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Frank E. Schwelb, a civil rights lawyer who became a D.C. judge, dies at 82



Frank E. Schwelb, a former civil rights lawyer who later became a judge on the D.C. Court of Appeals. He died Aug. 13 at 82. (Family Photo)

By Matt Schudel August 20

Frank E. Schwelb, a onetime Justice Department civil rights lawyer who became a D.C. judge for more than three decades, known for his sometimes floridly written judicial decisions, died Aug. 13 at a Washington hospital. He was 82.

He had Parkinson's disease and complications from cardiopulmonary ailments, said his wife, Taffy Schwelb.

After fleeing his native Czechoslovakia with his family on the eve of World War II, Judge Schwelb grew up in England before coming to the United States in his teens. He served as an attorney with the Justice Department's Civil Rights Division from 1962 to 1979, when he was appointed to the D.C. Superior Court.

Judge Schwelb quickly became known for his lengthy and sometimes verbally inventive writings from the bench. He turned to Shakespeare to brighten a decision on juvenile justice, John Keats in a case about trash collecting and composers Gilbert and Sullivan in a landlord-tenant dispute.

Quoting from the operetta “The Mikado,” Judge Schwelb wrote, “My object all sublime / I shall achieve in time / To let the punishment fit the crime / The punishment fit the crime.”

In March 1980, he became a victim of crime himself while walking from his car to his apartment building in Southwest Washington. Accosted by two men who demanded his wallet, he refused to turn it over. He was shot in the abdomen, and the would-be robbers fled.

Judge Schwelb staggered to his building and was taken to a hospital, where surgeons operated for more than two hours to remove a .22-caliber bullet from his stomach.

“Maybe I did the wrong thing, but I do feel some pride in not letting a couple of hoodlums get what they wanted,” he told *The Washington Post* from his hospital bed.

“If the bullet had been one inch the other way,” he said when he returned to the bench two months later, “it would have gone through the aorta, and it would have been all over for me. But here I am, as though nothing happened — except I’ve lost a few pounds, and I wanted to do that anyway, although I would have preferred another method.”

In one of his first decisions after his recovery, he wrote about his encounter with his assailants, who “unsuccessfully attempted a redistribution of the wealth by demanding the Court’s wallet” and “left a lead bullet in the Court’s abdomen.”

The holdup remained unsolved until 1992, when Jesse Sutton, a self-styled preacher who had been convicted of various other crimes, confessed to shooting Judge Schwelb 12 years earlier. By then, the six-year statute of limitations had expired, and Sutton was not charged.

Frantisek Arnost Schwelb was born June 24, 1932, in Prague. His father, Egon Schwelb, was a human rights lawyer who represented anti-Nazi refugees from Hitler's regime. Judge Schwelb's father, who was Jewish, was arrested by the Gestapo in 1939.