

## Families of Col. Shue, Marine colonel question medical examiner's rulings

By Rod Hefemeister  
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**SAINT ANTONIO** — Tracy Shue never has believed that her husband, Air Force Col. Philip Shue, committed suicide.

She doesn't accept Dr. Vincent DiMaio's ruling that Shue on April 16 mutilated himself — cutting off his own nipples and castrating his chest.

She doesn't understand why no investigation was conducted when her husband, a psychiatrist at Wilford Hall Medical Center, received death threats and reported them to his superiors.

Now Tracy Shue is accusing DiMaio of blocking both an outside autopsy and an FBI review of the death by not providing written reports her lawyer has requested and body fluids the FBI lab wants.

"I don't understand why things haven't been turned over. It's been since December," she said.

Dr. David Sabow understands Tracy's pain all too well.

Sabow's brother, Marine Corps Col. James E. Sabow, was found dead in 1991. His death was declared a suicide — a ruling that has been contested by doctors, neurologists and weapons experts. But at least one person didn't contest the government's findings. DiMaio, the Bexar County, Texas, medical examiner, supported the Sabow suicide ruling in a 1996 Defense Department investigation.

That controversial ruling has come under serious scrutiny, and a key lawmaker has ordered a new investigation into the case.

The 2004 Defense Authorization Act includes language inserted by Rep. Duncan Hunter, R-Calif., chairman of the House Armed Services Committee, that orders the Pentagon to convene a panel of outside medical and forensic experts to examine the evidence.

Sabow, a retired neurologist, is scheduled to meet March 11 with Hunter and a representative of the Defense Department.

### Suicide or cover-up?

Sabow believes the evidence clearly shows his brother was murdered. In fact, Sabow believes his brother was killed to cover up a military arms and drugs smuggling operation.

Marine Corps and Navy investigators declared James Sabow took his own life because he was distraught over allegations that he had misused government aircraft for personal reasons.

What's not in dispute is that Sabow, 51, died sometime between 8:30 a.m. and 9:20 a.m. on Jan. 22, 1991.

His wife, Sally, left for church at 8:20 a.m. that Tuesday morning. According to investigative reports, Col. Sabow was dressed in a bathrobe when she left and had just picked up the phone and said "Hello" several times, as if no one was answering him.

Sabow, who as assistant chief of staff was the third in command at Marine Corps Air Station El Toro, Calif., didn't have to go to the office that day. He had been relieved of duties days earlier because of allegations of misuse of government aircraft.

Sally Sabow returned home about 9:20 a.m. and found her husband dead, his Winchester double-barreled 12-gauge shotgun lying nearby. She rushed next door to the home of Col. Joseph Underwood, the chief of staff — who also had been relieved of duty because of the alleged misuse of aircraft.

Naval investigators and the Orange County coroner were called and, ultimately, a determination was made that Sabow died from a self-inflicted gunshot wound.

Before the year was out, both Underwood and the base commander, Maj. Gen. Wayne T. Adams, would be forced to retire because of the aircraft investigation.

But Sabow's family has maintained that he was innocent, and he was not sufficiently upset to commit suicide.

"My brother was a devout Roman Catholic. He wouldn't commit suicide," Dr. Sabow said. "Besides, he'd made it very clear he intended to fight."

Dr. Sabow believes his brother was murdered because he was about to demand a court-martial on the charges. A court-martial could have opened an investigation into Col. Sabow's claims that military bases and aircraft had been used to smuggle weapons into and drugs out of Latin America, including smuggling missions for the



COURTESY OF THE SABOW FAMILY

**The death of Marine Col. James E. Sabow in 1991 was labeled a suicide, but family members believe he was murdered and have called the government's investigations a "sham."**

Nicaraguan Contras in the 1980s.

Sally Sabow, who has remarried, said, "I agree with everything my brother-in-law says. This has really destroyed my faith in my country."

But whether or not the smuggling theory is right, Dr. Sabow argues the case was poorly investigated — and that the evidence shows murder, not suicide.

"Colonel Sabow was hit from behind — that's what caused the skull fracture," Dr. Sabow said. "He fell to the ground, on his side, probably gasping — that's why there was so much blood deeply aspirated into his lungs."

"The muzzle of the shotgun was pressed deep against the soft palate. Normal suicides press it against the hard palate. If you're conscious and you press against the soft palate, you gag."

Dr. Sabow has letters and documents from other neurologists and from the former director of the Wound Ballistics Laboratory at the Letterman Army Institute of Research, which he says support his claim of murder rather than suicide.

He dismisses the four previous military investigations as "shams." Although he never used such harsh language, Lt. Col. Anthony Verducci seems to agree that the findings are not consistent with the facts. Verducci, as a captain, conducted the first Judge Advocate General Manual investigation into Sabow's death.

In a March 25, 1999, letter to Dr. Sabow, however, Verducci said he no longer agreed with the coroner's finding. The Marine said evidence and other information he's seen since that time "led me to believe that the evidence indi-

## DEBATE OVER EVIDENCE

Dr. David Sabow contends the evidence shows that his brother, Marine Col. James E. Sabow, was murdered. He says the evidence includes:

■ **Blood spatter.** Despite the violence of the shotgun blast in Col. James Sabow's mouth, only a small amount of blood was found on Sabow's pants and face, and more was found elsewhere on his body. Because the official investigation says Col. Sabow was sitting in a chair when he shot himself — and the shot never exited his head — Dr. Sabow argues his brother's entire front should be covered in the blood that would have exited through the mouth and nose. The limited blood spatter — plus the finding of gunshot residue but no blood on the back of the left hand, is consistent with what would be found if Sabow were lying on his side on the ground and the shooting was staged, Dr. Sabow argues.

Dr. Sabow's interpretation is supported in a June 16, 1994, letter by Dr. Martin L. Fackler, a gunshot-wound expert and former director of the Wound Ballistics Laboratory at the Letterman Army Institute of Research.

■ **The significant fracture and depression in the right rear of the skull.** Several neurologists who examined the X-rays and photos agree with Dr. Sabow that the fracture was not caused by the shotgun blast and appears to have come from an outside blow to the back of Col. Sabow's head.

■ **Blood in the lungs.** Sabow aspirated nearly a half-liter of blood into his right lung and a smaller amount into his left. Dr. Sabow and other neurologists say this could not have occurred after the shotgun blast, because the blast destroyed the brain stem, which wouldn't have stopped breathing immediately.

■ **The lack of fingerprints on the shotgun.** The only fingerprints found on the shotgun were those of Col. Sabow's son, who had last cleaned it — and they wore on inside mechanisms. The outside of the gun was clean of prints.

Military investigators decided the heat of the blast would have burned off the prints. Fackler calls such a theory "simply absurd."

a self-inflicted gunshot wound.

"As a Marine, former prosecutor, a citizen, I believe that an impartial law-enforcement agency must review this case. Under the best of circumstances, it is contrary to human nature and fairness to believe the [Naval Criminal Investigative Service] will be fair in reviewing their own work."

Such findings are why, 13 years later, Dr. Sabow presses on — and why he holds special scorn for DiMaio, Sabow said.

In his earliest fights with the military, Dr. Sabow quoted extensively from DiMaio's 1995 book, "Gunshot Wounds." DiMaio's book is considered a bible of the forensics field.

But when DiMaio was brought in to look at the Sabow case, many of his findings contradicted his own book.

For example, DiMaio states in his book that a contact wound from a shotgun is extremely destructive, usually quite bloody and often demonstrates blood on the muzzle and in the bore.

However, he told the IG that the lack of blood on Sabow's front or the gun was because, with no exit wound, the blood and tissue destroyed by the blast areal out of the mouth and nose, over the gun and missed Sabow.

Although his book says that gunshot wounds to the brain stem "produce instant incapacitation" — echoing the opinions of the neurologists who looked at the case — DiMaio told the IG that Col. Sabow could have had "one or two" gasps that could explain the large quantity of blood in his lungs.

DiMaio in 1996 told Defense Department investigators that his book contained "general observations" that had no bearing on the Sabow case.

Book or no book, Dr. Sabow says DiMaio fell short in that he did not consider all the evidence. In fact, Dr. Sabow questions whether DiMaio looked at all the evidence.

In explaining his suicide ruling, DiMaio told investigators that if Sabow had been shot while lying on his back, the blood spatter would have covered his front. But Dr. Sabow points out the death scene photos clearly show Col. Sabow lying on his right side, not his back.

Dr. Sabow said of DiMaio, "He'll say whatever whichever side is paying him wants him to say."

Tracy Shue questions whether DiMaio reviewed all of the evidence in her husband's death, as well.

Last year, DiMaio told Air Force Times that one of the factors in declaring Shue a suicide was statements made to him by Air Force investigators that Shue had killed himself. He later denied to Air Force investigators that he made that statement, despite the fact the interview was recorded.

DiMaio did not return calls seeking comment.

Dr. Sabow said his hope is that, with Hunter's provision laying the responsibility for a new investigation at the desk of Defense Secretary Donald Rumsfeld, the truth will come out.

"It's a mess. Worse, it's a cancer; it's an evil," Dr. Sabow said. "Colonel Sabow was assassinated."

"It was harder for me to believe that the Marine Corps could be involved, that the government could be involved, than it was to believe that he committed suicide. But over the last 13 years, my narrative has disappeared." □

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