

RAP BROWN TRIAL DELAYED A WEEK

Judge Says He Faces Arrest
if He Doesn't Appear

By HOMER BIGART
Special to The New York Times

BEL AIR, Md., March 16 — The judge in the trial of H. Rap Brown said today he would issue a bench warrant for the arrest of the missing black power leader unless Mr. Brown showed up in court next Tuesday.

Granting a one-week postponement in the riot and arson case against Mr. Brown, who was free on \$10,000 bond, Circuit Judge Harry E. Dyer Jr. warned that no further delays would be granted unless Mr. Brown appeared and convinced the court that a free trial was impossible.

The judge's action posed a dilemma for one of the defense counsel, William M. Kunstler, who had asked an indefinite adjournment of the riot and arson case on grounds that two acts of violence had "bathed this case in blood." Mr. Kunstler said he knew nothing of his client's whereabouts, and that no one, including Mr. Brown's wife, had seen him in the last eight days.

"We don't know whether Rap Brown is alive or dead," Mr. Kunstler told newsmen as he left the court.

Compromise on Demands

Judge Dyers' decision was essentially a compromise between impassioned defense arguments for delay on the ground that America's white and black communities had become so "polarized" that arrested Negroes were now treated in court as "prisoners of war," and prosecution demands that the judge ignore "threats" from black militants and proceed immediately with the trial.

The violence cited by Mr. Kunstler were the automobile explosion that killed Ralph E. Featherstone and William (Che) Payne, two Negro friends of Mr. Brown, last Monday night, and the bombing of the Dorchester County courthouse in Cambridge, Md., early Wednesday.

Mr. Kunstler said he had de-



United Press International

AFTER POSTPONEMENT: Howard Moore, assistant counsel for H. Rap Brown, gesturing to reporters in Bel Air, Md., yesterday. Final one-week delay was granted to black leader.

veloped a "sixth sense" that told him a pattern of violence was developing. He said he did not know whether the perpetrators of the blasts were black or white. But he condemned the State of Maryland for "doing everything possible" to indicate that Mr. Featherstone and Mr. Payne were bringing dynamite into Bel Air for some terrorist outrage.

The black community, on the other hand, believes that the two Negroes were assassinated in a conspiracy that may also have taken the life of Mr. Brown, Mr. Kunstler said.

Rejects State's Version

He made it clear that he did not accept the state's version of the incident. While he did not want to predict further violence, his "sixth sense" warned him that the pending trial had "an aura of blood and falling bricks."

On the courthouse steps Negroes distributed a typewritten statement attributed to the Student National Coordinating Committee calling for "massive retribution and revenge for the vicious murders of Ralph Featherstone and Brother Che." It suggested that Mr. Brown, the group's former national chairman, had been removed from the shattered car by whites "to avoid massive reprisals in the United States."

"By planting a bomb in the

brother's car "the statement said," the racist whites in the United States have escalated their tactics of violence against black people. We must, therefore, begin to escalate our efforts and tactics in order to destroy the racist, capitalist and imperialist Government of the United States.

Assails Nixon and Agnew

"We are firmly convinced that the murder of our black brothers must be charged to the dirty bloody hands of Richard M. Nixon and especially Spiro Agnew. All black people must also understand that Ralph Featherstone was viciously hated by Zionists and he became a symbol of S.N.C.C.'s opposition to Israeli aggression in the Middle East.

"It must be made crystal clear that H. Rap Brown is not at home — and that his wisdom and ideas must be spread throughout the black community."

Charging that the absence of Mr. Brown was being exploited to increase racial tensions, state's attorney, William Yates 2d, said black militants were using threats of violence to blackmail the court.

Warns of 'Atmosphere'

"We've heard a great deal from the defense about an 'aura of fear,'" Mr. Yates said. "If

fusing to stand when the judge re-entered the courtroom after a recess. They finally rose to their feet sheepishly when a negro bailiff shouted for the third time "everybody please rise."

Arguing that the trial should be postponed indefinitely "until a quieter time," Mr. Kunstler expressed a forboding of what might happen if the trial were held now.

Lost a Friend

"I don't want to live in a welter of bricks and blood," he said. "I lost a friend [Mr. Featherstone] on that road last week, and because of the polarization in which we live I couldn't attend his funeral." (The Featherstone funeral services in Washington were for blacks only and Mr. Kunstler was not admitted.)

The defense attorney seemed on the verge of tears, and sat down.

Another lawyer for the defense, Howard Moore, a Negro from Atlanta, said his confidence in the courts had been shaken at the trial of the Chicago 7 when "I saw my brother [Bobby Seale] shackled and gagged in the Federal courtroom."

Constitutional guarantees of fair trial do not apply to blacks, Mr. Moore said, because of whites' fears that "the system would break down if blacks achieved their liberation in the courts."

"We are in America two separate nations," he said, "and we are not about to come together. It's a polarization of people and of power."

Finds No Guarantees

He said black defendants were treated as prisoners of war and that the Rap Brown case was "a trial of a man from another nation, captured and brought to court without any guarantees of international agreements and conventions."

Mr. Moore's remarks were challenged as "irresponsible" by John J. Garrity, assistant state attorney general, who said: "We are being polarized by people who say we can't live together."

In allowing the defense a one-week adjournment, Judge Dyer said he was personally unaware of any tension or prejudice in Hartford County. However, he said he agreed with Mr. Kunstler that no case was worth a possible threat to life and property and that the postponement was "until the potentiality of unfairness abates."

Tonight Judge Dyer said that jury selection would start on Tuesday, March 24, provided Mr. Brown showed up. If he fails to appear, the judge said he would immediately issue a bench warrant for his arrest.

this trial can't be held we might as well close every courthouse door. We could never try another black. Even a murderer could 'create an atmosphere' by getting his friends to stir up violence."

The prosecutor, who said he had received anonymous threats, said he and his family were unafraid. And as for his home county of Dorchester, where a bomb blasted a huge hole in the courthouse, Mr. Yates cried: "We're sorry we have only one courthouse to sacrifice for the judicial system."

Mocking laughter from young negroes in the courtroom greeted this remark. Five blacks in a rear row further showed their contempt for the system by re-