

# FRAGGING IN VIETNAM

*by Retired SA Bob Powers*

I was assigned at NISRA Danang, RVN from October 1966 to November 1967. Before I was assigned to Vietnam, during the time I was assigned to Vietnam and after leaving Vietnam I read a lot in the press about fraggings, the crime of a US serviceman injuring or killing another US serviceman, usually an officer or a senior NCO, with a hand grenade. I have no idea how many fraggings there were during the Vietnam War, but during the period I was in Vietnam I had personal knowledge of only one.

The Agents assigned to the Danang Office supported the one man NIS office in Chu Lai, located 56 miles south of Danang, on a one month rotational basis. There were a number of military units at Chu Lai; however, the largest tenant was a significant portion of the First Marine Air Wing. The assigned NIS Agent lived and worked out of the Marine CID office. About half way through my tour in Vietnam I flew from Danang to Chu Lai to begin my one month rotation. I don't recall all the cases I worked at Chu Lai but it was no different than other offices in Vietnam. There were a number of drug cases and I recall a rape of a young Vietnamese girl, whose family was held at gunpoint by several Seabees, while the girl was raped. Around two weeks into my assignment at Chu Lai, about 0800, one of the Marine CID Agents, a GYSGT, advised there had been a fragging at a Marine Artillery Battery located about half way between Chu Lai and Danang. I took my crime scene kit, which in truth was a camera, and the GYSGT and I headed, by jeep, up Route 1, the main north south road in Vietnam, to the Marine Unit.

It took us about three quarters of an hour to reach the Marine Artillery Battery of 155 Guns, which occupied one half of an oval position, the Battalion Headquarters was on the other side of the oval and Route 1 ran right through the middle. The crime scene was at a hardback tent, a wooden framed tent, which was occupied by the Commanding Officer (CO) and the Executive Officer (XO) of the 155 Gun Battery. The crime had taken place between 0430 and 0500 that morning, and the XO, who was the victim, had lost both his legs, and had long been medevac'd to Danang. His bloody boots were still lying on the ground outside the door to the tent. The CO related that he had gotten up sometime after 0400 to go to the latrine, but when he heard the rain on the roof of the tent he went back to bed. Shortly thereafter the XO got up to go to the latrine and as he opened the door to the tent there was an explosion causing the injuries to the XO. From interviews and the crime scene I determined that a wooden pole, about 2 ½ to 3 feet long, had been driven into the ground at the hinged side of the door to the tent and

a wire was run from the pole across the door to a grenade that was wedged into the door and the frame, so that when the door was opened the grenade would fall to the ground and detonate. I spent a number of hours working on the crime



scene. I took a lot of pictures and recovered a lot of fragments from the grenade. The most significant piece of evidence was the pole, from which the trip wire had been run to the grenade. The pole had a piece of scotch tape on it with a jagged edge. The pole was familiar to the Marines because it was the same type of pole used on the small red, green and yellow flags that were used for safety purposes, on the 155 Guns. My initial interviews did not develop any witnesses, who had seen anyone in the vicinity of the CO'S and XO's tent. Between the crime scene and interviews it was now around 2000 and time for me to look for a place to sleep.

To back up a little, when I arrived at the crime scene, I was met by a Marine MAJ by the name of MEMMER. He told me that he had been named the Investigating Officer and he wanted to know if I was with the press, since I was wearing utility tops and chino pants. I identified myself as being with NIS and told him that that I was there to solve this and that he could take it easy. It was nice to be young and so sure of oneself. MAJ MEMMER was probably the happiest guy in the world to see a NIS Agent and he became an invaluable part of the investigative team, providing me whatever I needed from the Marines. I knew the Marine CID Agent was not going to remain with me, since he told me early on that he was going to return to Chu Lai and that he had to do that during daylight, since driving at night was not very wise. I knew that MAJ MEMMER was assigned to the Battalion, on the other side of Route 1, so when I approached him on where I would be sleeping he gave me two options. He could fix me up with a place to sleep with the Battery or I could stay in his tent at Battalion, where he had a small refer hooked up to a generator, with cold beer. Where I was staying became a no brainer. As we made our way out of the Company area, MAJ MEMMER told me to follow his footsteps, since we had to go through a mine field before reaching Route 1. We had to go through another minefield on the other side of Route 1 to get to the Battalion position. Upon reaching the Battalion MEMMER told me he had been assigned there almost six months and that was the first time he had crossed the street at night. Upon arriving at

MEMMER's tent I was shown my assigned position in a trench, in case of enemy attack, and told to always wear my utility top if we had to fall out to the trenches at night, because the Marines liked to see that green color. I was told the VC had attacked the position several weeks earlier and a number of them had been killed in the wire outside the berm, which surrounded the position.

The following morning I began interviewing individuals the Command had identified to me as having been in trouble in the past. After several interviews I interviewed a PFC HURLEY, who had been on guard duty on the berm the night and morning of the incident. Both the Battery and Battalion were surrounded by about a six foot high dirt berm that was located about 100 yards from the living/working areas and the 155 Guns. I ended up talking to HURLEY for several hours and it became clear to me that he was very familiar with being on the wrong side of the table from law enforcement officers. He admitted some pre service arrests and advised a

Judge had given him the choice of going into the Military or going to jail. I know it does not count for anything but I had a feeling that HURLEY was involved. HURLEY worked in the Supply tent and after the interview I went to the supply tent and interviewed the Supply Sergeant. The Supply Sergeant told a story that his predecessor, prior to returning to the States, had offered to sell a small refer, which HURLEY agreed to buy for approximately \$25.00.

When another offer of \$30.00 was received, the outgoing Supply Sergeant told HURLEY that he could have the refer for \$30.00, HURLEY protested and declined to pay the \$30.00. Shortly thereafter the refer disappeared. About a month after the former Supply Sergeant had returned to the States, the current Supply Sergeant was out behind the Supply Tent and he kicked a piece of wood, which had rope attached to it. Upon pulling the rope and doing some digging he discovered the missing refer. The Supply Sergeant related that HURLEY admitted taking and burying the refer, because if HURLEY could not have it no one would.

HURLEY worked in the supply tent with several other enlisted Marines. They and the Supply Sergeant were the only individuals who had access to the secured part of the tent, where all the supplies were stored before being issued. In searching the secure area of the Supply Tent I discovered that the poles for the flags, used on the 155 Guns, came in sets of three. In searching through the sets of poles on hand, in the Supply Tent, I found one set that contained only two poles and the broken

scotch tape on the poles clearly indicated that a third pole had been removed from this set. I eyeballed the scotch tape on the pole I had seized at the crime scene and the scotch tape on the two poles I had seized in the Supply Tent and HURLEY looked more and more like a good suspect. I interviewed all the Marines who were on guard duty at the same time as HURLEY, however, none provided any pertinent information concerning HURLEY'S movements during the evening and morning of the incident. MAJ MEMMER provided me transportation to Chu Lai so that I could send off a Naval Message to obtain HURLEY'S civilian arrest record and send the flag poles that I had seized in the Supply Tent and at the crime scene to Camp Zama, Japan, for laboratory examination.

During the course of the investigation I interviewed most of the members of the 155 Gun Battery. I was given a small two man tent, which sat in an isolated sandy area of the Battery position. The only things in the tent were two chairs and a small wooden field desk, and boy did it get hot in that tent.

Each Marine I interviewed came armed with his personally assigned weapon and I had my holstered 357. During the first week of interviews, while interviewing an enlisted Marine, we came under rocket attack. He knew what was happening, long before I did, and I still remember sitting in the tent watching him sprinting for cover wondering what the hell am I doing here. No one I interviewed wanted to have anything to do with blowing the XO'S legs off, but a number of them volunteered their involvement in other crimes, I believe, to show their lack of involvement with the assault against the XO. One Marine

came carrying a large green trash bag. He immediately told me he had nothing to do with blowing the XO'S legs and admitted to being the largest dope dealer in the Battery. The trash bag contained 20 to 30 LBS of marijuana. Other than burning the marijuana and notifying the command I took no other action. I did take statements from at least five Marines, who admitted throwing grenades on their own position. The throwing of grenades on their own position was known as "War Call" to many of the enlisted Marines, below the grade of Staff SGT, in the 155 Gun Battery. Sometime during the evening an enlisted Marine, who was on guard duty on the berm surrounding the Battery position, would tape one or two small primers, about the size of a D cell flashlight battery, which were used on the 155 guns, to a grenade and throw it from the berm back toward the Company position. Since everything inside the berm was located about 100 yards from the berm the grenade would do no damage other than cause an explosion. As a result of the explosion everyone in the Company would have to fall out to their defensive positions, thus the name "War Call". After



taking my first statement concerning "War Call" I learned, from the Command, that a Marine CI Team had been at the Command, over a month earlier, investigating these unusual explosions, with negative results.

The investigation, consisting mainly of interviews, continued and as time passed things progressed. I received HURLEY'S civilian arrest record, which was extensive and included an arrest for assault with a deadly weapon and an arrest for assault with intent to commit bodily injury. The lab results from Camp Zama, Japan, which had been expedited, confirmed, based on the tearing of the scotch tape on the pole from the crime scene and the poles recovered from the supply tent, that the pole from the crime scene had been removed from the two poles seized from the supply tent. I began re-interviewing the Marines on guard duty on the berm on the night and morning of the incident. The Marine who had been on guard duty on the berm in the same position as HURLEY, finally, admitted that he and HURLEY had been smoking marijuana, while on guard duty, and that HURLEY had left the berm for about an hour, sometime between 0200 and 0300. With the information we now had the Marine Legal Office at Chu Lai felt we had enough information to arrest HURLEY. Pete SEGERSTEN, who was then in Chu Lai, and I drove out to the 155 Gun Battery and attempted to interrogate HURLEY, who immediately requested a lawyer. HURLEY was handcuffed and placed in custody for the return trip to Chu Lai and ultimately for confinement at the Marine Brig at Danang. I remember HURLEY complaining about being disarmed and handcuffed for the trip back to Chu Lai, since he would be defenseless if we came under attack. I can't recall what Pete and I said to him but it was something like we would be sorry if that happened, but the handcuffs were staying on. While HURLEY was confined at the Marine Brig at Danang one of his fellow Marines at the 155 Gun Battery sent him marijuana through the mail, which was confiscated. That Marine was interviewed and in addition to admitting to sending the marijuana he provided a statement that HURLEY had told him that HURLEY had been smoking marijuana on guard post, had left his post and rigged the grenade at the CO'S and XO'S tent. According to the Marine, HURLEY'S rationale for committing the crime was that he was pissed off at the CO for not being promoted to LCPL.

I never got to testify at HURLEY'S trial, since he accepted a plea agreement. Hurley was sentenced to reduction to E-1, a Dishonorable Discharge and five years confinement. I never thought that five years was much of a penalty for blowing a man's legs off and destroying his life.

Let me make a slight disclaimer. This investigation was conducted 45 years ago and I wrote this without benefit of notes, based on my memory of the incident. I believe I got most of it right, but I am sure my timeline and sequence of how things happened during the investigation are not 100%.

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*by Former SA Douglass Hubbard*

Former Special Agent Doug Hubbard reports that his history of NCIS in the Vietnam War, *Special Agent, Vietnam* has just been released as a Kindle eBook entitled NCIS History Special Agent Vietnam.

Hubbard, who was assigned to various NISO Vietnam offices between 1969 and 1972, advises that the new electronic format has allowed the inclusion of numerous previously unpublished photographs of agents at work in the unique Vietnam environment.

Photographs accompany the stories and are placed where they best illustrate the events being described. The book can be viewed either on a Kindle device or smartphone with the Kindle application.

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