

SF Examiner
**Berrigan,
 Nun Guilty
 On 1 Count**

Examiner News Services

HARRISBURG (Pa.) —
 The Harrisburg Seven jury today was declared hopelessly deadlocked on the principal charges that the Rev. Philip Berrigan and six other anti-war activists conspired against the government.

But the jury found Berrigan and his chief lieutenant in the Catholic left antiwar movement, Sister Elizabeth McAlister, guilty of smuggling half a dozen letters in and out of the federal penitentiary.

Five other defendants went free as the jury of nine women and three men deadlocked on the key federal conspiracy charge of an alleged plot by all seven to kidnap White House adviser Henry Kissinger, blow up Washington's tunnel heating system, and vandalize draft boards in several eastern cities.

40 Years

The verdict was not what the government aspired to in the most significant prosecution of peace activists thus far during the Nixon administration.

Berrigan could receive a maximum prison sentence of 40 years on the charges on which he was convicted today, plus another charge of letter smuggling on which he was convicted last Sunday. Sister Elizabeth could receive a maximum term of 30 years.

Federal Judge R. Dixon Herman dismissed the jurors and declared the trial ended after about 60 hours of deliberation within seven days — believed a federal criminal jury record.

Defense lawyers indicated

—Turn to Page 22, Col. 1

Jury Deadlocked On Harrisburg 7

—From Page 1

before the verdict was read in open court that they would appeal any convictions.

Chief Prosecutor William Lynch strode out of the courtroom, refusing comment about re-trying the conspiracy charges.

Asked if he was disappointed with the results, Lynch said: "Seven out of ten counts is pretty good."

In addition to the conspiracy charge, the jury also failed to agree on charges that Berrigan and Sister Elizabeth wrote letters threatening to kidnap Kissinger.

After the jury was dismissed, Herman ruled that Sister Elizabeth and five other defendants — excluding Berrigan — could remain free on varying amounts of bail.

Berrigan currently is serving a six-year term for the destruction of draft board record in Catonsville, Md.

There was no immediate indication when Berrigan and Sister Elizabeth would be sentenced.

Earlier today, Herman told jurors they could find some of the defendants guilty of conspiracy to kidnap Kissinger and raid draft boards, even if they found no evidence of a bomb plot. Herman's instruction came in reply to a question he received from one juror.

The change between Judge Herman and jury foreman Harold Sheets was said by the defense to amount to "a directed verdict of guilty against at least some of the defendants."

Lynch, who prosecuted the defendants through the 10-week trial, declined to say whether the defendants freed by the jury's deadlock will be tried again.

This decision is expected to be made on the highest level within the Justice Department.