



10-12-71



## Washington Merry-Go-Round by JACK ANDERSON

WASHINGTON — The Pentagon has censored a brilliant young lawyer-colonel for writing that the Military Appeals Court is rigged to favor the generals over the GIs.

So badgered by his superiors was the Army lawyer, Lt. Col. Charles Schiesser, that he finally removed his name from the law review article so his co-author, Dan Benson, a reserve major, could publish it free of Pentagon pressure.

What the two men found was that the court — sometimes called the "GIs' Supreme Court" — was more often a rubber stamp for the brass than a safeguard for the GIs. Generals and admirals get automatic appeals while enlisted men receive second-class justice.

The slam-bang article, to be published in the Texas Tech Law Review, praises a few aspects of the court but paraphrases St. Matthew, charging the court "has strained at gnats and swallowed camels" in its support of the brass.

The court "to a significant degree," they wrote, "has become unduly aligned with the military establishment that it was created to police." Instead of protecting the GIs, it has shown more concern "with the attitudes of the

leaders of the various armed services."

Getting any injunctive relief — such as bail, habeus corpus hearings and change of venue — has been a "Catch 22" proposition, they said. Only four enlisted defendants got such breaks in 20 years.

Despite such sizzling comment, the Army Judge Advocate General's office at first approved the article. It was bucked to Defense Secretary Mel Laird's security and review office with an Army "recommendation for public release."

But at this level, according to a memo from Schiesser to the Army, "an objection was voiced." The Army quickly backed down on its approval and ordered two major changes.

**FIX HINTED, ERASED** — One stated objection concerned a sentence in which Schiesser and Benson said "William H. Darden was appointed to the court at the request of Senator Richard Russell, a well-known partisan of the armed forces..."

Another objection was raised to a sentence that only Judge Homer Ferguson of all the court's jurists "has consistently demonstrated... healthy skepticism toward the military."

To get the article approved, Schiesser agreed to remove any reference to Russell's "fix" and to soften the statement on Ferguson's isolation.

But that wasn't good enough. A few days later, the Army's Assistant Judge Advocate General, Brig. Gen. Larry Williams, suggested a complete rewrite in order not to "cast improper aspersions on members of the court, living or dead." We have a "Dear Chuck" memo to Schiesser signed by Williams, telling of the conversation.

Three days later, Schiesser wrote the Texas Tech Law Review saying that if the Defense Department failed to "clear the article... within your allotted time limit, please remove my name as an author."

Footnote: The Pentagon claims that Schiesser simply did not have time to revise the article and therefore had his name pulled. Although this is false, Schiesser has gone along to keep from endangering his career. When we talked with him, he declined all comment.

**WASHINGTON WHIRL** — Dry Run — Three weeks ago, we got wind that Air Force One, the presidential plane, was secretly scheduled for a flight to Peking in late October. We doubted our own information, since intelligence reports told of turmoil at the top in Peking. We called Henry Kissinger, the White House aide who had arranged the presidential visit. He assured us that the date for President Nixon's trip hadn't been set and that it certainly wouldn't be as early as October. A few days later, the White House announced that Air Force One, indeed, will fly to Peking later this month with Kissinger as the chief passenger. It will be a dry run for the Nixon visit. Such presidential nursemaids as Dwight Chapin and Tim Elbourne will go along to check out the accommodations. The last time they were in the Far East, they were overheard by the Philippines' President Ferdinand Marcos complaining about the accommodations. Marcos told them sharply that Nixon could skip the Philippines if they didn't like the arrangements. It will be interesting to see how the two tenderfoots get along with the

Chinese.

**MAGNUSON WEAKENS** — Sen. Warren Magnuson, D-Wash., the gallant old warrior who has stood off so many assaults by the special interests, has finally buckled to the natural gas lobby. Magnuson, without holding hearings, is rushing through his Commerce Committee a bill that would give El Paso Natural Gas a stranglehold on huge chunks of the West Coast natural gas market. The Supreme Court has ruled against El Paso time and time again. But the gigantic utility mobilized a campaign in Washington State that forced Magnuson at last to capitulate and introduce a bill to overturn the Court's decision. The campaign, of course, was paid for directly by the El Paso's customers.

**ZOO CONTROVERSY** — An animal importer, Fred Zeehandelaar of New Rochelle, N.Y., has called our column on inhumanity to zoo animals, untimely and "uncalled for." He says a new federal law "is already taking care of this matter. His statement, widely printed in "Letters to the Editor" columns, places too much faith in a piece of paper. While the Federal Animal Welfare Act of 1970 has laudable aims, it lacks both funds and personnel. Even its backers concede that the new law, without more government action, will have the teeth of a worm, the might of a gnat and the enforcement power of a clam.