

# Army Drops Case Against 8 Berets Held in Murder

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## Resor Cites CIA Refusal To Testify

By George C. Wilson  
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The Army yesterday dropped its case against the Green Berets accused of murdering a suspected South Vietnamese double agent — an action which closes the official curtain on a dark side of the Vietnam war.

Army Secretary Stanley R. Resor, in a statement handed to Pentagon newsmen at 2:20 p.m., said he had dismissed the charges after learning that the Central Intelligence Agency would not let its personnel testify at the trial.

"It is my judgment that under these circumstances the defendants cannot receive a fair trial," Resor said. His decision, according to a Pentagon spokesman, was supported by Defense Secretary Melvin R. Laird.

### A Clean Victory

Resor's decision was a clear victory—and greeted as such —by the eight Green Berets who were charged with murder after a South Vietnamese named Thai Khac Chuyen was killed on June 20.

Six of the eight Green Berets were accused by the Army of drugging Chuyen and shooting him with a pistol. The first trial—of three of the officers — was scheduled to start Oct. 20 at the Army's logistical base at Longbinh,



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**ARMY SECRETARY STANLEY R. RESOR**  
"... the defendants cannot receive a fair trial."



about 16 miles from Saigon.

Gen. Creighton W. Abrams, U.S. commander in Vietnam, is believed to have been the main impetus for the Army lodging charges against the Green Berets. Resor backed him up despite heavy pressure to drop the case.

Yesterday's dismissal of the murder charges leaves hanging such questions as the extent of American involvement in assassinations in Vietnam and whether officials in Washington are fully informed about them.

#### Speculation Seen

Now that the Army has closed its book on the case, the worldwide speculation about these and other questions is likely to arise anew.

Resor tried to head off such speculation in his prepared statement by declaring that the Army does not condone such acts as those alleged in the charges against the Green Berets.

Here is the full text of Resor's statement:

"I have been advised today that the Central Intelligence Agency, though not directly involved in the alleged incident, has determined that in the interest of national security it will not make available any of its personnel as witnesses in connection with the pending trials in Vietnam of Army personnel assigned to the 5th Special Forces Group.

"It is my judgment that under these circumstances the defendants cannot receive a fair trial. Accordingly, I have directed today that all charges be dismissed immediately. The men will be assigned to duties outside of Vietnam.

See BERETS, A8, Col. 1

# Army Drops Charges Against Green Berets

## BERETS, From A1

"While it is not possible to proceed with the trials, I want to make it clear that the acts which were charged, but not proven, represent a fundamental violation of Army regulations, orders and principles.

"The Army will not and cannot condone unlawful acts of the kind alleged. Except in the rare case where considerations of national security and the right to a fair trial cannot be reconciled, proceedings under the Uniform Code of Military Justice must take their normal course.

"It would be unjust to assess the culpability of any individual involved in this matter without affording him an opportunity to present his defense in a full and fair trial. Under our systems of jurisprudence, every man accused of wrong-doing is presumed to be innocent until he is proven guilty. The determination of guilty may be made only by a court which has access to all information with respect to the alleged offense."

#### Applause in House

Chairman L. Mendel Rivers (D-S.C.) of the House Armed Services Committee drew a burst of applause when he announced the Resor decision in the House.

"Take it from me," Rivers said, "we will see to it, for you and the American people, that their records will be clean."

A full public trial of the men might have ended up putting the Army and the CIA on trial as institutions—part of the strategy of the lawyers preparing the defense.

Capt. Robert F. Marasco, 27, of Bloomfield, N.J., was accused by the Army in charges belatedly made public last Friday of being the triggerman in the Chuyen killing.

Marasco shortly after his arrest wrote his wife that he

thought the act had the approval of Army higher-ups and had been coordinated with intelligence agencies in Vietnam.

Rep. Peter W. Rodino Jr. (D-N.J.) yesterday said the Army had "mishandled" the whole Green Beret case. He said the accused men had been following orders in whatever they did. Marasco is from his Congressional district.

The Army in its formal charges said Col. Robert B. Rheault, 43, of Vineyard Haven, Mass., former commander of the 3,000 Green Berets in Vietnam, conspired with five other Berets in the June 15-20 time period to kill Chuyen.

Edward Bennett Williams, Washington attorney, had gone to Saigon to discuss representing Rheault. Williams greeted news of Resor's dismissal decision with "wonderful."

He said "the charges were a terrible miscarriage of justice."

No military officials in Washington or Saigon would discuss the case beyond Resor's carefully worded statement.

Besides Marasco and Rheault, these other four Green Berets were named in the detailed list of charges released Friday: Maj. David E. Crew, 33, of Cedar Rapids, Iowa; Maj. Thomas C. Middleton Jr., 29, of Jefferson, S.C.; Capt. Budge E. Williams, 27, of Athens, Ga., and Capt. Leland J. Brumley, 27, of Duncan, Okla.

The other two Green Berets detained on murder charges—Chief Warrant Officer Edward M. Boyle of New York City and Sgt. 1C Alvin L. Smith Jr. of Naples, Fla.—were not named in the more formal list of Army charges.

#### Witness Role Planned

Defense attorneys in Saigon contended that the Army had planned to use those two en-

listed men as witnesses against the six Green Beret officers.

Another prosecution witness was expected to be Capt. Robert A. Wolf, an Army supply officer who the Army said had been asked "to obtain a heavy chain to be used in disposing of Thai Khac Chuyen..."

Army sources in Washington said they had a surprise witness ready to testify that he saw what looked like a body in a sack weighted down with chain and put on a boat at Nhatrang. This mystery witness could have been Wolf.

The Army never did recover the body—believed dumped into the South China Sea. The official Army charges said that Chuyen had been knocked out with a shot of morphine before being shot by Marasco.

Brumley, according to the Army, obtained the boat to carry the body out to sea.

Piecing together the story from official Army statements and reliable information developed in Saigon and Washington, this is what led to the murder charges:

The Green Berets concluded Chuyen was a double agent on the basis of pictures of him standing with North Vietnamese officers and what he told the Americans while questioned under the truth drug, sodium pentathol.

Officers of the Green Berets asked the Central Intelligence Agency what to do about the double agent. They asked if the CIA could fly him to an isolated island.

When the isolation plan did not work out, the Green Berets decided to kill Chuyen for fear he would tell the enemy about their secret activities in Cambodia.

Chuyen evidently was killed June 20. One of the men involved told about the murder. Gen. Abrams himself then got involved personally and demanded that the Green Berets responsible be investigated and charged with murder if warranted.



## Beret Writes His Wife

# 'This . . . Is Too Unbelievable'

*Capt. Robert F. Marasco, 27, of Bloomfield, N.J., until yesterday was charged by the Army with shooting a South Vietnamese suspected of being a double agent. Marasco — one of eight Green Berets arrested in the slaying on July 16 — wrote the following letter to his wife on July 24 from his solitary cell at Longbinh Jail outside Saigon:*

I don't know exactly how to tell you what I now must. I have never had to write anything as horrendous as this or even ever considered it.

Let me start at the begin-

ning. When I got back here from leave my operation had been compromised and they had just taken one of my people to headquarters under suspicion of being an NVA Agent.

Many of the details I cannot go into because they are classified but suffice to say that we determined his guilt and had to decide what to do with him. My unit commander, Maj. Crew, Operations Officer Cpt. Williams and two CI Officers and myself went through all the channels to include the commander and civilian intelligence agencies.

There were numerous reasons why we could not let him go, so the powers to be decided to do away with him. Being the people involved, it was up to us to come up with a plan and execute it.

We followed through with it thinking that the proper coordination had been made and that this was a military operation. The result: one colonel, two majors, three captains and one warrant officer are presently in jail charged with conspiracy and murder.

See LETTER, A8, Col. 4

### LETTER, From A1

This situation is too unbelievable to comprehend. We felt we were doing something that was approved and was in the best interests of the war and the country. There are things involved here which would have international implications and affect even the peace talks.

For some unknown reason the generals over here are pressing this thing and they think they can make it a classified trial without any publicity. I feel that that

would be a loss of my civil rights to a public trial.

I can't believe that this is happening to me. The only thing I have been able to think about is the disgrace this will bring on you and my parents. I feel all alone and helpless.

There are so many facets to this situation but they are classified and therefore I cannot talk or write to anybody about them. I have been able to tell my lawyer but that's all. I cannot fully explain it to you. I can say,

however, that I am not a criminal and anything I did was done with the most patriotic and purest of motives with approval of my superiors. It is my feeling that I have been deserted by my Army and my country . . .

Explain all of this to my parents and tell them I need help. Have them contact Mr. Rep. Peters (D-N.J.) to see what he can do and anything else they can think of. This is going to go to the highest level of the government.

It will be necessary for me to get a civilian lawyer if I want to fully protect myself.

I think that this case might interest the American Civil Liberties Union inasmuch as my rights are being suppressed and the civilians involved in this are claiming diplomatic immunity and their testimony is paramount to my defense. They refuse to testify because of this so-called immunity. Public opinion would be extremely aroused

by this but the Army wants to stifle this.

. . . Everyone here seems very confident in our outcome but I am slowly losing my confidence . . .

My letters are all read so it is difficult to write. I love you and need you more than ever. Please try to still believe in me and have faith in me. Please ask everyone to pray for me and pray for guidance for the generals who will decide my life.



Five of the eight Green Berets are shown with a defense lawyer. From left: Maj. David E. Crew, Capt. Ieland J. Brumley, Capt. Robert S. Berry (attorney) and Capt. Budge Williams. Murder charges against all eight were dropped.

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