

Religious Theatrics Enter Berrigan Trial

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HARRISBURG, Pa. — The defendants were hoping, for symbolic purposes, that their trial would get underway on Ash Wednesday, a reminder that these priests and nuns will be doing their 40 days of Lenten penitence before a federal judge and jury.

Instead, they settled for a bit of sidewalk pageantry. Two of the defendants, Baltimore priests charged with conspiring against their government, stood outside the federal courthouse and applied the cross of ashes to the brows of their young followers, while a TV camera crew filmed it.

"Remember, man, you are dust and unto dust you shall return," they intoned.

Afterwards, the prosecutor, a Roman Catholic with a different perspective on religion and the law, remarked dryly: "Just so we don't conclude this case on Good Friday."

There isn't much chance of that. The conspiracy trial, now popularized as the Harrisburg Seven, will begin today and probably run long beyond Easter, perhaps for three months, a celebrated drama of Faith versus the State. The Harrisburg Defense Committee and associated groups are lining up Holy Week as the focal point for their antiwar message and a "pilgrimage of renewal" for the peace movement.

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TRIAL, From A1

As Christ entered triumphantly into Jerusalem on his fateful journey to the Cross, the counter-trial demonstrators—10,000 of them, the organizers hope—will stage a Palm Sunday processional into Harrisburg, across the State Street Bridge over the Susquehanna.

The Seven Stages of the Cross, with new questions and answers appropriate to the antiwar movement, will be performed at seven defense plants and military installations in the vicinity such as the War College in Carlisle or a bomb factory in York. Easter will be celebrated with an ecumenical sunrise service for peace and freedom, combining symbolism of a new life from the Christian resurrection and liberation from the Jewish Passover.

"The idea," said Bob Hoyt, a Catholic journalist turned activist, "is to make honest use of the symbols of the season and relate the trial to the religious background of the defendants and to emphasize the political issues. It's an effort to politicize the churches and the

churchmen, to make them aware of their political role."

The natural themes, he thinks, would be: "Staying with a belief, translating conscience into action, going to Jerusalem when it would be more comfortable in Galilee."

Hopes for Better Taste

"Going to Jerusalem," so to speak, with mimeograph machines and a portable loudspeaker. Hoyt acknowledged the danger in exploiting sacred symbols: "I don't think they're going to stage any crucifixions. I hope it will be in better taste than that."

The prosecutor, a Justice Department attorney named William S. Lynch whose regular work is prosecuting Mafia hoods, dismissed the religious theater surrounding the trial with one of his acerbic wisecracks. "I understand," he said, rocking on his heels, "that they tried to exorcize the courthouse."

Lynch isn't the only one turned off by it. The media, while endlessly intrigued by the stagecraft and personalities and details of the case, are uncomfortable with the defendants' spiritual message. Even their political al-

lies in the peace movement draw back from the heavy biblical metaphors. Even close friends blush for them.

The Berrigan gang preaches anyway, oblivious to the discomfort, convinced that someone must be listening. They have a pulpit because they are accused of conspiring to kidnap Henry Kissinger and bomb the Capitol's heating tunnels and subvert the government's machinery for drafting young men for war. In the courtroom, they pleaded not guilty to these charges. But outside on the streets, they preach what one of them, a nun, called "the spiritual dismantling of empire."

It is an insurrectionary doctrine as old and poetic as the New Testament, which sounds, in this age, strangely antiquated, simplistic yet still mysterious. It is, of course, unfashionable to read politics in the Gospel and it is downright embarrassing to relate one's personal actions and agencies to the suffering of Christ. But they feel it and they talk about it.

Berrigan's View

From his jail cell, the Rev. Philip Berrigan, twice convicted, going for a third, describes the context:

"Christians today, it seems to me, fear Christ. They fear the world. Their morality is 'prudent,' naive, irresponsible even violent. Faith in God to me means justice and love thy brother, especially the brother as victim. Inevitably, faith brings one into conflict with the state, simply because the state is not about the suffering brother, it is for an elite."

The Rev. Joseph Wenderoth, a Baltimore priest whose downy face and gentle voice are misleading, states toughly: "Let's face it, a man's actions are his beliefs."

And: "If you read the Gospel and look at what Christ was charged with, he was indicted on false charges. They lied about him. He was charged with wanting to be king. He didn't want to be king. He was charged with tearing down the temple. I guess, by today's standard, it's blowing up the Pentagon."

Sister Elizabeth McAlister, who in her previous

life taught art history to the daughters of wealthy Catholics at Marymount College, compares her present ordeal with the experience of her Novitiate as a nun, in which young women are supposed to lose progressively their secular thoughts and comforts, enabling their souls to be "born again" on the

model of Christ's death and resurrection. Only this time, she said, it seems more real.

"It's symbolic," she said, "but it's damnably real. It's very, very painful. You lose more and more and more, then you discover that you have more to lose."

The mystery of faith: "The Scriptures really summon you into death, new life, risk. They really challenge us and make us grow. I wouldn't try to justify that to people, I just wouldn't."

'Above Reason'

And the comfort: "Knowing the mistakes you made, knowing the mixture of motivations, you know you cannot judge yourself. All I know is that, in this time and space, this is a good place to be, just because it feels like it. You can't explain that. That's not rational, it's above reason."

Mary and Tony Scoblick who were nun and priest before they became wife and husband, participated in draft-board raids, like most of the other defendants, and made public avowals of their actions. Tony describes the feeling:

"When I first made an act of resistance, I took a calculated risk. There was a kind of death; I was going to lose my position in the church and my comfortable life. I lost something, but I gained something far more valuable. If I didn't do it, I was going to lose a lot more."

His wife adds: "There's a very beautiful idea of death. You willingly participate in your own change, in giving up parts of you for a better self."

And Father Berrigan: "I find it immensely helpful to perspective to return to the sufferings of Christ, like 'the servant is not above the Master.' I guess if they called him Beelzebub, we can take 'Commie,' plus fervent wishes that we never see daylight again outside of prison. Or to see the victims of American aggression as

contemporary versions of the suffering Christ and to count our lot as mere inconvenience alongside their very real torment."

So what seems clumsy or even presumptuous as public propaganda rings with a primitive sincerity on the personal level. Despite the serious spiritual talk, the defendants are loose and informal people who prefer to be known as Tony, Mary, Liz, Phil, Joe, Neil and Eqbal. Neil is the Rev. Neil McLaughlin, another priest. Eqbal is Eqbal Ahmad, a Pakistani scholar who does not share the others' Christian faith or their uncomplicated perspective on non-violence.

Modest Mien

Most of the defendants have the plain, modest mien considered appropriate for the cloth. But Sister Liz is much too pert for that stereotype; Father Berrigan is too handsome. His face suggests a rugged worldliness, not an introspective cleric.

In some ways, they resemble an early Christian cell, eccentric believers huddled together, semi-clandestine, both brave and frightened, zealous, utopian. But they object to the suggestion of martyrdom implicit in that comparison. "Remember," said Tony Scoblick, "the early Christians didn't go willingly to the lions—they were dragged."

Maybe that is the paradox of the Harrisburg show. While the defendants are bursting to spread their message of morality-in-action, they are also anxious to win acquittal. To accomplish the latter, they may have to forego the former. Their message, if it emerges at all from the trial testimony, is likely to be garbled. That is why their outside publicity machinery has been cranked up.

Dilemma Conveyed

Father Berrigan, in words communicated through those who have access to him, conveys their dilemma:

"We cannot, in the context in which the government has frozen this trial, get a fair trial, one which would above all, give us an opportunity to tell about our lives. This, above all, grates and torments us.

"What I'm saying is this — even the opportunities for speaking the truth will

be severely circumscribed. The truth is—we never conspired to bomb, kidnap and disrupt Selective Service but we expect little leniency to explain this, let alone prove it. What we have done we have acknowledged openly and publicly. I waited twice for arrest. But we will be terribly hampered, particularly to a central Pennsylvania jury, in proving what we have not done."

This is a new predicament for the Catholic peace movement which, despite its minuscule size, has made great impact by using the courtroom as a platform—raiding draft boards at Baltimore, Catonsville and other

places, then proclaiming their guilt as "peace criminals," who destroy government property, as distinct from "war criminals" in government who destroy lives. Philip Berrigan is still serving his time; his older brother, the Rev. Daniel Berrigan, gets paroled from Danbury prison this Thursday.

If Henry Kissinger's name were not involved, this case would be just another draft raid trial and the media's interest would be zero. According to one viewpoint, when J. Edgar Hoover surfaced with his, sensational charges, it was a gift that rekindled the religious radicals.

"This was an obscure little movement," said Hoyt. "The Catholic peace movement was simply not that potent. So you put them on an enormous stage and give them this large amplifier."

However, unlike their previous courtroom dramas, the complicated indictment against them this time involves a potent chemistry which may force them to remain mute as defendants, a matter of trial strategy which seems out of character. A conviction could discredit them as public moralists. Here is why:

The portrait of conspiracy alleged by the government begins with plotting to stage a series of raids on draft boards, actions for which

Berrigan, Wenderoth, McLaughlin, the Scoblicks long ago took the credit-blame. But the alleged conspiracy culminates in an unexecuted plan to kidnap Kissinger and bomb, a charge based primarily on letters which passed surreptitiously between Philip Berrigan in prison and Sister Liz on the outside. They discuss the ideas in a most ambiguous tone.

If the defendants take the witness stand to deny that their chitchat about Kissinger was serious, then they will also have to talk about the draft-board raids. If they testify in order to express their moral convictions about the war, they will also have to discuss the rest of it.

Even if the jury finds the government evidence on the Kissinger caper unconvincing, it could still convict most defendants of "conspiring" to raid the draft boards. (Ahmad is apparently the only non-raider among them). The defendants fear that the public would miss the distinction.

A skillful prosecutor like Lynch can weave the two together—if the jury doubts that these pleasant-looking clergymen were earnest about the kidnaping, just consider what they did to all those draft boards. The defendants draw a qualitative moral distinction between kidnaping and burning draft records, but that difference

may not be so clear to the uncommitted.

Not Erasable

"Conviction at this level," Tony Scoblick said glumly, "means a conviction of violence and a discrediting of everything our lives have stood for. All the explanations in the world won't erase that."

In the courtroom, therefore, the Harrisburg defendants' multitude of lawyers pursues every wrinkle in a businesslike fashion, led by Leonard Boudin of New York who is busy sowing legal issues which might be harvested later to reverse a conviction on appeal. William Kunstler, the movement lawyer who is better known for courtroom theatrics than acquittals, dropped out of the case.

The defense camp followers would like to portray Lynch as a dull government heavy, an unliberated Catholic who went to Fordham before Pope John, before priests married nuns. But the prosecutor's wry sense of humor and his quick footwork in the courtroom contradict that caricature (and have won him an air of professional deference from his adversaries). Lynch's all-Catholic prosecution team sounds like a Knute Rockne backfield (Krajewski, Connelly, Cottone, Killian).

"I would dearly love to

try this case without getting into religion and politics," the prosecutor said, "but it's obvious that's not going to be possible. My view is maybe a simplistic one, but my approach is to stick to the indictment and the crimes it alleges. The high motivation and all the rest of it, that's not a legal defense. It's not relevant."

Whisper of Love Affair

If the defendants decide to plunge into it anyway, testifying for themselves despite the perils, there is one other door which they might open for the prosecution—the whisper of a worldly love affair between Father Phil and Sister Liz. In addition to two prison letters which the Justice Department released with the indictment, it has leaked other letters to selected publications (not including the Post) which, if authentic, suggest a romance.

"On the one hand, to say there's no love, that's foolish, because love isn't something had you're supposed to be ashamed of," the nun said. "To say, on the other hand, that there is love there is to open all of the questions of the quality, etc., blah, blah, blah."

Strictly speaking, of course, it is irrelevant to the indictment, yet still potentially flammable.

To save money and for

spiritual comfort, most of the defendants and lawyers have taken residence together in several rundown houses of Harrisburg. The main one on Mulberry Street used to house a candy store, now converted to the defense legal office, brightened up with fresh paint and peace posters.

The younger followers like to speak of it as a "COMMUNE" FOR THE ELDERLY. Sister Elizabeth, who lives there, calls it "a community," people with a sense of mutual struggle like the communities of religious orders. Ramsey Clark, who is Presbyterian, calls it a three-story house. Leonard Boudin, who is Jewish, grumbles that the former attorney general takes too long in the shower.

Confusion Seen

"People are confused," said the Rev. Frederick Braedel, pastor of the Good Shepherd Catholic Church. "They see both sides of this thing really. It's hard for them to comprehend that the U.S. government would spend all this time, money, their prestige on the line, without having a good reason. On the other hand, they can't believe that these people would put their necks on the block and get all this support without some validity on their side."

"Does the world need

shock treatment?" asked the Rev. Francis Hudak of Sacred Heart parish. "I'm not ready to go that far. There are moral issues in politics and we have to get involved in them. The question is how far."

For the defendants, the "pilgrimage" planned for Easter week will succeed regardless of the turnout only if the participants genuinely "risk" something of themselves by participating, a commitment which costs them something. In some way, not entirely rational, each loss becomes a new strength.

"I look on the person of Jesus as being very political," Sister Elizabeth explained, "not in the sense we usually think, because we think of politics as the seizing of power and I didn't. By that strange inversion of the Gospel, choosing to be powerless, becoming one with those who were powerless. He came to be regarded as powerful and dangerous."

For the Harrisburg Seven, the government's indictment of them confirms the soundness of that model.

"The greatest compliment ever paid to us," Sister Elizabeth said impishly, "was when Bill Lynch said we were more dangerous to the country than organized crime."