

10 Subpoenaed by F.B.I. For Berrigan Case Jury

By BILL KOVACH APR 16 1971

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BOSTON, April 15—Teams of Federal Bureau of Investigation agents, operating in four cities, subpoenaed at least 10 persons today to appear before the Harrisburg, Pa., grand

jury that indicted the Rev. Philip J. Berrigan and five other persons on charges of conspiring to destroy Government property and kidnap a Federal official.

Those subpoenaed included the father-in-law of one of the indicted men; a student and professor at Bucknell University who were acquainted with Boyd Douglas, a former Federal prisoner who has been identified as a Government informer in the case; a Temple University professor, and two Roman Catholic nuns.

The action today followed a week of reports reaching antiwar organizations from Washington that new indictments or new charges against those already indicted might be forthcoming from the Harrisburg grand jury. Reports circulating late today indicated that at least nine other subpoenas had been issued but had yet to be served.

No Comment From U.S.

The United States Department of Justice refused any comment on the matter, but an attorney for those already indicted confirmed the issuance of the subpoenas.

Even before today's large-scale subpoenas, there had been criticism among the Berrigan followers over the fact that the grand jury and the F.B.I. were continuing to investigate after indictments had been handed down. These critics have contended that the Government is uncertain that it had a strong case and is carrying on an eleventh hour effort to strengthen its evidence.

Other persons believe the grand jury is looking into pos-

Continued on Page 18, Column 1

Continued From Page 1, Col. 3
sible links between charges already made against Father Berrigan and others, the bombing of the United States Capital March 1 and the theft of F.B.I. documents from the Media, Pa. office on March 8.

The jury's inquiry has reportedly been ranging widely into the activities of the antiwar movement. Those subpoenaed today were ordered to appear at various dates from April 19 to 26.

Attorneys involved in the defense of those already charged said the service of subpoenas today had been conducted "in a highly unusual manner."

Each of the 10 subpoenas was served by a team of F.B.I. agents. In Boston at least 12 agents were involved in serving three subpoenas—a function normally discharged by Federal marshals. There was no explanation why the F.B.I. had undertaken the chore or why some any agents were involved.

'John Doe' Is Called

The papers involved were also unusual in that they were "John Doe" subpoenas—that is, they stated that the case involved was against an unnamed person or persons. Previous subpoenas listed Father Berrigan and others as the subjects under investigation.

Those subpoenaed today included:

Richard Drinnon, professor of history at Bucknell, identified by friends as an active peace advocate and the faculty adviser to Mr. Douglas, who attended the school while serving time in a nearby Federal prison.

William Gardner, a senior at Bucknell and a member of several antiwar activities in which Mr. Douglas involved himself while at the school.

Abraham Diamond, New York, father-in-law of Eqmal Ahmed, a scholar at the University of Chicago and one of those indicted earlier on conspiracy charges.

Thomas Phillips, a 26-year-old former serviceman who has worked at Emmaus House in East Harlem, a community organization sponsored by the Catholic Church.

Sarah Fahy, a Catholic nun, who is a student at Temple University in Philadelphia.

Patricia McNeil, a professor at Temple University.

John Finnegan of Philadelphia, a member of the East Coast Conspiracy to Save Lives, a Catholic organization whose members have assumed responsibility for the destruction of draft board files in several cities on the East Coast.

Anne Elizabeth Walsh, a Catholic nun, working with the Harrisburgh Defense Committee in Boston, an organization established to raise funds for the defense of Father Berrigan and others already indicted.

Claudette Piper, assistant national director of Resist, an organization based in Cambridge that raises funds to support antiwar efforts around the country.

Paul Couming, a young Boston draft resister.

Lawyer Scores Action

Thomas Menaker, local attorney in Harrisburg for those indicted by the grand jury, said today that the action of the F.B.I. agents was only one of a number of unusual circumstances in this investigation.

"This grand jury," Mr. Menaker said, "has been inquiring into things which happened in other states; it has subpoenaed to testify some of those named as co-conspirators in the case; and has attempted to ignore refusals to testify and question witnesses."

The case has become the central point of a national debate about the operations of the Department of Justice and its investigating arm, the F.B.I.

The F.B.I. director, J. Edgar Hoover, was criticized by Representative William R. Anderson, Democrat of Tennessee, for publicly discussing the charges against Father Berrigan before he was indicted. Since then a storm of criticism from Congressional sources has broken over the bureau's activities.

F.B.I. agents are known to have questioned friends and acquaintances of some of those subpoenaed today. The fact that the subpoenas do not list a specific case under investigation has also suggested that the grand jury might be looking into these other matters.

In its investigation into the Media theft the F.B.I. has questioned dozens of the same people involved in Catholic antiwar organizations with which Father Berrigan, or his brother Daniel F. Berrigan, have been associated.

The Media theft led to public disclosures of bureau operations, especially the recruitment of informers in ghetto and antiwar groups.

The concentration of F.B.I. effort in the Media case on the same people questioned in connection with the Harrisburg conspiracy indicates that the agents have either found or suspect a link between the matters.

See "Stolen FBI Files and Berrigan Case," SFChronicle 31 Mar 71, filed FBI - II.