

12 JURORS PICKED IN BERRIGAN TRIAL

Catholic and Black Among
9 Women and 3 Men

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HARRISBURG, Pa., Feb. 8—Nine women and three men were chosen today for the jury that will hear the Government's case against the Rev. Philip F. Berrigan and six other antiwar activists.

The defendants are accused of conspiring to kidnap Henry A. Kissinger, Presidential national security adviser, blow up heating tunnels in Washington and raid Government offices in nine states.

"I have to say the whole plot seemed rather funny—a bunch of priests and nuns zipping off with Henry Kissinger," one of the jurors had admitted in an exhaustive inquiry into attitudes during 11½ days of jury selection.

This juror, Robert R. Foresman, an instructor at a state volunteer fire-fighting school, went unchallenged by the Government although he expressed strong feelings against the war, saying, "I'm absolutely convinced it was a mistake."

The defendants—three priests, a former priest, a nun, a former nun and a Pakistani Moslem—may expect a sympathetic ear from another juror, Mrs. Kathryn K. Schwartz of York, a tall gray-haired woman who said that her four sons had registered as conscientious objectors to the war and had taken alternative service. She herself had no strong views on the war, she said, but she and her sons belong to the Church of Brethren in Christ, a pacifist denomination.

Not Rigid Opinions

The other jurors seemed to have flexible opinions or none at all. Two women questioned the propriety of one defendant, Eqbal Ahmad, a Pakistani student, condemning American policy on the war.

"Possibly it was bad manners for an alien," one of them observed. She was a pretty blonde, the wife of a civil engineer, who said she had spent two years in Thailand without meeting an agent of the Central Intelligence Agency and without uttering a critical word about the hot country.

After being admonished by the court that aliens could express opinions, both women said they would set aside any prejudice they might have against Mr. Ahmad, a fellow at the Adlai E. Stevenson Institute for International Studies in Chicago.

There was one Roman Catholic on the jury and one black.

Miss Frances Yallich said she had no prejudices against priests and nuns of her faith engaging in antiwar activities. The war had gone on too long, it was a "big waste," she said.

The black juror, Mrs. Vera P. Thompson, a stock clerk at a carpet factory, was the sole survivor of four blacks who were on the original panel of 45 prospective jurors. The Government caused Federal District Judge R. Dixon Herman to dismiss a black bartender yesterday by citing a criminal conviction, and two other blacks were eliminated by peremptory challenges this morning.

So the jury that emerged was predominantly white, Protestant and from a rural-small town area isolated from antiwar agitation. Only one of the jurors said he had done much reading about the war.

"I think we will always have war," a woman juror said.

"I read of a plot to kidnap Kissinger but I never sat down and really thought about it," another woman said.

At a news conference three of the defendants—Sister Elizabeth McAlister, Anthony Scoblick, a former priest, and Mr. Ahmad—said they wished the trial were somewhere else.

Sister Elizabeth said she felt the Government had chosen Harrisburg precisely because the district was relatively untouched by the peace movement. It was "judicial gerry-

mandering," she said, and the prospect of a fair trial would have been much better in New York, Washington or Baltimore.

Mr. Ahmad said "We knew it was a political and social milieu extremely hostile to us." But he said the long process of jury selection had enabled the defense to "expose the hostility" so he hoped the 12 who survived were impartial.

Mr. Scoblick expressed regret that the racial and ethical composition of the jury did not reflect the national population. After having spent several years working as a priest among blacks in Baltimore, Mr. Scoblick said he felt that the white rural society of this district was "almost an alien culture."

Sister Elizabeth read a note from Father Berrigan, who is

servicing a six-year prison term for destroying draft records and is temporarily lodged in Dauphin County jail when not attending court sessions.

The note said:

"I think it is important that the press understand the lot of the political prisoner—in this case myself.

"(1) I am in jail serving what is in the opinion of many decent people a profoundly unjust sentence.

"(2) I am, with the other defendants, under this absurd indictment which the Government pursues with fanaticism and ruthlessness and wasteful expense to taxpayers.

"Out of these two situations, being under imprisonment and under indictment, result assumptions of guilt which have in fact made real."