

Hoover to Be Subpoenaed, Rap Brown Attorney Says

J. Edgar Hoover, director of the Federal Bureau of Investigation, will be subpoenaed by attorneys for Black Power militant H. Rap Brown, scheduled to be tried Jan. 18 in Federal Court here on charges of intimidating an agent of the FBI.

William M. Kunstler, attorney for the missing Brown, said he intends to call Hoover because of the latter's recent action placing Brown on the FBI list of most wanted criminals.

Brown's inclusion on the list made him an easy target for "trigger-happy cops," Kunstler said after a brief hearing at which he argued before Federal Judge Alvin B. Rubin a motion to dismiss the case or delay the trial until the present "violence in America" subsides.

KUNSTLER contended his client has been in hiding for the past few weeks and is fearful for his life. The attorney said he did not know where Brown is now.

Judge Rubin granted Julian R. Murray, assistant U.S. attorney, a delay until 9 a.m. July 23 to answer the defense motion and prepare opposing arguments. The same date also was set for hearing on the government's motion to forfeit Brown's \$15,000 appearance bond.

"He (Brown) will not appear until he thinks he's safe," Kunstler told Judge Rubin.

JUDGE RUBIN replied that he does not continue cases indefinitely and said any disruptions must be dealt with once the trial starts. He then suggested two trial dates, Oct. 19 and Jan. 18.

Kunstler said he preferred the later date, while Murray wanted a much earlier date.

The defense counsel appeared at the Wild Life and Fisheries Building, which houses the federal courts, in company with attorneys Benjamin E. Smith, New Orleans, and Etta Kay Hearn.

HE TOLD THE press he does not believe Brown is in Algeria as has been reported and said if Brown were in any place where he felt safe to make a statement he would have done so. Further, he said he had been in contact with Eldredge Cleaver who gave no indication Brown was there.

Brown was accused of threatening a Negro FBI agent Feb. 21, 1968, during a recess in his trial on charges of transporting a carbine from New York to New Orleans, then back to New York while under indictment for arson.

He was acquitted on the first count, but convicted on the second, and sentenced by Judge

Lansing L. Mitchell to serve five years and to pay a fine of \$2,000. The case is on appeal.

Brown has been missing since last March, when two of his friends were killed when a dynamite blast ripped the car in which they were riding. The arson charge in Maryland is still pending.

Kunstler himself is under contempt sentences totaling four years given for contempt of court by Judge Julius Hoffman during the trial of the Chicago Seven.