

Plot Jury Deadlock Unbroken

By Betty Medsger

Washington Post Staff Writer

HARRISBURG, Pa., April 3—A federal jury today completed its fifth day of deliberation without a verdict on whether the Rev. Philip Berrigan and six other antiwar activists are guilty of conspiring to violate federal law.

On Easter afternoon the nine women and three men announced that they had found Father Berrigan guilty of smuggling a letter out of Lewisburg, Pa., federal penitentiary in 1970.

But the jury continues deadlocked on the other nine counts of the indictment, including the charge that the defendants conspired to kidnap presidential adviser Henry A. Kissinger, to bomb tunnels under federal buildings in Washington and to raid draft offices.

They also are undecided on charges that Father Berrigan and another defendant, Sister Elizabeth McAlister, caused other letters to be smuggled in and out of the Lewisburg Penitentiary. All letters except the one for which the Catholic priest already had been convicted were smuggled by Boyd F. Douglas, Jr., after he was engaged as an informer by the FBI.

Questions asked by the jury today indicated they were completely renewing the deliberations.

Early this morning, the jurors asked U.S. District Judge R. Dixon Herman to reread his original charge to them. Judge Herman declined to read the entire two-hour charge and asked them to designate which portion they needed.

Responding to their specific suggestions, the judge instructed them on entrapment, circumstantial evidence, and explosives statute passed in October, 1970, the definition of "threatening letter," and what constitutes a conspiracy and guilt in a conspiracy.

Defense attorney J. Thomas Menaker objected to the judge's charge on conspiracy, declaring that it was "contradictory, irrelevant to the issues, grossly confusing and repetitious."