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Attorney Hopes for Probe End

Green Beret Charges May Not Be Dropped

By JAY SHARBUTT

SAIGON (AP) — An attorney for one of eight Green Berets charged in the death of a Vietnamese double agent said Tuesday he hopes a preliminary investigation will end Wednesday, but he had no idea whether charges will be dropped.

"At least I hope it'll be wrapped up by tomorrow because I'd like to be leaving

Thursday," said George Gregory, a civilian attorney for Maj. Thomas C. Middleton Jr., Jefferson, S.C.

Gregory of Cheraw, S.C., made the comments after conferring all day with Middleton's military defense attorneys at the U.S. Army complex at Long Binh, 12 miles northeast of Saigon.

ALL IMPRISONED

Middleton and seven other Green Berets — including Col. Robert B. Rheault, former commander of all Special Forces

troops in Vietnam — have been imprisoned at Long Binh since mid-July.

They were charged last month with murder and conspiracy to commit murder in the fatal shooting of a suspected enemy agent June 20 near their headquarters at Nha Trang, 250 miles northeast of Saigon.

The eight men — six officers, a warrant officer and a sergeant — were unexpectedly released from their prison cells Monday and transferred to reg-

ular billets, where they still remain confined and under arrest.

SHARP CRITICISM

The move followed sharp congressional criticism over the Army's refusal to provide details on the case, an official silence that has touched off waves of speculation and gossip in Vietnam.

An Army preliminary investigation, similar to a grand jury proceeding, has been under way to determine whether the case should go to court-martial.

This investigation, begun in mid-July, was halted Aug. 2 because of what an Army spokesman explained as an "unavailability of certain witnesses" and delays requested by lawyers for some of the accused.

An Army spokesman said the investigation — which includes cross-examination of witnesses by attorneys involved in the case — will continue Wednesday but could well extend beyond them.

WOULD RETURN

Gregory said if the investigation is finished Wednesday he will fly to the United States Thursday. If the law officer overseeing the proceedings recommends a court-martial, Gregory said he would return to Vietnam to defend Middleton.

U.S. reporters were given their first look at the prisoners but were kept at a distance.

Rheault and Capt. Leland J. Brumley stood with their shirts off, talking. Capt. Robert F. Marasco talked with the others and laughed a few times.

At noon, all seven officers walked out of their billets to the mess hall nearby, their shirts and berets on. After lunch they returned to their billets. Rheault smoked a thin cigar.

The enlisted man in the case, Sgt. Alvin L. Smith Jr., was not with the officers. He is confined to an enlisted men's billet.