

# Berrigan Freed of 3 Convictions

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PHILADELPHIA, June 27 (AP)—A federal appeals court today threw out three of four prison-letter smuggling convictions against antiwar activist Philip Berrigan, one of the Harrisburg Seven, who was once charged with plotting to kidnap presidential adviser Henry A. Kissinger.

The Third U.S. Circuit Court of Appeals also threw out all three similar convictions against Sister Elizabeth McAlister, the nun who recently married the priest.

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Berrigan, 49, currently is free on bail in the letter-smuggling case. He also is on parole from a six-year term in federal prison for destroying draft board records in Maryland.

During the Harrisburg Seven trial, the government alleged Berrigan, Sister Eliza-



PHILIP BERRIGAN



ELIZABETH McALISTER

... married recently, now freed of crime convictions.

beth and five other persons conspired to kidnap Kissinger, blow up heating tunnels in Washington and vandalize draft boards around the country as a protest against the Vietnam war.

The jury deadlocked on the

conspiracy charges, and the Justice Department elected not to try the defendants again.

Only Berrigan and Sister Elizabeth were convicted in connection with the case—both on charges of smuggling

letters while Berrigan was an inmate in the federal penitentiary at Lewisburg, Pa., in 1970.

Berrigan sent the first letter out, using another prisoner as the courier.

Boyd F. Douglas, the fellow inmate, was allowed outside the prison to attend classes at nearby Bucknell University. When his role was discovered by the warden—after the first letter—Douglas agreed to cooperate with the FBI. He testified at the Harrisburg Seven trial last year that he carried many letters back and forth.

The three circuit judges ruled today that, though there was no entrapment, the fact that the government was "privy to the act" of letter smuggling made six of the seven convictions invalid.

Former Atty. Gen. Ramsey Clark, representing Berrigan, had argued that the smuggling charges were discriminatory and the government's "motive was to punish them for their views on Vietnam."

Paul O'Dwyer, a New York lawyer and brother of a former mayor of that city, said the law under which the two were convicted was unconstitutional. He represented Sister Elizabeth.