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The Night Side

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vidual in the line of duty and if the investigation proves that officer had reason to shoot, "I'm not going to drag him up to the grand jury," Swisher states.

Another subject, receiving much publicity of late, is that of plea bargaining. Although it is sometimes a common practice, in Baltimore it is not used to the same extent as in New York City. Plea bargaining, however, is a necessity. "We're tough when we have a case; we just tell the defense to go to hell. When we have a weak case, we'll try to bargain to salvage something out of it."

Although William Swisher is first to admit he prefers a hard line of criminal justice, many of his views are similar to a liberal interpretation. A few samplings:

Of victimless crimes he says, "I've often thought that with the present crime problem as it is, it is rather silly to be chasing homosexuals and prostitutes around the city while we could be putting policemen to work chasing robbers. It is wasteful of the taxpayers' money and the courts' time."

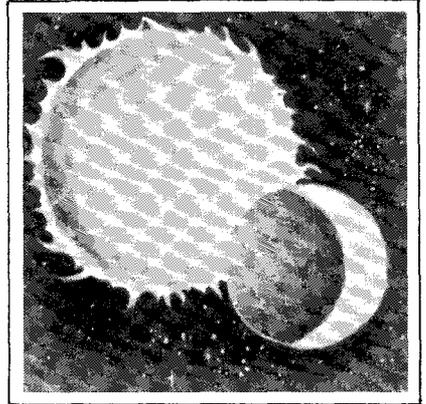
On the matter of de-criminalizing marijuana, Mr. Swisher is nearly in agreement with that proposal, a firm statement to that effect he is not yet willing to make. He views it this way: realizing that many lawyers and business people smoke pot, there is a degree of acceptability about this it because these people are mature adults. Youngsters on the other hand, lack the sophistication or the education to see the possible dangers of any potential escapism drug habit. "I'm not so sure the kids should go to jail for it, though the sellers certainly ought to. We actively prosecute for possession, but generally the kids get a slap on the wrist and they are let go, as it should be."

The matter of white collar crimes. William Swisher feels is not a serious matter. Human nature as it is in this country is such that the population is not terribly upset over white collar crimes as compared to crimes of violence or property. In fact, most judges today take a more sympathetic view of the white collar criminal. According to Mr. Swisher, their rationale follows along two lines. First, since the act has not resulted in violence, the nature of the crime cannot be considered too hideous. Secondly,

many judges are apprehensive about sending "a meek and mild businessman to Jessup where he will be raped the first day he is there," as Mr. Swisher describes it. Highlighting this point, he related the example of a lawyer who was sent to the city jail, there to be raped and beaten. For his own protection he was sent to the penitentiary, where he was also raped and beaten. "People don't want to talk about it, but dammit, that's what these prisons are all about. If you go to the city jail, you are going to be in trouble. We don't want to send a businessman over there to be killed."

William Swisher sees the problem of drunken driving in ways that are contrary to current thinking by the courts, legislature and safety council. He says, "we treat our drunk drivers worse than we treat burglars in our society." He is in sympathy with the family man, who after a hard week's work, cashes his check, goes to his local tavern and has one too many drinks. If he is caught for drunken driving, "[h]is defense in court will cost him a grand at least," he says. Adding further, Mr. Swisher comments that many drunk drivers do not cause accidents and that most people know that they are loaded and subsequently drive more carefully. "It doesn't take many drinks to be legally drunk. The problem is speed, not drunk driving," he concludes.

Through the years the scheme of things for William Swisher has been based on repetitive events in the area of criminal justice: namely, crime continues to increase; and, more and more, the alleged criminal is less severely treated in the process of arrest and incarceration. His perceptions about crime and the State's Attorney's Office subsequently work from these repetitive events to form a pattern that verifies an overview or philosophy on justice. Violent crimes and those against property must be dealt with harshly. Life and property, then are the supreme values, the guiding values that the criminal justice system must ceaselessly guard. It's much like the statue of the cowboy on his desk, weapon in hand: the State's Attorney's Office, the police, the courts, the prisons are there(to vigilantly and determinedly protect life and property.



The Night Side

by David King
E.S.B.A. President

The open exam system is a great aid to all students. The evening student is particularly affected by this system because it allows him/her greater flexibility in setting up a study schedule for exams and it completely eliminates the possibility of back to back exams. If we wish to keep open exams, then there are certain things we must do to show the faculty and administration that we are capable of handling such a system. First and foremost, the Honor Code must be strictly obeyed. This includes not only refraining from cheating on or discussing an exam but it also includes reporting any violations of the Code. Also, if you don't know of any incidents of cheating, please don't make general statements regarding "mass cheating" as these can only result in the possible suspension of the open exam system.

At the ABA/LSD roundtable in Carlisle, Pennsylvania, student leaders from other schools were astounded to learn of our open exam system. They had never heard of a system that put such a large amount of faith in student honesty. The University of Baltimore is an innovator in this area. Help us show that this system can work and you will also be helping yourself by insuring the continuation of open exams.