

# Six Green Berets Face Army Trial In Murder Case

S-1 9/18/69  
SAIGON (AP) — Six arrested members of the Green Berets, including the former commander of all U.S. Special Forces in Vietnam, will be tried before a general court-martial on charges of murder and conspiracy.

The U.S. Army, announcing this today, said the government will be prepared to start the trial in about three weeks and that "all cases will be treated as not capital." This means the death sentence will not be called for.

IN ALL, eight Green Berets have been held in connection with the slaying of a South Vietnamese suspected of being a double agent.

Charges against two of the men, a warrant officer and a sergeant, "are being held in abeyance pending the trial of the other cases," the Army said.

The Army said it has directed trial by general court-martial against Col. Robert B. Rheault, 43, Vineyard Haven, Mass., the former commander of the 3,000 Special Forces troops in Vietnam; Maj. David E. Crew, Cedar Rapids, Iowa; Maj. Thomas C. Middleton Jr., Jefferson, S.C.; Capt. Leland J. Brumley, Duncan, Okla.; Capt. Robert F. Marasco, Bloomfield, N.J., and Capt. Budge E. Williams, Athens, Ga.

THE TWO MEN who do not face immediate trial are Chief WO2 Edward M. Boyle, New York City, and Sgt. 1c

Alvin L. Smith Jr., Naples, Fla.

There will be two separate trials of the six officers.

"Charges against Capts. Brumley, Marasco and Williams will be referred for a common trial," an Army statement said. "It is anticipated that the government will be prepared to proceed with the trial of their case in about three weeks. Charges against Col. Rheault and Maj. Crew and Middleton will be referred for a common trial by a different court.

"The trial date for Col. Rheault and Maj. Crew and Middleton will be determined later."

EIGHT CONGRESSMEN yesterday asked Secretary of the Army Stanley R. Resor to take over the case. The congressmen said they feared the eight Special Forces men were being made scapegoats to cover up "mistakes, mishandling, incompetence and rivalries within the Army and related government agencies."

Informants said the first trial likely will be closed.

In Washington, the Pentagon said Secretary Resor has ordered the trials be open "consistent with security."

This apparently means certain sessions could be ordered closed if sensitive testimony was being developed.

IN A STATEMENT, Resor disclosed he had rejected the congressional urging to take the case out of the hands of the U.S. command in Vietnam and dismiss the charges.

"After careful deliberation and on the basis of facts cur-

rently available to me, I have concluded that it would be unwise and unjustified for me to interfere with the normal course of proceeding in this case," Resor said.

The Army civilian chief defended military justice procedures, which have been criticized by some members of Congress and others in the wake of the arrest of the eight Green Berets before formal charges were filed.

"EXCEPT WHERE the most compelling reasons exist, our carefully developed legal procedures should not be short cut," Resor said.

"As a lawyer and as secre-

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tary of the Army, I believe firmly in the efficacy of the traditional process and in the fairness of our basic procedures under the Uniform Code of Military Justice."

Resor sent a letter stating his position to the congressmen protesting Army plans to try the accused.

One of these congressmen, Rep. Clarence D. Long, D-Md., on hearing from Resor, immediately appealed to President Nixon, saying he was outraged at Resor's decision to leave jurisdiction of the case to the command in Vietnam.

LONG, ASKING Nixon's intervention, said:

"I can see no reason to allow so grave a matter to remain in the hands of those who have already shown their ability to mismanage and disregard the rights of the accused — especially if the purpose of this is to placate the South Vietnamese or the enemy in Hanoi."

Also at Washington, several congressmen criticized Resor's decision in House floor speeches.

Rep. Peter W. Rodino, D-N.J., said Resor's "shirking of personal responsibility and bowing to the will of Army bureaucrats and pressure from the Vietnamese government is inexcusable and convinces me of a gross lack of civilian control over the Army."

REPS. CARL ALBERT of

Oklahoma, Robert Stephens of Georgia, Tom Gettys of South Carolina, and Paul G. Rogers of Florida, also expressed their displeasure.

Albert said while this country must keep its commitments to the world, the rights of American soldiers never should be a bargaining point to such an agreement.

Rogers said he is concerned about Resor's position and does not agree with it.

"I am concerned that if the way this case has been handled so far is any indication, we may never know what happened," he said. "The lack of protection of these men's rights is intolerable."

U.S. spokesmen cited the following general policy on any military trials:

"ALL TRIALS will be open to the public except when necessary to prevent disclosure of classified information to unauthorized persons. Determinations with respect to open or closed sessions are to be made by the military judge consistent with the foregoing guidance as circumstances develop during the trials."

The Army has never publicly released any details of the case.

Attorney George W. Gregory, Cheraw, S. C., charged the killing was ordered by the U.S. Central Intelligence Agency. The CIA through private briefings in Washington has denied any such involvement in the case.

THE CASE REPORT of the eight Green Berets was

placed in the hands of Maj. Gen. G. L. Mabry, commanding general of support troops in Vietnam, last week.

In South Carolina, Gregory told a newsman he had heard nothing to indicate some of the Green Berets would be tried.

Gregory, who is Middleton's attorney, added: "Frankly, I'm wondering what the devil is going on. I don't know what the trouble is, but if there's going to be a trial I say let's get the show on the road. We're ready."