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Howard State's Attorney Charged With Contempt

ANNAPOLIS (AP) — Gov. Marvin Mandel, at the request of circuit court Judge James Macgill, directed the attorney general's office Tuesday to start contempt of court proceedings against Howard County State's Atty. Richard Kinlein.

Macgill wrote the governor that Kinlein appeared to be in violation of his order prohibiting out-of-court statements about the proceedings against black militant H. Rap Brown.

"I have reached the conclusion that I cannot ignore the possible violation by Mr. Kinlein of the order of court and it may well be that his actions constituted contempt of court," the Howard County judge wrote the governor.

Mandel, while not taking sides in the dispute, said he was forwarding the request to Atty. Gen. Francis B. Burch as requested.

Burch said he is ready to proceed against Kinlein if the situation continues as it now stands.

But he said he understood that Macgill was now considering taking a different course of action.

Macgill, meanwhile, refused to discuss the matter with reporters.

The move against Kinlein stems from statements he made to newsmen concerning the arson charge filed against Brown following disorders which broke out after he made a speech in Cambridge, Md., four years ago.

Kinlein said that William B. Yates, Dorchester County state's attorney, had told him that the arson charge was fabricated to insure that the FBI would become involved in the case if Brown didn't show up for trial.

The order issued by Macgill, March 23, 1970, prohibited persons involved in the case from making any statement which

"tends to be prejudicial to a fair trial" or from commenting "with regard to proposed prosecution or defense tactics . . ."

Since Macgill would not talk to newsmen, it could not be determined why he did not proceed directly against Kinlein as he has the authority to do.

But by asking the attorney general to prepare an assist in prosecuting the contempt citation, he would assure Kinlein a hearing on the charges.

Normally, the Howard County state's attorney would prosecute the case, but Kinlein could not be expected to bring proceedings against himself, a situation which prompted Macgill to go to the governor.

Burch had been considering impeachment proceedings against the Howard County state's attorney, but he announced Tuesday that an examination of the constitution revealed no specific grounds for impeachment.