

Brown Misses Trial; Arrest Is Ordered

5/5/70

By Peter A. Jay

Washington Post Staff Writer

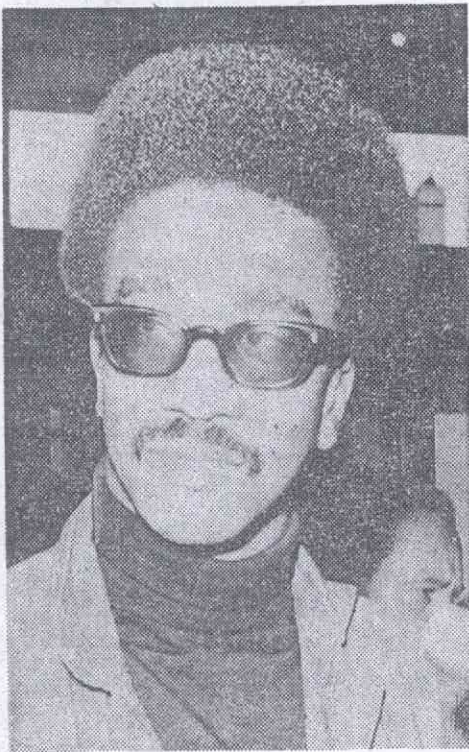
ELLCOTT CITY, Md., May 4—H. Rap Brown's \$10,000 bond was revoked and a warrant issued for his arrest today after he failed to appear for his long-delayed arson-riot trial.

There was no clue to the whereabouts of the 26-year-old black militant, who faces charges growing out of a fiery speech he gave in Cambridge, Md., in 1967. After the speech, fires and disorder broke out in a Negro area of the city.

William B. Yates, the prosecutor, said he believes Brown is afraid to stand trial. "He's a coward," the Dorchester County state's attorney told reporters. "We chased him out of Cambridge and he's been running ever since."

Yates asked Howard County Circuit Judge James Macgill, in whose court the case is now pending after two transfers, to hold Brown in contempt of court for his failure to appear. Macgill declined to do so.

See BROWN, A8, Col. 4



H. RAP BROWN
... no clues to whereabouts



JUDGE MAGILL
... declines to cite for contempt



Photos by Bob Burchette—The Washington Post

E. Carl Broege, one of H. Rap Brown's lawyers, did not oppose an arrest warrant.

BROWN, From A1

The Maryland attorney general's office said tonight that U.S. District Judge Dorsey Watkins has signed a federal fugitive warrant for Brown, enabling the FBI to participate in the search for the missing defendant.

Brown's chief counsel, William M. Kunstler, was not in court today. Kunstler, who has said he believes Brown is alive, but has no word from him since March 7, was in New Jersey on another case, associates said.

E. Carl Broege, Kunstler's associate in the Brown case, did not oppose revocation of Brown's bond and the issuance of an arrest warrant. He did ask Macgill to maintain "some supervisory power" over the search for the missing defendant.

Broege said he was concerned about "the possibility

of a massive search that could possibly intrude into the lives of many persons." Macgill said the defense attorney could ask for relief later if he believes the search is being improperly conducted.

Brown's presence was required today because, under Maryland law, a defendant must be in court when selection of a jury begins. In pre-trial proceedings, his presence was not required.

Forfeiture of the bond is at the court's discretion, and Macgill could relieve the bonding company of the obligation to pay the full amount. But sources close to the judge said he is unlikely to do so.

If Brown does not appear within 30 days, warrants charging him with the additional offense of bail-jumping could be issued.

The defendant, chairman of the now almost inactive Student National (formerly Non-violent) Coordinating Committee (SNCC), is charged with arson, riot and incitement to riot. In an earlier action, Macgill threw out a separate count of incitement to arson.

Conviction of arson, a fe-

lony, could mean a sentence of up to 10 years in prison. But Brown's lawyers, noting that the defendant left Cambridge well before any fires were started, are confident they could win acquittal on that count.

Riot and incitement to riot are both misdemeanor charges without statutory maximum sentences.

The trial was originally moved from Cambridge, in Dorchester County, at the request of the state and over the strong objections of the defense. Kunstler said Brown could receive a fairer trial in Cambridge, where he is well known in the large black community, than elsewhere.

The case was scheduled to

begin March 9 in Bel Air, Md., before Harford County Judge Harry E. Dyer Jr.

But that night, two of Brown's friends died in an automobile explosion outside Bel Air, and 24 hours later another explosion ripped the courthouse in Cambridge. Dyer granted a postponement, and then, after Yates criticized off-the-bench remarks the judge made to reporters, moved the case to Macgill's Howard County court.

The defense made two un-

successful efforts to get the trial transferred to federal court. Kunstler argued that racial tension in Maryland, and the racial makeup of Howard and Harford counties both about 90 per cent white, made such a transfer necessary.

Brown has not been seen since March 7, when he reportedly left his New York apartment to drive to Bel Air for his trial. His lawyers said today they still have no idea where he is.