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Berrigan Defense Rests Its Case

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HARRISBURG (Pa.) — The defense rested its case today in the trial of the so-called "Harrisburg Seven" without calling a witness or making an argument.

Trial Judge R. Dixon Her- man said closing arguments would be held Monday.

Former Attorney General Ramsey Clark, a member of the defense team, surprised the court and the jury by announcing suddenly at 4:20 p.m. that the defense was resting.

"We seek peace," Clark shouted. "We always seek peace and on behalf of the defendants the defense rests."

The courtroom broke into a noisy outburst when Clark

made the surprise announce- ment.

Judge Newman gavelled the court to order and the other five defense attorneys stood up one at a time and confirmed Clark's statement on behalf of each of the sev- en defendants.

Earlier in the day, the de- fense had moved to dismiss the indictment on grounds the prosecution had failed to prove a conspiracy against the government.

The defense motion also charged that "the evidence shows that if any criminal acts were committed by the defendants or any of them, such activities were solicited, instigated and provoked by persons in the employ and under the direction of

the Federal Bureau of Inves- tigation."

The defense opened its case with a charge the seven were prosecuted to save face for the government as a favor to FBI Director J. Edgar Hoover.

Their defense is based on the premise that the govern- ment has intentionally and purposefully discriminated against them in bad faith, a memorandum filed prior to arguments said. It read in part:

"The prosecution ... was not an attempt to convict them for what they had

done, but an attempt to vin- dicate the Administration for charges it could not sup- port. It turned into a deliber- ate effort to prosecute them at any cost to save face for the government.

The defendants have a complete defense insofar as they are being prosecuted as a favor to the director of the FBI," it said. "The Constitu- tion outlaws prosecution based on that kind of 'pur- poseful and intentional dis- crimination.'"

The government rested its case yesterday after produc- ing 64 witnesses in an at-

tempt to prove that the Rev. Philip F. Berrigan, five oth- er Roman Catholic clerics and a Pakistani Moslem plotted in 1970 to kidnap presidential adviser Henry A. Kissinger, blow up Wash- ington heating tunnels and vandalize draft boards to publicize their cause.

The defense memorandum to Judge Herman said the first information that Catho- lic radicals were planning bombing and kidnaping came in press reports of a White House briefing by Hoover and Attorney General John N. Mitchell of Republican lead- ers in September 1970.