

BERRIGAN REQUEST ON WIRETAPS FAILS

HARRISBURG, Pa., May 3 (UPI)—A Federal district judge ruled today that attorneys for the Rev. Philip F. Berrigan could not see secret Government wiretapping files but he agreed to hear more defense arguments on electronic surveillance May 15.

Father Berrigan, convicted with Sister Elizabeth McAlister on April 5 for smuggling letters out of prison, charged that the Government had used evidence gathered through illegal wiretaps to convict him.

His attorneys had requested information on wiretaps and on convictions of other persons under the prison contraband statute from the late J. Edgar Hoover, director of the Federal Bureau of Investigation; Richard G. Kleindienst, the Acting Attorney General, and Norman Carlson, director of the United States Bureau of Prisons.

Judge R. Dixon Herman ruled today that the Government only had to produce files on prison contraband cases "to the extent they can be secured."

But he said that the defense could question F.B.I. agents from Philadelphia on May 15 about the one wiretap the Government admitted using in the case. An agent, Mason Smith, in charge of that wiretap, testified yesterday that the tap was in operation from Nov. 24, 1970, to Jan. 2, 1971.