

Berrigan Defense Hits Informer Role

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HARRISBURG, Pa., Feb. 24 — Former Attorney General Ramsey Clark charged in court today that the government violated Federal Bureau of Prison policies in order to prosecute the seven antiwar activists on trial here.

"Do you know it's always been the firmest policy of the Federal Bureau of Prisons never to permit any prisoner to act as a government agent or informer when he is a prisoner?" Clark asked during cross examination of Robert L. Hendricks, former associate warden at Lewisburg Federal Prison. Clark is a defense attorney for imprisoned priest Philip Berrigan.

Hendricks, an important government witness, had described minutes earlier how, on the evening of June 3 or 4 in 1970, he had helped introduce ex-prisoner Boyd Douglas to the FBI.

The chief prosecutor, William S. Lynch, has said in court that Douglas is the government's chief source of information against the defendants. They are charged with conspiracy to kidnap presidential adviser Henry A. Kissinger, to bomb heating systems under federal buildings in Washington and to raid federal offices as protest against the Vietnam war.

Lynch strongly opposed Clark's questions about policy on the use of prisoners as informers, as did U.S. District Judge R. Dixon Herman who prevented the witness from answering.

The former attorney general rephrased his question: "Do you know of any other circumstance in your experience, except for Boyd Douglas, where a prisoner was used as a government informer?"

With the judge rejecting that question, Clark stood up, shook his finger at the judge and shouted, "It's important.

It shows the motive of the government in this case, the intent of the prosecution and a violation of Fifth Amendment rights."

Referring to Hendrick's description of the finding of a letter in Father Berrigan's cell, Clark asked the witness if there weren't, a "significant flow" of communications in and out of most prisons through means other than the official mail system. The witness acknowledged there was.

Asked if he knew of any indictments as a result of such letters being intercepted, Hendricks, who has been in the federal prison system for 26 years, said he remembered one instance 12 years ago when he was a captain at the Petersburg, Va. federal prison.

Each of the defendants faces a potential five-year prison sentence for the general conspiracy charges. But three of the defendants face much longer potential sentences because they are charged with getting letters in and out of prison — letters carried by Douglas, according to Lynch. The potential sentences for the alleged contraband plus general conspiracy charges amount to 50 years for Father Berrigan, 40 years for Sister Elizabeth McAlister, and 20 years for Eqbal Ahmad.

"There was something strange about it," said Hendricks, now superintendent of a federal prison camp at Eglin Air Force Base, Fla. as he described the letter that he said led prison authorities to confront Douglas and introduce him to the FBI. The contents of the letter were not divulged in court.

Father Berrigan was working on "outside detail" said prison guard Joseph E. Porensky, when he "shook down" his cell in early June 1970.