

# Why Did Feds Persecute Celebrity Expert Cyril Wecht? Who's Next?

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By Andrew Kreig ([about the author](#)) Page 1 of 3 page(s)

*For OpEdNews: Andrew Kreig - Writer*

Like many government employees, Allegheny County Coroner Dr. Cyril Wecht of Pittsburgh sometimes sent faxes from his office on personal matters. On Feb. 12, 2002, for example, he sent a New Jersey group a bill for a speech.

Four years later, the Justice Department used that fax for one of 84 felony charges against Wecht, thereby forcing his resignation after 20 years. The [charges](#) included 27 felonies for sending personal faxes, along with allegations over mileage vouchers, office stationary, permission for students to study autopsies, and requests for staff help.

Nationally, more than 95% of those who are federally accused in the U.S. now plead guilty. But Wecht, widely known as a TV analyst on celebrity deaths, had the means to fight hard to clear his name and stay out of prison.



*Dr. Cyril Wecht in Lab*

Court rulings and prosecution errors ended Wecht's ordeal last June. By then, the 78-year-old had spent \$8 million on legal fees over three years, putting him \$6 million in debt currently.

Authorities [dropped](#) the majority of charges against him just before trial in 2008. Thus, most of the charges were about 23 faxes, whose total out-of-pocket [cost](#) to the county was calculated by the defense as \$3.96.

Cases like this are creating bipartisan alarm nationally among legal experts who believe that DoJ increasingly abuses its vast powers. I've seen the change after covering DoJ fulltime as a newspaper reporter from 1976-1980 in DoJ's better days, and now as a researcher of such cases nationally. Wecht and former Alabama Gov. [Don Siegelman](#) were among panelists at a recent [forum](#) on the topic, with video [here](#).

Fear of DoJ abuses was also the theme of a remarkable [conference](#) I attended last week hosted by the free-market [Cato Institute](#). A video of speakers is posted [here](#). It's well worth watching.

The conservative *Washington Times* columnist Tony Blankley introduced two authors of recent books about such problems. A former prosecutor, Blankley said that political leaders from both parties have for years enabled federal prosecutors to use vague laws to target individuals in an arbitrary fashion.

The most detailed evidence came from Boston defense attorney Harvey Silverglate, [author](#) of *Three Felonies A Day: How the Feds Target the Innocent* and a congressional [witness](#) Sept. 29.

His theme: The average U.S. professional unwittingly commits three felonies daily — thus enabling Feds to pick and choose whom to prosecute, with scant review by courts, defense attorneys and the news media. His book provides compelling case studies illustrated by defendants fighting to prevent their ruin from "creative" prosecutors using vague or seldom-enforced laws in health care, high-tech, legal affairs, financial services, labor, media and national security.

Another dimension comes from a recent Obama administration legal [opinion](#) that reaffirms government authority to review a federal employee's electronic messages. This suggests that the Feds will find it even easier than in a "fax" case to gather evidence against those who use workplace computers, cellphones and email for personal messages. Any probes would obviously capture evidence also about those who receive messages from government workers.

And this is not just at the federal level. We know from the Wecht case that the Feds assert jurisdiction to monitor employee messages within a county that receives \$10,000 or more in federal funds. There's scant reason to think the Feds wouldn't scrutinize targets also at the city or town level.

### **Celebrity Death Expert**

A Democrat, Wecht formerly chaired his party's county committee and ran for the U.S. Senate. For more than 35 years, [Wecht](#) has also been providing TV commentary about the deaths of celebrities spanning the demise of Elvis Presley and Michael Jackson. Often controversial, he's contradicted official reports that President Kennedy was assassinated by a lone gunman, and he suggests that JonBenet Ramsey's father was a sex deviant involved in her death.

His blunt comments on local issues clearly [irritated](#) some officials who chafed also at his overlapping roles as a coroner, consultant, political organizer and medical school professor.

As coroner, he earned \$64,000-a-year, and resigned promptly after indictment. His successor's pay was \$175,000. That difference pays for lots of faxes and stationary.

As context, the Justice Department's longtime official policy is to use its authority in careful proportion to the public interest. In a famous 1940 speech, Attorney Gen. [Robert Jackson](#) warned the nation's U.S. attorneys against "the most dangerous power of a prosecutor: that he will pick people that he thinks he should get, rather than pick cases that need to be prosecuted."

Jackson later served as chief U.S. prosecutor for World War II crimes and as a Supreme Court justice. Those positions provide long-term authority for his guidance, which remains widely [quoted](#).

Wecht's attorneys from the powerhouse firm K&L Gates included former U.S. Attorney General Dick Thornburgh, a Republican. In 2007, Thornburgh testified to the House Judiciary Committee that Wecht's prosecution was "political" and based on "[trivial](#)" clerical oversights.

Nonetheless, DoJ forced Wecht and his attorneys to prepare for 250 witnesses until the government dropped more than half the charges just before trial. Also, Wecht felt he needed many appeals to get a fair shake from his federal trial judge, a former law partner of his prosecutor's husband.

At trial in 2008, the jury deadlocked after 10 days of deliberations. Most jurors voted for acquittal. DoJ promptly announced a second trial, with the FBI [contacting](#) jurors to question them about their failure to convict. "It's a bizarre ending to one of the most unfair trials in history," commented lead defense counsel Jerry McDevitt.

A bipartisan coalition of community leaders [protested](#) Wecht's retrial. Then a new judge ruled that government's original search warrant in 2005 was illegal. The waste of taxpayer funds must have been astronomical given Wecht's own spending of \$8 million.

Why was Wecht indicted on the fax charges? He says the Bush DoJ targeted him for his politics. This coincides with a nationwide study that showed a 7:1 [pattern](#) of DoJ investigating Democrats.

Additional support for the theory comes from a 2005 memo by DoJ's chief of staff to the White House calling for additional "loyal Bushies" in the U.S. attorney jobs to ensure optimal political results. That memo and other machinations led to an unprecedented mid-term purge the next year of nine U.S. attorneys who had been appointed earlier by the Bush administration.

Contrary to the public focus on those fired, the real story has always been the impact on the public of the super-loyalists who were retained in such a culture. The Wecht prosecution illustrates that impact.

As it turned out, Wecht drew Republican as well as Democratic support. Unlike most defendants, Wecht received fair coverage from both of his hometown's dailies, including that owned by conservative Richard Mellon Scaife. A bipartisan coalition of community leaders protested his [retrial](#) to DoJ.



U.S. Attorney Mary Beth Buchanan

As for the prosecutor who made life hell for Wecht and his family? Western Pennsylvania's U.S. Attorney [Mary Beth Buchanan](#) is a partisan Republican who had led DoJ's office overseeing U.S. attorneys nationwide until mid-2005.

She denounced Wecht this summer even after being forced to drop the case. I contacted her and her media representative with a list of questions this week but didn't receive responses before publication. In the past, she's denied allegations that the Wecht prosecution was unfair or that she helped DoJ and White House colleagues plan DoJ's purge before she went to Pennsylvania.

Like nearly one-third of the 93 Bush-appointed U.S. attorneys, she [remains](#) in office today despite a U.S. tradition that top prosecutors resign soon after voters change the president's political party.

### **Who's Entitled To Use The Office Fax?**

Also retained is Patrick Fitzgerald, the famed U.S. attorney in Chicago. But Fitzgerald is not without critics. In fact, Fitzgerald used his office fax machine this year to send HarperCollins a [threat](#) that he'd sue on a personal basis if the company failed to destroy copies of the book *Triple Cross* that contained criticism that he considered defamatory.

A personal *fax*? When questioned, DoJ [says](#) it *approves* incidental personal use of fax machines by government employees.

On Oct. 1, DoJ announced a revamped [website](#) that enables your comments on Facebook, Twitter, MySpace and YouTube. DoJ's announcement says it won't be collecting data from the sites. That's good to know, isn't it? Especially if you're thinking of using a government device to send your messages.