

## Billington forced to stand trial with hostile lawyer

Michael Billington, a nationally known activist in the political movement of Lyndon LaRouche, was forced to begin his trial on charges of "securities fraud" in the Commonwealth of Virginia on Sept. 28, even though his own attorney has, as Billington charged, "taken on the role of an adversary."

Asserting his constitutional rights to a jury trial and a lawyer of his own choosing, and not to be subjected to continuing "psychiatric examinations" as demanded by both the prosecution and his own lawyer, Billington filed an emergency *pro se* motion in the Roanoke County Circuit Court in Salem, Virginia on Sept. 25 (see last week's *EIR* for the full text).

Billington is one of 16 persons indicted in Virginia in February 1987 as part of a national effort by the "Get LaRouche" task force. He was already convicted on similar charges in a frameup trial in federal court, along with LaRouche and five others, and has been a political prisoner since January.

Billington was forced to file *pro se*, that is, on his own behalf, without a lawyer, because he was being denied the right to counsel of his choice. On Sept. 20, he had fired attorney Brian Gettings, but the Court refused to recognize that fact.

On Sept. 25, Billington was taken to the University of Virginia Institute for Psychiatry, Law and Public Policy for psychiatric examination, but refused to submit to interrogation.

Then, after a several-hour hearing on Billington's motion Sept. 26, Roanoke Judge Clifford Weckstein ruled

that Gettings had to continue to "represent" Billington. He also declared that Billington was fully competent to stand trial.

Thus, Billington is now being deprived of his Sixth Amendment right to counsel, since Gettings has become openly hostile to his client, to the point of arguing numerous times in open court—in concert with the prosecution—and in the media, that his client should be declared mentally incompetent, and insane.

### Soviet-style abuse of psychiatry

It was on Sept. 18, after Billington decided that he wanted a jury trial, that Billington's attorney Gettings raised the issue of his client's competence to stand trial. Gettings was seeking to withdraw from the case, he said, because Billington did not agree with him on having a bench trial, in which the judge would decide on his innocence or guilt, instead of a jury. Billington, Gettings claimed, was not acting "of his own free will."

Prosecutor John Russell immediately demanded a psychiatric exam, which was ordered by Judge Weckstein. But, when the first exam certified Billington to be sane, Russell and Gettings demanded a second one, by "an expert in cults," Judge Weckstein acquiesced, with the proviso that Billington could object to the examination if it involved so-called cult deprogramming.

Prosecutor Russell chose the University of Virginia Institute of Law, Psychiatry, and Public Policy as the location of the second exam. This institute brags in its own annual report about its "strong" relationship with the Commonwealth Attorney General's Office and the FBI. Both of these offices are intimately involved in the "Get LaRouche" strike force, which provoked the prosecutions against Billington.

In addition, the director of the Institute, Richard J. Bonnie, is the self-described "granddad" of the marijuana legalization movement, a movement which LaRouche and

60s) to have been jailed with hard labour *for so many years* is inexplicable to us—and bewildering. Your great Republic has always ranked high among the nations in dispensing justice at home and abroad. Your Constitution has been a model for many in this respect—yet never to my knowledge, has a Court in New Zealand (which has no Constitution) handed down such a sentence for such a "crime"—even if the person *had* been guilty of it (which LaRouche wasn't). Even a convicted spy—and there is nothing lower than that—or a rapist or multiple murderer would probably get off with far less. But Mr. LaRouche, because he has been brash enough to expose and oppose in his publications people who are real enemies to the American way of life—Communists,

pornographers, drug dealers, Satan-worshippers, ruthless internationalists, etc., etc.—has been trapped by his enemies and "had the book thrown at him" in court. Yet he has every mark of being a true patriot—and a gentleman. Even the charges brought against him by liberals and leftists (he himself espouses the Christian principles which made America great) were heavily weighted against him. He was *foredoomed* because governmental agencies themselves had closed down the firm charged with repaying his investors. And a savage campaign of vilification in the media had reduced his credit rating almost to nil.

*Please* do order a re-trial of this man, under normal traditional procedures, where prejudice can have nothing to do

Billington went directly up against in the late 1970s.

But when Billington cited these facts to Judge Weckstein, the judge ordered him to go ahead with the examination anyway. This left Billington with no alternative but to file his *pro se* motion, while exercising his constitutional right not to cooperate in the psychiatric examination.

### Who's set up?

During the course of the hearing Sept. 26, Judge Weckstein heard testimony on both the issue of Billington's mental competence, and on a new motion by Gettings to withdraw from the case.

Dr. Steven Hoge of the Institute testified that he could not make an evaluation of Billington, since the defendant had refused to cooperate. Prosecutor Russell asked Hoge "if an individual had made a decision manifestly not in his self-interest, but for a higher purpose," would you challenge his competence? Hoge said he would want to examine the individual further. At this point, Russell changed his tune, and argued that Billington was competent to stand trial, and that he was essentially trying to manipulate the court by firing Gettings. He asserted that Billington could not be represented by Attorney John Flannery, whom he had hired the week before, because of alleged conflicts of interest.

The other part of the hearing dealt with Gettings's representation of Billington. Gettings's own attorney, Harvey Cohen, argued that Gettings should be allowed to withdraw from the case on the grounds of a "complete breakdown of all communications" with Billington.

Gettings then rose to declare that he believed that he was "set up" in his representation of Billington, and that Billington was acting as a "tool of the organization." Gettings then went on to imply that a message received from Lyndon LaRouche concerning treating him "charitably" was a threat (!), which made him feel uncomfortable in

continuing his representation.

Judge Weckstein concluded the hearing with two rulings: first, that there was not "one iota or scintilla of evidence" that Billington was incompetent; and second, that he would not allow Billington to hire a new attorney.

Billington was therefore forced to begin jury selection and trial, with Gettings as his attorney. While Gettings is attempting to appear proper in his representation, he is also appearing on local television regularly, making charges that he has been "set up" by his client.

This coverage, plus the extensive coverage of Gettings's original charge that B . . . was "incompetent," has significantly poisoned the environment in this small, one-newspaper town. In addition, Billington is being prevented by the local sheriff from both normal telephone access and visits from paralegals, and is thus restricted to contact with his hostile attorney, and his assistant.

Billington's only recourse, according to Judge Weckstein, is to submit on-the-record objections when Gettings does not do what he wants.

So far, Billington has entered two such objections. The first is that Gettings refused to make a motion for a change of venue, despite the flurry of damaging publicity on the eve of trial. The jury was chosen in only a few hours. The second is that Gettings has refused to take any action to provide Billington adequate access to paralegal help, despite his continuous requests. Access of paralegals has been upheld as a right of the accused, in recent federal court decisions.

At present, Billington appears to be stymied from stopping the farcical proceeding with appeals to higher state courts, or federal court, because those courts require a verdict prior to accepting a case for review.

At present, Judge Weckstein, prosecutor Russell, and attorney Gettings all seem to be rushing to get such a verdict, with the maximum efforts to ensure that it is "guilty."

with the verdict—or the sentence (which seems to be unaccountably severe). He has been in jail 231 days now. If he stays there it may well cost him his life—by direct assassination if by no other means. (You would be aware of the possibilities here). . . .

M.V. Thorn (Mr.)

Secretary, Coalition of Concerned Citizens, New Zealand

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Dear Attorney General:

In the name of all nations' joint effort to guarantee human rights, I request of Your Excellency that Mr. Lyndon La-

Rouche, 66 years old, be treated in prison in conformity with the humanitarian standards and care that his age demands. Imprisoned after a trial only two months long in circumstances which several international jurists consider to be similar to those of the famous "Dreyfus Affair," Mr. Lyndon LaRouche has the right to be treated within the strict terms that the law guarantees him, with due attention to his being in his sixties.

I appreciate Your Excellency's attending to this.

Francisco Kuster

Federal Deputy, Brazil

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