacy, the chairman of the SCC, even said that this issue was a "case of first impression" in Virginia. Eventually, Lacy decided the notes were securities, clearing the way for the criminal prosecutions. Lacy was later appointed to the Virginia Supreme Court.

XI. Billington's rights were denied when Judge Weckstein refused to reduce the barbaric 77-year jury sentence.

Prior to trial, Judge Weckstein used the threat that he would not reduce the jury sentence to pressure Billington into waiving his right to a jury trial. This threat precipitated Gettings's previously described treacherous actions. After the sham trial, Weckstein imposed the entire 77-year sentence.