

Plot Jury Retires for Night, Review of Testimony Denied

Washington Post Staff Writer

HARRISBURG, Pa., April 1—For the second time since they began deliberating the case against the Rev. Philip Berrigan and six other anti-war activists Thursday afternoon, the nine-woman, three-man jury asked today for a re-reading of judge R. Dixon Herman's conspiracy instruction.

While the judge met with prosecution and defense attorneys, the jurors sent word to the judge to disregard their request. They also asked for the entire transcript of former Boyd Douglas' 14 days of testimony—about 20 volumes of direct and cross examination. That request was denied after an objection from the defense.

Jurors were sent to their suburban motel quarters for the night at 5:30 p.m. after failing to reach a verdict for the third straight day. They chose to resume deliberations at 9 a.m. on Easter Sunday, although they had been offered all or part of the day off.

The defendants are charged with conspiracy to kidnap presidential adviser Henry A. Kissinger, to bomb tunnels

under federal buildings in Washington and to raid federal offices.

The judge indicated that the jury needed to decide first if there was an overall conspiracy agreed to by two or more defendants. But he said the overall conspiracy need not include all the elements charged in the general conspiracy.

Defense and prosecution attorneys differed today in their interpretation of the judge's charge. U.S. Attorney S. John Cottone, who earlier said conviction on the conspiracy charge could result from proof of just one element of the general conspiracy, said today that all elements—conspiracy to kidnap, to bomb, to raid offices, to possess explosives—must have been proved for the jury to convict the defendants.

At a press conference today, defense attorney Paul O'Dwyer said he was not sure what the judge intended to convey and said he thought that the charge was "misleading and confusing."

2,000 in Harrisburg

For Antiwar Rally

HARRISBURG, Pa., April 1 (AP)—Some 2,000 persons assembled behind Pennsylvania's capitol building today for an antiwar rally organized by supporters of the Rev. Philip Berrigan and six others awaiting a verdict on conspiracy charges.

Joining arms to lead the procession were Daniel Ellsberg, the principal defendant in the Pentagon papers case; radical lawyer William Kunstler; Rep. Bella Abzug (D-N.Y.) and Beulah Sanders, executive director of the National Welfare Rights Organization.

All were scheduled to speak at the rally, which climaxed a week of activities to register dissent against the Vietnam war and "political trials" of the conspiracy defendants,

Ellsberg and self-avowed Communist Angela Davis, who is being tried for murder in a California court.

Pennsylvania Attorney General J. Shane Creamer, whose office coordinated plans for the rally along with state and local police and the Harrisburg Defense Committee, estimated the crowd at 2,000.

Marchers came in buses and automobile caravans from locations as distant as Albuquerque, Atlanta, Madison, Wis., Chicago, and St. Louis.

Other events in the Holy Week series of demonstrations included a symbolic blockade Wednesday of the federal building where the conspiracy codefendants are on trial. A total of 166 persons were arrested on disorderly conduct charges for holding up a metal chain around three sides of the building.