

First Lieutenant Barry Frank Kowalski, United States Marine Corps, attended Brown University from 1962 to 1966, graduating with a B.A. in Political Science. He enlisted in the United States Marine Corps in the fall of 1966, attending the Officer Candidate School in Quantico, VA before receiving commission. He was in country for six months, from November 1967 until May 1968.

Barry earned his JD from Catholic University Law School in 1973. Since 1980, he has been a lawyer for the Criminal Section of the Civil Rights Division of the Department of Justice. He has helped prosecute cases such as the Martin Luther King Assassination and the Rodney King Beating.

EARLY LIFE

A telegram would have carried news of Barry Frank Kowalski's birth from Connecticut to London, where his father, US Army Colonel Frank Kowalski, was directing the United States' demilitarization policy towards Germany. It was August 26, 1944, the day after Allied Forces liberated Paris. Barry's mother, Helen Amelia Kowalski, raised young Barry as her husband saw out the war. The Kowalskis were reunited when Colonel Kowalski returned home to study international relations at Columbia University. In 1950, Barry's father went overseas once more, this time to serve as Deputy Chief of Civil Affairs in Japan.

Barry grew up mostly in Alexandria, Virginia, an affluent suburb of DC. The Kowalskis were a liberal, politically engaged family; after Japan, in 1954, Barry's father became First Commandant of the Army Force Management School in nearby Fort Belvoir, VA. When Barry was 14, his father retired from the Army and won a seat as democratic congressman for Connecticut.

Barry knew from a young age that he wanted to attend an elite school like his father, who had graduated from West Point and MIT before attending Columbia. "I went to Brown primarily because I wanted to go to a school away from home—an Ivy League school on the East Coast, and that's where I ended up," he says.

YEARS AT BROWN

Barry arrived at Brown in the fall of 1962, moving into a dorm sandwiched between fraternity houses on Wriston Quad. He bonded quickly with his roommate Duncan Higgins, who had attended a rival high school in the DC area. Both roommates joined the track team, although Barry says he wasn't nearly as good as Duncan. "He was a state half-mile champion. I was a broad jumper," Barry explains. "I got lucky one day in a meet against—I think it was Harvard—and I jumped twenty-two feet, which was the furthest jump I had ever jumped by about two feet. And I remember quitting that day and decided that I would never get close to that again, and that ended my track career."

Barry and his friends often hung out with Pembroke girls, who took classes at Brown. “Very early on, when I started a new course, I learned to count the number of Pembrokers in the classroom and if it got to be a critical mass of Pembrokers you’d get out of the class because they would take the grade point average up way too high for us—because Brown didn’t study as hard as the Pembroke girls did. And we called them girls. We didn’t call them women. But we would socialize with them a great deal,” he says.

Another of Barry’s freshman year friends was Bob Harlan, a Black kid from a wealthy family in DC, who lived on Barry’s hall. “His dad was a doctor or something like that. But he was one of the few African Americans and I remember talking with him about the issues, and what it was like being an African American in Brown,” Barry remembers. He describes Bob as a happy, carefree guy: “He used to joke about the fact—I think half joke, half truth—that there was no way in the world an African American would be flunked out of Brown because of the consequences of what it would look for the university. And so his study habits were about as bad as mine.”

By their second semester, Barry and Duncan knew they wanted to join a fraternity. “I remember narrowing down very quickly the Alpha Delta Phi, where we had some friends,” Barry recounts. “Then the Deeks were the baddest boys on campus and the Psi Us, who were as bad, except they were wealthier than the Deeks.” He and Duncan decided on Psi Upsilon, becoming brothers that spring.

Academically, Barry tried for the bare minimum. “There was a very prevalent feeling amongst many of us—not all of us—but many of us, that a ‘Gentleman C’ was a perfectly respectable grade,” he says. “You tried to get Cs, which would keep you in school but meant that you didn’t have to work any harder than that and had time to socialize.” He remembers his parents forcing him to take physics, chemistry, and math, which he suffered through. But Barry loved the classics, only switching his concentration to Political Science after struggling with Latin. He particularly remembers studying government with Professor Lyman Kirkpatrick, who left his position as Executive Director of the CIA to teach at Brown in 1965.

Barry, Duncan, and their Psi U brothers may have taken it easy in the classroom, but they took their fun quite seriously. “Life was something to be played,” Barry recalls. “We would create our own adventures, which involved drinking and hanging out in town and going to clubs and bars, where we would mingle with factory workers and the lower class, so to speak, and do things kind of Jack Kerouac style, where we were getting some kind of sense of the world other than what we saw on the college campus.”

They frequented a bar at the base of College Hill called the Crystal Tap that sold Narragansett beers for 10 cents apiece. “We would study at the library, the John Hay Library, for as long as we could endure it and then people would begin to head down to the Crystal Tap,” Barry says. One of his peers, a guy named Wee Wee Evans, was such a regular at the Tap that he had his own stool—if anyone else was on it when Wee Wee arrived, they would get up and offer him his seat.

One of the strongest characters in Barry's memory of Brown was Psi U President Derek Cheseborough, who would later be given the Silver Star for his army service in Vietnam. After graduating, Cheseborough stuck around Providence to work as Governor Chafee's driver and assistant during the '64 campaign. Barry says after he was drafted, Derek left a pot of money for his friends at the Crystal Tap. For at least a year, "I'd just give my name, and the bartender, of course, knew me after awhile, and I was one of maybe thirty names on a list that got free beer on Derek Cheseborough's tab," Barry remembers.

Barry and his friends also hung out at a house on Thayer Street that was always rented by a Psi Upsilon brother—at one point, Cheseborough—where there would sometimes be drag races down Thayer. Once, Barry watched Derek put on a white coat and tails, lay down in the middle of the street, and ask another fraternity brother—Tony Gould, great-grandson of the robber-baron Jay Gould—to run him over with a car. "Tony Gould drove his car toward him, and of course stopped it before he got to him, but Derek didn't flinch an inch and if Tony would have kept going Derek would have been run over," Barry remembers.

"It was ironic that Derek ended up in Vietnam and died there getting the Silver Star," Barry says. Derek exemplified Barry and his friends' boredom with college life. He was a charismatic leader, constantly seeking adventure and designing stunts like the Thayer drag races. "He had a group of us that followed him who were like-minded—not quite as ingenuous and creative as he was, but close enough that we all had some part to play in this drama of—really now that I think about it—silliness that was a reaction to being in the confined academic life," Barry says.

Barry had a part-time job as a waiter at the Sharpe Refectory. He remembers serving in the Psi Upsilon dining hall while he was rushing in the spring of 1963: "Nobody wanted to go in there. It was kind of a tough place for work. I used to have to stand up on the table and recite that 'I'd rather be red than dead' to profess my proclivity to accept communism over good American thought...and then people would throw things at me," he remembers. By Barry's junior year, the Psi Upsilon boys' antics finally caught up with them; the frat was disbanded for low grades and repeated disciplinary infractions.

Outside of class, Barry continued to spend most of his time with friends from Psi U, though he was also friendly with a few guys in ROTC, including classmate David Taylor '66. Most of the ROTC students Barry knew were dissatisfied with the program. They found its drill practices and GPA requirements a burden—as did Barry, when he joined the Air Force ROTC for a few weeks freshman year. "The people I knew were the partying bunch, for lack of a better word," he explains. "I believed in civil rights and I believed that the war was the wrong thing but I was much more interested in my social life and having fun and just ignored the issues."

Like his congressman father, Barry was politically liberal—a minority on the Brown campus as he remembers it. "There was a segment of the school that was involved in civil rights efforts and went down south and did voter registration and that kind of thing—but I would say it was very much a minority," he recalls. While Barry had always

supported the military, he opposed the war from the very beginning. Barry says that most Brunonians, especially his friends in Psi Upsilon, thought the war in Vietnam was righteous. “I remember seeing the Congressional Vietnam War Hearings, the Fulbright Hearings and watching them and recognizing that Senator Fulbright made sense and Secretary of State Rusk didn’t,” he recounts.

As Barry continued to study for his degree in Political Science, he felt increasingly sure he wanted a career in politics after Brown. The summer after his junior year, he worked for then-Vice President Hubert Humphrey in his office on Capitol Hill. He would return to work for Humphrey after completing his degree in May 1966.

TOWARDS VIETNAM

The summer after graduation, Barry planned to continue working part-time in Humphrey’s office while enrolling at the Columbus School of Law at Catholic University. After law school, Barry eventually hoped to go into politics, following his congressman father.

But as President Johnson began escalating the war in Vietnam, Barry felt increasingly guilty that he could so easily avoid the draft. “It was easy to get a letter from a doctor if you came from an influential, wealthy family or a middle class well-to-do family,” he explains. Many of his friends sought diagnoses of bum knees or other problems to avoid the draft. While Barry’s plans to attend law school that fall made him exempt, it seemed unfair to him that “other people who were not as fortunate as I was were getting drafted and going over to war,” he says. At the same time, Barry was tired of school. It didn’t interest him, and he hated the idea of being financially dependent upon his parents while in law school.

Then there was Barry’s father, who had gone to West Point and been a career Army man before joining Congress. To Barry, serving as a military officer “seemed like a noble, righteous thing to do for your country and an interesting, exciting thing to do as well.” The combination of Barry’s discomfort with the draft, disinterest in graduate school, and desire to carry on his family’s tradition of military service led Barry to join the Marines in August 1966.

Unlike most Marines, Barry wasn’t interested in fighting. He wanted a non-combat position as a transport, communications, or supply officer—Military Operations Specialists (MOS) for short. Barry was friendly with a couple men in the Marine Corps, like David Taylor ’66 (who he met during his short stint in ROTC), and his old roommate Duncan Higgins ’66, who was a Marine aviator. Barry also knew that while most marines requested combat positions in the infantry or artillery, about half of every officer class was typically assigned to non-combat MOS positions. So Barry reasoned that if he trained as a marine officer and then requested an MOS position, he would get it automatically. “That seemed like a pretty good deal, especially given the fact that I

intended once I got out of the service to go into politics,” says Barry. He could even position himself as antiwar, with the credibility of having served as a Marine officer.

In January 1967, Barry entered Officer Candidate School in Quantico, Virginia, just 40 miles from his hometown in Alexandria. Throughout his training, Barry was able to spend many nights at home in Alexandria, driving down early in the morning for Marine Corps activities.

Barry had his first experience of casualty during OCS. Three weeks into his training, Barry got a phone call from Brown telling him that Derek Cheseborough, who had been serving as a forward artillery officer in Vietnam, had been killed in action. “When you get called to the sergeant’s office that is the most horrific fear of your day,” he remembers. “God, it was—here was a close friend and somebody I had looked up to in lots of ways—and loved. I literally loved him and he was dead.” For Barry, Derek’s death was sobering. “I was about to go, I knew, where he was going. And that I could be dead too.”

After OCS, Barry remained at Quantico for Basic Training. His graduating class was extraordinary by all accounts. Three of his classmates went on to be generals, including James L. Jones, who was Commandant of the Marine Corps and National Security Advisor under President Obama. Barry felt that the training not only prepared him to lead a platoon, but also to face the psychological realities of war.

“I thought our training was excellent. It basically—the way the Marine Corps trains people is to put you in situations which are outlandish, unfair, unexpected,” Barry says. “If you couldn’t handle it in training, you wouldn’t be able to handle it in combat.... Nothing is fair and you psychologically need to be conditioned to that. And then the information we got about what it would be like or what we needed to do as platoon commanders was also outstanding. I felt very prepared to do my job.”

In the seven-month interim between the end of Barry’s training in April 1967 and his deployment that November, Barry’s life oscillated between bright zeniths and rock bottoms. He was married in June, and the newlyweds lived together in the DC area. Then, to Barry’s chagrin, nearly his entire Basic class were given commissions as infantry officers.

“I will never forget having to go home and tell my then wife, who was pregnant, that I had just gotten orders to Vietnam infantry,” says Barry. Going into battle had never been part of the equation for Barry, and the news was devastating. “I had realized at that point that I had made a mistake, in terms of my own philosophical beliefs, that going to Vietnam, being an Infantry officer, having to kill people, having to give orders to kill people was something I just couldn’t agree with philosophically,” he says. For Barry, the war in Vietnam was being fought for politics, not morals. “I didn’t want to get killed in a war that was, in my view, not a righteous war.”

Barry seriously considered fleeing to Canada with his wife. He describes the famous scene from Tim O'Brien's "On the Rainy River," where a commissioned soldier looks across the water to the Canadian border and finally decides not to desert. The scene resonated deeply with him: "I never got quite that far but, you know, almost. I was there in my brain many, many times."

"It was easier just to keep on going down the road and let them send you off to war. As difficult as that was, it was the easier route and the less courageous route than taking a principled position and giving up your life in America, going to another country and becoming an exile. And I didn't have the courage to do it," he recounts. "So I ended up being an Infantry platoon officer, shot at almost every day of my life for six months because I didn't have enough courage not to."

AT WAR

Barry was in country for six months, from November 1967 until May 1968. He remembers the flight to Vietnam. He was 22 years old and wracked with fear. "I went off ...knowing I was doing the wrong thing, afraid of dying, afraid of doing that which I didn't believe in, but going forward anyway." During that long flight, first to Okinawa and then onto Vietnam—the whole way, he couldn't contain himself. "At every stop I would stop in and talk to a base legal officer and go over my options again." Each time he realized he had no options. "The Marine Corps had a very clever way of handling guys like me. No one would ever say 'no' to me when I'd say, 'Gosh, couldn't we do something else with me rather than make me an infantry officer? I am not going to be a very good one. ... I'm not saying I won't serve but put me back in the rear or something I feel comfortable doing.'" Each time the officer, usually a major, a captain or maybe a lieutenant colonel would say, "'Well, you know, okay. Just go to Okinawa and talk to them there.' And then it would be, 'Just go to Da Nang and talk to them there.' And they just moved you along. Never said 'no' to me. 'That can't be done.' It was just, 'Go talk to the next guy.'"

Ultimately, Barry says, "the next guy" was a Lieutenant Colonel at Cam Lo Bridge, where Barry met his new Battalion. "Then I was suddenly out of a helicopter wearing these brand new green—what we called utilities—which were combat clothing, with my gun and my helmet and all my gear. I am finding my way through this hill that is a patch of bunkers underground. I find the battalion CP and I report on in to this lieutenant colonel and I begin my speech with him about my concerns about the war and my feelings about it and why I didn't think I would be a good infantry officer and perhaps they should reassign me someplace else."

"He listened somewhat impatiently to me while he chewed on a cigar out of the corner of his mouth and ultimately he said to me, 'Mr. Kowalski...you have got two choices.' He says, 'You either go take command of the 3rd Platoon in Lima Company—of the 3rd Battalion—the 3rd Marines, or I will take you out back and shoot you.' And I remember

thinking at the time, *you know they are not going to shoot me*. At the same time I wasn't sure. Here I was, out in the middle of nowhere, where people got killed daily. How would anybody know? So he called my bluff and it worked and I wandered down the road and took over the 3rd Platoon of the Lima Company."

In November of 1967, Barry was stationed along the DMZ in the Leatherneck Square, "where Con Thien, Gio Linh and Alpha 3 were and Cam Lo Bridge." It felt like being "up in the woods in the boonies," he says. He was a Lieutenant, in command of 40 men. Suddenly, "nothing much else mattered," he says. "You did your job. You tried to keep those guys alive—and yourself alive—and it became very simple." Barry was only a few years older than most of his men, sometimes the same age, he says. "The lieutenant was the guy that everybody turned to and counted on. As a result of that you rose to the occasion.... I certainly never did anything heroic in Vietnam, I don't think, but I always did my job and I always took care of my men and tried to keep them alive. That meant sometimes having to give orders that caused other people's deaths but that was the way it is. That was the world I became immersed in, very instantaneously. It's like falling into a swimming pool. One minute you are in the reality of twenty-one years of life and then suddenly you are in this unreal situation where you are giving orders to kill people and giving orders to try to keep people alive."

Occasionally his platoon would retreat to combat rear -- where the division and regimental headquarters were -- for a few days of rest and recuperation. But, most often they were in a firebase out in the field or on patrol. Firebases were of two kinds, he explains. "One were the larger bases where an entire hill was basically bulldozed down, like Que Son, or Alpha 3, or Gio Linh, or Con Thien, and then engineers would come in and build bunkers that could house about twenty men. The bunkers were underground with sandbags on top of them and an entranceway on either end, and you would live in the bunkers. And then around the bunkers were fighting holes with places for you to get into with cover on top of it if the position was attacked. There was thin barbed wire all around the position.... The real threat was artillery and mortar fire coming in. As long as you were in the bunkers you were safe from the fire and it was—if you are in one of the holes and it dropped in with you, well that would be the end for you, but it was an experience of having mortar and artillery fire coming in and just like a railroad train coming in."

Barry remembers spending a lot of time on the ground. "You don't stand up....You crawl forward if you are going to move forward, or backwards, but basically you only see a few feet in front of you because you are always down on the ground trying to keep a low profile and so you are not a target." Or, they would be out on patrols, in a company-sized unit of a hundred men, or a platoon-sized unit of forty men, or a squad-sized unit of ten or twelve men. As Barry recalls, "Almost every combat occasion I was involved in happened exactly the same way. There would be an ambush. You would be walking along. Your point, as it was called, the two men at the front of the unit—they would get fired upon by somebody in hiding. And the rest of the battle was trying to extricate whoever got wounded or killed by the initial fire, and then whoever else got wounded or

killed as the fighting continued. And so, essentially, the battles were contact with the enemy and then an attempt to withdraw from the contact and get your casualties out.... At the same time, to do that, you would send another one of your units around the flank to try to put some pressure on the enemy to be able to—to enable you to withdraw. I guess they wanted us to probably charge the enemy but that rarely happened.”

As a lieutenant in charge of a platoon Barry’s job was to give commands and orders to others “to move this way, go that way, move up, do whatever.” His instructions came over the radio. “Most of what I remember about combat was being on the radio. I was always on the radio with somebody above me. The company commander, or the battalion commander was trying to find out what was happening, where I was. And I was trying to find out what was happening and report it back to them so that appropriate action could be taken by other units to support you or to take advantage of the situation. So my memory of combat is essentially being on the ground, or under the ground in this little hole you could find, with a radio microphone next to you, trying to find out what’s going on by yelling at others or looking around at what was happening and reporting it up the line and then getting instructions to move forward or report on what you were observing.”

What he observed was sometimes hard to report. “For the first six months I was living in a hole, getting shot at almost every day, and the thing you most remember is people dying,” he says. Everyone felt like family. “Your younger brother would be dead, laying there next to you and you would have to get his body out....I remember ... realizing that, ‘I gotta make sure that it doesn’t happen to another guy.’”

Barry remembers overhearing another soldier being asked whether it’s difficult to kill somebody in war. He has never forgotten how the soldier responded: “That’s the wrong question. It’s easy to kill somebody. Well—you can kill somebody. The hard thing is keeping people alive.” And that’s what Barry remembers war being. “You spent your time trying to keep people alive.”

One of his duties as a platoon commander was to write to the families of the dead: “I would write to family members of my platoon members that were killed. A difficult letter to write. Not much to say usually. Try to talk a little bit about how the person fit into the unit and how they had a great experience of friendship and camaraderie....”

Years later, at a reunion dinner he hosted for his platoon, Barry remembers one of his former men saying, “‘Lieutenant Kowalski, there is one thing you can say about you, you never volunteered us for nothing.’ I said, ‘Alright, that’s why we all made it home and that’s what I want on my tombstone: ‘I never volunteered them for nothing.’ And that was my object. We were going to get through that but we weren’t going to take on any more risk than we had to. So I felt pretty good about that backhanded compliment.”

Sometimes the relationship of an officer to his men was isolating and lonely. Barry feels that “the dividing line in camaraderie between officers and the enlisted was very strong.” Unlike pilots like Barry’s friend David Taylor ‘66, who lived and worked alongside other

pilot officers, Barry was one of a handful of infantry officers surrounded by enlisted men. "Even though I lived in the same holes with them, right next to them when we were getting shot at and those kinds of things, I was always called 'Sir.' I was always the guy that was supposed to be in charge and given respect and that kind of thing. So when I see those guys now they still call me 'Sir.' They will still get into joking with each other and I kind of get left out of the story line.... They never quite accepted you as being one of them and so it was kind of a lonely thing," he says.

Day to day life meant learning to accept discomfort. "I didn't have a bath for three months," Barry recalls. "You are always tired. You are always wet. From when I was first there [in November], it was the monsoons, so it was constantly raining, a little drizzle and torrents of rain and you are just in mud, wet, sleeping outside in a hole in the wet mud. I don't know if I was ever colder than I was in Vietnam in my life, because you get to be 45, 50 degrees and rainy and wet and you can't get warm."

The summer was just as bad. "You couldn't ever get enough water when the heat was out. You were always thirsty. You would always drink up your canteens. If a fire fight would break out, you wouldn't have water for awhile because they couldn't get water to you and you couldn't get to water because if you tried to get to water you would get shot," he says. During one firefight, he went three days without water. "Boy, third day without water you don't think of anything else except trying to get a drink," he remembers.

During Barry's period of service, lieutenants were especially vulnerable. Of the twenty-plus lieutenants in his battalion, Barry was the only one who wasn't killed or wounded. Since lighter packs would distinguish men as officers, singling them out as targets for snipers, all men carried a heavy load of gear even in extreme heat: "You would be carrying about ninety pounds of gear, your pack, your rifle, your helmet, your extra ammunition that you carried for the machine gunners," Barry says. "My radio operator had standing orders to stay always ten feet away from me because he had an antenna on his radio that could be seen," he explains. Since snipers could recognize men near the radio as officers, Barry "wanted the radio close enough that I could communicate but far enough away that I wouldn't take a shot from it. Things like that." He learned to constantly anticipate danger, to plan escape routes in case of enemy attack. "At any moment in time, I knew exactly where I was going to go if a shot was fired....I still [think] that way, catching myself at a party or something, looking around, thinking, 'Where am I going to go if a fire fight starts?'"

Beyond the discomfort and the hyper-vigilance, Barry remembers the mud. "Where we were in these combat positions like Con Tien or Khe Son, you just lived in mud. You lived in these underground bunkers in mud and it was just—rats living with you. It was smelly, nasty, too many human bodies together—that kind of a feeling. And then you would go out on patrol, and where we patrolled was all an area that was bare from Agent Orange and there were very few trees, if any, and just sort of grassless open area.... I remember never seeing any birds. The country was just totally devastated so there were no birds."

Emotional mood swings were inevitable. “You are in huge boredom usually in combat. You are out walking with this heavy load on your back. It’s hot, or it’s rainy and you are bored to death. And then instantaneously a shot rings out or a mortar round comes in and your first thought is, “Oh God, here it comes again. Why now? Why did this have to happen?” And then you are in the middle of all hell breaking loose around you. You really don’t know what is going on. You are down trying to get a peek up at what’s happening and trying to figure out what to do next and what instructions you’re getting and it’s just utter terror that goes on. And then it’s over and then you go through these huge swings of emotions where you are a bit bored, you are in terror, the terror is over and you have got this huge relief that you survived the ordeal and then suddenly you find out somebody you know is dead and then you have got this horrible sorrow over the loss of someone and then you feel guilty that you lived. Then you feel relieved again that you did. The mood swings, emotional mood swings that can happen in a very short time repeatedly day after day are like nothing else you experience in life.”

Then, Barry was promoted to Executive Officer, the number-two guy after the company commander. “In a combat situation the executive officer really has nothing to do, no command responsibility,” Barry explains. “You only take over if something happens to the company commander and your main job is to take care of the casualties.”

He remembers one day in particular, when his company of 100 men was ambushed: “We had over ten killed in fifteen minutes because we got ambushed and our weapons all jammed up and nothing was working,” he remembers.

“The point got shot at and efforts were made to try to get to the people on the point who were killed or wounded. There were probably only about a half a dozen NVA soldiers and they were dug into what we call ‘spider holes’—they have a hole with a cover over them so you couldn’t see them—and as somebody would move forward to try to help whoever was wounded, try to move a dead body back, they would get shot and you would have another casualty to try and move out. That day we were in a sandy area, sort of some shrub grass, but mainly sand, and it just started raining and so what happened was your magazines with bullets in them would get wet and your first magazine would fire but as soon as you tried to put another magazine in you would get sand in your rifle and it would jam up. Within fifteen minutes we had no M16s working in the entire company.”

“We just had the M60 machine guns and pistols and fortunately there was a tank nearby who heard about our encounter on the radio and came forward and we threw flares out in front of our—or smoke grenades I guess—out in front of our position so the tank would know where we were and then the tank just ran down the front of our line and either crushed the NVA soldiers or they had to jump up and be shot by us because they didn’t want to be crushed by the tank. And then that tank loaded up our dead bodies on the way back and there was over ten bodies on the top of the tank. I can still remember as the tank got back, away from the shooting, it was my job as the executive officer of the company to account for all the casualties and so I wanted—I was trying to where all the division and regimental headquarters were pull the dead men off the front of the tank

and to stand up was exposing yourself to getting shot yourself. We still didn't know whether there were snipers in the area and I remember standing up and having some trouble getting the bodies off and I just grabbed the arm of somebody at the bottom of the pile and bodies came tumbling off the tank like cord wood. People you knew were dead bodies tumbling like cord wood. And then we, of course, lined them up respectfully, did a head count, trying to figure out who was who. That was the end of that battle."

The first casualty in that ambush was especially hard for Barry. "We came across this one guy, Doc Embry was his name, he was a Navy Corpsman that we got, and he was laying there with his shirt off and I didn't recognize him. He was my first Corpsman when I was a platoon commander—sleeping in holes with him every night. Knew him pretty well. And I didn't recognize him though, and I realized who he was eventually and I recognized that he had lost maybe fifty pounds. He had come to us as a fat little pudgy boy with a stutter who, I'm sure, never had a girlfriend, never had sex in his life, never had any kind of experience like that, and he became a Marine out there—and so much of a Marine that I didn't recognize him. He was in great shape physically."

"There he was laying dead with a little teeny hole right near his heart and a little dribble of blood out of it because you hit and if you die immediately you don't bleed. That's what had happened to him. He looked like he was asleep. And, as I said, I remember thinking, 'That can't be him, but it is.' And then I realized, 'Gee, Doc Embry—we made a man out of him so we could send him home in a casket for his folks to see.'"

It was during this ambush that Barry confronted the decision of what to do with prisoners. "One of the sergeants came up to me and said, 'Lieutenant, we have got some prisoners down the road here.'" And so I went down this little trail and there were two Vietnamese that were squatting there with their hands tied behind their back, and half naked. They probably just had loincloth on, or whatever they wore for underwear, and one was wounded and one wasn't. When I came up they saw me and they could recognize that I was some sort of a leader amongst this group of Marines. So here comes the leader, and so what's going to happen next? I guess the torture is about to begin. And that's the look I got from them. They had this look of terror in their eyes—that here comes the guy that is going to start torturing us. Because I am sure they heard the same stories we heard about what happened when you got captured, and that's what they expected from us. And it was such an overwhelming feeling of—the thought that these guys thought that I would torture them was so troubling to me, that somebody would think that about me, that I just couldn't bear it a second and I remembered immediately thinking, "You gotta put an end to this." And I said to the sergeant, "Give them a smoke." And he put a cigarette into their mouths and I went and I lit their cigarettes for them. And then their terror turned to smiles when they recognized we were going to treat them humanely and I felt so good that I had come from a world and a culture where we didn't do that kind of stuff, where we didn't torture people even though those guys were likely killing my men minutes before, I had no thought about doing anything but treating them humanely, because that's all I thought

about and I was so—I was not only proud of that but I was grateful that that's how America raised me."

"Part of the reason I say that right now [2011] is because I am so troubled by what happened with the Bush administration, and Cheney, and those guys that never experienced war—abiding torture and turning our country into a place where we torture people. And I will never forget, once I felt better about how those guys looked at me I said to them—one of my men, Squirrel, a nineteen year old from Arkansas—and I said, "Squirrel, we ain't going to torture them, are we? We don't do that kind of shit, do we?" And Squirrel looked at me, nineteen-year-old Arkansas boy, and he said, "[That's the way it is...]. We are Americans." And damn it, there is something wrong that Americans still can't say that. I will get off my high horse with that one, but boy, that was one of the high points of the war for me, in retrospect, given what happened in this last war [in Iraq]—that we never better go back to where we went in this last war, because we lost something pretty—we lost a moral imperative that is a very valuable one. And again, it wasn't just that I was proud that I felt that way. I was grateful that my country had raised me that way."

Luckily, Barry's platoon was outside the reach of the Tet Offensive in January 1968. "I was on the DMZ. There was a string of combat bases up on the DMZ. Khe Sanh was the furthest most west one. Then there was Camp Carroll.... I was in what was called the Leatherneck Square, where [combat bases] Con Thein, Gio Linh and Alpha 3 were, and Cam Lo Bridge.... I was in a position for a period of time in ... Alpha 3 Alpha that was exactly 1000 meters from the DMZ, so we could see North Vietnam—the point of this being that we were in constant combat all the time. The North Vietnamese were moving around us, heading south and we were bumping into them and fighting with them all the time. And they were shelling us in our position. And so, when the Tet Offensive was aimed at all the population centers, Huế, Saigon, Da Na, ... nothing changed for us ... and nothing was put on the armed forces radio about it for intelligence, I guess, and security reasons. I went on R and R to Hawaii at that time to meet my wife, and it wasn't until I got to Hawaii that I learned that Huế had been taken over and Saigon had been taken over and all of those things had happened, because the Tet Offensive was aimed at the population centers and I was up in the woods in the boonies, up near the DMZ."

After six months in combat, Barry got sick and was sent to a hospital ship for a month. During that time, his wife gave birth to a daughter, Kelly, on Father's day (June 18) 1968. "On the ship that day we had a contest for the oldest father, the youngest father, father with the most kids and the newest father and I was the newest father because my girl was born on Father's Day," he recalls.

He returned to the field as an advisor to the Revolutionary Development Cadre, a counter-Vietcong effort to politicize the countryside. He advised a Vietnamese major in charge of 1500 people: "They were divided up into 60 person groups. And they would live in hamlets and villages and they would provide [the Vietnamese people...] some protection, schools, and try to have some self help projects and help try to politicize the

people in favor of the South Vietnamese government. At that time my job was to advise the major and I was constantly driving around to these villages and hamlets to inspect them and see what's going on and to write reports about what was going on."

Barry remembers that assignment with particular pride. "It was probably the best time that I had ever had in my life—age twenty-three, responsible, advising a guy that was in his mid thirties, trying to make people think that our side was the good guy's side....We built wells and villages. We built schools. I had a brick factory, which made bricks by baking them in the sun. And I would drive around in my jeep—and I also had a motorcycle that I would use so that I could come in through the paddy ways and stuff and reduce the chances of getting ambushed. And I would go out and got to know the Vietnamese people as a result of that very, very well."

Barry remembers the Vietnamese he knew as being happy in the face of adversity. When someone they knew would pass away, close relatives would express grief, but others "would find some humor in the death—not that they were callous to it but just that they were so used to adversity. Where I was, once a year, the monsoons—at least once a year—would flood everybody out of their home and you would—I remember driving around in my jeep with these flooded roads and seeing all the people with everything they owned on their backs, walking away from their village that they just got flooded out of and they would all be laughing and smiling. You know, 'Another day at the office. We got flooded out again this year, how funny.'"

As he got to the end of his service, Barry still had doubts about the war. "Well the major thing I remember thinking is, 'Damn, I was right. Everything I instinctively thought about this war is absolutely right. I was right to think that it was a mistake. I was right to think that there is never going to be a success over here.'"

With less than a week left in service, a major in the advisory asked Barry to inspect a pumping station near the DMZ. "He wanted me to fly a helicopter up there with somebody and take a look at the pumping station and report back to him about its condition. Well I look on the map and it's about a couple of hundred meters away from a place where we had a fire fight and a bunch of people got killed. And things had quieted down after Tet up in there but it still wasn't entirely safe and I didn't want to go, but I also felt an obligation to him, who I had a great deal of respect for. He talked me into it and I flew up there and landed the helicopter and jumped out and looked around real quick. I couldn't have been on the ground more than thirty seconds so that I could at least tell him that I went up there and looked at it and did it for him and flew back. The fear of, 'Oh my gosh, I made it this far and all I need is one unlucky step on a mine and it's all over.'"

And then, he was on the way home. "I will never forget the airplane ride. You get on—we would take commercial flights home—just to get on a Delta airlines with flight attendants, the whole works, and some of your—a plane full of Marines who had been in Vietnam for a year and it was flight attendants giving us drinks and [cigarettes...]. And then, as the plane went down the runway it was instantaneously a dead silence on

the plane, not a word, and everything quieted. And you knew everybody was thinking exactly the same thing you were thinking, which was “Are we going to make it up in the air? Are we going to get out of here?” And just that quick review of, in your brain, what you went through for a year. And when the wheels left the pavement, as soon as you felt them leave the pavement, there was this spontaneous cheer that went up that everybody—it just came out of their throats simultaneously. I don’t ever remember being quite as happy in my life as that moment.”

THE RETURN HOME

Within a month of returning, Barry was stationed at Camp Lejeune for his second and final year of service. “I never had the experiences some people talk about of being spit on and being given a hard time because you were a veteran or seen in uniform or anything like that.” It never happened to me. In fact, it just was the opposite. I can remember arguments at parties where some guy would be defending the war and I would be taking my position against the war and then the guy would continue on and eventually it would get to the point where—I used to carry them around with me. I had an application for the army in my pocket and I would pull it out and hand it to the guy and say, “You think the war is so great? Join up.” And then you would hear somebody’s college they had to finish, or his wife, or his family obligation or some damn thing—excuse that he had for not going and I would look him in the eye and tell him that he was a coward. If he felt that way he ought to be over there fighting, not making someone else go fight the war for him. And it was a—that’s why I went, to be able to say that.”

In 1970, after finishing his service contract and preparing to begin law school, he and his first wife divorced. “I kind of think that maybe we might have gotten divorced earlier if I hadn’t been gone for a year,” Barry says. He isn’t sure, but he wonders whether the effects of having been in combat made transitioning to married life difficult. “If anything, it is hard to deal with someone who comes up to you and says, “Geez, what are you going to do, the air conditioner is not working?” Or, “You need to do this about the Joneses who are coming over for dinner tomorrow night.” And those sorts of things are so insignificant to you after what you did in combat that I guess there is a tendency to slough off things and go, “Come on, what do you need to worry about that for?” Or not say it but think it. Yep, there may have been an aspect to that, that I am kind of unaware of, that cost me my marriage.”

In the fall of 1972, Barry worked as Co-Director of Veterans for McGovern during his 1972 Presidential campaign against Richard Nixon. “I basically dropped out of law school that fall,” he says, barely attending class until the November elections. He was tasked with coordinating the McGovern campaign’s initiative to secure GI votes. Barry had intended to go into politics, but working on the McGovern campaign disillusioned him.

After graduating from law school, he was offered a high-paying job at a large law firm. “I hated it. I lasted about four or five months,” he says. Then, he was hired as prosecutor

for the Washington DC Corp. Council. "As soon as I passed the bar I went to work as a city prosecutor in DC and began prosecuting criminal cases." Barry found he enjoyed trial work and criminal law. One article from *Dallas Times* reported: "[Kowalski]'s been described as a pit bull of a prosecutor.... 'He sinks his teeth into a case and doesn't let go until he gets to the bottom of it,' said Dan Rinzel, a Washington lawyer who used to supervise Kowalski at the Justice Department. 'He pursues his cases with vigor.'" One year later, Barry started teaching and he taught criminal law at Antioch Law School for seven years.

In 1980, Barry joined the Criminal Section of the Civil Rights Division of the Department of Justice. He explains, "I prosecute federal crimes where someone has, in the course of the crime, interfered with the constitutional rights of another person. So, most of our cases are police officers who have used excessive force against a civilian, or a white supremacist who would burn crosses or kill people because of their race, religion, national origin. And I have been very fortunate in having some interesting cases. I prosecuted the last lynching of an African American in the United States, Michael Donald, Mobile, Alabama, 1981. Prosecuted the killers of Alan Berg, the Jewish talk show host in ... 1984. Got a sentence for the two of them for 800 years a piece, no 400 years a piece, 800 total. Highest sentence at that time ever given out in a federal case. I prosecuted the police officers in Los Angeles who beat Rodney King and the federal trial that came after the state trial."

The Rodney King Beatings trial was one of Barry's highest-profile cases, where he served as one of four lead prosecutors. Barry reflected on the trial in an article for the *Los Angeles Times*: "'As I was packing and getting ready to go to Los Angeles,' says Kowalski, 'I remember thinking that it was very much like packing to go to Vietnam. I figured it was going to be about a year. And I figured I might be coming home either on my shield or carrying my shield.'"

After the Rodney King trial, Barry did the last investigation for the Department of Justice of the Martin Luther King assassination. Then, after 9/11, he was put in charge of directing all investigations and prosecutions "where Muslims and Arabs were being targeted after 9/11—the first time they became victims of hate crimes." Now, he says, "I work on old cold cases from the south where we have still got suspects alive who killed people for racial reasons back in the 60s."

LOOKING BACK

Looking back at his time in the war, Barry says, "I don't think I got psychologically damaged by it or physically damaged and so it turned out to be a very positive experience for me."... "I never got hit but boy, I had people hit on either side of me lots of times and dragged dead bodies away and had people die in my arms.... But, I don't feel that I was traumatized by it. And I think, in large part—maybe me as a person, but also I was older. I was 22, 23 years old in experience as opposed to 18, 19. I think that makes a difference." ... "I do know that the men that I have talked to who were my enlisted men, they were in my platoon, they have much more feeling of loss from the

war than I experienced. ... They had the experience of tightness and camaraderie that is like super football, the ultimate football team camaraderie. They were so close to those four or five other guys in their squad that nothing in civilian life could ever replace that for them....You can never get back that feeling of dependency, closeness and camaraderie that you get with another man in war—or another group of men I should say.... I never had that kind of loss because I never experienced it while I was there because I was the lieutenant, the outsider.”

He also credits his sense of humor. “You have got to be able to laugh and keep your humor up in the most outrageous and sordid situations. Being able to laugh at yourself and at your condition is probably the most important thing. And you know I noticed later in life, as I became a lawyer, a trial lawyer, I used the same techniques. Trials get tough and hard and you are constantly not getting enough sleep, working long hours and unexpected things happening in the courtroom and you better be able to laugh about it to make it through the ordeal. And I learned that from my Marine combat experience. I guess you get from the combat time a sense of self-confidence, if you make it through something like that. Everything else in life is relatively easy to handle.”

Nonetheless, he still has anxiety dreams, he says. “The recurring dreams I have are of two kinds: one that I have got an exam that I didn’t study for and I am running around trying to get ready for the exam that I didn’t study for the night before and two, it is getting dark and I haven’t put the machine guns in yet and if I don’t get them in and there is not enough time to do it now we are going to get hit that night and people are going to die because I hadn’t done my job. [And] there is a third one I just remembered....I am going into court and I am not ready.”

These days Barry enjoys his 3 daughters (Kelly, from his first marriage, born while he was at war, and two daughters from his second marriage, ages 9 and 14 at time of the interview, 2/2011). And sometimes he enjoys getting together with old war buddies. “As we get to be old men we end up going to more reunions,” Barry says. He stays in touch with David Taylor ‘66, Charlie Henrick, a former fraternity brother who went into the Marines, and Duncan Higgins, his old roommate and a Marine aviator.

He understands that his choice to go to the war could have gone in another direction. “I guess if they asked me to go right now and tried to draft me this time it would be easy. I would go to Canada. I got enough courage to go to Canada this time.” ... “If I hadn’t gone into the Marine Corps I would have been a hippie,” Barry says. He says that after leaving the Marines, he “lived the hippie lifestyle” to the extent that he could, while married with a child. “I had the long hair and I worked for McGovern. I was a liberal in my views and my behavior. I always had a horse, even when I was a lawyer living in the city. I always had at least one horse out in the country that I rode. And I was a birdwatcher.”

And, he says, “I am a very unconventional lawyer. I am a lawyer who prosecutes criminal civil rights cases. I don’t prosecute drug dealers and bank robbers, violent crime and corporate crime. I prosecute those who violate the United States Constitution and

commit crimes in the course of it. So that's a rather hippie-like kind of lawyer I guess, right? Although I do it in a grey suit."

He is still skeptical of war as an option. "I have had a good chance, like all Americans, to see Iraq and Afghanistan and my view is they are no different than the Vietnam War. They are wars we shouldn't be fighting. They are a waste of American blood and resource. The end product will be the same. We will not impact the world as we expect we will. I expect that Iraq will fold up in short order and Afghanistan will never be the product that we hope to make it—just that Vietnam couldn't be made into anything other than where history was taking it."

To younger generations he would say: "I think you need to carefully try to understand what is happening in the world, not accept what your leaders, your government and your corporate leaders are telling you about it because they have got ulterior motives to explain things differently than they really are. So I think you have a duty as an educated citizen to carefully learn what is happening and make some independent judgments about what you think is right. I guess the old "question authority" from the 60s still holds today and I hope the young kids are questioning authority and making their own judgments and doing their own inquiries and not accepting, half what they have heard. That is the main thing I would recommend to them and do what you think is right not what somebody else tells you is right."