

Defense Plea in Berrigan Case

Harrisburg, Pa.

A defense attorney yesterday asked the court for a special hearing to determine if the government entrapped the seven persons on trial here through the use of an informer as it did in an abortive draft board raid in Camden, N.J., in which 20 persons were arrested.

Attorney Leonard Boudin filed a motion with U.S. District Judge R. Dixon Herman which stated:

"The evidence in both cases . . . indicates that the FBI has engaged upon an illegal course of conduct consisting of provocation, instigation and entrapment through the use of informants."

Noting that Boyd F. Douglas Jr. was an informer against the Rev. Philip F. Berrigan and six other anti-war activists, and that Robert W. Hardy had the same role in the Camden raids, Boudin said the two "adopted leadership roles," provided "indispensable physical and informational needs," and each offered to provide a weapon.

Boudin said both Douglas and Hardy had worked as informants through the same FBI agent, William Anderson, who was present in the courtroom here

throughout the 14 days that Douglas spent on the witness stand.

Hardy, 32, filed an affidavit in Federal court in New Jersey in which he said he unwittingly became a "provocateur" in the Camden case while acting as an FBI informant. He asked the court to dismiss indictments against the 20 arrested in the raid Aug. 22, 1971.

Boudin said Douglas specifically "furnished two of the defendants with manuals relating to explosives and offered to give another defendant a gun to be used in the plot to kidnap Henry A. Kissinger.

The seven defendants also are charged with plotting to blow up heating tunnels in Washington and vandalize draft boards in nine states.

In testimony yesterday, the government called two federal employees to give technical details on the underground tunnel system in Washington. *United Press*