

Beret Captain Serving Term In '67 Murder

By Richard Homan
Washington Post Staff Writer

A Green Beret captain is now serving a 24-year prison sentence after being convicted of murdering a civilian employe in Vietnam two years ago in a case strikingly similar to the current investigation of eight other members of the elite force.

Capt. John J. McCarthy Jr., 26, was charged with shooting a Cambodian who had been employed as a U.S. Army translator, whose loyalty had been questioned and whose employment, according to orders from higher authorities, was to be terminated.

Attorneys for McCarthy, who is imprisoned at Ft. Leavenworth, Kan., have appealed the conviction and sentence, contending that he was denied a fully public trial and was unable to subpoena witnesses.

Both his military counsel, Capt. Stewart P. Davis, and a special civilian attorney, Charles Morgan, of the American Civil Liberties Union, said yesterday that there were "many similarities" between McCarthy's case and that involving Col. Robert B. Rheault and seven other members of the Army Special Forces.

Similar Case Seen

"McCarthy is the only Special Forces man I know of ever charged, tried and convicted of a crime of the nature these eight are being investigated for," Morgan, who also defended Army Capt. Howard B. Levy, a prominent antiwar doctor, said yesterday.

The eight are charged with murder and conspiracy in the death of a Vietnamese civilian employe of the U.S. Army who apparently was suspected of being a double agent and who reportedly was the subject of an order for termination "with extreme prejudice."

McCarthy was convicted of the shooting of Inchin Hai Lam, an ethnic Cambodian living in Vietnam, on Nov. 24, 1967, in an auto about 10 miles outside Saigon. He was sentenced to life imprisonment at hard labor, but the sentence was later reduced to 24 years.

An appeal of the conviction and sentence is pending before the Court of Military Review, the second highest military court.

McCarthy insists, according to Morgan, that he did not shoot Lam. In this aspect, the case apparently differs from that now under investigation, where the paramount question appears to be whether the killing was justified.

"There is no question that the man is dead, that he died in the front seat of a four-door Datsun at 4 a.m., that McCarthy was in the car on the right-hand side of the seat, that a Special Forces sergeant who had a 9 mm pistol was driving, that McCarthy had a .38 caliber revolver cocked and loaded and out, that he was interrogating the Cambodian and that the employment was to be terminated," Morgan said yesterday.

Disloyalty Suspected

"McCarthy felt he had reason to believe the man was not loyal."

There was a shot, a window of the car shattered and Lam was hit, according to Morgan, but evidence introduced at the trial indicated death apparently was caused by a small caliber weapon, perhaps a .22, from outside the car.

Part of the trial was closed to the public, Morgan said. Davis said some trial and appeal documents carry a security classification. The trial received scant publicity, and its verdict was not reported outside Vietnam until six days after it ended. No details were made public at the time.

McCarthy, who enlisted in the Army in 1960, joined the Special Forces and was commissioned after attending Officer Candidate School, "has faith in the intra-military system of justice" and hoped to appeal his conviction without publicity, one informed source said. "But I guess the Special Forces people obviously feel he got a raw deal and want to see him cleared."

CIA Denies Role In Beret Case

The Central Intelligence Agency yesterday denied it had made any recommendations to the Green Berets about how to deal with the Vietnamese national who was murdered.

Rep. Peter W. Rodino (D-N.J.) reported this as the CIA's position after John Marry, representative of the agency, met with the congressmen in his office here.

There have been widespread reports that the CIA was deeply involved in the murder case. Yesterday's assertion was the closest thing yet to an official agency denial of involvement.

The CIA, according to Rodino, also denied it had recommended any disciplinary action be taken against the Green Berets in connection with the killing.