

SEP 6 1972  
**Berrigan and a Nun  
 Get Prison Terms  
 In Letter Smuggling**  
 NYTimes

By JOHN KIFNER

Special to The New York Times

HARRISBURG, Pa., Sept. 5—  
 The Rev. Philip F. Berrigan—  
 cleared of charges that he led  
 a plot to kidnap President Nixon's  
 adviser on national security  
 affairs, Henry A. Kissinger—  
 was sentenced in Federal  
 District Court here today to  
 four concurrent two-year terms  
 for smuggling letters out of the  
 Lewisburg Penitentiary.

Sister Elizabeth McAlister,  
 also cleared of the plot charges,  
 was sentenced to one year in  
 jail and three years' probation  
 for smuggling letters.

Moments after the sentences  
 were announced, Government  
 attorneys moved to dismiss the  
 first three substantive counts  
 of their indictment, confirming  
 that the Justice Department  
 would not seek a retrial of  
 the controversial "Harrisburg  
 Seven" case.

Judge R. Dixon Herman of  
 Federal District Court made  
 Father Berrigan's two-year  
 sentences run concurrently with  
 the six-year sentence he is  
 serving for destroying draft  
 board files in Catonsville, Md.,  
 so that, apparently, the 49-  
 year-old priest may not have  
 to serve any additional time in

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# Berrigan Sentenced in Mail Smuggling

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prison.

Father Berrigan has served  
 three years of his sentence and  
 is eligible for parole, but his  
 hearing has been held up pending  
 the resolution of this case.  
 The effect of the new sentence  
 on his application is not yet  
 known.

The 11-week trial of the  
 "Harrisburg Seven" ended last  
 April 5, with the jury dead-  
 locked on the Government's  
 major charges of a conspiracy  
 to kidnap Mr. Kissinger, blow  
 up heating tunnels in Wash-  
 ington and sack draft board  
 offices.

Reporters later established  
 that the jury was deadlocked  
 at a 10-to-2 vote for acquittal  
 on the conspiracy charges.

### Carried by Informer

But Father Berrigan and  
 Sister Elizabeth were convicted  
 on the lesser charges of  
 smuggling letters into and out  
 of the Lewisburg prison. All  
 of the illicit correspondence  
 was carried in and out of the  
 penitentiary by Boyd F.  
 Douglas, one of Father Berri-  
 gan's fellow convicts who was  
 a Government informer and the  
 chief witness in the case.

A grand jury here directed  
 by Guy Goodwin, the Justice  
 Department official specializing  
 in radical cases, brought in-  
 dictments in January, 1971,  
 after J. Edgar Hoover, the late  
 director of the Federal Bu-  
 reau of Investigation, had told  
 a Congressional committee's  
 budget hearing that Father  
 Berrigan and his brother, the  
 Rev. Daniel J. Berrigan, were  
 leading a group planning to  
 kidnap a high Government of-  
 ficial.

### New Indictment Issued

But, on April 30, 1971, after  
 William S. Lynch was brought  
 in from the Criminal Division  
 of the Justice Department to  
 take over the case, a new,  
 superseding indictment was  
 issued.

The drastically redrawn in-  
 dictment appeared to make  
 conviction far easier. It lumped  
 the bombing and kidnapping  
 plots together with plans and  
 exhortations to vandalize draft  
 boards—a favorite tactic of the  
 Berrigans and other Catholic  
 radicals—into one all-purpose  
 conspiracy.

Then, rather than a detailed  
 specific plan to kidnap Mr.  
 Kissinger as first alleged, a  
 crime carrying a life sentence,  
 there were two counts of  
 "threatening through the mail,"  
 each carrying a maximum five-  
 year penalty.

But the case was still totally  
 dependent on the testimony  
 of Douglas, a thrice-convicted  
 check forger who had achieved



The Rev. Philip F. Berri-  
 gan on his way to Fed-  
 eral District Court for  
 sentencing.



Sister Elizabeth McAlis-  
 ter, a Roman Catholic  
 nun, outside court in  
 Harrisburg, Pa.

Associated Press

some unusual privileges for a  
 prisoner: daytime releases to  
 study at nearby Bucknell Uni-  
 versity, a new car, an apart-  
 ment and a widening circle of  
 radical acquaintances.

Testimony indicated that  
 Douglas was the moving figure  
 in setting up a number of meet-  
 ings, as well as serving as  
 Father Berrigan's courier.