



A helicopter on a low-level mission in Vietnam

A Vietnam Report

Death on a Sampan

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Chronicle Foreign Service

Saigon

The first time I saw the Vietnamese, he was standing below us drifting in a sampan, arms outstretched, a broad grin on his upturned face.

The next time I saw him, his body was slumped across the sampan, seconds before it slipped into the water.

The last time I saw him, he was chunks of flesh mixed with splinters of sampan, bobbing gently in the red stained rice paddy.

About 200 empty machine gun

shell casings littered the deck of our helicopter where the left gunner sat.

We were on a Department of the Army photo mission, flying over Chau Duc Province, taking films of canals, highways and mountain areas and along inside the Cambodian border, for use by artillery schools in the United States.

By midmorning we had photographed several targets before dropping down to refuel on a Navy ship.

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War Mistake Kills 14

Saigon

American helicopters attacked a group of civilians with rockets and machine gun fire after mistaking them for Viet Cong, killing 14 and wounding seven, the United States command said yesterday.

The accident, which occurred Tuesday 25 miles west of Tam Ky, capital of northern Quang Tin province, is being investigated, a spokesman said.

The Vietnamese were suspected of being Viet Cong by Americal Division helicopter crews because they were

dressed in black and green clothing and were "attempting to evade," he said.

A team of American military advisers who went into the area later discovered that 12 men and two women were killed and seven men wounded.

The helicopter attack was the second such incident in a little more than a week. Seven South Vietnamese civilians were killed and 17 wounded in a U.S. helicopter raid September 16 in the Mekong Delta south of Saigon.

The latest incident occurred in a region which has been the scene of several battles and skirmishes be-

tween Americal troops and elements of the Second Division of the North Vietnamese army.

Elsewhere, South Vietnamese spokesmen said Communist forces killed one civilian and wounded another about midnight Thursday in an attack on a hamlet near Duc Thanh, about 65 miles southwest of Saigon.

A U.S. Army transport helicopter was shot down by ground fire Thursday about 120 miles southwest of Saigon, a communique reported. It said the crew escaped without injury.

Late yesterday fire fights

flared 16 miles west and 18 miles south of Saigon, with 42 enemy reported killed by U.S. troops backed by helicopters.

The U.S. Command said 26 enemy soldiers were killed in one battle along the rim of the Mekong Delta south of the capital at a cost of two American Ninth Infantry Division soldiers wounded.

West of Saigon, troops of the U.S. 82nd Airborne Brigade ran into an estimated 20 enemy soldiers and killed 16, the U.S. Command said. It reported American losses were two men killed and four wounded.

Reuters and U.P.

From Page 1

The Department of Army photographer cupped his hands over his ears, shouting over the roar of the rotors, "I saw a Vietnamese in a sampan, wearing a headset—we're going back to look for him . . ."

I thought that was a little far out. How could he single out a particular Vietnamese out of all of those people in the sampans, passing back and forth in the rice paddies below. Some time passed and I forgot all about the Vietnamese and the headset. We continued to film targets.

Quite unexpectedly, the helicopter began to circle, dropping to 500 feet, then 250. We started circling over the Vietnamese in a sampan, who looked up to us with his arms outstretched, smiling. He was wearing a powder blue sport shirt hanging over darker pants. He looked to be about 16 to 20 years old.

THE KILL

We continued to circle for a couple of minutes, then dropped to about 50 feet. Quite abruptly, the left rear gunner opened up with his 60 mm. machine gun. We made four or five more passes, until there was nothing left but splinters of the boat and the sampan.

There were no doors on the helicopter, front or back; no seat belts except for the pilots'. I had been standing back of the pilots, leaning out the left side above where the Department of Army photographer sat.

I looked back at the captain, who had also gone along for the ride — he was on the back seat, standing up looking — holding his camera in his hands.

I leaned over to the pilot — "Why did we pick him out?" He told me he'd explain when we landed and asked me if I'd like to have lunch at Chau Duc Special Forces Camp.

★ ★ ★

Captain Bruce Brenneman walked with me from the helicopter pad to where a hole in the barbed wire perimeter led to a path to the special forces camp. He was shaking his head back and forth, "God, that withered me."

"Why did they do it? Why did they just pick him out, go down and blast him to pieces?"

Brenneman looked at me. "I don't know why they shot him; I thought we were in a cease fire."

"Even if we weren't, why did we kill someone who was not firing on us . . ." I was asking myself as well as Brenneman.

Brenneman said perhaps we ought not to tell anyone, since it wasn't clear how the cease fire stood. I asked him if he got any pictures. He said he wasn't sure, that he thought he'd run out of film.

CLOTHING

I asked our pilot, WO1 David Boden, if he would be ticked off if I asked him some questions. He said no.

"Would you please tell me why we shot up that kid?"

"I asked my rear gunner if he looked like a VC. The gunner has been here for months and he said he thought he looked like a VC. The man had a uniform on."

"Come on, Mr. Boden. He had on a plain, ordinary sport shirt. Why did we divert from a photo mission to kill a Vietnamese who wasn't firing on us?"

"The photographer told me he thought he saw one AK or SK rifle and maybe the butt of another under the boat seat." Boden looked at his hands and I looked at Boden. He could not have been much older than the man we'd just shot. A clean-cut, American young man, with a hint of a

blond moustache struggling for growth on his upper lip.

ANGRY

"Then why didn't we go down and pick him up — or call one of the Navy boats. He might have been good intelligence."

Boden looked at me, finally — "We couldn't land in that water. Besides, I have a CO (commanding officer) who is a West Pointer. He told us to never pick up anyone—"

"But he wasn't shooting at us—"

"Listen, I had my ship shot out from under me two days ago. So did two buddies of mine." Boden was getting ticked off.

"Where was this?"

"In a landing zone. We were making troop insertions."

"But that's conventional warfare. You can expect to get shot at anytime you go into an LZ. There's no comparison here."

"That VC had plenty of time to flash an ID card, or to hold up a rifle to show he was friendly. Besides, the photographer saw him move his feet to kick a rifle out of the way—" Now he was angry.

"The kid was standing in the short end of the boat. If he had kicked he would have pushed whatever was there out into the empty end of the boat—"

"Look." Boden was standing now. "I had a buddy shot down the other day when he went to take a look—"

PASSES

"All right, Mr. Boden." I said. "One more question. Why did we make so many passes after it was clear he was dead. Why did we have to shoot him until there was nothing left?"

"I saw the first bullets go into his head. He slipped over and started to swim. You know how those VC are — they never give up."

I gave up, for the moment. I was afraid to question him any further. We still had a mission to complete, which we did in ominous areas of no man's land — long, dark, low sweeps through twisting valleys in the mountains. Unquestionably, this land belonged to Charlie. He could have shot at us anytime, from any one of the mountains above us.

We arrived back at Can Tho at 3 p.m. I went to my room to think. I knew I had a story but I needed more answers.

★ ★ ★

Wednesday morning I took a list of questions to the press center downstairs. They made a couple of phone calls and said I had a 2 p.m. appointment at intelligence and a 2:20 appointment at operations, both of the 164th

Helicopter Company.

Intelligence was waiting for me. The officer scanned the questions and handed them back to me. "Oh, you don't want to talk to me, you want operations."

At operations several officers read my questions, stared at me through glass windows, came back, left again, came back again, then said, "Sorry, the answers to your questions is privileged information which could only be given out by MACV in Saigon."

★ ★ ★

Later that afternoon, Captain Raymond Cunnene called to say he would be investigating the "incident." Would I get together with him in the morning.

A short time later Captain Brenneman called to say he had been routed out of bed to answer questions. "I don't know anything about the shooting," he told me. "I couldn't see anything."

I began to get the feeling I was taking on the whole U.S. Army.

At 5:30 a major called me to say the pilot had reported seeing two rifles under the seat, that he shot the Vietnamese after he had made an "overt move."

Now, there were two rifles.

The major invited me to have a drink that evening at the downtown villa he shared with 50 other officers.

I joined the major and his friends at the villa. They talked for more than an hour on accidents, how most accidents looked worse than they usually are. To a man, they each had an accident story to tell. I had two drinks and left. There was no doubt in my mind I was being given a hint. I hadn't seen what happened that morning.

★ ★ ★

Thursday, I received a call that the Meeting with Captain Cunneen had been postponed until 7 p.m. Friday.

Friday, I received a "Letter of Notification" telling me to appear at the 164th Aviation Group Conference Room to discuss "facts and circumstances surrounding the shooting of a suspected VC." The letter suggested I have the right to an attorney if I so desired. I did not desire.

The questions I had asked earlier were in Captain Cunneen's hands: "What are the ground rules for shooting when not being fired on? What are the ground rules for taking a suspect alive? Was it a cease fire? Was it a free fire zone? Did the pilot have permission to fire? Was the shooting reported?"

There were two carbon copies of two statements on the conference table.

The first read: "On 11 September, 1969, at 1500 hours, I called the 44th Special Tactical Zone and talked to Capt. McDavit, in reference to the shooting. He said it was most probable that the target was either VC or NVA in coordinates WS 023 749. He added that the aircraft commander should have contacted Chau Duc Province but that under the normal rules of engagement, the shooting was justified." This was signed by Cunneen.

'ENGAGEMENT'

"The normal rules of engagement" caught my eye — it takes two to engage. No one had engaged us.

The second statement, signed by a Captain Michael J. Arruti, read:

"On 9 September, 1969,

WO1 David Boden had a mission to report to Can Tho Soccer Field. He was to fly a photo team. A Captain Brenneman was to give him a briefing and tell him where to fly.

"Upon return from his mission he reported one (1) KBA (killed by action) vicinity coordinates WS 023 749. He had received fire from a male in a blue uniform, approximate age 20 years. The individual was carrying an AK (AK-47 automatic rifle) with more weapons in the bottom of the sampan.

"Boden received permission from his backseat to return fire. These are the true facts to the best of my knowledge."

WEAPONS

My mind raced as I read these two pieces of testimony, marked exhibit 1 and exhibit H.

Now, there were three weapons, plus one in the uniformed VC's hand. Now, the pilot had received permission to fire from Captain Brenneman, senior officer aboard, known as the backseat. Captain Brenneman had told me he knew nothing of the accident, had explained at Chau Duc that he didn't know why the gunner shot the Vietnamese, had called me on the phone to say he couldn't see the shooting, did not have a headset on to communicate with the pilot.

I really felt alone.

Cunneen asked each of us, including the Department of Army photographer, S. Sgt. Hector Robertin, and co-pilot Virgil Bensen to write a statement. I gave him the three-page, single-spaced, typewritten statement I had made for my own information on arrival home from the mission.

'SHOOTING'

One by one, Cunneen called us into a private office, had us raise our right hand and swear to tell the truth. He asked me if I'd ever been on a helicopter that had been shot at.

"Many times, Captain Cunneen, but this wasn't one of them."

"Can you describe the uniform the man was wearing?"

"He was wearing an ordinary blue sports shirt."

"Is it possible you may not have heard the shooting?"

"Remotely, but there is another point I'm not clear on — when I have been in helicopters that received fire — in all instances, we immediately went to altitude. Not so on Tuesday morning. We made several turns over this Vietnamese, descending lower and lower, and reached 50 feet — we made several turns before the gunner opened up. The photographer never stopped taking pictures, although his feet were hanging over the left side of the helicopter. Don't you imagine he would have made some effort to move if we had been fired at?"

FILM

"There were several rifles in the boat. Did you see them?"

"No, but from the beginning there was only the chance of a rifle and the butt of another — now there's one in his hand and at least three in the boat . . ."

"You were sitting on the right hand side. How could you see?"

I explained again where I was standing — "It is possible, as it was for everyone, that I lost my vantage point

when we made a 180-degree turn —"

"I have statements from four people who say the helicopter was fired on by a uniformed VC —"

"Captain Cunneen, I would love to be proved wrong. As early as Tuesday, I suggested the film be looked at — it is all there on film."

"The film has been sent to Washington — it would take 30 days."

★ ★ ★

Later, back in the conference room, Cunneen looked at us, saying:

"I think we will all agree that the VC was an eligible, that is he was over 16-18. He was wearing a blue uniform. Although that isn't always the case. We've shot them wearing just about everything, from uniforms to old clothes."

"Now," Cunneen continued, "this is a hot area. Anyone could be and probably is VC or NVA. I'm convinced WO1 Boden used good judgment. This is not a free fire area. In a free fire area, for instance, everyone is fair game. The other day one of our pilots saw a couple in a sampan. Probably just a couple of peasants but in a free fire zone. He got permission from his back seat to fire. He went down and shot the area around the sampan. The man jumped out. He pursued and killed the man — but allowed the woman to live. You see, even in a free fire zone we don't kill them all."

ZONE

I looked at the young man talking. Cunneen looked about 23 or 24 years old square and stock, handsome and blonde. But I couldn't believe what he was saying.

"Then please tell me, was this a free fire zone?" I asked.

"No," Cunneen said. "This is a limited fire zone. That means the decision to shoot is up to the pilot's discretion or up to the senior in the back seat."

"That means we can kill anyone at any time —"

Cunneen turned to Brenneman. "Do you have anything to add?"

"No." Brenneman repeated his earlier statement. "I couldn't see."

Had Brenneman been taking pictures with his eyes shut? I wondered.

Cunneen asked the combs if he had heard the shooting. He said he didn't know, but it might have been shooting by or might have been the popping of the rotors.

The Department's official photo showed nothing.

The only person who had heard shooting was...

"At Emmet's house."

"Not we look at..."

Cunneen said he had no photographic evidence...

looked at the film...

no film...

doubt...

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Boden...

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