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Baltimore's Own Law & Order Cowboy

an interview with
State's Attorney William Swisher

by Leonard A. Sipes, Jr.
and Larry Krause

"We've got to start taking drastic action; somebody has got to suffer instead of law abiding people. Somehow, somehow, we've got to make people responsible for their actions," so spoke soft-voiced William Swisher, Baltimore's newest State's Attorney. After a controversial victory over the incumbent Milton Allen, the Highlandtown-raised forty-one year old Mr. Swisher expresses a hard-line approach to criminality.

At times it's difficult to understand why anyone would want to be elected to a position as responsible and frustrating as the office Swisher now holds. Crime is on the rise and shows no sign of letting up. He alone holds the power in this city to decide whether or not to enforce a law by prosecuting those who disobey it. Citizens and police alike are furious and fuming over the actions of the courts in not convicting certain alleged criminals. In his efforts, he is sure to come under intense criticism for whatever decision he makes. But he knew this when he ran for office.

The answer to why he chose to seek office as State's Attorney is very much like the little statue that sits on his desk. The statue is that of a cowboy, holding his rifle at a slight angle in both hands. The cowboy is alert and determined. On the base of the statue is the motto: Law and Order. Like the spirit of the west, whatever the problems of conquering that untamed land were, however extra-legal, settlers knew solutions would be found. His Highlandtown background is another explanation. Here the residents

refuse to accept a state of helplessness; after all, their parents and grand parents left the tyranny of the old world to obtain the peace and prosperity of the new world. Because of this attitude and historic fact, they refuse to let threatening acts of crime jeopardize their property, possessions and safety: they have worked laboriously to obtain these things.

William Swisher feels he has no pat answers to the problems faced by his office, but the thing that is certain is that real steps will be taken that might curb the spiraling crime rate. His own personal history reinforces this optimism.

Nothing has come easy to him; William Swisher has had to work for what he has achieved. For example, he put himself through high school, and the University of Baltimore Law School by working in his spare time on a beer truck, hauling and carrying cases of beer from brewery to bar. After passing his bar exam in 1959, he opened a private practice in Highlandtown. Then in 1963 he became an Assistant State's Attorney. In 1967 he returned to private practice, feeling that his skills were needed there. He was motivated to run for this office because he felt deeply that a change had to be made in the State's Attorney office; more could be accomplished and he and his constituents felt he might be that agent of change.

A well-informed public is one of the keystones of a democracy; the same applies to the massive problems faced by the State's Attorney's Office. Expressing this, Mr. Swisher intends to focus more acutely on the dilemmas his office constantly faces by making his office open to the public. Public awareness is but one step to reversing the growing problem of crime. By educating the public about the State's Attorney's Office, Mr. Swisher is quick to point out that the public will have no illusions that Bill Swisher is going to try to tell the people that things are better than they really are.

The new State's Attorney feels that there has been an over-all breakdown of morality and responsibility in our modern society. Mr. Swisher vividly comments, "[N]o one is taught responsibility today; no one is taught that they must pay for their actions." Angrily he

adds, but yet not directed toward the hip-crowd that made this phrase symbolic, "[e]veryone wants to do their own thing today; no one wants to be responsible to anyone else." He goes on to relate an incident that occurred in his neighborhood recently that highlighted the point: a number of loud and rowdy teenagers, living in Herring Run, came into the park one evening to drink beer. In drunkenness, they became even louder. Although they did not engage in obvious vandalism, when they did leave the park (the police had arrived) the area was littered with dozens of beer bottles, many of which were broken, and trash.

Mr. Swisher sees a cause and effect relationship existing in a liberal approach to social problems and decline in personal responsibility. For example, in recent years a liberal Congress and Supreme Court has come to view the necessity of the government to expand its free services. Thus, "[w]elfare, free bail, free lawyers, everything free — I'm not complaining about the people who really need these things, but I'm tired of people abusing it. My own mother could collect welfare, but she wouldn't dream of it." In his scheme of things, because some people realize they don't have to work to obtain the things in life they may want, or that so much is freely given by the government, people have lost a sense of responsibility. This attitude goes even further, in ways he feels could, indeed, destroy this country. He cites the ever-increasing example of juveniles who know, predictably, that they will get off on their first offense. These offenders know that the courts are over-worked; that officers may not appear at the trial that witnesses often will not appear; or if they should, by unlikely circumstances, be found guilty, that the judge will only put them on probation or suspend the sentence.

Mr. Swisher has come to conclude that the breakdown of the family is a major factor in the increase of crime. He states, "[w]hat in the name of God has happened to the family? Why aren't parents keeping a close eye on their children?" Crime can be controlled, but, like anything else, it all starts in the home.

These traditional values, manifested in the community he grew-up in, is the

attitude of his office. At the same time, unlike the clanishness and privateness of Highlandtown, Mr. Swisher fully favors a State's Attorney's Office that is accessible to the public. One senses that part of this decision is based on his realization that the enormous problems of crime cannot be solved by one individual or one single office.

"The people on the street know that they don't have to pay for their crimes," said Mr. Swisher, then recalling when he was a private defense lawyer that many of his clients would ask if the judge, the State's Attorney, the cop or anyone else he could go to could be fixed. The facts speak for themselves: a couple of hours after committing the crime, the defendant will be out on the streets again, after bail or a promise to appear in court, or he is released in the custody of his parents. The courts will probably slap the person on the wrist if he has a small criminal record. If it's a juvenile, more times than not, the youngster will broadcast to his peers the leniency he has received.

The State's Attorney then related back to his childhood, and commented. "I grew up on the streets; I know what happens out there." From his view of things, "[p]eople are going to have to feel that they will pay for their crimes before they stop committing them."

In respect to juvenile crime, "the idea behind bail or releasing a juvenile to the custody of his parents is going along with the fact that a person is innocent until proven guilty, but when you catch a kid red-handed coming out of a house with a television set, that kid should go to jail," Mr. Swisher plainly stated.

It is now known that people under the age of eighteen commit the majority of crime nationwide. Further, anyone who has kept in touch with local happenings remembers the controversy between the Police Commissioner and the juvenile court system. The State's Attorney is prepared to add more fuel to the fire. He states that "frankly, the juvenile court should be abolished because it's not doing its job; the thing is a joke today."

Criminal violations belong in a criminal court, he believes. "You cannot tell me that a sixteen year old does not know what he's doing when he is breaking into your house; it's his fault, and he's got to take responsibility for his actions."

Despite this hard line, Mr. Swisher sees a twofold solution. First, we have to get the youngsters off the streets, and second, there must be a program of massive education, or, more accurately, re-education.

In a sympathetic tone (towards the offender) and an angry one towards the system, he comments, "I do not want this crappy stuff of one teacher for three hundred kids, or one psychologist who mumbles words once a month to a kid, or a probation officer who sees someone for ten minutes every thirty days."

A huge amount of money from all levels of government is needed to effectively change this situation. However, Mr. Swisher feels that few are willing to foot the bill necessary to do the job properly. As long as there are overcrowded prisons, underpaid law enforcement personnel, over-clogged courts, the unnecessary restrictions on police (paperwork or doing non-police duties) bogging down the criminal justice system, little will change and the frustrations felt by the various agencies assigned to deal with these problems will continue. Mr. Swisher sums up this problem quite bluntly, "[n]obody gives a damn until it effects them personally."

Throughout the many years of experience in the criminal justice system, William Swisher has come to a number of conclusions that confirm his perceptions of the entire system in general. Much publicity has been given to police incompetency over the years. He feels that, by and large, the police department seldom bungles a case. On its rare occurrence the press jumps in and levels sweeping charges of poor workmanship. In his view, the fact that police morale is low stems largely from decisions made by the local courts and the weakening of police power results from recent Supreme Court decisions.

Like the vigilant, gun protected cowboy on his desk, Mr. Swisher is in office to back-up the police department. For example, if an officer shoots an indi-



EVAN KEEHN

State's Attorney William Swisher

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."

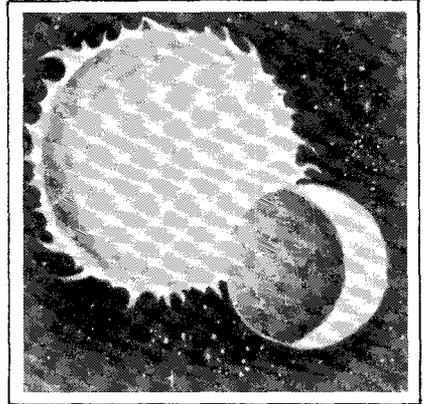
On the matter of de-criminalizing marijuana, Mr. Swisher is nearly in agreement with that proposal, a firm statement to that effect he is not yet willing to make. He views it this way: realizing that many lawyers and business people smoke pot, there is a degree of acceptability about this it because 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

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