

The Delray Democrat

Public Defenders Are Not Soft On Crime. They Are Strong on the Constitution ¹

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In my first class on my first day of law school, a classmate asked our criminal law professor “how can you defend a criminal?”. Her response was: “I don’t. I defend alleged criminals.”

For those that believe that judges who were formerly Public Defenders are soft on crime, they need to understand and appreciate that those judges are strong on Constitutional rights. The American legal system was designed to protect the innocent from wrongful conviction. That design begins with the presumption that one is innocent until proven guilty. It includes the right to be safe from unreasonable searches and seizures and the privilege against self-incrimination. These protections were built into our Constitution by the Framers.

The interpretation of our Constitutional rights and privileges developed the Miranda warning, the requirements for search warrants, the Public Defenders’ office, and a host of other protections that are woven into the fabric of our society. They protect us from being unlawfully detained and our persons and our homes from being unlawfully searched, and from having to defend ourselves in court when our liberty is at stake.

Public Defenders do the hard work of ensuring that even those charged with the most heinous crimes are afforded the protections the Framers intended. These are American virtues and abandoning them would come with a terrible cost.

John Adams, prior to becoming one of our founding fathers and our second president, was a lawyer who defended the British soldiers charged with murdering American patriots in the Boston Massacre. He did so during a time of political upheaval and representing the soldiers was not popular. Adams said “it was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of Service I ever rendered my Country.”

Those who attack and demean Public Defenders really attack and demean the “rule of law” and those in public office who do so also breach their oaths of office.

¹ *The Delray Democrat*, April 2022, page 4.