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Subtle contrasts mark DA race

EXPERIENCE, PRIORITIES DISTINGUISH CANDIDATES

By Mike Zapler
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What's the difference among the four people running to succeed George Kennedy as Santa Clara County district attorney? After four months of campaigning, they certainly haven't made it easy to tell.

All describe themselves as "tough but fair." Each promises to enforce strict ethical standards in the office in the wake of a Mercury News series highlighting questionable conduct by prosecutors. And they all support the death penalty, or at least wouldn't stop the office from pursuing it.

With Election Day on Tuesday, what's a voter to do?

Well, it's not totally fruitless. Along the campaign trail, subtle contrasts have emerged among Assistant District Attorney Marc Buller, Superior Court Judge Dolores Carr, Deputy District Attorney Jim Shore and Chief Assistant District Attorney Karyn Sinunu -- in their priorities and the type of experience they would bring to the job.

Based on their statements at campaign forums, interviews and election material, here's a look at the candidates:

MARC BULLER: Buller, 48, has the longest tenure in the district attorney's office of all the candidates, starting in 1984 and ascending the ranks to one of the top management positions. He also has the most trial experience.

Although Buller has not emphasized his Latino background -- his mother is Mexican-American -- he was the first candidate to focus attention on what he calls the office's lack of diversity -- a situation he says he would work to improve if elected.

When the Mercury News published the investigative series in January that questioned whether the office has sacrificed defendant rights with a win-at-all-costs attitude, Buller was the most skeptical of the newspaper's findings. He says, however, that as district attorney he would not tolerate unethical conduct.

Buller has indicated he would put more resources into "community-based prosecution," which involves sending prosecutors into neighborhoods to better understand quality-of-life issues -- and perhaps the types of crime the district attorney's office should pursue more aggressively.

Buller also has led efforts to steer juveniles away from the criminal justice system -- he helped create a program to curb truancy, for example -- and says he would continue to make that a priority.

"We need to make sure when we respond to crime we do it from not just from a prosecutorial perspective, but from a community perspective," Buller said.

DOLORES CARR: Carr, 52, brings something to the table none of her opponents has: lengthy experience outside the district attorney's office. She has been a Superior Court judge in the family division since 2000 -- a job she won after 15 years as a prosecutor.

Carr has emerged as a favorite in the race, drawing support from an array of interests, including most police unions and some prominent defense attorneys. She has made her long endorsement list a centerpiece of her campaign. Money is another indication of her strength -- she has raised more than the other candidates, after entering the race months after Sinunu.

Embracing the Mercury News investigation of the justice system, Carr has issued a series of position papers arguing that the district attorney's office has fostered a win-at-all-costs culture in which unethical conduct is tolerated if not condoned. As district attorney, Carr says, she would put less weight on win-loss records in evaluating attorneys.

"The job of the DA is not to win all its cases. The job of the DA is to seek truth and justice," she says.

During the campaign, Carr has had to rebut suggestions that she would be beholden to police because her husband is a lieutenant in the San Jose Police Department. She responds that she often disagrees with her husband and sees her law enforcement backing as an asset.

She also says her experience as a judge gives her a perspective on the justice system that her opponents lack.

JIM SHORE: Shore, 45, is perhaps the most politically versed of the candidates. As the head of the Government Attorneys Association for five years, he successfully lobbied county officials for a large pay raise for public attorneys -- an effort aimed at stopping an exodus of county lawyers to higher-paying private-sector jobs.

In 2004, Shore led the fight for a ballot measure that would have dramatically boosted the union's bargaining leverage with management. The measure failed, but it gave Shore experience going through a tough, countywide campaign. He has tapped his contacts in the community to remain competitive in fundraising despite lacking the management or judicial experience of the other candidates.

Shore has crafted a law-and-order campaign message, highlighting his strong support for Jessica's Law, which would use global positioning system technology to track convicted sexual molesters. "I think that's a huge issue that sets me apart," he said. "I have a sincere belief that protecting families is one of our major roles."

Shortly before the Mercury News investigation was published, Shore called for an "ethics audit" of the district attorney's office that would examine office policies and recommend ways to improve the office's ethics.

KARYN SINUNU: Sinunu, 58, entered the race as the heir apparent to retiring District Attorney Kennedy, enjoying his wholehearted support. She leveraged her position as his top aide to assume early front-runner status in the race.

But little has gone smoothly since.

Apparently upset by some of Sinunu's criticism of the office and her statements that she's running as a "progressive Democrat," Kennedy publicly hedged his support for her last month. (Kennedy is Republican but has sought to keep the office apolitical.) Several high-ranking former colleagues who worked with Sinunu came out against her, criticizing what they call a divisive management style. Most recently, investigators have been looking into Sinunu's role in the dismissal of a seemingly strong drug sting case a decade ago. She says she is not a focus of the investigation and denies wrongdoing.

Sinunu has also been the target of a series of often vicious anonymous letters.

She has responded to the controversy by trying to shift the focus to her résumé. Sinunu has managed far more attorneys than any of her competitors and won an in-house award for her trial work. She worked with police to reform lineup procedures, a frequent culprit in wrongful convictions. And she has touted her efforts helping to free wrongfully convicted defendants.

Sinunu is the only candidate who has called for public hearings when a police officer kills a civilian.

Reflecting on a tough campaign, Sinunu said: "I'm the most experienced as far as running the office goes, but probably the least experienced running a campaign. . . . I'm basically an introvert and I've really had to stretch myself."

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