

Maryland Aide Withholds Study of Rap Brown Charge

By BEN A. FRANKLIN

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BALTIMORE, Feb. 12—Attorney General Francis B. Burch of Maryland said today that he had completed a special investigation of charges that H. Rap Brown was falsely indicted for arson in Maryland in 1967, but he refused to disclose his findings.

He said that the release of his report might "prejudice" pending court actions.

In an interview, the Attorney General said that he and his aides had taken sworn statements from seven witnesses to reconcile conflicting claims that Mr. Brown, the fugitive black militant, had been "framed."

State's Attorney Richard J. Kinlein of Howard County, near Baltimore, asserted last month that a fellow Maryland prosecutor, State's Attorney William B. Yates 2d of Dorchester County, on the Eastern Shore, had told him that he had

"fabricated" the arson charge so that the Federal Bureau of Investigation could be called in. Mr. Brown should ever see Mr. Yates has denied the allegation.

Under Federal law, the F.B.I. may enter the search for a fugitive from a state charge only if it is a felony, such as arson. Another Maryland charge pending against Mr. Brown is inciting a riot, which is a misdemeanor.

Both charges stem from a night of rioting and burning in the Eastern Shore town of Cambridge in July, 1967. The disorder erupted after Mr. Brown delivered a curbside speech in the Negro section of the Dorchester County seat.

Mr. Brown was declared a fugitive last April 20, when he failed to appear for a trial on the two charges. Not seen publicly since then, he has been on the F.B.I.'s "most wanted" list for nine months. One effect of Attorney Gen-

eral Burch's decision not to release the findings of his investigation was to make more difficult the efforts of Mr. Brown's defense lawyer, William M. Kunstler of New York, to obtain a Federal court hearing on the fabrication claim. Mr. Kunstler has said that he hopes to win his client's freedom from the Maryland arson indictment and the F.B.I. man-

In a telephone interview today, the lawyer said that the Justice Department had moved to counter his motion for a formal court hearing on the Maryland dispute, now pending before the United States Court of Appeals for the Fifth Circuit, on the ground that the motion was supported only by "hearsay" and newspaper accounts of the Maryland controversy.

In view of Mr. Burch's ruling, he said, the only further documentation he could offer the Court of Appeals was an

affidavit from Robert Woodward, a Rockville, Md., newsman. Mr. Woodward had interviewed Mr. Yates and had obtained from him a statement to the effect that the felony count against Mr. Brown was "to get him on the F.B.I. most-wanted list." Mr. Woodward's sworn statement is the only part of the State Attorney General's investigation that has been made public.

Mr. Burch said today that he had decided to withhold publication of his findings "for about 30 days." He said that to release them now would antedate the testimony of witnesses at any hearing that Mr. Kunstler was able to obtain and, accordingly, might "prejudice" the rights of one or more persons in the controversy, including Mr. Brown.

For this reason, Mr. Burch said, he would even withhold his findings from the Governor of Maryland, Marvin Mandel.