

Berrigan Case Called Greater Threat Than Crime

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The Justice Department attorney who is prosecuting conspiracy charges against the Rev. Philip F. Berrigan and seven others, indicated today that the Government considered this case a more serious threat than the activities of organized crime.

Deputy United States attorney William S. Lynch presented his theory of the case in arguments against a series of pre-trial motions filed by the eight defendants charged with conspiracy to destroy draft files, destroy Government property and kidnap Henry A. Kissinger, President Nixon's adviser on foreign affairs.

Organized crime, Mr. Lynch said, became involved in violence "only to further its greed." But in the present case, he said, "there are those who reject society's definition of law and criminality, people who would overthrow the society under which we live."

This dramatic characterization of the Government's position came as the court heard a full day of arguments on a series of motions designed to dismiss, modify or more fully disclose the charges played by the Government.

Highlight of the Proceedings

The proceedings were highlighted by the argument of former United States Attorney General Ramsey Clark, in behalf of all the defendants, that the Government be required to testify at an official hearing to the extent of surveillance involved in bringing the charges.

The Government has already admitted that it has eavesdropped on conversations of one defendant, Sister Elizabeth McAlister, which it says was in the interest of national security.

A search of the records, the Government has said, shows no other such surveillance in connection with the case.

Mr. Clark, drawing on his experience as Attorney General under President Johnson, when the first widespread use of Government domestic surveillances took place, said such a statement by the Government was not sufficient.

Calling the phrase "a search of the records" "a phrase of art," Mr. Clark said the only way to discover "if the taint of illegal surveillance in this case is to have a full and com-



United Press International

Sister Elizabeth McAlister, defendant in alleged kidnapping and bombing plot, leaving court after session in Harrisburg yesterday.

plete hearing involving the agents involved."

To proceed without such a hearing in a case as important as this, Mr. Clark argued, "is to do an injustice to the Government and to the defense."

In a move that surprised courtroom observers of the five-month-old legal proceedings, Mr. Lynch handed the job of responding to Mr. Clark to the junior member of his staff.

Daniel J. McAuliffe, who made it a point to characterize his age of 26 as "tender years," maintained that the Government had met its obligation to disclose surveillance of "any place to which the defendants have a reasonable expectation of privacy."

The Government Position

"We should just not be required," said Mr. McAuliffe, who has been with the Justice Department since last November, "to go through the burden of a search to find if they [the defendants] should have

an expectation to privacy in all the places they allege they have been under surveillance."

Among the papers found by the defense is a list of 166 addresses at which the defendants maintain they have been

illegally put under Government surveillance in preparation of the charges placed against them.

Mr. Lynch presented the Government's opposition to a move to force disclosure of more information about the charges than those contained in the indictment. He also opposed a move to dismiss the charges because of pre-trial publicity.

In all, five motions were argued today: To dismiss the indictment because of pre-trial publicity; surveillance hearings; severance (the right of each defendant to be tried separately); the right to more specific in-

formation on the charges, and dismissal of the charges of smuggling letters into and out of Federal prison, on the grounds that the law is unconstitutional.

The judge has reserved his decision on all motions and has set tomorrow for the arraignment of the defendants.

Those indicted in addition to Father Berrigan and Sister Elizabeth are Anthony C. Scoblick, a former priest; Mary Cain Scoblick, his wife, who is a former nun; the Revs. Joseph R. Wenderoth and Neil McLaughlin; Dr. Egbal Ahmad, a Pakistani national teaching in Chicago; and John Theodore Glick, who at present is serving a Federal sentence for a raid on a Rochester draft board.