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Farewell to Gaertner, welcome to Choi

Prosecutors are important figures in our system of laws -- and people

For a quarter of a century, Susan Gaertner has been an important figure in our criminal justice system. As she steps down this week as Ramsey County attorney, we thank her for her service in a position that is at the heart of the rule of law.

Gaertner was a big-case prosecutor under her predecessor, Tom Foley, for a decade before winning the job as the county's top prosecutor in 1994. She was the first woman ever to hold the office and only the fourth Ramsey County Attorney since the 1930s. She was an independent-minded Democrat who twice defeated candidates favored by her own party, and more than once prosecuted top DFL office-holders.

From our perspective, it seemed that Gaertner made the tough calls that fall upon a prosecutor in an impartial and fair-minded way. She was willing to explain her reasoning in difficult cases. She remained a standout courtroom lawyer who personally prosecuted such crimes as the killing of St. Paul police officer Gerald Vick in 2006. Even those who criticized her office's decisions had to respect her competence.

She will be replaced by John Choi, the former St. Paul City Attorney, who defeated lawyer David Schultz in the Nov. 2 election. Gaertner announced her plans to step down after this term when she launched an ultimately unsuccessful campaign for governor.

Gaertner has an impressive series of accomplishments. She was a DNA expert who had her office review past convictions in light of new technology. She fought to keep dangerous sexual predators in custody and for tougher domestic assault laws. She chaired a statewide task force of prosecutors on methamphetamine crimes, initiated a truancy intervention program to keep kids in school and worked with the St. Paul City Attorney to improve domestic abuse prosecution. We take a great interest in this job and in the people who hold it.

The rule of law is the bedrock concept that we are a nation of written laws, not arbitrary decisions by rulers, and that these laws apply to everyone. In criminal cases, it is the prosecutor who matches facts and circumstances to the written laws. There can be considerable daylight or "discretion" in decisions about whether to charge someone, and with what crime, and at what point a plea agreement is acceptable.

These are often politically unpopular decisions that require integrity and courage as well as legal knowledge. When a terrible crime occurs, we look to the prosecutors and the courts to restore our sense of order. We want justice -- but we don't want mob rule. Defense attorneys, judges and juries all act as a check on the prosecutor's power, and criticism of prosecutorial decisions goes with the territory.

As just one example, Gaertner faced pressure to file criminal charges when a driver killed three people on an I-94 offramp in 2006. She charged the driver and won a conviction. Then, four years later, she faced even more pressure to release the driver, Koua Fong Lee, when complaints surfaced about the model car he was driving, the Toyota Camry. A judge released Lee, and Gaertner decided not to re-try him.

In this case as in others, we may not have been completely satisfied with the various outcomes. The system is messy and imperfect. But we believe **Gaertner** has made the calls she felt were right in light of the law and the facts. We are confident that John Choi will do the same.

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