

## In Addition to Censured Alexander

# Actions of Four Superior Court Judges Probed

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By B. D. Cohen

The D. C. Commission on Judicial Disability and Tenure, which censured Judge Harry T. Alexander on Wednesday, has investigated four other Superior Court judges, Commission Chairman Newell Ellison confirmed yesterday.

Ellison said the Commission has closed an investigation of Judge Theodore R. Newman, and that he thinks a case against Judge Alfred Burka also has been closed. Neither judge was reprimanded or censured, Ellison said.

He said he was not sure of the status of an investigation against Judge W. Byron Sorrell. Ellison had indicated earlier that Judge Richard R. Atkinson also was being investigated by the five-member commission.

In response to allegations by some prominent Negroes that Judge Alexander who is black was singled out for either racial or political reasons, Ellison said the judge was not censured "because he's a colored man," but because he "was the worst."

He also denied charges that politics played a part in the commissioner's action. Alexander was charged by the commission with having



HARRY T. ALEXANDER  
... morn on censure

violated three of the American Bar Association's Canon's of judicial Ethics and with having brought "the judicial office into disrepute" by his courtroom conduct and handling of both defense and prosecution witnesses and attorneys.

Commission member William S. Harps said yesterday Judge Alexander's "was not the first serious case the commission considered, or the first it considered this seriously." He said the performance of Judge Mary Barlow



THEODORE R. NEWMAN  
... probe closed

was under equally serious consideration at the time of her retirement last August.

Judge Newman said yesterday that he was questioned because he called a policeman "a liar" during the trial of a May Day demonstrator.

"I had been on the bench for 17 hours that day," the judge said yesterday, "and for 57 hours in the previous four days."

The judge said that within half an hour after he made the statement he "acknowl-



ALFRED BURKA  
... no reprimand

edged in open court that I had blown my cool.

"Within an hour thereafter I indicated to the chief judge (Harold H. Green) that I desired a one-week break from demonstration cases because I was physically and emotionally tired."

Newman said that when he was informed the commission was investigating the incident, he wrote to it stating that "I had in the past acknowledged an error in tone and choice of language, but I was still con-

vinced after four readings of the transcript that the officer was responding (to questions) with less than complete truthfulness. They said they found my explanation reasonable and thus they were closing my file."

Newman added that someone not in the courtroom, such as the commission, would have a difficult time deciding, on the basis of a transcript, what part the vocal tone or demeanor of persons in the courtroom might have played in a particular incident.

Judge Burka said he received a letter from the commission inquiring about his having told a defendant that "Black is not beautiful."

The judge said he explained his action to the commission and has not heard from it since. He would not tell a reporter what his explanation of the incident had been.

Judge Sorrell was unavailable for comment yesterday.

Judge Atkinson said he has not received any communication from the commission and has been given no indication that he is under investigation.

Chairman Ellison said the fact that a judge had been cleared of one charge did not mean there may not be charges still under investigation.

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# Panel Investigated Other City Judges

JUDGES, From B1

"We have more than one complaint against some judges," he said. He did not say that was necessarily the case with the judges he mentioned.

Ellison said the commission, which was empowered by Congress to suspend or remove D.C. judges, has the power of censure "because there's very good authority for feeling where you have the power for removal it carries with it the lesser power of censure. We feel that we have the power to do what we did."

Alexander was back on the bench yesterday in Traffic Court. He declined to comment further on the censure. On Wednesday he said he was "shocked, stunned and surprised" by the announcement.

The judge said he had retained an attorney to represent him before the commission. The commission report said Alexander had "waived the right to a formal hearing and makes no objection to the publication of an opinion." One commission spokesman said, however, that Alexander was not aware of what action the commission was taking when he waived his right to object to its publication.

Friends of Judge Alexander,

led by Calvin Rolark, editor-publisher of the Washington Informer, plan a protest vigil in front of Superior Court today.

The censure carries no penalty.