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Cara Meyer
Calhoun College, Class of 2017
John Heinz Government Service Fellowship
TN, USA

Reconciling Justice and Mercy in the Federal Public Defenders Office

She sat on the other side of our attorney. Her too-white shoes, which matched her mother's, must have been a last-minute purchase, a peace offering to the forbidding court. When the marshals put the handcuffs on, her red, frizzy ponytail stuck to her teary face, clinging over her face where her bound hands couldn't brush it away. As they led her down the hallway, her sobbed "I love you" echoed back to her mom who responded, breaking down. She was eighteen and a half.

Only the day before, our attorney had come downstairs and asked for volunteers to work on a last minute detention hearing. I listened as he explained the facts of the case with professional exactness: pregnant, accused of being part of a prostitution ring, charged with recruiting a minor. Regardless of her age and circumstances, our client faced a mandatory minimum sentence of fifteen years. We were fighting to give her time before her sentencing to be on monitored release, to live with her family, to have her baby before her trial and sentencing. For the rest of the day, I wrote memos on the horrible conditions of incarcerated, pregnant women and the abuse that eighteen year-olds receive in prison. Still, after all that writing, when I stood alone with her as she fought tears outside the courtroom, I didn't know what to say. I wanted to tell her that we were still fighting for her, that the legal system would not fail her, that the fact that she had grown up in poverty would not seal her fate. All I could manage was, "He's a really good lawyer. We will do everything we can for you." "I'm scared," she responded. Throughout the five-hour hearing, I took furious notes, trying to think of anything we could offer. When the client's aunt arrived, I prepped her to be a witness, taking down relevant information and handing it over the courtroom bar to the attorney. Ultimately, the judge ruled against us. Although her bruises spoke of her victimhood, there was no room for that consideration under the mandatory minimum guidelines. She was, and still is, in jail awaiting trial.

This was just one out of many eventful, moving, and thought-provoking cases I worked on this summer, with the support of the John Heinz Government Service Fellowship, at the Federal Public Defenders Office of Nashville, Tennessee ("FPD"). While there, I worked with two distinct parts of the office: the trial unit and the capital habeas unit. In the first weeks of my internship, I worked for lawyers in the trial unit. The trial unit is fast-paced, with each lawyer handling more than seventy cases at one time, and my tasks varied from day to day, from collecting documents for a hearing, to probing bank statements for fraud, to meeting clients and attending court proceedings across the street.

I first had the idea to intern for the FPD after reading about the work of Bryan Stevenson, the founder of the Equal Justice Initiative and a fierce public advocate. I was curious about how work in federal defense law would compare to federal, criminal prosecution. The John Heinz Fellowship supports work with a governmental branch, but the FPD has a complicated relation to the federal government. Indeed, in all of our cases, both the prosecution and the defense were technically working for the government. In the office, one lawyer described the clash of the Public Defender and the Federal Prosecutor to me as such: "Imagine two hands pushing against each other. If both hands push as hard as they can and one wins, then that one is proven to be stronger. If one only pushes half-heartedly and the other one wins, we'll never be sure that justice was done." The FPD's office

takes cases where our clients are very often guilty, but we keep pushing anyway. When we visited the Tennessee Bureau of Investigation, I learned that Tennessee is the second worst state for the abuse of prescription drugs, and I saw that statistic actualized in the volume of prescription drug selling cases that came through our office. It was an internship that truly exposed me to the human aspect of the criminal charges, recognizing the areas where human trafficking was rampant or where poverty was so extreme that children at a young age became involved in crimes.

While many people believe that it is wrong to provide legal defense for guilty clients, I saw first-hand an American criminal system where minorities and the impoverished are overwhelmingly targeted and denied their rights as citizens. They are subjected to unnecessarily steep mandatory minimum sentences, which claim to act as a deterrent against further crime, but in reality merely punish the most impoverished, drug addicted, or abused, the hardest. As Bryan Stevenson writes "the opposite of poverty is not wealth. In too many places, the opposite of poverty is justice." Perhaps counter-intuitively, I came to see at the FPD's office that a true public servant is one who rises to the defense of someone, not purely because she's innocent, but because if we are to have a truly just system, everyone deserves a strong defense.

Alongside my work in the trial unit, I spent a few weeks working with the lawyers in the capital habeas unit, who litigated for clients who were convicted of capital crimes and were either serving life sentences or on Tennessee's death row. While most of these cases were more than two decades old, it was disconcerting how often trials had been mishandled and mental illness had been left uninvestigated, especially when the conviction was so severe. I heard first-hand about many cases of mistaken identity, where clients on death row were proven innocent after serving the majority of their lives behind bars. The experience of being involved in capital punishment, if only peripherally, causes me to consider how much power the government should have as I attempt to reconcile legal justice with the fallibility of the justice system which I saw in action this summer. While I admit to having seen a one-sided view of death row, it was a sobering experience and a complicated field of law, which will inform my studies and broaden my life-perspective as I return to Yale.

As I return this year, I will continue to share these experiences with my peers and to take classes that discuss this balance of justice and mercy. This experience has certainly strengthened my convictions in the importance of public defense and other governmental lobbying and policy shifts that would help to rewrite some of the biases and micro-injustices interwoven into our criminal system. I have gained a deep respect for public servants who use their formidable legal skills in the service of the underprivileged, and I hope to one day make a difference in criminal reform.

I am very grateful for the John Heinz Government Service Fellowship and the Yale Class of 1960 for their support of my internship, which has inspired my continued work in the field of Federal law and criminal justice reform.