

# 6 Berets Ordered To Trial 9/19/69 Death Penalty Not Requested In Murder Case

By Robert G. Kaiser  
Washington Post Foreign Service

SAIGON, Sept. 18—The U.S. Army announced tonight that six Special Forces officers including Col. Robert B. Rheault, former commander of the Green Berets in Vietnam, will be brought before a court-martial on charges of murder and conspiracy to murder.

The six—out of a group of eight originally charged on these two counts—will be accused of killing Thai Khac Chuyen, 31, a former interpreter for the Green Berets who disappeared from home last June 13, and who was killed June 20, according to the army.

The decision to bring the case to court-martial was made by Maj. Gen. G. L. Mabry Jr., commander of support troops in Vietnam and the Berets' superior officer.

Tonight's Army statement said the courts-martial would be treated as "not capital." This means, the Army's spokesman explained, that the death penalty will be ruled out, and that life in prison will be the maximum possible punishment if any of the accused are found guilty.

A number of U.S. officers here had speculated that the accused would be brought before a court-martial because they can only be satisfactorily cleared of the charges against them if they are tried and found not guilty.

Edward Bennett Williams of

Washington, one of the country's leading criminal lawyers, said today he would serve as civilian counsel for Col. Rheault.

Tonight's announcement on the court-martial by the U.S. Command said that three of the accused—Captains Leland J. Brumbley, Robert F. Marasco and Budge E. Williams—will be tried first, probably "in about three weeks." These three will be tried together, the Army said. At an unspecified later date, Col. Rheault and Majors David E. Crew and Thomas C. Middleton will be tried, also together.

"Charges against Warrant Officer Edward M. Boyle and Sgt. Alvin L. Smith Jr." — the other two originally accused of the crime — "are being held in abeyance pending the trial of the other cases," according to tonight's statement.

The courts-martial may not clear up the remaining mystery about the Green Beret case. The Army's spokesman said tonight that although the courts-martial will be open, the press and public will be excluded at any time classified matters are to be discussed.

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## BERETS, From A1

Presumably, all the Green Berets' clandestine operations are classified, and it is virtually certain that, whatever happened in the case of Thai Khac Chuyen, it involved clandestine operations.

One of the civilian defense lawyers in the case has charged that Chuyen was a double agent working for the CIA and the Communists, and that officials of the CIA ordered his killing.

In Vietnam and in Washington, the CIA has tried to pass the word that, on the contrary, it told the Green Berets that the one thing they could not do was murder Chuyen.

The Green Berets suspected that Chuyen was working for the Communists, according to well-informed sources, because they thought they recognized him in a secret photo of enemy officials taken in Cambodia by allied intelligence.

### CIA Account

According to the CIA version of the incident, the agency told the Green Berets they could not kill Chuyen re-

gardless of his guilt or innocence. However, the accused Green Berets are said to contend that the CIA ordered them to "terminate with extreme prejudice" all relations with Chuyen. This phrase, according to the Berets, meant kill him.

The victim's body was reportedly weighted down and thrown into the South China Sea.

### Major Question

A major question raised in press accounts is whether the Berets may have eliminated Chuyen because of an order from the CIA or some other higher authority, or on their own initiative.

Informed sources report that the Berets do not now deny that Chuyen is dead. According to one reputable version of the case, charges were brought against the eight Green Berets only after one of them came to the U.S. Command in Vietnam and said he thought a Vietnamese had been eliminated unjustly. According to this version, he then gave a full statement that provoked an official investigation and resulted in the eight arrests.

There has yet to be a satisfactory explanation of why the U.S. Command moved against the eight Berets so suddenly and dramatically, and in a way that has given the Army so much bad publicity. One possible explanation is that the regular Army had been upset by behavior of the Special Forces for a long time, and that this incident prompted a harsh crackdown. It has also been alleged that Col. Rheault lied about the Chuyen case when first questioned about it, claiming that the victim was not dead but merely out on a mission, and that this angered the top command.

The circumstances of to-

night's announcement suggest the touchiness of the Green Beret case. The Army's spokesman acknowledged that his statement was made at 10 p.m. Saigon time (10 a.m. EDT) so that congressmen who were interested in the case could be informed of today's developments before reading about them in a newspaper.

### **Resor Bars Dismissal Of Beret Charges**

United Press International

Army Secretary Stanley R. Resor said yesterday he refused to dismiss murder charges against six Green Beret soldiers because he would be tampering with the

Pentagon's system of military justice. He said he felt sure they would get a fair trial.

Resor said he had been asked by eight Democratic congressmen to intervene in the case.

But Rep. Peter Rodino, (D-N.J.), who led the effort to have Resor take personal jurisdiction, told the House he had "no confidence" that the men could get a fair trial in Vietnam.

Rep. Carl Albert (D-Okla.) said he was concerned that the rights of American soldiers should become "a bargaining point" in U.S. relations with allies—an apparent reference to reports that the prosecution stemmed from South Vietnamese pressure.