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PRIESTS CONTEST PRISON'S CENSORS

Berrigan Brothers' Lawsuit Says Rights Are Denied

By JUAN M. VASQUEZ

HARTFORD, Dec. 14—The Berrigan brothers, appearing together publicly today for the first time since last April, challenged a Federal prison's rights to censor their writings and sermons.

The brothers, the Rev. Philip and the Rev. Daniel Berrigan, are Roman Catholic priests serving sentences in the Danbury Federal Correctional institution for their part in the destruction of draft records in Catonsville, Md., in 1968.

Earlier this year they brought suit to test the right of Warden J. J. Norton to censor all prisoners' writings, speeches and tape recordings, contending that such action was a violation of their First Amendment rights.

At a preliminary injunction hearing today before Judge T. Emmet Claire, both brothers took the witness stand in a packed Federal courtroom.

Hoover Statement Presented

At one point both priests contended that they lacked effective means of responding to widely publicized charges by J. Edgar Hoover, last month, that the two were part of a movement to bomb underground power lines and kidnap a high-ranking Federal official.

The accusation by the director of the Federal Bureau of Investigation was made months after the Federal suit was filed, but it renewed interest in the Berrigans and was part of the testimony presented in court today.

The Rev. Daniel Berrigan, 49 years old, asked whether he desired to respond to those charges, replied, "To say it was my desire is the understatement of the year." But, he contended, Federal prison regulations inhibited and frustrated his right to respond effectively.

The Rev. Philip Berrigan, 47 said he had first heard of the Hoover allegation from fellow prisoners, and he also said he had been denied the opportunity to respond.



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CHALLENGE PRISON CENSORSHIP: The Rev. Daniel Berrigan, left, and the Rev. Philip F. Berrigan, center, leaving Federal Court in Hartford yesterday in custody of U.S. Marshal Guy Russo. They contended at the hearing that their rights were violated in prison.

Requests Described

Specifically, the suit filed by the Berrigans concerns a sermon written by them in September at the request of a religious group in New York.

They contend that they were denied the right to record or preach the sermon in person, although both testified today that they had made their requests to prison caseworkers, not to the warden.

At one point, the Rev. Daniel Berrigan said he had not shown the sermon to the caseworker, Eugene Kelley, because he had not been asked for it.

Pressed on that point by an assistant United States attorney, Barry Cutler, the priest said no further effort had been made to show the sermon to Mr. Kelly because "we had in mind that it would be turned down . . . and because of the necessity for a test case."

Under cross examination, the priest acknowledged that three uncensored letters he intended to circulate outside the prison had been found in his shoe one day.

Asked if he was aware of regulations for sending out such letters, Father Berrigan replied, "Yes, that's what this suit is all about."

Representing the two brothers in court today were William Bender and William Cunningham of New York and Mrs. Marjorie Gelb of the University of Connecticut Law School. They in turn are representing the Center for Constitutional Rights of New York City.