The Court Martial of Darren Sweet

Some say that there's a bit of a killer in all of us. Maybe so, but that doesn't explain what happened. And I don't buy the Dr. Jekyll and Mr. Hyde thing. So, if you have a few minutes, I'll try to answer your questions, tell you how I remember it, and then you can decide how to vote. It's still pretty vivid after all these years. Just listen, then decide.

Imagine a small command post in the Mekong Delta with a couple hundred men. Barbed and concertina wire perimeter. Guard towers. Monsoon rains the night before, and humidity so thick you can drink it. That morning I leave the hospital tent and walk over the mud down wood-slat sidewalks to the hooch cleared out for the hearing, and I'm nervous as hell.

Captain Nghia, my Vietnamese counterpart, is waiting. He's standing behind the judge's table, looking down at the case reports. There's a bench placed against the wall for the defense team. A witness chair sits alone in the middle of the room. The furnishings are military gray metal, the chairs straight-backed and uncomfortable. Otherwise, the hooch is empty.

The top half of the hooch is just thin mosquito netting. Two fans whirl above. One is slightly off cantor and makes this tic-tic-tic sound. It's funny what you remember—that damned fan and the Medevac Hueys coming in.

Oh yeah, there were two MPs guarding the door. As soon as I take my place next to Nghia, the prosecuting SJA hurries in and takes his seat against the opposite wall from the defense.

Anyway, Darren Sweet and his codefendant, Ginh Binh Toa, are led in, shuffling, all hunched over with their heads down, hands tied. They sit next to their SJAs, their defense lawyers, who are thumbing through their files.

Now, 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 court-martial. Me, sit in judgment? A joke, right?

I remember complaining. "Colonel, Sir," I told Colonel Bright, "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 told me, "Just read up on preliminary hearings." The manual was dog-eared at that section. I studied it before lights-out.

"What if the lawyers make objections?" I asked him.

"They won't," he said. "Hearsay is admissible. Just get a skeleton of the facts for your report."

He told me that my job was to determine if there is probable cause to bind Sweet over for trial on either the murder count or on manslaughter. Captain Nghia would handle Sweet's codefendant for ARVN. That was all the instruction I had.

Now, to put this in context you need to appreciate I'm just a pharmacist assigned to the field hospital there. We're ninety clicks south of Saigon, smack in the middle of rice fields. You hear artillery barking and Huey rotors chopping over the compound around the clock. I don't claim to be a soldier. But I'm good at dispensing painkillers and manning drip lines during emergency surgeries, which happen all the fucking time. But, nothing's going on at the hospital right now and the Colonel needed his combat officers in the field, so he chose me for the court martial.

Anyway, the prosecutor walks over to introduce himself. His name is Blevins, Captain Blevins, a skinny, crew cut, serious type from Saigon. He asks for a few minutes to review the reports, so I twiddle my thumbs while he leafs through the documents compiled by S-2 for the first time, pinching his nose like he smells something foul, all the time shaking his head, disgusted-like.

I'm turning pages, trying to look wise and officious. Then my co-judge, Captain Qui Nghia, clears his throat.

"Ginh no need lawyer, all ri here," Nghia says, and he taps on the stack of documents.

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

"No lawyer nessursary, he guilty," he says.

Vietnamese judgment is summary. Ginh could be marched in front of a firing squad this afternoon. So Nghia's job was tougher than mine, but he's been in that chair before, and doesn't seem a bit uncomfortable with the assignment.

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

All of these ARVN officers are stern-faced and as straight as rods. No sense of humor, these guys. He's all sinew and tendon under thin bronze skin. His fatigues are pressed and creased, his embroidered rank and unit insignia ironed to a shiny finish. A real military type. I'm in my wrinkled fatigues, my stethoscope half-dangling out of the thigh pocket.

Disgust is also written across Nghia's face. Then he reaches over, gathers the photographs, and nods at them briskly with this big frown, as if that's all he needed to know.

It *was* gruesome. The night before, I read the autopsy report as part of my preparation. The victim—I can't remember the name right now—was a cadre officer. A woman. That in itself is a first. She was small even for a Vietnamese, about 45 kilos. I knew the medical examiner personally, Captain Jessop. He 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 made of whether she was pretty or plain, a fact of no consequence to the dead. Frankly, I still don't know, because the photos of the body featured her stomach and pelvis.

But she was the NVA commander, according to transcripts from the interrogations of two commies they captured with her. She gave the orders. She had two gold stars and two bars on her shoulder epaulettes, indicating the rank of major, so they figured she was the political cadre and tactical officer rolled into one.

What we did know, was that she was healthy when brought into the interrogation room. And we know she didn't survive the ordeal. That's incontrovertible. So, either Sweet or Ginh Toa killed her; or both did.

It was all in the photographs. But who did what? Which one of the two tortured her? And did the other one try to stop it? Those are the real questions.

The only witness to the event was Corporal Kowalski. He was the MP assigned to assist and provide muscle during interrogations led by Sweet. He didn't see it happen, but he heard it, according to the report. I intend to call on him first. We'll see how it goes.

"Just a minute longer, Sir," says Blevins, the crew-cut prosecutor, and crunches his brow. He keeps reading. I nod back. I notice that he's stacked his copies

of the photographs aside, like the defense team, little stacks on the bench beside them.

I call the hearing to order.

Blevins, stands like an upright worm, smiles condescendingly at me and defense counsel, and recites the charges and summarizes the evidence. He drones on. Until that minute, I haven't gotten a good look at the defendants, but they raise their chins to watch as Blevins stirs the air sanctimoniously, 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 size up a person—you know, their character and personality—in something like eight seconds. Hours later, days later, after getting to know them, guess what? Our first assessment sticks. We haven't changed our opinion. So, anyhow, I look them over.

Darren is still blonde at this time, on the tallish side, maybe six one or two, medium build, trim and in pressed fatigues; has the kind of bone structure that would carry more weight as he ages. And the guy is handsome. Sounds trite to describe him that way, but after all, this court-martial could ruin his life. He might never see the light of day. So I'm looking at what this kid has to lose. Big, handsome, a girl at home. From the interviews, I know his daddy had a business to hand over when the time comes. It makes an impression, because, I admit it, I'm envious. Sweet has everything going for him.

Blevins finishes his summation. Then the defense advocates go on and on about burdens of proof. Then, all of the reports are stipulated to, and submitted on the record: the autopsy, photographs, character statements, military records.

By this time, the humidity is stifling, everybody sweating like hogs. My fatigues stick to my thighs and back. And we haven't even started yet. In that kind of

heat, your thoughts tend to drift, but there's a lot at stake, and the friggin clicking fan does move some air. Finally, Ginh Toa's lawyer sits down and sighs, as if he knows a lost cause when he sees one.

So it's time for me to do my thing. I'm trembling in the belly, my hands are shaking, and I don't want to show it.

"Thank you, Gentlemen," I say. "Now, let's proceed." I look at the lawyers. I paused.

"Corporal Kowalski," I call out. I gesture to the MP at the door. My plan is to call the defendants next. It should be quick, I'm thinking. Unproblematic, as the colonel promised.

A skinny little MP leads Kowalski in: this big, pudgy, pug-faced corporal in size 14 boots. You'd laugh if you saw him walk; he waddles, the damnedest caricature of an inflated Buster Keaton.

"Uncover," I order.

"Yes, Sir," he answers, drops his salute, and takes off his field hat.

I swear him in: "Will you tell the truth, nothing but the truth . . ." That whole line. The kid trembles like a bee waiting to enter the hive. Sweat beads on his snout.

"Be seated." I point to the lone chair.

He sits. I figure he'll be too scared to lie. It occurs to me that I should just have him tell his story. "Tell us, Corporal," I say, "what you recall of the events of November 18, while on duty at the interrogation hut."

Not bad, huh?

He looks up, kneads his hat with both hands, and looks in Sweet's direction. Then in a voice that you have to strain to hear, he tells his story.

"It was a normal night," he says. "We were waiting for B Company to finish their skirmish near the Y Bridge. They'd radioed in. So we knew they snagged three of the bastards. Sorry . . . enemy, Sir."

"OK. So you knew the prisoners were coming in?"

"Yes, 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."

"OK. But on the eighteenth, you received a special prisoner, didn't you?"

"Yes, Sir."

"Explain."

"The prisoner escort sheet called her Major Dep, a North Vietnamese regular officer, Sir."

That's the name—Dep. I raised my eyebrows. Captain Nghia doesn't react. The translation for "Dep" is "pretty," which is a peculiar name for a battle-worn regular. Kinda ironic, I think.

"Did she give you any trouble during the escort, or while securing her in the room?" I ask. I'm actually getting a rhythm going, thinking I could be a lawyer.

"No, Sir," he said. Then Kowalski becomes all quiet. You remember the times of silence, the tension.

"So, what happens next?" I probe.

"Ginh and I secured the prisoner in the chair."

"Cuffed?"

"Tied, like manacles."

"OK. Next?"

"Sergeant Sweet was reading the transfer report, Sir. It outlines the prisoner's rank, where taken, what intelligence she may have, you know, suggestions about what the interrogators should ask."

"You seem to understand the procedure."

"Yes, Sir. I've done this for nine months." He looks down at his hat, doing circles between his two big hands. The kid clearly doesn't want to be in that chair.

"So tell us what happened next," I ask.

The corporal looks over to Sweet again, then back to me. "Sergeant Sweet asked the usual questions, name, rank, serial number, unit. The usual."

"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 suggest.

"Yes, Sir."

"What did they tell you?"

"It was a Spec-Five from B Company. 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 roll, as if looking for a place to land. Then he glances over to Sweet again, and back to me.

"He said Charlie Aimsberry and Timmy Dor were captured by the co-bitch . . . excuse me, Sir, by the deceased prisoner's company. Their squad, four guys."

Kowalski's left hand is now rubbing his thigh. He looks at his shoes. Falls silent.

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

"Willy told us the squad got separated from their platoon. They found our guys buried. We all bunked in the same hooch, Sir. Charlie and Tim and Darren and me. They buried them in a pit. 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 they put them in a hole with sand up to their necks." His lower lip quivers.

"Go on, Corporal."

"They would've bled out, Sir. Got tired and sleepy and just bled out, but they died from choking, from 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."

Now I'm the one who has nothing to say. I ask, "Did Sergeant Ginh hear this?"

"I don't know," he says.

"Let's take a recess," I say.

Sometimes, things happen that change your perspective, you know. Vengeance is a powerful thing. I mean, what if someone rapes your wife or something? With Kowalski's testimony, Darren Sweet was in a world of hurt; I knew that much. I'm not lawyer, but I understand motive.

Keep in mind that the charges against Sweet were stated in the alternative: murder, or manslaughter as an accessory. Something like that. I don't recall the specifics, but the colonel's description of my job as perfunctory wasn't exactly 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 his entire life in prison. That's what was at stake. For the gook, Ginh Toa, the decision could be terminal.

This was weighing on me, so . . . I needed to confer with my colleague.

We step out the back door. Nghia lights one of those stinky Asian cigarettes.

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

He’s squinting at me as if I have some damned hidden agenda. I’m just trying to get a feel for what he’s thinking.

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

“I wait evidence,” Nghia says.

“Of course,” I say.

He’s playing it coy, says he wants to take a fly at questioning the witness. So we go back in and I tell Kowalski to be reseated in the witness chair. The kid slides into the chair. It creaks. An artillery barrage fires—Ka Boom, Ka Boom—and we wait to let it fade.

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

You should see Nghia at that point. He leans forward with his elbows on the table, his hands cupped together, Perry Mason calm, like this is a walk in the park. A passive look on his fucking unscrupulous face. Then he asks:

“Mr. Kowalski, did you see killing?”

“No . . .” Kowalski claims.

I look sternly at the corporal.

“No, Sir,” he corrects.

“Why?”

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

“Usual?”

“No. This was the only time.”

“What you hear?”

“Screams.”

"Ri way?"

"Huh?"

"The captain asked if she screamed right away," I translate.

"A few minutes later, Sir."

"Tha's all questions," Nghia say.

This is getting worse for Sweet. I follow up.

"When you went back in what did you see?"

"Same thing you did, Sir . . . in the pictures, I mean. Darren left his post. Passed me at the door. When I went in, it was over. Ginh was kneeling over her, his hand on the broom handle that was in her belly. 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."

I scan the room, wondering where to go from there. Then I remember: let the lawyers examine the witness. So, I offer. The prosecutor seems grimly satisfied. Shakes his head. Has no questions. The advocates, who have been writing furiously on their notepads, also decline to question Kowalski. Nghia falls back in his chair and crosses his arms.

I excuse the Corporal and he lumbers out. "Let's take five," I say.

Nghia and I go out the back door again. It's noisy out there. A gaggle of Hueys fly over so low, I can see the pilots' faces. Those boys love what they do. Nghia shucks out a cigarette from his pack and lights up with his Zippo. He sucks on it. Looks up at the pearl-blue sky. An APC cranks past over the mud, the grunts on

top, worn out from night patrol. I'm trying to figure this out.

"Captain Nghia," I ask, "who would you like to call as the next witness?"

"Sweet," he said.

"Alright," I agree. "Can I have one of those?" I point at the cigarette.

He pulls out the pack, shakes one out, and hands it over. The only time I ever smoked was when I was high, but I wanted one then. He raises the Zippo and the flame erupts. I lean over and draw in. I smoke and think about Sweet and the gook, recalling what was in the paperwork.

Darren Sweet's military record was not exemplary. An inductee, he tested well and was sent to the Defense Language Institute in Monterey to learn Vietnamese. Apparently, he graduated at the top of his class, was shipped directly to the Sixth Psyops Group in Saigon, assigned to S-2, and became an interrogator for the Ninth Division, off the battlefield.

Ginh's background, 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 time 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.

The pre-hearing statements of Sweet's friends, who were bunk mates and drinking buddies, described Sweet as an easygoing guy who made friends with locals and spent a lot of time off base in Tan An, schmoozing and practicing the language.

So, I'm thinking there's nothing remarkable about this guy. He isn't interested in ladies for hire, at least according to his friends. But he drinks too much and

gets all maudlin about the girl back home. That kind of crap. Darren Sweet doesn't want to be in Nam—few of us did. He talked about going home to marry the girl, and join his father in the furniture business. A Sinclair Lewis character.

Ginh, on the other hand, is apparently a hothead. He had no disciplinary record, but Kowalski described him as mercurial, shouting at prisoners from inches away. Slapping them around. Pummeling them with his bony little fists. Sweet and Kowalski pulled Ginh off prisoners more than once.

We're talking about enemy taken in battle, while the fighting is still going on. They're brought in by Hueys to extract information while it still counts. So a little softening up is required, you know . . .

The problem, it seems to me, is that Ginh apparently took it to another level. Maybe he enjoyed it. But they knew better than to go too far. The Geneva Accords, you know . . . they could be punished.

So, that's the background, I'm thinking. Their predisposition. Anyway, it's really muggy outside, and I'm on my second smelly, sweet cigarette, dripping with sweat, but I'm feeling I'm getting a handle on the case. I stub it out with my boot and we go back in.

I call the hearing to order.

"Sergeant Sweet, please take the witness chair," I order.

Sweet rises and looks down at his lawyer, nonplussed like. A solid, intelligent guy, I'm thinking. They exchange eye contact. His lawyer nods. Then Sweet walks to the center of the room, sits, and turns to me. His handsome face is frozen, like a widow at her husband's funeral. Numb, beyond the edge of panic. No fear or regret or even grief. Just numb. Then, his face sags, eyelids become lazy, as if he's coming in from an all-nighter. I don't know what to think.

I swear him in. “State your name and rank for the record, please.”

He recites it in this baleful voice, with the practiced rhythm of an interrogator who knows that someday he may be the one in the hot seat. I’m mesmerized by this kid. He has so much to lose; he deserves a fair hearing.

“You know why we are here,” I say. “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 what to say.

That’s when he does it. Sweet looks at me, then shrugs. The bottom of his lip folds down, curling into a smile. I’m wondering, is the guy actually smirking? his mouth flat lines back into neutral, his eyes drooping again.

“I take the Fifth,” he mutters. Then silence, only the fan ticking.

That’s what he says.

And that’s the end of Sweet as a witness. I’m left to ponder why the kid won’t say what needs to be said—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. Sergeant Sweet looks over to his lawyer. They exchange nods. Legal shit, I suspect. He did what he was told. So I excuse him.

Nghia bends toward my ear and says, “I call Ginh.”

A Huey skirts over the hooch, drowning out the methodical ticking of the fan. Kinda throws me off a minute. I sit back and listen.

“Ginh Binh Toa, take chair,” Nghia orders.

I’ve pretty much ignored the Vietnamese sergeant up to this point. He strikes me as typical. Smallish, although a little heftier than most; you can see ripples

of chest muscles in the opening of his fatigue shirt. His face is flatter than most, his eyelashes are long and dark as if he has on eyeliner, and his skin is peppered with little olive craters; apparently, he had smallpox as a child. I've seen it many times before in Nam. But it gives this guy a grimy, earthy look. Unlike Sweet's, Ginh's eyes are alert. He hops up and hobbles to the witness chair with a noticeable limp. I swear him in.

This is Nghia's soldier, his responsibility. Ginh will be his witness.

"Tell," Captain Nghia orders.

That's it. "Tell." I have no idea what rules governed a Vietnamese court-martial, but there is no advice of rights, right to remain a mute and make them prove it. Just "Tell."

Ginh's eyes are round and white with black beads shining. "I no lose temper. No hur Co Dep," he says.

"Co," is the gender indicator, meaning "woman." Nghia just stares at him, leans back, and crosses his arms again. His patience is waning. Ginh, from the witness chair, looks only at Nghia. No one else matters.

"Kowalski true," Ginh says. "I no hea hem." Ginh touches his ear. "Kowalski, leave ow doo. Swee cuss. Broo by doa. He tae. He hia Co Dep. Hia ross fae. Har. She cry. He 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. Ginh goes on.

"I no no wha Swee do. He mad. He say tae cloe dow. I remoo fatique. Shir. Pan . . . Swee bree broo . . . I fear herr. I wai . . ."

At that point, Ginh dips his head and shakes it. Nghia, true to form, says nothing, just barely shifts in his chair and pats his biceps in interwoven arms. Ginh looks up.

“Up herr. Har. She screa. Up herr mo. She screa. I no no whaa do. He puus. Har. She screa. He tae broo. . . rae up, up, and she busss. I hear. She screa. Brea . . . sna . . . sna. It sna. Brea. Swee tae ow . . . raise up, spear dow har. Sto muhh.” Ginh bows his head again.

Exhibit four was one of seven photographs. It was taken from a position near her feet. Obviously, the photographer had knelt to take the shot. Her genital area was barbecue sauce, a bloody broken stick at the entrance. Turned to hash. The other end of the broken broom handle impaled her uplifted stomach. Her face frozen in agony. Eyes locked and bulging. The jagged point of the broken broom handle was covered with red 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. Her pelvic bone broke in two, snapped like Ginh said. Apparently, the leveraged upthrust simultaneously perforated the uterus wall and entered the bowel. That’s what they thought.

“You done,” says Nghia. He looks over with cool eyes. His face impassive.

I can’t leave it like that. My job . . . I mean . . . my job is to get a balanced view. Don’t look at me like that. Come on, Ginh had a reason to lie. You see that, right?

I ask 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 is a question there, but I'm no lawyer. I can't quite articulate the obvious—that the guy was seen with the murder weapon in his hand, angry, a moment after he killed her.

"Why?" he repeated.

"Yes, why on top of her? Your hand on the broom?"

"I pray."

Pray? Did I hear him right? His eyes are round, fixed on me, pleadingly, suggesting that I should know what he was doing. Praying? Like, be real.

Then Nghia nudges me. He slides a photograph across the table. Dep's face is out of frame, but on her neck, there hangs a necklace, and from the necklace a cross. I look over at Ginh, for something on the edge of my awareness. You know how it is, feeling something is true but not being able to put your finger on it? Ginh leans forward and puts his face in his hands, and in his movement, I see something swing over his hairless chest. I can barely make it out. A thin silver necklace and dainty crucifix.

The next morning, the colonel came by the dispensary.

"Manslaughter," he said, repeating my verdict on Sweet. "So the ARVN was acquitted. How'd you land on manslaughter for the sergeant?"

"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 all I know, and it's why I'm voting that Sweet should be our Rotary Man of the Year. Sure, he made a mistake years ago. But listen, who, in his position, wouldn't have taken their pound of flesh?