

Judge Assailed

Berrigan Jury Weighing Case

Harrisburg, Pa.

A federal jury yesterday began deliberating conspiracy charges against the Rev. Philip Berrigan and six other anti-war activists.

Jurors retired for the night after seven hours of discussion. Deliberations are to resume this morning after the jury is reread its instructions on possible verdicts.

The jury got the complex case following a judge's statement in his charge to the panel which defense attorneys bitterly challenged as an unfair summation of government evidence.

The nine women and three men jurors filed from the courtroom before attorneys assailed U.S. District Judge R. Dixon Herman's charge. Herman, 61, an appointee of President Nixon, coldly noted defense exceptions as a basis for appeal in case of conviction, then quickly strode from the courtroom.

CLARK

Defense attorneys later elaborated on their comments to newsmen. former Attorney General Ramsey Clark said of the charge: "Bill Lynch (the chief prose-

cutor) could not have done a better job — and did not." Paul O'Dwyer of New York said the charge and the rest of the trial "contain enough reversible errors to free the whole peace movement."

The case involves draft board raids and kidnap-bombing plot allegedly directed by Father Berrigan through letters an FBI informant smuggled from his cell at Lewisburg Federal Prison in the summer of 1970. The intended kidnap victim, the government alleges, was presidential assistant Henry Kissinger.

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Judge Herman instructed the jury that it could return a guilty verdict if it believed the defendants entered into a conspiracy to violate any of the six statutes cited in the general conspiracy count of the indictment. Three of the statutes deal with draft board raids, two with explosives, and one with kidnaping.

Herman, emphasizing it was not a political trial and not a trial of FBI informant Boyd I. Douglas or of the Vietnam war, concluded with a 15-minute summary



AP Wirephoto

REV. PHILIP BERRIGAN
Manacled, before court

of government evidence without citing any facts favorable to the defense brought out on cross-examination.

Defense attorneys, in a conference out of the jury's hearing, failed to persuade him to make major alterations in the charge, although he did correct several errors he said the attorneys had noticed in his recitation of evidence. *L.A. Times Service*