President's Message: Roy Benavidez: An Inspiring American Hero? A Reminder for the Defense Lawyer to have Faith, Determination, and a Positive Attitude - By J. Gary Trichter

Texan Roy Benavidez was born near Quero, Texas, in 1935. His parents were of Mexican and Yaqui Indian descent. Roy lost his father when he was but two years old and his mother when he was but seven years old?both to tuberculosis. He was then raised by his grandfather, uncle, and aunt in El Campo, Texas.

Roy dropped out of school at age 15 to help support his family. He worked at picking cotton, selling newspapers, shining shoes, and at a tire shop. Roy soon learned the need for education and looked for a place to get it. He chose the United States Army.

In 1952 Roy Benavidez enlisted in the Army and became a member of the famed 82nd Airborne Division and later became a Green Beret. He went to Vietnam twice?1965 and 1968. The following is from Wikipedia:

Military Career

In 1952, during the Korean War, Benavidez enlisted in the Texas Army National Guard. In June 1955, he enlisted in the regular United States Army. He married Hilaria Coy in 1959, the year he completed his airborne training and was assigned to the 82nd Airborne Division at Fort Bragg. In 1965 he was sent to South Vietnam as an advisor to an ARVN infantry regiment. He stepped on a land mine during a patrol and was evacuated to the United States, where doctors at Brooke Army Medical Center (BAMC) thought he would never walk again. Despite serious injury to his spine, Benavidez walked out of the hospital in July 1966, his wife at his side. [citation needed]

Benavidez returned to Fort Bragg to begin training for the elite Studies and Observations Group (SOG). Despite continuing pain from his wounds, he became a member of the 5th Special Forces Group and returned to South Vietnam in January 1968. On May 2, 1968, a 12-man Special Forces team was surrounded by an NVA battalion. Benavidez heard the radio appeal for help and boarded a helicopter to respond. Armed only with a knife, he jumped from the helicopter carrying a medical bag and rushed to join the trapped team. Benavidez distinguished himself by a series of daring and extremely glorious actions . . . and because of his gallant choice to join voluntarily his comrades who were in critical straits, to expose himself constantly to withering enemy fire, and his refusal to be stopped despite numerous severe wounds, saved the lives of at
least eight men. He was believed dead after finally being evacuated and was being zipped up in a body bag when he mustered the last of his strength and spit in the face of a medic, thereby alerting nearby medical personnel that he was still alive.

Nearly dead from a total of 37 separate bayonet, bullet and shrapnel wounds received on multiple occasions over the course of the six-hour fight between the 13 men and an enemy battalion,[1] Benavidez was evacuated once again to Brooke Army Medical Center, where he eventually recovered. For his heroism, the Army awarded him the Distinguished Service Cross.

In 1973, after more detailed accounts became available, Special Forces Lieutenant Colonel Ralph R. Drake insisted that Benavidez receive the Medal of Honor. By then, however, the time limit on the medal had expired. An appeal to Congress resulted in an exemption for Benavidez, but the Army Decorations Board still denied him the Medal of Honor. The board required an eyewitness account from someone present during the action, but Benavidez thought that no others were alive who had been at the ?Six Hours in Hell.[citation needed]

In 1980, however, Brian O'Connor, a radioman in the attacked Special Forces team, provided a ten-page report of the engagement. O'Connor had been severely wounded (Benavidez had believed him dead), and was evacuated to the United States before his superiors could fully debrief him. O'Connor learned that Benavidez was alive by chance. He had been living in the Fiji Islands and was on holiday in Australia when he read a newspaper account of Benavidez from an El Campo newspaper. It had been picked up by the international press and reprinted in Australia. O'Connor soon contacted his old friend and submitted his report, confirming the accounts already provided by others and providing the missing eyewitness.

On February 24, 1981, President Ronald Reagan presented Roy Benavidez the Medal of Honor. Reagan reportedly turned to the press and said: ?If the story of his heroism were a movie script, you would not believe it.? He then read the official award citation.[citation needed]

**Medal of Honor citation**

BENAVIDEZ, ROY P.

*Rank and organization:* Master Sergeant. Organization: Detachment B-56, 5th Special Forces Group, Republic of Vietnam

*Place and date:* West of Loc Ninh on May 2, 1968

*Entered service at:* Houston, Texas June 1955

*Born:* August 5, 1935, DeWitt County, Cuero, Texas.

*Citation:*

Master Sergeant (then Staff Sergeant) Roy P. Benavidez, United States Army, who distinguished himself by a series of daring and extremely valorous actions on 2 May 1968 while assigned to Detachment BS6, 5th Special Forces Group (Airborne), 1st Special Forces, Republic of Vietnam. On the morning of 2 May 1968, a 12-man Special Forces Reconnaissance Team was inserted by helicopters in a dense jungle area west of Loc Ninh, Vietnam, to gather intelligence information about confirmed large-scale enemy activity. This area was controlled and routinely patrolled by the North Vietnamese Army. After a short period of time on the ground, the team met heavy enemy resistance, and requested emergency extraction. Three helicopters attempted extraction, but were unable to land due to intense enemy small arms and anti-aircraft fire. Sergeant Benavidez was at the Forward Operating Base in Loc Ninh monitoring the operation by radio when these helicopters returned to off-load wounded
crewmembers and to assess aircraft damage. Sergeant Benavidez voluntarily boarded a returning aircraft to assist in another extraction attempt. Realizing that all the team members were either dead or wounded and unable to move to the pickup zone, he directed the aircraft to a nearby clearing where he jumped from the hovering helicopter, and ran approximately 75 meters under withering small arms fire to the crippled team. Prior to reaching the team’s position he was wounded in his right leg, face, and head. Despite these painful injuries, he took charge, repositioning the team members and directing their fire to facilitate the landing of an extraction aircraft, and the loading of wounded and dead team members. He then threw smoke canisters to direct the aircraft to the team’s position. Despite his severe wounds and under intense enemy fire, he carried and dragged half of the wounded team members to the awaiting aircraft. He then provided protective fire by running alongside the aircraft as it moved to pick up the remaining team members. As the enemy’s fire intensified, he hurried to recover the body and classified documents on the dead team leader. When he reached the leader’s body, Sergeant Benavidez was severely wounded by small arms fire in the abdomen and grenade fragments in his back. At nearly the same moment, the aircraft pilot was mortally wounded, and his helicopter crashed. Although in extremely critical condition due to his multiple wounds, Sergeant Benavidez secured the classified documents and made his way back to the wreckage, where he aided the wounded out of the overturned aircraft, and gathered the stunned survivors into a defensive perimeter. Under increasing enemy automatic weapons and grenade fire, he moved around the perimeter distributing water and ammunition to his weary men, reinstilling in them a will to live and fight. Facing a buildup of enemy opposition with a beleaguered team, Sergeant Benavidez mustered his strength, began calling in tactical air strikes and directed the fire from supporting gunships to suppress the enemy’s fire and so permit another extraction attempt. He was wounded again in his thigh by small arms fire while administering first aid to a wounded team member just before another extraction helicopter was able to land. His indomitable spirit kept him going as he began to ferry his comrades to the craft. On his second trip with the wounded, he was clubbed with additional wounds to his head and arms before killing his adversary. He then continued under devastating fire to carry the wounded to the helicopter. Upon reaching the aircraft, he spotted and killed two enemy soldiers who were rushing the craft from an angle that prevented the aircraft door gunner from firing upon them. With little strength remaining, he made one last trip to the perimeter to ensure that all classified material had been collected or destroyed, and to bring in the remaining wounded. Only then, in extremely serious condition from numerous wounds and loss of blood, did he allow himself to be pulled into the extraction aircraft. Sergeant Benavidez? gallant choice to join voluntarily his comrades who were in critical straits, to expose himself constantly to withering enemy fire, and his refusal to be stopped despite numerous severe wounds, saved the lives of at least eight men. His fearless personal leadership, tenacious devotion to duty, and extremely valorous actions in the face of overwhelming odds were in keeping with the highest traditions of the military service, and reflect the utmost credit on him and the United States Army.

Quitters Never Win and Winners Never Quit

We are fortunate to live in a time where we have so much technology. We are fortunate that we can actually hear from Sergeant Roy Benavidez himself on You Tube at [3], http://www.youtube.com/watch?v= oUt1xE4jsj&feature=related. I highly recommend that each of you go to this link and listen to this hero. Without question, Roy was a great American and an inspiring patriot, he died in 1998.

We defense lawyers ought to have the same ?love of country? as Roy did. We need to remember that our work gives meaning to the sacrifices he and our other military men and women have made for us?the American People. Indeed, we also need to remember that no one is shooting at us when we do our work, meaning that we have to have courage to do the right thing!

TCDLA is an Association of constitutional heroes. We are an Association of freedom fighters. We are an Association that cares about Unalienable Rights. Although we do not face the same dangers that Roy and our military do, we do stand as a bastion against those who would attack our God given rights. I am very proud
to stand with each of you in our work as constitutional defenders. Thank you for doing what you do!

Your President,
J. Gary Trichter

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