

Presidio Mutiny Trial

Giuseppi Slater

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SAN FRANCISCO (LNS)—Military justice, it says in the manuals. But to observers of the trial, the two words form a mutual contradiction, one that emerged more starkly than ever when Pvts. Lawrence Reidel and Louis Oszczepinski were sentenced on Feb. 15, to 14 and 16 years of imprisonment for their part in the non-violent Presidio protest last October. (See Fifth Estate, last issue.)

The Army hard line is now firmly cast, and military officials privately admit that the three sentences already handed down “will probably form the pattern for the rest of the cases.”

Attorneys for the next defendant, Pfc. John Colip, have sought and received a change of venue for his trial. Given the results at this stage, they do not feel that an unprejudiced hearing can be held at the Presidio; so the Army is moving the trial to Ft. Irwin, a highly secure military base 38 miles from Barstow, Calif., and in the middle of the Mojave Desert.

Officials do not expect any “protesters” to be allowed admission to that trial.

Ron Sypnicki, Colip’s civilian attorney, told me that he and Army defense counsel, Capt. Emmit Yeary, feel that officers being so removed from the situation might be more inclined to hear the case on its own merits.

Many of the area cognoscenti are rather skeptical about the impartiality of any military jury reviewing a political trial.

Terrence Hallinan, who will defend 16 of the prisoners, noted the Army’s willingness (an enthusiasm not shown for most other defense motions) and commented, “The Army says they’re worried about military backlash. I think they’re much more worried about a public backlash.

Norman Mailer likes to record history in the guise of nuance, and to the extent that his reportage limits itself to this perspective, it loses validity. News coverage leavened with nuance, however, gains a flushed validity for its X-Ray viewpoint of the underlying skeleton of news happenings. Reporting the Presidio trial especially develops a sensitivity to nuance.

Towards the end of a trial, your mind becomes sick with a doublethink perspective.

On the one hand, here you sit in a court of law, supposedly the pre-eminent institution of modern, rational civilization. You are a reasonable person yourself, and the ongoing proceedings at every instant are addressed to your rational faculties. As a reasonable being, you know that “not guilty” is the only possible verdict.

Consider the evidence. Intent to override military authority is the kernel of a mutiny charge, and no evidence of conspiracy to hold the demonstration was introduced.

Reidel did not even know that a protest was beginning; he was near the group and joined it on impulse. Then, the expert defense testimony established that the supposedly disobeyed order almost certainly was neither heard nor understood by the circle of singing demonstrators.

It boiled down to the question of whether the prisoners had tried to drown out the order, and thus showed intent to reject authority.

Here prosecution witnesses contradicted each other: several asserted that the singing did become louder when the commanding officer gave his orders, but the captain who had stood next to the group specifically to determine whether the demands were audible stated flatly that there was no increase in the group's volume.

Controverted testimony and the charge must be proven "beyond reasonable doubt." Therefore, not guilty.

Yet all the time you know so very well that these men will be found guilty and sentenced heavily no matter what transpires in the courtroom.

One look at the hard, tight-lipped faces of the officers forming the review panel tells you this as clearly as if they were to speak the implacable indignation, righteousness and vindictiveness underlying the facial expressions.

Obviously not guilty and obviously guilty. Always these expressions hang together in your mind.

Then there are the little incidents that stick in your mind. An Army shrink mounts the stand to testify that the defendants, while legally sane, suffer from malformed, malignant personalities.

He's short and quite fat and he speaks in a mumbled voice that is at the same time nervously insecure and yet smug.

Sitting six feet away from the prisoners he refers to them almost as objects, as defective appliances. "Yes, this case here suffers from a dissocial form of personality, we, uhh, professionally, we label this one a character disorder. Mmm, uh, quite severe in this case, I'd say.

And Oszepinski, after his suicide attempt, the medics bandage his arm, and back to the courtroom he must go. He sits there, his face resolutely squeezed as though to prevent tears, and meanwhile Army information officers dispense the opinion that his attempt was "just an act."

Lastly, there is the mass media coverage of the trial. Newspapers do headline the severe sentences and occasional critical editorials do appear.

The stories in the papers, though, rarely detail the full significance of the courtroom happenings, concentrating mainly on terse explanations of the major actions and decisions.

Yes, there is a trial going on here at the Presidio, some people are disturbed over it, this is the prosecution viewpoint, here is a quick summary of the defense, and the verdict and sentence were such-and-such.

Somehow, one feels that there is something more to the Presidio mutiny trials.

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Presidio Mutiny Case: Update, FE #76, April 3–16, 1969.

See also *Fifth Estate's* Vietnam Resource Page.

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