



Written by [R. Cort Kirkwood](#) on January 7, 2011

Burlington Case Evaluates Whether Verboten Word is Acceptable

On July 18, Tom Burlington gets his day in court.

The former anchor and reporter for [Fox29](#) in Philadelphia [was fired](#) in 2008 because he used the "N-word" in a meeting on June 23, 2007. That may seem an appropriate thing for the station to have done, except for this hairy little detail: Burlington was in a staff meeting at which he and his colleagues were discussing a story about the city NAACP's symbolic burial of the "n-word."



Burlington filed suit against the station alleging race discrimination. His case? Black employees repeatedly used the word and were not fired. A jury will decide whether a racial double standard on hiring and firing in a workplace violates the 1964 Civil Rights Act. Fox29 sought to end the case; U.S. District Court Judge R. Barclay Surrick said the case will go to trial.

The trouble began, [according to news accounts](#), when reporter Robin Taylor was discussing the NAACP piece. [According to](#) Surrick's decision:

During the June 23rd meeting, the group discussed a story about the Philadelphia Youth Council of the NAACP holding a symbolic burial for the word "[n****r]." Robin Taylor had been assigned to the story. Taylor had attended the symbolic burial and testified that the participants at the burial used the word "at least a hundred times or more" during the course of the proceedings. Taylor discussed the story with her colleagues at the editorial meeting and consistently referred to the racial slur as "the n-word" instead of using the full word. During the meeting Plaintiff asked, "Does this mean we can finally say the word '[n****r]'?" Taylor said that she would not say the word in her story. Plaintiff told Taylor that although he did not necessarily expect her to use the word in her story, he thought that doing so gave the story more credence. At his deposition Plaintiff testified that he wanted to make the point that I felt if we're going to refer to the word "[n****r]," we should either say the word "[n****r]" or refer to it as a racial epithet or a slur instead of using the phrase "the 'N' word." Plaintiff used the word once during the newsroom meeting. Nicole Wolfe exclaimed in response to Plaintiff's use of the word, "I can't believe you just said that!"

Taylor used the phrase "n-word" in her account of the "burial," but Burlington, [according to](#) Philadelphia's NBC affiliate, "disagreed with the use of the phrase claiming it 'ultimately gives the word itself more power.' He proceeded to use the actual word twice during the meeting."

Seeing that he may have offended some staff members, Burlington apologized. That made things worse.



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[Surrick's decision says](#) Burlington used the word just once during the meeting, but also contains allegations that he used the word liberally in conversations about the meeting, which further enraged black employees. One of them, Burlington alleges, said “[b]ecause you’re white you can never understand what it’s like to be called a [n***r] and that you cannot use the word ‘[n****r].’ ”

However many times he uttered the word, Burlington believes the station discriminated against him because he is white. [He alleges](#) the station permits black employees to use the word. If true, Fox29 merely mirrors society at large. “N****r” is off limits to anyone but blacks. [Rappers use](#) the term with impunity; they [sprinkle it](#) liberally not only in the [dirty](#), discordant doggerel they call music but also in conversations.

[Surrick apparently agrees](#) that something smells fishy:

[T]he word has been used by whites as a tool to belittle, oppress, or dehumanize African Americans. When viewed in its historical context, one can see how people in general, and African Americans in particular, might react differently when a white person uses the word than if an African American uses it.

Nevertheless, we are unable to conclude that this is a justifiable reason for permitting the station to draw race-based distinctions between employees. ...

[T]here is evidence in this case to suggest that at least two African Americans said the word in the workplace with no consequences.

[The judge said](#) the jury will decide whether Burlington was hanged by political correctness or his own stupidity.

One hitch for Burlington is that he apparently told a colleague, after the infamous “n-word” meeting, that someone called her a “[n****r]-bitch.” That allegation will be aired at trial.



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