

# Berrigan Case Broadened; Letters on 'Plot' Released

By BILL KOVACH (MAY 7)  
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HARRISBURG, April 30—A Federal grand jury here today re-indicted the Rev. Philip F. Berrigan and five other persons on charges of conspiring to kidnap Henry A. Kissinger, President Nixon's national security adviser.

The new indictment also

Excerpts from letters are printed on Page 12.

adds two new defendants and broadens the conspiracy charge to include a series of draft board raids as part of a sequence of antiwar acts leading to the alleged kidnapping attempt.

The indictments were accompanied by two letters allegedly exchanged by Sister

Elizabeth McAlister, a nun, and Father Berrigan. Sister McAlister allegedly raised the idea "to kidnap someone like Henry Kissinger" and "to issue a set of demands on the war."

Father Berrigan's alleged reply a few days later raised objections but added, "Nonetheless, I like the plan."

The new indictment appears to soften the kidnapping-bombing charge by changing the wording from the original indictment in a way that reduces the penalty for conviction from life imprisonment to five years in prison.

This was accomplished by charging that the kidnapping-

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bombing plot was part of a larger conspiracy that includes other acts. This wording — rather than as in the original indictment, where the kidnapping-bombing plot makes up the conspiracy — changes the possible penalty on conviction.

It also appears to make possible a conviction on the conspiracy charge without specifically proving the original plot if the other overt acts can be proved.

The action, which ended two weeks of grand jury investigation, supersedes a Jan. 10 indictment by the same grand jury of Father Berrigan, Sister McAlister and four other persons. They were charged with plotting to destroy the heating systems of Government buildings and to kidnap Mr. Kissinger.

Today's action retains the original charges and names the same six co-defendants but adds two additional defendants and 13 new acts in the conspiracy to destroy files in draft boards and other Government offices in at least five cities.

Named as defendants in the new indictments are:

Father Berrigan, 47 years old, presently serving a prison sentence at the Federal Correctional Institution at Danbury, Conn., for participation in the destruction of Selective Service records in Catonsville, Md., in 1968.

Sister McAlister, 31, of Marymount College in Tarrytown, N. Y.

The Rev. Joseph Reese Wenderoth, 35, of Baltimore.

The Rev. Neil Raymond McLaughlin, 30, of Baltimore.

Anthony Scoblick, 30, a former priest, of Baltimore.

Eqbal Ahmad, 40, a fellow of the Adlai Stevenson Institution of Public Affairs, Chicago.

Mary Cain Scoblick, 32, a new defendant, a former nun and wife of Anthony Scoblick.

John Theodore Glick, 21, a new defendant, presently serving an 18-month prison sentence at the Federal Correctional Institution at Ashland, Ky., for vandalizing offices of the Selective Service Board and other offices in Rochester in 1970.

At the same time, the grand jury removed three persons from the list of those named as



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The Rev. Philip F. Berrigan

undicted co-conspirators on the original indictment. Those dropped were the Rev. Daniel J. Berrigan, brother of Philip and a leading figure in the Catholic antiwar movement, and Thomas Davidson and Paul Mayer.

Still listed as undicted co-conspirators are Miss Beverly Bell, William Davidon, Jogues Egan and Marjorie Shuman.

The grand jury also handed down criminal contempt indictments against three witnesses who had been subpoenaed but who refused to testify earlier this week. Indicted on criminal contempt charges today were Miss Anne Menz of Philadelphia; John Swinglish of Philadelphia, and Joseph Gilchrist of Ithaca, who is now serving a sentence in the Federal Prison in Milan, Mich., for the 1970 Rochester draft board raid.

Although the charges on kidnapping and destruction of heating systems appeared little changed from the old indictment, the Government attached two letters supporting those charges to the new indictments. The letters, purportedly exchanged between Sister McAlister and Father Berrigan in 1970, while he was being held at Lewisburg Federal Prison near here, give details of the kidnapping plot allegedly suggested by Mr. Ahmad.

The letter allegedly sent by Sister McAlister tells of a plan that includes the following.

"To kidnap — in our terminology make a citizen's arrest of — someone like Henry Kissinger. Him because of his influence as policy-maker yet sans Cabinet status, he would therefore not be as much protected as one of the bigger wigs.

"To issue a set of demands, E. G., cessation of the use of B52's over N. Vietnam, Laos, Cambodia, & release of political prisoners."

The letter then goes on to suggest how the prisoner could be used as a hostage and released unharmed.

In the accompanying letter allegedly sent by Father Berrigan two days later, Aug. 22, 1970, he is supposed to have replied:

"About the plan — the first time opens the door to murder . . . when I refer to murder it is not to prohibit it absolutely (violence against non-violence bag) it is merely to observe that one has set the precedent, and that later on, when govmt resistance to this sort of thing stiffens, men will be killed."

William S. Lynch, an Assistant United States Attorney, had been asked why letters included on this indictment when they were not included on the original indictment limited to those charges. He replied that it was "customary" to attach such evidence to indictments that charge persons with passing threatening letters through the mail.

"The original indictment made no such charge," Mr. Lynch said, "this one does."

However, Thomas Mencker, local counsel for all eight defendants, called the release "highly unusual" and added:

"It is highly irregular and potentially very prejudicial that the Government is attempting to publicize evidence that may not be admissible at trial. The matters in the letters are purely discussion and not threats."

The history of this case—generally referred to as the Berrigan case—has been one of growing criticism of the Government's handling of the matter. That began in December when Representative William R. Anderson, Tennessee Democrat, criticized Mr. Hoover of the F.B.I. for talking about the alleged kidnapping plot long before an official charges were brought.