

Ex-Convict Is Key Witness in Plot Trial

By HOMER BIGART

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The Government said today that its conspiracy case against the Rev. Philip E. Berrigan and six other antiwar activists was based on the word of one informer, Boyd F. Douglas Jr., a former convict who has served seven years in Federal prisons.

Chief Prosecutor William S. Lurch said in an opening statement that Douglas had supplied the Federal Bureau of Investigation with copies of alleged messages between Father Berrigan in Federal prison at Lewisburg, Pa., and other members of the group outside.

The prosecutor said that these messages showed that Father Berrigan was the leader of a bizarre conspiracy to kidnap a Presidential aide, Henry A. Kissinger: to blow up the heating systems of Government buildings in Washington, and to raid draft boards in several cities.

Clark Rebutts Charge

Mr. Lynch's outline of the Government's case was promptly assailed by his one-time boss, former Attorney General Rams Clark, who is a defense attorney.

Mr. Clark charged that the defendants were being prosecuted party to stifle the peace movement and party to "justify a leak" by the F.B.I. director, J. Edgar Hoover.

Mr. Hoover spoke of the alleged plot at a Congressional hearing on Nov. 27, 1970, before the indictments were handed down.

"Of course we know Henry Kissinger wasn't kidnapped," Mr. Clark said. "He is alive and well in Peking today."

"You will see that there is no conspiracy, no agreement, no plan to kidnap Henry Kissinger or anyone else," Mr. Clark told the jury. "There was no conspiracy, no agreement, no contract, no plan to bomb anything. These defendants are

the gentlest of people, not capable of injuring anyone."

Father Berrigan asked to make a personal reply to the Government's opening. He brought to the courtroom an 18-page typewritten statement reviewing his "nonviolent" actions against the war, including the destruction of draft records at Baltimore and Catonsville, Md., for which he is serving what he called "an extravagant and vindictive sentence of six years."

District Judge R. Dixon Herman refused to let Father Berrigan speak, observing that the priest was represented by Mr. Clark. Then Father Berrigan offered to dismiss the former Attorney General and represent himself.

When the judge again refused, Leonard Boudin, another defense attorney, moved for a mistrial. Mr. Boudin contended that Father Berrigan was being denied constitutional and statutory rights to represent himself.

But Judge Herman told the Government to go ahead with its evidence. So, after four weeks of jury selection and motions, the first witnesses were called late today.

Two Philadelphia policemen and an F.B.I. agent gave brief evidence about raids on Philadelphia draft boards in February, 1970, in which three of the defendants allegedly participated.

Prisoners Met

The Government's opening contained the first official acknowledgement of reports that its key witness would be Douglas, 31 years old, who first met Father Berrigan in May, 1970, when they were both prisoners at Lewisburg.

Douglas was sentenced in 1963 to five years for impersonating an Army captain. Paroled in 1966, he was sent back for another five-year term for passing bad checks and pulling a gun on an F.B.I. agent who arrested him.

Mr. Lynch said Douglas had

been allowed to attend classes at Bucknell University on a work-study release program.

On the Lewisburg campus, Douglas met a friend of Father Berrigan, Mr. Lynch said, and "almost immediately Douglas was recruited as a courier" of illicit messages between Father Berrigan's prison cell and antiwar activists of the Catholic left.

Through the summer, according to Mr. Lynch, Douglas carried messages between Father Berrigan and the co-defendants, chiefly Sister Elizabeth McAlister.

Douglas "began to be apprehensive," Mr. Lynch said, when Father Berrigan urged the recruiting of peace activists on the Bucknell campus for "subtle attempts to turn students to disruptive actions."

Mr. Lynch said Douglas started making copies of the correspondence, which he surrendered to prison officials after the officials, in a routine search of Father Berrigan's cell, found a half-finished letter the priest was preparing to smuggle out via Douglas.

Then, according to Mr. Lynch, Douglas "agreed to keep the F.B.I. advised on what was going on in the system."