involved in a Texas banking scandal, Lynch bade him farewell, saying, "I have only one bone to pick with you—giving me that Berrigan case."

But the reasons that he did not like the task are not examined. Lynch had redrawn the case in such a way that conviction was much easier than it had been under the original indictment prepared by the Justice Department's chief prosecutor of radicals, Guy Goodwin. And he certainly went about the case with vigor.

It is not clear if the authors believe Lynch's reluctance is based upon an assertion made near the end of the book: that the defendants never would have been indicted but for the FBI director's premature announcement—before an investigation had even reached the grand jury stage—that there was such a plot.

Perhaps the most interesting revelation by Nelson and Ostrow is that Robert C. Mardian, then assistant attorney general for Internal Security at the Justice Department and now part of the Committee for the Re-election of the President, so distrusted the credibility of the government's only important witness in the case, Boyd Douglas, that he considered designating him a "national security figure" so that the FBI could wiretap and/or bug Douglas.

In fact, Douglas testified in cross-examination that he had lied at various times to Philip Berrigan and other defendants and that he wasn't always honest with the FBI about his activities. His own testimony on the witness stand was contradictory on some points. And others did not corroborate Douglas's tales. Even while he was on the stand, Nelson and Ostrow write, Douglas called William Zeidler, the Harrisburg Patriot reporter who covered the trial, and asked him to collaborate with him on "his story" for a magazine.

In asserting that the FBI and Hoover were "on trial" in Harrisburg, Nelson and Ostrow fail to point out two significant moves by the FBI that, perhaps more than any others, point to the bureau's particularly hostile behavior toward the Catholic Left:

* In September 1970, informed by Douglas of an impending raid of federal offices in Rochester, New York, the FBI chose to let records and equipment be vandalized instead of preventing the raid, as they easily could have done. The Justice Department prosecuted for that raid twice—the raiders for the act itself; and later, one of the raiders, Theodore Glick, and the seven Harrisburg defendants for conspiracy to com-
The FBI and the Berrigans

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mit that crime as part of the general conspiracy that included the kidnaping and bombing.

- In August 1971, the FBI arrested a number of people, most of them Catholic radicals, in the act of raiding federal offices in Camden, New Jersey. Nelson and Ostrow mention the raid, but not that the informer, Robert Hardy, later said the group decided against carrying out the raid; and that he, following the advice of the FBI and the Western White House, assumed leadership of the group and convinced them they should pull it off.

In addition to the investigation, the authors have also written about the philosophy and general background of the Berrigan brothers, Philip, now imprisoned, and Daniel, who like his brother, had been sentenced for destruction of draft board records.

Strangely—in a book entitled The FBI and the Berrigans—the authors haven’t interviewed any Berrigans, except for some very brief comments from Father Philip Berrigan: a few one-liners obtained when a marshal wasn’t looking during a recess in the courtroom and a few paragraphs he wrote after the defense had rested. Daniel Berrigan’s ideas are described in detail through other people’s words, but there is no indication that the authors talked to him—despite the fact that he has been out of prison since February.

Most of the lengthy material about the brothers is gathered from other works, principally those of Francine du Plessix Gray, author of Divine Disobedience, and Loy Miller, who wrote a newspaper series on the brothers and the Harrisburg case in 1971.

Also, they tell only the briefest of versions of what happened inside the jury during its two-month sequestration and the one week of deliberations. Surely an exploration of how 12 middle Americans in rural Pennsylvania came to vote 10-2 for acquittal would be significant.

Nelson and Ostrow have the right fix on the case: it was a sad event for the FBI and sadder still for those persons—Sister McAlister, Father Berrigan and other defendants—who had to listen to their expressions of affection for each other, and their occasionally irrational ideas for protest against an irrational war turned into a blueprint for a sensational, violent crime of which they say their philosophy of nonviolence prohibited serious consideration.

Perhaps the authors are most insightful in their conclusion:

In the Berrigan case there was a special lesson: So powerful had the director of the FBI become that the President of the United States, who frequently reminded his countrymen that he was a lawyer, chose to ignore Hoover’s blatant violation of the Bill of Rights. Instead, the Nixon Administration prosecuted in a vain attempt to show the FBI director had his facts right. When a nation that prides itself on being a system of laws—not men—permits itself to be so corrupted, the portents are ominous.