

# Judge Scores

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D.C. Superior Court Chief Judge Harold H. Greene has accused the U.S. attorney's office of conduct "incompatible with the standards and traditions of American justice" in its questioning of a murder defendant's 14-year-old daughter.

"The surreptitious collection of statements from children to be used against their parents," Greene wrote in a July 24 letter to U.S. Attorney Earl J. Silbert, "is generally regarded as a hallmark of societies whose ideals differ from our own."

Silbert, however, has praised the inquiring prosecutor for legitimately and conscientiously . . . performing his duty . . ." He has also complained in a letter to Greene that the judge's criticism of

the prosecutor in front of the jury may have accounted for the defendant's acquittal at her murder trial.

The conflict emerged after testimony by one prosecutor, who has since left the U.S. attorney's office, that he interviewed the 14-year-old daughter of murder trial defendant Cleo Burch. Mrs. Burch and Moses C. Poole were acquitted June 13 by a Superior Court jury of murdering Mrs. Burch's estranged husband.

The interviewing prosecutor in question, R. Alan Jones, left the U.S. attorney's office several months ago to join the administrative offices of the Law Enforcement Assistance Administration here.

Mrs. Burch, 34, was charged with fatally shooting her husband, Edward B. Burch, 37, through the peephole of her Stanton Road SE apartment

## Quizzing of Suspect's Child

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on July 26, 1972. Poole was accused of helping her get rid of a .22-caliber pistol used in the slaying.

At the trial, Mrs. Burch testified she shot her husband in self-defense after he had threatened to kill her. Poole testified he was out of town that day.

However, Assistant U.S. Attorney John P. Hume argued at the trial that Mrs. Burch and Poole were lovers and that she lured her husband to the apartment to kill him.

In preparing the case, prosecutor Jones testified that he

interviewed Mrs. Burch's daughter about her mother's relationship with Poole. He said the interview took place by chance at the scene of the shooting.

Under questioning by Greene, Jones said that the daughter did not have a lawyer present during the interrogation and that neither the defense nor the defendant were notified of their child's interview.

Greene sharply questioned Jones in front of the jury about the government's policy

in such matters and then wrote Silbert June 18 to learn if such interviews of minors were standard practice.

Silbert wrote back on July 16 that under the circumstances, they were and that he saw nothing wrong with it.

"For any assistant to do less would, I believe, be a dereliction of duty and inconsistent with the interests of justice," Silbert wrote.

What he did think was wrong, Silbert wrote, was Green's "judicial inquiry and

apparent condemnation (of Jones) in the presence of the jury . . ."

In Greene's view, however, "for a prosecutor to subject the 14-year-old child of an accused in a serious criminal case to questioning designed to incriminate her mother" was a reprehensible example of ends justifying means.

"In the case of children, the courts have not hesitated to impose special safeguards," the judge said. "It is therefore a cause for regret that you endorse what was done here."