

# MESSAGE

*from the President*

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## “A Prosecutor Is a Lawyer with Convictions”

THE FOLLOWING is an excerpt of remarks I delivered at this year's career prosecutor course.

I assume that if you have come to the career prosecutor course that you intend to be a prosecutor for some substantial portion of your life. Let us understand what it is to be a prosecutor.

A prosecutor is a lawyer for the State with the power to do justice or incredible harm. He is a leader not only in the criminal justice community but in the larger community that he serves. He is expected to be an example of respect for the law to those who know him or deal with him.

As a prosecutor you cannot escape being a leader. Whether you are the elected or appointed chief prosecutor, a managing assistant prosecutor or the prosecutor who is on their own for the first time in court, people around you will follow your

*“A prosecutor is a lawyer with convictions,” Joe Cassilly’s quote on the back of a T-shirt in 1999.*

lead. It may be the police officer who violated, deliberately or accidentally, the constitutional rights of a criminal that watches your response to know whether he can do it again. It may be the investigator who puts in long hours diligently preparing his case who watches the prosecutor's handling of the case to decide if it is worth it to put that effort into the next case. It may be the prosecutor's friends who watch him at a party to see if he believes the laws against drunk driving apply to him.

A prosecutor is a leader to these people and many more in the prosecutor's community who see the role of a state's attorney, a district attorney, or an attorney general as extending beyond the entrance to the courthouse.

The prosecutor's willingness to lead within the various branches of government is critical to a successful system of justice. In the executive branch, the prosecutor who meets with

police, prison officials, probation and parole, mental health and drug counselors, social services, schools, recreation organizers and many others can do much to shape the direction of services and spur new initiatives to answer problems of juvenile crime, substance abuse, domestic violence and prisoner re-entry. If you are not meeting with them, you are not ready for the job.

By interacting with legislatures at the local, state and federal level, the prosecutor can give an accurate assessment of the impact of crime and the effectiveness of solutions in their communities. It is important for prosecutors to always remember that legislators run for office thinking they know all the problems and have all the answers. They are bombarded by groups with a very selective view of the world. Mothers of guys doing prison time for beating up their girlfriends interpret the problem and see the solution very differently than the domestic violence victim advocacy group. Prosecutors must reach out to legislative representatives on every level to foster and support good laws and blunt bad ones. This is part of our job of representing our citizens.

For some, the concept of community prosecution is a recent development, but it is an issue for most elected prosecutors at least every four years. It is called campaigning for office. It involves introducing yourself to the voters on the main street, attending candidate forums and visiting neighborhoods. This is an advantage and disadvantage for the county or city-based prosecutor. While they are in touch with their constituents' concerns, prosecutors also may be subjected to some rough treatment for unpopular decisions.

A prosecutor must accept, as part of their duties, the responsibility of conducting themselves with respect for the law. If you are unwilling to bear this burden of responsibility, you will destroy your credibility and the respect of others for the law.

Prosecutors are not entitled to bend or break laws. Thomas Jefferson said, “He who permits himself to tell a lie once, finds it easier to do it a second and third time, till at length it becomes habitual, he tells lies without the attending to it and

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truths without the world believing him.”

We must, as leaders, communicate to those who work for us, with us, and around us that we expect—no demand—ethical, just and law-abiding conduct in our lives and dealings with others.

A prosecutor is expected to possess moral and ethical principles, integrity and the courage to do the right thing. Whether our principles came from our parents, church, school, scout troop or some innate sense of fairness, they must be consistent and not situational.

The English philosopher Edmund Burke, while describing to the people what sort of government to expect, stated, “Your representative owes you not his industry only but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.”

Our decisions as prosecutors are shaped by many factors but our judgment of right and wrong must not be the subject of a popularity contest. Those citizens without power, influence and money should expect of us the same treatment, the same judgment, as that we render to those citizens who possess power and money. Prosecutors must accept that we are subject to public scrutiny and that every opinion or act becomes a precedent for the ones that follow.

The prosecutor’s office must always emphasize integrity and courage in any situation. Assistant prosecutors should know what the elected prosecutor expects and know that the chief prosecutor will support the right decision. The prosecutor’s integrity must not be warped by influence, nor may he abandon his courage and allow injustice to become the precedent for all his later actions.

When citizens perceive that their prosecutor is not to be trusted to uphold the law, who is there that will make the justice system provide protection and justice? As easy as it is to say that an elected or appointed prosecutor must not let the desire to stay in office overcome his integrity, it takes a great deal of courage to risk the family’s financial security to maintain a principle in the face of political and societal pressure.

A young politician who gave his life, once said, “For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment of each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure in whatever office we hold, will be measured in the answers to four questions. First, were we truly men of courage. Second, were we truly men of judgment. Third, were we truly men of integrity. Finally, were we truly men of dedication.” That young politician was John F. Kennedy.

After 30 years as a prosecutor, I believe that Kennedy’s words apply more particularly to prosecutors and police officers than to any other public servant. For the best exercise of my judgment I have drawn curses, threats and ridicule; the media has accused me of favoritism and fanaticism in the pursuit of justice, of being an incompetent or a coward. Having been re-elected six times, I hope that the voters have made their own decisions about my honor and integrity because we have little control over how our opponents and the media portray our actions.

The National District Attorneys Association exists to promote pride in the profession, to set ethical standards and to support our members in finding their way through often tangled situations while dealing with the media. It is up to each of us to make sure that ethics are more important than winning.

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