



By Bob Burchette—The Washington Post

William Kunstler and Howard Moore, lawyers for H. Rap Brown, confer in Bel Air.

# Brown's Trial Is Delayed

## Judge Defers Hearing Until Next Tuesday

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By Peter A. Jay

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BEL AIR, Md., March 16

—The trial of H. Rap Brown was postponed for a week today by Judge Harry E. Dyer Jr., who declared himself more swayed by the emotion and rhetoric of Brown's lawyers than by their logic in seeking the delay.

Brown himself has been missing for nearly two weeks and did not appear today. If the young black militant is not in court on March 24 to face three-year-old charges of incitement to riot and arson,

Dyer said, his \$10,000 bond will be forfeited and a warrant issued for his arrest.

William M. Kunstler, Brown's chief counsel, had sought an indefinite postponement. Bombing incidents last week that took the lives of two of Brown's associates and ripped open the Cambridge, Md., courthouse made a fair trial for the defendant impossible anywhere in Maryland, he said.

"This case is permeated with the aura of blood and falling bricks," Kunstler said, and to try it now would "fly in the face of all reason and logic."

His voice breaking, Kunstler told Dyer:

"I don't want to live in a welter of bricks and blood . . . I lost a friend last week, a friend I had known for 10 years, and because of the polarization in which we live, I could not even attend his funeral."

One of two men killed when their automobile exploded out-

side of Bel Air last week was Ralph E. Featherstone, 30, a friend and client of Kunstler's. Kunstler sought to attend Featherstone's funeral in Washington on Saturday, but was turned away from the services. Except for one unidentified white man, only Negroes were admitted.

Dyer, insisted that "the defendant can and will receive a fair trial in Harford County," of which Bel Air, 25 miles northeast of Baltimore, is the county seat. The judge refused to grant the indefinite adjournment of the proceedings sought by Kunstler.

Because "the court respects the feelings of the defense, as well as their arguments," Dyer said, he agreed to a one-week delay. After that, he said, "there will be no further postponements unless the defendant himself persuades the court" that they are needed.

Kunstler, who said he still has no idea where Brown is, said the judge's compromise was satisfactory.

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## BROWN, From A1

He said that if he can get word to Brown, he will tell him the new date of the trial, but that "he'll just have to make his own mind up" if it is safe to appear in court.

Dorchester County State's attorney William Yates II, who has been prosecuting the case since Brown was indicted following a speech in Cambridge in 1967 and who won removal of the trial to Bel Air over defense objections, was unhappy with the postponement.

### "Close Our . . . Doors"

"If the trial is not held now," Yates said, "we (might as well) close our courthouse doors . . . we won't be able to try any black man, even for murder."

Yates, who declared that "I love my country as much as he (Kunstler) loves his fellow-man," said in opposing the motion for a postponement that "as far as the Dorchester County courthouse is concerned, we're only sorry we have only one courthouse to sacrifice for judicial integrity."

This was apparently a reference to the explosion that tore open the Dorchester County courthouse in Cambridge—where the trial originally had been scheduled to be held. That blast occurred on the night after Featherstone and William H. (Che) Payne died in Bel Air.

During the proceedings today, about 30 demonstrating black students from the nearby Aberdeen High School marched and chanted in front of the Bel Air courthouse as police and sheriff's deputies watched.

### Payne Buried

Payne, a member with Brown and Featherstone of the Student National (Formerly Nonviolent) Coordinating Committee (SNCC), was buried today in his native Covington, Ky. White newsmen were barred from the ceremonies.

Many Negroes have been critical of the suggestion, made by the Maryland state police and other officials, that Payne and Featherstone were deliberately carrying in their car the bomb that exploded accidentally and killed them.

Some have suggested the explosive was planted in the car

in an effort to assassinate Brown, that Brown was in the car with the other two men and also was killed, or that the body identified as Payne's was really Brown's. Police said there is no evidence for any such supposition.

An acquaintance of Brown's saw Payne's body after the explosion and said it was definitely not Brown. Payne, authorities said, was shorter than Brown, had a thinner moustache and a different hairline.

Kunstler referred to these fears in asking Dyer to postpone Brown's trial, but did not suggest that he himself sub-

scribed to any theory about the blast.

"My speculation is no better than the next man's," he said. "I don't accept the state's version, but I don't know my own version."

The Bel Air bombing and that of the Cambridge courthouse, he said, "at least in the public mind are inextricably linked together."

In Cambridge today, many residents were listening for news of the Brown trial in Bel Air. Local police said they have no new leads in the bombing of the courthouse, but still wish to question an unidentified young white woman who was seen in the building the day before the explosion.

### Letters to Kunstler

During a recess in the Bel Air proceedings, Kunstler opened a pile of letters addressed to him from across the nation at the Harford County Courthouse from across the nation.

Some of the authors were incensed at his defense of Brown and, at their just-concluded trial before federal judge Julius Hoffman, of the Chicago Seven. Others expressed admiration.

He received an obscene note from San Francisco, an anonymous letter from Baltimore that said simply "I hope you're next," and a \$3 contribution from a woman in California.

"Here's one from a delightful crank," muttered Kunstler at one point. "He wants to send me to Cuba."

With Kunstler at the defense table today were his regular associate, Carl Broege, and Howard Moore, a black at-

torney from Atlanta.

### Judge Startled

Moore apparently startled Dyer with his assertion at one point that black defendants are treated like "prisoners of war" by the American judicial system. Dyer, Moore said, should postpone Brown's trial indefinitely.

"This is a test for Your Honor, the Judge," said Moore. "What kind of a man are you, what measure of a man."

Dyer, 57, a silver-haired former Harford County prosecutor, flushed slightly as he peered down from the bench.

Later, in an interview, he said he was surprised at the defense's resistance to the trial. "I think Mr. Brown can win this trial," he said.

Earlier, the judge said from the bench that "this court does not feel . . . tension in the atmosphere. The court knows the community of Harford far better (than Kunstler or Yates) and is confident" that Brown can receive a fair trial there.

Brown, who was last reported to be in his New York apartment, was nowhere to be found today.

In Washington today, the spate of bomb threats that fol-

lowed the explosions in Bel Air and Cambridge continued. Eight schools were evacuated while officials searched the premises after telephoned threats, but no bombs were found.

"It's a very dangerous situation," said Vincent Reed, the school system's director of safety. Reed said all of the callers today "sounded like kids."

On Friday, all 190 schools in the District were evacuated for 35 minutes as a precaution after more than a dozen threats were received.

Among the schools evacuated yesterday, Reed said,

were Western High, 35th and R Streets, NW; Anacostia High, 16 and R Streets, SE; Douglass Junior High, Pomeroy and Stanton Roads, SE; Eliot Junior High, 18th and P Streets, NE; Jefferson Junior High, 16th and R Streets, SE; and Kramer Junior High, 17th and Q Streets, SE.

In Fairfax County, the Hollin Hills Elementary school, 7116 Fort Hunt Rd., was evacuated for about 15 minutes, after the principal, George R. C. Fox received what he described as a whispered anonymous call saying: "You better get everybody out of there." No bomb was found.