

'Plot' Detailed as Berrigan Trial Opens

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RAMSEY CLARK
... "fired" as attorney

HARRISBURG, Pa., Feb. 21—A federal prosecutor charged today that Catholic priest Philip Berrigan was the head of a highly organized movement that he continued to run from his prison cell.

William S. Lynch, the government's chief prosecutor in its case against Berrigan and six other antiwar activists, made the charge in his opening statement as the trial got under way after four weeks of jury selection.

As the trial began, Berrigan, who has been in jail since April, 1970, for a raid on a Selective Service office, fired his attorneys, including former Attorney General Ramsey Clark.

Clark later told reporters he was still the attorney of rec-

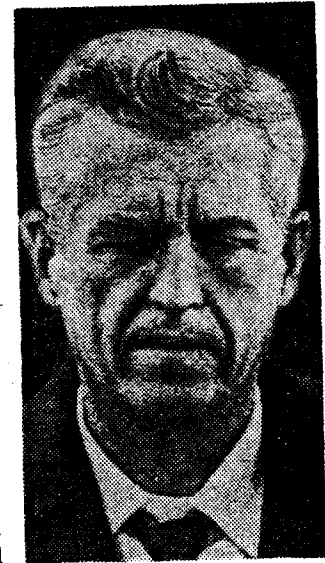
ord for Berrigan. "The court has not released me, but he has," Clark said. "You figure it out."

Lynch's opening remarks indicated that information from former prisoner Boyd Douglas led to each of the charges in the case: conspiracy to kidnap presidential adviser Henry Kissinger, to bomb heating systems under federal buildings in Washington and to raid federal offices.

Of the seven defendants, said the prosecutor, "had they taken the traditional role of dissent, peaceful protest and political action, we would not all be here.

"Instead, they banded together, conspired and planned a series of illegal acts, the

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PHILIP BERRIGAN
... accused ringleader

thrust of which was to disrupt governmental activities and attract media coverage," said Lynch.

"There was no conspiracy. There was no agreement," said defense attorney Clark in his opening remarks.

"There was no capacity, no ability to conspire or agree to do the things they are charged with conspiring to do," said Clark. "... You will come to know these defendants as the gentlest of people, not capable of kidnaping or harming any human being ... they could not bomb.

"They could not do it, deeply distressed as they were about their government's ability to bomb, to drop millions of tons of bombs."

As for the charge that the seven — all but one of them former or present priests or nuns — would conspire in "any" action, Clark, said, "You'll never find them in a single act together. They did their own thing."

The opening statements came more than 13 months after the first of two indictments was handed down by a federal grand jury still in session here. It began, as Lynch pointed out, just one day short of a year's anniversary of the most spectacular of the alleged conspiracies. The bombing of the tunnels in Washington and the kidnaping of Henry Kissinger allegedly

were to have been pulled off on Washington's birthday a year ago.

Today's session began with two hours of closed legal maneuvering between attorneys and U.S. District Judge R. Dixon Herman over whether defendant Berrigan would give an opening statement. The judge turned down Berrigan's request.

Berrigan then discharged his attorneys, Clark, the Rev. William Cunningham and Terry Lenzer, former Legal Services director in the Office of Economic Opportunity, in order to apply to represent himself and, thus, give his opening remarks. The judge refused to let Berrigan speak for himself.

Clark also represents two other defendants.

Lynch linked each of the defendants to Father Berrigan through Boyd in his presentation.

After meeting Father Berrigan in April, said Lynch, "almost immediately Boyd F. Douglas was recruited as a courier for communications outside of normal channels ... Philip Berrigan kept his followers and these defendants advised of what was going on an his followers, including Sister Elizabeth McAlister (a defendant), would tel him

what was going on."

More than 100 witnesses have been subpoenaed by the government. They apparently are to corroborate the evidence given the government by Douglas, who has an extensive criminal record.

His most recent prison term, from which he was released in December, 1970, began in 1967 when a federal court in Milwaukee sentenced him to six five-year terms, all to run concurrently, for four counts of passing more than \$17,000 in bad checks in Milwaukee and assaulting the FBI agent who arrested him.

By early June, according to Lynch's account today, Douglas, as the result of a "routine search" of Father Berrigan's cell, was confronted by then associate warden Robert Hendricks about the "system" he

allegedly manned for the priest. From then on, said Lynch, he made the communications available to the FBI, including some letters he had transmitted earlier.

Describing Douglas' role after Father Berrigan was transferred from Lewisburg to Danbury Federal Prison in late August, 1970, Lynch said Douglas continued his contacts with other defendants.

In an apparent reference to FBI Director J. Edgar Hoover's surprise announcement of the alleged conspiracy before a Senate Appropriations Committee Nov. 29, 1970, Lynch said:

"At this point further publicity took place and everybody, so to speak, headed for the woods. Wenderoth got in touch with Boyd Douglas and said he thought it would be best that nobody said anything to anybody."

Then two indictments came down in the case. The first was on Jan. 12, 1971, with six defendants named and separate charges of conspiracy to kidnap and conspiracy to bomb the tunnels in Washington lodged against each person.

But the second indictment, handed down April 30, 1971, charged a general conspiracy against the government with the other charges plus an alleged conspiracy to raid draft offices. Potential maximum prison sentences were reduced from life imprisonment to five years on the general conspiracy.

"The evidence will show that the government's charges are false," Ramsey Clark said in his statement to the jury on behalf of the defendants. He advised the jury:

"I hope you'll consider this a chance to do something important for your country, for justice, for truth and, in this case, for history."

"The draft raids did occur. Without any doubt, draft raids occurred," said Clark. "But there was no conspiracy by these people to commit draft board raids," he said, adding that there had been public "surfacing" at which numerous persons had "taken responsibility" for the raids itemized in the indictment.

Referring to Douglas as a "very sad man," Clark said to the jury, "You'll have to watch Boyd Douglas." Twice Clark said, "He has made lying a way of life."

As to the letters allegedly exchanged between the defendants, Clark said to the jury, "How many letters have you written where you wrote more than you knew? Perhaps when you were a kid at camp? Or, if you're a mother, to a son going off to Vietnam? . . . Or to a loved one, trying to help a friend in distress?"

Countering Lynch's statement that Douglas had been asked to be a courier, Clark said, "You will hear that he asked to carry those letters, and that many of them got to the FBI before they got to the persons they were intended for . . ."

"These defendants are extraordinary people," said Clark. "They cannot be violent . . . but they have a passion. If we cannot preserve freedom so that people in this country with such a passion cannot be heard then this country will be destroyed. Their passion is peace."

At the conclusion of opening

statements, the government presented its first three witnesses, two Philadelphia policemen and an FBI agent based in Philadelphia.

They testified about draft board raids in that city Feb. 7, 1970, which are listed as part of the conspiracy for which the seven defendants are being tried. Two persons neither of them defendants in this case, were arrested at the time of the raid.