

A Charge of Conspiracy

WASHINGTON—So you think Ku Klux Kansmen murdered civil rights workers, but you can't prove it?

Then you simply charge them with "conspiracy" to commit murder, produce an informer who says he heard talk of such a crime, and put them away for a few years.

FBI DIRECTOR J. Edgar Hoover goes before the Senate Appropriations subcommittee to justify more money and more agents. This time he tells how the FBI has uncovered "an anarchist group (of) Catholic priests and nuns, teachers, students and former students" who were "concocting a scheme" to kidnap presidential adviser Henry Kissinger and to "disrupt government operations" by blowing up underground pipes and electrical conduits in Federal buildings.

The perpetrators of this "conspiracy," according to Hoover, were Father Philip Berrigan, Sister Elizabeth McAllister and five others who were to become known as the "Harrisburg 7."

When a storm of protest arose over the FBI Director's declaring people guilty of crimes for which they had not even been indicted, the Justice Department sped into action to take Hoover off the hook.

Since the priests and nuns obviously had not committed an act of kidnaping, or bombing buildings, there was just one way to get them: try them for conspiracy, of course.

The FBI trotted out its star paid informer, Boyd F. Douglas, Jr., a convicted confidence man whose criminal career had begun in 1958 when as a high school sopho-

more he was passing bad checks. By his own testimony Douglas was a liar.

Unpopular as the Berrigan group might be, this conspiracy case was a bit too much for the jury. It wound up hung, with 10 of the 12 insisting upon acquittal.

Perhaps the government will not waste money trying the case again. But that is not the last we'll hear of "conspiracy" trials. They have been used to convict businessmen of price-fixing, to throw union organizers into jail, to stifle groups deemed a threat to the established order.

But in recent years the mass conspiracy trial has become a political instrument. It is the radical, the political dissenter, the outspoken opponent of governmental policies, that is usually the target of this kind of prosecution.

IT'S ABOUT TIME Americans awakened to the fact that "conspiracy" is an overworked tool and a threat to the fundamental liberties of all of us. The easiest thing in the world is to accuse an unpopular group of a "plot," and in a tense era when millions of people feel one kind of paranoia or another, it is not too difficult to get a jury to believe it.

But the lesson of the Berrigan case is that the Justice Department, and especially the FBI, must remain acutely aware of the difference between prosecution and persecution. The more government pushes absurd "conspiracy" cases, the more people will agree with Father Berrigan that "the Americans who need (revolution) most from the point of spiritual survival are the ones who are now exercising power."