

Md. Drops 3 Charges Against H. Rap Brown

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ELLCOTT CITY, Md., Nov. 6—Charges of riot, inciting to riot and arson pending against black militant leader H. Rap Brown since a 1967 riot in Cambridge, Md., were dropped today by Dorchester County State's Attorney William B. Yates.

The tall, thin Brown—wearing a red bandanna on his head and keeping a toothpick in his mouth—then rose in the heavily guarded courtroom and quietly pleaded guilty to failing to appear here for trial in 1970 on the Cambridge charges.

Thus, the six-year legal battle between the former leader of the Student Nonviolent Coordinating Committee (SNCC) and Maryland prosecutors ended. Brown's lawyer had unsuccessfully demanded that Brown be tried on the Cambridge charges in order to clear himself, but the decision

to drop all the Cambridge charges was made by Yates.

Howard County Circuit Judge James Macgill sentenced Brown to one year in jail on the failing-to-appear charge, which had been changed from a felony to a misdemeanor. The sentence was made concurrent with time Brown already has spent in prison in New York after being convicted of an armed robbery there last year and does not add anything to Brown's New York sentence.

Carl Broege, Brown's lawyer, said dropping of all the Cambridge charges proved the defense's contention there never was a solid case against Brown and Cambridge officials had "used Mr. Brown as a scapegoat for their own evil."

Yates said in an interview after the morning hearing that

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Associated Press

H. Rap Brown enters courthouse at Ellicott City.

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the deaths of two key witnesses since the riot would have made it more difficult to convict Brown, but that his decision to drop the charges "would have been very different" if Brown were not already in prison.

"What do we have to gain? Times are changed. Things are different, Yates said.

Maryland Attorney General Francis B. Burch said in a telephone interview he "regretted very much" the decision to drop the charges against Brown, but that it was Yates' decision and the attorney general's office could not overrule it.

The sudden end of Brown's long fight with Maryland prosecutors came after a half-hour conference of opposing lawyers in the chambers of Judge Macgill. The case had been moved from Dorchester County, where Cambridge is, three years ago at Yates' request.

When Macgill later asked from the bench whether Brown was pleading guilty to the misdemeanor of failing to appear in court "because you truly believe you are guilty," there was a long pause before Brown acknowledged, "I didn't show up."

Brown, 30, never smiled during his hour in court and spoke softly, sometimes almost inaudibly.

When Judge Macgill directed Brown to stand and raise his right hand, the 30-year-old native of Baton Rouge, La., stood up but declined to raise his hand, saying, "It's not necessary."

The court clerk looked startled and turned to the judge. "It's customary, Mr. Brown," Macgill said.

"It's not necessary," Brown repeated quietly.

"All right," said the judge and the hearing continued.

Broege said later that Brown has become a Muslim and "doesn't swear allegiance to the United States of America."

Brown was originally arrested in Maryland after he made a fiery speech on July 24, 1967, in the racially divided Eastern Shore city of Cambridge during which he told a cheering crowd of 400 blacks, "Get your guns . . . I don't care if we have to burn him down or run him out, you gotta take over those stores, gotta take your freedom."

rioting following Brown's speech burned down two blocks of buildings in Cambridge's black ward, left Brown and a white policeman wounded by gunshots and brought national guardsmen to patrol the streets of the town.

In 1970 Brown had been scheduled for trial in Harford County, Md., on the Cambridge charges when two of his associates were killed by a bomb blast while driving in their car there. Police said the two men had been carrying a bomb, perhaps intending to blow up the courthouse.

A day later, a second bomb ripped open the Dorchester County Courthouse in Cambridge. No one was injured by that blast.

There were no disturbances during today's hearing in the courtroom crowded with at least 15 plainclothes policemen as well as uniformed sheriff's deputies, reporters and other spectators, including Brown's wife and sister.

The handcuffed Brown, who was wearing a blue turtleneck sweater, blue jeans and gold-frame glasses, was brought to the courthouse from the Maryland Penitentiary by a four-car caravan of state police cars. Spectators were searched by a metal detector before being admitted to the courtroom.

Brown disappeared in 1970 and was the subject of a nationwide manhunt until his arrest in October, 1972, during a Manhattan robbery. He will be returned Wednesday to Attica State Prison in New York, where he is serving a five-to-15-year sentence imposed in May.

Brown has also been convicted and sentenced to five years in jail on charges of carrying a gun illegally in Louisiana while he was out on bond on the Cambridge charges.

In 1971, Howard County State's Attorney Richard J. Kinlein charged that Yates had "fabricated" the arson charge against Brown. Kinlein was held in contempt of court and fined for his statement. Kinlein declined comment today after the charge was dropped.

Broege, a Newark lawyer, said Brown had only been "exercising First Amendment rights to speech on behalf of his people."

Yates later said Dorchester County did not want to spend at least \$30,000 he said it would have taken to try Brown.