

Kunstler Feels H. Rap Brown Won't Emerge

By FRED BARNES

Star Staff Writer

The attorney for H. Rap Brown says it is his "guess" that the black militant will not emerge from hiding as a result of a state prosecutor's claim that the July 1967 arson charge against Brown in Cambridge, Md., was fabricated.

William M. Kunstler, the controversial counsel and confidante of numerous radicals such as the "Chicago Seven," said last night that "My guess is that Rap will not come forward because he is so disillusioned, like other black people, with so-called justice in America."

Kunstler acknowledged that he hasn't conferred with or seen Brown since February and isn't sure whether he is alive or dead.

Will Seek Dismissal

However, the lawyer said he will seek dismissal of the arson count and a series of other charges which grew out of an impassioned speech which Brown made to a gathering in Cambridge's black section on July 24, 1967.

After Brown's speech, rioting and burning erupted in the Eastern Shore town, destroying 20 buildings and leaving 30 families homeless. Local authorities blamed Brown for the trouble and he was charged with riot, inciting to riot and arson.

Of the charges, only the arson count was a felony. A felony charge meant that if Brown didn't show up for trial a federal warrant could be obtained for his arrest and the FBI would seek his apprehension.

Robert J. Kinlein, state's attorney for Howard County, said Thursday that the prosecutor who got the arson indictment against Brown admitted to him later that there was "no evidence" to back up such a charge.

Kinlein said that William B. Yates, state's attorney for

Dorchester County, where Cambridge is located, confided in a luncheon conversation last April that the arson count was placed against Brown only to insure that federal agents would be brought into the case if he didn't show up for trial.

However, Yates has denied that he made the alleged statement. "I didn't say such a thing as that," he said. "There was enough evidence to try him (Brown) before a jury of his peers."

Meanwhile, Francis B. Burch, Maryland attorney general, said last night that arson charges were fully justified and Kinlein was in error. He said he attended the July 1967 meeting when the felony charge was placed against Brown. He said he "heartily concurred" with Yates' action in the case, the Associated Press reported.

Kunstler said it is possible that Brown "might read about the new developments in the case and decide it might be best to do something like emerge." But he said that this is merely speculation on his part and he believed that news of the case wouldn't have such an effect on Brown.

Several days after the Cambridge incident, Brown, then chairman of the militant Student Nonviolent Coordinating Committee, was arrested for carrying a rifle on a plane to New Orleans. Though he never showed up for trial, he was convicted on this count.

Kunstler pointed out, however, that the rifle charge could never have been placed against Brown if he hadn't earlier been charged with a felony.