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## Pardons and Commutations: Observations from the Front Lines

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## KEYNOTE ADDRESS

# PARDONS AND COMMUTATIONS: OBSERVATIONS FROM THE FRONT LINES

ROBERT L. EHRLICH

Good morning. A couple of disclosures: I'm the politician here; I'm a Republican; I am going to speak very briefly concerning some observations with regard to my experience in the state of Maryland, as governor; and then a couple of more pragmatic observations.

Actually, I thought the panel was great. I'm bored by panels, typically, as I'm sure you all are. Quite frankly, that was one of the best panels I've ever seen in my life. Just interesting, smart people with thoughtful observations and a touch of pragmatism, which, of course, is why I'm here, because as the elected official, you have to be answerable. And as a Republican in Maryland, believe me—there's only been six Republican governors in the history of Maryland, and does anybody know my immediate Republican predecessor, the last Republican elected prior to me?<sup>1</sup> Exactly.

I want to thank Professor Osler and this great law school for doing this as well. It's a terrific idea. My plan, as I said, is to provide some real-world experience with regard to this entire post-conviction process. My remarks are going to be divided really along two lines—one concerning the elements of what we did in the state of Maryland, and secondly a series of observations for your consumption. Then we'll throw it open for Q&A.

With regard to the elements, there are really four. First, the process of communication. You've heard this a lot today, particularly for the young people. Communications are absolutely essential. Second, the media and the press—how what you do is interpreted, and how you go about your business. Third, investigation. The old cliché, if everything is a priority, nothing is a priority. This has to be a priority, but only the governor can make it as such. Only the executive, only the leader can set that particular priority. And then fourth, markers. Hot spots. Guidelines that you provide

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1. The last Republican governor in Maryland prior to Governor Ehrlich was Vice President Spiro Theodore Agnew. *Maryland at a Glance: Historical Chronology 1900–1999*, MARYLAND, <http://msa.maryland.gov/msa/mdmanual/01glance/chron/html/chron19.html> (last visited Jan. 1, 2013).

your own staff, with regard to recommendations, concerning what you do as chief executive of a state.

Concerning process, in Maryland, at least, the process had been established and we, early on, decided only to take recommendations from the parole commission. Victim notification is absolutely essential. Victim and prosecutors' right to be heard is absolutely essential—and I have to say there are great prosecutors, there are compassionate prosecutors. I just haven't met a whole lot of them in my life. I married a public defender. She married me. She became a prosecutor. You can draw your own conclusions.

But prosecutors can be tough, particularly when they have some prior authorship with regard to what they've done in a particular case. In Maryland, published Notices of Decision are the law.<sup>2</sup> We certainly followed it. Regular process affords protection. Somebody earlier mentioned Governor Barbour. Regular process makes it predictable. Regular process makes reporters not particularly interested in what you're doing. Regular process makes it *not* a big story.

If it's the end of your term, and it's of large volume, and you don't tell the press, and you don't tell prosecutors, you're really asking for bad press. Maybe you're going out and you don't care, but it is a formula for disaster. Haley Barbour<sup>3</sup> is a friend of mine, but quite frankly, there were some issues with regard to what went down in Mississippi.

Concerning communication, somewhat oxymoronic, and maybe sort of a Nixon-goes-to-China thing, as a Republican in the middle of lots of Democratic administrations, this was a priority. I campaigned on it, I believed it, I saw it as an essential part of my job description, so it wasn't a big deal. And although I campaigned on it, not a whole lot of people paid attention or were particularly interested in it. And for you political types in the audience, this is a not-very-positive message about this whole area. The left isn't going to give you much credit and the right is not particularly interested.

So if you're looking for a parade, if you're looking for lots of great press and lots of people telling you how great you are, you might look into another profession. Again, because it was part of my platform, because I talked about it on a regular basis—even when people didn't want to listen to it—when we did what we did, when we instituted the process, when we rendered decisions, even controversial decisions, it wasn't that big a deal with regard to the media. In that sense, you disarm your philosophical enemies at the very beginning of the process. (Innocence pardons help.)

Part [of the process] is “the Board of Public Works in Maryland”—it's a three-member board, and it decides big state contracts, and it also decides what you pay people who are proven innocent. A person appeared before us

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2. MD. CONST. art. II, § 20.

3. Haley Barbour served as Governor of Mississippi from 2004 to 2012.

exonerated after thirty-three years. Well, on behalf of six-and-a-half million people, I got to say, “Sorry, and here’s your check, and good luck.” That’s a really difficult part of the job. You’re literally sitting there, talking to a person who should not have been in jail for thirty-three years, and you’re going to give that person \$900,000, as though that could make up for one second of unfair incarceration.

So it’s a tough part of the job, but in that sense, innocence pardons help as well because the press pays attention to cases like this, obviously, and to the extent you can draw additional media attention to innocence pardons, it helps with regard to your regular process. I believe the issue is less radioactive than in the past. We’ve talked about Massachusetts and the Willie Horton-ization<sup>4</sup> of this process, and we’ve lived through this stuff. (I’m Governor Romney’s guy in Maryland and, being from Massachusetts, he’s pretty cognizant of all this as well.)

But I do believe, even with all these really difficult lines that we draw in our society, it’s just less politically radioactive because so many families—white, black, brown, Republican, Democrat, liberal, conservative—whatever line you want to draw, have been impacted by mandatory sentencing and by the criminal justice system. It’s no longer taking a big risk in the suburbs to talk about this stuff. You’re not going to be called soft on crime.

And clearly, that has been the case in the past. Clearly it’s the case with some politicians today. And by the way, politicians are like anybody else. There are some good people; there are some bad people. There are some very moral people; there are some very immoral people. Not every politician wants to get involved with this. Not every politician cares. Some do, regardless of party, regardless of philosophical orientation. Find them. Find them.

By the way, just concerning the power of the press, parenthetically here, when an article in *The Washington Post* appeared last month concerning my initiative for pardons and commutations at a Washington-area law school<sup>5</sup>—within twenty-four hours I received five calls from law school deans in the greater Washington, D.C. area. I was a really popular guy, and given my transcript from law school, I really felt that was a big deal. (They obviously hadn’t seen it.)

Third, investigation. As I said, not everything is a priority but you make it a priority as a leader, as an executive, which means not just rhetorically. It means in reality, in substance, every day. My office had five law-

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4. Willie Horton is a convicted felon who was released as part of a weekend furlough program in Massachusetts. See Sidney Blumenthal, *Willie Horton & the Making of an Election Issue*, WASH. POST, Oct. 28, 1988, at D1. He never returned from his furlough and committed armed assault, armed robbery, and rape. See *id.*

5. Dafna Linzer, *Ex.-Md. Governor Erlich Plans Law School Clinic, Training Program for Felons Seeking Pardons*, WASH. POST, Mar. 5, 2012, [http://articles.washingtonpost.com/2012-03-05/local/35447318\\_1\\_pardon-attorney-law-school-white-house-counsel](http://articles.washingtonpost.com/2012-03-05/local/35447318_1_pardon-attorney-law-school-white-house-counsel).

yers. Fully two-and-a-half lawyers on my legal staff were devoted to this process every day. This was an extraordinary amount of resources devoted to one process, especially one not particularly popular. But if you're going to make it a priority, you back yourself up. You actually do it.

Monthly meetings with the lieutenant governor, with staff, with my press secretary—I'll get to him in a second—show what a priority it was for me and our administration. Use your common sense, and please understand, as I said earlier, prosecutors typically will resist, and that's just the way it is.

Fourth, markers, hot spots. You have to be honest with yourself as an executive. What guidelines are you going to set for your staff that means so much to you that even maybe in an appropriate case you may not give relief? What guidelines? What markers? What foundation? Whatever term you want to use. What's the denominator with regard to your process?

Mine had two. Veracity was one. When my legal counsel, in our discussions, would say, "Geez, I'm just not sure I believe this guy. I'm just not sure. We're just not sure. This might be a con job here." Well, that sends out red flags. My second marker was child support arrears. If somebody was arrears in child support, no relief. End of discussion. That's the way it goes.

Somebody who didn't care enough to take care of their child, to me, doesn't really qualify for this sort of extraordinary relief. That's my marker. I'm not saying it's right or wrong. It was my marker, and it was a marker that we never violated, in fact. Everybody in your review group has to understand your markers. It makes for very efficient meetings.

Nine thoughts and observations for your consumption. One. Friendships will be tested if you do this. One of my best friends in the world, my former law partner, brought just a dirt bag to me. An absolute dirt bag. But it was my buddy. We started a law firm together. He was actually my lawyer in Congress, one of my great friends. I'm godfather to his son. I could go on. His client was a dirt bag and I had to say no, and that's not pleasant in life. Because it was him, we actually looked at it twice, but the guy was still a dirt bag (the second time).

Second, inappropriate contact may occur. Names will not be given to protect the guilty. I had an appellate judge call me, totally inappropriately, on my way out of the mansion. I had lots of people who should not have been calling me, but calling because I had some very hot potential pardons and commutations to deliver, going out of office, leaving the mansion, leaving that sort of extraordinary power.

I, fortunately, had a former U.S. Attorney who was my lawyer, in my office of legal counsel, named Jervis Finney. Terrific lawyer and somebody who not only was my lawyer but had my back, and Margy Love goes back with him many, many years. He literally protected me. He would not allow

any phone call to get to me. He destroyed my cell phone. Actually, he took it away. I'm not sure whether or not he actually destroyed it, but he took it away. Inappropriate contact will occur and it must be resisted if you're going to keep a real, true process.

Third, your staff will be tested. One of my great friends in the world is my press secretary. He's with me at King & Spalding, in fact, today, doing communications. He was part of the meetings, so the lawyers, my legal counsel, the lieutenant governor, all these lawyers would be there and we would be talking about all this sort of arcane stuff to him, and he'd be thinking, "What, are we crazy? What are we doing? I have to go in front of the press and answer for this. We have to put these ads in the paper. We're talking about lifer cases? Are you kidding me? The prosecutor's not going to be cooperative. We're Republicans in Maryland and we're going to do this? Why?"

Because it's the right thing to do. It's really not that complicated. If Greg was here today—and Margy Love knows him—he would be still resisting. But as press secretary, his job was not to indulge or acquiesce to me. It was to point out the political repercussions, often negative. Ask Mike Dukakis. Ask Al Gore. Ask whomever.

Fourth, your political courage quotient will be tested. As I said, conservative audiences typically haven't been that interested in this, and your more liberal detractors, in my case, aren't particularly going to give you much credit. So again, the press secretary says, "Why?" and again the same answer is, "It's the right thing to do."

Fifth, there is a fiscal impact here. It was brought up earlier in the panel, but it really needs to be massaged and it needs to be managed. You've seen in California where the federal judge says, "Let him out." Due process. The whole nine yards. There is a fiscal consequence to what we do in the public arena. As a member of the state legislature in the '80s, we were debating increasing the predicate offenses that would allow violent juveniles to be waived up, because it was an era of law and order, and violent juveniles, particularly in the drug culture, were becoming increasingly violent.

So this discussion was irrelevant. It was, what predicate offenses are we going to include in our waiver statute to get these kids in the adult system? And we're not going to worry about them. Well, guess what? That's a really expensive way to govern. Every state legislature, by the way, engaged in that exercise in the '80s, as we literally responded to crack's devastating effects on our society, on our culture. So this is a really expensive proposition, locking people up for a long time.

However, taxpayers, you might have noticed, aren't in a really good mood these days. They never are. Very few people feel under-taxed. So there are fiscal consequences to opening up the gates. The problem is you'd

better be careful if you're going to paint that as part of your rationale for doing this, because it's not a very good reason to do it. It's just a collateral consequence.

Sixth, as I said, it's really about doing justice, and that's why you should run for governor or any executive position. It's just about doing justice. I know there are lots of different processes around the country, but I happened to like Maryland's statute<sup>6</sup> because I had complete, unilateral authority to do what I wanted, which was really cool, by the way.

Seventh, stay away from ratios, ethnicity, sex, gender. This is not affirmative action. It's not set-asides. It's not "we're keeping count". It's justice, and justice is blind. And by the way, you may pay a price for that, because the press does keep count. Now, race may have played a part in our determination as to what really happened in a particular case, but as far as keeping score and trying to keep this quota or that quota, it's just inappropriate. Again, the press will keep score. They will keep tabs on you, but that's no way to go about this process.

Two more. It's really about leadership. There's a million books today out there on the shelves about leadership. Leadership is not necessarily just making decisions. It's about making decisions you think are right and just, and your willingness to pay the consequences therefore. I'm a Churchillian. I've read every Churchill biography there is—and talking about the Nazis in the early 1930s was not a particularly easy thing to do. A war-weary Britain did not want to hear about the warmonger. It's not pleasant, leadership, but it does define you.

I talk about the difference between politics, politicians, and leaders. Politicians, it's the easiest thing to do. It's just being the most popular kid in the class on an election day. It's just getting enough votes to win. It has nothing to do with talent, leadership skill, or anything else. What defines you as a leader, again, is making those decisions, where you know there could be, may be, probably are negative repercussions and serious consequences to what you do and what you say.

Last is transparency. The clemency process allows political leaders to show their real stripes, and as I said, if you're not particularly interested, if you have an elected person who may be popular, may be handsome, may be beautiful, may be smart, whatever it happens to be, the person might be a good politician but in a very transparent way, our question in this room—and hopefully outside this room—will be, "All right. Well, that stuff is great. It got you elected, but what are *you* about?" Making these types of decisions does reflect what you are truly about. It makes you, in my view, a more transparent leader.

Just a word about this (law school) initiative. Because of my interests, because of some folks in this room, particularly Margy Love, we have put

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6. MD. CODE ANN. § 7-206(3)(ii).

together a proposal. We are probably going to go to the highest and best bidder with regard to these law schools.

This is a permanent thing. It is not political. It's a real initiative. Hopefully, and I think we can raise some private sector dollars to support it, along with the law school, along with the faculty, along with the law students, along with professional staff, to have a true resource center with regard to pardons and commutations, to train new governors, to become advocates in particular cases, to just further the public policy dialogue. President Obama, I think probably to the disappointment of some, has not been particularly interested in this as well, given his background. So again, these are smart guys. These are people who have really proven their leadership skills, but both of them have not manifested a particular interest in this area, and there's a reason for it. It's called election day. So just some thoughts for your consumption. I'll be glad to answer any questions and we'll go from there.

*Audience Member:* Hi. Quite a few members of the panel have spoken about setting up some sort of process, and you touched a little bit on it. I'd love to hear you describe what process you set up in your office to process the appeals.

*Gov. Ehrlich:* I think some of you have heard about my Lieutenant Governor, Mike Steele, who was Chairman of the Republican National Committee; he was part of the process. I had two-and-a-half lawyers dedicated to commutations in my Office of Legal Counsel. I had my lieutenant governor, my policy director, and myself, and we would meet monthly, typically for four or five hours. We would review thirty to forty cases a month. Some were easy; some were difficult; some were holds, and the holds meant that I needed additional investigation.

The holds meant that I wasn't happy with what I read, what I thought, what I felt. The holds meant, go back and talk to all the interested parties again. Talk to the judge, talk to the prosecutor, and talk to the defendant—particularly in lifer cases. Some of these cases are very easy, particularly in Maryland. We have a lot of people who need pardons because they want to qualify for federal employment.

[For example:] So you get in a fistfight in Ocean City, Maryland, when you're seventeen, and you're forty-eight years old and you need national security clearance for NSA, and you can't get it. They're easy. One DWI twenty-five years ago. Easy. Two DWIs recently, six years ago, eight years ago, ten years ago? Again, you draw lines. You make judgments. You use your common sense. You look and feel and learn. So again, I had two-and-a-half lawyers in my office dedicated to this particular mission within office. We would have those meetings. I would render decisions.

It wasn't a democracy. I took recommendations. It wasn't a vote. I pretended it was a vote sometimes but it really wasn't, and they knew me

well enough to know I was just placating them. And that's how we did it, and again, in Maryland you take ads in the paper, you publish, and then let the press go at it. But I'm not saying that we did this in order to mitigate press attention. It's just how it happened. Because it was such a part of what we did, even with reporters who want to get you or go after you, we were not particularly hyped on this.

*Audience Member:* Governor, I'd like you to help me with my article for the symposium.

*Gov. Ehrlich:* Absolutely.

*Audience Member:* Let's say it is January [2013]. You've got three minutes with either President Obama or Governor [Romney].

*Gov. Ehrlich:* Well, I'd have probably six minutes with Romney. I'm not sure I'd have any minutes with the President.

*Audience Member:* Okay. I'll arrange it for you. And I want you to say to them not just why it's the right thing to do, not just how to minimize the political cost, but why it would be to their political advantage to re-invigorate the pardon power.

*Gov. Ehrlich:* I would be honest with him and I'd say, "It's 50/50, but you're a really just person." Both are, in my view. I'm not just saying that. This system is horribly broken. I would point out, in a pragmatic way—as I said earlier, it's not as risky as it was twenty years ago. I would do my due diligence and get some folks on the other side of the aisle, willing folks on the other side of the aisle, and enlist them in this campaign, which would be incredibly helpful. And then I would make a major policy speech—here I am, talking in the first person.

Anyway, I'm giving the advice here. I would ask the president-elect or the president to make a policy speech during transition, make it a priority, devote the resources, take down all the obstacles in the Department of Justice. As you heard earlier, they are considerable. Margy Love and I had lunch recently with someone who tried to do it. It's tough. And I would, again, when you set the foundation, it becomes less of a political football, and that's how I'd go about it. But I would appeal to their inner sense of justice, particularly because these two who know how broken the system is.

*Audience Member:* My question relates to the politics of criminal justice policy in general, and I was happy to hear your comments about some of the changes recently in that area. I agree that the Right on Crime movement is a great change. I actually think conservatives are leading the way on this, and I think in many ways the left is still running scared. And I guess my question is, from an organizing advocacy perspective, what's your advice around keeping things moving in the right direction?

*Gov. Ehrlich:* It's the added element of the last question and it's the answer to your question, and I got lucky in this regard. It's getting the victims' rights organizations onboard, and I had that in Maryland. There

was a lady named Mrs. Roper and she runs the [most prominent] victims' rights organization in the state.<sup>7</sup> Enormous power. Enormous influence in the state legislature. She got onboard and that made it a heck of a lot easier politically.

Again, there's this right-left thing going on—it's easy for a Republican to do. Democrats are more fearful of being called soft on crime. I just think some of those hard lines from the '80s and '90s aren't as hard as they used to be, given, again, how many kids have been—and not just some kids but certainly a lot of kids—have been impacted by the criminal justice system in this country.

*Audience Member:* Governor, I hope that you didn't have any Willie Hortons<sup>8</sup> among the people that you pardoned, but did you try to soften up the public for that possibility, because we all know that each one of us makes mistakes sometimes. We guess wrong about people. Was that part of your strategy, or did you just run for it? What advice would you give to other people in that situation?

*Gov. Ehrlich:* Build a bunker.

*Audience Member:* Beyond that.

*Gov. Ehrlich:* My advice would be, if you're going to do this, learn the facts of the case. Now, I'm a lawyer so that helps. When you're going to be asked tough questions by the press—"You commuted this lifer case"—you need to get back and say, "Yeah, I did. Do you know the facts of this case? Do you know this guy was an African American on the eastern shore of Maryland in 1970 and it was a one-day trial? Did you know the shooter was out ten years ago? Did you know the witness ID'd someone else" and suddenly they're like, "Whoa." Reporters hate facts. I'm very serious. Not all reporters.

*Audience Member:* I was actually thinking more about what happens if you let somebody out, and the person is a recidivist, because there are going to be some. We know that.

*Gov. Ehrlich:* Sure, of course. Now, I had a former counsel who's in the Justice Department today, and he just loved this, and took it upon himself, and on his own, since I left office, has followed every last person we gave relief to, and I've been extraordinarily fortunate. As I said, a lot of Haley Barbour's were easy. They're not the ones that are going to draw attention. Of course, you're human. Of course, you're human.

When *The New York Times* calls you, it's usually not to ask how your kids are. And when you get calls at inappropriate times as governor—from

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7. Mrs. Roberta Roper founded the Stephanie Roper Family Assistance Committee to further the cause of victims' rights in Maryland. The Stephanie Roper Family Assistance Committee would eventually become the Maryland Crime Victims' Resource Center. MARYLAND CRIME VICTIMS' RESOURCE CENTER, <http://www.mdcrimevictims.org/about-mdcvrc/> (last visited January 25, 2013).

8. See Blumenthal, *supra* note 4.

the FBI about some terror suspect in your state, which happened three times to me—or some *New York Times*, *Washington Post*, you-name-it exposé coming out about you-name-it, about your administration, it makes for sleepless nights. And any politician, any governor, or any congressman who says otherwise is lying to you.

So there is some risk. It's human. You're dealing with human beings, but you really try to cut down that risk. And, as I said, ultimately, if part of your heart is tugging one way, part of your heart is tugging the other, typically in those cases you're not going to provide relief. Because if you have a fair amount of common sense—and I think I do—there's a reason part of your heart is tugging the other way.

*Audience Member:* I also want to thank you, Governor, for your leadership on these issues, and not just because I'm a fellow Marylander, born and raised in Columbia, Maryland, so we can maybe talk about that later. I'm curious about two things. One, are any other current or former governors talking about potentially helping out with this initiative?

*Gov. Ehrlich:* No. Oh, other states? Sure.

*Audience Member:* Governor Huckabee<sup>9</sup> has spoken about these issues and the importance of these issues. As somebody who teaches on these issues and has students who are energized about these issues, what can folks do who aren't in the D.C. area or who aren't around where it sounds like you're going to be setting this up, to support the effort, or is the thought to maybe even build a network, maybe comparable to the Innocence Projects<sup>10</sup> that spread beyond where you're getting started?

*Gov. Ehrlich:* The Innocence Project, I think, is a great analogy, and that's absolutely what you need to do. It's really twofold. It's, one, substance. It's working in your state with regard to law schools, particularly. That's the substance of it. The other is political. It's going to the governor's office. It's all about the governor. In most states, if you don't have unilateral power, it's still mostly about the governor and the governor's attitude. So it's interrogating the candidate for governor, it's keeping the pressure on, it's being respectful, but it's also making your case.

*Audience Member:* Governor, you spoke of the use of process to normalize the use of the pardon power. I wonder if you ever encountered the situation, or any case, where even with the normalization of the use of process to use the pardon power, there was a situation where it was politically impossible to pardon someone where it was the right thing to do, or vice versa?

*Gov. Ehrlich:* I've got a hard head. Now, I knew there was going to be some blow-back on a couple, particularly lifer cases. Sure. But my staff

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9. Michael Huckabee served as Governor of Arkansas from 1996 to 2007.

10. THE INNOCENCE PROJECT, <http://www.innocenceproject.org/> (last visited January 25, 2013).

understood. Again, it comes down to your personal interaction with your staff and what kind of person you are. If they think they can beat you up, they will. If they understand that you will listen to them but you will make the decision once the decision is made, that's it, they will also abide by that.

I think there clearly were a couple of cases that the press was interested in. There was one where prominent members of the Jewish community were advocating for this particular person. It's sort of a reverse sort of thing here, because I was predisposed to give the relief but then the charge would always be, "Oh, he's trying to placate the Jewish community for Jewish votes," which, in Maryland, is a pretty significant constituency, and a community with which I've had great relationships.

So it's that kind of thing. It could work both ways. You're fearful of offending a group or you're fearful of placating a group, and that particular case was a tough one, I've got to tell you. There were two cases that were really close calls, going out of office, and one concerned the inappropriate call I got, but I didn't do it. It just didn't feel right.

*Audience Member:* I wanted to ask about your philosophy when looking at applications. In your mind, was evidence of rehabilitation a kind of a nebulous plus or, in your mind, was that a substantive argument equal to considerations related to retribution?

*Gov. Ehrlich:* Substantive, clearly, but a pretty high bar, as a function of the nature of the offense. Obviously, the more egregious, the higher the bar.

*Audience Member:* Governor, I'm curious about what you did to get the victims' rights community onboard with this initiative in your state. Was it a preexisting relationship that you had with them that made them inclined to trust you, or was it the kinds of intellectual arguments that we're hearing today, about the process being broken so let's work together to fix it?

*Gov. Ehrlich:* We talk about law and process, and you're here in law school, learning all this stuff and it's really important. But the reality of life is interpersonal relationships and trust, and there's nothing more important.

[So], if you have someone in a position of authority that they trust, in this case, me, their ability to support you in difficult endeavors increases. So it counts. Personal relationships really count in life. What you look like when you go to a job interview really counts in life. All the stuff outside of your GPA really counts in life, and it really counts in politics, because politics is not a merit-based profession.

*Audience Member:* You seem frustrated with prosecutors, and I was just wondering if there was ever a situation where you listened to a prosecutor over the offender, and the prosecutor was against commutation, and what made you actually listen to them?

*Gov. Ehrlich:* I understand. As I said, my wife became a prosecutor, so I understand. My comment about prosecutors actually has more to do with my observations about the present-day Justice Department than it does about local prosecutors in Maryland. I think the Justice Department is highly politicized, and there's a lot wrong. But my comment had less to do with local prosecutors we dealt with. Once in a while you get a tough one.

I'll listen respectfully to a lot of things, but one thing I never put up with politically is threats. If you want to get me to do something, don't threaten me, and that's just kind of my hard head, a little bit. A lot of governors are probably like that. But one thing I would not put up with was, "Well, I'm going to the press." I'd say, "Here's the number." But in that case, if you know a prosecutor is going to turn bad on you, you better know your facts and you better be ready. It didn't happen very often.

*Audience Member:* Governor, could you elaborate on what made you so interested in this, and what were factors that made it really develop into a central issue for you?

*Gov. Ehrlich:* Well, the lady here in the front—Margy Love—sort of made me more of a national figure on this, and we didn't even know each other. I wasn't a huge fan of President Clinton on top of it, so there's no reason we would know each other. I just thought it was part of the job. I just understood it to be part of the job. I'm a lawyer, a civil litigator when I was a real lawyer, and I just viewed it as what governors do and what presidents do. It was my understanding from law school, my understanding of what I would do if I ever became governor, or what a president should do. So there was nothing that turned me on, or some great case or some great cause.

I was, in fact, critical of my predecessor for his lack of it, and, by any measure, he was a very liberal Democrat. I think that's fair to say. I don't think Governor Glendening<sup>11</sup> was a lawyer, but this was one area where he wanted to be tough on crime and all that stuff and I just thought it was anti-intellectual and not part of the job. So no great overwhelming cause here. Just part of the job. Thanks everybody. God speed.

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11. Parris Glendening served as the Governor of Maryland from 1995 to 2003.