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Clark Calls Case Against Berrigan 'Outrageous'

By HOMER BIGART
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HARRISBURG, Pa., March 29 — Former Attorney General Ramsey Clark charged today that the Government had raised an "outrageously false" case against the Rev. Philip F. Berrigan and six other antiwar activists accused of a bombing-kidnapping conspiracy.

In the closing argument for the defense, Mr. Clark contended that Father Berrigan could never have masterminded from his prison cell a plot to kidnap Henry A. Kissinger, the Presidential adviser on national security, and blow up heating tunnels to Government buildings in Washington.

"It just can't be done. No way. No way," the tall gaunt attorney told the jury. "The Count of Monte Cristo couldn't do it."

"And the only way Philip Berrigan could do it was to believe that the Government just

Tells Jury Priest Could Not Have Directed Any Plot From a Prison Cell

stood there and watched him do it and provided the agent, Boyd Douglas," Mr. Clark said.

Mr. Clarke was referring to the Government's chief witness, Boyd F. Douglas Jr., a paid F.B.I. informer and former convict, who carried messages between Father Berrigan and the other defendants when Douglas and the Roman Catholic priest were prisoners at the Federal penitentiary at Lewisburg, Pa., in the spring and summer of 1970.

Both Mr. Clark and Leonard Boudin, another defense lawyer, accused the prosecution of trying to promote meandering and desultory discussion into a full-blown criminal conspiracy. But

to establish conspiracy the Government would have to prove that the seven defendants had reached a firm agreement to commit illegal acts, they said, contending that the Government had failed to do this.

Mr. Boudin said that even if the defendants had discussed the abduction of Mr. Kissinger or the destruction of the tunnels, they were within their constitutional rights to free expression.

As an "overt act," the Government said that Father Berrigan and another defendant, the Rev. Joseph Wenderoth, "cased" the tunnel system in April, 1970 just before Father Berrigan began a 6-year sentence for raiding draft boards.

Even if the two priests had entered the tunnel, Mr. Boudin argued, this was merely, "investigation or preparation," neither of which was proof of a conspiracy.