

U.S., Hoover Accused of 'Leaking' Berrigan Letters

HARRISBURG, Pa. (AP) — Angry defense lawyers, claiming prejudice and legal misconduct, accused the government and FBI Director J. Edgar Hoover yesterday with prostituting justice for eight antiwar defendants by leaking copies of letters allegedly describing a plot to kidnap a presidential aide.

Charging the disclosure prevented a fair trial, they demanded dismissal of indictments against the Rev. Philip Berrigan, imprisoned antiwar priest, and the others.

"The purpose of an indictment is to charge the defendant with the commission of an offense, not to put forward evidentiary material designed to persuade those who learn of the indictment that the defendant has indeed committed the offense with which he is charged," said attorney Leonard Boudin, a Harvard Law School professor.

And Paul O'Dwyer, prominent New York civil rights and labor lawyer, said "the intended effect was to spread the word (of the case) in every livingroom in the nation."

U.S. District Judge R. Dixon Herman took the request under advisement. At the same time he declined to restrain the government from releasing other evidence or correspondence.

The defense also asked that government lawyers be cited for contempt of court for releasing the letters. This, too, the judge took under advisement and gave opposing counsel 10 days to file additional briefs and cite points of law.

The government charges the eight defendants conspired to kidnap Henry Kissinger, the president's foreign affairs adviser; blow up heating tunnels under federal buildings in Washington, D.C., and vandalize draft board offices across America.

Six persons, including Berrigan, who were indicted Jan. 12 already have pleaded innocent. Two others, named in a superseding indictment which

included the purported plot letters, have not yet been arraigned.

It was the letters that drew the fire, allegedly exchanged between Berrigan, 47, and two other defendants, Sister Elizabeth McAlister, 31, an English teacher on leave from Mount College, Tarrytown, N.Y., and Eqbal Ahmad, 40, a Pakistani graduate student in Chicago.

In other action the judge:

—Cited for civil contempt Dr. George McVey, a 43-year-old Rochester, N.Y., dentist and classmate of Father Berrigan at Holy Cross College. McVey refused to answer questions of the federal grand jury concerning the alleged kidnap-bomb plot.

McVey was ordered jailed until he testifies, with immunity from prosecution, but that confinement was stayed until May 28 or "until further order of the court."

—Delayed civil contempt proceedings until tomorrow against two college students who also declined to testify. They are Theresa McHugh, 20, Philadelphia, a Temple University sophomore, and William Gardiner, 21, Moorestown, N.J., a senior at Bucknell.

—Arrested Joseph Gilchrist, 22, Ithaca, N.Y., indicted by the grand jury for criminal contempt for failing to answer questions. He pleaded innocent.

Gilchrist is serving a prison sentence for vandalizing a federal building in Rochester, N.Y.

—Refused to discharge the grand jury which the government said was still investigating the case.

William Connelly, a Justice Department lawyer, said the jury is "continuing to inquire into certain unlawful activities and it is possible additional indictments could be returned."

—Denied motions by lawyers for reluctant witnesses to force the government to disclose all statements and recordings made by wiretapping, bugging, or other electronic surveillance.