

U.S. Concedes Berrigan Case Wiretap

HARRISBURG, Pa., May 18 (UPI)—Attorney General John N. Mitchell, in an affidavit submitted in United States District Court here, concedes that the Government used electronic surveillance in gathering evidence against Sister Elizabeth McAlister, one of eight antiwar activists indicted in an alleged kidnapping and bombing plot.

In the affidavit, Mr. Mitchell said he had given the court a sealed exhibit that "contains a description of the premises which were the subject of the telephonic surveillance and transcripts of the conversations overheard."

Sister McAlister, or Tarrytown, N. Y., was indicted with another woman and six men, including the Rev. Philip F. Berrigan, in the alleged plot to kidnap Henry A. Kissinger, President Nixon's national security adviser, and to destroy draft records and other Government property.

Mr. Mitchell said that the surveillance had been authorized by the President through the Attorney General. He said it had been "deemed necessary to protect against a clear and present

danger to the structure or existence of the Government of the United States of America."

Defense attorneys have challenged all the indictments on the grounds that illegal wiretapping was used. The question will be argued next Monday before United States District Judge R. Dixon Herman.

A defense lawyer yesterday asked Judge Herman to order the release of information given by a key prosecution witness to the grand jury that made the indictments. The witness, Boyd Douglas, served in Lewisburg, Pa., Federal Penitentiary with Father Berrigan.

The defense lawyer, Addison Bowman, a Georgetown University law professor, said he had also requested documents, Federal Bureau of Investigation records and reports of mental examinations on Mr. Douglas. The witness was paroled from Lewisburg in December after serving three years of a 30-year sentence.

Hoover Subpoena Sought

HARRISBURG, Pa., May 18 (AP)—Another defense lawyer, Paul O'Dwyer, says he may subpoena the F.B.I. director,

J. Edgar Hoover, to testify for the eight accused persons.

He said that statements by Mr. Hoover last Nov. 27 differed from the indictments returned by the grand jury here Jan. 12 and April 30.

"In the light of this obvious conflict, it is obvious that Mr. Hoover will be a necessary witness for the defense and will be subpoenaed to appear whenever this case comes to trial," Mr. O'Dwyer, of New York, said.

Mr. O'Dwyer's threat to subpoena Mr. Hoover was contained in a supplemental affidavit to the defendants' motion to dismiss, filed May 4.

The O'Dwyer affidavit was filed late yesterday, several hours after Mr. Bowman indicated the accused would try to attack the credibility of Mr. Douglas, the chief Government witness.

In asking for all data on Mr. Douglas, Mr. Bowman said:

"We suspect that the Government has a lot of material that is damaging to Douglas's credibility. If they have a report of a mental examination of Douglas which occurred before this case, we ought to have it to test this man's credibility."