

# Rap Brown Missing on Trial Eve

By Peter A. Jay

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ELLICOTT CITY, Md.—H. Rap Brown, missing more than a month, is scheduled to go on trial here Monday on charges of incitement to riot, incitement to arson and arson. There is widespread doubt that he will appear.

William M. Kunstler, chief counsel for the young black militant leader, says he doesn't think Brown will show up for a trial already tinged with violence—the death of two of the defendant's friends in an explosion the night before he was last due to appear in court.

Police here in Howard County, a fast-growing area between Baltimore and Washington, are making elaborate security arrangements for the trial. But they say privately they don't expect Brown will be in Ellicott City when the proceedings open.

Only William B. Yates II, the Dorchester County state's attorney who is prosecuting Brown, appears convinced the trial will go forward as scheduled.

See BROWN, D6, Col. 1

# H. Rap Brown Is Missing On Eve of Trial

BROWN, From D1

The charges against Brown, then and now the national chairman of the Student National (formerly Nonviolent Coordinating Committee (SNCC), stem from a fiery speech he made in Cambridge in July, 1967.

After Brown, who was then 23, made the speech, fires and disorder erupted in Cambridge and national guardsmen were called to restore order in the Eastern Shore community.

In an extremely rare move strongly contested by the defense, a Dorchester County judge ordered Brown's trial moved out of Cambridge. Yates, who sought the move, said the defendant could not receive an impartial and orderly trial in Dorchester County.

Kunstler contended, then and later, that Brown could have a fairer trial in Cambridge than elsewhere in Maryland because of the esteem in which he is held by the large black community there.

## Trial Transferred

Nevertheless, the trial was moved to Bel Air, the seat of Harford County, about 20 miles northwest of Baltimore. It was set to open there last March 9.

But the night of the 9th, after Kunstler had argued motions before Harford County Circuit Judge Harry E. Dyer Jr. and hours before Brown was due to appear in court, an explosion less than a mile from the Bel Air courthouse ripped apart a car carrying two black men.

The victims were subsequently identified as Ralph Featherstone and William

(Che) Payne, both friends of Brown and active in militant movements.

On the 10th, Dyer postponed the trial for a week, and that night another blast tore open the Dorchester County courthouse in Cambridge.

## Theory Contested

An FBI report said both explosions were caused by dynamite, apparently accidentally detonated in the Bel Air incident. Some Negro activists bitterly contested this theory, and contended the explosion was the work of an assassin who believed Brown would be in Featherstone's car.

On March 17, the trial was due to resume, but at Kunstler's request Dyer granted another week's delay. Dyer also told reporters, "I think Mr. Brown can win this trial," a remark that drew a furious objection from prosecutor Yates. Yates said the judge's comment had hopelessly prejudiced the state's case.

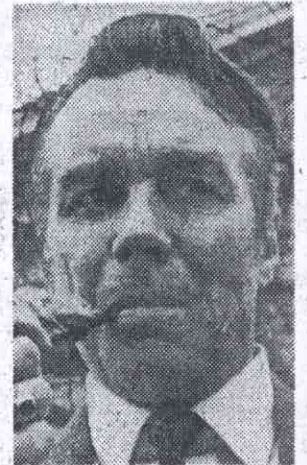
Dyer, accordingly, transferred the case once again, this time to the Howard County court of Judge James Macgill.

Macgill, 57, is an amateur sculptor with a reputation in Maryland legal circles as a thoughtful, patient and extremely conscientious judge. Since the case was assigned to his court, he has avoided all contact with reporters.

## Motions Pending

Several motions are pending before Macgill upon which the judge is expected to rule before beginning the selection of a jury. Once jury selection begins, Brown's presence will be required.

If the defendant does not appear, his \$10,000 bond will be ordered forfeited and a



WILLIAM YATES  
... state's attorney

warrant issued for his arrest. Brown is not now in violation of any law, so authorities are not actively seeking him.

He has not been seen since just before the Bel Air trial was to open, however, Kunstler says. Some of Brown's friends have suggested he may have left the country, or been slain, although there has been no evidence offered to support either of these suggestions.

Ellicott City, a town of 1,500 with only a handful of Negro residents, is making plans to cope with visiting demonstrators if the trial begins. But there is little sense of urgency, or of tension; most residents interviewed recently said they doubted Brown would appear.