



士兵前線遭虐待難忍而自殺身亡、肇事人之一美陸軍中士 Vanbockel 雖被定罪，但判決只有降級一級，加 60 天苦役

November 21, 2012. For Immediate Release. Elizabeth OuYang, President, OCA-NY

Staff Sergeant Andrew Van Bockel, the "ring-leader" who ordered lower-ranking superiors to haze Private Danny Chen was found guilty of hazing, maltreatment, and dereliction of duty by a military jury in Fort Bragg, North Carolina. The jury deliberated for six and a half hours yesterday and today

he was sentenced only to a reprimand, reduction in rank two levels to an E-4 and 60 days of hard labor, of which he was credited 45 days for one month pre-trial confinement. Sergeant Van Bockel testified he ordered Danny to low crawl over 100 meters of rocks for failing to put on his helmet before he entered guard duty and watched while specialists lobbed rocks at him. Sergeant Van Bockel called him "Dragon Lady" and "Fortune Cookie" and ordered him to give instructions in Chinese in front of the entire platoon. Others testified he intentionally ordered Danny to call Specialists by his first name knowing he would be punished for that.

He also allowed Danny to be punished for graffiti in the guard tower that he knew Danny did not do. He also failed to prevent other superiors

from using racial epithets, throwing rocks, kicking, striking and dragging Private Danny Chen and forcing Danny to low crawl and do pushups with a mouthful of water.

The defense argued Sgt. Van Bockel's actions and orders were proper corrective training. "What Staff Sergeant Van Bockel did and allowed to happen to Private Chen was not corrective training, it was torture. He not only fostered a climate of unrelenting and escalating hazing that ultimately cost Danny his life, he instigated the hazing. His light sentence indicates Danny and other victims of hazing can not get justice through the military court system and places a higher priority on protecting rank and file than stated



編者按:本報朋友 Garry Guan 他原來是 Former Candidate for Georgia Senate, District 5, 最近他給華報寫信, 並呼籲華人要關心華人事; 家住紐約的陳宇暉 (Danny Chen) 高中畢業, 出於衷心報國的滿腔熱情, 他報名參軍, 前往阿富汗前線參戰, 他沒能戰死疆場, 但由於種種原因, 最後自殺, 陳宇暉他留給父母的一句話是"對不起"本報將以 2 版面中英報答事情的經過, 這裡感謝紐約美華協會對這件事付出大量時間和精力。本報還請與陳宇暉同年出身也是華人家屬的陸穎同學寫了她的感受。



A New Voice for Georgia

army values of respect and integrity. Had Sergeant Van Bockel done his duty to stop what he and lower-ranking superiors were doing, Danny would be alive today. This light sentence will be a major deterrent for Asian Americans to enlist in the Army," stated Elizabeth OuYang, OCA-NY President.

Van Bockel is the 7th superior to be convicted in connection with the death of Private Danny Chen. Since the negligent homicide charge was dropped, the 7 superiors have been convicted of lesser offenses ranging from assault, racial maltreatment, hazing, and dereliction of duty.

The sentences for the other six convicted superiors include a range of multiple punishments from jail time, discharge for bad conduct, forced labor, reduction in rank, reprimand, and fines.

All have been reduced at least one level, two have been discharged for bad conduct and four have been sentenced to jail (longest jail sentence was 6 months). The higher ranking officers who were aware or should have aware of the abuse and could have stopped it have received the lightest punishment.

Platoon Sergeant Dugas, the 2nd in command received a 3-month jail sentence but did not have to serve jail time because the judge found he had his gun taken away from him prior to being convicted. Sergeant Jeffrey Hurst, the team leader under Staff Sergeant Van Bockel was sentenced to 45 days hard labor and a reprimand.

Representing the faces of Danny Chen in the courtroom include: Mr. and Mrs. Su Zhen and Yan Tao Chen-parents of Private Danny Chen, Zhan Qiu Chen-Danny's uncle, Lucy Chen and Danny's aunts; Elizabeth OuYang, President of OCA-NY; Rose Eng, OCA-NY Board Member and travel agent; Kendall Kosai, OCA Civil Rights Fellow (Washington, D.C.); Jason Hata, JAACL AARP Mineta Fellow (Washington, D.C.); Ki Chan, financial manager; Pak Wong, Chinatown Head Start administrator; Sharon De La Cruz, visual artist; Mansee Kong and Michael Wood, independent film makers; Julia Chung, Vassar College Senior; Crystal Chen, Wheaton College (Massachusetts); Diana Tung, non-profit project manager; Tricia Sung- President of OCA-Georgia, Alfred Yin -past President of OCA-Georgia, Woo Yi Yin -OCA-Georgia board member; Gary Guan, President, Asian American Media Group (Atlanta, GA); and representatives of the Fayetteville Chinese Association.

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 in-



terpreter 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 [Chin] 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.

Rinckey 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.

Comment:

By Dianna Lu

After reading what has happened to Private Danny Chen, I need to acknowledge that I have never done or I might never do anything that brave. I've never put my life on the line for anybody. I would say that I really have never thought about the subjectively of an individual soldier. I give Private Danny Chen my respect to him and his family. And the hope of recovery to his family and friends.

But in this situation, suicide is what ended Private Chen's life. I believe suicide is 50/50. The decision cannot be made up by just a person on their own. Something had to have triggered him emotionally and physically, but at the same time, that individual is the one making the decision. Even if someone told me the words "go kill yourself." I am still in charge of my own emotions and actions. Reading Private Chen's article on voice of america, I could see why he committed suicide. I am the same age of Danny Chen when he took his own life. I am also Asian-American. Coming from an Asian-American family, the whole skipping on school and going into the military would have the pressure of a feeling of disowned parents. With that and the stress of racial slurs in the training environment that he had to go through is cruel.

This case brought up the event of the Holocaust in my mind. Racism at its finest. The end of the genocide was just the end of the Holocaust, not the end of racism. Justice was not served at the end because of such a massacre. The mixture of racism and suicide makes this case far away from justice. Everything in this situation is biased, nothing is "fair". Everyone who deserves punishment will be punished yet not enough others will say.

Seeking justice is not the goal in this case. It will come down to who will win and who will lose. It's just interesting to see how serious the US military is taking the case by the charges.

