

Lore of the Corps

A “Fragging” in Vietnam: The Story of a Court-Martial for Attempted Murder and Its Aftermath

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In a cold killing rage, I went to my hootch and grabbed a grenade, walked back to the bunker the XO was in, pulled the pin on the grenade, threw it into the bunker, closed the bunker door, and started back to the hootch. As I was walking back, I heard the explosion of the grenade.¹

Some CID officers interviewed me, asking me why I tried to kill the executive officer. I was really tired of the bullshit, and I told them he was an asshole who deserved to die.²

On 12 January 1973, Staff Sergeant (SSG) Alan G. Cornett pleaded guilty to attempting to murder Lieutenant Colonel (LTC) Donald F. Bongers, the Executive Officer of Advisory Team 40, “by means of throwing an M-26 fragmentation grenade into a bunker which the said Lieutenant Colonel Bongers occupied.”³ Cornett also pleaded guilty to having .16 grams of heroin in his possession. The following day, he was sentenced by a panel of seven officers.⁴ This is the story of his court-martial and its aftermath.

The evidence presented at the Article 32 investigation and the stipulation of fact introduced at trial revealed that the accused, a Ranger-qualified Special Forces medic who had served six and one-half years in Vietnam, was assigned to Military Assistance Command, Vietnam (MACV) Advisory Team 40. This team, located at Duc My, Vietnam, provided support to the Vietnamese Army.

For several months, SSG Cornett and his victim, LTC Bongers, had not been getting along. Cornett believed that Bongers was harassing him because the accused was married to a Vietnamese woman. The senior advisor in Team 40, Colonel (COL) Gilligan, who was Bongers’ boss, had told other Soldiers that he did not like “mixed marriages” and would not approve a Soldier’s request to marry a Vietnamese national. Bongers also had stated publicly that it was “morally wrong” for Americans to associate with Vietnamese women, and had called the accused’s wife a “prostitute.”⁵ Not content to simply voice their views, Gilligan and Bongers had prohibited the accused from bringing his wife onto the Team 40 compound. This was embarrassing to the accused and put considerable strain on his marriage.

On 30 November 1972, at about 1545, LTC Bongers entered one of the team’s commo bunkers, where the accused was on radio watch. After watching the accused open a can of beer, Bongers relieved him for drinking on duty, and then told him to leave the commo bunker. Lieutenant Colonel Bongers then took over the accused’s radio watch duties.

Staff Sergeant Cornett went back to his hootch and began drinking more alcohol. As he told the Criminal Investigation Division (CID) later that day, he “drank a half a case of Budweiser beer, 12 cans, and also had about a pint of rum.” About an hour later, Cornett took an M-26 fragmentation grenade off his web belt and put it on his refrigerator. As Cornett explained to the CID agent:

I kept looking at it and wondering if it was worth it . . . I took the tape off from around the grenade, pulled the safety pin, walked over to the commo bunker, stood there for about fifteen minutes deciding if I should kill him or just throw a scare into him. I decided not to kill him, but to scare him. I threw the grenade down the steps of the bunker . . . I stayed there until the smoke cleared.⁶

Lieutenant Colonel Bongers was a lucky man that day. He saw the grenade roll into the commo bunker toward his chair, “got up and ran up the stairs and as he reached the second step the grenade exploded.”⁷ Fortunately for Bongers, he was not injured in the blast.

As for SSG Cornett, he initially feigned ignorance about who had thrown the grenade but, when another Soldier told him that Bongers had accused him of trying to ‘frag’ him, the accused ran out of the orderly room and returned with his M-16. He then told another soldier in the orderly room: “If

¹ ALAN G. CORNETT, GONE NATIVE: AN NCO’S STORY 266 (2000).

² *Id.* at 277.

³ Record of Trial, United States v. Cornett. No. CM429339, Charge Sheet (1973) [hereinafter Cornett ROT].

⁴ The panel consisted of two colonels, one lieutenant colonel, two majors, one lieutenant and one chief warrant officer two. *Id.* at 23–30.

⁵ *Id.* at 79–80, 82–83.

⁶ *Id.* Sworn Statement of SSG Alan Gentry Cornett.

⁷ *Id.* Prosecution Exhibit 1 (Stipulation of Fact).

that is what LTC Bongers thinks, then I'll kill him for sure."⁸ Cornett was quickly disarmed, and taken into custody.

On 4 December, the accused was brought to the Saigon Military Police (MP) station and held in a detention cell until he could be moved to the stockade at Long Binh. A routine strip search of Cornett's person by the MPs "uncovered 9 packets containing .16 grams of heroin." The packets had been sewn into the hems around Cornett's upper shirt pockets.

Almost certainly on the advice of his two defense counsel (the accused had hired a civilian lawyer, Mr. Richard Muri, but also had Captain (CPT) William H. Cunningham as his detailed defense counsel), SSG Cornett entered into a pre-trial agreement with the convening authority. He agreed that, in exchange for pleading guilty to attempted murder and possession of heroin, his sentence would be capped at a dishonorable discharge, thirty years confinement at hard labor, total forfeitures of all pay and allowances and reduction to the lowest enlisted grade. The pre-trial agreement, however, contained one curious provision: the convening authority also agreed that "the sentence in excess . . . of confinement at hard labor for one year . . . [would] be suspended for such period of time as the Convening Authority deems appropriate."⁹ The parties apparently intended that no matter how much jail time might be imposed—and both SSG Cornett and his defense counsel must have thought it would be considerable—Cornett would not serve more than one year behind bars.

During his guilty plea inquiry with COL Ralph B. Hammack, the military judge, Cornett agreed that he intended to kill Bongers. He also admitted that he had possessed a small amount of heroin. But Cornett denied being a drug user and told the judge that a "friend" might have sewn the heroin in his uniform pockets so that Cornett could say that he was "on drugs" at the time of the incident and perhaps not responsible for his actions.¹⁰

While Cornett's plea was accepted, and findings were entered by COL Hammack, events at sentencing did not proceed as expected. Rather, at least from the government's perspective, the case went very much awry. The trial counsel, CPT John G. Karjala, called LTC Bongers to testify how the accused had tried to kill him. One would think that this would be sufficient aggravation, and convince the panel

⁸ *Id.*

⁹ *Id.* Appellate Exhibit I (Offer to Plead Guilty).

¹⁰ *Id.* at 81. Cornett testified that he and his friends had discussed the possibility that, if he had heroin in his possession, he could testify that he was under the influence of drugs when he threw the grenade and so was not responsible. However, he testified that he did not actually ask anyone to provide him with heroin, and was surprised to find the packets had been sewn into his uniform by persons unknown. (He was still able to plead guilty to knowing possession because he said he did not get rid of the packets once he found them.)

that a severe sentence was warranted. But the accused called a number of officers and noncommissioned officers (NCOs) who testified that he was a good Soldier who had been mistreated by his superiors. Lieutenant Colonel Thomas C. Lodge testified that Cornett was "an outstanding medic."¹¹ Captain Terrance W. Hoffman testified that the accused had been "treated unfairly" by COL Gilligan and LTC Bongers when they denied his request to bring his wife onto the Team 40 compound. Other witnesses testified that both COL Gilligan and LTC Bongers had, on more than one occasion, voiced their prejudices against Vietnamese women to the accused and to other Soldiers.¹²

Staff Sergeant Cornett also testified in his own behalf. He had been in Vietnam six-and-one-half years (with a return to the United States only for two three-month periods in 1966 and 1970) and had served as a Special Forces reconnaissance medic, trained Vietnamese Montanyards tribesmen to fight the Viet Cong, and participated as an intelligence analyst in Project Phoenix. He also had served as a platoon medic in the 101st Airborne Division. Cornett had been wounded in combat and his counsel introduced into evidence his citations for the Silver Star, Bronze Star and Vietnamese Cross of Gallantry. His citation for the Silver Star lauded his gallantry under fire while providing first aid to a Vietnamese soldier who had been wounded in a firefight with the North Vietnamese and Viet Cong. Cornett had also participated in "charges against the determined enemy" and his "dedicated and courageous example" had broken the enemy's counterattack.

After deliberating on an appropriate sentence, the all-officer panel sentenced SSG Cornett to be reduced to the lowest enlisted grade, forfeit all pay and allowances and be confined at hard labor for one year. There was no punitive discharge.

Major General M. G. Roseborough took action on Cornett's case on 1 March 1973, when he approved the sentence as adjudged. The accused, who had been in the stockade at Long Binh, was shipped to the Disciplinary Barracks at Fort Leavenworth, Kansas. Since he had not been sentenced to a punitive discharge, and had not received more than a year's confinement, Cornett was offered the opportunity to go to the U.S. Army Retraining Brigade at Fort Riley, Kansas. As Cornett tells it, he was told that the brigade "housed soldiers who had made mistakes and were given the opportunity to make amends. If they straightened out, they could stay in the Army."¹³

After completing nine weeks of "retraining," Cornett was offered a choice: either an honorable discharge or restoration to active duty. He chose to stay in the Army as a

¹¹ *Id.* Review of the Staff Judge Advocate.

¹² *Id.* at 5.

¹³ Cornett, *supra* note 1, at 268–69.

medic. He remained at Fort Riley at the Irwin Army Hospital and, if Cornett is to be believed, it took him only six months “to recapture the grade of E-6.”¹⁴

In order to re-enlist, SSG Cornett had to obtain a waiver from the Department of the Army. With the support of his chain of command, he applied for and was granted a waiver. He then re-enlisted for six more years. After five years in Kansas, SSG Cornett had tours in Germany and at Fort Benning, Georgia, where he was an instructor in the Pathfinder Department and played football on the “Doughboys” team. Cornett also was an extra in the movie *Tank* (starring James Garner), which was filmed at Fort Benning.

Shortly after being promoted to sergeant first class, Cornett was sent to 10th Special Forces Group, Bad Tolz, Germany. While serving as the senior medic in this unit, Cornett was selected “below the zone” for promotion to master sergeant. After completing the First Sergeant’s Academy in Munich, Cornett was made First Sergeant, U.S. Army Special Operations Forces, Europe. Cornett retired as an E-8 with more than twenty years of active duty service.¹⁵

In retrospect, it is apparent that the court members, despite the serious nature of the “fragging” and drug charges, were impressed with Cornett’s soldiering. It was not unusual for career Soldiers in the Vietnam era to have two or even three one-year tours in Southeast Asia but it was extremely rare for any GI to have more than six years in South Vietnam—all in dangerous, high-profile combat-

related assignments. Additionally, evidence that Cornett was airborne, Ranger and Special Forces-qualified, and had been wounded and decorated for gallantry in action meant that the panel was loath to give him a punitive discharge that would stain his past record. But it must be assumed that the panel members would have been surprised to hear that, having served a year’s confinement, Cornett was eligible for retraining and restoration to active duty. They probably would have been more surprised to hear that the Soldier they had imprisoned for attempting to kill a superior commissioned officer ultimately retired as a senior NCO.

A final note: three other judge advocates of note were involved in the Cornett case. They were then-COL Joseph N. Tenhet, Jr., then-MAJ Robert E. Murray and then-CPT Dennis M. Corrigan. Tenhet was the MACV and U.S. Army, Vietnam Staff Judge Advocate (SJA); he retired as a brigadier general in 1978. Murray, who worked for COL Tenhet, signed the charge sheet referring the case to trial by general court-martial; he would later serve as The Assistant Judge Advocate General and retired as a major general in 1993. Corrigan, who twice served as the SJA, 1st Infantry Division (Forward) and finished his career as the senior military assistant to the Department of Defense General Counsel, retired as a colonel in 1996.

As for Cornett, his “uncensored unvarnished tale of one Soldier’s seven years in Vietnam” was published by Ballantine Books in 2000.¹⁶

*More historical information can be found at
The Judge Advocate General’s Corps
Regimental History Website*

Dedicated to the brave men and women who have served our Corps with honor, dedication, and distinction.

¹⁴ *Id.* at 269.

¹⁵ *Id.* at 270–75.

¹⁶ *Id.* (front-cover description by publisher).