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Brown's Lawyer Attacks Wiretap

An attorney for missing Black Power leader H. Rap Brown argued here today Brown's conviction for violating the Federal Firearms Act should be thrown out because of what he called an illegal wiretap.

Attorney Michael Tigar said a tap of a conversation from Parish Prison between Brown and his attorney in that case, William Kunstler, was an invasion of the lawyer-client relationship.

FEDERAL DIST. Judge Lansing L. Mitchell late this afternoon was still hearing the matter — an adversary hearing or-

dered by the U.S. Fifth Circuit Court of Appeals — to determine if Brown's conviction was based on wiretap evidence.

Brown, the subject of a nationwide manhunt for weeks, and who is due to go to trial in Maryland on arson charges, is under a five-year sentence and \$2,000 fine on charges here of transporting a carbine rifle from New Orleans to New York while under the arson charge.

Testifying this morning were Criminal Sheriff Louis A. Heyd Jr., A. J. Falkenstein, warden of Parish Prison, where one conversation of Brown's was monitored; Sgt. David Kent, of the New Orleans Police Department's intelligence division, and FBI Agent Robert J. Heibel.

HEYD TESTIFIED that when he heard the taped conversation played back, he did not recall any mention of the firearms charge, for which Brown at the time was awaiting trial.

The conversation referred to by Sheriff Heyd was with Brown's attorney, William Kunstler, who as attorney for the Chicago Seven, has been sentenced to jail for contempt of court. Heyd said the names of civil rights leaders James Foreman and Stokley Carmichael came up in the conversation.

Sgt. Kent and Agent Heibel told of exchanging information concerning Brown, and Heibel said Sgt. Kent told him Brown had called Kunstler from Parish Prison, "told him the situation in New Orleans was hot, and requesting that Stokley Carmichael be contacted and asked to come to New Orleans."

KENT SAID at the time, according to the FBI agent, that Kunstler had informed Brown he could expect to remain in

jail here until March 20.

Michael Tigar, Brown's attorney, told Judge Mitchell that "the record indicates there was an illegal wiretap, and that the tap was divulged to other officials of the Parish of Orleans and the FBI.

Tigar argued that when it is shown there has been an invasion of the lawyer-client relationship, as was done here, a new trial must be ordered irrespective of a showing of relevance to the conviction.

JUDGE MITCHELL was in possession of evidence of the four wiretaps, including one in Parish Prison, and he ordered, at the request of Tigar, that local FBI officials make a search of the local FBI office and a sworn affidavit as to whether other such wire tap evidence exists.

If it does, it must be produced in court later today, Judge Mitchell said.