

The Court Martial Of Darren Sweet

I might argue that there is a bit of a killer in all of us, but even if true, that doesn't explain what happened. And I don't buy the Dr. Jeckal—Mr. Hyde thing. So, if you have a few minutes, I'll tell you how I remember what happened, and you can decide how to vote. It's still pretty vivid after all these years.

No . . . I didn't know him personally back then . . . uh huh . . . but I was an officer . . . Just listen, and that will be explained.

Imagine a small post in the Delta; a couple hundred men, wood buildings, wood sidewalks, barbed wire and cyclone, guard towers. We were in a relatively calm spot in the war; that's why they put the hospital there. So, that morning, they cleared the hooch before we arrived, brought in a table and chairs for me and Captain Nghia – my Vietnamese counterpart – and another table for the prosecutor. They set a bench against the wall for the defense and a chair in the

middle of the room for the witness; all were military gray metal, straight backed and uncomfortable. Otherwise the hooch was empty. The top half was left open to the air, typical in the Delta, with just thin mosquito netting protecting us from the elements. A fan whirled above, slightly off center and making this tic-tic-tic sound. It's funny what you remember—that damned fan and the Hueys landing with Med-Evac.

Oh yeah, Two MPs guarded the door.

Anyway, Darren Sweet and his interrogation partner, Ginh Binh Toa, were sitting on the bench against the wall, hunched over with their heads down. Their defense lawyers – in the military we call them staff judge advocates – were thumbing through their files.

Understand I'm completely out of my comfort zone here. A pharmacist shouldn't be ordered to do this sort of thing, you know, to preside over a judicial hearing. Sit in judgment.

How'd I get involved? Well, the protocol in a combat zone requires that before taking a soldier from his unit, and remanding him over for a full court martial, you need a preliminary hearing. It's manned by officers from his Brigade. Colonel Bright assigned me, of all people, to the job.

I remember complaining. "Colonel sir, I've got no experience at this."

“Don’t worry about it, Major,” he said. Then he handed me a copy of the Military Code of Justice, and he tells me, “Just read up on preliminary hearings.”

The manual was dog-eared at that section. Needless to say, I studied it before lights out that night.

“What if the lawyers make objections?” I asked him.

“They won’t,” he says. “Hearsay is admissible. Just get a skeleton of the facts for your report.”

He tells me that my job is to determine if there is probable cause to bind Sweet over for a trial. That’s it. We both knew there was little doubt about that; the sergeant couldn’t deny he was present. He should’ve stopped it. My co-judge, the ARVN Captain Nghia, would handle Sweet’s co-defendant. That’s all the instructions I had.

Now, to put this in context, you need to appreciate the Third Brigade compound is ninety clicks south of Saigon, smack in the middle of rice fields and adjacent to a village called Tan An. The 9th Division built a field hospital there, where I was working, to fulfill the Army’s promise to treat our wounded within twenty five minutes of being hit anywhere in the Delta. Most of the dead and wounded were brought in by the same UH-1 Hueys that dropped them at their LZ. You hear rotors phaping over the compound around the clock.

I don’t claim to be a soldier. But I was good at dispensing painkillers and manning drip lines during

emergency surgeries, which happened all the fucking time. Otherwise I made myself useful at the hospital. That's all, except for dispensing meds. Since nothing was going on at the hospital and the Colonel needed his combat officers in the field, he chose me for the court martial.

So, let's go back to the hooch. As soon as I took my place behind the judge's table, the prosecutor walks over. His name, if I recall, is Captain Blevins, this tall crew cut SJA from Saigon. He grimaced, pinched his nose, and asked for a few minutes more to review reports. He went back to reading and looking at the photographs, all the time shaking his head as if disgusted. I'd read the same material so I knew why he'd reacted like that.

So, I'm fumbling around, nervous as hell, taking sheets of paper from my right and placing them on my left, trying to look officious. My co-judge, Captain Qui Nghia, took his seat to and cleared his throat. So I turn toward him.

"Ginh no need lawyer, all ri here." Nghia says, and taps on the stack of documents compiled by S-2.

"The Colonel said you agreed to the American procedure," I say. Jesus, I'm thinking, has he already made up his mind?

"No lawyer nessursary," he says. "He guilty." Meaning his guy, Ginh Toa.

Admittedly, Nghia's job was tougher than mine. Vietnamese judgment was summary. The Captain's decision, unlike mine, was final and could result in Ginh being marched in front of a firing squad. But Nghia had been in that chair before and seemed comfortable with the assignment.

"All ri her," Nghia frowns and taps the reports hard for emphasis.

All of these guys, these Republic of Vietnam officers, are stern faced and without a sense of humor. Which I suppose was their way of bolstering their presence against the taller Americans. This guy, Nghia, is no more than one hundred twenty pounds, all sinew and tendon under thin bronze skin. His fatigues are pressed and creased and his embroidered rank and unit insignias ironed to a shiny finish. Like a damned Pretorian guard, he's straight backed, and a study in decorum.

That morning, like the prosecutor, disgust was written across his face. He impatiently tapped the pile of photographs, nodding at them, as if that's all he needed to know.

It *was* a gruesome. In my reading the night before, I turned to the autopsy first. The victim – I can't remember her name right now – was a woman. That in itself was a first. She was small even for a Vietnamese, about 45 kilos. The medical examiner, who I knew

personally, Dr. Jessop, guessed she was about thirty five years old. Short black hair, small boned, and to the surprise of everyone, four months pregnant. No mention was ever made of whether she was pretty or plain – a fact of no consequence to the deceased – and frankly, I still don't know, because the photos of the body featured her belly and pelvis.

But she was the NVA commander. According to the other two commies they captured, she was the cadre officer who gave the orders. The shoulder epaulettes on her fatigue shirt carried two gold stars with two bars, indicating the rank of major. She was the political officer and tactical officer rolled into one. That part is indisputable.

The key witness was corporal Kowalski, the MP assigned to assist and provide muscle during interrogations. He didn't see it happen, but he heard it according to the report. His testimony would be crucial, so I intended to call him to testify first. We'd see how it went.

You need to know that the charges against Sweet were stated in the alternative: Murder, or Manslaughter as an accessory to her death. Something like that. I don't recall the specifics and wouldn't understand anyway; I'm no lawyer. Before my tour, I worked for Walgreen's in the back of the store, just like I do today, filling prescriptions. But what I clearly remember is

this: if guilty, the first count would result in a life sentence in Leavenworth. The second, when occurring under the pressure of a combat zone, just a few years of confinement.

What was uncontroverted was that the woman was brought into the interrogation room healthy and on her own two feet. And we know, she didn't survive the ordeal. So, either Sweet or Toa killed her, or both.

It was all in the photographs. But who did what? Which one of the two held the instrument of torture? And did the other try to stop it? Those were the real questions. So, the Colonel's description of my job as perfunctory wasn't really accurate; it wasn't that simple. Sweet was facing either a few years to think about his crime while he planned the rest of his life, or living that life in prison. That's what was at stake. For the gook, Ginh Toa, the decision could be terminal.

It seemed pertinent, while the lawyers were looking at their files, to review what I knew about these guys, Sweet and Ginh. You know, like their temper, the sort of thing relevant to predisposition. So I shuffled through the paperwork again.

Sergeant Darren Sweet's military record was un-exemplary. Originally an inductee, he tested well and was sent to the Defense Language Institute in Monterey to learn Vietnamese. Apparently he graduated in the top of his class, was shipped directly to the 6th

Psychological Operations Group in Saigon, assigned to S-2, and became an interrogator. That would keep him off the battle line.

Ginh, on the other hand, was a bit of a mystery. He was raised in a Catholic orphanage in some highland province. He enlisted, earned his rank in the field, and was wounded twice, the last by a mortar round that tore off his right kneecap, leaving him stiff legged. Since he was physically limited, and knew a little English, he was sent to S-2, and joined Sweet on the evening interrogation team.

Their job included questioning enemy deserters at the Chieu Hoi center just outside Tan An, easy duty chatting with former VC who wanted to help as the price of repatriation. After engagements, when the Brigade took prisoners, they'd do their real work, interrogating North Vietnamese regulars who were captured.

The pre-hearing statements of Sweet's friends, who were bunk mates and drinking buddies, describe Sweet as an easy going guy who was empathetic with repatriated prisoners. He made friends with locals and spent a lot of time off base in their homes or at restaurants in Tan An, schmoozing and practicing the language.

So, I'm thinking there is nothing remarkable about this guy. Apparently Sweet wasn't interested in ladies

for hire, at least according to his friends. But he did drink too much and get all maudlin about the girl back home. That kind of crap. Darren Sweet didn't want to be in Nam – few of us did – and he talked a lot about returning home to marry the girl, and join his father in the furniture business. A Sinclair Lewis character.

Ginh, on the other hand, was apparently a hot head. The MP Kowalski described him as mercurial, shouting at prisoners from inches away, actually spitting in their faces, or slapping them around. The guard personally witnessed, on two occasions, Sweet pull Ginh off prisoners as he pummeled them with his boney little fists.

Even I knew that the interrogators were encouraged to get to the point quickly. I helped patch-up a few their subjects. It sounds a little extreme, but they were not supposed to break bones. And we're talking about enemy taken in battle, while the fighting was still going on. They're brought in by Hueys to extract information while it still counted. So a little softening up was required, you know . . .

The problem was that Ginh apparently took it to another level. Maybe he enjoyed it. There were injuries recorded. One gook had his trachea crushed. Another was beaten so severely his spleen burst.

But they knew better than to go too far. The Geneva Accords and all that crap . . . and they could be

punished. So after being reprimanded by the S-2, according to Kowalski, who wasn't the brightest bulb in the box, they stayed away from the orbit of the eye, the organs, the teeth . . . you know. Well placed body blows mostly. And threatening. Pistol between the eyes while the hammer was pulled back. But no real harm.

Oh, another detail. The policy was that the common NVA or VC grunt was in Ginh Toa's bailiwick, while the cadre and officers were Sweet's responsibility. Which confused things, you know . . . for us. Ginh was the loose cannon, but this victim, being an officer, was Sweet's job to interrogate. So how'd Ginh get his hands on her?

So, that's the background. Anyway, with this in mind from the written reports, I called the hearing to order.

The crew-cut prosecutor, Blevins, stood like an upright worm, smiled condescendingly at me, then recited the charges and summarized the evidence. Until that minute I hadn't gotten a good look at the defendants, but when the prosecutor spoke they raised their chins and I think I got a pretty good read on them. You know how it is when you first meet someone. They've done studies. We assess a person's character, his personality, within something like eight seconds from first seeing them. Hours later, days later, after getting to know them, and guess what? Our first

assessment sticks. We haven't changed our opinion. So, anyhow, I looked them over.

Darren Sweet was blond, on the tallish side, maybe six one or two. Medium build. He had a good size waist but was trim; the kind of bone structure that would carry more weight as the man aged. And the guy was handsome. Sounds trite to describe him that way, but after all, the court martial could ruin his life. He might never see the light of day again. And he seemed to have everything going for him. Big, handsome, a girl at home. A daddy with a business to hand over when the time came. It made an impression. I'd never own a business.

Anyway, Captain Blevins finished his summation of the evidence and then the defense advocates garbled some nonsense about burdens of proof. The reports were stipulated to and submitted on the record: the autopsy, character statements, the military records and photos.

By that time, humidity had risen, sweat on everyone's foreheads, fatigues getting sticky, and we hadn't even started yet. In the Delta heat your thoughts tend to drift.

"Corporal Kawalski," I call out for the witness, and nodded to the MP at the door. The defendants would testify next and we'd wrap it up. It should be quick. Unproblematic, as the Colonel promised.

The guard led in Kowalski, this tall, pudgy, pug faced corporal in his size 14 boots. You'd laugh if you saw this guy walk; he waddled, the damndest caricature of Buster Keaton.

I swear him in, "Will you tell the truth, nothing but the truth . . ." the whole bullshit. The kid trembles like a bee. Sweat beads on his snout.

"Yes, sir," he answered and drops his hand. Then he took the witness chair in the middle of the room, and off we go. I figured he'd be too scared to lie.

It occurred to me that I should just have him to tell his story.

"Tell us, Corporal," I asked, "what you recall of the events of November 18, while on duty at the interrogation hut." Not bad huh?

He looks up shyly, and in a voice that strained your ears to hear him, says "Yes sir." Then he tells his story.

"It was a normal night. We were waiting for B company to finish their skirmish near the Y Bridge. They'd radioed so we knew they caught three of the bastards . . . enemy, Sir. We were waiting for them. My job is to secure the prisoner in the room and assist, you know, stand by during the interrogation. Then I help the MP's when Sergeants Sweet and Ginh are through with them."

“OK. But on the 18th, you received a special prisoner, didn’t you?”

“Yes, Sir.”

“Explain.”

“Yes, Sir. The prisoner escort sheet called her Major Dep, a North Vietnamese regular officer sir.”

That’s the name – Dep. I remember now. I raised my eyebrows. Captain Nghia didn’t react. The translation for ‘Dep’ is ‘pretty,’ which is a peculiar name for a battle worn regular. Kinda ironic, I thought.

“Did she give you any trouble during the escort, or securing her in the room?” I ask. I was actually getting a rhythm going, thinking I could have been a lawyer.

“No, Sir” he said. Then Kowalski became all quiet.

“So, what happens next?” I probe.

“I secured the prisoner in the chair with Ginh’s help. Sergeant Sweet was reading the transfer report. It outlines the prisoner’s rank, where taken, what intelligence she may have – suggestions about what the interrogators should ask.”

“You seem to understand the procedure.”

“Yes, Sir. I’ve done this for nine months.”

“So tell us what happened next.”

“Sergeant Sweet started asking the usual questions. Name, rank, serial number, unit.”

“What was Ginh doing?”

“Eating a jar of pickles.”

“Pickles?”

“Yes Sir, pickles.”

“So go on corporal.”

“Well, someone knocked on the door. I had turned the sign over earlier. See, we have a sign, kinda like one of those Open/Closed signs at shops. Ours says ‘Interrogation. Quiet. Do not enter.’”

“So someone must have had information they thought you could use,” I suggested.

“Yes, Sir.”

“What did they tell you?”

“It was a Spec-Five from B Company. I think his name is Willy Feibleman. He wanted to talk to Sergeant Sweet.”

“And?”

“It’s a small room sir, just a hut. Sweet came over and Willy whispers like.”

“Then you heard what he said. Tell us.”

Kowalski’s eyes rolled, looking for a place to land, and then glanced over to Sweet, and then back to me.

“He said that Charlie Aimsberry and Tim Dor, and two others, were captured by the co bitch’s company . . . Excuse me, Sir, by the deceased prisoner’s company.”

Kowalski’s hands were now rubbing each thigh, kneading them. He looked over to Sweet again, back down at his shoes, and fell silent.

“You are under oath Corporal.” I say. “We want to hear what else was said.”

“The squad got separated from their platoon, Willy said. They found our guys buried. In a pit. We all bunked in the same hooch, Sir. Friends. Charlie and Tim and Darren and me. We took R&R together. Willy was talking to the two of us.”

“OK.”

“Willy told us that the NVA commander, the woman . . . well, she issued the order to castrate them. Then she had them buried up to the neck in a pit. They would’ve bled out, got tired and sleepy and just bled out, but they died from choking, suffocating.”

“I see. From the burial?”

“No sir. Willy said she stuffed their genitals in their mouths. When the gooks described it they laughed, Sir.”

“Did Sergeant Ginh hear this?”

“I don’t know.”

“Let’s take a recess,” I said.

Sometimes things happen that changes your perspective, you know. Vengeance is a powerful force. I mean, what are you capable of doing if someone, say, rapes your wife or something? With this testimony Sergeant Sweet was in a world of hurt. I’m no lawyer, but I understand motive. Ginh may have had the

propensity, but Sweet had motive. I needed to confer with my colleague so we stepped out the back door. Nghia lit one of those stinky sweet Asian cigarettes.

“There are only two options here, Captain Nghia,” I told him. “Either they both were involved or one did it, and the other stepped back.”

His Asian eyes were squinting at me as if I had some damned hidden agenda. I was trying to get a feel for what Nghia was thinking, that’s all.

“Ginh is a grenade ready to explode,” I said. “You know that. But we’ve just heard something new. What do you think?”

“I wait evidence,” Nghia said.

“Of course,” I said.

Nghia played it coy, said he wanted to take a fly at questioning the witness. So we went back in and I told Kowalski to be reseated in the witness chair.

“Corporal, Captain Nghia has some questions for you,” I said.

You should have seen Nghia. He leaned forward with his elbows on the table, hands cupped together like this was something he did all the time, Perry Mason calm, with a passive look on his fucking unscrupulous face. Then he asked:

“Mr. Kowalski, did you see killing?”

“No . . .” Kowalski claimed. I looked sternly at the corporal.

“No, Sir,” he corrected.

“Why?” Nghia persists.

“Darren told me to watch the door. From the outside.”

“Usual?”

“No. This was the only time.”

“What you hear?”

“Screams.”

“Ri way?”

“Huh?”

“The Captain asked if she screamed right away.” I translated.

“A minute or two later.”

“Thas all questions,” Nghia said.

I followed up.

“When you went back in what did you see?”

“Same thing you did sir . . . in the pictures I mean. Darren left his post. Out the door. When I went in it was over. Ginh was knelling over her, his hand on the broom handle. He jerked when he saw me, got up and left. That’s when I called the MP duty officer, Sir.”

“What was Sergeant Sweet’s demeanor when he left his post?”

“Demean her?”

“Attitude. How’d he look?”

“He was crying, Sir.”

“And Ginh?”

“Just looked angry.”

The prosecutor appeared grimly satisfied. The man hadn't been given a chance to ask a question, so I offered and he had none. The advocates wrote furiously on their notepads, but also declined to question Kowalski. Nghia fell back in his chair and crossed his arms.

“Captain Nghia, who would you like to call as the next witness?” I asked.

“Sweet,” he said.

“Alright,” I agreed. “Sergeant Sweet, please take the witness chair.”

Sweet rose and looked down at his lawyer. They exchanged eye contact. His lawyer nodded. Then Sweet turned to me. The sergeant's handsome face was frozen, like a widow at her husband's funeral. Numb, unmoving, beyond the edge of panic. No fear or regret or even grief. Just numb. His eyelids hung lazily. The skin of his face, even though a young man, sagged like an old drunk after a good night of it. I didn't know what to think.

“State your name and rank for the record please,” I asked.

He recited his answer in this baleful voice, the practiced rhythm of an interrogator who knew that someday he may be the one in the hot seat.

“You know why we are here,” I said. “This is your turn if you want to take it. You don’t have to. You have the right, according to the Code of Military Justice, to remain silent and refuse to testify.” Like I said, I read the manual. It tells you to say that when you call the accused.

That’s when he did it. He looks at me, then shrugged, folds his bottom lip down. Then it turn into a smile. Is the guy actually smirking, I asked myself? Then his mouth flat lined into neutral, and his eyes drooped down again.

“I take the fifth,” he said.

That’s all. That’s what he said. And that was the end of Sweet as a witness. So, I’m left to conjure the reason why the kid wouldn’t say what needed to be said to save himself – that Ginh’s hand was on the broom handle for a reason, that he watched it happen, maybe even wanted it to happen, but he didn’t participate. The kid looked at his lawyer and they exchanged nods. Legal shit I suspected; so I excused him.

“Let’s call Ginh,” I told Nghia.

A Huey skirted over the hooch, drowning out the methodical ticking of the fan.

“Ginh Binh Toa, take chair,” Nghia ordered loudly.

I’d pretty much ignored the Vietnamese sergeant up to that point. He struck me as typical. Smallish, although a little heftier than most; you could see ripples

of chest muscles in the opening of his fatigue shirt. His face was flatter than most, with eye lashes long and dark as if he had on eye liner. His complexion was covered with little olive craters; apparently he had small pox as a child. I'd seen it many times before in Nam. But it gave this guy a grimy, earthy look. Unlike Sweet, Ginh's eyes were alert. He hopped up and hobbled to the witness chair with a noticeable limp. I swore him in.

This was Nghia's soldier, his responsibility. Ginh would be his witness.

"Tell." Captain Nghia ordered.

That was it. "Tell." I had no idea what rules governed a Vietnamese Court Marshal, but there was no advice of rights, or right to remain a mute and make them prove it. Just "Tell."

"I no lose temper. No hur Co Dep." Gin said.

'Co,' was the gender indicator, meaning woman. Nghia just looked down at him, leaned back and crossed his arms again. His patience was waning. Ginh, from the witness chair, looked straight up at Nghia – no-one else mattered – his penetrating black eyes bearing on his inquisitor.

"Kowalski true. I no hear soldier. Guar, Kowalski, leave ow door. Swee curss, broom by door, he taa, hia Co Dep. Hia cross face. Har. Say, "lay herr dow." I tie han. Tie fee."

The photographs of the room showed hooks screwed into the floor. I was told they were there to secure chairs to the floor when multiple witnesses were brought in. Seeing your buddy get pummeled sometimes loosens your tongue, they told me. Dep was tied on the floor spread legged, arms out, sacrificial style.

“I no know wha Swee do. He red. He say tae cloe dow. I remoo pan . . . ca em . . . Swee bree broo. . . vagine. Threa . . . her . . . fear herr. I wai . . .”

At that point Ginh dipped his head and shook it. Nghia, true to form, said nothing, just barely shifted in his chair and patted his biceps irritably in interwoven crossed arms. Ginh looks up.

“Up herr. Har. She screa. Up herr mo. She screa. I no kno whaa do. He push. Har. She screa. He tae broo. . . raise up, up, and she buss. I hear. She screa. Brea . . . sna . . . sna. It sna. Brea. Swee tae ow. . . raise up, spear dow har. Sto machh.” Ginh bowed his head again.

Exhibit four was one of seven photographs. It was taken from a position near her feet. Obviously, the photographer had kneeled to take the shot. Her pelvis area was barbecue sauce, a bloody stick at the entrance. Hash. Her stomach impaled by the broken broom handle. Her face frozen in agony. Her eyes were locked and bulging. The jagged point of the broken broom

handle was covered with blood flowing from her midsection.

The autopsy contained three main findings. She died from a combination of shock and blood loss and the tearing of her bladder, uterus, and bowel. The fetus was four months old. Its neck was severed by the wooden spear point. Her pelvis broke in two, snapped like Ginh said. Apparently the leveraged up-thrust simultaneously perforated the uterus wall and entered the bowel.

“Done,” said Nghia. He looked over to me with cool eyes. His face was uncompromisingly impassive.

I couldn’t leave it like that.

My job . . . I mean . . . my job was to get a balanced view, and . . . well, Ginh had reason to lie. You see that, don’t you? I admit I’m a bit agitated at that point, so I asked Ginh the obvious question.

“Corporal Kowalski saw your hand on the broom handle. Saw you kneeling over her. If what you said is true, why would you . . . ?”

There was a question there, but I’m no lawyer, I couldn’t quite articulate the obvious, that the guy was seen with the murder weapon, angry, a moment after he killed her.

“Why?” he repeated.

“Yes, why on top of her? Your hand on the weapon?”

“I pray.”

“Pray?”

Did I hear him right? His eyes were round and glassy now, suggesting that I should have known what he was doing. Praying? Like be real.

Then Nghia nudged me; he slid a photograph across the table. Dep’s face was out of frame, but on her neck there hung a necklace, and from the necklace a Cross. I looked over at Ginh, for something on the edge of my awareness. You know how it is, feeling something is true but not putting your finger on it. Anyway, as Ginh leans forward, there’s a slight movement over his hairless chest. I could barely make it out: another thin necklace with a dainty crucifix.

The next morning the Colonel came by the dispensary.

“Manslaughter,” he said, repeating my verdict. “I was told the ARVN sergeant was acquitted. So how’d you land on manslaughter?”

“Question of credibility, Sir,” I answered. “Ginh could have lied. Had reason to lie, and if Ginh was the killer then Sweet should have stopped it. Manslaughter fit.”

“Well, good job,” said the Colonel. “The sergeant’s a good kid who had one bad night. Exactly what I expected.”

So that's how it went, and why my vote is for Darren Sweet to be Rotary's Man of the Year. Sure, he made a mistake years ago. But look what he's done since, and who, under these circumstances, wouldn't have taken their own pound of flesh? Justice was served. Right?