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# State's Attorney Sandra O'Connor An Interview

by Charles K. Belhasen  
Michele Gonyo

**FORUM:** There has been a great deal of discussion over the past couple of years, especially in Maryland, with regard to the juvenile age of responsibility, now eighteen. What is your position on the proposal to lower the juvenile age of responsibility?

**Ms. O'Connor:** I feel that the age should be lowered to sixteen. I'm speaking from the view point of a prosecutor who has prosecuted both in the city and in an urban county, where over fifty of the percent of the crime is committed by juveniles — people under the age of eighteen. I honestly feel that the juvenile of today is very knowledgeable about the law and he is also extremely mobile. He knows his rights and he also takes on a lot more responsibility. I think he should be held accountable for his actions. I think we are naively dealing with the young teenager as he was twenty years ago. We now have a different person.

**FORUM:** In that same field, do you think that coupled with the possible lowering of the age of responsibility to sixteen, that there should be some automatic expungement of criminal liabilities after five or six years?

**Ms. O'Connor:** No, if the juvenile is held responsible at age sixteen then his record should hold. I agree with expungement of delinquency findings — juveniles that are tried up to the age of sixteen — or those over sixteen for which a reverse waiver has been sought and has been granted by the court. But if he is tried as an adult and found guilty as an adult then I think it should stay on his record.

**FORUM:** Do you know of a correctional system in the country which is doing an adequate job?

**Ms. O'Connor:** I am sure there are those that are better accomplishing what should be accomplished than the State of Maryland. I think in Denver and also in Oregon they have become a little more innovative than we have in the State of Maryland. Whether they are doing an excellent job, I don't know, but they are probably doing a better job. Correctional facilities and correctional institutions are the heart of the problem of criminal justice system right now, whether we talk about juveniles or adults. This is a nationwide problem; it doesn't just exist here.

**FORUM:** You are aware of the fact that the rate of recidivism in Maryland is very high, both in juvenile and non-juvenile matters. Do you feel that the manner in which these people are handled, both at the juvenile and the criminal level, is partially to blame for this?

**Ms. O'Connor:** Oh, it has to be. For instance the average juvenile stays at the Maryland training school approximately two months. In two months' time there is absolutely nothing that can be done to correct his outlook or his problems or to get him realigned to go back into society. It's just not enough time. The fact that we are so overburdened in the Maryland correctional system is causing early paroles, whether it is consciously or sub-consciously. I am sure this overburden is causing judges to be more lenient on sentencing and also more lenient on whether or not to put some person on probation. They are putting the violent criminal in jail but yet the person who has been convicted four or five times of a crime like burglary is being put on probation. Even those who go to jail can be considered for parole after serving one fourth of their sentence.

**FORUM:** Do you feel that the juvenile's brief encounter with the correctional system is possibly even counterproductive, in that the child is not kept long enough to be rehabilitated?

**Ms. O'Connor:** I think it probably is counterproductive. From the viewpoint of the public, more money is being expanded in running people through a

system that's not working. Additionally, you're sending a child into an institution where in two months' time he is not really getting the necessary help but he is being exposed to the people that probably could teach him more of the ways of the streets than he previously knew. However, I want one thing in my opinion to be clear, and that is that this is not the fault of the correctional system or the people that are in this system. I think there has been a completely false outlook among the citizens, the taxpayers, and the legislators, as to where priorities should be. People are doing the best they can with the funds they have. They don't, however, have adequate funds nor do they have the necessary cooperation from the citizens of Maryland.

**FORUM:** Ms. O'Connor, you mentioned Oregon and their alternative sentencing technique. Would you explain that technique?

**Ms. O'Connor:** Alternative sentencing is where a person's crime is not serious enough for institutionalization and where the ultimate effect of his trial or his hearing will be probation. Many probation departments are overloaded and probation often consists of brief contact once a month; that is not really going to do anything to affect the child. Oregon's alternative sentencing program goes back to society's view that people ought to repay society. Alternative sentencing is simply making the sentence fit the crime. For instance, if you have a crime of vandalism, then the child is expected to do the manual labor to correct the situation. In respect to alcohol related crimes (in Baltimore County these are on the increase, especially in the juvenile ages) the juvenile would be required to work in a clinic for alcoholics, or in a place such as Echo house, for thirty or forty hours on a volunteer basis. One would hope that while he was in the clinic he would get a chance to view where he himself may be heading.

**FORUM:** That sounds like a good idea. Do you know how extensively it is applied now?

**Ms. O'Connor:** It's not applied extensively. It was a pilot program in Oregon and there has been much discussion about it among the judges in

Maryland. There is a critical problem in a large jurisdiction like Baltimore County finding people who are willing to keep the proper records to assure that the convicted person does what the courts have ordered him to do. In smaller jurisdictions there have been some good results.

**FORUM:** Is there anything in Maryland's current sentencing procedure which would prevent a judge from employing this technique?

**Ms. O'Connor:** No, I don't think there is anything in the sentencing procedure nor any violation of constitutional rights. I think it's a matter of cooperation among the merchants, the hospitals, the schoolboard, and anyone else involved in carrying out the type of punishment the court designates.

**FORUM:** Do you and your staff intend to pursue this avenue?

**Ms. O'Connor:** We honestly feel that laxity in the system has caused an increase in the juvenile crime rate. We are going to pursue alternative sentencing

but also increased institutionalization and other innovative ideas. Again you have to convince the Judges and Masters that there are other approaches than just a slap on the wrist and an automatic return to society.

**FORUM:** I wonder how the public in Oregon has accepted this kind of program, as well as how the people in Maryland would accept it.

**Ms. O'Connor:** I think that the people—have talked to—feel very strongly that the best way to punish a juvenile offender is to make him work. I think if they understood the program, they would be very happy to have alternative sentencing. People want to go back to the old Conservation Corps camps. I'm not saying let's go back to the Conservation Corps camps, but in a way, it's the same general idea; hard work never hurt anybody and it will help in certain situations to take corrective action. The response from Oregon has been fairly good.

**FORUM:** If you were a store owner do

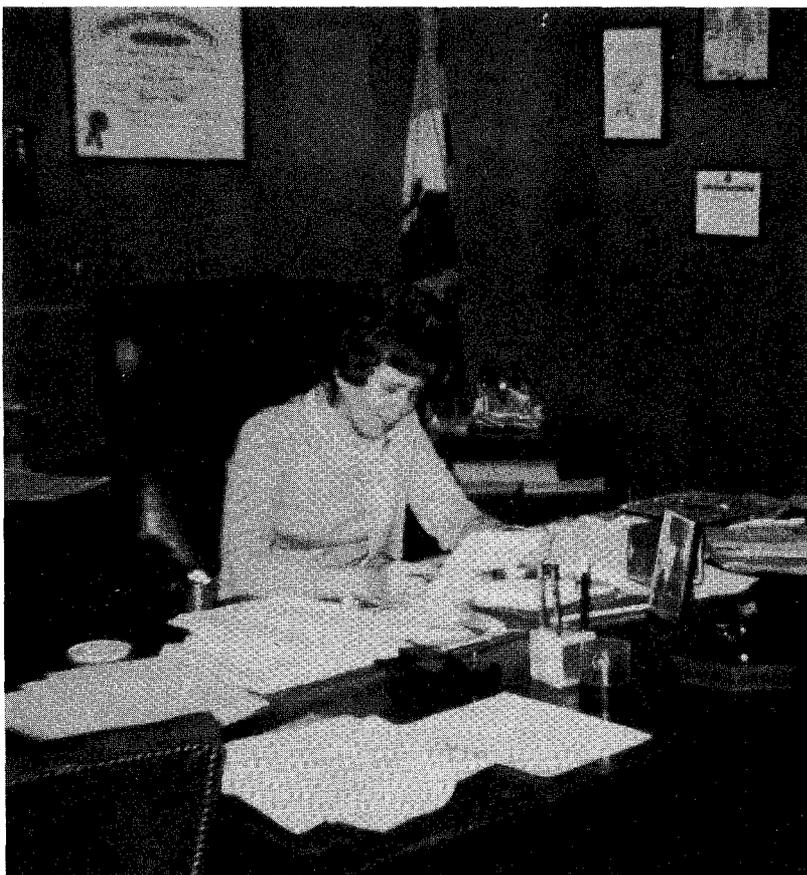
you feel you could let a shoplifter work for you?

**Ms. O'Connor:** Yes, under certain circumstances. For example, in Oregon, one of the alternative sentences involving shoplifting is that the store owner agrees to allow the shoplifter to work the store for approximately 3 months without pay. The idea is that the shoplifter gets the opportunity to observe what work is involved in running a store and what effect a thief has on a store. He learns that it involves employee's salaries and the prices of consumer goods. I think, yes, if I were a store owner in a small store where I could closely supervise employees, then I would not be opposed to bringing the shoplifter back as an employee. However, you would have to give me some guarantees: that the shoplifter is not an addict and thus will not have to continue shoplifting to feed a habit. If this is the case, there's nothing you're going to do because the addict would steal from his grandmother to feed his disease. As long as I know a person was shoplifting for the game or for thrill of it I would be receptive to the idea.

**FORUM:** Do you think it would be a good idea for some state or federal program to put these children to work thereby taking them off the streets, and thus occupying their time?

**Ms. O'Connor:** The fact that these juveniles are on the streets and unemployed is, of course, a major problem. They need employment and vocational training. In our big cities, we have to improve our educational system so that we don't have the problem of social promotion. This is where a child who can't read or write is promoted for the purpose of statistics, and to move him/her on through the system. You find a tenth grader who can't read or write. It's obvious that in order to nurture a better adult you are going to have to educate and train the juvenile. Whether this should be done by the state, frankly I can't see it being done any other way.

**FORUM:** Are you familiar with the recent court decision upholding a teacher's use of corporal punishment? Do you think it is a step in the right direction?



**Ms. O'Connor:** I have not read the case but I am familiar with the facts. I think respect and discipline has to be brought back into the schools and if the use, or threat of the use, of corporal punishment is going to help bring respect, then I agree with the decision. Disruptive students have felt that they had a complete run of the school and no one could touch them. However, a child first has to know that he is subject to discipline and his parents have to realize it too. If there were any medical reason or other reasons preventing punishment of the child, then, the school of course would have to be aware of it. But as a general concept, yes, I feel it's time we brought corporal punishment back into the schools.

**FORUM:** You are a mother, how would you feel if it were your child that was going to be beaten for doing something bad in the class room?

**Ms. O'Connor:** I think the term "beaten" is misleading. We are talking about corporal punishment, about the fact that the child gets swacked on the rear end, because he did something wrong and he deserves that swack. Now I wouldn't beat my child and I don't want my child beaten by someone else, but I'd have to have enough faith in the judgment of the teacher and of the school system. It's no good to say, I'm going to call your mother and have the problem taken care of six hours later. You are talking about a problem which needs to be taken care of immediately.

**FORUM:** In today's society we have the problem that more and more parents are losing touch with their children and many wouldn't care and would not even take action when the child came home.

**Ms. O'Connor:** That's a sad fact but I'm sure it does happen that the teachers end up being substitute parents. I would like to see teachers have some of the same powers as parents as far as punishment for disobedience.

**FORUM:** Do you think there is the possibility of expanding corporal punishment from the schools to juvenile corrections?

**Ms. O'Connor:** Again, if the child is within an institution and doing something wrong, I don't see anything wrong with corporal punishment. A child

should not be beaten but should be punished. Now, what are you going to do with a juvenile? Are you going to put him in "the hole?" Of course not, but maybe the best thing that could happen to him is to get smacked on the rear end and be made to understand why he is being smacked. That is the key to any type of punishment: that he is not being abused but that he has done something wrong and is being punished and can see the correlation between the two.

**FORUM:** Is use of corporal punishment in anyway comparable to the old whipping post? That was not abolished until just recently, 1964, I think.

**Ms. O'Connor:** Yes, I realize that the old whipping post was basically designed to show everybody else in the community what could happen to you if you were to go astray. Corporal punishment is more for the individual himself, not as a demonstration to others. When we talk about juvenile corrections, we are talking about a good institution staffed with well trained, well paid people. Only people trained in the area should be allowed to apply corporal punishment.

**FORUM:** We have already discussed some of the deficiencies in the correctional system. What do you think the main ones are?

**Ms. O'Connor:** We have, in Maryland, five thousand, four hundred beds and this past year over six thousand people were somehow occupying these beds. We must start with the premise that we need more institutions. Then the institutions have to be divided into maximum security institutions, and we have to move to community corrections. Community corrections are mainly those institutions which are designed to be community based for those people that are not in need of walls. This will get people back in the community to work within the institutions and also on work release programs so that there is training and rehabilitation. People pick up the paper and they see that a person has been sent to jail for twenty years and they say, oh, that's great. What they don't know is that person is back on the streets in four years and nothing or very little is being done, because of the lack of resources, to correct the person's original problems.

**FORUM:** Just what should a correctional system do?

**Ms. O'Connor:** It's going to have to isolate those people who are incorrigibles and there are those. Anybody who thinks everybody can be rehabilitated is wrong. There are people who are going to be criminals, I don't care what you do. These people should be in maximum security and society should be protected from them. The people can be rehabilitated either by correcting their emotional problems, if they are not too deep-seated, or by dealing with their alcoholism or dealing with their drug addiction, teaching them a vocation, etc. What people don't realize is that as long as we are just warehousing people — what we are doing right now pushing them in the front door where they serve less than one fourth of their sentence, then shoving them out the back door, as you pointed out, just doesn't work. The recidivism rate is so high that within a month they are right back into criminal activity and right back into the cycle again in which they have to be jailed and they have to be bailed and they have to go through pre-trial release and they have to be tried. We are spending more of the taxpayers' money just taking care of the people who haven't been corrected than we would building institutions and staffing them. If we improve the correctional system I think that we would spend a lot less money on the administration of criminal justice.

**FORUM:** You've talked about community-based correction; how would you feel about an entirely federal or national system of corrections where the Federal Government funded the whole program? Perhaps you could have specialized rehabilitative institutions at least on the maximum security level to deal with special types of offenders where they could be placed across the United States at locations providing optimum security and advantages.

**Ms. O'Connor:** I think in given areas it would be very good: for instance, sex offenders, and narcotics addicts. If there were one institution equipped to deal specifically with the problems relating to a given crime, for example, detoxification of addicts, or rehabilitation of sex criminals, it might be an acceptable ap-

proach. I don't know that a Federal system for all crimes would be good; because would be coming back into the community where they live and where their family is; they should be able to learn the trade that is the main trade of their community so they can get a job. If someone is sitting in Iowa and has to return to Baltimore County and live in a certain area then he may have a difficult time readjusting and he might get back in trouble. I think we need the institutions in the various communities within the state.

**FORUM:** A lot has been said about the high rate of homosexuality and the deplorable conditions and crowding in the various institutions. What do you think about this?

**Ms. O'Connor:** When you lock up a man for about five years and he has no sexual contact, he is going to take it out on another man. Whether people like that idea or not, it's going to happen and the same with a woman. The idea that you can do this to a person and not have him end up with any type of deviant sexual conduct is just ludicrous it defies common sense. Even though we institutionalize people, if we will not tolerate homosexuality in the prisons, including the unwilling young prisoner who is overtaken by a group of people, then you are going to have to provide for sexual release.

**FORUM:** So basically, from your comment, I would assume that you are in favor of conjugal visits or furloughs?

**Ms. O'Connor:** Either one, obviously well supervised. The ultimate idea in corrections is to return somebody to society who is going to benefit society. If you are going to mess someone's mind up even more in prison than it was before, then you are not going to achieve this.

**FORUM:** With regard to conjugal visits the first thing that comes to mind is that some prisoners are going to be married and some are not. Would you be in favor of conjugal visits for those inmates who are not married? How about supplying prostitutes?

**Ms. O'Connors:** I honestly never gave it much thought. Obviously for the married inmates that solves that problem very easily. I don't know if the correctional system should be in the business

of solicitation. I don't know where the prisoners would come up with their sexual mates but I'm not sure that we should be providing women or men for them.

**FORUM:** Would you be adverse to a prison system which mixed sexes within the institutions, for instance, something along the lines of a co-ed dormitory?

**Ms. O'Connor:** No, I wouldn't be opposed to that in a good prison system.

**FORUM:** I think a lot of modern thought demonstrates that a prison should reflect as much as possible the outside world so that the inmate will have little difficulty readjusting when he is released from prison. I believe there is a highrise minimum security institution in California which does have sort of a co-ed dormitory type situation. Naturally, they're not cohabitating, but they are exposed to one another. How would you feel about that?

**Ms. O'Connor:** I think generally it's a good idea. We're been putting people into an abnormal society and expecting them to come out normal; if we make that environment more normal, and yet restrictive and protective to the public, then there should be no objection to it, with a better person emerging.

**FORUM:** Do you know of a state now doing an adequate job with correctional facilities?

**Ms. O'Connor:** I would say California is probably the most innovative in its correctional ideas; but I don't know of any state that I would say is doing an adequate job.

**FORUM:** How is California doing a better job than others?

**Ms. O'Connor:** They are just more innovative. They have a lot of problems, particularly correctional problems, but they have taken the step on conjugal visits and taken the step on co-ed dorms.

**FORUM:** If you had at your disposal all the money necessary to do an adequate job and you were the one commissioned to carry out the proposal, what would be your order of priority in revamping the correctional system?

**Ms. O'Connor:** I think you have to add one element to that hypothesis and that is that I had the support of the people in the community, because when we talk about community corrections, the biggest problem right now is that every-

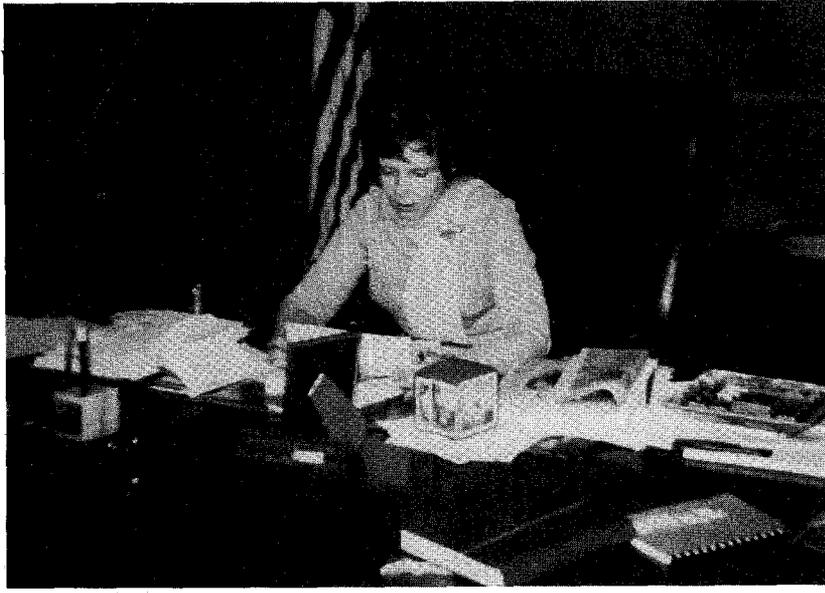
body says that idea has merit but "just don't get it anywhere near my house." Assuming that I had the support of the general population, the money and the authority, I would first start with the juvenile correctional institutions, whether they be maximum security institutions, shelter care, foster care or community correction base. Then I would move to the adult correctional system. First would be the actual building of the facilities, then the upgrading of the staff by better salaries and more progressive ideas. Next would be longer sentences and not as quick a review on parole in order to guarantee that the people stay there the time they should stay there before they are released into society.

**FORUM:** How would you educate the public so that they would understand that the correctional system should be entirely revamped and further so that they would realize some of it will have to be located near them?

**Ms. O'Connor:** The best way to educate the public is exactly what I'm doing now when I go out and speak to citizens groups, to P.T.A.'s, to organizations where people are taking an active interest in their community. Unfortunately everybody has an immediate solution and I don't think those instant solutions work; I honestly think the solution is corrections. Nobody likes to be near an institution but it's not going to work sitting out in the woods one hundred miles from any civilization.

**FORUM:** What is the escape rate from the type of institution you've been discussing? Is there any basis to citizens' complaints?

**Ms. O'Connor:** They have genuine gripes; I'm not talking about the type of facilities that we have now, without the money to run them, and asking people to have those within their communities. We have to have institutions that are going to provide security and adequate screening in order to make the neighborhood feel safe. In New York, they have gone to some community-based corrections and they have found out that in certain areas of New York the crime rate has gone down. Statistical studies are going to have to be made and the public has to be sold. We have done



it wrong for thirty years and it's about time we realized it. I, as a prosecutor, firmly believe in stiff sentencing. I firmly believe in incarceration but I don't believe in warehousing people. I just want to see the end product come out better than what went in because I know that he is coming out. If he were never coming out then maybe this whole thing wouldn't be worth talking about. But he is.

**FORUM:** Another problem that comes to mind is that victims of crimes today seem to get pushed around so much. Their case gets postponed and they are never really told why. They get fed up and they don't even come to prosecution finally. I wonder how many times you have had to drop a prosecution because the victim finally decided not to show up or left town?

**Ms. O'Connor:** That happens more times than we like to think about. Look at the last twenty years and the rights of the defendant particularly in the United States. Our defendant has probably had every single right possible that could be afforded to him protected by the courts and upheld by our highest courts for the last fifteen to sixteen years. I think this is right and that's what makes our system of justice the best. But our priorities have been so much for the defendant that we have completely overlooked the victim and the witness who have now become

the real defendants. The victim of the crime is subjected to five or six appearances either in district court, in front of the grand jury, or in circuit court and he is put through tremendous amounts of pressure as he undergoes hearings and motions. He is put on the stand and off the stand and nobody ever bothers to sit down with the victim and explain what's happening. I am talking about the victims of all major crimes, not just the victims of rape. Someone should sit down and tell the victim exactly what will be done; he needs to be told that there is a Criminal Injuries Compensation Board.

**FORUM:** What is your office doing to correct the situation of mistreatment or neglect of the victim?

**Ms. O'Connor:** Our office is making every attempt to do what I talked about before: explaining to the victim exactly what exists in the criminal justice system, what his rights are, caring enough to notify him of postponements and when the case is going to be tried, trying to make sure that a person who owns a store and is a sole proprietor doesn't come at ten o'clock for a case that's being heard at three, and being as accommodating as possible within the system to the victim and the witness. Everyone who has ever watched television or has been involved in a criminal case is aware of the defendant's right of elocution, his right upon sentencing to

stand up and make his plea to the court in respect to how he has corrected his criminal intentions, how he has learned his lesson, how he will never do this sort of thing again. Then the Defense Attorney stands up and gives a plea for mercy for the sake of the defendant. Meanwhile the prosecutor may be called upon to say something, but it's something that the judge has heard the prosecutor say over and over again. What I am hoping to see in the county is asking that the victim have a right of elocution in order to bring the human element back into the case. Now a lot of people will say that the victim had his chance to explain the actual crime that occurred; however, he never really gets the chance to say to the court what effect the crime had on him. For instance, a man whose house has been broken into has never had the chance to get up and say "I can no longer go to evening meetings because my wife and children are scared to death to stay home alone. We are afraid to go away and come back to an empty house. We have felt the necessity to move away from this neighborhood." I think the victim should have the right to say what the defendant's actions have caused him, not only in money damages but also in its emotional effects. These factors should be brought into the judge's thinking when he is sentencing.

**FORUM:** You told us what your office is doing to correct the situation. How practical is this with your case load?

**Ms. O'Connor:** We would like to eventually get a unit of several people concerned with the victim and the witness relationship not only from the standpoint of notification, but also in the taking of original statements. We now do this in the rape unit. We go out and talk to the rape victim from the standpoint of what the prosecutor's office will be doing; what role the rape victim will play in court, what she should expect upon examination in the court room, what cross examination will be, and what our job is in our relationship with the rape victim. Hopefully, this will expand with additional personnel. There is Law Enforcement Administration funding for these specific grants and we hope to eventually get some

people who will deal not only with the rape victim, but who will go out and talk to the people and take original, court-oriented statements immediately after the crime. The police take a statement that is arrest-oriented. Our job is to take the victim into court and communicate, to the judge or the jury, what happened to him/her. I think it's very important that an early relationship be established between the prosecutor and the victim.

**FORUM:** Do you plan to make use of law students for this program?

**Ms. O'Connor:** That is something this office has always been in favor of; I think this is one area into which we will be looking.

**FORUM:** A lot has been said over the past few months about possibly changing the necessary criteria for a conviction of rape. I wonder if this is a problem in rape prosecutions for your office?

**Ms. O'Connor:** Rape does not have to be corroborated in Maryland. In some states it still might have to be, but the law is changing. The law in Maryland is that it can be the rape victim's word against that of the defendant. There has been a lot of talk of classifying rapes into A, B, and so forth. I am against this; I don't see a big difference between the class A rapes and the class B rapes.

Right now the only difference between a class A rape and a class B rape is that any social contact between the victim and the defendant makes it a class B rape. It's extremely confusing and would be very hard to argue to a jury. I am thinking of a case where a woman may meet someone either at a social gathering or may meet someone in a bar. He may buy her a drink, then she might say "it was nice meeting you," walk out on the parking lot, be picked up, thrown into the trunk of a car, and brutally raped. That would be prior social contact and could be class B rape, which has a maximum penalty of seven years. The rape laws in Maryland right now with regard to sentencing are extremely confusing. In one case it's a minimum of two years and a maximum of twenty-one years and life. I feel very strongly that rape should have a minimum and maximum up to life have the sentencing left to the judge's discretion. A lot of

people who are pushing for the lower penalty for rape feel it affects the jury, I don't really think that the jury considers the penalty, especially now that rape is not a capital offense.

**FORUM:** What is the ratio of rapes coming through your office of a stranger versus stranger type as compared to those involving prior social contact?

**Ms. O'Connor:** I would say that the ratio right now is around sixty per cent stranger to stranger and forty per cent with some prior social contact. Remember, in these statistics are included statutory rapes where the girl is consenting but is under age.

**FORUM:** Let's move on to another area of crime which is less serious, but about which many are concerned. Do you have a policy in your office on prosecuting victimless crimes? One that comes to mind is mere possession of marijuana.

**Ms. O'Connor:** Mere possession cases are usually prosecuted but not prosecuted under Article 27, Section 292 when it is a case of mere possession in a very limited quantity. When the defendant is prosecuted under Section 292 he can have the conviction expunged after a year.

**FORUM:** Is probation given under this section?

**Ms. O'Connor:** Yes.

**FORUM:** How much of a problem is marijuana in Baltimore County?

**Ms. O'Connor:** Statistically, it would be

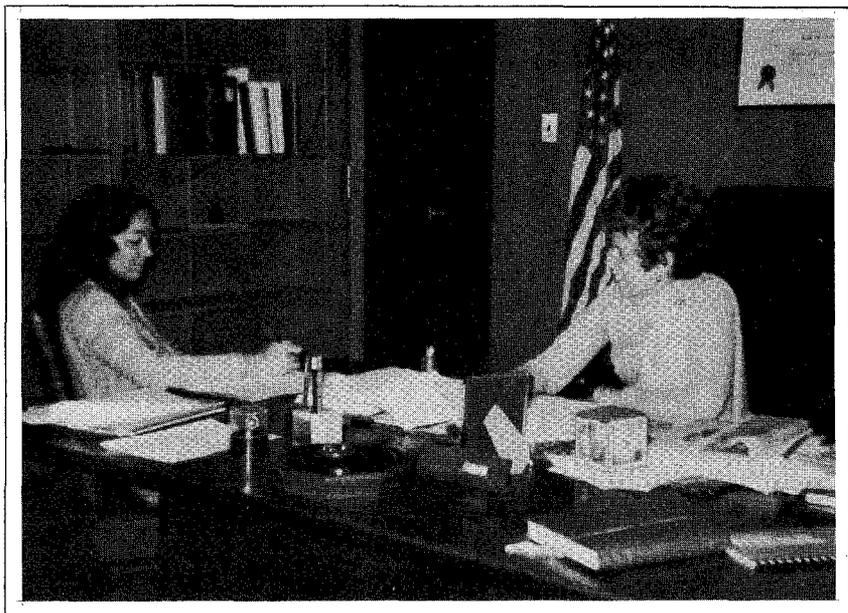
very hard to say how much marijuana is in Baltimore County. It's prevalent enough and I would dare say that probably eighty to ninety per cent of high school students have tried marijuana.

**FORUM:** Would you be for or against decriminalization or legalization of the simple possession of an ounce or less of marijuana?

**Ms. O'Connor:** I am satisfied with the law as it stands now. I am not convinced that we should legalize marijuana. When we talk about decriminalization, what concerns people is the case where a person is found with just a joint. I feel that the law has been decriminalized in its effect in that we are doing a lot Section 292's and probations. I am probably more upset now over the effect of alcoholism among teenagers than I am over the effects of marijuana. I honestly feel that lowering the drinking age to eighteen is the biggest mistake we have ever made and I feel that it has caused an increase in certain types of crimes.

**FORUM:** Which types would that be?

**Ms. O'Connor:** Alcohol related crimes are usually crimes of either vandalism or violence. We are finding younger people involved in rape cases, and when we look into the background of these cases, we are discovering that a lot of times they involve fifteen year olds who were out with some seventeen or eighteen year olds and consumed a couple of six-



packs. We have had several cases in the county where they have literally dragged a girl off the street and into a car — for all four or five to partake of whatever they felt like with this girl. What happens is that the fifteen year old wakes up in the morning and sobers up and finds out that he is charged with rape. All alcohol crimes are basically assault type crimes, whether against property or another person, it seems to be the result of drinking too much. Marijuana and drug crimes are mostly crimes against property, because of the expense of obtaining drugs.

**FORUM:** Do you put marijuana into this category; the category of people going out and committing property crimes in order to service a habit? The present thinking is that marijuana may be psychologically habit forming. You seem to be lumping marijuana into the same category as heroin. Don't you think that marijuana is more comparable to alcohol than to hard drugs?

**Ms. O'Connor:** Yes, much more comparable. The only thing that bothers people about marijuana and I have to admit that it bothers me is that it seems to lead into harder drugs. Though medically this has been shown not to be the case, if you talk to drug users you find that they all start with marijuana. Maybe it's just the "let's go on to bigger things" or "let's try the bigger thing" syndrome.

**FORUM:** Or the fact that they are into the drug culture?

**Ms. O'Connor:** Right. It is made available to them. You go from marijuana to popping pills, from popping pills to the harder stuff, not because the marijuana made you do it, but because you have gotten yourself into that type of environment. Peer pressure also plays a big role.

**FORUM:** Prostitution is also considered a victimless crime. What are your thoughts on that? Is there any problem in Baltimore County with prostitution?

**Ms. O'Connor:** I personally feel that if prostitution were legalized, it would take it out of the hands of organized crime.

**FORUM:** Do you spend much time prosecuting these cases?

**Ms. O'Connor:** If the law is on the books then our office policy is that we will take the case in. Whether or not we will be rec-

ommending probation before verdict depends on the actual case itself. I think the one thing that irritates me about prostitution is that the women are the ones that are being prosecuted. Meanwhile, the man either turns state's evidence, or walks out the door. It should be a two-way proposition.

**FORUM:** It's considered a woman's crime, not a man's.

**Ms. O'Connor:** As far as I know it always takes two to commit the act. I have never understood why, but in Baltimore County we just do not have many prostitution cases. Whether it's being kept underground I don't know, but we just don't have them.

**FORUM:** Do you also favor legalization of gambling?

**Ms. O'Connor:** Yes, particularly in sports gambling. Gambling is something that has been done since time began. People are going to gamble, particularly in the area of sports. As long as they are going to gamble, the state, not organized crime, should start reaping the benefits of this gambling. We prosecute gambling in the county because to fail to do so would lead to what we don't want and that is a greater influx of organized crime. Everybody is so overtaxed right now, why not get the benefits of it and have your gambling legalized?

**FORUM:** Do you prosecute in the County for violation of the "Blue Laws?"

**Ms. O'Connor:** Yes.

**FORUM:** Why?

**Ms. O'Connor:** Because they are a protection mainly for the small businessman who is unable to compete with the large stores, in that the large stores are able to open and they can better afford a varied amount of personnel to staff their stores.

**FORUM:** Should the state be in the position of protecting the small businessman?

**Ms. O'Connor:** Now you are asking me if the "Blue Laws" are correct. I think they probably were originally designated to provide a day of rest.

**FORUM:** Then they weren't designed to protect the small businessmen?

**Ms. O'Connor:** Since they are here now we do prosecute them. I think in view of our changing society, the change of the

working woman, and the fact that stores are open all night now for the sake of convenience, there should be a new look at the "Blue Laws."

**FORUM:** How do you feel about gun control?

**Ms. O'Connor:** I don't think we are ever going to have gun control unless we are going to talk about worldwide gun control. Otherwise, if Baltimore County were to have gun control, people who wanted to commit crime would go to Baltimore City to buy their guns. If Maryland had gun control, they would buy them in Virginia. If the United States had gun control they would buy from Japan.

**FORUM:** Do you think that a national or state handgun license law would help at least get the gun license so that it can be traced to determine where it came from.

**Ms. O'Connor:** I think that's a good idea. We have tried so many cases in front of a jury and everybody is waiting to see the gun. On television where a gun was involved it's always in evidence. We are not so lucky, most times, to come up with the weapon. Also, the people who are going to get the license are going to be the people who are not going to rob the store in the first place. Those involved in criminal activity are not going to license their guns. Of course, all guns they buy in the future will have to be licensed, but what about the guns they have at home?

**FORUM:** But wouldn't a strict license law for handguns, strictly enforced on a national scale, make the associated risk of keeping an unlicensed gun around too great? After all, a lot of killing happening with handguns is among members of the same family, or crimes of passion and so on. They are not all used in the commission of robbery.

**Ms. O'Connor:** The reverse of that argument is how much protection is it for the person at whom you're mad if you don't have a gun, because if you want to go after that person you're going to go after him. There is the argument that if we can save one life by gun control, then it's worth it; but I don't think that gun control will do an effective job. People are going to get the guns anyhow.

**FORUM:** Many people have been following the Karen Ann Quinlan case in

New Jersey where a State's Attorney is saying that to take the girl off the machine that keeps her alive would be murder. What are your thoughts on that?

**Ms. O'Connor:** I think you are talking about a moral feeling; it is a difficult question. Personally, I would not have any problem in a case where a person was either brain-dead, or just kept alive by a machine. The question is, who is going to play God? In this age of technology where the doctors say that this person is never going to regain consciousness, I don't know what right we have to keep a person alive just because we have reached an age where we can keep a heart going, thus putting parents and family not only through the emotional problems, but also through the financial problems. I can't see doing that to people, even though I can understand that if abused this kind of thing could get out of hand. That's why this decision, no matter which way it goes, is going to end up going to the Supreme Court. It is something that must be carefully guarded by the Courts; it can't be the decision of one hospital administrator, one doctor, or one parent.

**FORUM:** Following that up, do you feel that it relates to the very heated issue of abortion? What is your position?

**Ms. O'Connor:** My position in regard to abortion is basically that you can't legislate morality. I personally have a great deal of trouble accepting the idea of abortions, with certain excep-

tions: medical reasons or rape. But I don't feel that I can impose my feelings on other people; therefore, the abortion laws, particularly the taking of the child up to only a certain time, are good laws. The decision should be made by the person seeking the abortion.

**FORUM:** What are your plans for the future?

**Ms. O'Connor:** I am going to be in this office for three years, after which I shall have to stand for re-election, and I plan to do that. I think that there is a tremendous opportunity in the Baltimore County State's Attorney's Office to build a very good prosecutor's office that is responsive to the people, and yet a little innovative. I don't think that it can be accomplished in a three year period, and I would like another term.

**FORUM:** In closing, Ms. O'Connor, is there anything you would like to add?

**Ms. O'Connor:** I think we have been talking today about the criminal justice system in general and we have been talking about a lot of its problems. It's extremely important that the public demand of its officials, of its judges, and of its law enforcement agencies, the best job that can be done. The only way the public is going to make these demands is this: first, they must educate themselves about what is happening. Second, they must understand the needs of the system. Third, they can't be satisfied with a lackadaisical effort by any one of our agencies. It's time we got mad enough

about the situation to say that certain things have failed. We must look at the juvenile system and say it has failed. Let's try something else — let's not be afraid to do something new; hopefully, we will be better off in the long run. We will be better protected from the criminal element, and at the same time we will be bringing people back to the community more resourceful than when they left it.

*Sandra A. O'Connor is Baltimore County's State's Attorney, elected at the end of 1974. Highly qualified for the coveted position, Ms. O'Connor received her B.S. degree in Economics and Government in 1964 from Indiana University and two years later, in 1966, she was awarded her J.D. degree from Indiana University's School of Law.*

*Ms. O'Connor began her legal career by becoming the legal manager of McCormick's Tax and Insurance Division. Subsequently, from 1967 to 1974, she was employed by the State's Attorney's Office in Baltimore City where she prosecuted over one thousand felonies, one hundred murders and two hundred jury trials. After her tenure at the City State's Attorney's Office ended, she went to work for the Baltimore City Solicitor's Office specializing in condemnation cases until she was elected to the Baltimore County position.*

*She is the mother of two young children and appeared in Who's Who of American Women, 1974-1975.*

## Who's Who

The following law school students were elected recently to *Who's Who Among Students in American Universities and Colleges*:

Joseph Bernstein  
Clayton Bunting  
Richard Burch  
George Church  
Percy Clay  
Patricia Day  
Joyce Eaton  
Theodore Elliot  
Robert Garrity  
Paul Gilbert  
Robert Gorman  
Jana Guy  
Norman Johnson  
David King  
William Kiniry  
Stuart Levine

Douglas Marshall  
Charles McGuire  
Shelly Mintz  
Neil Ruther  
Lindsay Schlottman  
Janet Stilwell  
Timmerman Tepel  
Byron Warnken  
Reginal Washington  
Susan Watson

Our student enrollment is listed as 1,005; of that 831 are men, 174 are women. Note that, although women represent only approximately 1/6 of our enrollment, approximately 1/3 of the students elected to *Who's Who* are women.