

FP-10-11-72

Government Sued By Nun

PHILADELPHIA (AP)—Sister Elizabeth McAlister, convicted of smuggling letters into a federal prison, filed suit with a college professor in U.S. District Court here Tuesday charging the federal government with illegally monitoring their telephone conversations.

In the complaint, Sister McAlister and William Davidon, chairman of the physics department at Haverford College, allege violation of their right to privacy, political expression and free speech.

The nun, a member of the celebrated Harrisburg 7, was sentenced to one year in jail on Sept. 5 after being found guilty of smuggling letters into the Lewisburg Penitentiary during the summer of 1970.

She, along with the Rev. Philip F. Berrigan and five others, also were charged with conspiring to kidnap presidential aide Henry A. Kissinger; blow up hearing tunnels in Washington, D.C.; and raid East Coast draft offices.

The Justice Department, however, later dropped those charges.

Davidon was named as a co-conspirator in the case, but not a defendant.

In the complaint, Davidon alleges that between Nov. 24, 1970, and Jan. 6, 1971, his phone conversations were monitored and used by agents of the fed-

eral government. The professor contends the surveillance was initiated and maintained without warrant or other lawful authority, and was done at the direction and with the approval of former Atty. Gen. John Mitchell, named as a defendant in the suit.

The complaint also contends that during the course of the surveillance, conversations to which Sister McAlister was a party were monitored.

Also named as defendants in

the suit are Mitchell's successor, Richard Kliendienst and L. Patrick Gray III, acting director of the Federal Bureau of Investigation.

The plaintiffs seek a judgment of \$50,000 for violation of their constitutional rights; \$50,000 in punitive damages, and \$100 per day of surveillance, or \$1,000, whichever is higher.

The Yellow Sea derives its color from the mud that rivers carry into it.