

# Judge Dyer Held Eager To Provide a Fair Trial

When the trial of H. Rap Brown was scheduled to go before him in Bel Air, Md., Judge Harry E. Dyer Jr. said he was aware that the publicity surrounding the case made the matter unusually sensitive.

The judge, whose associates said he was eager to try Brown and show that the young black militant could receive a fair hearing in Harford County, formulated rules barring anyone connected with the trial from discussing it with reporters.

Yesterday, in large measure because of repercussions from comments he himself made to newsmen, Judge Dyer disqualified himself from hearing the trial and sent it out of Harford County to another Maryland circuit.

#### Controversial remark

His remark, "I think Mr. Brown can win this trial," was attacked by the prosecution as prejudicial, and because the defense also had objected to holding the trial in Bel Air, Dyer announced succinctly yesterday morning that "this court feels it should not hear the case."

"To know what this meant to Harry," a friend of the judge's said, "you have to realize just how much he wanted to try Rap Brown."

From the first pretrial proceedings, which began in his courtroom March 9 but were postponed for a week the next day after an explosion that took the lives of two of Brown's associates, Dyer took pains to emphasize his concern that the trial be fair.

"You have to give the defendant a fair trial," he said a week ago. "I just hope the lawyers remember that as well as I do."

#### Kunstler Move

Chief defense counsel Wil-



Photos by United Press International

JUDGE HARRY E. DYER

Ham M. Kunstler, saying the townspeople resented having the trial in Bel Air, sought to have it sent back to Cambridge, where Brown originally was charged with incitement to riot, incitement to arson and arson after a 1967 racial disturbance there.

Some residents went so far as to say that the only local man who wanted the trial held in Bel Air was the judge himself.

Dyer, however, said he believed the people of semi-rural Harford County could view Brown's case impartially and without passion.

"Harford County is not the city of Chicago," said

the judge, a tall silver-haired former prosecutor. "We're a different sort of people."

Judge Dyer, 57, was appointed to the bench by former Gov. J. Millard Tawes in June, 1963, when a second circuit judgeship was created for Harford County. He was serving his second term as the county's prosecutor at the time. A year later he was elected, without opposition, to a 15-year term.

He has developed a reputation as an able, hardworking, ambitious and sometimes moody jurist.

The judge graduated from the University of Maryland law school in 1939 and subsequently served with the Army during World War II, achieving the rank of captain.

Returning to Harford County, he practiced law, served as the city attorney for his native Havre de Grace, and worked with the Boy Scouts—an interest he still maintains.

Judge Dyer also is secretary, a director and a minority shareholder of radio station WASA in Havre de Grace, an enterprise that he helped found.

On the bench he has specialized in criminal matters, developing a reputation as a

sympathetic judge of juvenile cases—which, according to friends, he stopped hearing for several months after his only son, a teenager, took his own life a few years ago.

On Monday, when he granted a defense request for a postponement of the trial, Dyer praised attorneys for both the state and defense for their arguments, singling out Kunstler's "eloquence."

#### "One of the Finest"

"Judge Dyer is one of the finest, most conscientious judges and gentlemen I've ever come in contact with, and he has won my profound respect," assistant Maryland Attorney General John J. Garrity, who is helping prosecute Brown, said yesterday.

Even Dorchester County State's attorney William Yates II, the chief prosecutor in the case who asked Dyer to disqualify himself, said yesterday that "Judge Dyer received us generously" in Bel Air. Earlier in the case, Kunstler cited Dyer's "flexibility."

The judge lives in Havre de Grace with his wife and daughter. He could not be reached yesterday for comment.

—Peter A. Jay