

U.S. Court Studies Motions In Rap Brown Intimidation Case

By JIM HEARTY

Federal District Judge Alvin B. Rubin took under advisement today two motions in a case involving black militant H. Rap Brown.

Rubin's action on the motions, one to dismiss charges that Brown intimidated a Federal Bureau of Investigation agent during his previous trial here and another by the government to force the forfeiture of a \$15,000 bond, came after civil rights attorney William Kunstler put five witnesses on the stand.

Brown is accused of intimidating the FBI agent during his trial here when he was convicted of transporting a carbine from New Orleans to New York while under indictment for a felony.

KUNSTLER, WHO contends Brown was denied a speedy trial, called the federal judge in the previous case, Lansing A. Mitchell, the former U. S. attorney, Louis C. LaCour; Etta K. Hearn of Baton Rouge, associate counsel for Brown, Dr. Ralph Dreger, professor of psychology at

Louisiana State University, Baton Rouge, and Harry F. Connick, former assistant U.S. district attorney.

LaCour told the court prosecution of the intimidation case was delayed until the appeal in the gun case ran its course and was disposed of.

LaCour testified the gun trial lasted 10 days but Brown already had been convicted and the maximum penalty been imposed.

"WE JUST FELT there were other people to be prosecuted and other business to attend to rather than making a career of trying one man," he said.

Asked if the delay of the trial was intended to harass

or be oppressive to Brown LaCour answered this was not so, that the man already had been convicted, that this was a pauper case and Kunstler was defending Brown without a fee. "We determined that to try Brown soon after his first conviction might be interpreted as harassment," he said.

Dr. Dreger testified as to the ability of a normal person to remember incidents that occurred 21 months before.

HE SAID that under cross-examination a witness tends to begin to doubt his ability to remember after such a period.

Judge Mitchell testified concerning the events under which he learned that the intimidation charge had been made against Brown and he said he believes he was informed of the charge by an aide of the court. The judge was asked by Kunstler if he considered this a serious charge and he answered affirmatively. He was asked if he considered a charge that should have been prosecuted promptly. The judge replied that all criminal cases should be prosecuted promptly.

Connick took the stand and agreed with the judge that all such charges should be prosecuted promptly, adding that "there are certain procedures which impede prosecution."

Brown has been missing since March 8.

Kunstler, who speaks at 8 tonight in McAlister Auditorium on the Tulane University campus, said, "I think a man like Brown is good. He represents the drive of a slave people."

following the hearing, Kunstler said the government admitted delaying the case and that he hopes the judge throws the charge out.

"I have always felt the intimidation charge was false and brought to increase Brown's bond in the gun case, which was intertwined with wiretapping." In this connection, he said, there is pending in court a motion to take testimony of Justice Department officials in Washington concerning the wiretap evidence.

Kunstler reiterated his belief that Brown is out of the country, although "apparently the FBI thinks he's living with me." Kunstler said the FBI even interviewed his newsboy to ask if he knew where Brown is, "or if he saw him in my house."

The lawyer, in answer to a question, said he understood New Orleans civil rights attorney Ben C. Smith was to make up his mind this afternoon whether to make the race for Second District congressman against the incumbent Hale Boggs.

AT A PRESS conference