

Minnesota Now (MPR) | Minnesota Now - Mary Moriarty 01G9FXD44CDXCKV7F6PN3BCVV6

CATHY WURZER: All this week, we're interviewing candidates running to be the new Hennepin County attorney. Hennepin County attorney, as you know, has a lot of power-- at office, oversees criminal prosecutions. You also have a hand in protecting elders from fraud and cases that involve child protection. Mike Freeman's been on the job for 24 years. He's not seeking re-election.

As I mentioned, prior, there are seven people running to take his place. Just spoke with candidate Tad Jude, and now another candidate joins me. Mary Moriarty was a public defender for Hennepin County for 31 years and chief public defender for six years. She's on the program. Mary Moriarty, welcome back.

MARY MORIARTY: Thank you so much, Cathy. I'm really excited to be here. I was actually thinking about my appearances on *Almanac* talking about the Chauvin case and how I started virtually. And then I got into the studio on a different floor, and then I was on the same floor as you but across the room. And then my last appearance was at the table. So it seems like a long time ago, but I'm very happy to be here speaking with you about the position of the Hennepin County attorney.

CATHY WURZER: Thanks for being here. Earlier this year, I know you heard about the letter sent by several suburban mayors and police chiefs to Mike Freeman saying that Freeman has failed to adequately prosecute criminals with this rising wave of violent crime that we've seen, the critical of cases not charged. If you're the new Hennepin County attorney, how will things be different under a Mary Moriarty administration?

MARY MORIARTY: Yes, I met with some suburban police chiefs. And what I asked them was, what do you want from the next county attorney? And they were very clear that they want communication because they told me that they were not getting good communication from the current county attorney in terms of policies and that sort of thing. They also did not feel included or listened to.

And so one of the things I assured them, and I will do, is make sure that I am a presence, that I am listening to their concerns, partnering with them and listening also for their solutions, and communicating in a much better way so that they understand exactly what's happening in the county attorney's office. Transparency is incredibly important data. I'm a person who believes very much in data and research and transparency, and I think people need to have that to have trust in the office.

CATHY WURZER: In a sense, if you're elected, you'd be switching sides and prosecuting the types of cases and criminals you defended for so many years. How much of your background affect or enhance your work as county attorney?

MARY MORIARTY: It enhances. It would enhance my work. I'm actually probably better suited to be county attorney because of my work as a public defender. I was a public defender for 31 years. And the first 20 or so of those years, I tried criminal cases. So that meant I sat in the courtroom and I watched.

And I saw how prosecutors treated victims. I am quite familiar with what actually happens in chambers with prosecutors. So it's one thing for somebody to say what they would do or what they are doing. It's another thing to actually have seen it.

The other thing is that a lot of the people I represented had histories of trauma. So when I spoke to them or I looked at their social history, I could see that they struggled. They were victimized in their lives. And I often wondered-- and thought, actually-- they would not have been sitting next to me had we intervened early on in their lives when they were youth.

And so I bring-- sometimes prosecutors get into this binary. There's such a thing called a perpetrator, and then there's somebody called a victim who's got to be stereotypically pristine. And that's just not life. That's just not who comes into contact with the court system. Many people who are harmed don't have their trauma addressed and end up being the people who harm others.

So I bring that perspective. I understand criminal law really well. I understand Hennepin County leadership because I was head of the committee tasked with looking at alternatives for mental health and substance use. So my experience as a public--

CATHY
WURZER: I believe we lost Mary Moriarty. Oh, my goodness. Well, we have a technical issue here. We're so sorry. We've been talking to Mary Moriarty. Of course, she is running for-- she's one of seven candidates running for Hennepin County attorney.

Prior, this afternoon, we were talking to Tad Jude. So Ms. Moriarty is on the line. Of course, you know she was Hennepin County chief public defender for a number of years. And we were just talking to her about some of the things she plans to do if she is elected Hennepin County attorney. As we're trying to get her back on the line here, hopefully we'll continue our conversation.

And we are trying to get Mary Moriarty on the phone right now. So hopefully she is here. Sorry about that technical glitch.

MARY
MORIARTY: Oh, I didn't-- I kept talking. I didn't even realize you couldn't hear me.

CATHY
WURZER: Oh, no. We have some gremlins in the system here today. You were actually talking about-- and I'm glad you brought it up-- that you have firsthand knowledge of working with individuals who have had trauma in their lives, and they are in the criminal justice system. But I'm wondering, actions still have consequences even if you've had a life of trauma.

So how do you hold people accountable in this system? And especially-- and it seems we have a system here that is broken. You have repeat offenders who are going in and out and in and out of the system. As county attorney, how would you fix that?

MARY
MORIARTY: Yes, I think it's a great point. People do need accountability. And I care very deeply about public safety. I was the victim of a violent crime myself. And one of the things that I hear politicians say is what victims want. And I think many of them have never actually spoken to a victim.

And I don't represent all victims because victims want different things. But I know many of them want something different than what the system offers. In fact, we know statistically that over half of the people who are actually the victims of crimes never actually report them to the police because of various issues related to police and the system in general.

So I very much believe in public safety. To have public safety, we need to have meaningful accountability, both for people in the community who violate the law and police. So, yes, accountability is important. We can't just look the other way.

And there's a difference between meaningful accountability and the slogan that you've heard over and over about being tough on crime, which is essentially trying to make people afraid and think that they can be safer by longer punishments when we know through data that that simply isn't true, especially if you think about this-- if 50% of crimes actually aren't reported and a small fraction that are reported are actually prosecuted, that doesn't make anybody safer.

So my goal is to make everybody safer. My goal is to reduce racial disparities because we have huge racial disparities in our criminal system as well as other metrics, like income, home ownership, health disparities. And we need to have a just system so that people in the community trust what is going to happen, which will actually make them cooperate more with the police. So I think those things are critically important.

**CATHY
WURZER:**

By the way, how would you handle officer-involved shootings that result in civilian death? As I asked Tad Jude that same question earlier this afternoon, county attorney Freeman's kind of moved away from the grand jury system. How would you handle those shootings?

**MARY
MORIARTY:**

Yes, I have studied the grand jury system a great deal. And at one point, it was designed to be a buffer between the government and people-- actually, going back to England-- and there were times when the people, even though the crown wanted somebody charged, the people said no.

What's happened, and I don't think most people realize this, is a grand jury is secret. There is only a prosecutor there. So there is no defense lawyer. There is no judge there except to give the grand jurors instructions on what the law is. So the only person that's there in the room is a prosecutor who's deciding which witnesses to call-- they're the only ones that decide that-- what to say to the jury.

There's a saying that many of us in the system, which is that a prosecutor can indict a ham sandwich. That pretty much tells you the control that prosecutors have in the grand jury system. And there really isn't a way to make it more transparent because everything is secret. It's even hard. I mean, I've looked at a lot of grand jury transcripts in my career, and it's hard to even get those when you are a defense lawyer representing somebody.

So grand juries are not the way to go. And right now, we need a way to prosecute or make decisions that people in the community trust. And the only way to get trust is to make sure that people in the community are seeing a system that handles cases equally.

And I will point out the case of Jaleel Stallings. And you know that case of a man who is a military veteran who was shot by a marking round by MPD. And he was charged with attempted murder even though all the videos showed him being kicked in the head by police and MPD and beaten about the head until he had a fractured eye socket.

So we saw the video even though the county attorney's office tried to prevent that from becoming public. And I think people were left to wonder, after Mr. Stallings was found not guilty, why did he get charged? Was there ever a consideration of charging the police officers who essentially committed an assault on him? Because looking at the video, it would be hard to conclude that that was an objectively reasonable use of force.

But when you jump ahead and you look at the Amir Locke case where we had County Attorney Freeman saying, I can't ethically charge a case if I can't prove it, which is true, but people look at that and say, well, OK, but what happened in the Stallings case? And we still have not had a statement from the county attorney about whether they stand by that prosecution or don't.

And that's one of the problems. We have to have trust. I will make the decisions on those types of cases. I won't send them to other counties as this county attorney has. The people of Hennepin County did not elect the Dakota County attorney to make the decision in Dolal Idd. The people of Hennepin County did not elect the people in Crow Wing County--

CATHY WURZER: So it sounds as if you are going to-- the buck will stop with you if you're Hennepin County attorney. Say, I have literally a minute left, and I do need to ask you this question. Do please respond. There are folks who think you do not work and play well with others, and you were ousted as Hennepin County chief public defender in 2020 under certain allegations. Now, you were awarded a settlement over that ousting, but you were forced to leave. So what have you learned from that experience?

MARY MORIARTY: Oh, there's a great deal I learned. It's unfortunate I only have a minute. I do want to say I have-- during that process, I had letters of support from Chief Arredondo and many others in the system. So I do work well with others.

And sometimes you have to take a stand, and sometimes people in the system don't like that. For instance, I was told by people in the county that I was to consider myself part of the Hennepin family and not be talking to the media. As chief public defender, I felt that I was not part of the Hennepin family and that I had an obligation and duty to speak about things that were happening to our clients.

So I did learn a great deal from that. And I will still be the kind of person and county attorney who stands up in public and says the right thing.

CATHY WURZER: All right. I wish you had more time. I'm sorry we have a kind of a contracted show here. I appreciate your time. I'm sorry about the technical issues earlier in the conversation. Thank you so much.

MARY MORIARTY: Thank you, Cathy.

CATHY WURZER: Mary Moriarty is one of the seven candidates for Hennepin County attorney. Of course, we'll talk to two more candidates tomorrow here on the program. And by the way, if you want to vote, early voting in this race is happening now. The primary is August the 9th. You can sign up to vote when you get to your local polling station. Find out how to register and where your local polling place is by visiting hennepin.us/residents/elections.