

SEMPER FIDELIS

An American tragedy

Part I

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Colonel James E. Sabow, USMC, died on January 22, 1991. Known to his friends and family simply as Jimmy, he was found dead in the back yard of his home on the Marine Corps air base at MCAS, El Toro, California. The cause of his death was alleged to have been from a shotgun wound to the head. It was determined by the investigating agencies, including the Provost Marshal and the Naval Investigation Service (NIS), that Colonel Sabow had taken his own life. This assumption was made within minutes after the investigation had started and before an autopsy was performed and the forensic reports were available. The Orange County Coroner was summoned to participate in the crime scene investigation and to conduct an autopsy. Contrary to US military policy, neither the Armed Forces Institute of Pathology (AFIP) nor the regional military forensic pathologist were invited to participate in the official examination or even review the autopsy report.

What follows is the story of my attempt to find out what really happened. I never intended to get involved in a seventeen-year project that would result in a total disenchantment with my government. When I had evidence that Jimmy was murdered, I expected to be joined by the "Corps," the Department of Defense (DOD), the Justice Department and Janet Reno, herself, in a massive effort to apprehend the murderers and expose their motives. But rather, there has been a concerted effort to hide evidence, intimidate my family and grossly misstate the facts.

Being shunned by those who were pledged to protect me and to uphold my constitutional as well as my human rights, I turned to my legislators, feeling confident that they surely would rally to my cause when I shared my information with them, especially after I presented the facts that proved not only murder but also the "cover-up." I was wrong again. After receiving the typical form letters of their "profound concern," they referred the matter to those agencies who already had written me off. These legislators made many promises but kept none.

My brother, Colonel Sabow, was one year older than I. Tom, the oldest, was a year older than Jimmy. We were, not only close in age, but also we were close in spirit. No matter where we were living at any time of our lives, we remained interested in the affairs of each other. We frequently relied on the advice of each other and shared our happiness as well as our frustrations. Vacationing together, especially at our family lodge in Canada, were exceptionally favorite times. Although we lived distant from each other, we kept in frequent contact by phone. But my favorite memories were the long letters I would write to Jimmy and receive from him while he was in Vietnam, Iwakuni (Japan) and Okinawa.

Jimmy graduated from Georgetown University, 1962, with a bachelor's degree in economics. Immediately after graduation, he joined the Marine Corps, completed basic training at Quantico, Virginia, and received his commission. He was assigned to Pensacola Naval Air Station for flight training where he received his Wings. After further training, he was assigned to a tour in Vietnam where he flew 221 combat missions in an A-6 Intruder. He received 16 Strike/Flight/Air Medals, the Meritorious Service Medal, Bronze Star with Combat "V," Combat Action Ribbon, Vietnamese Cross of Gallantry and Meritorious Unit commendation among other honors. Official Marine Corps fitness evaluations showed that Col. Sabow ranked among the highest in the history of the Marine Corps. Jimmy was married to Sally for 23 years and had two children, David and Deirdre.

At the time of his death, Col. Sabow was the Assistant Chief of Staff at El Toro, MCAS, California and Chief of Operations for the Western Area, Marine Corps.

All of the following was compiled from documents from the US military and transcripts of sworn testimony in my possession. I take full responsibility for the content of this account.

EVENTS PRECEDING COLONEL SABOW'S DEATH

In November 1990, Chief of Staff, Col. Joseph Underwood came under investigation as a result of an anonymous call to the DOD fraud and abuse hotline. Base commander, Brig. Gen. W. Tom Adams sent flight records of Col. Underwood to Marine Headquarters at the request of the Inspector General of the Marine Corps, Lt.Gen. Hollis Davidson. On January 10, 1991, Col. Underwood telephoned Col. Sabow who was in Minneapolis visiting our seriously ill mother who was hospitalized at the University of Minnesota Hospital. Underwood told Col. Sabow that the Inspector General of the Marine Corps had arrived on base at El Toro accompanied by three assistants. Two days later, on Jan. 12, 1991, Underwood was relieved of his duties as Chief of Staff.

On Sunday, January 13, Col. Sabow returned to El Toro from Minneapolis and learned of Underwood's dismissal. On the following day, he phoned his friend Bill Callahan, a flight captain for Air West and a former member of Colonel Sabow's wing, and they discussed Underwood's situation. Col. Sabow suspected that there was more than just the alleged misuse of aircraft to result in Underwood's dismissal, and he told this to his friend, Callahan. They both found it rather ridiculous that Marine Headquarters would consider this matter of such importance that they would jeopardize the operations of this strategic base during Operation Desert

Shield. At least some of the allegations levied against Underwood were of a type that were considered trivial and "common practice" among the flying community. Maj.Gen. J.K. Davis, after Col. Sabow's death, said that any pilot who had ever flown in the military would be "canned" had they been held to the same standards as implied in the allegations against Underwood and subsequently, Sabow.

The whole situation seemed bizarre and the behavior of the Inspector General team confirmed this impression. For instance, before even greeting the Base Commander General Adams after arriving at El Toro, the Inspector General Davidson, immediately went to the records department at Bldg. 53 and demanded that the hard drives of each command at El Toro be accessed. They began with G-1, base command but when they got to G-6 MWR (morale-welfare-recreation) they found the hard drive sabotaged. Shortly thereafter, they went to the Headquarters Bldg and without requesting access to Chief of Staff Col. Underwood's office, they literally broke the locked door from its hinges and scoured his office. Underwood was relieved of his command two days later and a deal was made for him to retire from the Corps. However, the terms under which Underwood was to retire were repeatedly changed over the following week, each change became more draconian than the previous. The situation was so unprecedented and strange that Col. William Lucas, the Staff Judge Advocate, subsequently documented this behavior in a memorandum which he titled, Three Broken Promises, and placed it in his personal file.

Col. Sabow was aware during the days that followed, that many officers were being interviewed by the Inspector General team and consequently, he found it peculiar that he wasn't also questioned. His bewilderment ceased when on January 16, Gen. Adams informed him that he was now under investigation by the Inspector General and was to meet Gen. Davidson at the legal department the following day.

Col. Sabow immediately went to the El Toro Law Center for guidance. He was told that under the circumstances he should obtain legal representation. Capt. Paul McBride, a young attorney in the legal department, was assigned to represent him. However, since no specific allegations had been made against Col. Sabow at that time, McBride instructed Sabow not to make any statements to the Inspector General during the meeting that was scheduled for the following day.

On January 17, Col. Sabow and Capt. McBride arrived at the Law Center and met with the Inspector General and his staff. Col. Sabow was informed that he was under investigation for alleged misuse of government aircraft. No specific charges were made at that time. Capt. McBride informed the Inspector General that Col. Sabow would not comment but

would respond only after detailed charges were made and were studied by the two of them. The meeting lasted approximately 10 minutes, after which Col. Sabow left the room. He was immediately met by an aide of General Adams who informed him to report at once to Gen. Adams' office in the headquarters' building that was across the street. In a few moments, Col. Sabow walked into Gen. Adams' office and he received the most devastating blow he had ever suffered in a lifetime of service to his county and the Corps. He was relieved of his duties. He was "fired!"

Thus in the space of fifteen minutes, without specific charges against him and, as it has turned out, on the basis of hearsay by two junior officers who were being questioned about Col. Underwood's misuse of aircraft. Col. Sabow's stellar career took an unprecedented plunge.

Col. Sabow went to his office where he informed his staff of what had just happened. He removed a few personal items from his office and drove home. He had just finished telling his wife of his plight when personnel from G-7, communications, arrived at the Sabow house and removed the Autovan phone system and his cellular phone as if he were a common criminal. On the other hand, Col. Underwood, who had been relieved of his duties on January 12, still had his communications system in his house.

Col. Sabow was dumbfounded. He could hardly comprehend that he was being treated this way, by the very Corps to which he had devoted his entire adult life. Sally considered all that was occurring a tragic mistake that at any moment would right itself. How could such a thing happen to her husband, known by everyone as a "straight-arrow," one who stayed well to the right of center on all matters of personal deportment and code-of-conduct? However, much to her dismay, no saving event occurred and the two were left confused.

Over the next four days, Col. Sabow had several meetings with Capt. McBride, his defense attorney. However, still no formal allegations were made, even up to the time of his death. Several general areas of inquiry were provided to McBride by the Inspector General. According to McBride, these areas of inquiry would have been easily rebutted by Col. Sabow, who could have provided "hard" data, i.e., signed orders and log books. Only one incident, though rebuttable, was not sheltered by hard data. That concerned the transportation of several articles which had been carried on an authorized training flight to Spokane, Washington. The articles had no real monetary value, but were given by Col. Sabow to his son, who attended college in Spokane. The articles included two posters, several carpet remnants, a pair of twenty year old stereo speakers, and two plastic beer advertisements. In the official investigation and subsequent reports, these articles were repeatedly

referred to as "furniture," even after the Sabow family provided the Marine Corps officials with a list of the articles as well as pictures of them. Furthermore, Col. Sabow relied on the flight captain to approve or disapprove of the transportation of anyone or anything on the plane since he was not yet authorized to pilot this type of plane.

On Friday, January 18, the Inspector General Davidson, conducted an exit interview at which time all the allegations were handed over to Gen. Adams. Lt.Col. Jim Walker, the Military Justice Officer at El Toro, later told Steve Chavez, of the American Legion, "We didn't have shit on Col. Sabow!" Capt. McBride informed me that no further investigation was to be carried out on Col. Sabow. "A few loose ends needed to be cleared up, and that was all," McBride told me on the day after Col. Sabow's death. Both McBride and Cheryl Baldwin, the Naval Investigative Service (NIS) case officer, informed me that the NIS was to continue investigation of Col. Underwood, but not of Col. Sabow. In addition, Inspector General Davidson stated under oath that when he left El Toro, he did not order any further investigation of Col. Sabow.

At 7 PM on Friday, January 18, Gen. Adams, Gen. Davidson, and Gen. J.K. Davis (retired Assistant Commandant of the Marine Corps), met for dinner at the Adams' residence on base. On the following day, Davidson returned to Washington.

Monday, January 21, 1991 (Martin Luther King Day, a federal holiday) was significant. Col. Sabow met with Col. Underwood and a mutual friend, Archibald Scott late in the afternoon at Underwood's house. Scott told me that while Jimmy was describing what had happened, he stated, "Quitters never win and winners never quit." Shortly thereafter, Scott left the two colonels who remained in the Underwood backyard.

At approximately 6:00 PM Col. Sabow returned to his house which was adjacent to the Underwood house and connected by a backyard gate in a wooden fence. He was observed by his wife as "being as white as a ghost." It seemed that he had just received very upsetting information but he didn't share it with her. Approximately one hour later, Col. Underwood arrived at the Sabow residence. Col. Underwood tried repeatedly to convince Col. Sabow to take an early retirement and avoid a court martial. Colonel Sabow vehemently objected to such an idea and insisted that he would fight any allegations through a court martial if it came to that. Sally Sabow witnessed this conversation that had become very heated and later described Col. Underwood as being quite angry with her husband. She stated, "I have never seen such a vicious face as Joe's when Jimmy said he would not retire and would take the entire matter to a court martial if necessary." Underwood jumped up, pointed a

finger in Jimmy's face and shouted, "You'll never go to court martial, and I mean never!"

At 8:00 that same evening, Col. Sabow decided to telephone Gen. J.K. Davis, hoping to get his advice. He assumed that Gen. Davis had no knowledge of these events. Not once during this documented 65 minute conversation, did Gen. Davis mention his prior Friday dinner meeting with Generals Adams and Davidson. This is peculiar, for Davis must have been informed at that dinner meeting about the investigation. If so, why didn't he at least mention to Jimmy that he was aware of the presence of the Inspector General on the base?

Gen. Davis later admitted to me that Jimmy intended to demand a court martial to clear his name. He also indicated that Col. Sabow was in a good frame of mind at the end of that telephone conversation. Yet, as easy as this information was to get for me, later "official" reports failed to note this.

JANUARY 22, 1991 - COLONEL SABOW'S DEATH

Colonel Sabow arose between 5:30 and 6:00 AM. Sally did not feel well and remained in bed and dozed. She was aware of many telephone calls while she rested.

Deirdre, their daughter, left for school at 7:20. She had talked with her father while she prepared her lunch. He seemed cheerful, talkative and relaxed. She observed him as having already showered and shaved.

Sally joined her husband in the living room just after Deirdre left for school. He showed Sally the morning newspaper that contained an article about Col. Underwood being relieved of his command. Underwood had called Sabow at about 7:00 and told him of the article. He also stated that Jimmy would be in the news the very next day. When Jimmy told Sally of Underwood's warning, Sally said this was absurd for Underwood had no way of knowing what would appear in the following day's newspaper.

Capt. McBride recalls three separate telephone conversations he had with Col. Sabow that morning. McBride made the last one at 8:10 AM and it lasted ten minutes. In a later conversation with me and in a letter to Gen. Adams, McBride described the mental state of Sabow as being appropriately concerned about his situation but "not desperate." However, in a later investigation by the Marine Corps, the investigator appointed to reevaluate the manner of death, Col. R.E. Percy, quoted McBride as describing Col. Sabow as being "desperate." This appears to have been done to support the Marine Corps' contention that the death was

self-inflicted. Stupidly, Col. Percy attached McBride's letter as "evidence" which, of course, stated the opposite.

At 8:30 AM Sally finished talking to Sue Bloomer, the wife of a retired general. She checked the time; for she wished to attend Mass at the Catholic Church located a short distance off the base. She explained to Jimmy that since it was already 8:30 she would miss most of the Mass but that she would go anyway and receive Holy Communion. At the moment she opened the front door to leave, the phone rang and she stopped to listen. Her husband was sitting in his leather easy chair in front of the TV that was approximately ten feet from the front door. Col. Sabow answered saying, "Col. Sabow...(pause)...Col. Sabow...(pause)...This is Col. Sabow." What Jimmy further said is unknown for just at that moment Sally closed the door behind her as she left for Mass. The person who placed this final call to Col. Sabow has never come forward. In all likelihood, this caller was involved in the homicide.

It has been stipulated that the Colonel's death occurred between 8:35 and 9:00 AM. During that time frame, Sally was attending Mass, Gen. Adams was at a meeting in his headquarters' office and Col. Underwood was at his home with his seriously ill wife next door to the Sabow house. It is presumed that Col. Sabow who had just been on the telephone, had gone into his backyard, put the dogs in the garage, and was intending to return shortly to his living room to resume viewing the coverage of the Gulf War on TV. He never returned.

Following Col Sabow's death, a communiqué was sent from Gen. Adams to Marine Headquarters at the Pentagon (Henderson Hall). The message detailed the death as occurring on Tuesday morning at about 9 AM. However, the computer used to format and send the message, automatically set the date and time that the computer was initially accessed to start a communiqué. As is standard, the time/date group gave this information in zulu time rather than in Pacific Standard Time. The time/date group read "220730z Jan91." Zulu or Greenwich Time is another way of stating time at zero degrees longitude, hence, zulu. There is a difference between Pacific Standard Time and zulu time of eight hours, so one subtracts eight hours from the zulu time to calculate when the message was started on the computer. This shows that the data was initially entered at 11:30 PM Jan. 21, the night before Col. Sabow was killed. Or at the least, the computer was reserved to send the message and it was predetermined that the message was to be from "CG El Toro, to CMC Washington" (the Commanding General to the Commandant of the Marine Corps). Over all the years since Col. Sabow's death, I have repeatedly demanded an explanation for this evidence from the DOD, FBI, NIS, and Marine Corps. I have yet to receive an explanation.

The 8:30AM caller finally responded to Col. Sabow's salutation but after Sally had left. Sabow placed his television on mute, arose from his easy chair, and left his house through the patio door to his backyard. He walked the length of the patio, called the dogs and put them in the garage. (Col. Underwood was afraid of the Sabow's dogs, so before Underwood would visit his neighbor, he would telephone and have Jimmy secure the dogs in the garage since he always came through the back gate, which separated the two backyards. This was done only for Col. Underwood.)

Sometime after Col. Sabow secured the dogs and before he returned to his living room, at least two, more likely three, assailants attacked. The evidence shows that the Colonel was bludgeoned in the back of the head, knocking him unconscious. The blow was so violent that it caused a massive depressed occipital skull fracture along with one or more fractures extending through the base of his skull (basilar skull fractures). Occipital skull fragments penetrated into the back of Col. Sabow's brain. This evidence is clearly seen on the x-rays taken at the Orange County Coroner's office. He was near death due to the massive brainstem trauma in which agonal hyperventilation characteristic of this type of injury occurs. Sabow was aspirating blood from a wound in his pharynx that resulted from a basilar skull fracture. In fact, the tracheae, bronchi, bronchioles and alveoli were filled with blood, doubling the weight of the right lung. There was swelling behind the right ear covering the back of the skull. Sally felt and saw this lump when she cradled her husband's head after discovering the body. The Naval Investigation Service (NIS) case officer, Cheryl Baldwin, also observed this swelling at the back of the head and testified to this in an interview with Col. R.E. Percy II, USMC. Photos taken at the Orange County morgue clearly show this sizable swelling.

After Col. Sabow was rendered unconscious, the assailants entered the Sabow house to apprehend Sally, expecting, of course, for her to be there.

The inescapable conclusion is that the plan was to kill both Col. Sabow and Sally. This would accomplish two things. It would appear that the colonel first murdered his wife and then took his own life. Murder with suicide would serve to distract any investigator from evidence to indicate both were victims of murder by a third party. But equally important, if Col. Sabow had confided in Sally concerning apparent illegal clandestine operations that likely caused this catastrophe; her death would more ensure continuing secrecy of these operations. Hence, there were two cartridges in the chambers of the double-barreled shotgun.

But Sally was not in the house at the initiation of the

attack. An inspection of the driveway through a bedroom window by one of the assailants, confirmed that Sally had left in her car.

One of the assassins returned to the yard carrying the loaded shotgun which had previously been found in the Sabow house. Col. Sabow lay on his right side on the grass, arms flexed in front of his face in a decorticate seizure posture (autopsy photographs of lip and tongue lacerations show that he experienced one or more seizures prior to the intraoral shotgun blast). The Colonel was already near death, drowning in his own blood, for several minutes had passed since he had been bludgeoned.

The gun was shoved into the dying colonel's mouth, jammed up against the soft palate in the back of the mouth. Because of the deep coma caused by the head injury, the gag reflex was absent. This allowed the muzzle of the 12 gauge shotgun to completely fill the back of the oro-pharynx, and to be pressed against the highly sensitive soft palate before it was discharged. The autopsy report indicated that the victim sustained a contact wound to the soft palate.

There was no exit wound. If this were a suicide, usually the shotgun would be directed at the less sensitive hard palate where there is no gag reflex. A hard-palate discharge of a shotgun results in the victim literally "blowing his brains out." The bony architecture of the roof of the mouth and the base of the anterior cranial vault is fragile in comparison to the posterior fossa of the skull at the back of the mouth. With a soft palate discharge of the shotgun, the explosive force would be directed to the thick bones of the skull base, resulting in these bones absorbing the energy of the blast. This is why there was no exit wound. The assailants wished to destroy the tissue at the back of the skull to hide the evidence of the prior blow to the back of the skull. So the gun was forced into the depth of the mouth and then fired. The explosion was contained within the skull and the discharge gases were transmitted back out the entrance wound, the mouth (referred to as "blowback"). The location of the products of blowback (blood, bone and brain fragments) was crucial evidence that conclusively distinguished this as a homicide, not suicide.

The assassin removed the weapon and returned to the house to wait for Sally. The double-barreled shotgun held the remaining cartridge for her.

The killers waited, peering out a bedroom window hoping for Sally to soon appear. Just before 9:00 a car drove up to the curb in front of the house and stopped. Lt.Col. Gary Albin, who was returning some flight manuals that Colonel Sabow had loaned him, got out of the car and walked up to the front door and knocked. There was no answer. He knocked a second

time and again receiving no answer. He assumed that Col. Sabow was taking a shower, for the colonel's car, a metallic green Corvette, was parked in front of the house. Albin decided to wait on the porch and try again in a few minutes. By this time, it was nearly 9:10 and the assassins suspected that Sally would be returning at any moment. If she did, in all likelihood, she would invite Albin into the house. This would result in Albin discovering the body with Sally and it would then be necessary to kill Albin if the assassins were still present in the house. But that would ruin the murder-suicide plan, which they were desperately trying to maintain.

Underwood casually walked out his front door, with coffee cup in hand, to engage Lt.Col. Albin. As Underwood stepped from his porch, he was noticed by Albin who was about to enter his car and leave. When Albin saw Underwood, he turned and approached him and asked him where Col. Sabow was. Col. Underwood announced that Sabow was not at home, and was with Sally at the base exchange. However, when the NIS questioned Underwood a short time later, he stated that he was on his way over to see Col. Sabow. Underwood never visited Sabow by the front entrance but always through the gate in the back yard after calling Sabow to place his dogs in the garage.

Approximately one month after Col. Sabow's death, I spoke with Col. Underwood. I am sure he suspected that I was not satisfied with the suicide theory and was being too inquisitive about the details of the events on the day of the death. I inquired about Underwood's activities while Albin was on the Sabow front porch. Underwood became defensive and blurted out that he was not in the Sabow house when Albin was knocking. I had never stated or implied that he was.

Sally arrived home at about 9:30, after stopping at a market near the church. When she entered the house, the television was on "mute." Her husband was nowhere in sight and there was no response when she called him. She walked through the kitchen to the back door. Looking across the patio and onto the lawn, she saw her husband lying on the grass. She ran to him, knelt by his side and screamed. She cradled his head. Screaming, she returned to the house and ran to the Underwood house next door, threw open the front door and yelled, "Jimmy shot himself...Jimmy shot himself..." Col. Underwood was standing in the kitchen when Sally entered. Jean, Underwood's ill wife, was sitting in their TV room. Underwood ran out his back door to the gate, opened it and looked across the lawn to where Col. Sabow lay. This was a distance of well over forty feet, he did not venture closer. Interestingly, Sally never indicated to Underwood the location of the body. Yet, Underwood without asking ran to the yard and then confirmed the death from a distance of

over forty feet. Underwood then returned to his house through his back door, picked up the phone and called Gen Adams, stating, "Jimmy's dead. He shot himself in the mouth" (Gen. Adams has attested to this in sworn statement). It is strange that Underwood, who was relieved from duty, in apparent disgrace, would address Gen. Adams in this manner. But more strange is that Underwood, from a distance of over forty feet from the body would know if Col. Sabow was dead, if he had shot himself and where the shot was inflicted. This is especially true for the intraoral wound in Col. Sabow which could not be seen even while standing immediately over the body.

The unfinished staging of the body of Col. Sabow at the crime scene, noted by two of the El Toro personnel, suggest that the assassins were interrupted in this activity by Sally's return. The assassins likely were at the crime scene when Sally returned and all hurriedly went across the yard through the gate into Underwood's backyard and then through the back gate. The assassins used this gate in the rear of Underwood's backyard to leave the crime scene without being seen. They neglected to close the gate behind them, which was found ajar by the NIS during their crime scene survey.

It is hard to explain how the 12 gauge shotgun could have been fired and not have been heard by the next-door neighbor, Col. Underwood, especially since he apparently heard the knocking by Lt.Col. Albin on the Sabow's door. The NIS explains that there was so much air traffic that morning that the blast would easily be muffled. They even measured the distance from the Sabow house to the airstrip where the planes took off, less than one-half mile away. But they failed to check the flight logs at the air traffic control tower. It is conceded that Sabow died between 8:35 and 9:00 AM. The official tower records show that there were no plane takeoffs between 8:32 and 9:03 AM. Several landings occurred but all on the north runway several miles distant. Therefore, plane noise could not have masked the shotgun blast. Underwood explains that he was watching television with his wife, and this caused him not to hear the shot. Col. Underwood called the base commander, Gen. Adams at his headquarters office even though it was common knowledge to the senior officers that Adams rarely arrived at his office before 10:30 AM. This was especially true since Adams' recent marriage on December 29, 1990. Underwood should not have had knowledge that there was a hastily called meeting at headquarters at 8:00 AM by Gen. Adams.

The Provost Marshal, Maj. Joseph Goodrow, USMC, and his deputy, Capt. Fouquer were notified and were the first to arrive at the crime scene. The radio dispatch was intercepted by Sgt. Randy Robinson, an M.P. who was patrolling in the vicinity. He arrived only a minute or two

after Goodrow. Robinson carefully inspected the scene and observed that a patio chair was lying on its side a few feet from the body. Later when he saw photos of the crime scene, he noted that someone had taken the patio chair and placed it on top of the Colonel.

Word of Col. Sabow's death spread rapidly through the base. Six NIS agents who were stationed at El Toro arrived at the crime scene between 9:55 and 10:15

At 10:15 three military persons (in civilian clothes) appeared at the scene on foot. None of those present recognized these men. One of these individuals immediately attempted to order everybody away from the crime scene to a location across the street from the Sabow house. Cheryl Baldwin, who was in charge of the crime scene, got into a heated argument with the apparent leader of these three. She then acquiesced and ordered the entire NIS group and other El Toro personnel to go and wait across the street. While they did so, the three men went into the Sabow house and through to the backyard. One of the NIS officials took exception to the order by Ms. Baldwin, slipped behind some shrubbery and snuck into the utility area between the Underwood and Sabow houses. There, he tried to view the activities of these strange men through a gap between fence boards. He saw one of the persons go over to the fence between the Underwood and Sabow yards and pick up a club that was on the ground near the fence. This individual then disappeared through the gate between the yards. The three reappeared shortly later in the front of the Sabow house and left on foot. This account is documented by sworn statements by the NIS agent witness. It appears that the assassins returned to the crime scene to "fix" loose ends.

Later, Sgt. Robinson found the ammunition in the cabinet in the garage and pointed out to NIS forensic specialist Burt Nakasone that two-12 gauge shotgun cartridges were missing from an otherwise full carton. The carton was in a larger box that contained many cartons of varying gauge shotgun cartridges in addition to rifle and miscellaneous rounds.

The shotgun was kept in the vacated bedroom of the colonel's son who was away at college. It had been kept in the garage, until several months earlier. Col. Underwood helped Jimmy carry several guns from the garage to the vacant bedroom after first suggesting that the guns could easily be stolen from the garage where they were in full view from the street when the garage door was open. Shortly before the funeral, Underwood told me about helping Jimmy put the guns in the bedroom. He seemed to brag about how he had helped Col. Sabow do this and then proceeded to express dismay that Jimmy could use that special double barrel shotgun used by Jimmy's father. In spite of this conversation, when he was interviewed at the crime scene by an NIS agent, Underwood

stated that he had no knowledge that Col. Sabow owned a shotgun.

A MEETING OF INTIMIDATION

On March 9, 1991, Sally Sabow and I were summoned to a meeting at Marine Headquarters, El Toro. Gen. Tom Adams had been informed by NIS agent Cheryl Baldwin (with whom I had a number of conversations) through her supervisor, Mike Barrett that I intended to go to the Los Angeles Times because I was not satisfied with the conduct of the investigation. But, before I would agree to such a meeting, I insisted that several others be present. These were Col. William Lucas, the Staff Judge Advocate, Gen. David Shuter, who preceded Adams as base commander, and Gen. J.K. Davis, retired assistant commandant of the Marine Corps who talked with Jimmy for over an hour on the night before he died, among others. Gen. Adams, the commanding general at El Toro informed me three days before the scheduled meeting that all those that I wanted would be present. So I agreed to fly out to El Toro from my home in Rapid City, South Dakota.

However, when we arrived at the conference room at the HDQ building, Col. Lucas, the Staff Judge Advocate, was not present. I was disturbed by his absence, for his presence was the most critical to me. He had the most pertinent information that I needed at this point in my investigation. He was privy to the events leading up to the dismissal of Col. Sabow. He had numerous discussions with Capt. McBride, Jimmy's appointed military attorney. He would have access to the autopsy report and other essential documents that I was being denied. In Lucas' place Col. Wayne Rich was installed. Rich, a reservist, was recently activated. At that time, I had no knowledge of Rich's importance in relation to his presence at this meeting. Later that year, I learned that he was the Assistant Attorney General of the U.S. "in charge of training." In fact, he never did any training but rather was brought into the Attorney General's office in the late 80's for "damage control" in such matters as "Iran-Contra" and the "Inslaw affair."

It was obvious from the start that Wayne Rich intended to run the meeting. He became angry when I disapproved of his presence. I was informed that Col. Lucas was on a temporary assignment at Camp Pendleton, accounting for his absence. However, I pointed out that Lucas could easily be at this meeting, especially since it was a Saturday morning and he lived in base housing only a few blocks from the HDQ building here at El Toro. Col. Rich and Gen. Adams were not ready for my approach and their subsequent responses indicated to me that they assumed I could be easily intimidated by the array of generals, NIS investigators and others present. After this opening skirmish, Adams and Rich

resorted to tactics of intimidation. They accused Col. Sabow of being a felon. Rich accused him of falsifying federal documents among other serious crimes. It became apparent to me that these two had concocted a scenario of lies that would paint the dead colonel with a brush of disgrace. This, they hoped, would shame the colonel's widow and me into silence, for if these lies became public, it would disgrace the reputation of the Colonel and humiliate his family. It was apparent that they expected that we would become immobilized by the fear of this possibility and that if I proceeded in my inquiries into my brother's death, we could be faced with additional information of illegal acts and further ignominy.

Gen. J.K. Davis, listening to Adams and Rich slander my dead brother, jumped into the foray and added that he had no idea that Col. Sabow had been guilty of such terrible conduct. Gen. Shuter interrupted him and reminded those present that Col. Sabow had been found guilty of absolutely nothing and that these charges were all unproved allegations and nothing more. In fact, Lt.Col. Jim Walker, the military justice officer at El Toro in 1991 when this apparent phony investigation of Col. Sabow occurred, later told Steve Chavez of the American Legion, "We didn't have shit on the Colonel." Walker, in his position in the legal department at El Toro, was privy to much of the investigation. Chavez became involved when the Veterans Administration denied death benefits to the Sabow family, alleging that Col. Sabow was not deserving of them, due to the manner in which he died and his conduct before he died.

Gen. Shuter could have emphasized that Jimmy had an impeccable reputation of incorruptibility. He and all those present, knew that Sabow was considered a "straight-arrow." Yet, these "brave warriors," remained silent in the defense of their fallen comrade and allowed his reputation to be slandered right in front of his brother and widow.

At one point, Adams leaned in front of me, pointed at Sally, and then screamed at her to stop any contact with his ex-wife. Sally was surprised by his outburst but immediately countered that she would talk to anyone she wished, including his ex-wife. Adams then warned Sally to stop spreading a rumor that he had some involvement in Jimmy's death. In fact, at that point, Sally had not given this even the slightest consideration. At the time of this meeting, only six weeks after the death of her husband, Sally still believed that Jimmy had committed suicide, although driven to it by an inhumane investigation of him.

After approximately four hours at the conference, the meeting concluded. Adams dismissed those present under his command except for the NIS agents. He explained that it was necessary to conduct this portion of the meeting in private

because there was an "on-going investigation." Adams started to sit down, when I told him to leave. He looked at me with astonishment. With my finger in his face, I ordered him out and reminded him that the NIS was an independent investigative agency and, as such, was not under his command. He had no more right to be present than those that he had just dismissed.

I had informed Adams three days previously that I wanted a full report from the NIS, including all the forensic evidence. After all, they had already made an official determination of suicide and the least they could do was explain to me, on what grounds they made this determination. The NIS forensic expert, Nakasone and the senior agent at El Toro, Mike Barrett, were to update Sally and me, not Adams. Adams wanted to be there. He faltered... it was obvious that he was having difficulty being addressed in this manner. The previous four hours had caused him to be wary of me and he now knew that I was not going to be as easy to dismiss as he originally thought.

Gen. Adams angrily acquiesced to my demand and left the conference room. Those who remained were Sally, I and the NIS agents. I questioned these NIS agents as to the autopsy crime scene reports, but got no satisfactory responses, only "all evidence points to suicide."

Sally and I left the meeting at El Toro in a state of bewilderment. I was also angry. Gen. Adams' and Col. Rich's slandering of my brother was an effort to scare Sally and me into silence. Then there were all the others present who allowed this travesty to take place. Were they too intimidated to register their revulsion at the conduct of the meeting? On the other hand, Gen. David Shuter gave a glowing eulogy of Jimmy at the Requiem Mass, in which he described him as a man without compromise, one of the few who could give himself fully to the Corps and country and simultaneously to his family. He also described Jimmy by all those in the Corps who knew him as the "straightest of straight arrows." Then why didn't Shuter get more vociferous in Jimmy's defense? He certainly had multiple opportunities.

THE EVIDENCE

I later came to learn that the forensic material that I wanted at that March 9 meeting but which was withheld for over ten more months was crucial. For instance, they didn't tell me that Col. Sabow's fingerprints weren't on the gun that he supposedly had used to kill himself. They insisted that there was not one sign of external trauma. Yet, Cheryl Baldwin, the NIS agent in charge of this investigation, stated that she observed a large swelling at the back of the

Colonel's head when she examined him at the crime scene. This statement is a part of the official record. Sally also described this same swelling when she was interviewed by the NIS on the morning of the death. Sally said she felt the large lump as she cradled her dead husband's head when she found him in the back yard. The crime scene and coroner's photographs clearly show the orange-size bulge on the victim's head just behind his right ear.

It was discovered at the autopsy that there was inhaled blood filling the colonel's lungs. It would have been physically impossible for the victim to have taken one breath following the shotgun blast, let alone to have filled his lungs with aspirated blood. With the muzzle of the gun jammed against the soft palate and discharged, the entire brain and brain stem would be completely destroyed. This is not an opinion but rather an absolute fact of physics. Obviously there is no other conclusion possible but that the colonel had been rendered unconscious by a blow to the head, which also caused a basilar skull fracture. Rendered unconscious by the devastating head blow, he continued to breathe for several minutes, aspirating blood into his lungs. Then he was shot.

Neither were we told that in spite of blood covering the victim's left arm and hand, there was not one drop of blood on the shotgun, the weapon that he supposedly held in his mouth with his left hand and discharged with his right. Furthermore, there was no blood on the front of the colonel's clothing. If he shot himself while sitting in the patio chair, the front of the victim would have been inundated with blood. If he had bent over, stretching his right arm past his right knee to pull the trigger, yet holding the barrel of the gun with his left hand in his mouth, the blowback would have drenched his clothing not simply his left arm and hand. This posture would have placed his face with mouth opened, directly over his chest, torso, thighs, legs and feet.

But still, nobody would explain how all this evidence indicated suicide rather than homicide. Even much more appalling is that letter after letter from the Department of Defense (DOD) and the FBI, repeats the same mantra, "There is not one shred of evidence to indicate anything but suicide" without proffering one iota of scientific evidence in support.

AN UNEXPECTED PACKAGE

In June, only 2 1/2 months after my meeting at El Toro, I received a package containing truly remarkable documents. The source, who obviously took great personal risk in sending me this material, will remain anonymous. After

careful scrutiny, all proved to be authentic (and some was actually verified in sworn statements) and contained the following:

1) Five pages of handwritten notes of Colonel Wayne Rich made during a telephone conference from the legal department of El Toro on March 8, 1991, the day before Sally and I were to attend that meeting at El Toro. Rich placed a call to Col. George Lang, Deputy Judge Advocate of the Marine Corps at Marine Headquarters, Wash. D.C. The notes made by Rich during that conversation, encapsulated truly libelous assertions, "the colonel was a crook and so big a crook...", an attempt to get Sally and me to ask for evidence of misconduct on the part of Col. Sabow but "not to offer it, for we're attacking the reputation of a dead colonel," and then not to give it unless that information is redacted. It also contained the plan to have Rich conduct the meeting, "not the B.G." (Brig. General). Later testimony by Col. Rich affirmed the authenticity of these notes.

2) Orders to the legal department at El Toro to investigate methods to have my license to practice medicine in South Dakota suspended (a directive from Gen. Adams).

3) A letter from Gen. Adams to the medical licensing board of South Dakota which was written by the El Toro legal staff to have my medical license revoked.

4) A memorandum by the El Toro SJA (Staff Judge Advocate), Col. Lucas, inserted into his personal files, cataloging the peculiar behavior of Lt.Gen. Hollis Davidson, Inspector General of the Marine Corps, during the period he spent at El Toro (Jan. 10 to 18, 1991)

5) A copy of responses of "witnesses" interviewed by the Inspector General, attempting to depict misconduct by Col. Sabow. Only the responses were transcribed. Not one of the questions asked in these interviews was included. I learned that at least one Marine officer interviewed, Major Bob Friend, when asked to sign the transcription, refused, for his transcribed statements did not reflect his responses. Gen. Adams in supplying me the "evidence" of the "misconduct" of my brother also gave me questionless answers.

Gen. Adams explanation of this glaring deficiency was "the shortage of personnel due to Desert Storm." He did not attempt to explain why the Marine Corps could spare the Inspector General's team during this crisis. Nor did he give a reason why Marine headquarters would choose this time to investigate a claim of frivolous training flights of the Chief of Operations at El Toro if their manpower was so stretched and the operation was so necessary. After all, Sabow was in charge of flight operations from El Toro to the

Middle East, in addition to heading antiterrorism procedures at the base. The entire scenario was bizarre, considering Col. Sabow's critical position.

6) A memorandum from Col. Lucas to Capt. McBride (the defense counsel assigned to Col. Sabow), dated two days after that headquarters meeting on March 9, 1991, was sent ordering him to divulge privileged information. McBride was to recount all the conversations that he had with me. This was done in spite of a letter from McBride to Sally Sabow, dated Jan. 22, 1991, the day of Col. Sabow's death, which stated that he would not discuss any matter regarding the colonel without written permission from Sally. This was an affirmation of the privacy guaranteed by the attorney-client relationship and the memorandum was clearly a violation of this trust. Could it be that Gen. Adams or Col. Rich ordered McBride to violate this most basic legal tenet using Lucas as an intermediary?

7) Statements of misconduct of Col. Sabow as proved fact when these were allegations against the Colonel that were found to be without merit.

8) A statement finding Col. Sabow "guilty of conduct unbecoming a Marine Corps officer," in spite of no trial, no specific charges before his death, and an obvious inability to defend himself. As Capt. Tony Verducci (assigned to help Sally and her children obtain death benefit payments which were being denied them on the basis of the manner of the Colonel's death) said to me after reading the report, "Not only is this a mass of lies, it is a gross violation of law."

My conviction that my brother had been murdered was becoming more and more certain, but I still needed more "hard evidence" - facts of evidence of such a nature that they were beyond opinion and were scientifically irrefutable. This was to come but not without great effort.

THE JAGMAN REPORTS

In the fall of 1991, I contacted Capt. Verducci, who as noted, had been assigned to help Sally and her children obtain death benefit payments. Sally liked and trusted Verducci. Capt. Verducci told me that the day after Col. Sabow's death, Col. W.J. Lucas, the JAG at El Toro, ordered him to "conduct an investigation" and prepare the official JAGMAN (Judge Advocate General Manual) report of his death. He said that the report wasn't based on any real investigation whatsoever by him but rather, it was only a collection of a few documents given to him by Col. Lucas and was simply to fulfill certain legal requirements of the Marine Corps. It was not to be an investigative report.

Lucas specifically told him that he was not to wait for any official documents including the autopsy, crime scene photos or fingerprint evidence. He told me that, "I never left my office in preparing my report." "I never visited the death scene."

I implored him to demand a reinvestigation into the manner of the death. He did so through the new base commander, Gen. Drax Williams who immediately assigned Verducci the task of conducting the investigation. Verducci initially contacted Sally and then me to obtain our guarantee of indemnification of the Marine Corps in case during the reinvestigation, Verducci would have to disclose information that otherwise would be privileged by the attorney-client privacy rules. This being obtained, he returned to Gen. Williams for permission to proceed, and was dumbfounded when Williams informed him that he was removed from the case. In fact, he was told that the investigation already was almost completed (and this in less than three days) by other staff.

A legal officer from the Marine Corps Recruit Depot (MCRD) in San Diego and a junior officer from the legal department at Tustin Marine Base, adjacent to El Toro had been assigned this duty. According to Verducci, these two officers previously knew little or nothing of the case, never left the Law Center building in the course of their investigation, and did not speak to Verducci about the case, in spite of the fact that Verducci "authored" the first JAGMAN "investigation." They did not interview Gen. Adams, Col. Underwood, or Col. Lucas, and in fact they did not interview the Provost Marshal, Major Goodrow or his deputy, Capt. Forquer who were the first at the crime scene. Sgt. Randy Robinson who was at the death scene within a minute after Goodrow and remained there for most of the day was never interviewed. Perhaps this was because it was Robinson who discovered the falsification of the crime scene. Furthermore, they never went to the crime scene, only a few blocks away from the legal department.

A sizable document, the "JAGMAN II" report, was prepared by the two legal officers, Col. R.E. Percy II and Capt. J.G. Bowe. That official document was endorsed by the appropriate officers, from the base commander to the most senior Marine and Navy commanders in Washington. Yet, this report is replete with misstatements, illogical conclusions, and outright lies that should have been obvious to even a semi-interested reader. Some examples: "Col. Sabow was desperate." Yet they attach a letter of Capt. McBride who states that Sabow sounded appropriately concerned "but not desperate." Col. Percy's statement that McBride called Sabow desperate could be nothing but an intentional distortion to misrepresent Col. Sabow's state of mind, thus making suicide more plausible. Another spurious allegation was presented that Col. Sabow would fly a government plane

to his ranch in Arizona to conduct business under the auspices of an authorized training flight. Sabow never owned a ranch in Arizona.

Neither Col. Pearcy nor Capt. Bowe ever spoke to Lt.Col. Bill Callahan who was said to have been illegally ferried by Col. Sabow from Phoenix to El Toro for active duty. Investigation has shown proper authorizations for every flight Col. Sabow ever made. By stopping in Phoenix to pick up Callahan and transport him to El Toro, he would accumulate flight time, fulfill necessary landings at this type of field and save the government the cost of plane fare that was authorized to transport Callahan to active duty.

They restated that Sabow flew furniture to his son who was attending college in Spokane. In addition to the above discussion on this issue, Col. Sabow at the time of his death was not yet qualified to be the flight captain of the aircraft in question, a C-12. If the contents in the plane were not legally there or if they were otherwise inappropriate, then it was the duty of the first officer to have them removed. Indeed, the items actually were judged appropriate by that officer.

The DOD as well as the Department of Justice continue to act with disregard for the citizens of this country and promote an agenda of lies that is perpetuating the cover up of the homicide of Colonel James E. Sabow. This fraud reaches the highest levels of our federal government. The story with so many twists and turns continues into 2007 and will be published in its entirety in future Readers.