

# Brown Trial to Get New Judge, New Site

*Harford County, Md. 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 morn-  
ing, cited objections by both  
the prosecution and defense  
over whether Mr. Brown, a blac  
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 in-  
citing 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 Balti-  
more. No trial date has been  
set.

Under Maryland law, a judge  
can transfer a trial to any oth-  
er 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 repre-  
sented the second change of  
venue in the case. It was origi-  
nally 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 ex-  
plosion 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 Balti-  
more television station as hav-  
ing 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 sur-  
prise at the prosecutor's re-  
action. He said he had merely  
implied during the interview  
that "every criminal defend-  
ant 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 disap-  
pointment 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 re-  
quired 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 resi-  
dent 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.