

Agent Tells of Berrigan Wiretap

Harrisburg, Pa.

An FBI agent said yesterday the government used a wiretap to gather evidence in the Berrigan investigation, but he insisted the bugged conversations were never used in the government's case.

The testimony came at a federal court hearing on a defense claim that the Rev. Philip Berrigan and Sister Elizabeth McAlister, a New York nun, were prosecuted illegally for smuggling letters in and out of the Lewisburg (Pa.) federal prison.

The defense listed two grounds — that illegal wiretaps were used, and that the two were prosecuted as punishment for their anti-war views.

FBI agent Mason Smith of Philadelphia confirmed that a telephone had been tapped from Nov. 24, 1970, to Jan. 6, 1971. He said Sister Elizabeth's voice was believed overheard.

The government first admitted the use of taps in hearings before the 11-week trial began. Judge R. Dixon Herman ruled at that time

that any objections to the wiretaps could be made after the trial if any defendants were convicted.

The nun and priest were

found guilty of the letter smuggling on April 5 but the jury failed to reach a verdict on the main charge that the seven defendants con-

spired to kidnap presidential adviser Henry A. Kissinger and bomb underground heating tunnels in Washington.

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