

Berrigan Gets 2-Year Term, McAlister 1

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HARRISBURG, Pa., Sept. 5

— The Rev. Phillip Berrigan was sentenced today for smuggling four contraband letters out of the Lewisburg, Pa., federal penitentiary while he was an inmate there in 1970.

The sentence is to run concurrently with another that he is already serving.

His co-defendant, Sister Elizabeth McAlister, was sentenced to one year and a day for smuggling three letters in to Father Berrigan.

Immediately after U.S. District Court Judge R. Dixon Herman handed down the sentences, the Justice Department dismissed all pending conspiracy charges against Father Berrigan, Sister McAlister and six other antiwar activists.

After 60 hours of deliberation here last April a federal court jury convicted the two key defendants of seven charges of smuggling contraband in and out of prison, but reported that it was hopelessly deadlocked on charges that the eight had conspired to kidnap presidential adviser Henry A. Kissinger, to bomb utility tunnels under federal buildings in Washington to raid federal offices.

Defense attorneys took immediate steps today to appeal the letter-smuggling convictions, which they contend resulted from illegal discriminatory prosecution and entrapment by a prisoner who was a government informer.

They expressed confidence that the Third U.S. Circuit Court of Appeals would strike down the convictions, because the law against prison contraband has never before been used to prosecute prisoners

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years he has left to serve on his conviction for a 1968 draft board raid in Catonsville, Md. He is also serving time for a conviction involving the pouring of blood on draft files in Baltimore in 1967.

Under the terms of Herman's order, if Father Berrigan is granted parole on the earlier charges—which he has thus far been denied—he could also be released immediately on his Harrisburg conviction.

Sister McAlister was given a one-year-and-a-day prison term on each of the three counts on which she was convicted here, but the judge said her terms would also run concurrently.

Because her sentence exceeded a year she will be eligible for parole at any time after entering prison.

After the sentencing procedure, which took about 90 minutes, Father Berrigan was returned to the federal penitentiary in Danbury, Conn., by

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the Harrisburg courtroom during today's sentencing.

But rather than dealing with the merits of the case, they delivered impassioned speeches about the war in Southeast Asia and the state of American society.

Father Berrigan, talking for almost 15 minutes, quoted from Soviet author Aleksandr Solzhenitsyn, Jesus Christ and Mahatma Gandhi.