

On Life and Meaning

MARK PERES

Episode 42 – Spencer Merriweather – Justice League

What Prosecutors Do

And now a personal word,

Spencer Merriweather challenged my view of prosecutors. His outward manner was humble and compassionate. He self-examined and thoughtfully engaged. He talked about systems and structures and the weight of his responsibility. Everything about him was kind. I liked him even though I didn't want to like him because I have never really liked what prosecutors do.

My exposure to prosecutors has been limited to the wannabe federal and state prosecutors I knew in law school many years ago, and to the few I knew when I first practiced law. Not a large sample, but most prosecutors whom I met were either very ambitious and saw being a prosecutor as resume building for public office, or they were intense law and order types who took weird satisfaction seeing people convicted of crimes. Most of them talked about justice, but few of them talked about fairness. All of them kept score.

Prosecutors do work I could never imagine doing. They accuse people on behalf of the state. They use the power of government to enforce rules and penalties. They work hard to marshal the law and facts to see people sentenced. Their efforts result in human beings being imprisoned and in some cases being executed. Their handiwork is mass incarceration. Their work often seems righteous and hard-hearted.

I have been far more sympathetic to public defenders. Defense attorneys stand up to the machinery of the state. They defend the poor and downtrodden. They are willing to buck the mob and throw a hammer against Big Brother. They protect our rights against overzealous accusations. They are often the lone person standing between tyranny and freedom.

But that is an easy narrative. And unkind and incomplete. I know better. I know that prosecutors are also the voice of citizens who have been hurt and traumatized. That prosecutors hold perpetrators of awful crimes to account. That they uphold the rules of society that civilize us. That they are good and decent people who know more than anybody the power in their hands.

I know that defense attorneys are no more noble than prosecutors. That everyone in criminal justice plays their part in a flawed system that strains to get it right. That no one in the system is a hero and everyone in the system is a hero. That if democracy works at all, it works because lawyers and witness and judges and jurors and jailors and clerks and social workers are showing up to do unpleasant work; work that allows everyone who is not in the system to live as if the system is someone's else's problem.

All of this is what I checked in myself as I listened to Spencer. My views and feelings shifted by the moment: from discomfort that anyone could be a prosecutor to admiration for his career achievements and his genuineness and humanity given the work that he does with the spirit with which he does it to appreciation for all who do the work that I do not want to do that creates space and place that allows me to comment from my privileged perch. How fortunate am I that Spencer is in the trenches. The day may come that attorneys and staff from his office are counseling me. The day may come when criminal justice is as personal to me as it is to him and those who go to work in it in every day. All of these thoughts crossed my mind.

As District Attorney, Spencer Merriweather is the face of justice in Mecklenburg County. Justice in our community may be complicated. We may have mixed emotions about the system. Gratitude for the good people who serve is a good place to start.

Mark Peres © 2018