

Silbert Ends His Stand on Marijuana

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Acting under pressures exerted by both the Justice Department and the metropolitan police department, U.S. Attorney Earl J. Silbert yesterday canceled his order not to prosecute persons arrested here for possession of small amounts of marijuana.

"I do not condone illegal marijuana use and I do not want to do anything that would in any way suggest that the law of the United States should not be fully observed," Silbert said in a statement released by his office.

The canceled policy decision, which was to have become effective Monday, would have barred prosecution of persons arrested in Washington with five or fewer marijuana cigarettes or less than a gram of the substance in their possession.

Silbert canceled the proposal after almost three weeks of controversy that followed when the plan was first disclosed publicly in The Washington Post.

The proposal was publicly supported by Superior Court Judge Harold H. Greene and publicly criticized by the metropolitan police department. Sources in the Justice Department said that pressure to cancel the proposal also came from as high a level as U.S. Attorney General William Saxbe, Silbert's immediate superior.

An assistant to Silbert denied that Saxbe had pressured Silbert to drop the plan. "We just discussed it with" Justice Department officials, he said.

Justice Department spokesman Robert Havel also said that while Saxbe opposed Silbert's proposal, the Attorney General did not apply pressure to Silbert to change his decision.

Saxbe did feel, Havel said,

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that Silbert "was not going to change the law by administrative fiat."

Saxbe "did talk to Silbert about this," Havel added, asserting that "Saxbe feels you have to enforce the law."

Acting Police Chief John F. Hughes, who could not be reached yesterday for comment, criticized the proposal a week after it was revealed saying, "Mr. Silbert made a unilateral statement."

Hughes made his comments in response to inquiries about Silbert's promise not to prosecute policemen who did not arrest persons caught with small amounts of marijuana. "We will continue to make arrests," Hughes said at the time.

"Silbert was stabbed in the back by the police department," a Superior Court source said yesterday. "He had worked with the police on that

proposal for six or nine months before it came out in public," he said.

"They had all agreed," he added. "I guess it's just the politics of Washington."

Chief Judge Greene had supported the proposal because he felt it would lessen the court's growing logjam of misdemeanor trials.

The jump from 928 misdemeanor trials a year ago to 1,485 during the same period now, Greene said, had necessitated removing one judge from serious felony trials to the court's misdemeanor section.

"I just think that the resources of the police, prosecutors and courts are limited," Greene said, "and we should concentrate on the violent crimes that are more important."

About 1,500 marijuana cases entered the D.C. Superior Court system in the last 12

months. About half these cases go to trial.

Most of the U.S. attorney's office's misdemeanor caseload involves small amount of marijuana. Those persons not prosecuted but who have no previous arrest and are charged with possession no more than 70 cigarettes generally are funneled into a first-offender program, which involves the filing of charges but ultimately the dropping of the case.

In his statement yesterday, Silbert said despite lengthy earlier discussions and agreement with police officials on the proposal, the police now feel that there would be serious problems in implementing the proposal.

Silbert said that he would still look for ways to lessen the drain on the court system caused by prosecuting large numbers of first offenders arrested for possession of small amounts of marijuana.