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In The Nation: Songmy and the Black Panthers

By TOM WICKER

WASHINGTON, Dec. 15—It is not merely coincidental that while President Nixon is being strongly urged to appoint an independent commission to investigate what happened at Songmy, just such a commission has already appointed itself to look into what happened to the Black Panthers in Chicago, Los Angeles and elsewhere.

Former Attorney General Ramsey Clark, former Supreme Court Justice Arthur Goldberg and 24 other prominent persons announced the inquiry into police actions against the Panthers, despite the fact that the Justice Department said last week it would conduct an official investigation. And Mr. Nixon is being urged to arrange for an independent study of the alleged Songmy massacre despite two official Army investigations, the pending court-martial of Lieut. William Calley, and the bizarre hearings conducted by the House Armed Services Committee.

No doubt the extreme gravity of the alleged crimes has much to do with this unusual concern, and no doubt, too, we are more than a little infected with acute commissionitis; in just five years we have had the monumental reports of the Warren Commission on President Ken-

nedy's assassination, the Kerner Commission on civil disorders and the Eisenhower Commission on domestic violence. By now it is almost established practice for the Government to look outside existing institutions for a remedy or an explanation when serious crimes or shocking situations become too apparent to ignore.

Mistrust and Skepticism

But much of the demand for extraordinary inquiry into the Songmy and Panther cases also derives from a developing mistrust of the official institutions and agencies of American justice—a mistrust, most seriously, of their motives, their very willingness to be fair and impartial and a growing skepticism about their ability to function. Crowded and insensitive courts, self-protecting bureaucracies, docile regulatory boards, undermanned corrective agencies, political and economic links between interests and officials, all have contributed to a visibly growing sentiment among many Americans that justice is either a rigged proposition or reserved to the powerful, or both.

And now these terrible cases. Two inept probes into the Songmy incident (the original field inquiry and the House hearings), for instance, can

lend no one any confidence; it remains to be seen how Gen. Williams Peers's new Army investigation will turn out; and it is a reasonable bet that Calley will never come to trial, or will win a directed acquittal if he does, on grounds of pre-trial publicity.

In any case, a court-martial limited to the question of one man's guilt or innocence of specific charges is hardly the best place to develop the full story. Nor is it reasonable to suppose that either the Army or the civilian Government is going to broaden the inquiry much beyond the actions of the men who were present at Songmy; to delve further, into command responsibilities and American field tactics, is to go to the nature of the war itself and to risk its final discredit with the American people.

The Trouble With Inquiries

As for Fred Hampton's death at the hands of the Chicago police, that organization's self-serving performance in "investigating" itself after the 1968 Democratic National Convention leaves it little standing to conduct another self-inquiry. The Justice Department's investigating arm is the F.B.I., which has been bugging the Panthers and reporting to local police on their activities, which might

even have something to do with the recent rash of violence. Nor does the general attitude the department so far has shown toward black militants and other tough-talking dissenters encourage confidence in a thorough investigation of who shot first, and why.

A Federal grand jury in Philadelphia recently subpoenaed the records of the International Committee to Defend Eldridge Cleaver on suspicion of mail fraud; when no probable cause of such fraud could be shown in the Third Circuit Court of Appeals, the Government had to drop its demand for the names of contributors to the committee. Will any Federal grand jury go as far in investigating police departments for the Black Panther shootings?

So there is something in question other than the substantive matters of what actually happened at Songmy and to the dead Panthers—something more even than the effects of these events on the course of war and dissent, and upon a black community already mistrustful of white authority. The ordinary processes of justice have been further called into question by these sensational acts of violence, and no special commission can rectify that; quite the opposite.