

SEP 6 1972  
**Berrigan and a Nun  
Get Prison Terms  
In Letter Smuggling**  
NYTimes

By JOHN KIFNER

Special to The New York Times

HARRISBURG, Pa., Sept. 5—  
The Rev. Philip F. Berrigan—  
cleared of charges that he led  
a plot to kidnap President Nixon's  
adviser on national security  
affairs, Henry A. Kissinger—  
was sentenced in Federal  
District Court here today to  
four concurrent two-year terms  
for smuggling letters out of the  
Lewisburg Penitentiary.

Sister Elizabeth McAlister,  
also cleared of the plot charges,  
was sentenced to one year in  
jail and three years' probation  
for smuggling letters.

Moments after the sentences  
were announced, Government  
attorneys moved to dismiss the  
first three substantive counts  
of their indictment, confirming  
that the Justice Department  
would not seek a retrial of  
the controversial "Harrisburg  
Seven" case.

Judge R. Dixon Herman of  
Federal District Court made  
Father Berrigan's two-year  
sentences run concurrently with  
the six-year sentence he is  
serving for destroying draft  
board files in Catonsville, Md.,  
so that, apparently, the 49-  
year-old priest may not have  
to serve any additional time in

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## Berrigan Sentenced in Mail Smuggling

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prison.

Father Berrigan has served  
three years of his sentence and  
is eligible for parole, but his  
hearing has been held up pending  
the resolution of this case.  
The effect of the new sentence  
on his application is not yet  
known.

The 11-week trial of the  
"Harrisburg Seven" ended last  
April 5, with the jury dead-  
locked on the Government's  
major charges of a conspiracy  
to kidnap Mr. Kissinger, blow  
up heating tunnels in Wash-  
ington and sack draft board  
offices.

Reporters later established  
that the jury was deadlocked  
at a 10-to-2 vote for acquittal  
on the conspiracy charges.

### Carried by Informer

But Father Berrigan and  
Sister Elizabeth were convicted  
on the lesser charges of  
smuggling letters into and out  
of the Lewisburg prison. All  
of the illicit correspondence  
was carried in and out of the  
penitentiary by Boyd F.  
Douglas, one of Father Berri-  
gan's fellow convicts who was  
a Government informer and the  
chief witness in the case.

A grand jury here directed  
by Guy Goodwin, the Justice  
Department official specializing  
in radical cases, brought in-  
dictments in January, 1971,  
after J. Edgar Hoover, the late  
director of the Federal Bureau  
of Investigation, had told a  
Congressional committee's  
budget hearing that Father  
Berrigan and his brother, the  
Rev. Daniel J. Berrigan, were  
leading a group planning to  
kidnap a high Government official.

### New Indictment Issued

But, on April 30, 1971, after  
William S. Lynch was brought  
in from the Criminal Division  
of the Justice Department to  
take over the case, a new,  
superseding indictment was  
issued.

The drastically redrawn in-  
dictment appeared to make  
conviction far easier. It lumped  
the bombing and kidnapping  
plots together with plans and  
exhortations to vandalize draft  
boards—a favorite tactic of the  
Berrigans and other Catholic  
radicals—into one all-purpose  
conspiracy.

Then, rather than a detailed  
specific plan to kidnap Mr.  
Kissinger as first alleged, a  
crime carrying a life sentence,  
there were two counts of  
"threatening through the mail,"  
each carrying a maximum five-  
year penalty.

But the case was still totally  
dependent on the testimony  
of Douglas, a thrice-convicted  
check forger who had achieved



The Rev. Philip F. Berrigan on his way to Federal District Court for sentencing.



Sister Elizabeth McAlister, a Roman Catholic nun, outside court in Harrisburg, Pa.

Associated Press

some unusual privileges for a  
prisoner: daytime releases to  
study at nearby Bucknell Uni-  
versity, a new car, an apart-  
ment and a widening circle of  
radical acquaintances.

Testimony indicated that  
Douglas was the moving figure  
in setting up a number of meet-  
ings, as well as serving as  
Father Berrigan's courier.