

Viewpoints

Friday, May 31, 2013

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OTHERS SAY: TOM PALAIMA

Regular contributor

For military veterans, every day Memorial Day

Memorial Day is now behind us, but not for many soldiers and veterans of our country.

My friend Charles E. Patterson is now senior counsel with Morrison Foerster law firm in Los Angeles. His online biography tells us that he served "as an officer in the United States Marine Corps at various duty stations, including the Republic of Vietnam, 1966-1969." What that matter-of-fact description and Chuck's extensive legal résumé do not reveal is the memorial that he, like other veterans, carries in his heart to those who served alongside him.

Two fellow soldiers Patterson remembers vividly are Lance Cpl. Manuel Pina "Manny" Babbitt and 1st Lt. Henry Marion Norman. Both served with Patterson among the Marines besieged for 77 hellish days at Khe Sanh in 1968.

Norman died at Khe Sanh on March 30, 1968, at age 28, "due to a mortar, rocket, or artillery incident." Manny Babbitt died on May 4, 1999, one day after his 50th birthday. He was executed by the state of California by lethal injection at San Quentin State Prison.

During the long siege at Khe Sanh, Babbitt received a head wound from rocket shrapnel. He was under frequent artillery fire from the enemy. He felt the thunderous force of 100,000 tons of bombs dropped by the U.S. Air Force around the Marine base. He later fought in five other major campaigns in Vietnam.

Babbitt grew up in an environment of poverty and physical abuse. He was 17 when he quit school in the seventh grade. When he came back from Vietnam, he would have been a poster child for post-traumatic stress disorder, only at that time there were no posters for PTSD. Its severity and prevalence among veterans were not yet recognized.

Still, Babbitt was diagnosed with paranoid schizophrenia, dissociative reactions and periods of amnesia. He became a street person, "the town crazy." On a foggy night in December 1980, Babbitt killed a 78-year-old woman in whose house he had sought shelter. Patterson believes Babbitt acted in a flashback, thinking he was under siege.

At Babbitt's trial in 1982, according to a New York Times report, his court-appointed lawyer "never called witnesses who had served with Mr. Babbitt in Vietnam, never documented his family history of mental illness, an aggravating factor in the post-traumatic stress, and never sought Mr.

Babbitt's Vietnam medical records." The lawyer later admitted that he "failed completely in the death penalty phase" of the trial. On May 14, 1982, the jury imposed the penalty of death on Manny Babbitt.

In March 1998, Babbitt, on death row, received a Purple Heart for wounds suffered at Khe Sanh. Four fellow veterans of the siege stood by. Patterson filed the forms that made sure Babbitt received the medal he had earned in service of his country. Patterson and his firm also put in thousands of hours pro bono from 1997 to 1999 in an ultimately unsuccessful effort to have Babbitt's sentence commuted to life imprisonment.

At the time, Patterson said, "Manny's a Marine. He was in Khe Sanh. I know I could depend on him to do what he could to save my life. He should be able to depend on me to do the same thing. There's that obligation."

He and Babbitt both had scars from exploding shrapnel.

Patterson expressed the deep injustice done to Babbitt in his legal writing. He expressed the injustice done to Norman in his poetic writing.

"Marion Henry Norman Khe Sanh, 1968"

They took your life
As if it belonged to them.
If only they had told me
They needed a life,
I would have given them
mine.

I wonder
What they did with your
life?

Perhaps,
If they don't need it now,
They'd give it back.
—Ca Lu, March 1968
I saw you dead
But never buried.
In my heart you've lived,
Laughing, smiling Hank.
I would keep you there forever,

In a memorial more perfect
Than hands could build.
Finding an end to my war
I can mourn you now.
And, in sadness, leave
This loving, painful,
Magic caretaking,
So I may live
At peace.
To celebrate your death,
To elevate your life,
And its conclusion,
Which was neither sweet,
Nor fitting, Duty's harshest
price

For which the consideration
Should have been honor.
—The World, 1983

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Memorial Day.

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