

Standing Pat

Widely criticized in recent years, top prosecutor Patricia Jessamy is more certain than ever that she'll win her case.

By Kris Antonelli

This is the second in a series of three articles Baltimore will be publishing throughout 2008 profiling the three African-American women who hold the highest elected offices in Baltimore City.

—The editors

It is 6:57 p.m. on a steamy evening in East Baltimore and Patricia C. Jessamy is running late after a very long day that isn't over yet. The city's top prosecutor spent her morning in meetings, her afternoon attending a charity golf tournament, and the dinner hour at a board meeting. Now her driver is rushing her to the corner of East North Avenue and Hope Street, where a crowd of people is waiting for her to lead an anti-violence march in the neighborhood, which has suffered shootings, robberies, and drug deals for as long as anyone can remember.

For Jessamy, this is the most important event of her day: Getting her ticket punched with the grass-roots support bloc that has put her back in office for 13 years—despite bitter political infighting, her share of negative headlines, and a city crime picture that is about as bleak as ever.

Just as the last bottle of water is passed out and final route instructions are given, the black sedan with tinted windows slides up to the curb.

"Here she is, here she is," a few people call out as Jessamy, looking crisp despite the heat of the day, steps out of the back seat.

The crowd turns toward her and applauds in a welcome that seems more befitting to a movie star than a city prosecutor.



CREDIT: DAVID COLWELL

Jessamy: "If you can't prove a case, you can't try it."

"Hello, glad to see everyone," Jessamy says, stopping to give Nina Harper, one of the organizers, a hug before making her way to the front of the crowd.

Though her office has prosecuted plenty of residents from this Oliver community, that's not why she's here today: "We are here to walk through the neighborhood and let people know that there are services out there for them, that there is help for them if they want it," she announces as she leads the group down the street.

Jessamy's role in the scene is one that she has played repeatedly in communities across the city since winning the job of city state's attorney in 1995. A gregarious woman who grew up in the South and speaks in a creamy Mississippi drawl, Jessamy feels most comfortable in neighborhoods such as Oliver where she can touch people, talk to them about their concerns, and educate them about programs that might help them work themselves out of the cycle of poverty and crime.

Her style of mixing community activism, social work, and hands-on politicking are skills she cultivated as a young civil rights lawyer in the segregated South. It is a persona that attracts a key element of the Baltimore electorate—African-American females who identify with her struggles during the Civil Rights era as well as the everyday challenges of balancing motherhood and family life. That's all while holding a job—which, in Jessamy's case, is running a state's attorney's office that must deal with one of the highest crime rates in the country.

Jessamy, who turned 60 in July, remains one of the best-known figures in local government, for all sorts of reasons. At roughly \$225,000 a year, she's the second highest-paid city employee in Baltimore, after the city schools chief, and the first African-American woman to hold the top prosecutor's seat. Since taking office in 1995, she's also been a lightning rod for controversy and criticism. Though re-elected three times, she does not get the warm greeting in many other communities that she receives in Oliver. Among residents for whom her civil rights struggle and Southern charm is not relevant, she is sometimes seen as a defender, rather than a prosecutor, of those who are terrorizing the city, a sort of fox-guarding-the-chicken-house of criminals.

One of her harshest critics of late has been Anna Sowers, a 28-year-old resident of Patterson Park, whose husband, Zach, was mugged and beaten severely near their

home last year. He died from his injuries 10 months later. During the time between Zach Sowers' June 1, 2007 attack and his death in March 2008, Jessamy's office reviewed the evidence against the four teenagers charged in the crime and decided to offer a plea deal, offering shortened sentences and protecting them from murder charges if Sowers died.

"I have no faith in the system," Anna Sowers says. "I do think the prosecutors and the police department worked hard on my case. But the system is like a circus, the police catch them and Pat Jessamy's office turns them out. If you read what happens in the county and see how much time people get there, it is outrageous."

Sowers could keep company with defense attorney Warren Brown, an African American who has made a career of defending those prosecuted by Jessamy's office. Brown says the city state's attorney's office has been weak on crime long before Jessamy arrived.

"The whole philosophy in that office for years now has been that they are reluctant to go hard on crime," he says. "Their political base in this elected position is the black community, and they do not want to be associated with the white man putting the noose around the black man's neck."

But Jessamy, a self-described perfectionist at the helm of an imperfect system, defends her record by emphasizing that everyone is entitled to justice—a line one might expect to hear more from a public defender.

Others point out the realities in the courtroom: Her office is responsible for selling cases to largely African-American juries that have developed a hardcore distrust of police. The police, for their part, have long complained that Jessamy's office does not make good use of the evidence they give her. To complicate matters, her prosecutors often find themselves having to prove their cases well beyond the "reasonable doubt" standard to get the city's majority-black juries to convict.

"If you can't prove a case, you can't try it," Jessamy has said over and over.

Jessamy came to the state's attorney's office in 1985 as an economic-crime prosecutor and quickly developed a reputation as a tough courtroom performer whose talent for using her voice—raising and lowering the speed and cadence—

went over well with juries, says long-time colleague and Circuit Court Judge Marcella Holland, who was an assistant prosecutor at the time. At the courthouse, often seen as a man's world, Holland says she learned the ropes from Jessamy and other female attorneys.

"I found that if a woman is seen as too assertive, she is the 'b' word," she says. "Pat was always there for us and she had our backs. She wouldn't leave anyone hanging. Part of being a good lawyer and a good administrator is getting people to work with you. And she does that."

Jessamy got her first taste of community activism by watching her mother, Beatrice Coats, load up her blue Ford Falcon with friends and neighbors and shuttle them to voter registration centers around rural Mississippi in the 1960's. Coats, now 90, paid the \$2 poll tax and voted for the first time just before Jessamy was born. It was a dangerous time for African Americans in the deep South, where civil rights workers had been kidnapped and murdered while working to integrate communities. In rural Hollandale, where Jessamy went to high school, Ku Klux Klan members set crosses on fire in the yards of African Americans.

Hollandale, where her parents ran a dry-cleaning store, had a population of about 2,000 back then. It was a "bustling" little town, Coats remembers, with stores, several cafes, and a movie theater. The family lived in an apartment above their business in an all-black section of town called Jonestown. Civil rights workers from all over the country were working in Hollandale and the family often let them stay with them.

"They would have to slip in and out the back door at odd hours," Jessamy recalls. "There were people in the community who would watch and go downtown and tell who was assisting the civil rights workers."

Jessamy also remembers, as a junior in high school, when she and her mother, on their way back from a wedding, decided to stop in at an all-white downtown cafe called Coker's. There were tense moments as customers stared at the pair sitting down at the lunch counter, and onlookers on the sidewalk peered through the storefront glass to see if they'd be served. They were, but charged many times the usual price.

The Coats family and several others in the community also defied the rule that required blacks to sit in the balcony of the town's movie theater. One evening, when Jessamy and a crowd of neighbors and friends took their seats in the front sections, the white patrons got up and left. The theater owner ran the movie, which was intentionally blurred.

"I was scared in that theater," Jessamy recalls. "I couldn't tell you what the movie was. I sat there with my eyes closed almost the entire time."

In the case of the cafe, Jessamy's family joined other black parents and filed a desegregation lawsuit, in their and their children's names, under the Federal Public Accommodations Act. The suit was taken to federal court in Oxford, MS, and it was there, listening to the lawyers argue for her family's rights, that Jessamy found her passion.

"I wanted to be a lawyer from the time I was 16 years old," Jessamy says. "There were no black lawyers then. I was mentored by white men."

After graduating from Jackson State University with a degree in history and political science, Jessamy attended the University of Mississippi. It was the first time she had ever sat next to a white person.

After law school, Jessamy worked for the NAACP Legal Defense fund and sued Grenada, MS for violating a federal voting rights act. The city had been annexing white neighborhoods, but not black ones, to keep white politicians in office. Jessamy proved her case and the city was forced to redistrict the area to include more African-American voters. Oddly, Jessamy's experiences as a defense attorney are what inspired her to switch to the prosecution side, where she thought she could do more good.

"I kept seeing people coming back through the system over and over again," she said. "I knew there were so many things that could be done to stop that."

In 1995, then-city state's attorney Stuart O. Simms left his post to become secretary of the Maryland Department of Juvenile Services. He nominated Jessamy, who was his administrative deputy, to replace him. A panel of Circuit Court judges, which was charged with approving the choice, considered Jessamy as well as another

nominee, Martin O'Malley, then a city councilman.

It was a tough time to take over the top prosecutor's position. The nationwide crack epidemic was in full swing in Baltimore and the homicide rate was soaring. Police were cracking down on street-level drug dealers, thought to be fueling the violence, and making thousands of arrests. But the homicides continued to soar, reaching a peak in 1993 with 353 killings compared to 234 five years before.

The dire crime situation, lack of funding, and the number of cases did not deter Jessamy. She had a vision for the office, she recalls, one that included a large prevention element, drug treatment, and programs to deal with other social ills.

"We couldn't just arrest our way out of this," she says. "We (the state's attorney's office and police) never did have a strategic plan for law enforcement."

After two years as state's attorney, Jessamy began formally promoting to city officials what she calls her "three-pronged" approach to fighting crime. It called for a cooperative effort involving police, the state's attorney's office, other law enforcement agencies, and community leaders to develop grass-roots programs to combat juvenile crime, drug addiction, and family violence, and a strict approach to getting guns off the street.

Although some city officials, including then-Mayor Kurt L. Schmoke and police commissioner Thomas Frazier, agreed with her approach, other politicians, pressured by the outcry against the violence, thought a tougher stand should be taken. And when O'Malley was elected mayor, he officially rolled out a popular law-enforcement strategy called Zero Tolerance that was credited with causing huge drops in crime in New York City and other metropolitan areas. He brought in Edward T. Norris, a veteran of the New York City Police Department, to implement the plan.

Crime in Baltimore did drop while Norris was commissioner, but the state's attorney's office and court system were overwhelmed by the volume of arrests.

"We didn't have the correct application of Zero Tolerance," Jessamy says. "The theory is—and it's a good theory—that if you take care of the little things, it won't turn out to be big things. In New York, they did not go out and arrest everyone, they

used citations, tickets. And New York funded it appropriately."

Jessamy, O'Malley, and police officials regularly butted heads over how to get control of the crime situation. That was especially true when she made unpopular decisions on high-profile cases, such as the perjury and misconduct case against Brian L. Sewell. Sewell, a young police officer, had been charged with planting drugs on a man who was arrested on different charges.

Jessamy dropped the charges against Sewell, she says, because the evidence was tainted by a break-in at a secret police internal affairs office, where evidence in the case was stolen. Still, O'Malley and Norris, as well as other city officials, were urging her to go forward with the case. But Jessamy, never one to bow to public pressure, refused and pointed to the tainted evidence.

O'Malley was furious. In a profanity-laced rant against Jessamy during an interview with reporters, he made sarcastic remarks and spewed out what turned into a rallying cry for Jessamy supporters: "She doesn't even have the goddamn guts to get off her ass and go in and try this case, and I'm tired of it," he said.

Thelma T. Daley, then-president of the city chapter of the Coalition of 100 Black Women, led the charge in Jessamy's defense. On a cold February night, Daley, and at least 100 black women, dozens of black men, and some white residents, gathered for a vigil outside the courthouse. Although they did not speak, they carried signs protesting the language O'Malley used.

"The language the mayor used was directed toward a female and we decided that we were not going to take it," Daley says. "Mrs. Jessamy was on the receiving end of it. We knew her record, her credibility, her integrity, and we also thought it would break down the barriers for women in general."

Warren Brown believes that O'Malley's comments solidified Jessamy's position among city voters.

"I think the one specific point in history that helped anchor her in office was O'Malley's rant against her," Brown says. "Because at that time, she was not held in very high esteem and O'Malley's frustrations were shared by many people. She should send him a 'thank-you' note because she has ridden that wave, quite frankly,

since then. She became Teflon-coated after that."

Exhibit A: When it comes to the media, Patricia Jessamy has a very thin skin. In fact, the only news coverage she seems to approve of is stories that focus entirely on her civil rights days.

And although she's built a solid bloc of support in important corners of the community, Jessamy, for a period, also developed a reputation among reporters as being defensive and sarcastic. She would often snap back at journalists when peppered with questions about the way her office handled cases. At one point, she all but stopped talking to reporters and began issuing brief statements or delegating the responsibility to a deputy. To help deal with her growing image problem, Jessamy hired Margaret T. Burns, who had worked as a spokeswoman for Lt. Gov. Kathleen Kennedy Townsend's anti-crime hotspot program.

"I remember attending a press conference with her and several other law enforcement officials at Mondawmin Mall to announce a new hotspot program," Burns remembers. "And none of the politicians wanted to be seen with her. But when she spoke about her strategy to fight crime, she was the only one who made sense to me. I thought to myself, 'I could work for this woman.'"

Burns said that when she met with Jessamy to talk about a public affairs position, she gave the prosecutor this advice:

"I told her that I knew she wasn't going to want to do it, but that she had to tell her story," Burns recalled. "She needed to get her side, the office's side, of everything out. She couldn't let other people, including the police department, which was twisting the numbers around, tell the entire story."

When Jessamy wants to escape the rigors of her job, she and her husband, Howard, travel down to a little house they keep a few blocks from the shores of Virginia Beach. On a breezy picture-perfect Memorial Day, Jessamy, has traded her business attire for white jeans and a white T-shirt with a sketch of Zora Neal Hurston printed on it.

Lounging on her off-white sofa, surrounded by a few samples from her collection of works by African-American artists and a paperback mystery, Jessamy is in full vacation mode.

Her daughter, Erika, and son-in-law are visiting, her grandchildren are playing video games in the family room, while her husband, a health care consultant and one-time president of the former Provident Hospital, putters around the house. It's a rare moment of tranquility for a woman who keeps a work schedule and social calendar that rivals a head of state.

"This is my haven," she says. "It's my escape. It's only a 35-minute flight from Baltimore, so I can get here quickly and then be back in the office by 9 a.m. Monday."

Perhaps because of her Southern upbringing, Jessamy thinks nothing of opening up her house to anyone who drops in to visit. On this particular night, she is expecting a crowd of friends who will be treated to grilled catfish, spicy chicken wings, potato salad, and a baked-bean dish her daughter has whipped up. She and Howard serve up lunch as she talks about her career in city politics.

"I felt like they were trying to destroy me," she says of the media and the endless barrage of criticism. "I was a woman and I was black and I think some people didn't want to acknowledge that I was getting things done."

After the 2002 election, Jessamy says she did think about not running again.

"I was at the point in my life where I was asking myself what I was getting out of the job and where I was going," she says. "But during elections, things always seem bad, and then it is over, and they get good again. And if you quit, they win, and I am not a quitter."

Since Sheila Dixon has become mayor and chosen long-time Baltimore police veteran Frederick H. Bealefeld III as police commissioner, an eerie quiet has fallen over relations between the three city offices. And Jessamy says she feels more hopeful that internal cooperation can reduce the rate of violence. Although it is too early to break out the champagne, police statistics show that homicides were down 30 percent during the first quarter of this year and shootings declined 31 percent. The first three months of 2008 were Baltimore's least violent period since 1985. The best thing Bealefeld did, Jessamy says, was to get rid of the Zero Tolerance approach to crime that focused on the quantity of arrests rather than quality.

While Jessamy has had contentious relationships with the previous mayor and police commissioner, all three now say they have agreed on a strategy that balances arrests with prosecutions.

"When you make a priority of everyone, you end up making a priority of no one," Bealefeld says. "Pat and I were always on the same page with this. In Baltimore, when there are 300 homicides a year and arrests are constantly being made, and then nothing happens to change the crime rate, it's easy to fall in that blame trap. People want to know where the failure is, they want someone to blame. But she doesn't do it to me, and I don't do that to her. I am not hanging out there by myself."

While Jessamy has considered running for mayor, she says she now thinks fighting crime is more important.

"I am happy now where I am," she says. "I love this job and I think I am good at it. And if I don't do it, who will?"

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