

Beret Attorney Denies 'Deal'

Says Boyle No 'Stoolie'
in Murder Case

By CHARLES RYAN

SAIGON (AP) — The civilian attorney for a Green Beret against whom murder charges are being held in abeyance asserted Monday that his client "has made no deal" to testify for the prosecution.

Attorney Henry B. Rothblatt said his client, CWO Edward Boyle of New York City and his family have "suffered tremendous embarrassment" as a result of statements by the military in South Vietnam implying that Boyle might have a "stoolie role" in the case.

The Army announced last week that murder and conspira-

cy charges against Boyle and Sgt. I.C. Alvin L. Smith, Naples, Fla., were being "held in abeyance" while six other Green Berets went on trial.

Smith's counsel, George W. Latimer, has also denied that his client agreed to testify for the prosecution.

Latimer said of Smith's case in Salt Lake City Saturday that "there has been no agreement and it casts him in an unfair light."

EARLIER COMMENT

Prosecution sources said earlier that Boyle and Smith had agreed to testify for the prosecution in return for immunity.

Rothblatt, of New York City, met briefly with Boyle Monday and then talked with the six defendants facing trial.

The Green Berets, including Col. Robert B. Rheault, Vineyard Haven, Mass., are charged in connection with the slaying June 20 of Thai Khach Chuyen, alleged to have been a double agent working for both the Americans and the North Vietnamese.

Rothblatt said, after conferring with military defense lawyers, that the defense definitely would subpoena Gen. Creighton W. Abrams, the U.S. commander in Vietnam, as a witness in the courts-martial.

"Abrams' testimony is most material to the case," he said, "and the public has a right to know what role he has played. He has direct knowledge of the facts in the case."

MOVE IS PLANNED

The New York trial lawyer also said the defense will move to have the case taken away from the military and moved into civilian courts.

He conceded that this would be setting a precedent, but said, "The Army has played the role of cop and prosecutor in this case. Logically it cannot also play the role of judge."

Rothblatt said, the defense would "go beyond the military courts of Vietnam and, if necessary, beyond Melvin Laird." Laird is secretary of defense in

Washington.

"We can always appeal to President Nixon, the commander in chief," he said.

If the case comes to trial, Rothblatt said, he would like to see it held at the Pentagon "where the mass public can judge the case more clearly." Army authorities have set Oct. 20 as the date for the first trial involving Capt. Deland J. Brum-

ley of Duncan, Okla., Capt. Robert F. Marasco of Bloomfield, N.J., and Capt. Budge E. Williams of Athens, Ga.

The second trial, involving

Rheault, Maj. Thomas C. Middleton Jr., of Jefferson, S.C. and Maj. David E. Crew, Cedar Rapids, Iowa, would follow. It has been reported, however

that the charges against Rheault and the two majors may be dropped, if the three captains are acquitted.

Rothblatt, who is defending

Brumley and Crew as well as Boyle, gave no indication Monday, but it appears doubtful that the defense will be ready to go to trial at that time.