



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 17-0381-CO

PUBLIC REPRIMAND

**HONORABLE DANIEL BURKEEN
COUNTY JUDGE
LIMESTONE COUNTY, TEXAS**

During its meeting on August 9-10, 2017, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Daniel Burkeen, the County Judge of Limestone County, Texas. Judge Burkeen was advised by letter of the Commission's concerns and provided written responses. Judge Burkeen appeared before the Commission on February 7, 2018, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Daniel Burkeen was the County Judge of Groesbeck, Limestone County, Texas.
2. Judge Burkeen performs judicial functions as County Judge.
3. Judge Burkeen maintained a personal Facebook page identifying him as the County Judge of Limestone County (the "Facebook page"). At the time of his postings, his Facebook page was publicly viewable.
4. On December 10, 2016, Judge Burkeen shared a "meme" on his Facebook page¹ featuring a picture of retired Marine General James Mattis overlaid with text that read, "Fired by Obama to please the Muslims, hired by Trump to exterminate them." The judge deleted the meme from his Facebook page later that same day. The meme was originally posted to Facebook under the account of former Florida Representative Allen West.

¹ A "meme" is a digital image combined with text shared on online outlets including social media.

5. In response to the Commission’s inquiry into the matter, Judge Burkeen stated he thought the meme “showed an interesting contrast” between the two presidents’ attitudes toward General Mattis.
6. The judge also stated he “never would have shared this post if [he] thought it would be taken as an endorsement of genocide. [He] realized afterwards that [he] should not have posted it, because it’s not just about how [he] interpreted it, but how others might.”
7. On January 4, 2017, Judge Burkeen posted a comment on his Facebook page with the following:

The best part of Trump’s election has been that it has revealed once again how hateful, intolerant, arrogant and divisive liberals are, not to mention the fact that they have taken the word hypocrisy to new extremes...

Hope apparently is defined by liberals as hatred and intolerance, persecution of Christians, embracing criminals, murdering police officers, racial violence, and of course, a welfare state financed by borrowed money...

A good example of the shallowness of liberal thinking is the fact liberals have convinced themselves that the norm is the lunacy we have gone through in the last eight years, and that anything else is not survivable. In the last eight years, police officers and fire fighters became the bad guys, criminal conduct was justified if not glorified, the Bible became ‘hate speech,’ Christians became targets of private and public discrimination, and the government began telling us where to go to bathroom, and who our children have to go to bathroom with.
8. On February 10, 2017, Judge Burkeen posted the following comment on his Facebook page:

Do the morons claiming Trump is another Hitler not know who Hitler was? I realize liberals have not been much blessed with brains, but surely they can figure out that Hitler was a SOCIALIST. It was the National Socialist Party. He was one of you! His goals were your goals.
9. With respect to his political messages, Judge Burkeen informed the Commission that he “was railing or venting about the intolerance displayed by those who claimed to be open-minded and loving. The intolerance was incredibly obvious when they lost the election. The intolerance breeds hatred and violence, which we continue to see.”
10. Judge Burkeen also stated his Facebook postings never impacted his judicial duties, and did not cast discredit upon the judiciary. He also stated “everyone here knows I’m a conservative Christian,” and he has liberal friends who “never expressed anything but confidence in my role as a jurist.”²
11. In a subsequent affidavit Judge Burkeen provided to the Commission, the judge acknowledged “that the wording [he] used in the referenced postings was tack[y] and

² The Commission notes that, according to data from the Secretary of State, more than 20% of voters in Limestone County voted for a Democratic candidate in the November 2016 elections.

insulting” and “there is no excuse for the way [he] phrased these posts.” He also wrote that he was “aware that this was improper and inappropriate.”

RELEVANT STANDARDS

1. Canon 4A(1) of the Texas Code of Judicial Conduct states, in relevant part: “A judge shall conduct all of the judge’s extra judicial activities so that they do not cast reasonable doubt on the judge’s capacity to act impartially as a judge.”
2. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

CONCLUSION

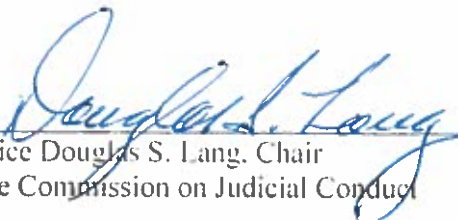
After considering the facts and evidence before it, the Commission concludes that Judge Burkeen’s postings to his Facebook page, including a meme endorsing the extermination of Muslims and his statements regarding “liberals,” cast reasonable doubt on his capacity to act impartially as a judge, in violation of Canon 4A(1) of the Texas Code of Judicial Conduct. Furthermore, these actions are clearly inconsistent with the proper performance of his duties as a judge and cast public discredit upon the judiciary and administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct violative of Canon 4A(1) of the Texas Code of Judicial Conduct and Article V, §1-a(6)(A) of the Texas Constitution, recited above, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to Daniel Burkeen, County Court Judge, Groesbeck, Limestone County, Texas.

Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state’s judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 21st day of February, 2018.


Justice Douglas S. Lang, Chair
State Commission on Judicial Conduct