

New Indictment Sought Against Harrisburg Six

4/21/71

By Betty Medsger
Washington Post Staff Writer

HARRISBURG, Pa., April 20—The Justice Department said today it has subpoenaed additional witnesses before a federal grand jury here in order to "supersede" an indictment already handed down against the Rev. Philip Berrigan and five others.

"Additional matters . . . and possibly additional defendants" are being investigated by the grand jury, according to an affidavit filed here yesterday by William S. Lynch, chief prosecuting attorney in the case.

Since the original indictment was handed down Jan. 12, charging a conspiracy to kidnap presidential assistant Henry Kissinger and to bomb buildings, the grand jury has continued to investigate the case. Late last week more than 20 persons were subpoenaed as witnesses.

The government's partial clarification of the grand jury's present investigation was one of several developments at a day long hearing on withdrawing the subpoenas. Others included:

- A lawyer for Dr. Thomas Reeves, a subpoenaed witness, asserted that "an agent misrepresenting himself to be a reporter for Time magazine" had interviewed Dr. Reeves, a political science professor at Mount Saint Mary's College, Emmitsburg, Md., in March 1971. A source at Time said yesterday that a Time reporter did interview Dr. Reeves.

- An Atlantic City, N.J., Catholic priest, the Rev. Vincent diPasquale, said he had given a statement to the FBI concerning the case and that he wants to testify before the grand jury. His lawyer, Patrick McGahn Jr. of Camden,

23 N.J. asked that his subpoena be delayed, pending decisions on immunity appeals in Pennsylvania and New Jersey.

3. Many of those who have been subpoenaed have indicated they will not testify even if granted immunity.

to • A charge by defense attorney Addison Bowman, of Georgetown University Law School, that "we have good reason to believe that the numerous witnesses have been subpoenaed for the purpose of pursuing the indictment already returned."

rs • A speech by defense at
o

torney Paul O'Dwyer of New York in which he claimed that witnesses were being called "to bolster a faulty indictment." O'Dwyer, a former New York peace candidate for the Senate on the Democratic ticket, said, "This court may not be blind to tricks . . . to the fact that the peace movement has been harassed and is being harassed . . ."

" . . . The grand jury is looking into alleged violation of federal laws," Lynch responded, "not into the peace movement. There is no federal law I know of that says the federal government is against peace."

Judge R. Dixon Herman, who presided at the hearing, observed, "I don't think there's anybody in this room who does not want peace. That's certainly true as far as the court is concerned."

Defense attorney Burton Caine asked Judge Herman to permit attorneys to accompany their clients into the closed grand jury sessions if the subpoenas are not withdrawn. At present, the witnesses are not permitted to have counsel with them, although they may leave the room to talk to their attorneys.

Judge Herman is expected to rule Wednesday or Thursday on the motion to withdraw subpoenas and to suppress illegally acquired evidence leading to the subpoenas.