

## **"Nobody is Going to Fight for Us": The Story of the Court Martial of a Hoosier Marine in Vietnam and the Civilian Lawyer Who Defended Him**

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The story of the courts martial of four United States Marines in the summer of 1970 is interesting on several different levels. The reason for the trials, the murder of sixteen civilian women and children at Son Thang, is often referred to as the Marine Corps' My Lai. Several books later documented the horrific atrocity and the ensuing trials, including Gary Solis' definitive work *Son Thang: An American War Crime*.<sup>1</sup> The Marine Corps did, however, move much more swiftly than the army would with My Lai, without the briefest hint of cover-up. The four accused were tried independently, and with very different results, further adding to the complexity of the story. Another interesting aspect of the courts martial concerns the fact that most of the transcripts, and some other important documents pertaining to the cases, are no longer available to historians wishing to study this episode.<sup>2</sup>

Fortunately, for this project, newspaper accounts gleaned from a number of sources quoted much of the testimonies given in the particular trial of Pvt. Thomas Boyd, whose case will be examined in this article. Newspaper coverage of the Boyd trial was extensive, ranging from the *Stars and Stripes*, the *Washington Post*, and the *Los Angeles Times* to much smaller papers across the country such as the Provo, Utah, *Herald* and the Hayes, Kansas, *Daily News*. These newspapers furnished important bits of otherwise lost narrative missed by Solis and others. One final aspect of importance is the now mostly forgotten part played by a self-assured civilian attorney from Evansville, Indiana, Howard Trockman, in his defense of Thomas Boyd. Trockman's defense strategy was both innovative and

unexpected and likely reshaped the outcome of the other three trials.

The court convened in a small non-descript building next to a Quonset hut on Hill 327, location of First Marine Division headquarters in Vietnam, a few miles from Da Nang. The room was a makeshift plywood-lined affair with folding chairs for the jury. There were no windows. Four triple-tube fluorescent lights offered the only illumination. A struggling air conditioner shuddered at one end of the room, but the sweltering heat outside rendered the unit ineffective. Someone had hastily tacked an American flag on one wall, adding the only swath of color to the otherwise drab environment.<sup>3</sup> One of the accused later described the room thusly: "The whole building, a Quonset hut with a cement floor, was no more than twenty-four feet long and sixteen feet wide, the dimensions of a fair-size bedroom. . . . There were no windows. . . . The temperature was easily a 110 degrees." During the trial, the undersized room was most often overcrowded with all those taking direct part in the proceedings. However, to add to the crowding, "members of the press," and a few spectators, "were jammed together on two back benches."<sup>4</sup>

Eight stern Marine Corps officers initially made up the jury in the first trial. The Marine Corps judge was an all business Lieutenant Colonel with the unusual last name of St. Amour. Lt. Col. St. Amour carried "a reputation as a difficult and argumentative man . . . ." But he was also considered to be "an independent thinker" who could occasionally render a judgment outside the box.<sup>5</sup> It would be in this austere environment, before a critical panel of Marine officers and a somewhat unpredictable judge, that one of the more dramatic military courts martial during the Vietnam era would take place.

The courts martial involved the murder of sixteen Vietnamese civilian women and children. Five Marines were directly implicated in the killings, but one who said he did not shoot anyone agreed to cooperate with the prosecution, thus guaranteeing himself immunity. The other four now faced the possibility of life sentences. The case was especially tension filled given the fact that news of the My Lai incident, and the army's two year cover-up, was beginning to break. The *Pacific Stars and Stripes* reported that the Marine case was being watched closely by the very highest levels of the Marine Corps,

to make certain the Corps would "not get caught up like the army did, covering up My Lai."<sup>6</sup> Such pressure surely added to the possibility that these four men would receive the harshest possible judgment.

The first court martial board consisted of a panel of strict Marine Corps officers, including a full colonel, two lieutenant colonels, and five majors, a tough jury indeed. Pvt. Michael Schwarz was the first to face the court and his trial lasted six days. During the final two days a civilian onlooker, a thirty-six-year-old Indiana attorney named Howard Trockman, was sitting jammed between two other spectators on one of the back benches. He was mildly surprised to see the judge dressed in camouflage utilities, the Marine field uniform. Judge St. Amour had noticed the casually dressed lawyer seated in the spectators section as well. The judge assumed Trockman was a member of the press.<sup>7</sup>

Trockman watched the last two days of the trial closely. He surmised the jury of Marine officers were "tightly bonded together as a 'law and order' group which had little regard for Schwarz's defense of having carried out his leader's orders to shoot the 16 victims." The trial proceeded swiftly. Schwarz's court appointed young Marine lawyer argued that the defendant had acted in self defense, after the patrol took fire, and that he was simply carrying out orders. Trockman was certain "this defense would not fly."<sup>8</sup> The civilian lawyer was indeed correct. Judge St. Amour emphasized to the jury, after all sides had spoken, that, "A Marine is a reasoning agent, who is under a duty to exercise judgment in obeying orders."<sup>9</sup> After hearing this, the jury began their deliberation. Schwarz was quickly found guilty of premeditated murder and was sentenced to life imprisonment. The convicted man tearfully told the jury after the verdict, "I had no intention of killing anybody. People got in the way when I fired. It was unavoidable. I'm sorry."<sup>10</sup>

On the day of the verdict, Howard Trockman was sitting in the crowded two row gallery behind the young Marine defendant, Michael Schwarz, and remembered that upon the verdict being read, "a stillness filled the courtroom and I saw the bristled hair of Schwarz's crew cut stand even straighter than they were." This was instantly followed "by the sobbing of Tommy Boyd," the next defendant. "It was a dark and melancholy scene which

stunned both the spectators and the news media," Trockman recalled. "I was certain no conviction of this magnitude had theretofore been handed down by any court in . . . Vietnam arising from any multiple deaths incidents which had occurred in free fire zones, including My Lai."<sup>11</sup>

Escorted outside after hearing the verdict, a very apprehensive Thomas Boyd, who would face his court martial the next day, erupted in bitterness and fear. The Evansville, Indiana, native screamed an obscenity and then began shouting about the court martial board, yelling, "I want to look at them, I just want to see those pigs."<sup>12</sup> After Boyd calmed down a bit, he lamented almost in sobs to reporters, "We salute the flag and we're out there fighting for it and they put him [Schwarz] in jail for life. They don't care."<sup>13</sup> Then Boyd added, "They want us to fight for them, but nobody is going to fight for us."<sup>14</sup> Thomas Boyd would be wrong concerning the latter point.

By 1970, thirty-six-year-old Howard Trockman had become a very successful attorney. One might say, however, that he was a big fish in a small pond. Evansville, Indiana, the city where he practiced law, contained a population of just a little over one hundred thousand and lay nestled in the remote southwest corner of Indiana. Historians had long noted the city's isolation from the rest of the state and the country. One writer labeled the town as the unofficial "capital of . . . the neglected tag ends of Indiana, Kentucky and Illinois." The same journalist noted that more than once Evansville's isolation had caused the town to become "an eddy on the stream of events."<sup>15</sup>

Perhaps Trockman enjoyed the kind of built-in anonymity the geographic isolation offered. It may have even helped him outside his region when opposing lawyers perhaps underestimated his skills at the beginning of a trial. Indeed, Trockman would eventually argue and win a case before the Supreme Court.<sup>16</sup> Tall, handsome, and athletic, Trockman was known as an especially well prepared attorney in Evansville and the surrounding area, always collecting the smallest details of a case and then some. He was also known for being very confident, "a bit of a tiger," in the courtroom.<sup>17</sup> Many who knew of him were unaware, however, that Trockman also possessed a creative, as well as a soft caring side. He played piano and banjo by ear and loved to be around children. His son, Wayne,

remembered, "He was kind. He could be working on a deadline for an important client, but if someone walked in the room with a problem, he never said he was too busy. He spent a lot of time working for those who were less fortunate."<sup>18</sup> The successful lawyer also kept up with national events. By 1970, Howard Trockman was "an outspoken critic of the war." The Evansville man believed the war in Vietnam "was hopeless because there was literally no battle front."<sup>19</sup>

On 1 March 1970, a local Evansville newspaper carried a brief article on the third page titled, "Local Man Charged in Vietnam Killings." In the short piece, Thomas Boyd's mother, Lillian Boyd, explained her son "was just an average boy who was taught to kill then charged with murder when he did." The article also pointed out that the young Marine's father had abandoned the family years ago.<sup>20</sup> Lillian Boyd tried to make a living cleaning houses. Two of her daughters lived in foster homes.<sup>21</sup> Mrs. Boyd had few real options in trying to save her son. She now desperately turned to a local real estate agent, Walter Dilbeck Jr. for help.<sup>22</sup>

Dilbeck was a rather colorful local entrepreneur who had become nationally known for trying to start an international baseball league in the 1960s. The scheme would eventually leave many investors in deep financial trouble. But the clever and likeable Dilbeck was also a genuine war hero, having received the Distinguished Service Cross for his courageous actions during the closing months of the Second World War.<sup>23</sup> The *San Antonio Express* reported in 1966 that Warner Bros. was planning on making a movie about "Walter Dilbeck, a much-decorated soldier in World War II." The piece added that Dilbeck would "be the subject of a film biography, 'O. K. Private Dilbeck.'"<sup>24</sup> Dilbeck gained more national attention in 1968 when he was one of the first Democratic businessmen to come out in support of Ronald Reagan for president. In one national newspaper piece, "Millionaire Pushes Reagan in '68," Dilbeck also voiced his concerns regarding the war in Vietnam.<sup>25</sup> It was Dilbeck who, in early 1970, suggested Mrs. Boyd call on Howard Trockman, an acquaintance of Dilbeck's, and a lawyer known for helping people down on their luck.

Trockman would later recall, "I found myself being placed in the possible position of taking on an assignment in a relatively

unknown land on behalf of a young man I did not personally know." But the young Marine's sad situation certainly attracted the successful lawyer's attention. Slender built and five foot nine, Thomas Boyd possessed a sad boyish face reflecting his difficult childhood. He was one of five children who were raised by a single mother. In 1970, one of Boyd's brothers was jailed in a state Boy's School while another had recently returned from Vietnam. Just a year before Thomas Boyd went into the Marines, he had been convicted of disorderly conduct in juvenile court. Although he possessed an under average IQ and had quit school his sophomore year, the youth was able to join the Corps under the Project 100,000 program, through which the different branches of the services recruited a certain number of men of lower than average intelligence. Reflecting on the case many years later, Trockman noted, "He was a clean-cut rather emotional kid . . . who was thrust into the awful Vietnamese war simply because he couldn't graduate high school."<sup>26</sup>

Boyd's brother, as noted, a Vietnam veteran, began a local drive for public support for his brother immediately after the news of the massacre broke. A petition, the main feature of the drive, was sent to the local congressman. Boyd's mother, meanwhile, wrote her congressman and President Nixon, declaring in part, "These kids were sent over to kill or get killed. And when they do they get hanged for it. What's this country coming too . . . . If my son along with others mothers' sons are punished for doing their duty then I say let's get a new president."<sup>27</sup> Mrs. Boyd also worked fervently through her congressman, Roger Zion, to try and get the Marine Corps to drop charges against her son. Such letters prompted the Marine Corps Commandant to write Congressman Zion and explain, "The Marine Corps is fighting in Vietnam in the name of a nation which requires certain standards of civilized conduct."<sup>28</sup> The Marine Headquarters did send the Evansville petitions gathered by Ralph Boyd and other Evansville, Indiana, locals who supported Thomas Boyd to Boyd's Marine defense attorney in Vietnam. Such action, however, did not seem to amount to much. After all her letter writing, Lillian Boyd now realized her best hope lay with Howard Trockman. A local Evansville newspaper headline captured her understanding, proclaiming in June of 1970, "Attorney heading for Vietnam to defend local GI in slaying case."<sup>29</sup>

It was obvious too that Mrs. Boyd would not be able to pay the fees for Trockman's time or the expenses for transportation to Vietnam, but the confident lawyer reasoned he could either support Boyd in a grave time of need or sit back and "remain mute." The young man's plight, plus Trockman's grave concerns regarding the war, tipped the scales in favor of helping the desperate Marine. Trockman took the case without charging any fees or expenses.<sup>30</sup> It was, however, a daunting task. Trockman knew very little concerning the particulars of the case and would have precious little time to prepare once he got to Hill 327. The initial facts of the case further suggested Trockman faced an impossible task.

The summer of 1969 witnessed some especially savage fighting for the First Marine Division in Vietnam. Brutal fighting conditions, especially witnessing fellow soldiers blown to bits or shot-up, can often lead to atrocities or near atrocities committed against enemy soldiers or even civilians. Indeed, Marines took part at this time in engagements where civilian casualties did occur. This seemed to bring little remorse, however. As one Marine believed, Vietnamese civilians "were all supporters of the NVA and VC" and therefore "deserved whatever happened to them." At the same time, the Marine who made this statement added, "But unless a gook had a weapon, we didn't kill him."<sup>31</sup> Indeed, the Marine Corps prided itself on their troops' self-restraint in terms of intentional civilian deaths. Well trained Marines were simply not as undisciplined as soldiers. Gary Solis argued, in this regard, that "in U. S. infantry units in South Vietnam, . . ." acts of violence towards civilians "were not unusual. . . . Not in every unit, not in the best-led units, but in most."<sup>32</sup> The Marines committed fewer of these types of atrocities, but they did, nevertheless, occur.

On the evening of 19 February 1970, a five-man patrol went out from a Marine base camp to search for Viet Cong activity. The small villages they were to move through were supposed to be evacuated of civilians, but in many cases women, children and the elderly would sneak back to their homes. There was also a question of exactly where the free-fire zones were, areas where civilians had supposedly been cleared and thus where American troops could all but shoot at will. Theoretically, if the civilians had left, then anyone out there was VC. That was the

idea anyway. The five Marines were serving in the era of "body counts," and their orders were to find the enemy and kill as many as possible. Leading the team was Pvt. Randall Dean Herrod. Herrod had already fought in intense combat recently, saving the life of his platoon leader, Lt. Oliver North, twice, and witnessing the brutal deaths of many of his fellow Marines. He therefore carried a good reason to want pay-back. Herrod's previous heroic actions had led to his receiving the Purple Heart and being recommended for a Silver Star.<sup>33</sup> Whatever the level of Herrod's bravery, he had yet to lead a group of Marines in combat. Indeed, it was odd that so young and low ranking a Marine, a private, would be sent out as the leader of a patrol.<sup>34</sup> One U. S. newspaper, quoting Marine sources regarding the Herrod patrol, noted, "Normally, the leader of such a patrol would be a corporal, but due to temporary personnel attrition," Marines of lower rank "do command fire teams and patrols when corporals are not available."<sup>35</sup>

All the men on the patrol were volunteers. Private Michael A. Schwartz, a twenty-one-year-old Marine from rural Pennsylvania, was the oldest member of the patrol. Like Thomas Boyd, Schwartz was of below average intelligence and had joined the Corps under the Project 100,000 program.<sup>36</sup> He now served as the point man for the group as they moved through the darkness toward the tiny hamlet of Son Thang. Two men followed Schwarz—Boyd and a fellow Marine Boyd had served with for some time, Michael Krichten. They were both nineteen and high school dropouts but with clean records as Marines. They had previous combat experience, and both had received the Purple Heart. Bringing up the rear of the patrol was eighteen-year-old Pfc. Samuel Green Jr. Green was the only African-American on the five man team. This was his very first patrol.

It took the five Marines about thirty minutes to reach Son Thang. The group may have been especially torqued up by the pep-talk they received from their platoon leader back at the base, Lt. Lewis Ambort, who said "to shoot first and ask questions later," and to "pay those little bastards back," for some recent casualties Marines had taken.<sup>37</sup> Several of those recently killed were friends of Randy Herrod. Ambort seemed particularly driven on keeping his unit's "kill" numbers up. Further, Ambort may have also felt pressured by higher ups to get some kills.<sup>38</sup>

Ambort would later receive "a letter of reprimand" for his part in the incident.<sup>39</sup>

The Marines moved through the night, an overhead moon lending some illumination. The Americans had only one flashlight between them. Then they came upon several dilapidated huts. Acting on Herrod's orders, Michael Schwarz entered a hooch and discovered it empty. The group next turned their attention to a hooch a short distance away. The Marines surrounded it and nervously called to those inside to come out. Four frightened Vietnamese emerged, two women and two girls, one five years old. The other girl was blind. A critical moment arrived. For whatever mad reason, Herrod shot one of the women and then, according to most later versions, gave orders to kill the entire group. At any rate, all four were killed at point-blank range, Herrod using canister rounds, large shot-gun like shells which ripped flesh into pieces. But the nightmare did not stop there. Six more Vietnamese were discovered, again all women and children. All six were killed, apparently upon the orders of Herrod. Next the five Marines moved to a third hooch. Six more Vietnamese were killed there, all women and children. It was a slaughter beyond description as the Marines poured fire into each group, shooting and reloading until everyone was down. Schwarz was ordered by Herrod to finish off one crying child who was still in the arms of its dead mother.<sup>40</sup>

A Marine investigator later described the ages of some of the victims. "I would say the woman was about fifty. . . and the two boys were about eight or nine, for one, and ten or eleven for the other, and the two girls were . . . I would say about ten to twelve, somewhere in that age group. And then there was a younger child that appeared to be about three or four." He added, ". . . these people appeared to have multiple wounds, multiple small arms wounds. There were a lot of holes in the bodies . . . mostly on the upper torso and the head. . . . Whatever did it, there had been quite a few rounds that had hit them."<sup>41</sup>

By most accounts, Herrod and Schwarz seemed to be the main perpetrators. Krichten claimed to have tried to stop the massacre when they were at the first hooch, but Herrod shouted at him, "I want these people killed." Thomas Boyd had pleaded earlier with Herrod to end the patrol early, saying again and again, "Let's get out of here." A radio man for the team, "Boyd

was shaky. He kept dropping the hand set of the radio," during the time the Marines moved toward the village.<sup>42</sup> Krichten claimed at the time of the first round of shootings, he turned to Thomas Boyd and said of Herrod's order, "Is he crazy or what?" Boyd replied, "I don't know, he must be." Neither Boyd nor Krichten left, however. In the end, the big question concerned who actually carried out Herrod's orders. Krichten claimed he did not fire at the first hooch and later fired over the victims' heads at the others. He became the star witness for the prosecution.<sup>43</sup> Boyd's exact participation was unclear at this point. He certainly had a reason for firing. As Krichten himself later noted, "I fired over their [the victims'] heads . . . because I didn't know what Herrod might do to me."<sup>44</sup> One thing was for certain. Sixteen innocent women and children now lay in three separate piles, with a few "still moaning," as the five Marines headed back to their base.<sup>45</sup>

At first the initial group of Marines involved, the five on patrol and Lt. Ambort, hoped they could cover-up the killings by insisting the civilians had been outside their homes after curfew and that the Marines had been fired on and instinctively fired back in the dark. The civilians, it was claimed, had been killed in the crossfire. But the group of officers who quickly went to Son Thang hamlet came upon bloody carnage there which told another story. About this time Krichten came forward with his account and was granted immunity.

Although Thomas Boyd had procured a civilian lawyer, his situation still seemed bleak. Howard Trockman, Boyd's Evansville, Indiana, attorney had no prior experiences regarding the subtle nuances of a military trial. On the other hand, Trockman's determination and his compulsiveness regarding details, would serve him and his client well at the Marine Corps court martial. The Evansville attorney would soon have his chance to use his ingenuity. While the jury discussed the Schwarz verdict, Judge St.Amour had slipped outside the courtroom and sat on a nearby hillside. Trockman followed St.Amour. The Evansville attorney had been impressed with "the demeanor of the judge" and wanted to ask him an important question. Trockman slowly approached St.Amour. The judge recognized the approaching man from the courtroom audience but still thought the stranger was with the news media. "Till that

meeting [the next day] in court, I had no notion whatever that Trockman was Boyd's counsel, or even that he was a lawyer." Their talk "was professional and did not involve any discussion of the merits of the case."<sup>46</sup> Trockman simply asked the judge "whether he would be willing to try the case solo, without a jury, and if he could hear the evidence in the Boyd case 'fresh' without in any way being affected by the previous trial. . . .He replied in the affirmative."<sup>47</sup>

Shortly after the Schwarz verdict came in, Trockman hurriedly met with Boyd and his young Marine defense attorney, Capt. Mike Merrill. Trockman was "very concerned" after witnessing the Schwarz conviction.<sup>48</sup> It took a while to get young Boyd settled down. As in the case of a civilian court, an accused military person could ask to be tried either by members of the jury or stand alone before the presiding judge.<sup>49</sup> Trockman revealed to Boyd and Captain Merrill that he believed it would be best to go with the judge alone. This was a gamble. Statistics clearly indicated that judges, military and civilian, convict more often than do juries.<sup>50</sup> Captain Merrill had to make a quick decision. He knew the odds were typically better before a jury. In the end, however, he decided to trust Trockman's "more experienced legal instinct."<sup>51</sup> Thomas Boyd quickly agreed to stand alone before Judge St. Amour. He had already witnessed what the last jury had done to Michael Schwarz. Standing alone before the judge couldn't be any worse. Trockman then suggested they all get some rest. Tomorrow would be a long day.

Krichten's initial testimony at the Schwarz trial, and the horrendous descriptions of the killings of the sixteen Vietnam civilians, loomed as seemingly insurmountable hurdles to any hopes Howard Trockman might have had for securing Thomas Boyd's full release as an innocent member of the five man patrol at Son Thang. In the small stuffy courtroom during the first trial, Krichten had explained before a hushed audience, "Pfc. Boyd and Private Schwarz was on my left, and I could see them shooting. And Private Herrod and Pfc. Green were on my right, and I could see them." These latter men too, Krichten related, were shooting as well.<sup>52</sup> This testimony would seem to have pretty much pinned Boyd to the wall.

Trockman, always a man with an eye for the finer points, had already formulated a rudimentary plan for Boyd's defense before leaving Evansville. He obtained two key depositions. One came from Boyd's hometown minister, James Phillips, the pastor of the United General Baptist church, who stated Boyd was deeply religious and truly believed the commandment "thou shall not kill."<sup>53</sup> Boyd would later testify likewise. The minister's statement was interesting given that the General Baptists advocated no pacific doctrine and the denomination's churches were made up of socially conservative members who were not typically against the war.<sup>54</sup> A local psychiatrist's deposition testified to the Marine's difficult home life. Trockman also brought the flamboyant but well known and persuasive Walter Dilbeck, to share how Boyd's father "deserted his mother when the young Marine was an infant," And that the struggling family now lived in poverty.<sup>55</sup> A local newspaper article covering the trial noted how Boyd would also testify to his reluctant warrior leanings by explaining that "he volunteered for Vietnam duty because his brother, Ralph, had served with the 101<sup>st</sup> Airborne Division here. But he said he had been absent without leave (AWOL) after basic training because 'I didn't want to come to Vietnam and kill people or be killed.'"<sup>56</sup> One of Boyd's hometown papers also noted the interesting developing aspects of Trockman's courtroom strategy by reporting how the keen lawyer had "built an emotional defense of the defendant, depicting him as a very religious person and the product of a broken home whose mother lives in strained circumstances."<sup>57</sup> To help explain his volunteering for the patrol, one where getting kills had been emphasized, Boyd would testify he was under the impression the team was actually going to fake its report and, in fact, lie around for the night, "getting some rest." Michael Krichten later corroborated this fact. It remained to be seen how these moves would play out in court. Indeed, all of these angles seemed futile, given Krichten's previous testimony and the Schwarz verdict, unless there appeared some unexpected break.

The day after the jury's swift decision in the first Son Thang trial, a shaken Tommy Boyd was escorted into the courtroom. He was soon seated in the same chair as Schwarz had been only the day before. The vulnerable looking young man had panicked when the verdict came at the Schwarz trial, his fears and torment

erupting in his tirade to the press. On the first day of his own trial he seemed more calm. Nevertheless, he was now putting his life in the hands of a civilian lawyer without any experiences in military trial proceedings and a youthful military second chair. One item of record that differed from the Schwarz trial brought some small hope. Instead of premeditated murder, Boyd was being charged with unpremeditated murder, a distinction that would not have an impact on the initial case, but would certainly affect the sentencing portion of the trial.<sup>58</sup>

Having a different defense in mind than that of Schwarz's attorneys, Howard Trockman did not concern himself with some aspects of the case that Schwarz's defense had contested; however, he did, as had Schwarz's attorney, seek to exclude the color photographs of the victims. Once again, as in the Schwarz case, this motion was denied. There was little doubt that the content of the photos was horrifying. Most people have formed their visualization of such images from television and the movies. However, former Marine, Gary Solis, described the reality of such a scene: ". . . the bodies . . . lie with limbs splayed in unnatural, seemingly impossible postures, twisted and broken. . . . Unrecognizable organs, glistening and multi-hued, protrude from torn body cavities. Blood pools on the ground, not red, but dark, almost black, soaking into the dusty earth."<sup>59</sup> In the end, not only the defense's objection to the photos, but all pretrial defense motions were denied. It was certainly not an auspicious start for Trockman's first foray into the world of military justice.

The lead government attorney, Capt. Charles E. Brown, Jr., had been the second seat in the Schwarz trial. In the case of the *U.S. versus Boyd*, his first action was to admit into evidence Boyd's written statements to the commander of operations, who had been designated the investigating officer, concerning the Son Thang incident. The first statement, dated 21 February, was one page long and very similar to the statements of the other patrol members. Boyd denied wrongdoing and claimed that the squad had been fired upon before they began shooting. The second statement, that of 23 February, was taken after Boyd was confronted with Theer's [the investigating officer] assessment of what had actually happened. It consisted of eight lines in Boyd's own handwriting.

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Having a different defense in mind than that of Schwarz's attorneys, Howard Trockman did not concern himself with some aspects of the case that Schwarz's defense had contested; however, he did, as had Schwarz's attorney, seek to exclude the color photographs of the victims. Once again, as in the Schwarz case, this motion was denied. There was little doubt that the content of the photos was horrifying. Most people have formed their visualization of such images from television and the movies. However, former Marine, Gary Solis, described the reality of such a scene: ". . . the bodies . . . lie with limbs splayed in unnatural, seemingly impossible postures, twisted and broken. . . . Unrecognizable organs, glistening and multi-hued, protrude from torn body cavities. Blood pools on the ground, not red, but dark, almost black, soaking into the dusty earth."<sup>59</sup> In the end, not only the defense's objection to the photos, but all pretrial defense motions were denied. It was certainly not an auspicious start for Trockman's first foray into the world of military justice.

The lead government attorney, Capt. Charles E. Brown, Jr., had been the second seat in the Schwarz trial. In the case of the *U.S. versus Boyd*, his first action was to admit into evidence Boyd's written statements to the commander of operations, who had been designated the investigating officer, concerning the Son Thang incident. The first statement, dated 21 February, was one page long and very similar to the statements of the other patrol members. Boyd denied wrongdoing and claimed that the squad had been fired upon before they began shooting. The second statement, that of 23 February, was taken after Boyd was confronted with Theer's [the investigating officer] assessment of what had actually happened. It consisted of eight lines in Boyd's own handwriting.

[At the first hooch] R.H. [Randy Herrod] called the people out side and got them all together and opened up on them with the M79. We heasateated and R.D. [sic] said to kill them and we opened up on them to. . . . [At the second hooch] the same thing happened, [and at the third hooch they] did the same thing. . . . I think it was R. H. or M. S. [Michael Schwarz] idea to tell the CO a lay becous we wear scard. . . . It was R.H. or M.S. [Michael Schwarz] idia to tell the CO that we had snipr fire. If I had it to do over, I don't think I wood, Because I don't think that we did right and Im trully sorry I had a hand in it. We did not recive sniper fire as far as I know, and R.H. told me to say that we did. We had no contacted on the patrol. . . . At the third hooch after the friing was over we heard a babby crying and Mike Schwarz got down next to it and fired his 45 and the crying stoped."<sup>60</sup>

Oddly, Boyd did not report, at the time he gave these written statements, that he had fired over the victims. At the beginning of the trial, Trockman objected to the admission of these written statements, questioning whether Boyd had given them voluntarily. Despite the questions of some of the investigating Marine officers themselves as to whether the statements were made under duress, the judge denied the defense motion that the statements not be admitted. The denial by the judge of all the pretrial defense motions and the admittance of Boyd's statements by the prosecution had to weigh heavily upon the frightened defendant and the rest of the defense team. As Gary Solis described it, "The government having prevailed on every pre-trial motion, it was shaping up like a prosecution cakewalk."<sup>61</sup>

The Marine prosecutors were young and perhaps a bit cocky facing the older civilian lawyer from Indiana and another young Marine defense lawyer. On Tuesday morning the government confidently brought witnesses in much the same lineup as they had for the Schwarz trial. One by one, these witnesses delivered seemingly damning testimony that bolstered the prosecution's case. Court observers heard a description of the five-man team's departure and return from their patrol, the details about the discovery of the victims along with the evidence of the discharge of U.S. weapons, and the investigating officer's suspicions and his subsequent investigation, concluding with the statements made by Boyd and entered into evidence. Following

this lineup, the government's star witness was, as in the Schwarz trial, a member of the killer team, Michael Krichten, who had agreed to testify at the trial of the other patrol members in exchange for immunity. Krichten gave the only eye witness testimony of the incident, which, in the case of Schwarz, had been extremely damaging. In addition, at the Schwarz trial, Krichten had also testified to seeing the other members of the patrol, including Boyd, firing their weapons. It must have seemed to the judge and the gallery that the prosecution was systematically eliminating any hopes Boyd harbored of being exonerated of the charges.

Before Krichten's testimony in the Boyd trial, and after "extensive conferences with Boyd about his conduct and character," Howard Trockman decided to pay Krichten a visit. The Evansville lawyer had a strong hunch and wanted to test it out. Krichten and Boyd were the only members of the five-man patrol who really knew each other at the time of the Son Thang incident, having served together for several months. Trockman wanted to delve further into the specifics of Boyd's character and his actions at Son Thang with Boyd's Marine buddy. Maybe, Trockman reasoned, some new angle just might pop up.

Since Krichten was a prosecution witness, it was the right of the defense team to preview his testimony. Interestingly, the team had to go to the sick bay to interview the Marine. As Trockman wrote later, Krichten "was being held in the hospital unit and was supposedly under treatment for malaria."<sup>62</sup> Trockman suspected that the prosecution wanted to isolate Krichten to some extent from any influences that might affect his testimony. Newspapers reported, however, that the key witness "looked thin and tired after being hospitalized for malaria."<sup>63</sup> At any rate, the savvy lawyer was not about to let the most important witness in the case testify without his having questioned him thoroughly. "Krichten was reluctant to talk," Trockman recalled. Trockman visited Krichten "four or five times in the hospital,"<sup>64</sup> each time going over the facts of Boyd's pacifism. Under Trockman's questioning the key witness, "remembered that Boyd never fired his weapon in combat [before Son Thang], to his knowledge." Before their conversation ended, the key witness told Trockman he "felt that Boyd had fired . . . above the heads of the victims at Son

Thang.”<sup>65</sup> The defense team was not sure, however, as they left Krichen, how he would ultimately testify.

As Michael Krichen settled into the witness chair, observers waited for the final piece of the prosecution case to be dropped into place, sealing the fate of Tommy Boyd. Consequently, the prosecution must have been stunned at what happened next. In the Schwarz trial, Krichen had stated Boyd, along with Herrod and Green, fired his weapon. Far from providing only this condemning testimony, Krichen now testified that “Boyd did not shoot any of the five women and 11 children.” Krichen explained he remembered this specifically because “Boyd was using tracer rounds in his automatic rifle.” Krichen watched as “the tracers went right over the top of the people, at least four or five feet over the top of the people.”<sup>66</sup> Krichen also added that Boyd’s weapon had jammed after only firing “two or three rounds.”<sup>67</sup> The new information regarding the tracer rounds added an effective visual affirmation to Krichen’s detailed account. Under Trockman’s further questioning, Krichen shed further light on the pacifist nature of Thomas Boyd when he told that he had noticed during earlier combat that Boyd was always the last to fire. He added, “When me and Tommy Boyd first came to this country together, I heard Tommy say he never wanted any confirms [confirmed killed].”<sup>68</sup>

Another one of Trockman’s hunches had paid off. He believed that anyone who had spent as much time with Boyd as Krichen had would have to be aware of the young man’s gentle nature and his aversion to killing. The defense was in a particularly hard bind. If they tried to discredit this new information it would discredit other information Krichen would offer in the other two trials. It was a stunning victory for the defense, one that Howard Trockman had to relish. “The prosecution was totally surprised by Krichen’s testimony,” Trockman recalled. “It was the only direct evidence which could possibly link Boyd with the crime.”<sup>69</sup> Krichen’s testimony went beyond showing Boyd’s lack of desire to kill, to showing that Boyd had never even fired directly into the women and children at Son Thang. Witnesses for the defense who followed Krichen would reinforce this contention. “Members of Boyd’s platoon testified they never saw him kill an enemy soldier in combat,” and “Platoon leader Lt. Robert B. Carney III of Washington, D.C.,

said Boyd never fired at anyone during one 12-day period."<sup>70</sup> Trockman also called Lt. Ambort, who testified that Boyd had previously "frozen stiff" in a firefight."<sup>71</sup>

Faced with a breathtaking turn of events, the prosecution hastily shifted its emphasis from Boyd's participation in the murders to Boyd's being an "aider and abettor" to those who actually committed the murders. It would remain to be seen how this notion would affect the judge.

For the defense, in addition to those who had fought beside Boyd, Trockman brought in Lieutenant Colonel Cooper, who testified to the dangerous conditions in the Son Thang area. Then Trockman brought forward depositions he had taken from Boyd's hometown, including that of the young Marine's minister, who affirmed Boyd's religious nature. Evansville businessman Walter Dilbeck spoke regarding his knowledge of Boyd's home situation. Trockman's next move was somewhat of another gamble—to have Boyd testify in his own behalf. Along with Boyd's gentle temperament, he had displayed a guileless nature. When cross examined by the prosecution, would the vulnerable Boyd break down under pressure and change his story? Would Boyd be able to keep his head if the government attorney challenged him to reconcile his nonviolent nature with the fact that he'd volunteered for duty in Vietnam? Could he give a rational explanation that the judge could accept? Trockman had faith in his own instincts and believed the young Marine had been honest with him. He put him on the stand.

Facing the onlookers in the small, hot crowded room, a clean-cut Thomas Boyd emotionally told the court that "he believed all killing was wrong. He testified he joined the Marines and volunteered for Vietnam duty because his older brother had served there, and 'I'm no better than him.'"<sup>72</sup> He further emphasized his belief in the scripture, "Thou shall not kill." In boot camp, Boyd confessed, he had not even qualified with the rifle, and the records showed that to be true.<sup>73</sup> Boyd tearfully admitted that he'd gone AWOL for 21 days after he received orders to go to Vietnam because "I didn't want to come to Vietnam to kill people and get killed." About Son Thang, Boyd said, "I fired because I didn't want them to think I was a coward. . . I didn't want to kill anybody. I waited until the people were on the ground" and intentionally fired over their heads.<sup>74</sup> Boyd was

completely "emphatic that he could not bear the thought of killing another human being."<sup>75</sup>

Boyd was, as Howard Trockman later wrote, "a very good witness in his own behalf" and his moving, sob-filled testimony "left many courtroom observers in tears."<sup>76</sup> In closing arguments, the prosecution emphasized that Boyd had said in his second written statement "I don't think we did right and I'm truly sorry I had a hand in it." After closing the courtroom for a short time for his deliberations, Judge St. Amour called both sides back in to render his verdict. With a fearful Boyd and his lawyers standing before him, St. Amour said, "Private First Class Thomas A. Boyd, it is my duty as military judge to inform you that the court finds you, of the charge and all specifications: not guilty." Boyd "greeted the verdict with tears of joy, [and] shouted, 'Thank God!'" The young Marine then began to sob wildly and collapsed into Howard Trockman's arms.<sup>77</sup> Gaining some composure, Boyd then turned "and hugged family friend Walter Dilbeck."<sup>78</sup> Given his later problems, this may have been the finest hour for the shrewd Evansville businessman, Dilbeck. "It was a tremendously emotional and tearful relief," Trockman remembered. The weeping reaction of Boyd was "accompanied by the same reaction by spectators, particularly in the press corps."<sup>79</sup> It was truly an astounding turn of events.

After throwing his arms around his lawyer, the joyful Boyd "rushed outside the small courtroom into the arms of Lt. Louis Ambort, his company commander. . . . Other members of the company [who] had kept a vigil outside the court through-out the three day trial joined in the brief celebration with Boyd alternatively laughing and crying."<sup>80</sup> Trockman's pacifist strategy had certainly worked. An Iowa newspaper announced in its headline, "Marine acquitted: Didn't even kill enemy soldiers."<sup>81</sup>

The judge's decision had been difficult. Many years later St. Amour wrote, "My intuitive feeling at the trial, and now was/is that Boyd did at some time shoot at one or more of the victims. However, there was insufficient probative evidence introduced to this effect. Boyd's guilt was simply not established beyond a reasonable doubt."<sup>82</sup> Randy Herrod, the leader of the five man patrol that night at Son Thang, would later wonder why "a conscientious objector spend his entire duty being shot at by Vietcong when he could have announced his reservations and

been reassigned? The prosecution should have been able to rip him to shreds."<sup>83</sup>

In the end, Gary Solis believed "the Boyd trial was not so much lost by the government as it was won by the defense." Howard Trockman had "offered an imaginative defense, religious pacifism, that sidestepped the legal thicket of both superior orders and improbable self-defense."<sup>84</sup> The brilliant lawyer had also been correct in his hunches regarding the judge's commitment to fairness and reason, whatever intuitive thoughts he might have had. Trockman had made sure also that the key witness for the prosecution, Michael Krichten, be made to consider every detail regarding Thomas Boyd's pacifist ways and every detail of what he, Krichten, witnessed the night of the Son Thang incident. Finally, Trockman, a competent shrewd lawyer from a little place called Evansville, Indiana, simply outmaneuvered the young Marine Corps lawyers.

Thomas Boyd's mother was beside herself with joy, but she had little time that morning the news came to enjoy it. "I would have liked to have sat down and thought about it, but I never had a chance. There were so many telephone calls, and newspaper and television reporters, I couldn't even comb my hair."<sup>85</sup> Ralph Boyd, Thomas' brother,

"broke down and wept" when he heard the news.<sup>86</sup> In a somewhat odd turn of events, Boyd's congressman, Roger Zion, tried to claim some of the glory by stressing the trial had gone the young man's way because of all the petitions locals had gathered and which the congressman had delivered to the proper authorities. "The verdict of innocence is a real tribute to the thousands of people who sent me letters and petitions which I sent to the boy's [Marine] defense attorney in Vietnam and to [the] commandant of the Marine Corps."<sup>87</sup>

Boyd's unexpected victory boded well for the other defendants. Schwarz, tried before Boyd, had received a life sentence for his role at Son Thang. Sam Green, the only African American with the five man Son Thang patrol, was tried just after Boyd's successful defense. Green could not afford to get a civilian lawyer to work with his court appointed Marine counsel but nevertheless ended up being sentenced to only five years in the brig and a dishonorable discharge. Randy Herrod was the last of the four Marines to be tried. His legal entourage took up

more space in the tiny courtroom than the Marine prosecuting team and the jury. Herrod's family had extensive political connections back in Herrod's home state of Oklahoma. Two of Herrod's defense team were state senators. Oliver North, then a platoon leader but already highly respected in many Marine circles, testified for Herrod. North's outstanding testimony did not hurt Herrod's cause. Herrod was found not guilty. Rather soon, Schwarz and Green were both released after a year with dishonorable discharges. Jim Webb, the eventual Secretary of the Navy and U. S. Senator from Virginia would spend many years attempting to get Green's record cleared and upgraded to a general discharge. Many years later Webb was finally successful, although he personally had to give the discharge certificate to Green's mother. A distraught Sam Green had taken his own life in 1975.

The ghosts of Son Thang still occasionally make themselves known. Congressman William Delahunt of Massachusetts recently spoke of the Schwarz, Boyd, Herrod, and Green cases to General James Mattis, Commanding General of the One Marine Expeditionary Force in Iraq concerning the court martial of Sgt. Lawrence Hutchins. Hutchins was one of the accused Marines in a recent "war crime" trial, the Hamadaniyah incident. "Like the Son Thang case," the congressman wrote, "the Hamadaniyah case also resulted in disparate results." Congressman Delahunt went into some detail revisiting the Son Thang case in an effort to convince Marine Corps leaders not to make the same mistake again of meting out unequal justice. "Clearly the disposition and sentence in Sgt. Hutchins' case, like that in the Son Thang case, is grossly disproportionate to that of his co-defendants," the congressman argued.<sup>88</sup>

There is no doubt that the decision of Howard Trockman to travel to Vietnam, paying his own expenses, to argue the case of *U. S. v Boyd* made the difference in the final verdict. Thomas Boyd's fears that "nobody is going to fight for us" turned out to be unfounded. Boyd returned to Evansville, Indiana, where he found a peaceful anonymity. His mother told local reporters, soon after the trial in 1970, that her son "was returning home and bringing his new wife with him," a woman Boyd had met in California. "He said he is coming home and going to work for Walter Dilbeck."<sup>89</sup>

Walter Dilbeck stayed in the national lime-light for a while. He headed a national defense fund effort for "soldiers charged with the massacre of Vietnamese citizens at My Lai." Dilbeck told reporters, "We're as much interested in moral support for the boys and making sure all the facts are brought out as we are in getting the money."<sup>90</sup> Trockman did not stop in his efforts to right some of the wrongs of the Son Thang incident. In October of 1970, Trockman wrote President Nixon, "asking that [Sam] Green be released from the stockade pending appeal."<sup>91</sup> The request was denied. Trockman then pointed out in the national media that Nixon had been more generous in the Lt. Calley/My Lai case than in Green's case for political reasons. As a young black man, Green seemed to have little political clout at that time.

Eventually, the problems of Vietnam began to fade as Howard Trockman continued his law practice in the quiet city of Evansville, Indiana. He considered writing a book about his Vietnam trial experience but "never embarked on the adventure."<sup>92</sup> The keen attorney would go on to argue and win a case in front of the U. S. Supreme Court. The ruling greatly benefited the city of Evansville, as it allowed, "an imposing fee on users of the Evansville Airport." Trockman further served his community when he "crafted the document which was the basis for Solarbran," a place where the elderly of the Evansville community "could live out their lives as independently as possible." He was also a sterling "role model" for other attorneys.<sup>93</sup> But Trockman always considered the Thomas Boyd case "my lowest paying and most rewarding. . . . I think every attorney owes it to his fellow man to do something of that nature."<sup>94</sup>

Occasionally, over the years, a grateful Thomas Boyd would pop into Trockman's office to chat. In 2000 Trockman received the James Bethel Gresham Freedom award which recognizes "individuals who have distinguished themselves in activities or careers which have elevated respect for the law, promoted freedom, or otherwise furthered the ideas for which Law Day is recognized and celebrated."<sup>95</sup> Trockman died of complications of Alzheimer's disease in 2001 at the age of 68.

## Notes

<sup>1</sup> Gary D. Solis, *Son Thang: An American War Crime* (New York: Bantam Press, 1998); Randy Herrod, *Blue's Bastards: A True Story of Valor under Fire* (Washington D.C. : Regnery Press, 1989); Denzil Garrison , *Honor Restored* (Mustang, OK: Tate Publishing and Enterprise, 2006). See also a chapter in Gary D. Solis, *Marine and Military Law in Vietnam: Trial by Fire* (Washington D.C. GPO/U.S. Marine Corps, 1988), 171-190; Robert Timberg, *The Nightingale's Song* (Norfolk: Simon & Schuster, 1995), Chapter fifteen; and James H. Webb, "The Sad Conviction of Sam Green: The Case for the Reasonable and Honored War Criminal," *Res Ipsa Loquitur*, Georgetown Law School, 26 Winter 1944: 11. Herrod's and Garrison's books are both self-serving, as they attempt to vindicate Randy Herrod's part in the Son Thang incident. It was Solis' opinion that many of the purported facts in *Blue's Bastards* were not to be trusted.

<sup>2</sup> Gary D. Solis, *Trial by Fire*, 261, endnote 68. "Since Krichten was granted immunity and Herrod and Boyd were found not guilty the only verbatim records of trial were those of Green and Schwarz. The Green record has been lost, checked out from the government repository in December 1976 and never returned."

<sup>3</sup> Gary D. Solis, *Son Thang*.

<sup>4</sup> Randy Herrod, *Blue's Bastards*, 167-168.

<sup>5</sup> Gary D. Solis, *Son Thang*.

<sup>6</sup> *Pacific Stars and Stripes*, 21 May 1970.

<sup>7</sup> Gary D. Solis, *Son Thang*

<sup>8</sup> Letter from Howard Trockman to Gary D. Solis, 17, April 1991, Trockman's widow, Barbra Trockman, is in possession of this correspondence.

<sup>9</sup> Gary D. Solis, *Son Thang*, 202.

<sup>10</sup> *Washington Post*, 22 June 1970

<sup>11</sup> Trockman to Solis Letter

<sup>12</sup> *Washington Post*, 22 June 1970.

<sup>13</sup> *Wisconsin State Journal*, 22 June 1970.

<sup>14</sup> *Washington Post*, 22 June 1970.

<sup>15</sup> John Bartlow Martin, *Indiana: An Interpretation* (New York: Alfred A. Knopf, 1947), 258.

<sup>16</sup> *Evansville Courier and Press*, 6 May 2000.

<sup>17</sup> Author interview with Barbara Trockman.

<sup>18</sup> *Evansville Courier and Press*, 6 May 2000.

<sup>19</sup> Trockman to Solis letter

<sup>20</sup> *Evansville Courier*, 1 March 1970

<sup>21</sup> *Evansville Press*, 24 June 1970.

<sup>22</sup> *Ibid.*, 24 June 1970

<sup>23</sup> See Brian McKenna, "The Global League" In the *Baseball Biography Project*, for a detailed account of Walter Dilbeck's colorful business dealings and unsuccessful schemes.

<sup>24</sup> *San Antonio Express*, 12 July 1966.

<sup>25</sup> Long Beach, California *Press-Telegram*, 18 December 1968.

<sup>26</sup> Trockman to Solis letter

<sup>27</sup> Lillian Boyd's letter to President Nixon is dated 13 March 1970. See Gary D. Solis, *Son Thang*, 213

- <sup>28</sup> General Chapman's letter was addressed to Lillian Boyd's congressman, Roger Zion. See Gary D. Solis, *Son Thang*, 214
- <sup>29</sup> Barbara Trockman *Evansville Press* newspaper clipping.
- <sup>30</sup> Trockman to Solis Letter
- <sup>31</sup> In Keith Nolan, *Death Valley: The Summer Offensive, I Corps, August 1969*. (Norfolk: Cut: Presidio press, 1987), 80.
- <sup>32</sup> Gary D. Solis, *Son Thang*, 15.
- <sup>33</sup> Ollie North claimed, in his introduction in *Blue Bastards*, that he had recommended Herrod receive the Navy Cross. The medal was down graded to a Silver Star. Solis claimed that records indicated Herrod was put in for the Bronze Star and that the award had been upgraded to the Silver Star.
- <sup>34</sup> Gary D. Solis, *Son Thang*, 27-28
- <sup>35</sup> *Daily Times* [Delaware], 26 July 1970.
- <sup>36</sup> *Ibid.*, 131-133
- <sup>37</sup> *Ibid.*, 30.
- <sup>38</sup> *Ibid.*
- <sup>39</sup> *Ibid.* 118-119.
- <sup>40</sup> *Ibid.* 45-55.
- <sup>41</sup> *Ibid.* 50-51.
- <sup>42</sup> *European Stars and Stripes*, 25 June 1970.
- <sup>43</sup> *The Washington Post*, 24 June 1970.
- <sup>44</sup> Michael Krichten testimony as reported in *The Bridgeport Post*, 19 June 1970.
- <sup>45</sup> *Ibid.*
- <sup>46</sup> Gary D. Solis, *Son Thang*, 217 and Trockman letter to Solis.
- <sup>47</sup> Trockman letter to Solis.
- <sup>48</sup> *Evansville Press*, 27 June 1970.
- <sup>49</sup> Gary D. Solis, *Son Thang*, 216
- <sup>50</sup> *Ibid.*
- <sup>51</sup> *Ibid.*
- <sup>52</sup> *Ibid.*, 159.
- <sup>53</sup> *The Washington Post*, 25 June 1970; *Evansville Courier*, 25 June 1970; and, *Evansville Press*, 24 June 1970.
- <sup>54</sup> See Randy K. Mills *Christ Tasted Death for Every Man*, ( Poplar Bluff, MO: Stinson Press, 2000).
- <sup>55</sup> *Evansville Courier*, 21 June 1970.
- <sup>56</sup> *Ibid.*
- <sup>57</sup> *Evansville Press* Newspaper clipping in possession of Barbara Trockman.
- <sup>58</sup> Gary D. Solis, *Son Thang*.
- <sup>59</sup> *Ibid.*, 50-51.
- <sup>60</sup> *Ibid.*, 80-81.
- <sup>61</sup> *Ibid.*, 219.
- <sup>62</sup> Trockman letter to Solis.
- <sup>63</sup> *The Herald* [Provo, Utah], 19 June 1970.
- <sup>64</sup> *Evansville Press*, 27 June 1970.
- <sup>65</sup> *Ibid.*
- <sup>66</sup> *Princeton* (Indiana) *Clarion*, 23 June 1970. The *Clarion* and the *Evansville Press* were the only newspapers this research discovered that included the tracer rounds testimony. As noted, this visual detail likely added powerful authenticity to Krichten's claim.

- <sup>67</sup> Evansville Courier, 24 June 1970.  
<sup>68</sup> *Princeton Clarion*, 23 June 1970.  
<sup>69</sup> Trockman letter to Solis.  
<sup>70</sup> *Washington Post*, 25 June 1970.  
<sup>71</sup> *Princeton Clarion*, 23 June 1970.  
<sup>72</sup> *Washington Post*, 25 June 1970.  
<sup>73</sup> Gary D. Solis, *Son Thang*  
<sup>74</sup> *Washington Post*, 25 June 1970.  
<sup>75</sup> Trockman letter to Solis  
<sup>76</sup> Ibid.  
<sup>77</sup> *Evansville Courier*, 25 June 1970.  
<sup>78</sup> *European Stars and Stripes*, 26 June 1970.  
<sup>79</sup> Trockman letter to Solis.  
<sup>80</sup> *Evansville Courier*, 25 June 1970.  
<sup>81</sup> *Iowa City Press*, 24 June 1970.  
<sup>82</sup> Gary D. Solis, *Son Thang*  
<sup>83</sup> Randy Herrod, *Blue's Bastards*, 224.  
<sup>84</sup> Gary D. Solis, *Son Thang*  
<sup>85</sup> *Evansville Press*, 25 June 1970.  
<sup>86</sup> *Evansville Press*, 24 June 1970.  
<sup>87</sup> Ibid.  
<sup>88</sup> Letter from William Delahunt to General James Mattis, 2 November 2007.  
<sup>89</sup> *Evansville Courier*, 26 June 1970.  
<sup>90</sup> *The Bridgeport Post*, 13 October 1970.  
<sup>91</sup> *Press-Telegraph* [California], 2 April 1971.  
<sup>92</sup> Trockman letter to Solis.  
<sup>93</sup> Evansville, Indiana Bar Association Press Release, 5 May 2000.  
<sup>94</sup> Erik Hromalka, "Evansville Attorney Recalls Lessons of Vietnam trial," *The Indiana Lawyer*, 15 December 1992.  
<sup>95</sup> *Evansville Courier and Press*, 6 May 2000.