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10 FOR ACQUITTAL ON BERRIGAN JURY

Majority Said to Disbelieve
an Over-All Conspiracy

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HARRISBURG, Pa., April 6—

The deadlocked jury in the trial of the Rev. Philip F. Berrigan was split 10 to 2 for acquittal on the main charge of conspiracy when Federal District Judge R. Dixon Herman dismissed it yesterday, some of the jurors said today.

The majority refused to believe the Government's contention that Father Berrigan and six other antiwar activists had engaged in a single over-all conspiracy to kidnap the Presidential aide Henry A. Kissinger, blow up the Government's heating tunnels in Washington and raid draft boards.

Only two of the jurors believed the tunnel destruction plot related by the Government's star witness, Boyd F. Douglas Jr., a former convict who was a paid informer for the Federal Bureau of Investigation, said Mrs. Vera Thompson of Carlisle, Pa., the only black on the jury.

'Split Down the Middle'

"They were split right down the middle on the kidnapping," Mrs. Thompson recalled.

She said that she had accepted Douglas's testimony that the defendants had conspired to abduct Mr. Kissinger because the word of the informer was supported in this case by letters in which Father Berrigan and Sister Elizabeth McAlister discussed a "citizen's arrest" of "someone like Kissinger."

As for the draft board raids, Mrs. Thompson said, a majority of the jurors believed the defendants guilty, but she was not sure whether the tally was 3 to 4 or 7 to 5.

"We went around the horn so many cotton-picking times I wasn't sure who was and who wasn't," she said.

Most of the jurors were hopelessly confused by the instructions on conspiracy law given to them last Thursday by Judge Herman, Mrs. Thompson said.

The jurors, she said, thought Judge Herman was telling them that they could convict some or all of the defendants on the conspiracy count only if they believed that the evidence showed beyond reasonable doubt that the accused had engaged in an over-all conspiracy.

Contradiction Is Seen

But in his last instructions Tuesday, Judge Herman seemed to contradict himself, Mrs. Thompson went on. The judge said then that some or all of the defendants could be found guilty on the conspiracy count even if the jury did not believe the tunnel plot charges.

Lawrence Evans, of Dillsburg, Pa., one of the two jurors who held out for conviction, asserted that the majority of the jurors "didn't give a damn what the judge said."

"We had one juror who would not have voted guilty if they had all confessed," said Mr. Evans, the owner of two supermarkets.

Allied with Mr. Evans for conviction was tall, grandmotherly Mrs. Kathryn Schwartz, the wife of a retired Penn Central Railroad engineer. The defense had thought she would be sympathetic because she has four sons who were conscientious objectors who served two years in voluntary military duties in lieu of being drafted.

Made Strong Argument

Mrs. Schwartz said little in the discussion, and it was Mr. Evans who argued strongly for conviction, Mrs. Thompson said.

The jury was reported also split 10 to 2 for acquittal of Father Berrigan and Sister Elizabeth on charges of sending a kidnapping threat through the mails.

However, it found Father Berrigan guilty on four counts and Sister Elizabeth guilty on three counts involving the smuggling of letters into and out of the Federal Prison at Lewisburg, Pa., where the priest was imprisoned for his part in a draft board raid at Catonsville, Md. Father Berrigan faces a total possible maximum sentence of 40 years and Sister Elizabeth, 30 years.

Meanwhile, three of the defendants—Dr. Eqbal Ahmad, a Pakistani scholar, and two Baltimore priests, the Rev. Joseph Wenderoth and Rev. Neil McLaughlin—led a group of 100 demonstrators who blocked the main entrance to the American Machine and Foundry Company's plant in nearby York, vainly demanding a chance to speak to the workers.

The plant produces war matériel. Some 300 bomb casings were vandalized there two weeks ago.

The demonstrators were blocked by security guards from seeing plant officials. A small group of workers cursed the demonstrators from behind a cyclone fence.