

Bill Weld's Soviet legal standards

by Edward Spannaus

The most obnoxious—and unAmerican—feature of the Abscam prosecutions and other such “political corruption” cases, is that they start by targetting the *individual* rather than the crime. First, the individual political figure is selected for prosecution, then a crime is created where none previously existed (as in many of the Abscam “sting” operations), or else the law is stretched to the breaking point to interpret the target’s activity as criminal.

In the case of Sen. Harrison A. Williams, the former occurred. In the case of Theodore Anzalone, the top political fundraiser for former Boston Mayor Kevin White, the latter transpired during U.S. Attorney William F. Weld’s relentless targeting of White’s political machine, which succeeded in driving White out of the political arena. Weld is currently using the same political targeting method against political associates of former presidential candidate Lyndon H. LaRouche; again, Weld started with the target, and then used grand jury subpoenas, FBI intimidation, and perjured statements to the court to obtain contempt citations against organizations associated with LaRouche.

Just recently, the judicial wrong committed against Anzalone by Weld’s prosecution team and a federal district judge has now been dramatically corrected by the U.S. Court of Appeals for the First Circuit, which reversed the conviction and dismissed the indictment (*U.S. v. Anzalone*, No. 84-1628 [1st Cir.], decided July 1, 1985).

As background, the following should be noted. Anzalone was the highest-ranking member of the approximately one-dozen members of the White machine who were prosecuted by Weld and his team of prosecutors which included his Deputy, Mark L. Wolf,* and Assistant U.S. Attorney Daniel Small. Anzalone was indicted on five counts; two involving charges of extortion were tried separately and Anzalone was acquitted; he was convicted on two of the remaining counts involving alleged violation of the Currency Transaction Reporting Act, which requires banks to report cash transactions greater than \$10,000.

Anzalone’s lawyers had moved to dismiss the charges on the grounds that the transactions law applied to banks, not to customers. Federal Judge A. David Mazzone denied the motions and sent the case to trial; Anzalone was convicted and sentenced to a year in prison by Judge Mazzone. At the time of sentencing, Mazzone stated, “The law is clear. I want

frankly to discourage similar behavior in the future.”

Before his sentencing, Anzalone told Judge Mazzone that he had been harassed by the government’s “relentless investigation,” saying that federal agents had been opening his mail and surveilling his wife’s office. He asked Mazzone not to put him in jail “for crimes I haven’t committed or been charged with,” and said, “This is not Russia, Your Honor.” Nevertheless, Mazzone handed down a one-year sentence.

Soviet ‘crimes by analogy’

In its July 1 opinion, the Appeals Court issued a sharp rebuke to Weld and Judge Mazzone, which began:

In contrast to what is permitted under other legal systems, the Constitution of the United States mandates that, before any person is held responsible for violation of the criminal laws of this country, the conduct for which he is accountable be prohibited with sufficient specificity to forewarn of the proscription of said conduct.

The court pointed to the principle of “crimes by analogy” in the Soviet legal system, and quoted from Article 16 of the Soviet Criminal Code which states: “If any socially dangerous act has not been directly provided for in the present Code, the basis and extent of liability for it is determined by applying to it those articles of the Code which deal with the offenses most similar in nature.”

The Currency Transaction Reporting Act under which Anzalone was convicted, requires banks to report the specified transactions, said the court, and there is nothing that suggests that it is intended to apply to a bank’s customers.

The government was trying to “test the limits of statutory interpretation,” said the court, and it should not expect the courts to “stretch statutory interpretation past the breaking point to accommodate the government’s interpretation.” The confusion and ambiguity in the law was created by the government itself, stated the court, and in a sharp admonition to the lower court, it warned: “We cannot engage in unprincipled interpretation of the law, lest we foment lawlessness instead of compliance.”

It is ironic that while Weld and Mazzone tried to send Anzalone to jail for alleged currency violations involving \$100,000, they respectively negotiated and approved the plea-bargaining deal by which the Bank of Boston was permitted to plead guilty to one count of violation of the currency reporting law, involving over \$1.2 billion, and walk away without any jail sentence.

**Wolf has established close relations with the Soviet Procurator General’s Office and the Soviet embassy, allegedly as part of his campaign for Soviet Jewry. The Procurator General’s Office is the official Soviet liaison with the Justice Department’s Office of Special Investigations, which has repeatedly used KGB-forged documents to wrongly charge German-American scientists with being “war criminals.”*