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Elven J. Swisher wore a replica of a Purple Heart on the witness stand when he testified that the defendant had tried to hire him to kill three federal officials.

Asked about the medal, Mr. Swisher pulled a document from his pocket to show that he was entitled to it and many others for his service in combat in the Korean War.

Mr. Swisher said the defendant, David R. Hinkson, an armchair constitutionalist with eccentric views about the tax code, had asked him how many men he had killed. "Too many," Mr. Swisher recalled saying. All lies. Mr. Swisher had never seen combat, had killed no one and had served without distinction. The document was a forgery. Mr. Swisher has since been convicted of lying to federal officials, wearing fake medals and defrauding the [Department of Veterans Affairs](#) of benefits for combat injuries.

But the jury knew none of this, and with Mr. Swisher's testimony it convicted Mr. Hinkson of soliciting three murders. He was sentenced to 33 years for those crimes, along with 10 years for tax evasion, and he is serving his sentence in the maximum-security prison in Florence, Colo.

When Mr. Swisher's lies came to light, Mr. Hinkson challenged his convictions for soliciting the murders. The jury had believed him guilty of more than loose talk, he said, only because Mr. Swisher had falsely presented himself as a battle-hardened killer.

But the United States Court of Appeals for the Ninth Circuit, in San Francisco, [ruled](#) against him last year by a 7-to-4 vote.

Mr. Swisher's lies, the majority said, were no big deal. There was no reason to think the jury would have come out differently had it known of

"Swisher's routine, rather than heroic, military history," Judge Carlos T. Bea wrote.

That decision has outraged veterans.

William F. Mac Swain, the national president of the [Korean War Veterans Association](#), told the appeals court in a brief filed after the decision that "its reasoning and language are a slap in the face to veterans and jurors alike."

The majority opinion implied "that the average American no longer attaches any significance to a veteran's wartime service," Mr. Mac Swain continued.

In fact, he said, jurors are likely to believe those who have sacrificed to defend them and are likely to reject the testimony of those who have falsely claimed entitlement to honors for which others have bled and died. That was not just speculation. One of the jurors at Mr. Hinkson's trial, in Boise, Idaho, in 2005, later said he would have voted to acquit had he known the truth.

"I was surprised to hear that Mr. Swisher was allowed to tell such lies which created the misimpression that he would be a good 'hit man' candidate based on having been a decorated combat veteran," the juror, Ben S. Casey, said in a sworn statement. "These lies discredit him as a witness and therefore discredit the rest of his testimony."

Mr. Mac Swain's brief was prepared by John W. Keker, a prominent San Francisco lawyer who earned a Purple Heart in Vietnam. In an interview, Mr. Keker said the majority's "dismissive and even supercilious attitude" about military service "drove me out of my mind."

"The idea that jurors wouldn't be tremendously affected if they knew someone had lied about getting their war decorations was just astonishing," Mr. Keker said.

After reading Mr. Keker's brief, Chief Judge Alex Kozinski switched his vote. He [said](#) the brief and a recent [Supreme Court decision](#) had made him realize he had "underestimated the trust some jurors would have placed in Swisher if they thought he was a decorated combat veteran, and the likely backlash if they learned he was a fraud."

But the tally the second time around, in July, was still 6 to 5 against Mr. Hinkson.

Dennis P. Riordan, one of Mr. Hinkson's lawyers, said he was working on an

appeal to the Supreme Court, where the justices have lately been quite engaged with the meaning of military service.

The decision Chief Judge Kozinski referred to, for instance, granted a new sentencing hearing to a death row inmate, George Porter Jr. In an unsigned unanimous [opinion](#), the justices chastised Mr. Porter's trial lawyer for failing to tell the jury about "Porter's heroic military service in two of the most critical — and horrific — battles of the Korean War," service for which he earned two Purple Hearts and other distinctions.

On Monday, the Supreme Court will hear arguments in another case about a Korean War veteran. It concerns [David L. Henderson](#), who missed a filing deadline for veterans' benefits because he was bedridden from the very disability for which he sought help.

At the [argument](#) in Mr. Hinkson's case in the Ninth Circuit, there was much discussion of medals and their meaning. Judge Harry Pregerson, who would end up in dissent, said he and his father had both earned Purple Hearts. "So I know what it's about," he said.

A lawyer for the government, on the other hand, argued that Mr. Swisher's lies had been inconsequential. Judge Pregerson asked the lawyer, John F. DePue, what he was wearing on his lapel. It turned out to be a Distinguished Service Medal. "I honor you for your service," Judge Pregerson said. "When I look at you, I say, 'This guy's got credibility standing there.'" "You're impressing us," Judge Pregerson said, and then he seemed to refer to Mr. Swisher. "And if a guy is wearing a Purple Heart medal, that's going to impress some people, too."

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