

Subpoena of Hoover 'Fishing Expedition'

By LEE LINDER

Associated Press Writer

HARRISBURG, Pa. (AP) — The government today described as "a fishing expedition" a defense subpoena ordering FBI Director J. Edgar Hoover to bring records to the antiwar conspiracy trial of the Rev. Philip Berrigan and six others.

U.S. District Judge R. Dixon Herman, before taking under advisement the government's motion to quash the subpoena, said "This is the broadest subpoena I have ever seen...so broad it almost borders on the ridiculous."

The subpoena orders Hoover to appear "forthwith" together with Norman A. Carlson, director of the U.S. Bureau of Prisons, and to bring all records available involving Boyd F. Douglas Jr., the seven defendants, five persons named as coconspirators but not indicted, and 13 other men imprisoned for alleged antiwar actions.

FBI informer Douglas, incarcerated at the federal penitentiary at Lewisburg, Pa., with Berrigan for the last

eight months of 1970, is the government's key witness in the case.

It was Hoover's disclosure 15 months ago of the alleged plot to kidnap presidential adviser Henry A. Kissinger that led to the indictment of the militant antiwar priest now imprisoned for destroying draft files.

Douglas has been on the stand since Monday afternoon, telling how he smuggled letters in and out of prison for Berrigan while mailing copies to the FBI.

He is likely to be testifying into next week, and the defense said it would seek the mass of records for use during its cross examination of Douglas.

William H. Connally, a Justice Department lawyer, told the judge the scope of the subpoena "is unlimited and has no real purpose ... and most of the material is inadmissible in this trial."

The government said the defense request was "unreasonable and the documents and the material sought was not subject to subpoena, discovery or inspection."