

After 1st election 10/4, no jurors because of strike

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The Bizarre Course of the Green Beret Case



Associated Press

Three Green Berets against whom murder charges were dropped give thumbs-up sign. From left, defense counsel

Capt. John S. Berry; client, Capt. Leland J. Brumley; Maj. Thomas C. Middleton Jr. and Capt. Robert F. Marasco.

By Robert G. Kaiser
Washington Post Foreign Service

SAIGON — The Green Beret murder case began in secret, exploded in a storm of international publicity, stumbling along from confusing turn to confusing turn, and ended in embarrassment and more confusion.

What follows is a bit of instant history that should be read in light of the limitation of the art: It comes from sources who, in most cases, had an interest in purveying a particular version of what happened. In Saigon this seems to be the most plausible explanation now available of what happened in the strange case of the Green Berets and Thai Khac Chuyen:

The story begins with a photograph taken secretly in Cambodia that purportedly depicted a group of enemy operatives. Several Green Beret officers who saw this photo thought they recognized one of the faces in it. The face looked like Thai Khac Chuyen, who had been working on secret projects with the B-57 detachment of the special operations group of the Special Forces in Vietnam.

The B-57 detachment is a secret unit, some of whose members—including at least one of the accused in the Beret case—operate under elaborate cover, complete with two identities, two sets of identification papers, and "cover" jobs. Its operations are said to take members of the detachment into Cambodia and Laos on occasion. Presumably, these operations involve high risks.

Once under suspicion, Chuyen was ordered from his base of operations in Mochoa, a few miles from the Cambodian border, to Saigon. His brother and wife have told reporters that Chuyen unexpectedly appeared in Saigon last June 11.

On June 12 Chuyen went to Camp Goodman, the U.S. Special Forces base in Saigon. That afternoon he was brought home by a U.S. Special Forces officer and a Vietnamese officer, who searched his house.

That night he told his wife he had been questioned

while sitting in an "electric chair"—presumably a lie detector. Chuyen spent the night of June 12 at home, and went back to Camp Goodman on June 13. His family never heard from him again.

During the following week, Chuyen was given sodium pentathol (truth serum) by the Berets and was interrogated repeatedly. He was taken to Nhatrang, headquarters of the Special Forces in Vietnam. The Berets became convinced that he was a penetration agent—an enemy operative whose mission was to penetrate secret U.S. activities. The Berets never thought he was a high-level operator—one of them later called him an "intelligence bum."

During this period the Berets consulted two agents of the Central Intelligence Agency who were based in Nhatrang, and who reportedly worked with the Special Forces on many missions. These were veteran agents, at least one of whom served in the Korean war.

CIA Suggestion

The Berets contended afterward that the CIA suggested eliminating Chuyen. The CIA—Director Richard Helms himself, according to several published reports—passed the word at a "background luncheon" that the agency suggested turning Chuyen over to South Vietnamese authorities. It might have been crucial to find out who was telling the

truth if the case had reached a court-martial.

According to the U.S. Army, Chuyen was killed on June 20. The formal charges brought against the accused Green Berets—which were based on statements given by two of the eight, and on the official investigation into the case—alleged these details of the killing:

Chuyen was given an injection of morphine by Capt. Leland J. Brumley that left him unconscious. He was carried from the B-57 detachment's headquarters in Nhatrang by Capt. Brumley and Warrant Officer Edward M. Boyle to a boat previ-

ously obtained by Brumley. Capt. Robert F. Marasco requested Capt. Robert A. Wolf to "obtain a heavy chain to be used in disposing of" Chuyen and Chuyen was killed by a shot from a pistol fired by Marasco.

The body reportedly was dumped into the South China sea. Navy divers looked for it there later.

The Berets took care to establish a cover story. Their log books and other records showed that Chuyen went out alone on a dangerous mission the day after he was killed. A Japanese-American soldier actually masqueraded as Chuyen to make this tale credible.

Some time after Chuyen's demise, one of the eight accused Berets decided he wanted to tell some higher authority what had happened. This man is said to have feared that his colleagues might do him harm because of what he knew. He approached the CIA with his story, and the agency took it all down and then kept him in its custody. And the CIA conveyed the story to the military command in Saigon. This prompted an investigation.

A key episode in the story, it is reliably said, came when Col. Robert B. Rheault, commander of Special Forces in Vietnam and one of the officers implicated, was asked what had happened to Chuyen. His answer was evasive, and Gen. Creighton W. Abrams, the U.S. commander, reportedly was furious. Abrams' anger, it is said here, was the principal cause of the decision to relieve Rheault (pronounced row) of his command and arrest the eight Green Berets, even before a full investigation was completed.

Abrams apparently authorized Rheault's removal and the eight arrests without consulting his superiors in Washington, so the case was virtually assured of notoriety before civilian officials in the Nixon Administration knew anything about it.

Colonel Rheault was confined to an air-conditioned trailer at Longbinh. But the other seven men—two majors, three captains, a warrant officer and a sergeant—were put in virtual soli-

tary confinement and were denied privileges of rank.

The accused were assigned military defense counsel, and an Army colonel was named to conduct a preliminary investigation to decide whether a full court-martial should be held. Meanwhile, one of the accused, Maj. Thomas C. Middleton Jr., wrote to a childhood friend, George Gregory, now a lawyer in Cheraw, S.C. Middleton asked Gregory to represent him.

Gregory Surprised

Gregory was surprised that no news of the case had appeared in the press. He telephoned the New York Times to ask why. The Times cabled its Saigon bureau repeating the question. Times reporters in Saigon

then made inquiries to the Army. Several days later, very suddenly at 8 a.m., the Army releases a curt statement naming the eight men and announcing that they were accused of murdering "a Vietnamese national."

The Pentagon, apparently, was still ignorant of the case when the press release was issued.

During the next week Gregory arrived in Saigon. He gave a series of news conferences, charging that Chuyen had been a Communist double-agent who could have endangered the lives of thousands of Americans, and adding that the CIA had ordered his elimination.

A second lawyer, Henry Rothblatt, arrived in Saigon a few days later to represent three of the accused. He said the Army had no case against the Berets.

These lawyers' statements had one obvious effect: The seven junior accused were transferred from their bleak, almost solitary confinement to relatively comfortable, air-conditioned quarters.

Gregory and Rothblatt both appeared at a formal preliminary hearing at which the prosecution outlined its case. Among others, at least one CIA agent testified at the hearing. After the hearing Gregory and Rothblatt said they thought

the charges would be dropped.

Not So Simple

Despite their optimism, the situation was not so simple. Though the Berets re-

portedly felt strongly that they had done nothing but their duty in the Chuyen incident, it appeared that the Army might make a case against the eight by sticking strictly to the rule book. The Army did have what one defense lawyer described as "incriminating statements" from two of the eight.

The Army knows that many of its regulations are broken daily, especially in wartime, but the rules remain in force and the Army retains the option to enforce them. The Berets might have felt that they had done nothing unusual or punishable, but the Army might still have been able to prove that they violated the law.

According to reliable reports, the debate over how to handle the case at this delicate stage went to the upper levels of the Nixon Administration. Some officials are said to have felt that the case should be dropped. But Gen. Abrams remained convinced that it should be prosecuted, according to these reports. Some say he insisted adamantly that the case be carried forward.

In any event, the Army announced on Sept. 18 that six of the eight accused Berets would be brought before courts-martial. This was four days after Abrams returned from a quick visit to Washington. But by this time public feeling apparently had coalesced in support of the Green Berets and against any prosecution. A number of congressmen

publicly criticized the Army's position.

Edward Bennett Williams, the prominent lawyer who came to Saigon this week to lead the defense of Rheault, commented today that he found American opinion to

be overwhelmingly sympathetic to the Berets, and to range from mild indignation to outrage at the Army for pressing the case. "In all my experience as a lawyer," Williams said, "I have never

seen public opinion so united in one case."

The Army's handling of the prosecution attracted the bemused attention of lawyers for the defense. Despite the presence of Williams, F. Lee Bailey and other experienced civilian lawyers for the defense, a young and relatively inexperienced Army major had been trusted to prosecute the case. Why didn't the Army bring in a senior lawyer from the Judge Advocate General's corps to prosecute?

Case Dropped

Yesterday, Stanley R. Resor, secretary of the Army, issued his statement announcing that the case against the eight Berets would be dropped. The statement said the CIA, "though not directly involved in the alleged incident," would not allow its employees to testify at a court-martial.

Resor said he therefore concluded that the accused could not get a fair trial so the case would have to be dropped.

The rest of the statement seemed unusual, and seemed, also, to contain a clue about the issues that were argued inside the administration. "While it is not possible to proceed with the trials," Resor said, "I want to make it clear that the acts which were charged, but not proven, represent a fundamental violation of army regulations . . ."

Resor also noted that the men were presumed innocent until proved guilty, but this was not good enough for several of the accused Berets, who said today, in effect, that they thought Resor was trying to convict them at the same time he was letting them off.

Resor's harsh admonition that "the Army will not and cannot condone unlawful acts of the kind alleged" suggested to some who have followed the case or have been involved in it that this was the issue that bothered Abrams. The commander, according to this theory, wanted above all to demonstrate by the Green Beret case that he would not condone extralegal activities by the troops in Vietnam.

It is a commentary on the attitude toward the case here that the Resor state-

ment was widely disbelieved and regarded as a cover story by many sources involved in the case.

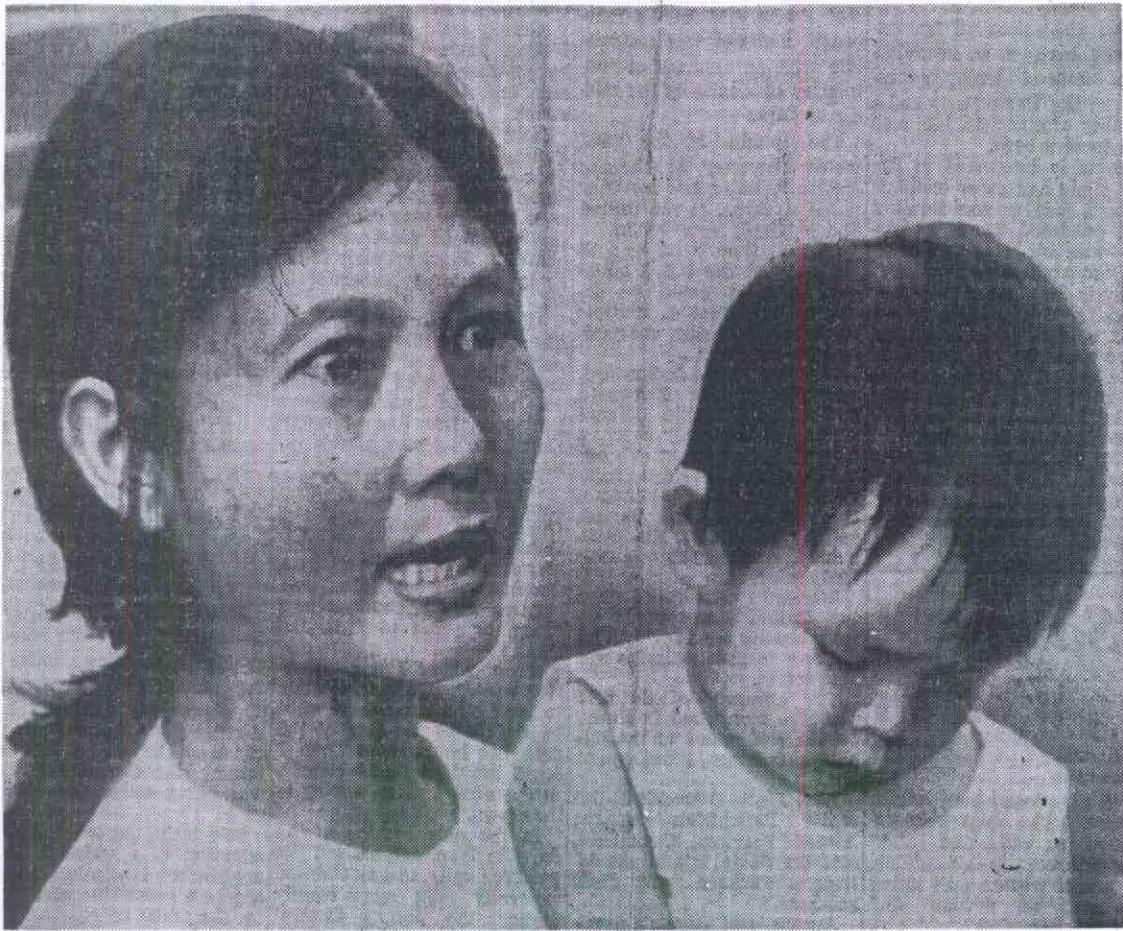
As one asked, how could the Army have decided to bring the case to court-martial without determining in advance that the CIA witnesses would testify? And why after the Army had put seven of the suspects into near solitary confinement without privileges of rank, was there now official concern for the possibility of fair treatment?

Action Expected

Edward Bennett Williams said this afternoon that he had expected the Army to drop the case eventually, though he was surprised by the timing of Resor's announcement. That feeling seemed to pervade the ranks of the defendants and the defense. They did not expect a court-martial—especially the defendants—because they did not really believe that the U.S. government would prosecute soldiers in Vietnam for the death of a Vietnamese in highly ambiguous circumstances.

The impression here was that the case could be described as a series of missed opportunities. The Berets missed the chance—or were denied the opportunity—to deal with Chuyen as a typical wartime problem. The Army missed several chances to handle the case sensibly. The accused, it was said, misused their time in confinement—none of them read a complete book—and Col. Rheault, who seems to have the most to lose from this episode, lost a chance to avoid it altogether.

At the time he was given the command of the Special Forces in Vietnam, Rheault was stationed in Okinawa. The Army offered him 30 days leave to move his family to the United States before taking up his new assignment. But Rheault was so eager for the job that he sent his wife and children home on their own and went immediately to Vietnam. If he had taken those 30 days, he would have been in Massachusetts when the Green Berets took the decisions that put them at the center of one of the most dramatic episodes of the war in Vietnam.



Associated Press

Mrs. Thai Khac Chuyen, wife of the victim in the Green Beret murder case, holds her son as she gives reporters

her bitter reaction to the news that the accused Special Forces men had been released and the charges dropped.

Freeing of Berets Jars Victim's Wife

Washington Post Foreign Service

SAIGON—The wife of the victim in the Green Beret case, Mrs. Thai Khac Chuyen, is reported extremely upset by the decision to drop all charges against the eight Americans charged with killing her husband.

Mrs. Chuyen, looking pale and shaken at her home in a suburb of Saigon, said she wanted to take the case before the United Nations if the Americans refused to pursue it. Later, in tears, she said she wanted to set herself and her two sons on fire in front

of the U.S. Embassy to protest the dropping of charges.

Her remarks were emotional and it did not appear that she would actually pursue any of these courses. Mrs. Chuyen said she had not heard anything from the American or South Vietnamese governments in recent weeks, despite numerous letters and petitions to both.

Mrs. Chuyen has said she is entitled to at least three months of her husband's salary, which would come to about \$360.

[AP reported that the widow screamed: "The Americans are worse than the Vietcong! I'm going to join the Vietcong! I'm going to blow up the Americans! They are more cruel and savage than the Communists!"

[Seven of the eight Green Berets headed home Tuesday aboard a chartered troop transport plane bound for Travis Air Force Base in California. The eighth remained behind because he had not completed processing, military spokesmen said.]