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Judge From Bench: 'Black Pretty Ugly'

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

The judge also remarked that "nothing makes me madder than to have one of those bumper stickers that says, 'Black is Beautiful.'"

The statements came as James L. Robinson, who entered a plea of guilty to a charge of receiving stolen property, appealed to the judge to put him on probation. Robinson mentioned that he was helping raise money for a narcotics treatment program and working with a black newspaper.

At this point, according to an official court transcript, Judge Burka told Robinson, "Well, you are articulate and as far as I know you have enough ability to do something else but there are some people, very frankly, and I don't know whether you're one of them, who are just too lazy to work and feel this is the easy way out."

"Now, I'm not one of those that believes black is beautiful. Black can be beautiful maybe along with white and pink and everything else but there is nothing that makes me madder than to have someone have one of those bumper stickers that says, 'Black is Beautiful,' and generally those are the ones that are making it ugly."

"The people that are working hard every day, the ones who can make life beautiful, they're the ones who go off waving the big flag. They just work quietly each day."

See BURKA, D5, Col. 5



ALFRED BURKA

... stickers irritate him

Black Ugly, Judge Tells Defendant

BURKA, From D1

"As a matter of fact I'd go so far 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're one of them."

The judge then told Robinson, "You obviously got an awful lot of ability and you're not using any of it. Among other things, what you're guilty of today is stupidity. You should have at least looked around to see if the police were there before you did anything like that."

Robinson previously had told the judge that he obtained the goods, sportswear taken from Anthony Gibbs Inc. from a friend named "Tom" who handed him a shopping bag full of the merchandise in the store. Robinson said he took a step forward and ran into a policeman.

Described by Judge Burka as having "been in and out of court more times than the new judges," Robinson has a record of petty violations.

The judge, however, agreed to put Robinson on probation for five years after giving him credit for the time already served. He was jailed June 9 awaiting trial on the charge.

In granting the probation, the judge urged Robinson, who said he plans to attend Federal City College, to study journalism, saying "half of these people that I see on television and the newspaper reporters that talk to me, well, if brains were dynamite, they wouldn't have enough to blow their nose, to put it bluntly."



William Raspberry

Judicial Panel's Problem

"HARRY ALEXANDER hasn't got a prayer," a young black lawyer was saying a few days ago. "You know who's on the commission that will hearing his case? a black undertaker, a black real estate man and three white lawyers, all three of them old."

The reference was to the charges of injudicious conduct facing Superior Court Judge Harry T. Alexander, charges that appear to stem primarily from the fact that

Alexander has dared raise his voice to policemen, prosecutors and court employees.

As harsh as it sounds, the lawyer's characterization of the Commission on Judicial Disabilities and Tenure is pretty accurate.

Its lay members are Norman Jarvis of Jarvis Funeral Home, and William Harps, a real estate appraiser, both of them black. The other members, all white, are U.S. District Court Judge George L. Hart, 66; John Wilson, 70, and Newell Ellison, 77, all distinguished lawyers.

But the young lawyer's conclusion that Alexander "hasn't got a prayer" before such a commission presupposes some things that aren't necessarily true.

To begin with, it presupposes that the issue is essentially racial. It is true that most of the defendants on whose behalf Alexander has vented his judicial rage are, like himself, black. It is also true that most of the policemen and prosecutors who see Alexander as a threat to the whole judicial system are white.

But that doesn't make it racial.

THE UNDERLYING theme behind nearly every one of Alexander's outbursts has been an awareness that a defendant, who has a chunk of his life at stake, has more need for protection than a prosecutor who may be worried primarily about losing face.

that in an effort to balance the scales but as inflexible supporters of a system that is already powerful enough to have its way even when it is wrong.

It is fair to wonder why some of these other judges aren't before the Commission on Judicial Disabilities and Tenure, but it isn't fair to characterize the commission's first case—Alexander's—as essentially racial.

The question is not so much whether the five members of the Commission will vote along racial lines. They are too proud of the records and reputations to fall into that trap.

The real question is whether they will behave as members of the establishment (which they are) and support the system in its chastisement of a maverick; or whether they will behave as men who are capable of seeing things in broader perspective (which they also are) and permit Alexander to go on doing his useful work.

The question would be a good deal easier if members of the commission could satisfy both these instincts—that is, if they could give Alexander a stiff rap on the knuckles and then let him continue his work.

But as I read the statute that established the commission, that may not be possible. What the statute appears to say is that the commission may acquit a judge of charges brought against him, or it may remove him from the bench.

And if those really are the alternatives, it's hard to see how the commission could do other than acquit.

Maybe it was a mistake to write such limited choices into the law in the first place. Or it may be that the framers of the statute wrote it that way deliberately in order to avoid the frivolous sort of thing that has pre-

Contrast that attitude with that of some of Alexander's fellow judges: the ones, for instance, who administer courtroom spelling tests, or who deliver gratuitous and irrelevant lectures, or who routinely double fines for any motorist brazen enough to contest a traffic ticket.

Their actions paint them not as mavericks, but as