

MAR 31 1972

THE NEW YORK TIMES, FRIDAY, MARCH 31, 1972

Berrigan Plot Case Is Sent to the Jury

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Special to The New York Times

HARRISBURG, Pa., March—

The conspiracy case of the Rev. Philip F. Berrigan and six other antiwar activists went to the jury this afternoon after a charge by Federal District Judge R. Dixon Herman that was denounced by defense attorneys as "a summation for conviction."

Judge Herman's two-hour charge may have caused "irreparable prejudice" in the minds of the jurors, the defense counsel said. The five attorneys advanced to the bench after Judge Herman had sent the nine women and three men out to deliberate. They asked him to recall the jurors and tell them to disregard every comment he had made about the evidence.

Judge Herman, whom President Nixon elevated to the Federal court in 1969, listened calmly for an hour while the lawyers argued that his statement had been heavily tilted in favor of the Government.

Other Letters Cited

The jury was then recalled and Judge Herman made a few concessions to the defense.

He had stressed to the jury the exchange of letters between Father Berrigan and another defendant, Sister Elizabeth McAlister, in which proposals to kidnap the Presidential aide Henry A. Kissinger and blow up heating tunnels in Washington were discussed.

Now he told the jury that it should also consider letters put in by the defense. Those letters, by Boyd F. Douglas Jr., indicated that the government's star witness and informer for the Federal Bureau of Investigation had tried to further the conspiracy by recruitment.



United Press International

The Rev. Neil McLaughlin



Mary Cain Scoblick

A defense motion for a mistrial on the ground that Judge Herman had adopted a "protective" attitude toward Douglas, thereby frustrating attempts to cross-examine the former convict, was denied two weeks ago.

Today the defense contended that Judge Herman, in reviewing the informer's testimony for the jury, had ignored facts brought out under cross-examination and had referred almost exclusively to Douglas's direct testimony.

Paul O'Dwyer of New York, one of the defense attorneys, said that the judge had failed to mention among other things evidence that Douglas had expected to have a continuing role as F.B.I. informer and asked for a \$50,000 reward for bringing the "Catholic radicals" to justice.

All but one of the defendants are Catholics. The exception is Dr. Eqbal Ahmad, a Pakistani Moslem and a research fellow at the Adlai Stevenson Institute for Inter-

national Affairs in Chicago.

Of the others, three are priests: Father Berrigan, the Rev. Joseph Wenderoth and the Rev. Neil McLaughlin; Sister Elizabeth McAlister is a nun of the religious the Sacred Heart of Mary; Anthony Scoblick is a former priest, and his wife, Mary Cain Scoblick, is a former nun.

The alleged roles of Mary Cain Scoblick and Father McLaughlin in the conspiracy received scant mention during the 24 days of Government testimony (the defense declined to put on a case). Consequently, defense attorneys were dismayed when Judge Herman called the jury's attention to the existence of these two defendants whose peripheral activity might easily have been overlooked.

Judge Herman began his charge by saying, "This is not a political trial, not a trial against the war in Vietnam, not a trial against Boyd Douglas."