

Shooting at Ben Luc

By Former Special Agent John Morgan

Ken Seal, SRA NISRA, Saigon called out that he needed two volunteers to check out a shooting of a Vietnamese National south of Saigon in the area of the former Logistical Support Base Ben Luc located in Long An Province. The shooting took place late on 14 June 1972. SA Bill Worochock and I volunteered and proceeded to the Ben Luc area to investigate the death of the fisherman.

Three days had lapsed since the shooting which meant we had a job ahead of us as memories of witnesses are not as fresh and evidence has a tendency to disappear. We were later to find out that the body was not recovered from the Vam Co Dong River until the 15th. We departed Saigon in a grey colored International Scout that was assigned to the office. Prior to departing we contacted NAVFORVHQ to determine if there was any enemy activity in the area. This was standard operating procedure prior to driving into and through certain areas of South Vietnam's scenic countryside. To get to Ben Luc, which was located at the juncture of the Vam Co Dong (Vam Co East) and Vam Co Tay (Vam Co West) rivers, we traveled south on Highway 4. Highway 4 actually ran all the way into the delta region of South Vietnam and was the only supply route to the Mekong Delta. This being so, the VC often interdicted the road to stop the flow of supplies into the delta.

On either side of Highway 4 one could see rice paddies, rubber plantations and jungle. The condition of the road, as in most of Vietnam, was not that good and we could not drive at a very fast clip. Driving on roads in Vietnam you had to avoid any potholes and foreign objects in the road. The foreign objects could be booby trapped with explosives (better known today as IED's) and the potholes were not good for the axels of the vehicle. Also one had to avoid the wooden carts being drawn by "Benny" the water buffalo, slow moving dilapidated cars, bicycles, motor scooter travelers and the occasional Vietnamese Army 'duce and a half' barreling down at you from the opposite direction. Although Ben Luc was only 35 miles from Saigon it was a long ride due to the hazardous road conditions.

Upon arriving at Ben Luc we were greeted by security personnel who briefed us on what they had discovered. Their inquiries developed information that a US Navy Seabee was possibly the shooter.

They directed Bill and me to their mess hall where the victim was being kept. The body of the shooting victim, an elderly Vietnamese male, was being stored in the walk-in refrigerator located in the mess hall. Upon entering the walk-in we observed a standard army green body bag. I mean here was this body in amongst the mess hall's vegetables, meat and dairy products. Not too appetizing, but in the temperature and humidity of Vietnam the body had to be kept cold to keep it from rapidly deteriorating. Since the body had been in the water for a period of time there was the possibility, if not properly refrigerated, that it would fill with gases and swell to double its normal size.

Upon close examination of the body we noted there was what appeared to be an entry wound on the victim's right side and an exit wound on the left side of his torso.

We were then taken to the riverbank area where the shooting took place. The land was marshy and occupied by numerous fishing boats that traversed the river area. The Vietnamese witnesses explained, through an interpreter supplied by the security unit, that they did not retrieve the body until 15 June, the day after the shooting; because they were afraid VC had perpetrated the shooting. When information surfaced that a US Navy person was shooting in the area and not the VC they went out and retrieved their friend.

According to an eyewitness the Seabee had been standing on the shore and fired his M-16, at a small patch of tall grass in the middle of the river. Unbeknown to the Seabee the victim was standing in his fishing boat on the other side of the tall grass. These fishing boats were no more than a dug out with small fishing nets that were thrown out by the fisherman to snare whatever fish they could catch.

Bill stayed on the shore of the river while I took a very

creaky boat ride to determine where the fisherman had fallen after being shot. Bill's job was to see if he could see me on the other side of tall grass where the victim had been fishing. Bill and I were in radio contact the entire time and we determined that neither he nor I could see one another. Bill was about the same height as our subject and I was definitely taller than the victim.

There was an indentation in the grassy marsh area as if something or someone had fallen into the marsh leaving a small-flattened area about four feet into the grass. You could not walk on this area where the grass had been pushed down as it was covered with about 12" of brown colored delta water. Apparently the victim, after being shot, landed face first into the water. Local fisherman claimed this was the area where they found him. The fisherman told us that their friend was in fact laying face down in the water when they discovered his body. One of the fisherman stated he heard what sounded like a shot and as he looked up saw his friend fall face forward into the grass and water.

An examination of the victim's boat did not disclose any pertinent evidence. There was no blood or any physical evidence to be found. The shore adjacent to where the victim was found was searched for any expended bullet cartridges, but none were found. The Seabee's weapon had been confiscated for evidence by the security personnel.

We subsequently interrogated the Seabee who admitted to shooting his weapon "just to shoot it." He told us that he had randomly shot his weapon in the past just for recreation as life was rather boring at this juncture of his tour in "Nam." He said he had no idea that there was a fisherman on the other side of the marsh grass and if he had known he would never have discharged his weapon, well at least in that direction. A review of his service record disclosed he had been reprimanded in the past for wrongfully discharging his weapon.

The following day, 18 June, after gathering as much information as we could from the interrogation of our subject, Vietnamese witnesses, and the security personnel who responded to the shooting, we had a much harder task ahead. This was to convince the family and village elders to let us take custody of the body, and fly it to Saigon so an autopsy could be performed. Bill and I both agreed that we really did not know what killed the fisherman. Was it the bullet from the Seabee's M-16? Did he die from a heart attack as a result of being shot? Did the fisherman drown after falling into the water? Was there some other cause of death? These were questions that had to be answered in order to adjudicate this

case. No matter what caused his death, charges would be brought against the Seabee. Bill and I both knew that to have a clean and complete investigation an autopsy was essential.

We were then taken to the victim's village by the security personnel. The village was not large being made up of lean-to like structures and one and two room huts. It did not seem like much to us but to the villagers it was home. After arriving we asked, through the interpreter, who we could talk to regarding the disposition of the body. We were then directed to a group of about fifteen or so villagers. The villagers were standing and sitting under a rather large roof like structure that appeared to be an outdoor gathering place for the villagers to hold meetings.

We introduced ourselves to the group and explained to them why we were there. The interpreter told the villagers and the victims' family that we would like to take the body to Saigon so we could have an autopsy performed to determine the actual cause of death. A discussion pursued among the family and the village leaders. The family said that we could not take the body because they needed to have time to mourn and give him a decent burial. Bill and I talked and decided a different avenue to get the body to Saigon. We told the family that if they would allow us to transport the body to Saigon we would see to it that the U.S. Government, in addition to any other monetary compensation, would provide the best casket available and insured them that the body would be treated with the utmost respect and dignity.

A heated discussion ensued between the victim's family and the village leaders. After about thirty minutes or so they all agreed to our request. The family gave us a description as to the type of casket and its design and how the body was to be dressed and laid out in the casket. Later that day the body was flown to Saigon via helicopter. We thanked the victim's family and the village elders for their cooperation and reassured them the victim would be treated with respect.

While getting ready to return to Saigon our interpreter told us that he was very worried about our safety in the village. The interpreter said since we had custody of the body in the Seabee unit mess walk-in refer, the villagers thought we were not going to return him to the family. Our interpreter then proceeded to tell us that there were two villagers in the jungle area behind us with weapons ready to fire if we persisted on keeping the body against their wishes and did not turn the remains over to the family. He said he could not tell us about the gunman when we in the village as he was afraid he would be shot. We thanked the interpreter for this chilling bit of trivia, got into the Scout and started our drive back

to Saigon. We did not say a word until about half the way to Saigon when we both looked at each other saying almost in unison "Can you believe that?" We then both started to laugh, not a 'ha ha' laugh, but a cathartic release of emotion. After getting back to our quarters in Saigon, Bill and I relayed the story to our fellow Agents, followed with a few beers.

The body arrived late the night of June 18th and we were notified the autopsy would be preformed early the next morning.

The morgue, operated by the US Army Graves Registration Unit was located at Tan Son Nhut Air Base. This Morgue had a capacity to hold 250 remains in cold storage. Upon entering we observed what seemed to be row after row of clear plastic body bags containing corpses. Bill and I asked the attendant where all the bodies came from and he reminded us of the Cathy Pacific Airliner that had exploded near Pleiku, Vietnam on June 15th. The plane was en route from Singapore to Hong Kong when it exploded about thirty miles southeast of Pleiku near the provincial town of Cheo Reo in the Highlands region of South Vietnam. A subsequent investigation by the airlines, Thai officials and Vietnamese police officials, determined the explosion was caused by a jealous lover of one of the passengers. On the flight to Hong Kong it made a scheduled stop in Bangkok where the bomb was apparently loaded aboard the plane. The investigation determined that an explosive device, contained in a suitcase was detonated under a seat in the passenger cabin. A Thai police lieutenant, accused of planting the bomb, was later acquitted by a Thai court "due to lack of sufficient evidence."

The attendant then showed us to the autopsy room where our victim was located. The morgue had the strong smell of formaldehyde and death. Once you have smelled death or decomposition the fetor never vacates your senses. It is easily recalled as I would later discover. The Army pathologist and his assistant asked us to identify the body as that of our victim. Following this and some additional paper work the autopsy began. The pathologist began making notes on a form that he was using to identify various anomalies on the victims' torso which included the entrance and exit wounds.

Then the normal "Y" incision was made on the body in order to gain entrance to the vital organs of the victim. Upon examination of the lungs the doctor told us that there was no sign of water in the victims' lungs which ruled out drowning as the cause of death. Bill and I were also taking notes for our report at which time the doctor said to his assistant, with excitement in his voice, "Look at this." Bill and I looked up and saw the doctor pulling what appeared to be

a flat ribbon about two feet long out of the victim's stomach region. The assistant then proceeded to pull out two more of these ribbons from the victim. The doctor told his assistant to get some specimen jars so they could study their findings at a later time. They had discovered *Diphyllbothrium Latum* (fish tapeworms) in the intestine of the victim. The doctor and his assistant were excited as they had never seen such large specimens, much less that many in one person.

After further examination of the body the pathologist determined that the victim had bled to death and died prior to falling in the water. The bullet that was fired entered the victim and severed his external iliac artery causing him to internally bleed to death. The pathologist explained the severing of the artery instantly caused massive bleeding in the lower torso which caused the victim to die almost immediately. He further explained the severing of the iliac artery disrupted total blood flow to the lower torso and heart. We took what photographs of the victim we needed and double-checked our notes prior to leaving the morgue.

After arriving back at the office there were two Navy JAG officers talking with Ken Seal. Ken called us over and introduced us. One of the JAG officers asked "Who gave you two the authority to negotiate with the family for the victim's body?" We then explained we felt in order to give justice to the victim and the suspect we needed an autopsy to determine the actual cause of death. We also told them since an autopsy was part of our investigation it was well within our purview and jurisdiction to get custody of the body in order to complete our investigation. The lawyers said that they would have stipulated to the cause of death without an autopsy. Bill and I both told them that if an autopsy had not been performed the only thing they could stipulate to, was that the victim was dead but not the cause of death. These young JAG lawyers were rather miffed at what we told them but accepted our explanations and departed. Ken did not react as to whether he approved or disapproved to our response to the JAG officers. Honestly Bill and I did not care either way what the JAG lawyers thought, as we knew what we did was right. The Seabee was later charged with illegal discharging of his weapon and negligent homicide.

That was one of the last cases Bill and I worked in Vietnam as within a month we both departed to the US for some R&R, after which I was sent to my new duty station at NISRA Subic Bay.