

'Our Lives Are Our Acts'

A Dignified Silence in

By Mary McGrory
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The Berrigan trial has come full circle. Once again, the Seven defendants in the case have judged their government and found it guilty of outrageous conduct.

Their opposition to the Vietnam war started the whole affair.

Now they have considered the government's conspiracy charges against them, and they have found them unworthy of reply.

The trial — like the war — they find vindictive, spiteful and unworthy of a great nation.

The decision to answer five weeks of all the testimony by a totally mobilized FBI could dredge up against them with a total silence was an enormously stylish and risky thing to do. They were repeating what they said with their raids on draft boards: the Administration cannot be reached with reason and must be jolted into awareness.

"Our lives are our acts," said Anthony Schblick, the black-eyed ex-priest, who with his wife, Mary, an ex-nun, and the others is accused of plotting to blow up Washington heating tunnels and kidnap Henry Kissinger.

"This week, especially after the Palm Sunday procession, it seems that silence in the face of false accusations



PHILIP BERRIGAN
A risky course

was the perfect course to take," he said.

Such symbolic high-handedness is what drove the government wild in the first place. That and an ill-siveness comparable to that displayed by Philip's brother the Rev. Daniel Berrigan, who played hide-and-seek with the FBI for five mortifying months in 1970.

REACTION

William P. Lynch, the peppy, red-haired chief prosecutor, was still simmering at the powerful put down dealt him by the defendants last week. When court opened he was stapling his papers furiously and tossing paper clips in the air.

They, on the other hand, were wearing daisies and smiles, content that whatever the perils of their course, they had managed to pull off an exercise in consciousness-raising.

As for what had once been billed as the "political trial of the century," it has become a matter of lawyers' closing arguments and the judge's charges to the jury.

The jury is faced with mountains of exhibits and must wrestle with the cruel complexities of the conspiracy laws.

It must choose between the Silent Seven and the voluminous testimony of Boyd Douglas, the government's prize witness, an ex-convict, paid FBI informer, career con man and bogus peace-activist.

It is his word and the letters exchanged between the Rev. Philip Berrigan and Sister Elizabeth McAlister while Douglas was Father Berrigan's prison-mate at the Lewisburg Penitentiary, on which the government's case is based.

SILENCE

The idea of a dignified silence came originally from Ramsey Clark, the chief of the defense team and former attorney general.

It was thrashed out among the seven in the Dauphin county jail, where Father Philip is confined during the trial.

Esthetically, from the first, the notion had appeal. It was in keeping with Resistance style.

What finally clinched it was the ruling of the judge, R. Herman Dixon, who refused to grant defense witnesses the immunity accorded government witnesses.

The seven had claimed "accountability" for certain draft board actions, but cross-examination of their friends and associates might have opened the way for a new spate of conspiracy trials and they decided to rest their case where it was.

The quality of evidence has not been compelling. The prosecution has proved that the seven talked wildly, wrote indiscreetly and considered it their duty not to lay down the parochial school law but to break it, by destroying draft files.

Harrisburg

JUDGE

Even the judge, a stern, bald church elder, exceptionally liberal-minded, balked at two of the counts against Eqbal Ahmad, the only Muslim in the group.

He dropped them.

Having gone so far, he edged closer to the brink of reality and seemed about to close out the heating-tunnels charge. Lynch became extremely agitated, flung his arms about and quoted Boyd Douglas at length.

One of the "overt acts" charged is that the Rev. Joseph Wenderoth, the gentlest of the seven defendants, returned to Douglas an Army

manual on explosives "sometime in October."

Leonard Boudin, the lion of the defense team, who always behaves as if reason were just around the corner, pleaded with the judge:

"Your honor, if one of the defendants gave back a manual on explosives, it is the antithesis of an overt act of conspiracy."

But the judge decided he would leave the tunnels in

and instruct the jury about them, thus giving it one more confusing detail and a chance to overlook them.

The jury has an agonizing task. It will have to decide whether the Silent Seven stooped, in their desperation to end to war, to plot; or whether the FBI in its desperation to get them, stooped to what Father Berrigan has called "violent absurdity."

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The defendants in the Harrisburg case include (from left) the Rev. Joseph Wenderoth, Neil McLaughlin, Sister Elizabeth McAlister, Ebbal Ahmad, and Mary and Anthony Scholick.