

Prosecutorial Misconduct

Community Comment

March 30, 2012

Sam Pennisi

Running for an elected office is quite an education. First and foremost, you have to have a reason to run. You don't need an agenda but often that is the case. But you do need to be able to answer the question; why you? Running an election campaign is no small feat. There is the primary task of knowing the governmental body of interest and it's current state of affairs. Current issues as well as all the various responsibilities of the board members need to be researched and considered. What skills or strengths you would bring to the seat will be asked. And you need to understand the various laws that govern the election process and the seat in question. Just running is a daunting task.

If you are elected, a whole new level of education takes place. It's now the laws and responsibilities of governing. Governing is a process that is unique in human history. We are lucky to live at a time when more people than ever have a say in their lives as they are affected by the governing body that makes the rules of the society. The United States has been a model for various forms of representative democracy that currently exist. For two hundred years, the American experiment has been nothing short of a huge success. The founders argued about all aspects of governing and agreed on great compromises that gave us a document that worked then and is still working.

But it is not perfect. No document could be. But that changes would be needed over time was considered and the process was included. Three branches of government were included in order to provide checks and balances on each other. In my opinion, that gave us the gift of stability. Change is possible but cannot be done radically or quickly in most cases. This is what has set America apart from most other forms of government. We all have a say by vote and by representation and we can plan for a future with some degree of certainty.

There are many examples of small tweaks that, over time, seem to be needed. Here is one that may need some attention. If you follow the news, three cases within the judicial system have been recent examples of a problem. One of these cases was explored in a recent edition of 60 Minutes, a long standing TV program. It was the story of a man convicted of murder and sentenced to life in prison. After 20 odd years, his conviction was overturned based on DNA evidence. Unfortunately for him, it was discovered that the prosecutor in the case withheld critical information from the defense team that likely would have cleared him in the first place. That prosecutor is now a judge.

The late Ted Stevens, former Senator from Alaska was convicted of corruption. New evidence shows rogue federal prosecutors were actually corrupt to the core. Evidence was withheld and Senator Stevens died having been convicted yet knowing he was not guilty.

Finally, but far from the last, a Florida man was set free after spending three years in prison for a crime he didn't commit. Prosecutors concealed evidence that could have set him free.

Prosecutors cannot be held accountable under current law. In a free and just society, one that we strive for, this lack of personal accountability is not acceptable. There needs to be balance here as well. Think about it.

This has been Sam Pennisi for community comment.