

Postscript Judge Burka and "Ugliness"

From where a working judge sits—and from what he sees and hears of life in a city—there may well be a temptation to indulge in occasional armchair philosophizing, to insert personal conclusions about the way people behave. But when the bench becomes a forum for gratuitous and insulting sociological commentary, regardless of the spirit in which it may be intended, public trust in the judicial system is seriously undermined. When the commentary deals rudely with so sensitive a subject as race it becomes all the more degrading.

This is what was wrong about the performance last week on the part of Superior Court Judge Alfred Burka, who chose to deliver an incredibly insensitive lecture about black people to a 28-year-old man pleading guilty before him. The man, who *happened* to be black, was entering a plea of guilty to a charge of receiving stolen property, accompanied by a respectful request for probation "... because from what I understand and not just from what I have seen in the courtroom, but from talking to guys in the jail, you have a tendency to work with people and try to give them a helping hand."

In appealing for probation, the defendant, James L. Robinson, went on to mention that he had been a volunteer worker for Del. Walter E. Fauntroy (D-D.C.), had worked with a black newspaper, and was about to have taken a job raising money for a narcotics treatment program. It was at this point, before eventually granting the probation, that Judge Burka injected his broadside commentary on people of color, as follows:

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 somebody 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 on waving the big flag. They just work quietly each day. 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 those. You talk beautifully. You're able to express yourself. You obviously got an awful lot of ability and you're not using any of it . . .

Setting aside the philosophy for a moment, this is quite a mouthful from a sitting judge—much more than Mr. Robinson deserved to hear about Judge Burka's personal feelings on black pride. To be sure, the judge's personal portrait of this community includes a bitter memory: His father, Israel S. Burka, was shot to death during a robbery of a liquor store in 1969, and two men charged in the case were acquitted in May of this year. But we prefer to believe that this tragedy is not affecting the judge's ability to hear cases involving black defendants—for the implications of that, in this city, are extreme.

To state, however, that "black is pretty ugly based on my experience with a few people . . ."—no matter what evidence the judge may present to back up his opinion—is to insult many people who no longer feel ashamed of being black, who instead are asserting their justifiable pride in their race, and who share a belief with white people that crime is ugly, without respect to race. They would like to feel confident that justice is not warped by racial judgments—a confidence that comes hard in the face of ill-chosen and inflammatory remarks from the bench.