

# How a nice kid from Oxon Hill, Md., got charged with murder

By William Hoffer

*"What we cannot understand is what happened to such a fine clean living young man like George after he left the United States and ended up in Vietnam. He was the same boy we had always known when he left here."*

—Mr. and Mrs. William C. Lackey, the in-laws

**I**t was a squalid little murder. One way or another, the three Marines had talked the South Vietnamese (ARVN) soldier off the railroad tracks and into the bushes and they were dickering with him for some of his 367 sticks of marihuana and his four bottles of moo juice when suddenly Sikorski stood up and pulled the handle of his entrenching tool across the ARVN's throat, from behind.

Ever since the pusher had first wandered into the squad's area that morning, three miles north of the Langko Bridge, on the coastal shore north of Danang, the three men had been talking about "doing the gook." Stamats, the squad leader, didn't have any money when they first bumped into him and a couple of the other men in the squad heard the three off and on talking about doing him. It's one of the ways you talk in Vietnam, this doing somebody, doing a gook. Doing each other.

The South Vietnamese was quick. He took hold of Sikorski's wrists and threw the bigger man over his shoulder. It was judo. Then the ARVN jumped up and made a run, right at George Magargel. He wasn't carrying a

weapon or anything, he just put his head down and ran into Magargel, like a fiesty little half-back running into a linebacker straddling the only daylight in the line.

Magargel, the 19-year-old kid from Oxon Hill, Md., was new to the business. He had been in Vietnam only a month or so and he had been near a couple of fire-fights with the Viet Cong but nothing really rough yet.

Now Magargel pulled his survival knife (it had a special saw-tooth blade) out from his cartridge belt and he shoved it into the ARVN's back, near the kidney. Then he dropped the knife. The ARVN's wound wasn't very bad. As he lay on the trail, between the bushes, Stamats, the squad leader, kept yelling "Pick up the knife and kill him. Kill him," and the kid from Oxon Hill who was brand new to the business kept saying "no."

Stamats picked up the knife and stabbed the ARVN in the neck and then he ran it through the ARVN's chin, from underneath. The pusher made a noise. It sounded like a grunt to a couple of other men in the squad who weren't anyplace near, not seeing it, but it was the sound of a man dying. One way or another, they had done the gook.

**T**hat word. George Magargel remembers not so much when he first heard it but when it was first really driven home to him, personally. It was a night in early April, 1969, only a couple of weeks after he had arrived at Parris Island, S.C., for Marine

boot camp. It was the first night session in his barracks. The drill instructor (D.I.) had made all the men in Magargel's barracks strip to their skivvies. First he made them hoist their foot lockers over their heads and just hold them there. Then he ordered them over and under the beds in the barracks. Over one bunk and then under the next, hands and knees in an endless circle. The D.I. told them to yell.

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**"I just don't like the idea of what we're yelling."**

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"Kill the gooks," shouted the D.I.

"Kill the gooks," the Marine boots shouted back.

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"Kill the gooks," shouted the boots.

"Alright, hold it," said the D.I. "Magargel!"

"Yes, sergeant."

"Why aren't you yelling?" the D.I. shouted.

"I don't know," Magargel replied. "I just don't like the idea of what we're yelling."

Magargel, he remembers now, was slammed into a corner, forced to stand with his feet, back and head stiffly against the wall, his arms and hands straight out. The other boots continued the over and under.

In 10 minutes the pain was unbearable.

"Are you ready to join in, Magargel?" said the D.I.

"Yes, sergeant," said the boot.

Dropping his arms he joined the circle of rookie Marines, over and under the beds, shouting "Kill the gooks!" "Kill the gooks!"

**T**he ARVN's body was lying on the path. The sand bag containing his \$5-a-bottle moo juice and the "party packs" of marijuana was beside him. There was a 500-piastre note (worth \$49.24) in his pocket. Stamats, the squad leader, the man who had ordered Magargel to follow him and Ski into the bushes with the gook, told Magargel to help him dig a grave.

Stamats was a hero to the kid from Oxon Hill. He was only a couple of years older but he had extended his Vietnam tour twice. He had seen a lot of combat. Stamats and Magargel took the body down to the beach and dug a shallow grave.

Then the three men went back to the squad. It was getting dark. The cigarettes were passed around. Magargel, who had only smoked pot once, on Okinawa, on his way to Nam, drank half a bottle of moo juice (called Obesitol, it supposedly contains some form of speed and is used by troops to keep awake—and high). No one is quite sure what happened to the 500-piastre note. Ski may have burned it because there was blood on it. There was a good deal of laughter among the squad.

About four the next morning, Ski and Magargel became worried about the grave. They thought the tide might expose it. They dug up the ARVN's body and took it down a trail not far

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from where the Cong was supposed to be. There, someone, maybe it was Sikorski, set up a Claymore mine and, running a trip flare to a nearby "hole," set it off, blowing the corpse's head off. Then they threw a few grenades to make it sound as though they were on a sweep of the area. In a day or two, regiment sent a very green lieutenant down to look into the incident. The ARVN's identification and the way and the whys he had died in the bushes near Hoi-Mit Village, in Thau Thien Province, already seemed to be overgrown, just another mistake buried in a jungle by the rain and the heat and everything.

**F**or a month, the Vietnamese was carried on the books as killed in action. It was presumed he had come from a nearby ARVN (Army of the Republic of Viet Nam) encampment. But even his tentative identification as Nguyen Lanh was finally only an inference: ARVN missing, corpse found. Yet, if the dead man was anonymous, the three Marines of first

squad, third platoon, Fox Company, Second Battalion, 26th Marine Regiment had nevertheless made a second, consequential mistake. Nguyen Lanh, it turned out, had been a pusher for another member of the platoon. He blew the whistle on the three, a move that coincided with a Marine Corps drive in Vietnam against the use of dope by its troops. Regardless of the rights and wrongs of the crime itself, it had been a drug matter and it was going to have hell investigated out of it.

In December, 1969, a month after the death, a very slick staff sergeant from a Criminal Investigation Detachment at Marine Division headquarters caught up with Fox Company and interviewed a dozen or so men, including "Mac" Magargel, "Ski" Sikorski and Stamats.

According to testimony at the subsequent trial, the sergeant plied young Magargel with two cans of ice cold Budweiser, the first cold beer, Mac told the sergeant, he'd had since arriving in Vietnam. Shortly after the interrogation began, testimony would

show later, and apparently triggered by worry over the reactions of his mother and his wife, the young man became sick to his stomach. Fighting back the tears, he admitted his role in the killing of the pusher.

**I**n January, Lance Corporal Michael Stamats, Pfc. Frederick Sikorski and Lance Corporal Magargel were each charged with premeditated murder, felony murder, conspiracy and robbery of "an unknown Vietnamese" male.

Mac Magargel is a nice looking kid, a sort of hard-eyed Tab Hunter, with the honed-down features of the typical overtrained Marine boot. Short haired, big shouldered, 5-foot-8 in a compact frame. He looks as though he'd have made a good high school football player, which is what he was going to be, maybe, until a backyard wall fell on him in Memphis, Tenn., when he was 15 and badly fractured an ankle, requiring the placement of a pin through a bone.

He had grown up in Silver Spring with his four sisters and mother, the son of a Secret Service agent who had died when George was 6.

As a youngster, George had been a good enough linebacker for the Green Meadows Boys Club in Greenbelt, Md., to be named his Little League's most valuable player. It was one of the big moments of his early life, of course.

He and his mother moved to Memphis in his early teens. After the accident, he became a letter-winner in swimming. He liked to hunt and fish. (In fact until Nov. 12, 1969, his only brush with the law had been at the age of 16, when he was caught fishing without a license in Mississippi.)

He returned for his senior year of high school to Silver Spring, to live with a married sister.

**I**n 1965, on his return from Memphis, George began dating a Takoma Park girl named Judith Lackey. They went steady all through senior high school. He was apparently a model suitor. As his father-in-law wrote to counsel during the court martial in Danang, George always got Judy in on time, never drank, never smoked, never swore ("not even slang") around her parents, offered to mow the lawn, and—a real trial for a teen-ager—ingra-

tiated himself with all nine of the Lackey grandchildren.

He was the kind of kid who had a paper route when he was young, screened the family porch, built a carport for the family home, hung curtains, earned his own date money, worked full time in a print shop during his last year in high school—without falling behind in his grades.

Brought up in an all-female family, he had noticeably asserted a deliberate sports-oriented manliness and he had acquired a few old-fashioned virtues like manners.

He was undoubtedly not quite so square as his endorsements make him out to be but there is sufficient evidence, backed by his defense attorney's own assessment on the trial scene, that he was a "very decent, very nice kid, maybe even a little young for his age but in a good, naive way."

Shortly before he graduated from Northwood High in the spring of 1968, he became engaged to his long-time girlfriend, Judith. But before giving Judy the ring he adhered to the quaint old custom of asking her father. William Lackey thought that the kids were a little young, but he liked the spirit and character of his prospective son-in-law. He especially was impressed by the fact that while completing his senior year George worked 40 hours a week in two different print shops, to earn extra money and to help out a friend who was starting his own business.

Judy and George were married in a Missionary Baptist Church Sept. 21, 1968, and enjoyed a few months together before he received a notice to take a pre-induction physical. In spite of his bad ankle, he passed. (A doctor had earlier told him he would be draft-proof.)

"I always thought that, of the four services, the Marines were far the best," he noted later. He dropped in to see the Marine recruiter at the Marlow Heights Shopping Center, and was told that the ankle injury would keep him out of the elite Corps. "I went to my doctor and told him the ankle didn't bother me anymore. He gave me a certificate saying that I was alright, and the Marines accepted me. Actually, it still does hurt me (even though the pin's out) when the weather's bad," he says. A few months passed before the induction process was completed and then

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**Magargel, from page 7**

George boarded a train for South Carolina and was bussed from the railroad station to boot camp at Parris Island. He stepped off the bus at Parris Island on April Fool's Day, 1969.

The choice was apparently appreciated by the Marines. He was promoted twice in the first seven months of his service. He received superior performance ratings. He was considered a "very good boot" by his new friends in the 26th Regiment. During his confinement in a Marine Corps brig at Danang during the trial, he was badly beaten by three other prisoners and yet continued to perform his day-to-day duties so well his personal watchdog even wrote to the courts martial he'd like to serve beside George Magargel, if and when.

It is not unbelievable, given his adaptability to the harsh boot training of the Marines, that after his trial, after his sentencing, in a recent interview, the young man from Oxon Hill would still say: "I still don't think I did anything wrong. Show me where I did anything wrong."

When you have adapted as well over the years as George Magargel and a Vietnamese—a gook—one of the few you have seen up close in a combat situation, lunges at you on a narrow trail, it is probably very easy to ask what you have done wrong, when you have only taken out your survival knife and just done him.

*Q. What was it (the body)?*

*A. It was a Vietnamese, sir.*

*Q. How were you able to tell that?*

*A. By its height, how it was built, how small he was. That's about it, sir.*

*Q. Could he have been a Cambodian?*

*A. He could have, sir.*

*Q. Could he have been anything?*

*A. Yes, sir.*

*—Testimony during the Magargel trial*

**D**onald H. Green is a senior partner in the law firm of Wald, Harkrader, Nicholson and Ross, with offices on 19th Street NW here. He is an anti-trust specialist, a very good trial lawyer. He is also a serious, practicing major in the Marine Corps Reserve.

His special interest in the last

is on the civil affairs side of the military. His special crusade is for the creation of a "Shock Peace Corps"—("I don't like the phrase but you understand what I mean"). The Marine Peace Corps would comprise unarmed troops landing in a suddenly tense country before regular troops arrived, to try and get along with the local population, itself so often caught between big power politics and a home regime of which it knows almost nothing. Green, in the past, has persuaded the Marine Corps to incorporate his ideas into a 22,000-man mock Corps invasion in California—with, he says, mixed results.

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Green's law firm is also one of those that increasingly devotes its highly valuable time and talent to "pro bono" cases. Wald, Harkrader has more than 20 such public interest cases pending in its shop.

Donald Green is one of the few good things that has happened to George Magargel in more than a year. Neighbors of the young Marine and his newlywed wife were shocked when the news came from Danang of his arrest for murder.

By a coincidence, the "people next door" to the Lackeys happened to know of the Marine reserve major who did pro bono law work as a sideline. Green was intrigued with the case. The young man's reputation was simply too good in the neighborhood and Green, who had served in Korea, knew just what a Marine boot camp can do to anybody.

And of course, there were two fillips in the case for Green: a chance to see Vietnam up close and to make a close examination of the relationship between combat troops and civilian South Vietnam, a real working laboratory for the civil affairs expert ("I found out they don't even have a civil affairs unit at Marine Division headquarters," sighs Green).

Judy Magargel, who has been working two jobs since her husband was arrested, raised the roundtrip commercial airfare

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between Washington and San Francisco for Green. The attorney used his rights as a defense attorney to complete the trip from nearby Travis AFB to Saigon on a military plane. Eventually, he arrived in Danang in March. He was there 10 days for the court martial of Lance Cpl. George W. Magargel.

The three Marines were tried separately. Stamats and Sikorski had already received life sentences at hard labor for their parts in the killing before Magargel's trial (the sentences were later reduced to 40 and 30 years, respectively).

Green was able to cast sufficient doubt on the premeditation and conspiracy counts to exonerate Magargel on the serious charges of homicide and felony murder. He had, after all, done everything under Stamats' orders. (No one, overhearing their admitted conversations, was able to pinpoint Magargel's voice, nor was the significance of "doing a gook" ever really characterized.)

But the robbery charge stuck. Magargel was sentenced to 10 years at hard labor and a dishonorable discharge—a sentence reduced by two years in a subsequent review at Lejeune early in January of this year.

At this writing, he is serving his sentence at the Portsmouth (N.H.) Naval facility.

Green, who is planning an appeal, sees several elements in the conduct of the case which would at least assure Magargel a retrial.

Not only was beer used in the questioning. There is, according to Green, a much more serious question of whether Magargel was afforded a true reading of his rights to a lawyer or silence before his interrogation on a possible murder charge began. In effect, according to the trial record, the CID sergeant told the young man from Oxon Hill, Md., that he already had the "information" about the murder of an ARVN soldier, asked him if he would like to talk about it, and then, and only then, instructed him on his rights, after receiving a tacit admission that Magargel did want to talk about it.

In addition, both Stamats and Sikorski were offered post-trial agreements to lesser sentences if they would testify against Magargel. At the trial they both denied that Magargel used the marijuana and in effect became hostile prosecution witnesses—which

resulted in a "royal chewing out" from the officers prosecuting the case—serious intimidations, according to Green.

But the larger issues involved, of course, never came before the court, except indirectly. At least three times during the trial the witnesses were asked what "doing a gook" really meant to them. Sikorski told the court "just more or less kicking the guy's ass." Stamats said it could mean "just about anything. Like if you ask one or two other Marines probably to do this guy it would probably mean kill him."

Magargel recalled that at some time "the word do him was probably mentioned. We talk about doing each other a lot, too."

Nor was there a place in the trial to tell about the passion for strength and self-defense that had been drummed into Magargel all his life. There was no forum to discuss the effects that boot camp had on his individual psyche. No one is denying that training troops for war is a gutsy job requiring studied disregard for human life. Marine reservist Green doesn't quarrel with that basic premise. But lawyer Green points out, "The drill instructors have these guys running around yelling, 'Kill the gooks, kill the gooks,' when they really should be saying 'Kill the enemy.' They rarely differentiate between North Vietnamese and South Vietnamese. They refer to all the Vietnamese as gooks, and then train the troops to kill the gooks."

"I found out that the only lecture that Magargel received on relations with the Vietnamese," says Green, "was just before he landed a lieutenant colonel stood up and went through all the motions and concluded, in effect, that 'we have to treat these people like we treated Japs in World War II.' Japs!"

"This creates a lack of respect toward the Vietnamese people, which permeates everything we do over there," Green continued. "The Marines display an arrogance—a bigotry—against all foreigners, particularly Asians."

And then there was the moment in Danang, when the trial judge advocate leaned forward and asked the Most Valuable Player in the Greenbelt, Md., football Little League:

"When you played football and somebody hit you very hard, you stabbed them back?"

"No, sir," said George Magargel. "I never had a knife." ■