

US Hazing Trial Confronts Army's Delicate Race Relations

A military courtroom in North Carolina is not where the Chen family expected to spend time when they immigrated to the United States from China more than 20 years ago. But this week, Su Zhen and Yan Tao Chen traveled from New York's Chinatown area to Fort Bragg to watch the seventh round of hearings in the death of their son, Private Danny Chen.

Army officials have said the 19-year-old was driven to suicide after suffering near daily physical abuse and racial taunting at the hands of his platoon last year. The Army charged eight of his superiors in the case after Chen shot himself in the head while on duty at a guard tower in Kandahar, Afghanistan.

The trial of Staff Sergeant Andrew Van Bockel opened Wednesday in Fort Bragg. He faces charges of hazing, racial maltreatment and dereliction of duty. As in previous cases, the court dismissed a charge of negligent homicide.

Emotional and physical abuse

Members of Chen's platoon allegedly called the Chinese-American racial slurs like "chink" and "fortune cookie" and "dragon lady." They forced Chen, one of the weaker soldiers, to carry a sandbag while doing sprints, to do push-ups with water in his mouth, and crawl across gravel while they pelted him with rocks.

The American-born Manhattan native also once was dragged across the outpost for leaving a shower water pump on, and made to shout instructions to his fellow soldiers in Chinese, although no one else spoke it.

Defense lawyers have argued that Chen, an only child who forgot his equipment and fell asleep on duty at times, took his life because he felt ashamed of his poor performance and because he thought his parents disowned him.

The doctor who performed the autopsy on Chen said on the teenager's forearm, he found the words, "Tell my parents I'm sorry."

Training or abuse

The case tests the fine line in the military between corrective training and abuse of soldiers preparing to go to war.

"They're trying to toughen them up. So it's delicate in that they sometimes have to be harsh with them. But they shouldn't be cruel, they shouldn't maltreat them," said Greg Rinckey, a

former Army JAG officer and managing partner at Tully Rinckey, a military law firm based in Albany, New York.

"I think in this case, where you're using racial slurs and there's a pattern of people picking on one particular soldier, I think that's really where you draw the line," he said.

Rinckey said he thinks the Army was overreaching when it charged some of the accused with negligent homicide and involuntary manslaughter because of the difficulty in proving intent and a direct connection between the hazing and Chen's death. But he said the charges indicate how serious the military is taking the case.

Hazing and racism are not allowed in the U.S. military, and all officers are educated in the differences between intense training and violence.

George Wright, a spokesman for the U.S. Army at the Pentagon, said that distinction was not made in Chen's case.

"Any time a soldier in a unit is subject to harassment and hazing and the type of brutality that was depicted in this situation, there's a breakdown in leadership and the Army has been made aware of that. We've taken steps to hold those members of Private Chen's chain of command accountable," he said.

Wright said the Army respects the decisions of the juries in the cases that have been tried.

Six soldiers have been punished so far. Two reached plea agreements and four were convicted in courts-martial. Among the sentences were reductions in rank, hard labor, one to six months in prison, and bad conduct discharge.

Seeking justice

Elizabeth OuYang, president of the New York branch of the Organization of Chinese Americans, who is attending the hearing in support of Chen's family, said the lower level charges and sentences do not reflect what happened to Chen.

"It raises [the question of] whether or not you can get justice in a military court process, particularly when they're tried by a jury of enlisted and commissioned officers," she said, adding that the juries have not included any Asian-Americans.

Chen's mother and father, who speak only the Taishanese dialect and earn a modest living making hairpieces and working in a restaurant, have suffered with the pain of reliving Chen's abuse at the trials. But OuYang said they're attending the hearings and testifying through an interpreter because they want justice to be served.

"They've said time and time again that if it weren't for the community, they don't think they could keep going. But they don't want this to happen to anyone else's son, and they are fighting," she said.

Racial lines

OuYang suggested the military is not owning up to its problem with racism against Asian-Americans, who make up four percent of the military.

"When superiors especially address someone like [chink] in front of his peers, it's made to make somebody feel like they're less than, unworthy, not part of a team. It's degrading," she

said.

Rinkey admitted soldiers sometimes taunt each other with racial nicknames, which to some are affectionate and others inappropriate. Still, he said the military probably addresses racism better than most civilian organizations because it is so diverse.

The U.S. military became racially integrated far before the rest of the United States did. In 1948, President Harry Truman signed an executive order integrating the armed forces while American schools, restaurants and transportation were still segregated.

The idea was that when your life's in danger, your fellow soldier's skin color doesn't matter so much.

But that doesn't always work out.

"They want a homogenous group. Diversity does not mean homogenous. So you want to know that the person of color opposite you, or who is a different religion or a different ethnic [group], is going to be reliable in the trenches," said Hank Nuwer, a professor at Franklin College in Indiana and the author of four books on hazing.

A question of leadership

Wright, the Army spokesman, said a number of emails were sent to the field after Chen's death, encouraging the chain of command to be on the lookout for incidents or indicators of hazing.

The military has no system to track such incidents, something California Congresswoman Judy Chu is hoping to change with legislation she proposed after her own nephew killed himself after being hazed by fellow soldiers in Afghanistan.

Getting stronger sentences for the abuse that is known, especially for more senior enlisted members of the service, can be extremely difficult because the accused would not just face prison time or fines but would lose many of the benefits acquired over a long career, according to Captain David Price, who spent 25 years on active duty in the U.S. Navy Judge Advocate General's Corps and now practices military law with the civilian firm Jag Defense.

He said military judges and juries often try to "come up with a way to balance out the good order and discipline needs ... and the impact of that punishment on this person's life and their family's life."

To stop abusive behavior in the military, Price said there must be a better way of educating officers and addressing poor leadership.

"The people who engaged in the hazing, they are guilty, they need to be punished," he said. "But at a higher level, the more senior you get and are aware of this and did nothing to stop it, they are the ones that really are at fault because they are the ones who should have stopped it."

A verdict in the case of Staff Sergeant Van Bockel, who is on trial now, is expected next week. The eighth and final soldier to be tried is awaiting his hearing.

When it starts, the Chens plan to be there.