

Inouye Prods Mitchell About Berrigan Case

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At about the time convicted Watergate conspirator G. Gordon Liddy was proposing political espionage schemes to former Attorney General John N. Mitchell, Sen. Daniel K. Inouye (D-Hawaii) reminded Mitchell yesterday, Mitchell's office was tracing a political scheme of another sort.

"Your office," Inouye asked at yesterday's Watergate hearing, "with much publicity and great vigor, had pursued the indictment of American citizens who had allegedly discussed the kidnaping of Doctor Kissinger. Is there any difference between the discussion of a kidnaping and a discussion of these criminal activities in your office?"

Inouye's question referred to the Rev. Philip Berrigan and six other antiwar activists, known collectively as the Harrisburg Seven, who were charged by the government with conspiring to kidnap Henry A. Kissinger, the President's foreign policy

adviser, and to bomb underground utility lines in Washington and raid federal offices.

A federal jury was unable to reach a verdict on most of the charges, but Berrigan was convicted in April, 1972, of smuggling four letters out of the Lewisburg, Pa., penitentiary when he was a prisoner there in 1970. At the time, he was serving concurrent sentences for his part in raids on two Maryland draft boards.

Berrigan was sentenced to a two-year term on the letter-smuggling charge, but he was paroled in time for Christmas last year. The government, which had prosecuted the matter vigorously, dropped the other charges against the defendants rather than try the case.

Mitchell, responding to Inouye's question, said he saw little similarity in the two cases. There were "overt acts . . . as well as discussions" in the Berrigan case, he noted.