

FBI's Unusual Role In Berrigan Case

Lewisburg, Pa.

The FBI's intensive efforts to prove the kidnap-bombing conspiracy case against the Rev. Philip Berrigan and five others has focused once more on the federal prison here.

FBI agents have been interviewing inmates who knew Father Berrigan when he was serving time in the prison last year for destroying draft board records; it has been learned. The government alleges the priest helped direct the plot through messages smuggled from the prison.

It is not unusual for the FBI to continue pursuing an investigation after indictment in order to wrap up loose ends. But it is a departure from standard justice department practice to carry on an extensive investigation of an alleged plot two months after an indictment was issued in the case.

LEADERS

A federal grand jury returned the indictment on January 12 — six weeks after FBI director J. Edgar Hoover, in an extraordinary public accusation, named Father Berrigan and his brother, the Rev. Daniel Berrigan, as

S.F. Rally For Berrigans On Thursday

A non-denominational service for the Berrigan brothers — the priests who were recently accused of conspiracy charges — will be held at noon Thursday at the Federal Building, 450 Golden Gate avenue, San Francisco.

It is sponsored by Concerned Citizens for the Berrigans, a group organized in support of the priests. All members of the clergy and the general public are invited to attend.

Further information may be obtained by writing or telephoning the Mount Diablo Peace Center at 1809 Sharpe avenue, Walnut Creek, 933-7850.

leaders of the group Hoover said was hatching the plot.

The indictment charged Father Philip, two other Roman Catholic Priests, a nun, an ex-priest and a Pakistani

national with conspiring to blow up underground heating pipes serving government buildings in Washington and to kidnap Henry A. Kissinger, President Nixon's national security adviser. The jury named Father Daniel and six others as co-conspirators, but did not indict them.

It could not be learned whether the FBI found another witness inside the high-walled prison where a key government witness, Boyd Frederick Douglas Jr., served time with Father Philip in 1970 during the period of the alleged plot. The indictment charges the priest with furthering the plot through messages which, it was learned, were smuggled from the prison by Douglas to another defendant, Sister Elizabeth McAlister, 31.

RELEASED

Douglas was released December 16 before his sentence expired and is believed to be in FBI protective custody. The Federal Bureau of Prisons refuses to fully explain his early release.

Inmates at the prison reportedly are "up tight" over Douglas' role as an informant and the FBI's questioning of other convicts who knew Father Philip. A defense attorney said: "The FBI has been trying to talk to every prisoner who had any contact at all with Berrigan. Some of the inmates who know nothing about him are refusing to talk to the FBI anyway because they know they don't have to."

The FBI and Justice Department officials, including Attorney General John N. Mitchell, have refused to comment on the continuing investigation. However, some department officials familiar with the case have expressed concern to newsmen that the continuation of the probe by the FBI and a federal grand jury after the returning of the indictments could cause a legal problem.

ANONYMITY

These officials insist on anonymity.

"I can think of a grand jury investigation that was continued after indictments were returned, but that was to go after bigger fellows once lesser figures had been indicted," one official said. "That's different from this case where many of the questions seem designed to bolster the original indictment."

Why didn't the Justice Department wrap up its investigation before indicting anyone and avoid these questions?

Department attorneys who will discuss the matter theorize that the Government hoped the stark reality of indictments would loosen tongues of otherwise unwilling witnesses. Defense attorneys see it in a harsher light. They charge the Government is attempting to intimidate witnesses.

In the case, the Government has used FBI agents for jobs usually assigned to deputy U.S. marshals, such as serving subpoenas and guarding the grand jury room.

Normally, a lone deputy marshal serves a grand jury subpoena. In this case each subpoena has been served by two FBI agents.

The high priority given the conspiracy case is reflected in a comment by a veteran Justice Department official: "Often when we have wanted the Bureau to serve subpoenas we have had to get an assistant attorney general to practically stand on his head to persuade them—and sometimes this hasn't worked."

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