

**HARRISBURG 8 LOSE
A WIRETAP APPEAL**

HARRISBURG, Pa., Jan. 7 (UPI)—An appeals court dismissed yesterday legal proceedings against United States District Judge R. Dixon Herman, removing an obstacle to the trial of eight persons charged with a kidnaping conspiracy involving Henry A. Kissinger, President Nixon's adviser on national security matters.

District Court officials summoned 175 veniremen for the start of the jury selection Jan. 17.

The trial was to begin next Monday, but a motion filed by the defendants forced the delay.

The defendants—the Rev. Philip A. Berrigan and seven other antiwar activists—had asked the United States Court of Appeals for the Third Circuit in Philadelphia to order Judge Herman to hold an immediate hearing on the Government's use of electronic surveillance in the case.

Judge Herman agreed last Monday that he could not begin the trial until the question was resolved. The trial date was confirmed after the appeals court said it would not hear the wiretap motion.