

Lighting up the Blind Spot



Why Your Vote for District Attorney is So Important, and How It Especially Matters for Women

Espanol - www.justicewomen.com/tu_voto_para_fiscal.pdf

Every day scores of crime reports from the local police agencies in your county are sent up to the District Attorney's office for review. Once there, the DA makes a decision on each case; which crimes and whom to prosecute, to which degree, and which crimes and whom to ignore.

These DA decisions are made behind closed doors, without public input. They aren't tempered by the vote of any other official. There's no governmental check on the decisions, nor any mechanism of appeal. Once in office, the District Attorney answers to no one.

Individually, a DA's decisions can cast the lives of families and neighborhoods into upheaval or peace, danger or safety, justice or impunity, and at times, life or death. But taken in the sum of the many thousands of such charging decisions a DA makes in a year, nothing less than the social and legal landscape of entire communities are reshaped by the solitary whims and will of the individual DA.

As a society we take enormous pains to assure public input at every step of writing the laws we live by. But when it comes to enforcing these same laws, we put full power to prosecute or not in the hands of one person. This untouchable island of DA power, nearly unique to the U.S., is called the power of 'absolute prosecutorial discretion'.

Aggravating the imbalance even more, and always mystifying to legal reformers, is a general public that is mostly unruffled by the outsized powers of American prosecutors. Come election time, many don't take the race for DA seriously, thus abdicating the single occasion a DA can be held to account by anyone for the next four years.

Malicious non-Prosecution; Sealing the Fate of Women

Not surprisingly, social justice and legal reformers are increasingly taking aim at the expanding powers of American prosecutors. The reformers argue that these unchecked powers lead to widespread abuses which in sum cement race and class inequities in society. But they are barely grazing the target.

What the reformers keep missing are the even more untouchable abuses of prosecutorial power that condemn women throughout whole communities to living under violence without remedy or redress.

"The prosecutor has more power over life, liberty, and reputation than any other person in America" Supreme Court Justice and chief prosecutor at the Nuremberg trials, Robert Jackson

When a DA charges an individual with a crime, that decision is final. But at least defendants then have the defense bar as some check on abuses on the road toward conviction, however weak that system may be.

But when a DA rejects a case for prosecution, that's the end of it. The road stops there. A key fact many people don't understand is that no matter how much evidence there is that a crime occurred, the DA has no obligation to prosecute. And the victim has no where to turn.

Women come to the justice system most urgently as victims of violence against women. Add to that the fact that rape and domestic violence are most every DA's least favorite cases, (for multiple reasons all boiling down to sexism). So it's violence against women cases that are most often systematically rejected by DA's. They don't want to do it; they know they have to do it; and they know nobody can make them do it!

The result is disastrous for women across the country. All the monumental labor of constructing modern violence-against-women law is for naught and annihilated in the hands of a sexist DA.

Until there are checks on DA powers, the public has one critical card to play. Vet your candidates for District Attorney as if your daughter's, your sister's, and your mother's lives depend on it. Because they do!

