

## In Our Opinion: The choice for D.A.

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For years, because no challengers came forward, area voters did not have to consider what the Northwestern district attorney does, nor what qualifies someone to hold the job. This year, as if to make up for lost time, two Democratic candidates - Michael A. Cahillane and David E. Sullivan - have been heralding their fitness for the job of top law-enforcement official in Hampshire and Franklin counties.

This is a close contest between two talented men whose desire to serve the public is fierce and admirable. Both candidates for district attorney - one of whom will go on to the November election with no announced opponent - are experienced lawyers, men of personal integrity and vibrant campaigners.

After not having had to think about this elected position for so long, the choice in Tuesday's primary is especially tough. Both men offer strong qualifications, but we believe David Sullivan is the best choice for the office because he brings a broad legal resume, more varied experience in and out of court and a track record of innovative management of a public office.

We feel he is the candidate most prepared to make the Northwestern district attorney's office serve the public not just by securing convictions, but by pressing area law enforcement officials to work to improve public safety and safeguard individual rights.

Sullivan wants the office to have a greater presence in the community and to be more accessible to the public. We believe greater openness will improve trust in the office without compromising its ability to seek proper punishment for those who break our laws and to win justice for victims of crime.

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Surprisingly, there is no job description for a district attorney in state law. However, a number of legal cases have referred to the role and duties of an elected district attorney.

They take an expansive view of this job.

Nearly 90 years ago, the Supreme Judicial Court ruling noted that "the powers of a district attorney under our laws are very extensive. They affect to a high degree the liberty of the individual, the good order of society, and the safety of the community. ... The office is not private property, but is to be held and administered wholly in the interests of the people at large and with an eye single to their welfare." (The case was Attorney General v. Tufts, 1921.)

More recently, a 1978 case established that "a district attorney's professional responsibility is to seek justice - to protect the innocent as well as to convict the guilty."

We feel that David Sullivan's view of the office - including his call for a mission of social justice - is more in line with the high court's vision, nearly a century ago, of district attorneys willing to act on behalf of "the good order of society, and the safety of the community."

To be sure, the region's top prosecutor must be tough on crime. While Cahillane has more experience as a prosecutor, we don't feel that should decide this contest, for there is a common set of skills lawyers on both sides of a case must master.

After years of trial work as a defense lawyer, Sullivan knows his way around a courtroom. A group of former assistant district attorneys - people closely familiar with the work of this office - think enough of Sullivan's abilities to endorse him in this race.

Day by day, the district attorney is called upon to oversee investigations, set goals, coordinate community projects and administer an office that employs about 70 people and has a yearly budget of \$4.7 million not counting grants.

While Cahillane has guided the labors of fellow assistant district attorneys, Sullivan has held overall responsibility for an office the past six years as Hampshire Register of Probate. In that job, we believe he lived up to pledges of reform there.

Cahillane knows the workings of the Northwestern district attorney's office well, but we give the edge on management skills to Sullivan.

Voters who want a district attorney inclined to define this job more narrowly - by focusing more on the successful prosecution of people charged with crimes - may prefer Cahillane. We admire his continued focus on the work that has engaged him for the past decade, until he stepped down to run for office. Cahillane said in a recent meeting at the Gazette that he holds no other political ambition than to win this office and prosecute crime. He is good at it, but we believe his opponent has invested more time thinking about the valuable work a district attorney's office can do outside the courtroom.

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This election may turn on public dissatisfaction with how the current district attorney, Elizabeth Scheibel, handled the controversial case of Jason Vassell, the UMass student who faced felony charges for more than two years after stabbing two intruders in the lobby of his dorm. If it does, the contest will have been between Sullivan and Scheibel - and that's not fair to Cahillane, who was not empowered to direct his office's handling of the case.

Even so, Cahillane has missed opportunities in this campaign to distinguish himself from Scheibel on this and other issues, at a time when voters may be looking for assurances - in light of the Sullivan campaign's call for a different direction - that he will put his own stamp on the office.

We are also troubled by Cahillane's decision in 2005 to sign a petition calling for a ballot vote on same-sex marriage in Massachusetts, a position he now disavows and for which he has apologized. Civil rights must not be decided at the ballot box. As an officer of the court, Cahillane should have had the presence of mind to walk past this petition, regardless of whether he ever contemplated seeking public office.

There is far more to Michael Cahillane than that apparent lapse. In time, he may become the best candidate, in another election. But in 2010, David Sullivan stands more prepared, in our view, to realize the important gains in public safety this office can achieve for all the Valley's residents.