

On Judge and Justice

One week ago, it was stated, on Judge Burka. As a former defendant in the Judge's court and an amateur student of the local criminal justice system, such as it is, I was somewhat amazed to read his comments in The Post last week.

As is well known, the police and others on the "justice" side of "criminal justice" have often been heard to grumble about Judge Burka's liberalism from the bench, and not without reason. His reputation as the easiest sentencer in Superior Court made his court a crowded one in the days of open judge swapping and such deprecations. But this fact perhaps gives an inadequate picture of Judge Burka. In my own case, for example, he spent over an hour in chambers with my

attorney and myself in an effort to find out who I was and where I thought I was headed before sentencing me. At the end of the discussion, he told me to sentence myself. If you check the record, you will find the Judge's liberalism has not abated since the murder of his father; indeed, there is evidence he is growing more liberal, or at least growing, despite his episodic shrinkage last week. The key here is that he placed Mr. Robinson on probation. What a man does, not what he says, is the true mark of what he is, and the Judge's record does not support any charge of racism. This is not to say his remarks were not ignorant or insensitive. Judge Burka is only human, and how much better all around to have an occasional jurist who is first a human being.

One of the biggest faults of our system is its total impersonality. Blind justice is fine, but defendants are usually made to feel like property being shuffled around or mere to the point, helpless victims whose fate is completely out of their hands. This is not a feature of Judge Burka's courtroom. The Judge makes known what is on his mind, and much more importantly, allows the defendant to say what is on his mind. I don't knock Judge Fauntleroy for his outspokenness, or Judge Scalley for abdicating to his clerk, or even Judge Beard for his sometimes off-the-wall behavior. These droppings and small vanities are what make the court interesting, even to a defendant, and give him hope. Where humans dwell, after all, one can expect a measure of humanity.

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