



William Raspberry

Judgment of the Jurist

"WHAT SHOULD worry everybody in the city is not whether Harry Alexander was right or wrong on any particular case but that the investigation is so prosecution oriented."

That comes from James B. Cobb, who, as Judge Alexander's lawyer, is hardly an impartial observer.

But there is something to what he says. Alexander faces charges, before the Commission on Judicial Disabilities and Tenure, on something called injudicious conduct.

And yet the charges are

not based on complaints from citizens who think they have been treated unjustly, nor even from lawyers who think their clients didn't get a fair shake.

THE COMPLAINTS have come from Sen. Robert C. Byrd (D-W.Va.), from the mostly white D.C. Policemen's Association and—unofficially—from prosecutors and other officers of the court.

That is what Cobb means when he says "prosecution oriented." As he puts it, "the only people complaining about Harry Alexander are system people."

And just what are the "system people" complaining about? Well mostly, one supposes, about Alexander's insistence that ordinary people get a fair shake in his courtroom, that the old, routinized way of doing things is not necessarily the right way.

They complain, too, because even when he is right, Alexander has a way of making his points very harshly, even arrogantly.

But for that they bring him before the Commission on Judicial Disabilities and Tenure? And make his the very first case handled by the commission?

The history of the commission suggests that it came into being as a way of dealing with judges who refused to step down from the bench even though they were obviously unfit to serve: the drunks, the bribe-takers, the mental defectives.

What Alexander is being charged with seems to fall into one of two categories:

intemperate language and legal error.

WELL, HIS LANGUAGE isn't always the most temperate in the world. He nearly blew a gasket, for instance, when he discovered that a woman had been jailed for more than a week as a result of a parking ticket.

Maybe judges aren't supposed to shout, but on more than one occasion Alexander's shouts have brought far more respect to the court than they have taken away.

As to legal error, two things: First, it usually is correctible. That's what the appellate courts are for. Secondly, reversible or not, legal error is hardly a routine cause for removal. If it were, any judge who was overturned by a higher court would have to pack his robe.

Not to paint him as some sort of knight in shining armor, but the thing that sets Harry Alexander apart from some other judges who have come under fire for their remarks from the bench is this: Most of the others aim their remarks at the defendants, on behalf of the system; Alexander has been far quicker to chastise the representatives of the system.

That is why a number of policemen, prosecutors and other court officials don't like him.

And that is also why so many people who know what it's like to be an underdog in the system think Harry Alexander is the greatest thing ever to hit the courthouse.