

# Judge Based Ruling On Faith in Attorney

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By Maurine Beasley  
Washington Post Staff Writer

Superior Court Judge Alfred Burka told a defendant last summer that if he were not personal friends with the man's attorney and did not value (the lawyer's judgment), he would send the defendant to jail.

The comment was recorded in a court transcript made available yesterday.

In this proceeding, the judge stressed his regard for the lawyer, Roy Ellis, as the defendant, Russell W. Galberth, appeared for sentencing after pleading guilty of keeping whiskey illegally. Ellis appealed to the judge to grant probation.

According to the transcript, Judge Burka said, "I will be very frank with you, Mr. Galberth, that the only thing that kept you out of jail was your lawyer."

"Very frankly, if we were not personal friends and I did not value his judgment, I would have let you go to jail this time."

"But, in view of the fact that you (Galberth) have held the same job for 23 years and in view of the other items that Mr. Ellis has advised me of, I'm going to go along. But even Mr. Ellis won't save you next time."

The judge made his remarks after giving Galberth a 60-day jail sentence suspended on condition he maintain a satisfactory record during one year's probation.

When a reporter went to the judge's chamber yesterday to get the transcript of the case, the judge bitterly criticized The Washington Post for printing a transcript of his remarks in a case last month.

In that case Judge Burka told a 28-year-old black man who pleaded guilty before him that "black is pretty ugly based on my experience with a few people and, very frankly, you're one of those."

See BURKA, C4, Col. 4

## Faith in Attorney Influenced Judge

BURKA, From C1

Since then a group of activist lawyers, the Washington Council of Lawyers, has called for an investigation of the "racial attitudes and conduct" of Judge Burka.

The judge since has said that his remarks were not intended as a general racial aspersion.

"There's no way I can get back at The Post or any way I can get accuracy from The Post," the judge told a Post reporter. "Do not come to this office again unless you bring a witness."

Asked specifically about the incident in court in which he referred to his friendship with Ellis, the judge replied with a reference to the investigation of his racial attitudes.

"How can I be a racist if I'm a personal friend of somebody who is black?" he told a reporter. Ellis is black.

According to the transcript, Judge Burka made his remarks praising Ellis last June 15. The transcript shows that Ellis told the judge that Galberth deserved probation because he has worked for more than 20 years at a dry-cleaning business in Virginia and planned to open a cleaning business of his own.