

Kidnap plot count against Harrisburg 7 now modified

By WILLIAM RINGLE
Gannett News Service

HARRISBURGH — Has the most sensational charge in the "Harrisburg Seven" trial, which begins here Monday, been reduced to a mere footnote?

The charge is the claim of a plot to kidnap Presidential Advisor Henry Kissinger.

Just how much the kidnap accusation has been deflated will only be known after all of the evidence is in. But certainly today it is a mere shadow of the original.

At first, the charge was brought under the Lindbergh Law. Conviction could have brought a death sentence or life imprisonment under the law which makes the penalties for kidnaping applicable to conspiracy to kidnap.

But when the new, second indictment was filed last April 30, the plot under the kidnap law was dropped. Instead, the indictment listed the kidnap plot as only one element of a general criminal conspiracy. The maximum penalty for conspiracy is five years and \$10,000.

So far, the only legal evidence of the kidnap plot that the government has disclosed are letters claimed to be between two key defendants, the Rev. Philip Berrigan and Sister Elizabeth McAlister.

In one, Sister Elizabeth, now 32, purportedly outlined a plan to Berrigan "to get your thinking on it" and to reassure him that his militant colleagues in the antiwar movement were "thinking seriously of escalating resistance."

The handwritten missive described a plan "to kidnap — in our terminology to make a citizen's arrest of — someone like Henry Kissinger."

It went into some detail on how the prisoner would be held, what demands would be made (release of "political prisoners" and a halt in bomber flights over Vietnam, Laos and Cambodia), a "trial" which would be held and how he would be released.

"Think about it and maybe when I see you in Danbury I can get your thoughts as well as fill you in on where the plan lies," it said.

The letter was smuggled to Berrigan, then in the federal penitentiary, Lewisburg, Pa., on Aug. 20, 1970, the indictment said.

Two days later, the indictment related, Berrigan replied. The essence of the letter attached to the indictment is: There are a lot of drawbacks to the plan, but "it can be done and brilliantly."

The same letter suggested that blowing up heating tunnels in Washington be coordinated with the kidnaping, the indictment shows.

Perhaps other evidence — letters, telephone taps or testimony of witnesses (there are some 86 government wit-



PHILIP BERRIGAN



HENRY KISSINGER

one of which, if proved, could sustain it.

In addition, there is a separate charge of making threatening communications, one against Sister Elizabeth and Dr. Eqbal Ahmad, 40, (a Pakistani who is also a defendant), and the other against Berrigan. Conviction on that count alone could bring a sentence of five years imprisonment and \$1,000.

And beyond that there are three other counts charging Berrigan with smuggling letters out of the Lewisburg Penitentiary to Sister Elizabeth during the spring and summer of 1970. A conviction could bring up to 10 years on each count.

The same charge is leveled in three separate counts against "Sister Liz" (Ahmad is a codefendant on one), accusing her of smuggling letters in to Berrigan.

The other four defendants — two Baltimore priests, the Revs. Neil McLaughlin and Joseph Wenderoth; and Mr. and Mrs. Anthony Scotlick, a former priest and a former nun now married — are defendants under the conspiracy charge, which involves raids on draft boards in Rochester, Philadelphia and three places in Delaware.

Another defendant — the group was originally dubbed the "Harrisburg Eight" — was John Theodore Glick, 22. He had been imprisoned for his part in the "Flower City Conspiracy," a Sept. 5, 1970 raid on federal offices in Rochester. However, last week his case was severed from the others.

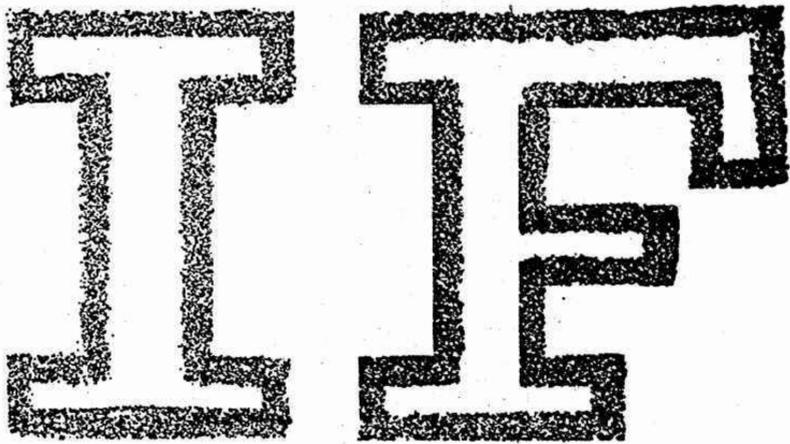
In addition, the indictment names five co-conspirators, none of whom is a defendant.

nesses not yet identified) — will be introduced to stiffen the Kissinger-heat tunnel conspiracy charge.

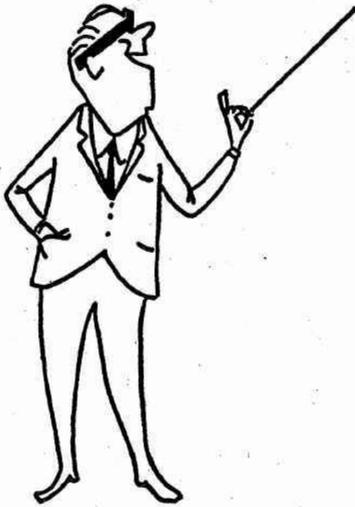
The letters, standing by themselves, certainly would invite an adroit defense lawyer to question if this reflected genuine conspiracy — whether it was a serious plan or mere fantasizing by zealots. That would be for the jury to decide.

At any rate, loss of either the Kissinger or the heating tunnel accusations alone wouldn't set back the government's case as it's now constructed. The whole case was reshaped, with the emphasis on conspiracy and smuggling into a federal prison, in the second indictment.

The conspiracy charge cites plotting for five other acts, any



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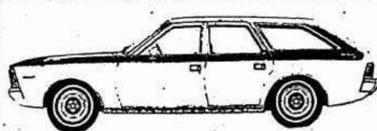
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Cleric's tax to be paid by diocese

PHILADELPHIA (AP) — The Episcopal Diocese of Philadelphia has agreed to pay income taxes for one of its priests who refused to pay the levy as a protest of the war in Southeast Asia.

The Rev. David Gracie, urban missionary for Philadelphia, said he had withheld \$545.25 — half of his income tax — for 18 months as a protest against the war. His current annual salary is \$14,175.

In his appearance before the church council, he said, "I appeal to the council to join in a corporate act of resistance against this barbaric, immoral war."

He told the council that if the bill were paid, "you will finish me as a tax resister."

During a heated debate that preceded the decision, one council member, Arthur Slater, a Defense Department employe, said the group would be engaging in subversion if it backed Father Gracie.

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