

F. Ford 2/23/71
Kinlein Explains

Statements In Rap Brown Case

ELLCOTT CITY, Md. (AP)—Richard J. Kinlein, Howard County prosecutor, says he was "required . . . by his oath of office to make out-of-court statements in the H. Rap Brown case which resulted in a contempt of court citation.

Kinlein said he told reporters a felonious arson charge was "fabricated" against the missing black militant because, as state's attorney, he was "motivated by an intention to achieve justice."

The response to a show-cause order why Kinlein should not be cited for contempt was filed Friday shortly before closing time in Howard County Circuit Court by the prosecutor's attorney, William W. Greenhalgh of neighboring Montgomery County.

At the time of the filing, Kinlein was unavailable for comment and court officials refused to disclose the contents of the document.

Kinlein has insisted that arson charges stemming from 1967 racial disorders in Cambridge, Md., were trumped up by his Dorchester County colleague, William B. Yates II to assure FBI involvement in case Brown failed to appear for trial.

But Judge James Macgill ruled last May in Ellicott City that evidence was sufficient to justify the charge. Later, the judge instituted contempt proceedings against Kinlein for allegedly violating Macgill's order against extrajudicial statements in the Brown case.

Papers submitted by Kinlein ask that the contempt case be dismissed on technical grounds and also request a jury trial if the move for dismissal is denied.

"Only a jury can stand in the way of the tyranny of impeachment," Greenhalgh said in the documents.