

Letter Found in Priest's Cell Linked to Berrigan Indictment

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HARRISBURG, Pa., Feb. 24—Two Federal prison officials testified today that the finding of a contraband letter in the cell of the Rev. Philip F. Berrigan led to the exposure of an alleged antiwar conspiracy that included a plot to kidnap Henry A. Kissinger, President Nixon's adviser for national security affairs.

The testimony led to an angry exchange between former Attorney General Ramsey Clark counsel for Father Berrigan, and Judge R. Dixon Herman of the Federal District Court here.

When Mr. Clark tried to bring out in cross-examination that the use of prisoners as informers against fellow inmates was contrary to national prison policy and that the flow of illicit letters to and from prisons was so considerable that it was now "enlightened policy" to lift mail restrictions, he was reprimanded by Judge Herman and gavelled down when he persisted in that line of questioning.

Letter Found in Cell

According to Joseph T. Porensky, a guard who searched Father Berrigan's cell, the contraband letter was secreted in the pages of a news magazine found in the cell during a routine shakedown. The shakedown was made in May, 1970, soon after the priest began a six-year sentence at Lewisburg prison for the destruction of draft records in Baltimore and Catonsville, Md.

The contents of the letter, not yet revealed to the jury, implicated Boyd Douglas Jr., another prisoner. Douglas was confronted by prison officials on the following day, according to Robert L. Hendricks, then associate warden at the prison, and was persuaded to become an informer for the Federal Bureau of Investigation.

Douglas served for several months as a courier between Father Berrigan and his co-defendants outside the prison, providing the F.B.I. with copies of the correspondence. The Government contends that

Douglas, its key witness, learned not only of the bizarre plot to abduct Mr. Kissinger, but also of plans to blow up heating tunnels to Government buildings in Washington and to raid draft boards in several cities.

Mr. Clark tried to get Mr. Hendricks to concede that the uncovering of contraband prison mail was commonplace and rarely, if ever, led to an indictment. The defense contends that the Government has resorted to "selective prosecution" in the Berrigan case with the intent of stifling critics of the war in Indochina.

Mr. Clark told Judge Herman that his questions to Mr. Hendricks on the rarity of mail contraband indictments were designed to expose "the Government's violation of constitutional rights."

Judge Herman rapped his gavel and said, "Mr. Clark, you know that's not proper."

Smuggling of letters into or out of prisons carries a maximum penalty of 10 years. Three of the defendants—Father Berrigan, Sister Elizabeth McAlister and Ahmed Eqbal, a Pakistani scholar—are specifically charged with illicit correspondence. Sister Elizabeth and Dr. Ahmad are also charged with writing a letter to Father Berrigan containing a proposal to kidnap Mr. Kissinger.

Sister Grace Marie Russell, a teacher at Marymount Manhattan College, testified today that she served as a mail drop for Sister Elizabeth during the summer of 1970. Several special delivery letters with a Lewisburg postmark and clandestinely intended for Sister Elizabeth but addressed to Sister Grace Marie were received, the witness said.

Another Marymount nun, Sister Judith Savard, testified yesterday that she also served as a mail drop for Sister Elizabeth.

The Government contends that the alleged conspiracy was furthered mainly by letters between Father Berrigan and Sister Elizabeth.