

Harrisburg 7 Judge

Robert Dixon Herman

Special to The New York Times

HARRISBURG, Pa., April 4

—In this white, Protestant, Republican, quietly conservative and Germanic city, Federal District Judge R. Dixon Herman is regarded as a paragon of middle-class virtue and solidity.

He is a good mixer at parties, a Moose, a Lion, a Mason, an American Legionnaire, a veteran of Foreign Wars, a fisherman, hunter, an aviation club

member and a man who is licensed to make grape and elderberry wine. He had lived his 60 years in central Pennsylvania without making enemies or getting involved in any fuss or controversy of record until he began presiding at the trial of the Harrisburg Seven.

Six of the Harrisburg Seven are Roman Catholic radicals who cannot comprehend the mores and mentality of the judge. All of the seven became convinced quite early in the trial that the judge had a low opinion of them, that he shared the Government prosecutor's view that the group was a menace to national security and that his conduct in the case was blatantly biased.

Their lawyers shared this opinion to some extent, citing Judge Herman's instructions to the jury, which they said was nothing less than a summation for conviction, and his "protective" manner toward the government's chief witness, Boyd F. Douglas Jr., a former convict and a paid informer of the Federal Bureau of Investigation.

But they also recalled that the judge allowed considerable leeway in the examination of prospective jurors,

Local Reputation

Anyhow, Judge Herman's reputation for "fairness" is safe in Harrisburg, which has managed to stay insulated from the peace movement and seems almost indifferent to the war.

The judge is a proud product of the Dauphin County Republican scene, a protégé of a retired political boss, M. Harvey Taylor. Back in January, just before the trial started, Mr. Taylor, now 95, told a newsman: "Dix" is one of my boys," and went on to recall, "we made him County Solicitor."

Robert Dixon Herman was born in Northumberland, Pa., Sept. 24, 1911. He attended Bucknell University and Cornell University Law School. For many years he lived in Millersburg, Pa., a small, deeply conservative town described in 1968 by The Saturday Evening Post as a place where "minding one's own business, abiding by the law, hard work, neatness, thrift are considered to be important virtues" and where "hippies are regarded the way witches once were."



Associated Press

A proud product of the local Republican scene.

Judge Herman married Lou Witmer of Sunbury in 1938. She died in 1959. In 1963 he married Mrs. Elizabeth Dunn DeWitt of Tunkhannock, Pa.

There were two daughters by the first marriage: Melissa Herman, a newscaster at WHP in Harrisburg, and Mrs. Elizabeth Yohe, of Harrisburg.

Defeat Turns Out Good

"Dix" Herman was elected to the state Legislature in 1950. He was defeated for re-election in a mild uprising against "Boss" Taylor.

"It was the biggest break in his life," a friend said. "Taylor made him County Solicitor and after seven years he was elected to the county court. As a juvenile court judge he was superb—understanding and considerate. Although it was smart politics to yell against juvenile delinquency, Herman wrote a report defending the youth of the area and denying they were getting out of hand."

President Nixon appointed Judge Herman to the Federal court in 1969. There was no outcry. "He had a good trial record" said a local attorney. "He was fair in making rulings on evidence. He was not pompous or dictatorial in running his court—and he did not have any enemies."

In this trial Judge Herman, aware of his limited experience in Federal criminal law and constitutional law, has moved with extreme caution, frequently summoning the lawyers to the bench for interminable conferences.

The judge, bald, bespectacled, seldom smiling, sat grimly in his black leather chair as the case dragged along for 10 weeks.

Paul O'Dwyer, defense counsel, moved at one point for a mistrial, contending that the judge's "paternalism" encouraged "arrogance" in Douglas and spurred the witness to quarrelsome dialogue. In a rare show of anger, Judge Herman denied the motion as "ridiculous."

Anthony Scoblick, one of the defendants, said the judge was "not a consciously vindictive man." But as an example of the gap between the court and the accused, Mr. Scoblick recalled the day a witness mentioned "guerilla theater."

"What?" Judge Herman barked. "Could you repeat that?"

"Your honor," interjected a defense lawyer, Leonard Boudin, "it is really quite innocent. It doesn't mean gorillas."