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Everyone Deserves Defense

Peter Keane - San Francisco, California

As heard on NPR's *All Things Considered*, October 20, 2008



In his decades as a public defender, Peter Keane represented murderers and other criminals as skillfully as he could – even when he knew they were guilty. Keane believes everyone, no matter what they've done, deserves to have somebody on their side.

Age Group: [50 - 65](#)

“Would you defend Saddam Hussein? How about Hitler? Would you be his lawyer?”

People ask me this all the time; the names of the bad guys change, but the question is always the same. My answer is always, “Yes, I would.” It has to be. Because I believe everyone, no matter what they've done, deserves to have one person on their side.

I've spent most of my life as a criminal defense attorney. For 20 years, I was a public defender. My clients committed every kind of terrible crime imaginable. I defended each one of them with every ounce of skill, creativity, and tenacity that I had.

In the end, most of my clients were convicted of something. For that is simply the nature of the criminal justice system: It's an uphill struggle for anyone who is charged with a crime. All of the power and resources of the state, the police, and the prosecution are hurled against that one person. And the only protection to all of that is one lawyer.

But despite the odds, there were a number of people whom I helped to go free. Sometimes I convinced a judge to throw out a case because of a legal defect. Sometimes I convinced a jury to return a verdict of “not guilty.”

Many of those people that I helped acquit were guilty. Some went on to commit other crimes. One client found not guilty of murder killed another person shortly after his release. I defended him again the second time around. He was convicted, but not because I defended him with any less vigor.

How do I feel about the 30 years I did this work? I am proud of it.

Did my conscience wrestle with me in a moral dialogue? Sure.

In courtrooms I confronted victims whose lives, bodies, and often whose very souls had been forever shattered. Sometimes, in their eyes, I saw members of my own family. Sometimes, I saw myself. The battle within me was fierce and it took its toll in sleepless nights, anxiety, and depression. But in the end, my belief in what I was doing prevailed over my misgivings.

I know that most people have great difficulty understanding this. Indeed, many are horrified by it. But reflect for a moment: There is one key mechanism in our society that protects and maintains all of our freedoms. It is that we go by the rule that whenever someone does something that we condemn, no matter what it is, he still gets one person to speak up for him.

Take away this protection and all our other democratic rights, which are so carefully woven into the constitutional design of our republic, become meaningless. Without resistance from lawyers who represent people being prosecuted, all freedom is ultimately lost, because it is the natural human tendency of those who wield power to abuse those without it.

I am a law professor now. I teach my students to be proud to defend anyone, no matter what they may have done. I want them to stand up for the world's Saddam Husseins and Osama bin Ladens, for America's accused rapists and murderers and thieves. I want my students to fight for them – ethically, but with all the fierce determination, talent, and skill that they have.

One person on your side, no matter what you've done: That's what keeps us a free people. That's what I believe.

Peter Keane is Dean Emeritus and Professor of Law at Golden Gate University Law School in San Francisco. He was the Chief Assistant Public Defender of San Francisco for 20 years, and has served as a San Francisco Police Commissioner.

Independently produced for NPR by Jay Allison and Dan Gediman with John Gregory and Viki Merrick.

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