



RICHARD J. KINLEIN

... faces charges

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Charge Eyed Against Md. Prosecutor

Contempt of court proceedings are being sought against Howard County State's Attorney Richard J. Kinlein, who suggested that a fellow prosecutor had fabricated arson charges against missing black militant H. Rap Brown.

The office of Gov. Marvin Mandel released a letter from Howard County Circuit Court Judge James A. Macgill yesterday asking the governor to direct the Maryland attorney general to help prepare and to prosecute a contempt citation against Kinlein.

In his letter, Judge Macgill said that Kinlein may have violated a court order that the judge issued in March, 1970, on the eve of proceedings against Brown, barring participants from making "extra judicial" statements that would prejudice a fair trial.

Mandel's office said yesterday that the governor "has complied with Judge Macgill's request." Deputy Attorney General Henry R. Lord said the attorney general's office "will do whatever the judge and the governor ask us to do."

Kinlein himself was under instructions yesterday from his attorney, Georgetown University law professor William W. Greenhalgh, not to com-

ment on the contempt issue.

The charges against Brown stem from a speech he made in Cambridge, Md., in July, 1967. Following the speech, fires broke out and the National Guard was called to the Eastern Shore town.

That summer, Brown was indicted by a Dorchester County grand jury and charged with arson and incitement to arson, riot and incitement to riot.

See KINLEIN, C5, Col. 2

Arson Fabrication Charge to Lead To Contempt Case for Prosecutor

KINLEIN, From C1

The case was scheduled for trial in March, 1970. But on the night before the trial was to start, two of Brown's associates, Ralph Featherstone and William (Che) Payne, were killed when a bomb exploded in their car near the site of the trial.

Brown, last seen on the weekend before the trial was to start, disappeared and has not been seen since that time.

Kinlein's statement about the charges against Brown was made last January, almost 10 months later. He told reporters then that the Dorchester County State's Attorney, William B. Yates, had fabricated the arson charges, which are felonies, against Brown to insure FBI involvement in the event Brown fled.

In April, 1970, Judge Macgill struck the incitement-to-arson language from Brown's indictment, leaving the arson charge as the only felony count against Brown. The FBI does not pursue fugitives except in felony cases.

Kinlein, who assisted Yates in the prosecution of the case in Howard County, where the trial was moved on a change of venue, said that immediately after the judge dropped the incitement-to-arson language, he advised Yates to

"back off" the arson count for lack of evidence, but that Yates declined to do so.

Brown's attorney, William L. Kunstler, subsequently filed motions asking that the arson count against Brown be dismissed. But after a two-day hearing in May, Macgill denied Kunstler's motion.

At the May hearing, Maryland Attorney General Francis

B. Burch charged that Kinlein was "a disgrace to the legal profession."

Yesterday, Greenhalgh said that Burch had been "intimately involved" with the trial of the Brown case since 1967. If Burch personally prosecutes Kinlein for contempt of court, Greenhalgh said, he will ask that Burch be disqualified for conflict of interest.