

## Berrigan Jury's Confusion

HARRISBURG (Pa.) — (AP) — The Harrisburg Seven jury indicated yesterday it may finally have the meaning of the accusation within its grasp.

The jury's third day of deliberation failed to produce a verdict yesterday in the federal conspiracy case against the Rev. Philip Berrigan and six other antiwar activists and the jurors decided to resume this morning, although they had been offered all or part of the day off.

In more than 27 hours of debate behind locked doors,

the jury had struggled with the legal definition of conspiracy, the major charge against the defendants.

U. S. District Court Judge R. Dixon Herman first defined conspiracy in his final instructions before the jury began deliberating over the purported scheme to kidnap White House adviser Henry Kissinger, blow up Washington's tunnel heating system and destroy draft board records in a number of states.

Herman re-read the definition Friday at the jury's request, but the panel remained puzzled and again

yesterday it sent out a written request for a third reading of Herman's instructions on conspiracy.

Lawyers huddled with the judge in his chambers. But before they could decide on the latest request, a second note from the jury withdrew it.

Defense lawyers took this

—Turn to Page 14, Col. 5

### Charge Mixup Cleared

## Berrigan Jury Progress

—From Page 1

as an indication the nine women and three men on the panel may finally have resolved their confusion over the charge.

#### Complicated

"I have never seen a case as complicated as this one," one defense attorney, Leonard Boudin told newsmen.

Herman had defined conspiracy as "a combination of two or more persons to accomplish some unlawful purpose by concerted action or to accomplish some lawful purpose by unlawful means."

But he had added numerous ramifications to his basic definition to cover the circumstances of the case — a multiplicity of defendants and the fact that the indictment consists of 10 separate counts.

In a second written request from its deliberation room, jury foreman Harold Sheets asked for the entire transcript of 14 days of testimony by paid FBI informer Boyd Douglas Jr. — except for four days of transcripts

previously provided by the court.

#### Request Denied

The new request covered about 20 additional volumes of direct and cross examination.

The defense objected, and Herman ruled against the request.

But it was explained that the jury still may have portions of the Douglas testimony read to them in court if they so desire.

Douglas, 31, was winding up a term in the Lewisburg, Pa., federal penitentiary in 1970 when Berrigan arrived to begin his current six year sentence for destroying draft records in Maryland.

Taking part in the study-release program at nearby Bucknell University, Douglas was able to leave and re-enter the prison daily. He was the only inmate in the program.

#### Mail Courier

He agreed to act as Berrigan's mail courier to link the Roman Catholic priest with the anti-Vietnam war movement on the outside.

Douglas, however, turned

FBI informer and delivered some 24 copies of letters to and from Berrigan to agents of the bureau. The defendants have proclaimed their innocence, saying Douglas was an agent provocateur.

Another request from the jury yesterday dealt with a technical problem concerning the Washington tunnel system.

A new law governing explosive materials and forays took effect midway through the period in which the government claims Berrigan and the others were conspiring.

The jury asked clarification of the new law's application.