



Associated Press

WITNESSES IN HARRISBURG CASE: Arriving for grand jury session on alleged antiwar kidnapping-bombing plot, from left: Mr. and Mrs. Abraham Diamond of New York

City, in-laws of Aqbal Ahmad, one of six indicted earlier; Anne Walsh of Boston; Dr. George McVey, Rochester; Paul Couming, Boston, and Theresa McHugh, Philadelphia.

Renewal of Inquiry by Berrigan Grand Jury Is Stalled

By BILL KOVACH

Special to The New York Times

HARRISBURG, Pa., April 19

—The renewal of a Federal investigation by a grand jury that indicted the Rev. Philip F. Berrigan and others was delayed here today because the Federal Government appeared unprepared to deal with legal issues involved in the attempt to question new witnesses.

Though at least 22 new witnesses have been subpoenaed to appear before the grand jury, no Federal judge was available today to rule on motions filed by their attorneys to halt the investigation into their affairs.

As a result, none of the seven witnesses taken before the grand jury would answer questions, and the matter was

put over until those motions could be heard by United States District Judge R. Dixon Herman tomorrow.

The present inquiry is a continuation of the work by the panel that led to the indictment of Father Berrigan and five others on charges of conspiring to blow up Government buildings and kidnap Henry A. Kissinger, personal adviser to President Nixon on foreign affairs.

Rumors of New Steps

It followed weeks of rumors from Washington that new or expanded indictments in the Berrigan case were expected by Federal officials, and a sweep through a half-dozen cities by agents of the Federal Bureau of Investigation on April 15.

In an attempt to forestall

questioning of their clients today, attorneys filed a series of motions seeking to set aside the subpoenas.

Attorneys for the original six defendants, led by Paul O'Dwyer of New York and Addison Bowman of Washington, moved to quash the subpoenas on the ground that the Federal Government was using the grand jury "to gather evidence in support of an existing indictment."

Supporters of Father Berrigan and others have maintained from the beginning that the Government moved hastily in gaining the original indictments and has since attempted to gather evidence to support their charges.

The indictments came shortly after Representative William R. Anderson, Democrat of Tennessee, assailed the F.B.I. director, J. Edgar Hoover, for talking of the conspiracy charges before a Congressional committee prior to when the charges were legally placed.

In addition to those motions, attorneys for each of the seven witnesses called today filed motions to quash the subpoenas on the ground that they were based on information gained by "illegal wiretaps or surveillance" by the Federal Government and asking that the Government make available any and all information so obtained to the attorneys.

Aides Refuse Comment

Federal officials connected with the case refused to discuss the matter. United States Attorney William S. Lynch, who has replaced another special United States Attorney who had handled earlier matters before this grand jury, declined to comment on the ground that grand jury deliberations were secret.

However, it is clear from the comments of prospective witnesses and their attorneys, the Federal Government is seeking to tie a whole range of antiwar activities to those originally indicted.

Some of the witnesses have been called as part of the F.B.I.'s effort to discover who broke into their office in Media, Pa., on March 8, and made off with some 800 secret documents.

Some of those documents have been made public by the Citizens Commission to Investigate the F.B.I. and have given the public a glimpse at how the F.B.I. organizes informer networks and seeks to influence opinion on activities of the New Left on college campuses.

One witness called today, Miss Terry McHugh, said she had been approached by the F.B.I.

before her subpoena was issued and told that if she did not agree to "an interview with the Government, she would be subpoenaed to testify before the grand jury in Harrisburg."

Miss McHugh, a 20-year-old Philadelphian who has won a number of awards from the city for her work in disadvantaged communities, was asked to divulge information about the East Coast Conspiracy to Save Lives. That group, made up mostly of activist Roman Catholics, has assumed responsibility for a number of actions involving the destruction of draft board files.

Dr. George McVey of Rochester, who has been subpoenaed along with his wife, was one of the first persons approached in the F.B.I. investigation into the Media theft, is presence lends weight to speculation that the Government is seeking to broaden the conspiracy charges already placed by this grand jury to include a whole range of antiwar activities.