

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
STORIES OF SERVICE: 13 MONTHS IN VIETNAM
EPISODE 61
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HOSTED BY: FREDERICK J. LAUTEN

(Music)

>> Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

Now here’s your host, Chief Judge Frederick J. Lauten.

>> **CHIEF JUDGE LAUTEN:** Hello, and welcome to Open Ninth. I am very excited about today’s podcast because I’m here with my great friend and longtime friend and colleague Judge Anthony Johnson, who’s a Senior Judge, meaning he’s retired from the daily presiding over court and we call on him when we need him.

But Judge Johnson served as a judge alongside me. We were together in the Ninth Circuit for 20 years, and we were prosecutors together before that, so we go way back. And it’s a thrill to see Judge Johnson again. He’s an excellent judge.

But we’re not here really to talk today about his time on the bench. We might get into a little of that. But we’re really here to talk to Judge Johnson here on Veteran’s Day about his service to the -- not just the bench and the citizens of Orange County, but to all of the American citizens because he served in our military branch.

Tony’s a Vietnam veteran. He is, in his retirement, writing a collection of short stories -- it really is a full book -- about his experiences during the war. And then that might branch out to his experiences as a Secret Service Officer, as a police officer in Metropolitan Washington, D.C., and the stories go on and on.

I don’t want to do all the talking, so let me just start by saying thanks for joining me today, Tony. It’s great to have you and it’s great to see you.

>> **SENIOR JUDGE JOHNSON:** Well, thank you. It’s a pleasure to be here.

>> **CHIEF JUDGE LAUTEN:** So tell us about the impetus for you to write about your experience in Vietnam, and then we'll get into some of the actual stories.

>> **SENIOR JUDGE JOHNSON:** Well, you know, I'm retired now, so I have the time to do this. And it's one of those things that I thought that one day I would like to do that, so now I have the time to do it.

>> **CHIEF JUDGE LAUTEN:** Great. And what's the process? Is it a bound book, is it an e-book? And I want to talk to you a little bit about the experience of writing.

>> **SENIOR JUDGE JOHNSON:** Okay. Well, it's an e-book. And the process of publishing books has changed a lot recently. You know, it used to be that you spent a year writing a book, you have an agent, you have a publisher, the book comes out in print, somebody pays \$32 for it and then takes a month to read it.

But it's not done that way anymore. You know, people don't want to read a book they hold in their hands. They want an e-book that they can download. They like short stories they can read in 45 minutes; they're called coffee-break readers.

>> **CHIEF JUDGE LAUTEN:** A little bit like podcasts.

>> **SENIOR JUDGE JOHNSON:** There you go, yeah. Yeah. So what I'm doing is breaking this long story into several short stories and -- that you -- like the one that I -- that was published last week is called *Ambush at the Waterfall*, it's 32 pages, and you can read it in about 45 minutes. But that story, along with six or seven like it, will go into what's called a box set that will be what you could refer to as a book of several different chapters.

>> **CHIEF JUDGE LAUTEN:** So in terms of the order of chapters, did you decide with your favorite story as the first one, or did you decide, I'm going to do it chronologically and start at the beginning? What was your process for what to start with?

>> **SENIOR JUDGE JOHNSON:** Well, I started with a story that I thought was very interesting and that just seemed like the story I wanted to write. And then as I began to write that, I thought, you know, there's some other stories that are this cool as well, and I'll write those. Then I thought, well, standing alone, they don't have much context, so I need to write some other stories that put these in context. So that's how it sort of morphed into a book.

>> **CHIEF JUDGE LAUTEN:** Let's get into your stories in just one moment. I know a little bit about your background. Some of the factual information I have, I can't decide if they're true facts or legend, and so you're going to have to correct me if I say anything that -- like, Fred, I wasn't serious when I told you that.

But I know you once told me that you felt that you distinguished yourself by having the lowest academic average in your graduating class at Walton High School in DeFuniak Springs. So true or false?

>> **SENIOR JUDGE JOHNSON:** No, that's true.

>> **CHIEF JUDGE LAUTEN:** Fake news or real news?

>> **SENIOR JUDGE JOHNSON:** No, that's true. Yeah, I did have the lowest score.

>> **CHIEF JUDGE LAUTEN:** But then you went on to college at?

>> **SENIOR JUDGE JOHNSON:** George Washington University.

>> **CHIEF JUDGE LAUTEN:** And then you graduated from there and -- with what degree?

>> **SENIOR JUDGE JOHNSON:** Well, actually, I transferred from George Washington to American. I graduated from American with a degree in the Administration of Justice.

>> **CHIEF JUDGE LAUTEN:** All right. And then did you leave school or did you go on to law school from there?

>> **SENIOR JUDGE JOHNSON:** Well, it's complicated.

>> **CHIEF JUDGE LAUTEN:** Okay. Right. I'm hopping around too much. Set me straight.

>> **SENIOR JUDGE JOHNSON:** Well, no, I did different things -- sometimes I did different things simultaneously. For instance, I was a cop in Washington, D.C., while I was going to G.W. and American.

>> **CHIEF JUDGE LAUTEN:** Gotcha. Okay.

>> **SENIOR JUDGE JOHNSON:** And then after I graduated, I came back to Florida. I was a deputy sheriff in Pinellas County for less than a year, and then I was hired by the Secret Service, so then I became a Secret Service Agent assigned to the Tampa field office.

>> **CHIEF JUDGE LAUTEN:** So I've jumped around -- I can see now I've jumped around. So you're in high school, and you didn't go straight to undergraduate school.

>> **SENIOR JUDGE JOHNSON:** Oh, no. I stopped by the war first.

>> **CHIEF JUDGE LAUTEN:** What did you do -- at 17 years of age, what -- you visited a different country, right?

>> **SENIOR JUDGE JOHNSON:** Yeah. My senior trip was to Vietnam.

>> **CHIEF JUDGE LAUTEN:** So let's talk about that a little bit. So you're how old when you enlist in the Marines?

>> **SENIOR JUDGE JOHNSON:** Seventeen.

>> **CHIEF JUDGE LAUTEN:** And they'll take you at 17?

>> **SENIOR JUDGE JOHNSON:** Oh, yes.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** Well, if you -- yeah, if somebody will sign for you.

>> **CHIEF JUDGE LAUTEN:** Okay. And so that happened. And why did you choose the Marines?

>> **SENIOR JUDGE JOHNSON:** Well, I -- for some reason, I've always looked for the challenges, and the Marine Corps was the biggest challenge.

>> **CHIEF JUDGE LAUTEN:** Challenging. No kidding, right. And so boot camp, basic training, was that impossible or was that exciting, was it --

>> **SENIOR JUDGE JOHNSON:** Oh, it was scary as hell.

>> **CHIEF JUDGE LAUTEN:** Do you look back on it with great joy or with great terror or --

>> **SENIOR JUDGE JOHNSON:** Well, you know, it's really hard to describe that in any one of those ways. But boot camp was a time when, first of all, you arrive just about 3:00, 4:00 o'clock in the morning at Parris Island. I always thought that it was odd that I arrived at that time. Everybody arrives at that time.

>> **CHIEF JUDGE LAUTEN:** No kidding.

>> **SENIOR JUDGE JOHNSON:** Oh, yes. And here's the deal. First of all, it's all about stress. You know, when you arrive at Air Force boot camp, people don't start screaming at you when you first get there. And if you arrive at 4:00, 5:00 o'clock in the morning, you've been up all night, you were up all day the day before because you were traveling to get there, you didn't sleep the night before that because you were going in the Marine Corps the next day, so you were exhausted. And guess what? You're not going to sleep for another --

>> **CHIEF JUDGE LAUTEN:** Holy smokes.

>> **SENIOR JUDGE JOHNSON:** -- like, all day that day until that night.

>> **CHIEF JUDGE LAUTEN:** Holy smokes.

>> **SENIOR JUDGE JOHNSON:** And a part of that is, it's kind of a shocking experience. They're -- and they use that to weed people out a little bit too. Like if they -- if you're going to, like, buckle under the pressure and need a safe space, you know, then they don't want you to -- they want you to do that at Parris Island not, you know, subsequently when you can get somebody hurt by doing that.

>> **CHIEF JUDGE LAUTEN:** Right. Okay. Yes.

>> **SENIOR JUDGE JOHNSON:** But it was a really interesting experience. But it's valuable too. And one of the reasons it's valuable is that most people think -- you know, when you get -- when you think that you've done all you can do and you're exhausted and you can't go any further, you really have another 50 percent, but nobody ever made you reach down to get it.

>> **CHIEF JUDGE LAUTEN:** Wow.

>> **SENIOR JUDGE JOHNSON:** That drill instructor who'll shout at you and kicking you and slapping you around makes you reach down and get the other 50 percent.

>> **CHIEF JUDGE LAUTEN:** Right. Holy smokes.

>> **SENIOR JUDGE JOHNSON:** So the good thing about that is that you -- it just sort of trains you to reach your maximum potential in that respect.

>> **CHIEF JUDGE LAUTEN:** So, Tony, when you enlisted in the Marine Corps, you must have known that the ultimate goal was Vietnam; that that's where you would go.

>> **SENIOR JUDGE JOHNSON:** Oh, yeah. I volunteered for Vietnam. I volunteered for the infantry. And, of course, I volunteered for the Marine Corps.

>> **CHIEF JUDGE LAUTEN:** And that aspect of your personality, for the time, if we're going back in time, is sort of contra to a lot of young guys your age who were looking for ways not to go into the military because they were terrified they'd go to Vietnam and not come home.

>> **SENIOR JUDGE JOHNSON:** Um-hum.

>> **CHIEF JUDGE LAUTEN:** But you took the -- you wanted to go.

>> **SENIOR JUDGE JOHNSON:** Yeah.

>> **CHIEF JUDGE LAUTEN:** Yeah. So you go through Parris Island. The -- how quickly do you get to Vietnam from there?

>> **SENIOR JUDGE JOHNSON:** Okay. Well, first of all, I had outsmarted myself by going in when I was 17, because they -- hoping to get to Vietnam before the war was over. But they won't let you go to Vietnam when you're 17.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** Apparently that was a new rule, and you had to be 18. So they sent me to another place. And I could talk about this for a long time, and I know that you have a lot of things you want to talk about. But I ended up -- they made me a tank mechanic, which I had no desire to be. So I tried to screw up that and then went to this tank school -- tank mechanic school, and I was going to flunk out, because I knew how to flunk out.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **SENIOR JUDGE JOHNSON:** I practiced that in high school.

And then they told us, oh, by the way, there are 50 of you in the class and the number one guy in the class gets the first choice of duty assignment. And I go, oh, maybe I don't want to

flunk out. So I buckled down and I was like number one or two in the class. Then they sent all 50 of us to the same place.

>> **CHIEF JUDGE LAUTEN:** Oh, my goodness.

>> **SENIOR JUDGE JOHNSON:** Oh, yeah. The 5th Tank Battalion in Camp Pendleton, California. So I got there and they said, mechanics; we don't need any more mechanics, we need crewmen; does anybody here want to be a crewman. So I said, me, me, me. So they made me a crewman. That wasn't too bad. I enjoyed that.

>> **CHIEF JUDGE LAUTEN:** All right. So how long before you got to Vietnam?

>> **SENIOR JUDGE JOHNSON:** Well, I arrived in Vietnam in early November 1967, and I went into the Marine Corps in July '66.

>> **CHIEF JUDGE LAUTEN:** So '67, the war's not almost over in 1967, right?

>> **SENIOR JUDGE JOHNSON:** Oh, no. In fact, I got there two months before Tet.

>> **CHIEF JUDGE LAUTEN:** Holy smokes.

All right. What's the first story you want to tell us about in country?

>> **SENIOR JUDGE JOHNSON:** Oh, I don't know.

>> **CHIEF JUDGE LAUTEN:** Maybe that's unfair.

>> **SENIOR JUDGE JOHNSON:** I don't know where to start. Okay. So I arrived in Da Nang, they opened the doors to the C-130, and all of a sudden it's like a blowtorch, you know, welcome to Vietnam.

>> **CHIEF JUDGE LAUTEN:** So hot.

>> **SENIOR JUDGE JOHNSON:** It's hot, and it's November. So they take us out and divide us between the 1st and 3rd Marine Divisions. And there's this, like, pole barn. So they say, okay, 3rd Marine Division over here, 1st Marine Division over here. So I go with these guys

to the 1st Marine Division. And then they break us down and say, okay, these guys are going to the 5th Marine Regiment, and they'd call out some names. These guys are going to the 7th Marines, and these guys are going to the engineers, whatever.

So I'm going to the 7th Marines. So I'm waiting for -- they said, wait here, a truck will come get you. So I see all these trucks pull up and say, you know, we're the 7th Engineers, anybody here for that; and some guys get on and go away. So I wait there and a bunch of trucks come by, and then this truck comes up that's all just shot to hell, it's dirty, nasty. I said, God, please don't let this be the 7th Marines truck.

>> **CHIEF JUDGE LAUTEN:** Was it?

>> **SENIOR JUDGE JOHNSON:** The guy said, anybody here for the 7th Marines. I wanted to say, no.

>> **CHIEF JUDGE LAUTEN:** Oh, no. That was your truck?

>> **SENIOR JUDGE JOHNSON:** That was my truck.

>> **CHIEF JUDGE LAUTEN:** Holy smokes.

>> **SENIOR JUDGE JOHNSON:** So I got on the truck, went to Hill 55. Ended up then being assigned to the 1st Marine -- the 1st Battalion of the 7th Marines, went to Hill 10, which was their headquarters. Was assigned to the 106 Platoon. Now, here's where I really kind of caught a break. Because being an infantryman in the Marine Corps can be a little difficult, and it's because your day is -- well, I'll come back to that in a minute.

But I was assigned to the 106 Recoilless Rifle Platoon because I had been trained as an 0351, that was my MOS, and that's a jack-of-all-trades in the infantry. Rockets -- I guess, bazookas basically, flamethrowers, 106 recoilless rifles and demolitions. So they needed 106 recoilless rifles guys, so they assigned me to the 106 Platoon, which was good because I got to

stay back on our hill while the other guys went out and laid all night in a rice paddy waiting for somebody to come by that they could shoot.

>> **CHIEF JUDGE LAUTEN:** Wow.

>> **SENIOR JUDGE JOHNSON:** So the -- my job was a -- the 106 recoilless rifle was developed after the Korean War as an anti-tank weapon. Now, the difference between that -- it's 106mm, which is a millimeter bigger than 105mm howitzer.

>> **CHIEF JUDGE LAUTEN:** That's big.

>> **SENIOR JUDGE JOHNSON:** The difference is it's a rifle. You point it and shoot it. You actually aim it. Don't plan on hearing anything for the rest of your life on the high frequency range, once you do that. But the Marine Corps -- because we had very little stuff, and the Army got all of the good stuff and we got all the hand-me-downs.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** But we used the 106 recoilless rifle as counterbattery fire against the rockets that the NVA fired at Da Nang.

>> **CHIEF JUDGE LAUTEN:** Wow.

>> **SENIOR JUDGE JOHNSON:** Right. Because the NVA would come into our area, it's called -- it was a Rocket Belt, that's why we were there, we were protecting Da Nang -- and they would fire -- they'd sneak in and fire rockets and they'd run away. Well, as they're firing the rockets, it would take several minutes for you to -- you see where the rocket site is, you think, so you'd get a map and you figure out what the grid coordinates are, and you call the artillery people with the grid coordinates and then they convert it into whatever they need for the guns, and then they put it into the guns and then they fire the first round, and the NVA are having lunch, you know, they're gone.

So the thing about a 106 is, oh, they're firing rockets, and you shoot them; you know, I mean, it was, like, right now. I've gotten a round off against rocket sites in 10 seconds after the first rocket went off.

>> **CHIEF JUDGE LAUTEN:** Wow. Wow.

>> **SENIOR JUDGE JOHNSON:** And sometimes you hit them on the ground and the rockets explode on the ground, you get secondary explosions. So those guys that are launching rockets, that turns out to be not a good thing to be doing.

>> **CHIEF JUDGE LAUTEN:** Gotcha.

>> **SENIOR JUDGE JOHNSON:** You know, so anyway, I was a 106 recoilless rifle gunner.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **SENIOR JUDGE JOHNSON:** Another interesting thing about that is that we put them on 70-foot towers, on the top of the towers.

>> **CHIEF JUDGE LAUTEN:** What? Really?

>> **SENIOR JUDGE JOHNSON:** Oh, yeah. I get a 360-degree field of fire.

>> **CHIEF JUDGE LAUTEN:** Wow. So there's a story you tell, and it -- I don't -- it's probably so out of order, but it's my favorite story. Can we jump to it and then --

>> **SENIOR JUDGE JOHNSON:** Probably.

>> **CHIEF JUDGE LAUTEN:** I want you to talk about the ice cream day.

>> **SENIOR JUDGE JOHNSON:** I can do that. Okay. All right.

>> **CHIEF JUDGE LAUTEN:** Okay. How long have you been in Vietnam when this event occurs?

>> **SENIOR JUDGE JOHNSON:** Oh, five months or something, probably.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** We were on an operation. The operation was called Mameluke Thrust. By the way, I wrote a story about this that's going to be in the book.

>> **CHIEF JUDGE LAUTEN:** I can't wait to read it.

>> **SENIOR JUDGE JOHNSON:** Yeah. It's called *My Day Off*.

>> **CHIEF JUDGE LAUTEN:** Your day off. Okay. I love the title.

>> **SENIOR JUDGE JOHNSON:** Yeah. All right. So --

>> **CHIEF JUDGE LAUTEN:** So you've got to tell our listeners this story.

>> **SENIOR JUDGE JOHNSON:** Okay. So we are what a grunt would call humping the bush. We'd been out in the bush for, like, weeks. And we had been through some pretty significant battles. And they said -- and it was almost Memorial Day 1968, and they said, you know, we're going to give you a day off. A day off; are you kidding.

And now, you've got to understand, when you go to Vietnam as a Marine, there are no days off. There are no -- I mean, it's not like any X number of hours a day. It's like, you work all day, every day for 13 months, except --

>> **CHIEF JUDGE LAUTEN:** They don't pull you out for weekend -- I've seen in movies, like, guys go, you know --

>> **SENIOR JUDGE JOHNSON:** There are. You get a three-day in-country R&R, where you go to Da Nang.

>> **CHIEF JUDGE LAUTEN:** Okay. Oh, you were already there.

>> **SENIOR JUDGE JOHNSON:** Well, we -- I was actually, like, 15 miles outside Da Nang.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** And then you get a week that you get to go on a regular R&R. I went to Australia.

>> **CHIEF JUDGE LAUTEN:** Okay.

>> **SENIOR JUDGE JOHNSON:** But there are no days off other than that.

>> **CHIEF JUDGE LAUTEN:** Right. Right. When you're there, there's no time -- okay.

>> **SENIOR JUDGE JOHNSON:** Yeah. So --

>> **CHIEF JUDGE LAUTEN:** Okay. So you're there. So you've been in the bushes, you said, and --

>> **SENIOR JUDGE JOHNSON:** So they said, we're going to give you a day off. And they were supposed to bring us -- we were going to a Special Forces camp near a place called Thong Duc. So we -- they were going to send a helicopter to get us to take us there, because it was several miles away. But the weather was inclement and they couldn't use a helicopter, so we had to walk. We walked all night. All right. And it's not like strolling, I mean, you know, because you've got to be tactical about this, you've got to be careful, you know, when you're walking.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **SENIOR JUDGE JOHNSON:** So we walked all night and we get to this cornfield at Thong Duc. And it's raining. And not long after we arrive, they start mortaring us.

>> **CHIEF JUDGE LAUTEN:** The NVA did.

>> **SENIOR JUDGE JOHNSON:** Yeah. So I dig a -- and at first the mortars are falling like at the other end of this airfield, so we go, oh, that's no big deal. You know, and so I start digging my hole -- you carry it with you, a little shovel called a trenching tool, and

everywhere you went you dug a hole to -- you know, because that's where you get in to avoid the shrapnel and stuff like that.

So I was digging my hole, and there was this cornfield there. This was like a luxury. I took some corn stalks, put it in my hole, it's like I get this, like, really soft condo now, you know. So it -- but it's raining, and the mortaring stops. And I think, well, that's good. So then -- but the mortaring stopped apparently because they were bringing the mortar tube closer because we weren't in range. So they -- it started again.

>> **CHIEF JUDGE LAUTEN:** My God.

>> **SENIOR JUDGE JOHNSON:** And this Air Force airplane landed, and it was called -- it's a Caribou, and I'd never seen a Caribou before. And it had a bunch of Dixie cups in it. And then they -- and it unloads these Dixie cups. And then this grunt's running along, he's like throwing the Dixie cups into our holes. He runs past my hole, he throws me a Dixie cup, he says, ice cream's coming; we're going to get ice cream. So the word is, this is our day off, we're going to get ice cream. All right.

So I'm sit -- I'm getting mortared in the rain by this airfield, and then he said, the next airplane is bringing the ice cream. So I -- and other guys put their ponchos up over their holes to keep the rain out, and of course they all got shredded by shrapnel from the mortar. We were in the holes -- I was in my hole, so I didn't get hit with any of the shrapnel. But the guys that put their ponchos up all got them shredded by shrapnel.

So I'm waiting for the ice cream; I'm holding the Dixie cup in my hand. And every now and then I'll turn it upside down and pour the water out of -- the rain. So -- and I'm waiting and waiting and waiting for this ice cream airplane. Well, apparently the guys in the ice cream

airplane heard from the guys in the Dixie cup ice cream airplane that -- don't go in there, they're mortaring the place. So the ice cream never came.

>> **CHIEF JUDGE LAUTEN:** Oh, no.

>> **SENIOR JUDGE JOHNSON:** Oh, yeah. So by the end of the day they said, okay, your day off is over, let's go back to where we were. So we had to walk all night to get back to the place we were before we'd begun to --

>> **CHIEF JUDGE LAUTEN:** So had it gone according to the original plan, you would have hiked there, they would have given you a Dixie cup, they would have filled it with ice cream, you would have then hiked back. That was your day off?

>> **SENIOR JUDGE JOHNSON:** No, no. The original plan was, they were going to helicopter -- they were going to send a helicopter to take us --

>> **CHIEF JUDGE LAUTEN:** Oh, right. Right. Oh, that's right.

>> **SENIOR JUDGE JOHNSON:** You know, and then -- so none of that worked out. And I don't want any more days off like that.

>> **CHIEF JUDGE LAUTEN:** Yeah, that's the moral of that story; please don't give me a day off like that.

>> **SENIOR JUDGE JOHNSON:** If my only day off in Vietnam --

>> **CHIEF JUDGE LAUTEN:** Tony, what's the most frightened you were in Vietnam? And are you writing a story about that? Was there a moment where you thought --

>> **SENIOR JUDGE JOHNSON:** I did. Yeah. There was a time -- usually, when you were in a firefight, it was over quickly so you didn't really have time to be frightened. You know, you got -- you just performed. You know, and then -- but there was a time when we were

-- and I wrote this story, and I'm actually going to publish it pretty soon. It has an interesting lesson in it too. And it's called *Overrun*, and it was on a place called Hill 1062.

We were on an operation, and I think we -- what happened was, the NVA had, of course during Tet, attacked Da Nang and retreated back into these mountains that they hung out in. That's where they trained and had their tunnels, and it kind of was their base camp.

>> **CHIEF JUDGE LAUTEN:** Bases and -- gotcha.

>> **SENIOR JUDGE JOHNSON:** So we went in after them on this operation. And it was -- there were a battalion of us. On this particular occasion there were two Companies. And I think that they -- I think we got intel that they knew we were there and they were coming after us with a larger force than we had.

And so we went up this mountain, and it was mountain -- Hill 1062. By the way, the numbers on hills are not random. That's the number of meters that that -- so that hill was 1062 meters high. And we had just gotten there. It took all day to climb it. And it was a triple-canopy jungle, it was -- you know, there's rotting vegetation six inches deep on the bottom, so when you put your foot down it slides along in the mud and stuff. You pull yourself up by roots and branches and stuff. And I was in pretty good shape in those days. I mean, all of us had, like, almost zero body fat. I mean, we were, you know, Marine infantrymen that were -- and I was 19 years old at the time.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **SENIOR JUDGE JOHNSON:** So we got to the top and we established a perimeter, and we were exhausted. And we had been there just a little while, and there was -- I was in a hole with two other guys and it was somebody else's watch, and I was awakened by explosions and the sound of gunfire. And we were -- what -- we were overrun by sappers. Sappers were

specialized troops that -- and they breached our perimeter and came inside the perimeter, so it was like, you know, they were all over the place. And it was chaotic. It lasted about 45 minutes. And it's really confusing when they're -- if you have a perimeter, you know anybody outside the perimeter is a bad guy and anybody inside the perimeter is not. But once they breach your perimeter, you don't know who's who, and that causes some, you know, pretty serious issues.

But the battle lasted a significant amount of time. And our mindset is that we're way in enemy territory. We're completely surrounded by huge enemy forces, enough to basically probably crush us if they could find us, and they did. So I was thinking -- you know, there was a time when I didn't think I was going to live to see the sunrise. And so I went through this sort of mental thing. First, I was -- and this is the first time that I had -- I was in engagement this long and could actually think this through. And at first I was a little bit frightened. But then after I began to kind of get accustomed to the fact that I was probably going to die, I thought, well, you know what, if that's the case, I'm going to go out as the meanest son-of-a-bitch these guys have ever seen, if I --

>> **CHIEF JUDGE LAUTEN:** Wow.

>> **SENIOR JUDGE JOHNSON:** And because, I mean, what are you going to do? All you can do is the best you can. And we did take significant casualties. And I'll tell you about one of those, because it's an interesting story.

We -- after the initial fight, my squad was sent to fill in the gap in the perimeter where the NVA sappers had broken through. And we went up there and we were going to fill in the gap and bring the wounded back to a place -- because you always secured your wounded, because some of them were incapable of taking care of themselves.

So I get up to the place where the breach has taken place and there's a guy there, he's got a bandage across his face. And so I told him, I said, I'm going to take care of you, you know, come with me. So I took him to a place on the hill where we assembled the wounded, and several of us, like, stayed with them. And that guy, his name was Duke. And years later, I wondered what happened to him. By the way, it took us, like, two days before we could get helicopters in to get resupplied. We needed ammo, plasma, morphine, water, food, and we needed to get out our dead and wounded. And so Duke was there for, like, two days, seriously wounded and -- before we could actually get him out.

But I was at a reunion, like, 40 years later, and I said, hey, you know, on Hill 1062, there was this guy there that had his eyes bandaged and he was wounded; I wonder whatever happened to him. And one of the guys later emailed me and said, the guy you're looking for, and he gave me his name, is -- you know, he lives in South Florida, he's blind. Because he was -- he -- the bandage was covering his eyes because he -- a grenade exploded and the fragments went into his eyes. And he later described it to me as he put his hands under the bandage and it's like an egg; you know, the consistency of an egg.

And -- but it's a remarkable kind of story because I called him, and I expected to find some blind veteran in his trailer at the trailer park with -- waiting for his VA check, you know. And Duke, when he came back, invested well, he started promoting rock and roll bands, which was one --

>> **CHIEF JUDGE LAUTEN:** No kidding.

>> **SENIOR JUDGE JOHNSON:** -- which was always a passion of his; did well, and then he -- and he was married and he had children. But then he had another tragedy. He had a child that was five, a child that was two, and a child that was two months, and his wife died

suddenly. So he's -- now he is a single father who's blind, and he's got, like, a two-year-old and a five-year-old and a two-month-old infant.

>> **CHIEF JUDGE LAUTEN:** Oh, my Lord.

>> **SENIOR JUDGE JOHNSON:** So -- and the State wanted to take his children, because you can't -- because he's -- I mean, how does a blind guy raise children. He says, I can do this. So he went to school. I mean, I guess there are classes for, you know, people who are not -- don't have the ability to see can learn to do things.

>> **CHIEF JUDGE LAUTEN:** Have a disability.

>> **SENIOR JUDGE JOHNSON:** And he did. And he -- so he raised these kids.

>> **CHIEF JUDGE LAUTEN:** That's amazing.

>> **SENIOR JUDGE JOHNSON:** And his oldest daughter is a lawyer now, in Ft. Lauderdale.

>> **CHIEF JUDGE LAUTEN:** Amazing.

>> **SENIOR JUDGE JOHNSON:** I mean, it is a truly amazing story. And one of the --

>> **CHIEF JUDGE LAUTEN:** So, Tony, I want to go back to this hill for a moment.

>> **SENIOR JUDGE JOHNSON:** Okay.

>> **CHIEF JUDGE LAUTEN:** So I, and I suspect most of our listeners, have never experienced an event in our lives, like you, where we thought, this is it; getting out of here is unlikely and it will be a miracle if I survive. I remember asking you once, you know, aren't you nervous about something.

>> **SENIOR JUDGE JOHNSON:** Yeah.

>> **CHIEF JUDGE LAUTEN:** A case you were trying, or maybe the election you were in. And I remember you saying these words to me. You said, Fred, I was on a hill in Vietnam,

and I made a pact with my God that if I got out of here I really wouldn't sweat much ever again; I would feel like it was all borrowed time. And I think it was that story --

>> **SENIOR JUDGE JOHNSON:** Yeah, it was that story. Because once you've been through that, it puts things in perspective.

>> **CHIEF JUDGE LAUTEN:** I guess so.

>> **SENIOR JUDGE JOHNSON:** The things that matter a lot to most people wouldn't matter to them any longer if they had had that experience. It's like -- you know, it's just how bad can life be.

>> **CHIEF JUDGE LAUTEN:** Right. Everything is better than that night.

>> **SENIOR JUDGE JOHNSON:** Yeah. It's like --

>> **CHIEF JUDGE LAUTEN:** That's amazing.

>> **SENIOR JUDGE JOHNSON:** It's like the Theory of Relativity according to Tony Johnson. I mean, everything's relative, and if you compare it to that, it's --

>> **CHIEF JUDGE LAUTEN:** Right. Did you lose a lot of good friends over there?

>> **SENIOR JUDGE JOHNSON:** I did. Yeah. You know, the casualty rate in a Marine Rifle Company -- I've heard this figure. I don't know -- I heard it from a guy who is a retired Marine General, so I think it has some -- and he was in the infantry in Vietnam. It was about 85 percent, that's the casualty rate.

>> **CHIEF JUDGE LAUTEN:** Oh, boy.

>> **SENIOR JUDGE JOHNSON:** That means killed or wounded. It doesn't mean, you know, killed. But I remember days -- Tet -- you know, on the day of Tet -- our day of Tet was February 6th. It happened at different times, you know, throughout -- you know, in different places about that time.

I was with Delta Company 1st Battalion 7th Marine southwest of Da Nang, and we, on our hill, had maybe 120 people. It was a Marine Rifle Company that was reinforced. By reinforced I mean it had a 106, some mortars, you know, some weapons guys and stuff like that. And we took 30 casualties that day -- in one day. There's another place, like the ambush at the waterfall, a platoon of Bravo Company 17 had 21 casualties, I think, that day. We had -- a week before that, we had another event where one of the platoons took about the same number of casualties, another platoon took about half that. I mean, the casualty rates were extremely high.

>> **CHIEF JUDGE LAUTEN:** Can you watch movies about Vietnam, or can you watch documentaries about Vietnam, or not?

>> **SENIOR JUDGE JOHNSON:** You know, I don't really have much of an interest in that.

>> **CHIEF JUDGE LAUTEN:** Right. I just was curious if you thought there were any that were particularly valid, sort of.

>> **SENIOR JUDGE JOHNSON:** I think most of the stuff that I've read about Vietnam were not really -- I mean, I can tell, when I read a story about Vietnam, if it was somebody that was really there and it's really an accurate story.

>> **CHIEF JUDGE LAUTEN:** Gotcha. Right. Right.

>> **SENIOR JUDGE JOHNSON:** But a lot of it's not.

>> **CHIEF JUDGE LAUTEN:** The Ken Burns, PBA, you didn't watch that?

>> **SENIOR JUDGE JOHNSON:** I didn't watch that.

>> **CHIEF JUDGE LAUTEN:** Yeah, well, you lived it. So I understand that.

There are so many stories I want to talk to you about, but we try to keep these at a certain level, and so I'm absolutely going to invite you back.

But what was the latest -- the last story that you've published on your e-books, to date?

>> **SENIOR JUDGE JOHNSON:** Okay. Well, the *Ambush at the Waterfall*. And the one about Hill 1062 and being overrun, there's a next one that I'm going to publish. I'm still tweaking that a little bit.

>> **CHIEF JUDGE LAUTEN:** So how long were you in Vietnam?

>> **SENIOR JUDGE JOHNSON:** Thirteen months; early November '67 to late November '68.

>> **CHIEF JUDGE LAUTEN:** And what was it like for you, personally, when you came home?

>> **SENIOR JUDGE JOHNSON:** You know, I didn't have any of the thing about people spitting on me or, you know, saying bad stuff about me or insulting me. That's -- I don't know why. I just didn't --

>> **CHIEF JUDGE LAUTEN:** All right. Great. I mean, I'm glad to -- I'm thrilled to hear that. Did you feel welcomed home, though, so -- maybe you weren't derided in anyway, but were you welcomed or was it just, I'm out of Vietnam and I'm back home?

>> **SENIOR JUDGE JOHNSON:** You know, it's like -- I think it's like I hadn't been anywhere. I mean, it's like it wasn't a positive or a negative -- people seemed to not respond to that at all, which was okay with me.

>> **CHIEF JUDGE LAUTEN:** Well, I -- you know, I think of the failures of events in my life growing up, as a country, and clearly one of our failures was sort of how we responded to the mostly men, but also women, who put their lives on the line, went over to Vietnam. Whether you agreed with the war or not, as a policy matter and as a political issue, young men and women went over there to fulfill their duties and fulfill the oath that they took. And then when they

came back, I think we needed to treat them better than we did. And I hope we've learned a lesson for the rest of our country's future about what to do with our veterans.

>> **SENIOR JUDGE JOHNSON:** Well, I hope so. You know, let me just say something real quickly about that. You know, in 1964 and '65, if you watched the news, you were told that these evil communists were coming into South Vietnam and beating up the villagers in the South and imposing their will upon them and stealing their rice and, you know, brutalizing the village to try to make them communist; somebody needs to help them. So, you know, the generation of us went to help them. And then we get back and they're saying, that's awful, you know, that's a terrible war.

>> **CHIEF JUDGE LAUTEN:** Right. Yeah.

>> **SENIOR JUDGE JOHNSON:** So a lot of that was media driven. But, you know, the guys I served with in Vietnam, they were 18, 19 years old. They couldn't even vote yet. You know, it wasn't -- they didn't have political agendas, and they were just guys and -- with us it was all guys, you know, but there were a lot of women that went to Vietnam too, particularly as nurses and other functions. But we didn't -- we were just doing what we thought was the right thing. And what --

>> **CHIEF JUDGE LAUTEN:** Sure. And you were following orders.

>> **SENIOR JUDGE JOHNSON:** Yeah.

>> **CHIEF JUDGE LAUTEN:** I mean, you were a teenager following orders.

>> **SENIOR JUDGE JOHNSON:** Oh, yeah. And, you know, the generation before us, you know, were World War II people. And we sort of thought it was our turn, you know, to step up and protect democracy and freedom and that sort of stuff, so we did.

>> **CHIEF JUDGE LAUTEN:** Right. Exactly right. Right. So maybe that's -- maybe that answers the question I wanted to ask next. So you enlist in the Marines, you're 17 years old; you go over to Vietnam, you're 18, 19; you come home. How are you different? How is the Tony Johnson who came home different from the Tony Johnson --

>> **SENIOR JUDGE JOHNSON:** Oh, there's a world of difference between the guy who's been through a war --

>> **CHIEF JUDGE LAUTEN:** Yeah, I imagine so.

>> **SENIOR JUDGE JOHNSON:** Yeah. Yeah.

>> **CHIEF JUDGE LAUTEN:** Can you put it in words, Tony? Is it hard to put it in words?

>> **SENIOR JUDGE JOHNSON:** You know, I don't know that I can. It's just -- well, my view of things was a lot different. Like, the whole thing about what's important to you. You know, so this thing happened to you; how bad is that. It's not -- you know, if somebody stole your schoolbooks; okay. You know, or you -- so you got a dent in your car, if you had a car -- I didn't have a car for a long time after I --

>> **CHIEF JUDGE LAUTEN:** Right. Right.

>> **SENIOR JUDGE JOHNSON:** You know, it's like, that's not a big deal.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **SENIOR JUDGE JOHNSON:** It depends on your perspective about what to get upset about or, you know, what to worry about. But I think that the whole thing about Vietnam, that service in the Marine Corps -- not even Marine Corps -- boot camp, is it prepared me to work hard, focus on a goal and get things done, and not quit when things got a little difficult.

>> **CHIEF JUDGE LAUTEN:** The Marines I met in my lifetime seem incredibly disciplined and regimented. So -- and that discipline and regiment, you know, helped them succeed in so many ways. But -- and I'm sure that's true for you, but you don't have to say that because I know you're humble about that.

But I want to point this out to our listeners, and I really think I want to come back and hear more of these stories. But you come back from Vietnam, you have those experiences that are amazing to hear about, and really it seems to me, Tony, you have a lifetime of service in one capacity or another after that. So you were in the Secret Service, you were in the police force, you were a prosecutor for the citizens in the State of Florida, you served the people of the State of Florida as a judge. And that commitment that you made to country and others and citizens, that was a lifetime commitment for you. At 17, it just amazes me that you would start down this track of a lifetime of service to other people.

And on behalf of all of us who have benefited from that, myself as your colleague and friend, and the numerous people who you've dealt with in court, and the victims you helped as a prosecutor, and the people that you secured when you were in the police force, I just want to say thanks for every -- for a lifetime of service to us all, and appreciate you taking time out.

I'm going to invite you back, but we're going to wrap it up with that. Just from the bottom of my heart, on this Veteran's Day, I want to thank you for your service.

>> **SENIOR JUDGE JOHNSON:** It was my pleasure.

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