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17 OF CAMDEN 28 FOUND NOT GUILTY

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Admitted Draft-Office Raid
—Both Sides Ask Dismissal
of Charges on 11 Others

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CAMDEN, N. J., May 20—A jury of five men and seven women today found 17 members of the Camden 28 not guilty of breaking into the Federal Building here in 1971 and destroying draft files, even though the defendants admitted having done so and 80 Federal Bureau of Investigation agents caught them at it.

The verdict was the first total legal victory for the antiwar movement in five years of such draft-record incidents.

As James Lomax, the jury foreman, announced the verdict, the defendants and 200 supporters jamming the courtroom burst into cheers, wept, hugged one another and sang a chorus of the hymn "Amazing Grace."

Carl Broege Jr. of Newark, one of the defense lawyers, said motions would be filed promptly to dismiss all charges against the remaining members of the Camden 28 whose cases had

Continued on Page 21, Column 1

Continued From Page 1, Col. 2

been severed from this trial. In addition, the prosecutor, John Barry, said he would recommend dismissal of the charges.

Federal District Judge Clarkson S. Fisher had instructed the jury, in a precedent-setting legal departure, that it could acquit the defendants if it found that the Government had overreached propriety in using an informer as an agent provocateur to bring about the crime.

In presenting their case, the defendants asked the jury for such an acquittal, contending that they could not have broken into the building without the informer's help.

They also asked the jury, chosen from throughout southern New Jersey, to ignore the laws against breaking and entering and to acquire them as a means of saying that the country had had enough of the "illegal and immoral" war in Vietnam.

The Rev. Edward Murphy of New York City, one of the acquitted defendants, said after the verdict was rendered: "For five years we've heard guilty, guilty, guilty, but we finally got a jury that said 'enough.'"

He said he thought the verdict indicated that people were "fed up with the vicious war in Indochina and the administrations that have conducted it."

Reporters were unable to question jurors immediately to determine whether the verdict had been influenced by the actions of the informer or by the war in Indochina.

The 17 had been charged with seven counts of breaking and entering, stealing files, destroying files, damaging other Government property, interfering with the administration of the Selective Service Act, possessing burglary tools and conspiring to commit the crimes. The break-in occurred on Aug. 21, 1971.

Had they been adjudged guilty, 15 of the defendants faced maximum terms of 47 years in prison and fines of \$46,000. Father Murphy and another New York Jesuit priest, the Rev. Edward J. McGowan, had been charged only with conspiracy.

After Mr. Lomax had said "not guilty" five times to the first five counts against Terry Buckalew, the first-named defendant, Judge Fisher interrupted and polled the jury, asking each if it was his finding that each defendant was not guilty on any count.

Each responded in turn: "Yes, it is."

The judge then said: "The defendants are discharged."

Pandemonium prevailed. Finally the judge quieted everyone in the courtroom except the babies, who had been frightened by the cheers. Only the Government prosecutors appeared glum.

The celebration resumed after the judge and the jury filed from the green-carpeted courtroom, two floors below the draft-board offices the Camden 28 had raided. One of the 28 had pleaded guilty to a minor charge and 10 were awaiting trial.

When Judge Fisher slipped into an elevator to leave the building a few minutes later, the crowd, which had moved into the hall, erupted in applause for him.

Before the case went to the jury on Thursday, the trial had already taken three and a half months, producing a 9,000-page transcript of more than two million words. Forty-five witnesses took the stand, primarily Federal Bureau of Investigation agents for the Government and Robert W. Hardy, the informer, for the defense.

Mr. Hardy originally was expected to be the Government's star witness. As an informer who infiltrated the Camden 28, he provided the F.B.I. with daily reports on planning for the raid over a period of two months.

He also provided 90 per cent of the burglary tools and much of the expertise the Camden 28 needed to break into the draft-board offices.

For that reason, Judge Fisher broke new legal ground by instructing the jury that if it felt Government participation in setting up the crime had gone to "intolerable" lengths that were "offensive to the basic standards of decency and shocking to the universal sense of justice," it could acquit the defendants even though they had conceded that they had plotted to destroy the files before Mr. Hardy came along and actually did the deed without him after he coached them.

The 17 defendants included John Peter Grady, 47 years old, a Bronx sociologist and former Fulbright Scholar and candidate for Congress from the Bronx, and three Jesuit priests from Woodstock Religious College in New York City—the Rev. Peter Ford, 35; Father McGowan, 36, and Father Murphy, 34. Another priest, the Rev. Michael J. Doyle, 36, is a citizen of Ireland who lives in Camden.

The other defendants were Anne Dunham, 23, of Pelham, N. Y., and New York City; Joan, 22, and Rosemary Reilly, 23, sisters from Brightwaters, L. I.; Kathleen Ridolfi, 23, of Philadelphia; John Swinglish, 28, of Washington; Robert Williamson, 22, of Philadelphia; Terry Buckalew, 21, of Philadelphia; Paul Coumings, 23, of Boston; Robert Good, 22, former seminary student from Cleveland; Michael Giocondo, 42, of Camden; Margaret Inness, 27, of Boston, and Barry Musi, 23, also of Boston.