

DECEIT DENIED IN BROWN CASE

Arson Charge By State Said 'Fully Justified'

The Maryland attorney general said yesterday that arson charges against H. Rap Brown, placed during the 1967 Cambridge riots, were fully justified and that an accusation by the Howard county state's attorney, that the charges were "fabricated" to bring the FBI into the case, was erroneous.

Francis B. Burch, the attorney general, said he was present at the meeting on July 25, 1967, when the felony charge was placed against Brown. Mr. Burch said he had "heartily concurred" with the actions of William B. Yates, the Dorchester county state's attorney, in charging Brown with two counts of arson.

On Thursday, Richard J. Kinlein, the Howard county state's attorney, said that Mr. Yates had admitted to him in April, 1970, that the arson charges against Brown, the Negro militant and former chairman of the Student National Coordinating Committee, had been "fabricated" to insure FBI involvement in the case should Brown fail to appear for trial.

"Misunderstanding"

Mr. Burch claimed yesterday that Mr. Kinlein "must have misunderstood what Yates said" to him while they were having lunch together in Ellicott City shortly before Brown was to appear for trial.

"Based on the information I have, I cannot understand why the charge (by Mr. Kinlein) was made. There is a mistake somewhere," the attorney general said.

Attempts to reach Mr. Kinlein last night for comment on the

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Deception By Prosecution In Rap Brown Case Denied

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attorney general's remarks were unsuccessful.

Brown was indicted by a Dorchester county grand jury in August, 1967, on charges of arson, rioting and inciting to riot.

The charges stem from a speech he made in Cambridge on July 25. Following the speech, fires and rioting erupted in the Eastern Shore town.

Brown's trial was removed first to Harford county and then to Howard county. The defendant failed to appear for trial in Ellicott City last May.

Brown has not been seen publicly since March, 1970. Two days after he failed to appear for trial, he was placed on the FBI's "10 most wanted" list.

"No Evidence"

When he was contacted earlier yesterday at his office, Mr. Kinlein repeated his charge that Mr. Yates had told him there was no evidence to charge Brown with arson. He said the charges against Brown had been "blown out of proportion."

"They took a relatively minor crime and blew it up into international proportions," he said.

Mr. Kinlein noted that without the arson charges against Brown, the FBI could not have entered the case.

Motives Questioned

"Is the FBI pursuing him for arson, or for other things because he's a radical revolutionary?" Mr. Kinlein asked.

When he was asked why he had remained silent until now on the alleged flimsiness of the arson charges, Mr. Kinlein said, "Nobody ever asked me."

Mr. Yates denied yesterday making any comment to Mr. Kinlein that he had fabricated the arson charge solely to bring the FBI into the case.

"This is an elementary rule of law," Mr. Yates said. "Brown was charged because he aided and counseled the burning of the Pine street school" in Cambridge.

No Access To Files

He said that Mr. Kinlein had not seen the evidence on the Brown case. The Howard county state's attorney "was just the next prosecutor," he said. "I didn't depend on him for anything."

Two persons who were at the luncheon with Mr. Yates and Mr. Kinlein last April yesterday denied Mr. Kinlein's accusation.

John J. Garrity, a former assistant attorney general who was an assistant prosecutor to Mr. Yates for the Brown trial, said Mr. Yates never made the remarks attributed to him by the Howard county prosecutor.

Others Recall

"I did not hear Mr. Yates say that he fabricated the case, contrary to what Mr. Kinlein says, and I've also told Mr. Kinlein that."

Charles C. Hillier, the chief investigator in Mr. Yates's office, said he remembered Mr. Yates saying, "If he (Brown) doesn't show, we're lucky we have a felony charge against him."

Mr. Garrity, who is now a Prince Georges county commissioner, said what Mr. Hillier remembered "sounds more in keeping with the whole tenor of the conversation."

Brown's lawyer, William M. Kunstler, said yesterday that he would ask Governor Mandel to

suspend Mr. Yates as Dorchester county state's attorney until a "commission on prosecutorial misuse" can investigate Mr. Kinlein's charge.

"Rap Brown would not be a fugitive today had it not been for the improper use of the fugitive indictment," he said.

He said the arson charge was "a phony indictment." Mr. Kunstler noted that all federal charges against Brown grew out of the arson indictment, which is a felony.

Brown was convicted in 1968 in New Orleans on a federal charge of illegally carrying a rifle across state lines while under indictment for a felony. He also is charged with allegedly threatening an FBI agent outside a New Orleans courtroom during those proceedings.

"Rap would not have been there had it not been for the phony indictment."

Indictments May Follow

Mr. Kunstler said he personally would visit George Beall, the United States Attorney for Maryland, to ask for criminal indictments against Mr. Yates and others for interfering with Mr. Brown's civil rights.

Mr. Kinlein said that he brought the matter up now because of his "conscience."

"It's been bothering me," he said. "It's been bothering me each time I've heard Brown's name on the '10 most wanted' list."

Mr. Yates expressed amazement that Mr. Kinlein would bring the matter up now, over eight months after Brown became a fugitive by failing to appear at his trial.

Yates Elaborates

"I think what Kinlein was referring to is: At that point in the trial, I was suspicious for the first time that Brown might not appear for the trial," Mr. Yates said.

"I said I was glad we had the arson charge so the FBI could be called in to assist" in the search.

Mr. Yates denied a published report in the Montgomery County Sentinel on Thursday that he had charged Brown with arson to get him on the FBI's most wanted list.

"I didn't ask them to put Brown on the '10 most-wanted' list," he said.

Real Estate Brokers To Meet January 20

Charles A. Skirven, a regional vice president of the National Institute of Real Estate Brokers, will talk about "How to Take Advantage of the Dynamic Market of the 70's" when he addresses the associate division of the Real Estate Board of Greater Baltimore at 9:30 A.M. January 20 at the Club Venus.

In addition to Mr. Skirven's remarks, the board associates will see a film on listing techniques and hear a brief resume of the organization's aims and objectives from Robert S. Gaines, chairman of the 1,800-member division.

Films To Be Shown

A series of films produced by young Baltimoreans will be shown at 7:30 P.M. January 20 at the Essex branch of the Baltimore county public library, 1110 Eastern boulevard.