



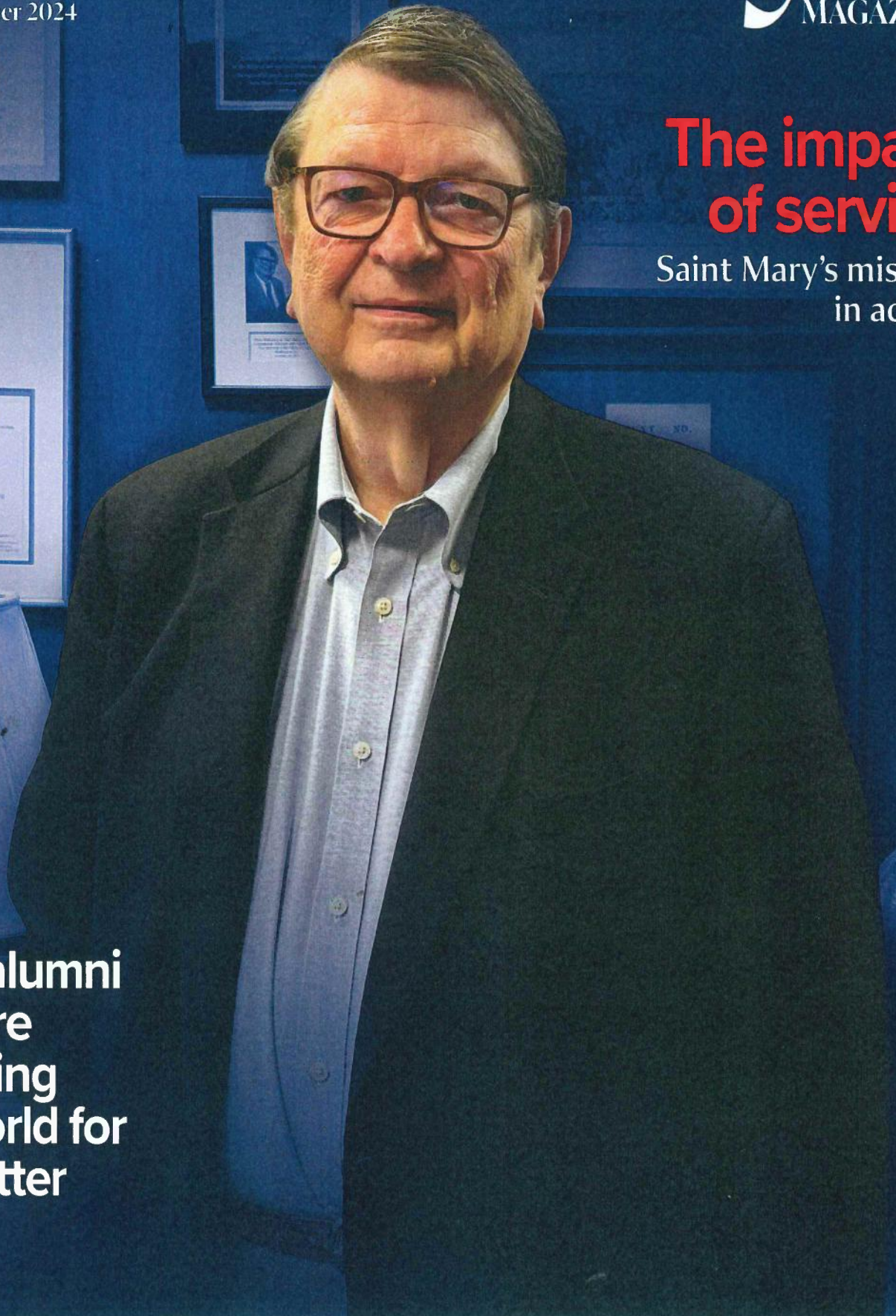
Saint Mary's

MAGAZINE

Spring Summer 2024

**The impact
of service**

Saint Mary's mission
in action



INSIDE:

**Meet alumni
who are
changing
the world for
the better**

When justice is served

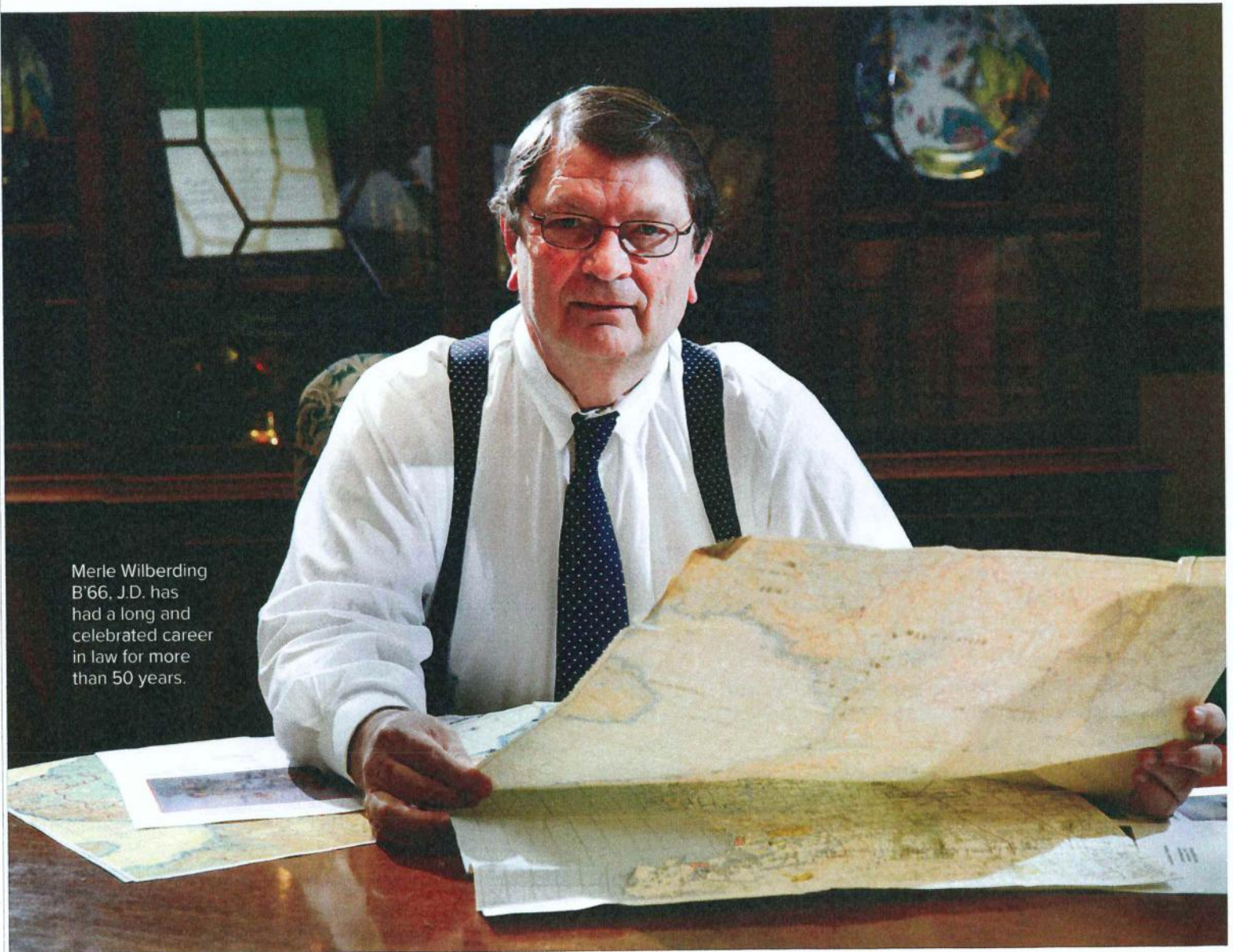
Every case has significance

Within his long and celebrated law career, Merle Wilberding B'66, J.D., represented clients in two prominent cases involving abuse within the U.S. military — both of which earned national attention as the public learned of the tragic details.

Unspeakable tragedy garners headlines.

It must have been difficult to not let the trauma of these cases replay hauntingly in his mind. Instead, Wilberding did what he's done throughout his more than 50-year career; he focused on justice and his role in making sure the guilty were held accountable.

Early in his career, on March 16, 1968, U.S. Army personnel mass murdered and



Merle Wilberding B'66, J.D. has had a long and celebrated career in law for more than 50 years.



mutilated unarmed civilians including men, women, and children in South Vietnam during the Vietnam War. Some of the women, and children as young as 12, were raped during the horrendous incident that would become known as the My Lai Massacre.

Then in his 20s, Wilberding was commissioned as a Captain in the Army JAG Corps and was assigned to the Government Appellate Division where he briefed and argued the My Lai Massacre (Lt. William L. Calley) case. He spent more than a year working to uphold the court-martial conviction of Lt. William Calley, the only person ever charged and convicted in the crimes that shocked the world and forever changed American military culture. (Captain Ernest Medina was charged but never convicted.)

"I had certainly read about the case," he remembers. "One of the ironies is I took the oath of office on Sept. 5, 1969, the same day that William Calley's records were flagged for investigation and further indictment."

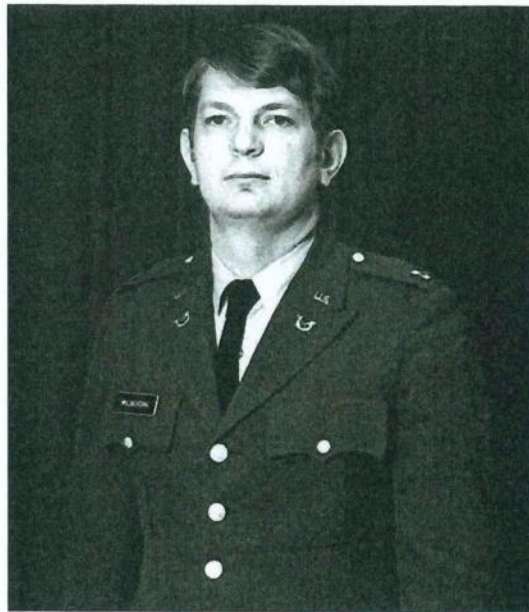
Wilberding said he focused on maintaining professionalism. "I didn't dwell on personal shock or sympathy, even though it would have been appropriate," he said. "I have had those thoughts later in life and even now. At the time I just tried to do the best job I could."

He recalls how part of the nation supported Calley throughout his trials.

"A huge part of the country was very pro-Calley, mostly in the far west and the south," Wilberding said. "They were in very strong defense of him: 'War is hell. People get killed in war.' No one really ever looked



Two courtroom sketches — depicting Merle Wilberding B'66, J.D. — appeared on the CBS Evening News with Walter Cronkite on Dec. 4, 1972.



Wilberding in his 20s as a Captain in the Army JAG Corps, assigned to the Government Appellate Division.

at the critical facts. He had them tied up, contained, and guarded for hours before they were executed. President (Richard) Nixon saw all those as potential votes. He was going to be running for reelection. He was the one who ordered Calley be held in house arrest, instead of prison, while the appeal went forward. Calley was convicted of the murder of over 100 people, but when the case got to the court of military review, they affirmed a conviction of 20 people, but at all times, there was such a political effort supporting him, he spent less than a year in confinement at the military prison in Ft. Leavenworth, Kan."

He furthers that the others in Calley's platoon, some of whom did the shooting, could not be tried as all were privates who were released from the Army before the case came to light.



On CNN on April 11, 2008, Wilberding is pictured with Mary Lauterbach as they are being interviewed by Betty Nguyen.



On the Today Show on April 13, 2008, Wilberding is pictured with Mary Lauterbach and his law partner, Chris Conard, as they are being interviewed by Amy Robach.



On the Today Show on Oct. 16, 2008, Wilberding is pictured with Mary Lauterbach and Meredith Vieira.

“Stories and rumors (of the event) percolated around Vietnam for a year or so before it was reported and the Army was urged to investigate it. And it didn’t go public until a national article came out,” Wilberding said.

Justice isn’t always served, but Wilberding continues to give every case 100 percent, earning multiple awards for ethical conduct.

“I’ve always had that competitive edge,” Wilberding said. “I never like losing. I want to succeed.”

And sometimes the wins continue well beyond the final judgment. The murder of Lance Corporal Maria Lauterbach in 2007 led to legislation that has gone on to help countless other abused servicewomen.

On Dec. 14, 2007, Maria Lauterbach went missing from Marine Corps Base Camp in Lejeune, N.C., where she was stationed. When her mother, Mary, began inquiring about her whereabouts, she was told her daughter had run away and that she’d likely be home by Christmas.

By Christmas, the Lauterbach family still had no answers. “It was so illogical,” Wilberding said. “Her daughter had just purchased a new car. The two talked regularly. So Mary decided to drive down personally. And this time she got a detective.

“Mary had on record that her daughter’s superior had sexually assaulted her and that she was pregnant and concerned about it,” Wilberding recalls. “The first officer (at her base) ignored it all, and the second said, ‘This is an issue.’ When they arranged to meet with Corporal Cesar Armando Laurean (the man accused of her daughter’s assault), he went missing.”

The detective went out to Laurean’s home, which he shared with his wife and child. “When he looked around the house, (the detective) picked up on details that something had been dragged through the backyard and saw what looked like a recently constructed fire pit. Then he saw what looked like part of a body and that’s what

really triggered the investigation,” Wilberding said.

“Supposedly there was a note that Laurean had left saying she got into a fight with him and she committed suicide and he buried her,” he added.

Mary Lauterbach had contacted Wilberding’s law firm, which instantly knew Merle — with his military history — was the right person for the case.

Wilberding recalls Maria Lauterbach (and her unborn baby) were discovered on Friday, Jan. 11, 2008. By that Tuesday, Wilberding was on a conference call with the commanding general at Camp Lejeune. Simultaneously, he recalls pushing the Marines to find Laurean, working with the FBI, waiting for autopsy results (which ruled out suicide), and attending the funeral, held north of his home and practice in Dayton, Ohio.

“I remember going to the funeral for Maria. From the church to the Catholic cemetery is probably 10 miles, and there were people lined all the way. It was amazing,” he said. “I recall talking to people at the cemetery, all pushing for safeguards for those who are sexually assaulted in the military. Several had been victims themselves.”

Laurean wasn’t found in Mexico until three months later, and it took another year to get him extradited. “Mexico wouldn’t extradite him if he was charged with a capital crime, so the U.S. had to agree to that,” Wilberding said.

Wilberding brought charges against the military for failure to diligently investigate and prosecute her original sexual assault claim, as well as for failing to investigate her disappearance. Throughout the ordeal, Mary Lauterbach remained vocal and hands on.

“Mary said she wanted to be the voice of Maria to testify about what was needed and to put a personal voice to it, and she did an incredible job,” Wilberding said. She and Wilberding traveled to Washington, D.C., six to eight times to meet with members of Congress and to testify before committees of the U.S. House of Representatives to pursue

national legislative changes that would improve the protection and rehabilitation of victims of sexual assault, as well as improve the procedures for prosecuting the perpetrators. They also were featured on the Today Show four times.

As a direct result of their efforts, the National Defense Authorization Act in four consecutive years included provisions that addressed sexual assault in the military, including the following changes in the Uniform Code of Military Justice:

- A right of counsel to victims of sexual assault in the military.
- “Privileged communication” protection for victim advocates.
- An accelerated base transfer request procedure for victims.
- Increased training and education for sexual assault prevention.
- An automatic extension of Military Protective Orders (“MPO”).

“It’s particularly rewarding to see the impact that these efforts have had,” Wilberding said, adding that his firm did 95 percent of the work (several hundreds of thousands of dollars worth of work) pro bono.

“It was very rewarding professionally, and personally, it was really important to do that,” he said.

He and Mary Lauterbach still keep in close contact.

Wilberding’s next case, involving zoning, may be less glamorous, but it’s an important case nonetheless, so he’s giving it his all. Throughout his life and career, he says, he’s had a lot of good moments.

“In my youth, during the younger part of my career, I wanted to change the world,” he said. “As I’ve aged and matured, I decided that it was important to make a difference, sometimes that’s with one person, sometimes 10, sometimes more than that. Every step is a step forward. That’s how I look at trying to change the world.”

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**Merle
Wilberding
B’66, J.D.**

