

beyond the practice

Last Plane...

By KAT HINSON, AUSTIN BAR ASSOCIATION

In 1970, **Richard Pena** was enjoying his senior year at the University of Texas. He, like many of his fellow students, was carefully watching the global stage and coming of age politically. The expansion of the Vietnam war into Cambodia, the shooting of unarmed student protestors at Kent State, and the exposure of the My Lai massacre — a deliberate slaughter of at least 109 Vietnamese civilians, including children — prompted week-long protests throughout the country. Pena was one of thousands of students who marched across campuses and cities.

While Pena was adamantly opposed to the war in Vietnam, he still supported his country. Much of the politics at the time focused on extremes, and Pena felt that this approach was too restrictive.

Although smaller numbers were being drafted due to the perceived slowing of the war, Pena received a draft notice. He obtained a one-year graduate deferment to attend his first year of law school at UT.

Pena assumed that since he was a law student, he would be assigned as a law clerk somewhere. Instead, he was assigned to be an Operating Room Specialist in Vietnam.

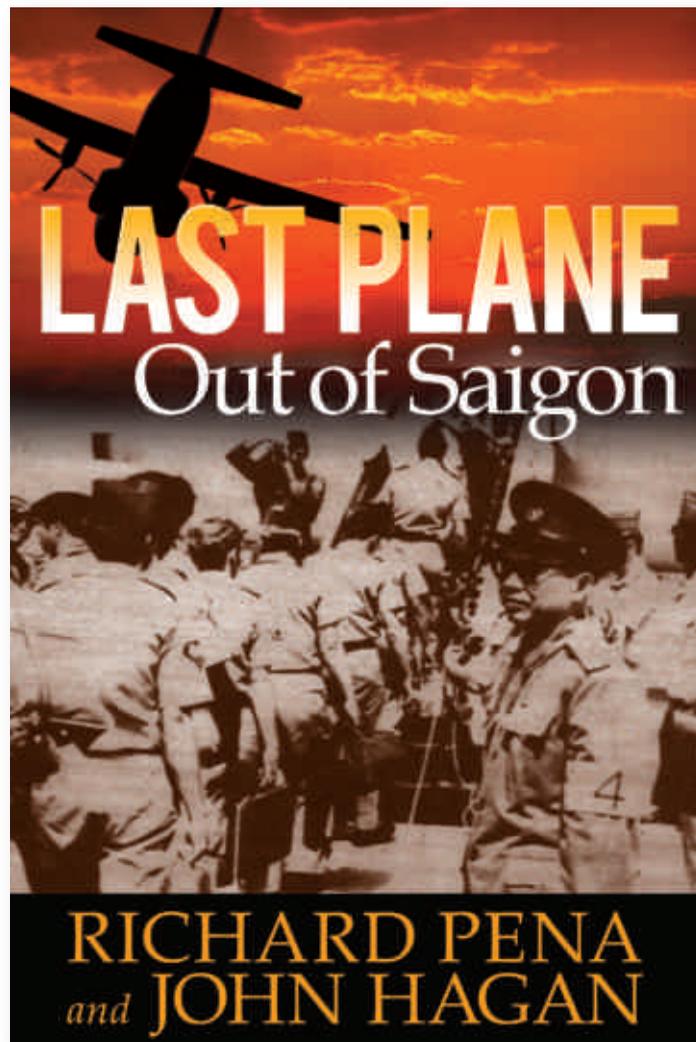
"I was told, 'Make your will, say your goodbyes to your friends and family,'" said Pena. "At that point, there wasn't much activity in Vietnam, so it seemed kind of safe. I head off to make my will, then the North Vietnamese stormed the demarcation line and headed south. The war was on with great vigor."

As a way of dealing with the horror and chaos of the war, Pena kept a journal throughout his time in Vietnam. Stationed in the operating room of the country's largest military hospital, Pena witnessed the results of humans' vast capacity to do harm.

Far from being the setup for TV's MASH, Pena's life during the war centered entirely on survival. As an American, where you lived, how you walked, what you wore, were all designed to keep you alive.

"One of the rules the Army made was that if you were going to go downtown, you wear your army fatigues, your uniform, so to speak," said Pena. "I looked at that rule as being out of touch with reality. That was a tip-off to the Viet Cong who were infiltrating the community that you were military. That's how people got killed. So I put on my jeans and dark shirt and tried to blend in, even though it was against the rules. You realize that you don't follow rules there. There's one rule and that's the rule of survival."

After Pena served almost a year, the Paris Peace Agreement



was reached. The soldiers who were still in Vietnam were assigned an "X+" day to leave on. The peace agreement allowed for 60 days to withdraw troops. Pena was assigned X+61, which meant he was to leave one day beyond the last day provided by the peace agreement.

Two planes were there to take everyone left out of Vietnam. Waiting in line with his ever-present briefcase, he remembers seeing a man taking a photo.

Fast forward 30 years. A successful lawyer specializing in workers' compensation and personal injury, Pena maintains offices in Austin and McAllen. He is a past president of the Austin Bar Association, the State Bar of Texas, and the American Bar Foundation.

For many years, Pena has been active in the People to People Ambassador program. He has led delegations of American lawyers all over the world, meeting with legal leaders in other countries. It was with the People to People program that Pena returned to Vietnam in 2003. As he was leading a tour through



Clockwise from top left: Richard Pena as a young soldier in Vietnam in 1972; Pena stands in the War Remnants Museum in 2003 pointing to a photo of himself in 1973 about to board the plane to leave Saigon; Pena and other American soldiers who work in the hospital treat local Vietnamese; Villagers observed during Pena’s trip in 2003.

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the War Remnants Museum in Ho Chi Minh City, someone pointed to a photo on the wall. The caption said, “Last Plane Out.” The photo shows a line of Americans waiting to board a plane. In line is a young man holding a briefcase.

The observations made by Pena in his journals had stayed in a box for three decades. Upon his return, he consulted John Hagan, an award-winning writer and co-director of the Center of Law & Globalization at the American Bar Foundation.

Hagan not only thought that the journals were good, but more importantly, felt that the historical significance of real-time observations at the end of the Vietnam war — one of the most divisive episodes in the nation’s history — was substantial.

With Hagan providing the historical perspective to the journal entries, Pena published “Last Plane Out of Saigon” in early 2014.

In his introduction to the book, Hagan said, “There is an underlying tone of bitterness in this work, but remember that these were very bitter times.”

Now 40 years after Vietnam, Pena believes that the nation can learn from the many lessons taught through Vietnam. He also wants to kickstart a dialogue. “One of the reasons for the book is to be a part of the national discussion and have people think.”

In addition, Pena hopes that his book can remind our nation about the veterans who returned from Vietnam.

“Many of our soldiers came home from Vietnam broken by Post-traumatic Stress Disorder or drug addiction,” Pena wrote. “Today, approximately one third of the adult homeless are veterans — and nearly half of these are Vietnam veterans. Predominantly male, they suffer from mental illness, alcohol, and substance abuse, and related disorders. These Americans were not like this when they went to Vietnam as young men and women.”

“There are consequences to war,” said Pena. “When people say that war is hell, listen to them. They know what they’re talking about.” • AL