

F.B.I. REPORTS PLOT BY ANTIWAR GROUP TO KIDNAP U.S. AIDE

Hoover Says 2 Priests Head Group Demanding End to Bombing in Asia

Berrigans Are Named

Lawyers for Militants Say Story Was Fabricated in Bid for More Funds

- Berigans/Harrisburg Six

(Clippings on above filed Preparation,)

NYTimes, 24 Mar 72 (same file as above)

Prosecution Rests in Berrigan Trial

by Homer Bigart

Harrisburg, Pa., March 23 - J. Thomas Kenaker, a defense attorney, submitted today a memorandum to Federal District Judge E. Dixon Herman charging that the defendants were being prosecuted "principally to vindicate the director of the Federal Bureau of Investigation [J. Edgar Hoover] and the Justice Department."

To support his contention that the Government was exercising "discriminatory prosecution" in violation of the Fifth Amendment, Mr. Kenaker said that the F.B.I. had developed a "personalized animus" against the defendants because the agency was made to look ridiculous by the success of Father Berrigan's brother, the Rev. Daniel Berrigan, in evading arrest.

To capture "Father Dan," the F.B.I. undertook a massive surveillance of the defendants, Mr. Kenaker said, and by September, 1970, Mr. Hoover and the Attorney General, John N. Mitchell, were telling Republican political leaders at the White House of a bombing-kidnapping conspiracy by "a group of Catholic radicals."

"The prosecution of the defendants, which began one month later, was not an effort to convict them for what they had done, but an effort to vindicate the Administration for charges it could not support," Mr. Kenaker said. "It turned into a deliberate and purposeful effort to prosecute them at any cost to save face for the Government."