

Brown Trial to Get New Judge, New Site

Hay. mmm. Kill 3/19/76

BEL AIR, Md. (AP) — Rap Brown's trial on charges of arson and inciting to riot was transferred to a third Maryland county Wednesday by Judge Harry E. Dyer Jr. who disqualified himself a day after the prosecutor asked him.

No new date was set for resumption of the trial which has been recessed twice. Judge Dyer had scheduled it to resume next Tuesday and directed that Brown, who so far has been absent, be present.

Dyer is judge of the circuit court in Harford County, northeast of Baltimore. He

transferred the trial to Ellicott City in Howard County which is 10 miles west of Baltimore.

Dyer said he was persuaded to remove the case from his jurisdiction by the prosecutor's expressed concern that the judge had prejudiced it by statements to news media Monday.

The prosecutor from Cambridge in Dorchester County, William B. Yates, wrote Dyer Tuesday asking him to disqualify himself because of a statement by the judge that "I think Mr. Brown can win this case."

Dyer in his order transfer-
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ring the trial noted that Brown's lawyer had argued Monday for removal from Harford County because of a bombing near Bel Air a week ago last Monday.

Dyer said he was reversing himself in denying that motion by William B. Kunstler. The judge stated:

"In view of the announced concern of the state's attorney for Dorchester County over the possible fairness of a trial in this court added to the stated and recently argued concern of the defense counsel that the defendant could not get a fair trial in this court, this court feels it should not hear the case."

The night after a car exploded in which two Negro friends of Brown's died, the courthouse in Cambridge was bombed. The trial was transferred originally from there where Brown was charged in 1967 after he spoke to a Negro gathering and two blocks of buildings were set afire.

The FBI in separate reports said the explosives in both cases was dynamite and that parts of a key-wound clock found at both scenes appeared to be by the same manufacturer.

"At this point we haven't substantiated any kind of relationship" between the bombings, said Gov. Marvin Mandel. He pointed out the FBI had labeled its reports preliminary and the only significant thing was that the "same type of timing mechanism" had been used.

"We're getting closer" to linking the bombings, said Yates.

The FBI reported that the bomb in the courthouse "had been placed in closet on second floor in southwest corner." It ripped a 30-foot hole in the side of the brick building.

Kunstler voiced disappointment that Dyer had transferred the Brown trial to Howard County. He said he wanted Dyer to disqualify himself, but to have Harford County associate judge preside.

Kunstler was not fully satisfied either. He insisted that Brown "can get a fair trial only in Dorchester County where he has friends and where there are a good number of blacks."

RAP BROWN TRIAL SHIFTED 2D TIME

Judge Reacts to Concern by
Prosecutor and Defense

311970
Special to The New York Times

BEL AIR, Md., March 18—
Judge Harry E. Dyer Jr. ordered
the trial of H. Rap Brown
shifted from Harford County to
Howard County today.

The order, issued this morning,
cited objections by both
the prosecution and defense
over whether Mr. Brown, a black
militant, could receive a fair
trial in Judge Dyer's Harford
County Circuit Court.

Shortly after the directive
was filed, it was announced
that charges of arson and inciting
to riot against Mr. Brown
would be heard by Judge James
MacGill of the Howard County



The New York Times March 19, 1970

H. Rap Brown trial moved
from Cambridge (1) to Bel
Air (2) to Ellicott City (3).

Circuit Court in Ellicott City,
11 miles southwest of Baltimore.
No trial date has been set.

Under Maryland law, a judge
can transfer a trial to any other
jurisdiction if he feels a fair
trial is uncertain.

Judge Dyer said in his order
that he had moved the Brown
trial because of the "announced
concern of the State's Attorney

of Dorchester County over the
possible unfairness of the trial
and this court," coupled with
the "recently argued concern
of the defense counsel that the
defendant could not get a fair
trial in this court."

2d Change of Venue

Judge Dyer's order represented
the second change of venue in
the case. It was originally
scheduled to be heard in
Cambridge, Md., the Dorchester
County seat on the Eastern
Shore, where rioting in 1967
led to the charges against the
defendant.

The state had asked for the
original change. On Monday,

William M. Kunstler, Mr.
Brown's lawyer, filed a motion
to move the trial from Bel Air.
Mr. Kunstler cited increased
tension, caused by a car explosion
March 10 that killed two of
Mr. Brown's friends and had
led to postponement of the
trial. The motion was denied.

But comments made by Judge
Dyer in recent interviews
prompted William B. Yates 2d,
the Dorchester County State's
Attorney, to call on the pre-
siding jurist to step aside.
Judge Dyer was quoted in an
interview Monday with a Baltimore
television station as having
said: "I think Mr. Brown
can win this trial. Any criminal
has a chance."

Mr. Yates called the remark
an "unethical statement." He
said he had sent a letter to
the judge and to the Maryland
Bar Association protesting the
public comment.

A Chance to Win

Judge Dyer expressed surprise
at the prosecutor's reaction.
He said he had merely implied
during the interview that
"every criminal defendant
has a chance to win."

The judge issued his removal
order within 24 hours of the
protest by the State's Attorney.
He based his decision on the
original motion filed by Mr.
Kunstler, Mr. Brown's lawyer.

Mr. Kunstler, reached by
telephone in New York, said
that he still preferred the trial
to take place in Cambridge. It
is "the only place in the United
States where Rap can get a
fair trial," he said, because
the defense would be "close to
several sources of spectators as
trial witnesses."

Mr. Yates expressed disappointment
with the transfer of the trial
to Howard County, saying that
he had expected Judge Dyer to
step aside in favor of an
associate judge in the Harford
County court.

Mr. Brown has not appeared
in Bel Air since the trial got
under way more than a week
ago. The defendant is not
required to be present until
the jury is selected.

Ellicott City, the scene of
rescheduled trial, is a quiet
little town of 1,500 population.
The 125-year-old courthouse
where the trial will be held
sits on a hill overlooking the
town.

Judge MacGill, who will
eventually hear the case, has
been a circuit court judge since
1954. The Howard County
resident refused to comment
today about the trial and
stressed that this would be
his policy throughout.

FBI NOTES SIMILARITIES IN BOMBINGS

Finds Timing Devices In 2 Maryland Blasts Of Same Type

By CHARLES WHITEFORD

[Annapolis Bureau of The Sun]

Annapolis, March 18—The timing mechanisms that triggered the bombs that killed two black activists near Bel Air and knocked a gaping hole in the Cambridge courthouse were apparently of the same type.

The similarity was reported today to Governor Mandel by J. Edgar Hoover, director of the FBI.

Mr. Mandel declared during an impromptu news conference that "no conclusion" could be drawn at this time from the FBI laboratory report that linked the two bombings.

Preliminary Report

He pointed out that the report on the March 22 bombing in Cambridge was preliminary, as was the report submitted last weekend on the March 9 explosion that demolished the car in which Ralph E. Featherstone and William H. Payne were riding. Both men were killed in-

stantly.

Mr. Featherstone was a friend of H. Rap Brown, who was about to go on trial in Bel Air on charges of fomenting a 1967 riot in Cambridge. The site of the Brown trial was ordered removed today to Ellicott City, Howard county.

The FBI telegram on the Cambridge explosion explained that "part of key-wound clock recovered from scene appear to be of Westclox manufacture."

Key-Wound Clock Parts

A March 13 telegram from Mr. Hoover on preliminary laboratory results on the Bel Air bombing referred to "parts of key-wound clock characteristic of Westclox manufacture found in automobile debris."

Both reports disclosed that "residues typical of and consistent with those solid deposits remaining after detonation of a dynamite" were found at the respective blast scenes.

The March 13 FBI report said the explosive charge which killed the two men was resting on the floorboards in front of the right, front seat of the vehicle.

Trips To Cuba

The Cambridge courthouse bomb exploded in a second-floor women's lavatory.

Meanwhile, State Police released an intelligence report on Mr. Featherstone that said the field leader of the National Student Coordinating Committee made two trips to Cuba in 1968.

One, in January, the report said, was to attend a cultural congress in Havana. In July of that year, it added, he went to Czechoslovakia, and from there to Cuba to take part in the July 26 anniversary celebration of the outbreak of the Castroled revolt.

FBI 2-11-68

Brown Trial

The removal of the Rap Brown trial from Bel Air to Ellicott City is appropriate under the upsetting circumstances which have surrounded this case. The criminal charges grew out of the Cambridge riot of almost three years ago. There has been delay after delay in the steps toward a trial before a jury. During the past ten days the out-of-court statements by the defense, the prosecution and, finally, the presiding judge had brought such a deterioration in the trial scene that a transfer to another jurisdiction seemed inevitable.

Chief defense counsel William M. Kunstler had been insisting from the beginning of formal proceedings at Bel Air that his client could not get a fair trial in Harford County Circuit Court. This view was rejected initially by Judge Harry E. Dyer, Jr. Then came the bombings, the uneasiness in Harford county, the off-the-cuff statements of the lawyers and judge and, finally, the call by William B. Yates, Dorchester county state's attorney, for a transfer of the trial to another jurisdiction.

Judge Dyer acted wisely in granting a transfer. It is essential, in the public interest and the interest of the defendant, to have a fair and orderly trial at Ellicott City—a trial in which defense, prosecution and bench opinions and statements are confined to the courtroom under normal rules of trial procedure.