



## The persecution rests

Turnergate

By PETER KADZIS AND HARVEY SILVERGLATE | November 5, 2010

Charles Dickens believed that the law is an ass. Well, he might have been right: last week's federal-court conviction of six-term Boston City Councilor Chuck Turner on bribery charges certainly seems to support that theory.

Turner was found guilty of taking a \$1000 bribe from Ron Wilburn, a Roxbury nightclub owner. Wilburn was the key witness who brought down now-convicted former state senator Diane Wilkerson.

In effect, the US attorney hired Wilburn and paid him \$30,000 to sidle up to Turner and offer him cash to help obtain a liquor license for Wilburn's night club.

It is difficult to say whether this was stupidly absurd or absurdly stupid. City councilors have clearly defined and sharply subscribed power. Their principal job is to approve or reject the annual municipal budget sent to them by the mayor. They have few other powers; they can convene hearings, but they have nothing to do with the granting of liquor licenses — although they may testify in favor of or against an application, as can any citizen.

Turner, of course, had a reputation for calling hearings at the drop of a hat. It is entirely possible that he would have called a hearing on the very legitimate question of why licenses were not being given to blacks, but he would have done so without being bribed.

How Turner could be convicted of extorting \$1000 to do something he did not have the power to do boggles the mind. Just as mind-boggling is the question of whether Turner actually received \$1000.

Turner was videotaped receiving cash, but how much is open to question. In most stings, the bribe gets counted out on video beforehand, so that there's a record of how much cash is handed over; that didn't happen with Turner. And it's also unclear whether the FBI searched their informant afterward. It's not impossible that the bribe could have been skimmed from.

Turner displayed considerable backbone in deciding to fight the feds. Clearly, he did not mount a defense worthy of his plight. It can be argued whether or not he should have taken the stand in his own defense. But having decided to testify, Turner needed to shine. He bombed.

Here is the most charitable interpretation of the case: in unleashing its prosecutorial might against a local elected official who enjoyed more profile than power, the United States Department of Justice exhibited a lack of proportion that was — in itself — an insult to common sense.

This isn't an isolated case of prosecutors running amok. This is standard practice for the federal government. Most people do not realize that there are sufficient laws on the books — often shockingly vague — such that if the feds set their minds to it, they can indict almost anyone.

The powers of federal prosecutors are extremely elastic. Once indicted, even wealthy, powerful, or seemingly privileged individuals usually strike deals and plead guilty to lesser charges rather than stand trial for more serious crimes — even if they did not commit those crimes.

This occurs in courtrooms across the nation with increasing and disturbing frequency. In some instances, a doctor may be the target. Other times it may be an accountant or businessman. In Turnergate, it happened to be a public official.

If Turner is guilty of anything other than an excess of stupidity or self-righteousness (perhaps a combination of both), it might be that he received a campaign cash contribution in excess of the legal limit of \$50. Anything above \$50 must be made by check.

*Long-time Phoenix contributor Harvey A. Silverglate is the author of Three Felonies A Day: How The Feds Target The Innocent. He'll be following up this article with a detailed legal analysis of what was wrong with the Turner case.*