

but managed to return several shots before collapsing on sidewalk, police said. He listed in satisfactory condition.

Patrolman Hunt's partner, patrolman Salvatore Rosato, 29, and two other policemen opened fire as the men raced along 85th street from Amsterdam avenue east toward Columbus avenue.

Her police cars arrived to block the escape route and the men ducked into an apartment building, police said. Police pursued them and fired up the stairway. Three of the accused men were captured on the stairway and Brown was on the roof, according to police account.

Weapons seized

A carbine, shotgun and a pistol were seized, police said.

Patrolman Rosato was wounded in the hand and was in good condition at Roosevelt hospital. Brown also was free on bond pending the appeal on his 1968 conviction in New Orleans for violating the Federal Firearms Act. He was given a five-year

prison term and a \$25,000 fine. He also has been convicted of carrying a concealed weapon and carrying pistols in an automobile without a permit.

In June, 1970, Brown failed to appear to face charges of threatening a black FBI agent and his family. The incident allegedly occurred in a courthouse hallway during a recess in Brown's firearms-violation trial.

Mr. Kunstler, his lawyer, at the time, told the judge that he believed Brown had gone underground "because of fear for his life." The lawyer also accused the government of harassing Brown.

"The whole idea of placing him on the most-wanted list was to have him shot on sight," Mr. Kunstler said.

Brown's real name is Hubert

roid Brown. After dropping out of Southern University in his native Baton Rouge, La., he joined the civil rights movement in the mid-30's, eventually joining the Student Nonviolent Coordinating Committee, which later became the Student National Coordinating Committee.

In 1967, he succeeded Stokely Carmichael as the organization's national director and gained a reputation as an apostle of black militancy.

Kinlein convicted, fined for contempt in Brown case

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BY MICHAEL J. CLARK
Ellicott City Bureau of The Sun

Ellicott City—A two-judge panel found Richard J. Kinlein, the Howard county state's attorney, guilty of contempt of court yesterday and fined him \$350 plus \$224.60 in court costs.

Judge Matthew S. Evans and Judge Ridgely P. Melvin, Jr., ruled that Mr. Kinlein's public statements that the arson charge against H. Rap Brown was "fabricated" had violated a court order prohibiting publicity about the case by any of its participants.

Judge Evans said Mr. Kinlein's statements "tended to prejudice a fair trial for the state" against the black militant leader, who is now under arrest in New York.

Appeal pledged

After the hearing in Howard county Circuit Court, William W. Greenhalgh, Mr. Kinlein's lawyer, said that the contempt ruling will be challenged in the Maryland Court of Special Appeals.

The contempt ruling against the 35-year-old Mr. Kinlein might subject him to possible disciplinary action by either the Howard County Bar Association or the Maryland State Bar Association.

However, Judge Roszel C. Thomsen, U.S. district judge and president of the state bar association, said yesterday that "it is too soon because the case is not over until appeals are taken" to consider possible disciplinary action by the state bar.

County group

Robert E. Wieder, president of the Howard County Bar Association, said he expected the question to come to the attention of the local bar group at its meeting Friday. Mr. Kinlein is vice president of the county bar association, and by tradition is considered next in line for the presidency.

Francis B. Burch, the Maryland attorney general, said in a telephone interview yesterday afternoon that there is "very little doubt" that his office will soon press for the extradition of Brown to Maryland so he can stand trial on the arson charge.

The attorney general said that Mr. Kinlein's allegations in the case will "make it much more difficult than it was before (to convict Brown on the arson charge) but it is still possible."

Mr. Burch said he would also recommend to William B. Yates, 2d, the Dorchester county state's attorney and the chief prosecutor in the arson case, that he reindict Brown on the count of counseling to commit arson.

The attorney general said the counseling count was "thrown out on a legal technicality and I have no hesitancy to recommend the reindictment of Brown on that count."

No plans

Mr. Burch also said he had no plans to bring impeachment charges against the Howard county state's attorney, as he said he might do several months ago. He said that under the state Constitution it would require a misdemeanor offense by a public official to warrant impeachment charges, and that the contempt of court conviction would not qualify as a misdemeanor.

Mr. Kinlein had charged that the arson charge against Brown was "a phony" and was "fabricated" by Mr. Yates. The Howard county state's attorney also called Mr. Yates "an ass" and told the press that he would "rather defend than prosecute" Brown in the arson case.

Mr. Kinlein testified at the contempt hearing Tuesday and said he only meant that the state "lacked supporting evidence" to convict Brown of the remaining arson count alleging that Brown set fire to the Pine Street Elementary School in Cambridge during the July, 1967 disturbances there.

The Howard county state's attorney said that the state had no evidence showing that Brown actually set the fire.

Raymond J. Kane, the special prosecutor, informed the court that "but for this incident, Mr. Kinlein has served the county well."

Yates embarrassed

But he observed that Mr. Kinlein's allegations had caused

"embarrassment" to Mr. Yates, his co-prosecutor in the case, and Judge James Macgill, the Howard County Circuit Court judge whose order he was found guilty of violating.

Mr. Greenhalgh noted in his plea to the court that Mr. Kinlein had demonstrated "total dedication to the criminal justice system."

The defense lawyer also contended that Mr. Kinlein had been singled out for violating a court order on publicity. He claimed that both Mr. Yates and Judge Harry Dyer, Jr., of Harford County Circuit Court, had made statements about the case "in apparent violation of court orders" to the press. But neither Mr. Yates, nor Judge Dyer was cited, he said.

Mr. Greenhalgh, a law professor at Georgetown Law Center, recalled that "it is not reported in 200 years of history of the country... where the prosecutor was cited for violating a pre-trial order. I don't think we will see it any time after this."

Mr. Kinlein's political future in the county appears to be damaged beyond repair as a result of the contempt proceedings. A Democrat, Mr. Kinlein is now serving his second term as state's attorney in Howard county.

He has always been considered a maverick by Democratic party regulars. Mr. Kinlein was not the choice of many party regulars during the Democratic primary in 1970. However, he won the party's nomination over the present county solicitor, thanks to heavy support from Columbia voters.



H. RAP BROWN

wounded in shootout