

Unitarians See U.S. Harassment on Gravel Papers

By HOMER BIGART

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BOSTON, July 30—The headquarters of the Unitarian Universalist Association, a tranquil brick mansion on Beacon Street overlooking the Boston Common, shows no outward signs of fear or paranoia. Among the staff there is some banter about the telephone being "bugged" and a suggestion that the F.B.I. may have planted listening devices behind the portraits of early Unitarian leaders, but no one talks in whispers.

Nevertheless, the head of this small but influential religious group charges that it is being intimidated and harassed by the Justice Department. The Rev. Robert Nelson West, president of the association, said that the Unitarian Universalists faced the prospect of criminal prosecution because they had published Senator Mike Gravel's version of the Pentagon papers.

He saw the threat of prosecution in efforts by a Federal grand jury to obtain the financial records of the group and of its nonprofit publishing division, the Beacon Press, and in the Government's attempts to subpoena Gobin Stair, editor in chief of the Beacon Press, as a witness in the Los Angeles trial of Dr. Daniel Ellsberg, who is accused of leaking major portions of the top-secret Pentagon study of American involvement in the Vietnam war.

The Justice Department, when asked about the matter, replied, as it customarily does, that it cannot comment on matters before a grand jury.

But even if the Government decides not to seek an indictment of the Unitarian Universalist Association, its present attempts have cost the Unitarians \$45,000 in legal fees, have abashed its leaders, and have filled its members with fear and anger, Dr. West said. He added that the Unitarian Universalists deserved an apology from President Nixon.

'Cloud Should Be Lifted'

"I don't think President Nixon believes in harassing a religious group, but that's what is happening," Dr. West said. "We should be given a clean bill of health. The cloud of fear should be lifted from our people."

Dr. West said that a June 29 Supreme Court decision denying immunity to Senator Gravel, an Alaska Democrat, from grand jury questioning on how the Pentagon papers came into his possession and how they became available to Beacon Press would enable the jury to renew its demands for his group's financial records.

The Supreme Court decision became effective last Monday.

Until the immunity question was settled, the Court of Appeals for the First Circuit had issued a restraining order halting the grand jury investigation. For the last week, the Government has been free to proceed.

In a third-floor office flooded with sunlight, Dr. West, a 43-year-old Virginian, said that the religious group had nothing to hide. Not a penny of royalties from the sale of the four-volume edition, which was published last October, would go to Senator Gravel or to anyone else, according to Mr. Stair, the editor. The only financial arrangement with Mr. Gravel involved sharing the legal expenses, Dr. West said.

It had cost the group \$160,000 directly to publish 20,000 sets. Even with all the publicity, he continued, the edition was selling so slowly that Beacon Press would be lucky to get its money back. So why was there any need for the Government to scrutinize all the financial records of the Unitarian-Universalists, Dr. West asked.

On Oct. 29, 1971, Dr. West related, two F.B.I. agents appeared at the New England Merchants National Bank, where the Unitarian Universalist Association has its accounts, and confronted bank officials with a grand jury subpoena calling for delivery of "all U.U.A. records, copies of every check written, and every check deposited by the U.U.A. between June 1 and Oct. 15."

Previous Cases Cited

The Government's move was not entirely unprecedented, according to Dean M. Kelley, director for civil and religious liberty of the National Council of Churches, based in New York. Dr. Kelley said that the intelligence division of the Internal Revenue Service had asked five national church groups early this year if they had made grants to the Black United Front, of Cairo, Ill., or to its director, Charles Koen.

He identified the five groups as the National Council of Churches, the United Church of Christ, the Episcopal Church, the Disciples of Christ and the Board of Christian Concerns of the United Methodist Church. But in no case was the request backed up by a subpoena, Dr. Kelley said, so the information was not given.

And for the last three years, he continued, the tax men had conducted what they called a "routine examination" of the books of the National Council of Churches, apparently to determine if that body was mixing in politics to a point where it should no longer be granted tax-free status. "We think it was the result of some congressman complaining of our opposition to the antiballistic missile," Dr. Kelley said.

What made the Boston case uniquely disturbing, Dr. Kelley explained, was the threat of criminal indictment of church leaders.

The Unitarian Universalists differ significantly from other

church groups. Frequently more philosophic than religious in the traditional sense, the group is liberal to the point where some members argue that it is not a Christian sect. Many—but not all—Unitarians reject the divinity of Christ, the existence of a personalized God or the more traditional concepts of an after-life.

And while all shades of political opinion exist among Unitarians, most in the group tend to be strong defenders of civil liberties, advocates of social programs for the poor and for minorities, and opponents of the war in Vietnam.

Dr. West said he was certain that "high officials in the Justice Department" were trying to frighten into silence a denomination that had strongly opposed the war since 1964. He recalled that Michael Ferber, an association youth leader, was one of the codefendants at the draft-conspiracy trial of Dr. Benjamin Spock and that Boston's Arlington Street Church, a Unitarian congregation, was a notable center of antiwar activity. In addition members of the association had participated in all the mass protests in Washington.

As for the Pentagon papers, he continued, the Unitarians merely published in book form a text that was already in the public domain.

One of the side issues in the Boston case involves the possible invasion of privacy. When F.B.I. agents arrived at the New England Merchants National Bank, they were armed with a blanket subpoena calling for the records of all accounts of the Unitarians including the general operating account of the group and the Beacon Press account for the four-month period starting in July, 1971.

On the plea of a bank official that the request was unrealistic because of the volume of checks involved, the F.B.I. agents said that they were interested in transactions relating to the Pentagon papers, and agreed to narrow the search to entries and withdrawals of \$5,000 or more in two of the accounts.

Whenever the F.B.I. or the Internal Revenue Service tries to obtain information regarding a depositor, a bank is placed in a quandary. Should it, as a matter of courtesy, notify the depositor? Generally the matter is

left to the discretion of a bank official. If this official thinks the depositor is shady — a known racketeer, for example — he is likely not to tell of the intrusion. But a presumably respectable client can reasonably count on being tipped off.

Notification Was Attempted

A vice president of the New England Merchants National Bank said that an attempt was made to notify the religious group before any material was shown to the F.B.I. agents. But initial efforts to contact Dr. West or the group's treasurer by phone were unsuccessful, he said, and it was not until Nov. 4 that the group was informed of the investigation. Meanwhile, on Nov. 3, the F.B.I. agents were allowed to look at copies of monthly bank statements.

What the F.B.I. wanted were photostatic copies of individual checks, but before this could happen, Senator Gravel intervened and obtained a court order halting the investigation until the extent of his senatorial immunity was established by the Supreme Court.

If the F.B.I. had gained access to all the checks, this would have revealed the names of contributors to the Unitarian group and would have been an infringement of religious freedom, Dr. West maintained.

"The Supreme Court has held that the government cannot compel disclosure of membership lists," he said. "We feel that if the Government is examining the day-to-day use of our financial resources, compelling us to give them copies of every check we write, they are, in effect, evaluating the entire program of a religious denomination."

By February of this year, Dr. West said, he had reached the conclusion that the Justice Department was trying to "stifle legitimate dissent."

Dr. West was heartened by evidence of near-unanimous support from Unitarians. There were, however, a few bitter protests.

"Strike me off your list," said one member. "I want no truck with people who publish stolen secret papers and thereby give aid and comfort to the enemy."

"You buttered your bread, now you can lie in it," said another.

Difficulties Faced by Group

Dr. West said he found that the investigation had put "an aura of criminality and wrongdoing on the Unitarian association in the public's mind. He cited the difficulty that his personnel director, Mrs. Yvonne Paulson, had in hiring a secretary. Five of six applicants, responding to a newspaper advertisement, refused to appear for an interview after learning who the employer was.