



William Raspberry

# A Judge Loses His Cool

Although it may be fair to expect them to rise above it more than the rest of us, judges, too, are subject to fits of bad temper.

It is a pity, though, that when Superior Court Judge Alfred Burka delivered himself of his abominably ill-tempered remarks a couple of weeks ago, there was no one to take the ritual parting, inconspicuous, irrelevant and inhumane.

The occasion was a hearing for a 28-year-old Negro who pleaded guilty to a charge of receiving stolen property. Nothing in the record suggests that the defendant invoked racial pride as a defense or mitigating circumstance.

Thus, some of us who are not judges are at a loss to understand exactly what Burka had in mind when he told the defendant (whom he subsequently sentenced to 90 days in jail and a year's probation):

"Now I'm not one of those who believes black is beautiful. Black can be beautiful along with white and everything else, but there is nothing that makes me madder than to see somebody have one of those bumper stickers that says, 'Black Is Beautiful' and generally these are the ones that are making the noise..."

"As a matter of fact, I can go so far as to say that black is not beautiful and let me say as far as I am concerned, right now black is pretty ugly based on my experience with a few people and, very frankly, you are one of those."

NOW 'BLACK IS BEAUTIFUL' is little more than a sign of black pride and it is hard to fault Judge Burka, who is white, for putting it as his personal bumper sticker.

One can even understand that his honor can occasionally find black downright ugly "based on my experience with a few people." After all, Burka's father was hanged a couple of years ago in a honor store holdup. Two black defendants were acquitted in that case.

The problem is not in understanding the judge's attitudes toward blacks, bias and slogans. The problem is in understanding what any of this had to do with sentencing a man for receiving stolen property. What could the judge have been thinking?

THE ME OFFER three reasons which I am quick to admit don't exhaust the possibilities.

First, Judge Burka, as a part of his personal family history and the fact that most of the blacks he sees in the work are criminals (and

most of the criminals black) may have a grudge against black people generally. Perhaps he simply couldn't stop himself from letting off a little steam.

Such a thesis might explain the words and actions of ordinary citizens. But this man is a judge.

Thesis No. 2 is that Judge Burka delivered his remarks for the primary purpose of shocking the defendant into taking a more realistic look at himself and straightening himself out. There still is time.

THIRD IT IS possible that Burka looked at the accused as a brilliant man with enormous potential for good. Maybe he wanted to shock him out of some supposed laziness with black pride slogans. Or maybe he wanted to make him as good as he would devote the maximum effort to perfect in Burka's eyes. The judge's remarks are not intended to shock or to punish. They are intended to enlighten.

There is a possibility that Burka's remarks are a by-product of the general attitude toward blacks by black people. Especially in the case of a few feet high bumper stickers and other signs of black pride.

What is what? Judge Burka's Sterling bumper sticker.

Judge Burka's ill-chosen remarks may remain good credence to those who seek to invest criminal crimes with political meaning. Tucker said in a recent letter to the editor of the newspaper.

"Rape and robbery are not political crimes. Judge Burka may help make them so. He helps those who make fear by mounting a racist case on a black defendant from the bench," an action that "exacerbates fears of bigotry among the entire black community."

There is no value in linking criminal activity with black pride.