

First, there was Sergeant York, the calm doughboy sharp-shooter, the epitome of the American fighting man in World War I. Then there was Audie Murphy, his machine guns blazing, grenades popping, capturing companies (or was it battalions?) of Huns in World War II. And in the Korean War it was Tony Herbert who received the most decorations and whose pictures adorned Army recruiting posters. Come 1969, the U.S. high command had high hopes that Lieutenant Colonel Anthony B. Herbert would go on to greater glory in bloody Vietnam.

Winner of a battlefield commission, Lt. Col. Herbert was considered one of the very best combat infantrymen and commanders the American army has ever produced. He had been trained in every military skill. He had engaged in clandestine, overt, and paramilitary operations and he seemed destined for a career which would lead him to the highest levels of the Pentagon. But somehow, somewhere in Vietnam, Lt. Col. Herbert's career took a dramatically different course. He thought he had been sent there to serve as a soldier. But in fact the situation demanded that he become something else—a murderer. Faced with the contradictions of his own idealism and the grotesque actualities of the war in Indochina, Tony Herbert discovered that truth was more important to him than obedience and that he was more human than

# SOLDIER



*Lt. Col. Anthony Herbert  
as he appeared on  
a recruitment poster.*

**by anthony b. herbert with james t. wooten**



*"the women came in a variety of colors . . ."*

**T**here were white streaks in the water a mile below, and as the big jet sliced through the last layer of clouds and screamed into its final approach, I leaned toward the window for a better look. Cam Ranh Bay's cobalt waters raised a lacy border against the beige beach, and beyond the sand the jungle glistened green in the afternoon sun. Further inland, the gray hills rose gently into smoky, darkening highlands. It was startlingly beautiful. Like a kid in a candy shop I pressed my face against the plastic porthole.

I noticed the white streaks again and thought at first that they were wakes from some fast little Navy craft out on maneuvers, but as the plane descended, I saw I was wrong. They were wakes, all right, but not from boats. Down there below me, on August 30, 1969, in the throes of America's most torturous military conflict, when casualties on both sides were reaching 5000 or more per week, when the most powerful country in the world was being drained and torn apart—down there on Cam Ranh Bay, they were water-skiing. Water-skiing, by God—dozens of young men and women making zigzag patterns across the water, the cool spray in their tanned faces, their free arms raised in that classic salute to speed and grace.

"Okay, fellows, buckle up," the stewardess chimed over the intercom. "And may I be the first to welcome you to Vietnam."

**I**t was a hell of a place, whether you were a sergeant on your way out, a private on your way in, or an older lieutenant colonel getting locked into a new assignment. It was, in fact, two communities: the military sector, which served as the supply point and rear-area

headquarters for the Brigade, and An Khe itself, which, like so many other towns in Vietnam, had become almost completely dependent on the military. It wasn't hard to tell where the base ended and the town began. The prices were different.

On the post, almost everything was free, and what wasn't was cheaper than ice at the South Pole, including first-class whisky at twenty cents a slug and sixteen-ounce steak dinners with all the trimmings for \$1.50 or less. Five nights a week there were free movies and on the other two evenings live entertainment was available, featuring real live American girls on stage and in the audience. The women came in a variety of colors, uniforms, and vocations. Some were singers or dancers or strippers. Others were Red Cross employees, a few were in Special Services, and the rest were nurses. There were never enough of them to go around, but they were there in numbers sufficient to make you wonder whether General Sherman might not have changed his mind about war if he had pulled a tour in the 173d at An Khe.

After the shows, there were ample amusements elsewhere. There were the clubs for the officers and the clubs for the noncommissioned officers and the clubs for the enlisted men, all with wall-to-wall slot machines. There was the NCO Motel with its flower gardens, barbecue pit, showers, baths, recreation yard, and games of chance; and there were the Steakhouse and the Pizza Palace and the Esther Williams swimming pool and the library and the Special Services Club, a hangout for AWOL personnel, and the eighteen-hole miniature golf course and the Happy Hooch Hotel, an outfit run by the Red Cross. It was, by God, a sizable city.

Pound for pound, the Brigade was garbage. Discipline

was lax, the troops were slovenly, disrespectful, and sluggish, mentally as well as physically. It was obvious that in An Khe at least they were no match for either the Viet Cong or the North Vietnamese regulars. As the sergeant had said, they preferred pot, two to one. But marijuana was only an expression of a deeper, more serious failure. At An Khe, the troops wore what they damn well wanted to wear, including beads and bracelets. They capped their teeth with different colors—red, blue, and gold—and they called the hierarchy “motherfuckers” and printed “Fuck the Green Machine” on their jackets and hats. Some of them wore earrings, a few sported noserings, and the battle flag of the Confederacy flew from many of the bunkers.

**I**t was February 14, St. Valentine’s Day, and I had been in command for one week. Things were looking up. Captain Striker, the operations officer for the Brigade Aviation Platoon, and another pilot had been out flying light observation helicopters (LOHs) that morning and had spotted four men running through some palm trees along the beach near the village of Cu Loi. The men on the ground were obviously attempting to evade the eyes of the American pilots, but to no avail. Striker and the other pilot, with their LOHs equipped with light machine guns, went right in under the trees and killed all four. Striker landed and retrieved one weapon and a bundle of what he thought at the time were documents. They turned out to be a major payroll in gold certificates. It was quite a haul: a roster, a map, and the information that there would be a meeting that night in Cu Loi. The payroll was being delivered to the wheels of the Viet Cong, the infrastructure, as we called them. They ran the local cells and were the lifeblood of the guerrilla movement—not that they shed their blood very often, but in terms of providing the brains and the organization.

By the time the bird landed, Ernie had already explained things to LeRay, and joined me and Smitty on board for the short hop back to Brigade Headquarters at English. While Webb was on the network, I studied the map. Cu Loi was on a long peninsula. A narrow inlet widened down its western edge into a great, broad bay. On its eastern edge, long golden beaches ran down into the South China Sea. No wonder the VC liked it. It was typical of so many concentrations in the country. If we came from the west, we had to cross the bay while, in the meantime, the people in the village, the simple fisherfolk, moved quietly east and launched their little boats and went fishing. There was no overland way in from the north—the jungle on the other side of the inlet was thick and sturdy and did not lend itself to the portage of boats—and if we came in from the east, from the sea, they simply launched their craft into the bay and disappeared into the jungle on the other side. If we came in from the south, they had plenty of time to know we were there. The answer? Maybe a simultaneous attack from two directions, which sounded nice and looked even better on Brigade stationery. But out there the paper plans didn’t matter very much. There was just too goddamned much jungle and too much water and too much land. They knew they were safe because they were just a small-fish target, except when they congregated as they were about to



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*“keep that group covered . . .”*





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do that night. I intended to make certain that we didn't let the opportunity slip by us.

I boarded the C and C with Ernie and we caught up with LeRay's flight enroute to the target. The instructions were given out over the net. There was no time to fool around or be cute. We told our people what to do in plain English, and if the enemy monitored us and got the message out and still had time to react—and whipped us to boot—then, hell, they deserved to win. While Ernie talked on the net, I made one last good study of the map, getting it all down in my head. When Webb had finished, I told him the operational order. "Smitty and I will take the ground. It'll be a while. I want you back at English on the net, and have one of the companies from the field locked and ready for pick-up."

I got on the net with Allison, my pilot. I wanted him to come in behind the last ship in LeRay's flight. "Touch down with them, okay?" I told him, and then settled down to study the terrain as we went in. I selected the LZ, gave the word to Ernie, leaned out of the bird and dropped a smoke cannister right on target. The ship banked around and came up behind the last Huey. I checked my rifle, made sure of my knife, flicked the safety off the weapon with my index finger and tapped the magazine to insure its seating.

Allison wheeled in from over the sea and then clattered straight south. From my spot on the left side of the bird, all I could see was a small strip of that golden beach and a hell of a lot of the South China Sea. Ernie tapped me. "The LZ is red," he said. "Want to take it up?" I shook my head and gave him a thumbs-down. I felt my pulse accelerate a bit. Maybe I was getting old. Maybe I'd had too many wars. Just then I felt the flare-up from beneath my feet. I looked outside and leaped. I could hear the crack of the rifles even before the last bird was back up and off. I rolled to my feet. Smitty was up against a dune and I could see troops moving across the beach about seventy-five to one hundred meters away. Smitty got up, brushed himself off, and blew the sand out of the hand-set.

"Did you see LeRay?" I asked.

"Over there, sir," he said, pointing to a solitary figure moving southwest toward a group of troops down on their stomachs and knees, firing toward the south. "Get him on the net and have him hold until we get there. He's heading off wrong."

Smitty fell in behind me, talking all the while. I could see LeRay answering him on his mike. He stopped, turned around and saw us moving up. He dropped down on both knees. A couple of his men were still firing south and I saw two Viets running along the sand with the slugs digging at their heels. I told LeRay to tell them to forget it. They were too far away for M-16s. "Let's get it all back on the road northwest, Lieutenant," I said, "toward the village—that's the mission." I figured the two running down the beach to be a diversion. It was old VC. LeRay was having some problems with his CAR-15. (Didn't they all?) I loaned him my .45 and we started back northwest. Warden and a machine gunner crossed the beach north of us and entered the jungle. Wally was giving the guy hell and he was saying, "Yes, Sergeant, yes, Sergeant." Smitty and I

PHOTO BY GHISLAIN BELLERGET/BLACK STAR

PHOTO BY JAMES PICKERELL/BLACK STAR

entered the jungle just south of where they had gone in while LeRay and the rest of his group went in just south of us. The two choppers were screaming in just above the branches, rapping in bursts of fire with their mini-guns, hanging there just above the trees, sliding sideways, back and forth. There was a hut just north of us, and Smitty and I turned onto the trail leading to it. He picked up the LOH commander on the radio and learned that the birds had already creamed one guy with a rifle. The rest, he said, had gone inside. There were children with them, the pilot said. Did they have permission? I took the hand-set.

"This is Six. No. Permission denied. I say again: permission denied. Mark it with smoke. We'll take care of it and thanks. Over."

"Got it. Out."

I handed it back to Smitty. "Read LeRay in on the smoke," I said, keeping my eye on the cannister as it dropped from the LOH and burst in a cloud, erupting up through the foliage. I could barely make out what looked like the corner of the hut. I stepped out on the path and Smitty fell in behind. When they could see us from above, one of the men in the chopper leaned out and gave us a wave and pointed down. I waved back and they wheeled off to the north. Someone fired on the other side of the hut. I dropped to one knee and Smitty hit the dirt behind me. Warden came running around the east side of the building. Smitty and I got back to our feet. Warden had been on the other side of the hut, trying to move up under cover of the choppers. As they had banked off, three men had broken from the edge of the building and over into a clump of brush from which they could cover the trail on which Smitty and I were walking. "I shouted for them to surrender once," Warden said. "One of them spun around and started up with his rifle so I dropped him. The other two grabbed him and all three dropped down into a bunker on the other side of the hut."

"Do they still have the rifle?" I asked.

"No, sir, but they've got an AK-47. The rifle's still in the brush where I dropped him."

"Okay, Wally, go back around the east side and Smitty and I will take the west. Take it slow and easy and we'll cover each other as much as possible."

"Right, sir," Warden said.

"Did you see anybody else?"

"Nope."

I flicked the safety off and stepped out.

**I**t was a damned fine, solid hut. I knew immediately it didn't belong to a poor man nor to any little old rice farmer because there was no stall for the buffalo. It was a one-story structure built on a slab of concrete raised a couple of feet off the ground, much like a patio. It measured about forty feet square with its rear to the southeast. The porch was on the other side and a man was sprawled in the front yard, face down in the dust, dead. His rifle lay a few feet from his outstretched hands. I came around the porch and saw the entire family waiting there: a very old man (a real papa-san), an elderly woman, a young girl and two children. Over against the wall, a young man was sitting next to the doorway with his coolie hat pulled



*"then they just started questioning them and blowing their heads off . . ."*

*"I don't think it was bravado . . ."*





low over his face. He seemed to be working like hell to look old, and everybody else was trying very hard to make it all appear natural. That was a dead giveaway. Regardless of the circumstances, the locals always obeyed their instructions down to the letter. Act naturally, they were told, and they did exactly that regardless of what was happening to them or around them. The only ones looking anywhere but down were the girl and the children. They could not keep their eyes off the body sprawled before them in the dirt. I motioned for Smitty to keep them all covered and called for Wally to check out the body. The bunker was across the yard and I watched the entrance-hole, keeping the young stud by the doorway in the corner of my eye. We would get around to him in a second. Warden went up into one of the hut's two rooms, reappeared and passed by the young stud into the other room. Finally, he came out.

"Empty," he said.

"Good. Smitty, keep the group. Warden, you cover me." I crossed the yard to the bunker and nailed myself up against its outside edge. "Chieu Hoi!" I shouted, using the name of the program we had set up for leniency in return for immediate, unresisting surrender. "Chieu Hoi!" As always, there was no response. I waited, then stepped back and fired two quick rounds into the sandbags around the doorway. Then, stepping back against the wall, I lifted a grenade from my belt. The old woman on the porch screamed and there was one hell of a scuffling inside the bunker. They tripped all over each other coming out.

"Chieu Hoi! Chieu Hoi! Me Chieu Hoi! Chieu Hoi!" they were shouting.

"I figured you were," I mumbled to myself. There were three of them: two in khakis and the wounded guy stripped down to his shorts. I nudged them toward Warden. "Keep them covered," I said. "I'll get the bunker."

"I'll get it, sir," Smitty said, trotting across toward me.

"Goddam it, keep that group covered," I shouted. "I'll get the damned bunker. We all get paid by the same people." I don't think it was bravado; it was just that I had learned years before that if you wanted to be followed, then you had to get your ass out and lead by setting the example. If I expected other people to go down inside bunkers and holes after the enemy, then I had better be ready to do it once in a while myself. This time it was my turn. I kept my rifle in front. It wasn't nearly as dangerous as everyone seems to think. After all, anybody in the bunker was trapped. He was finished one way or the other and he had but two choices: to live it out as a POW or give up the ghost. If anyone was in there and he fired, then I would get him or the guy after me would or the one after him—and he must have known that if we wanted to kill him, we would have gone in with a grenade in the first place. At Brigade, there was a consensus that these people were some sort of subhumans without any intelligence. But I had been out there before, and Buddhists, Taoists, and Confucians were a long way from subhuman.

It was wasted philosophy. The bunker was clean except for the AK-47, a couple of grenades, and about ten pounds of documents. I didn't take the time to go under the flooring as I would have if I had had more men with me. After all, there was still the young stud by the doorway, and if anybody there was hard-core VC, it was him. I kept my eye

on him while Warden got on the net and called LeRay, requesting some assistance. While he was talking, other U.S. troops came into the clearing around the hut with another group of prisoners, all of them males. The new troops had a Kit Carson along, one of the hundreds of North Vietnamese who had surrendered and been re-indoctrinated and were now working for us. Their motivations were varied: some did it for money, a few for political rewards; some stayed a couple of days and then disappeared, but some were very good. The ones that stayed were very close to the American troopers. They became family, and the links between them and some of our guys were strong. I saw some of the toughest troopers in the country bawl their eyes out over a Kit Carson's body. I felt that way about Zin, the Kit along with us today. He was a soldier, and a damned good one, and I had never been able to hold back my respect for a good soldier, regardless of the colors he wore. Men who shared the possibility of death shared something quite indefinable.

The young stud by the doorway was that kind of a man, too. I watched him as some of the guys searched the brush, picking up pieces of equipment here and there. Zin was with them, turning up stuff as fast as he could: another rifle, another AK-47, more documents, more grenades, belts, packets, a radio, and a roster. It had been a headquarters-type unit and there had been a major payroll meeting. The choppers had picked off the paymaster of course—which had ended payday—but it had been too late for them to call off the meeting. They were all still around, scattered throughout the village. It had been a huge payroll with about forty paymasters. Zin said they would be carrying pistols and revolvers with maybe a couple of AKs and a couple of SKSs.

"Most all will have grenades, Colonel," Zin added.

"You sure?"

"Very sure. They all do."

Zin moved over to the young girl and began asking questions, keeping his eye, as I was, on the hard-core stud. They said a couple of words in Vietnamese. The girl looked up and started to talk. The stud looked up. That was all: he just raised his head a fraction of an inch—and the girl fell silent. The stud dropped his head again. Zin grabbed the girl and shook her, shouting at her, but it was useless. He looked back at me and cut his eyes toward the corner of the porch where the young man was squatting against the wall. We both knew who was boss around there.

Someone shouted, "Grenade!" and the others all hit the dirt. I dropped on one knee, holding my head down low in front of my shoulders. I saw the guy break out of the bush with another grenade in his hands. I squeezed twice on the trigger and watched the rounds slam into his chest, driving him up against one of the palms, bouncing him off into the bushes. I swung back around to the porch. The hard-core was already pushing himself up. I motioned him back down with the rifle barrel and this time our eyes met. There was no sense kidding each other any longer. Without any melodramatics, it was a little like a couple of gunfighters—one a little more experienced than the other, but no better; but for the luck of the draw and a little edge in experience, it might have been him with the rifle and me squatting on

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# down those mean streets:

This summer, most white, middle-class New Yorkers noticed, with pleased indulgence, that *New York Magazine* devoted an issue to Latinos in the city that would have one believe that the million and a half

Puerto Ricans here have reached that point of acceptance and near assimilation which has been the good fortune of past waves of immigrants. Considerably fewer New Yorkers gave any attention to the decision of the Colonialism Committee of the United Nations that self-determination and independence are inalienable rights of the Puerto Ricans. None knew that summer had begun with the acquittal, in the Bronx, of Carlos Feliciano, a Puerto Rican arrested in May 1970 and accused then of complicity in some 41 bombings and of membership in MIRA, a pro-independence terrorist organization, and of being an agent of the Cuban government. No one knew either about a second trial for Feliciano for similar acts presumably committed in Manhattan. Indeed, the almost uniform ignorance of Carlos Feliciano's case among non-Puerto Ricans belies the editorial announcement of *New York Magazine* that the city is now Latinized.

What occurred in Feliciano's two-week trial in June was that a jury composed of a cross section of ordinary New Yorkers, loyal citizens of the Bronx, agreed, in effect, that Feliciano was framed by the police. With Bronxian bluntness one juror said, "It was a put-up job." Early in his defense, attorney William Kunstler said

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to the jury, "I ask you only to try to put aside the rather folksy viewpoint we used to have years ago that fabrications never happen, that the State and police never really create cases against anybody." For Kunstler, Feliciano's case required learning Puerto Rican history; he read a great deal about the nationalist movement and its leader, Pedro Albizu Campos, and he attended, earlier this year, the convention in Puerto Rico of the Pro-Independence Movement at which it reorganized itself as the Puerto Rican Socialist Party.

Necessary homework, for from the first the district attorneys had placed great importance on the fact—indeed, the one sure fact—that in the '50s Feliciano had served five years in a Puerto Rican prison, under their version of the Smith Act, for advocating the overthrow of the government. He was 19 at the time and was a cadet in the Nationalist Party when the 1950 uprisings took place; during one of the years he spent in jail he shared a cell with Albizu Campos. Feliciano also believes this background is crucial to his case, but his reason differs from his prosecutor's: he is one of the few eyewitnesses left to tell of the physical deterioration that Albizu Campos suffered in jail, an illness that the nationalists have from the first charged was caused by radiation secretly administered by his jailers. In any case, everyone around Feliciano argues that

his jail record in Puerto Rico was essential to the prosecution, since it is their belief that his arrest and the charges made are an attempt to discourage what Kunstler calls "the burgeoning spirit of nationalism."

Kunstler believes that Feliciano must have looked like an easy target. He had come to New York when released from jail, married, and been inactive in politics. Nevertheless, the years in New York had not been entirely quiet. He had warned his employer when he first got his cabinet-making job in 1955 that the FBI might well be checking up on him because of his past, and his employer informed him as soon as they visited the shop. Feliciano could continue to work there, the FBI said, if he (the employer) would report regularly to them on Feliciano's activities. In 1962, his apartment was sprayed with bullets during the night, and Feliciano has a scar on one elbow where he was hit. He reported this to the police that night, but to his knowledge no investigation was conducted by them.

Kunstler supposes that Feliciano was once more selected for attention in 1970 because, unlike the Young Lords who had aroused much sympathy in the city through their street actions, he was not likely to command support from the community. Two years after his arrest, his trial in the Bronx went on for two weeks without notice except in the Puerto Rican

## THE FRAMING OF CARLOS FELICIANO

by jose yglesias