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Witness Is Unavailable To Berets

From News Dispatches

SAIGON, Aug. 17—A civilian defense lawyer representing one of eight Green Berets charged with the premeditated murder of a Vietnamese said today the Central Intelligence Agency refused to produce a crucial witness for a pre-trial hearing Wednesday.

George Gregory of Cheraw, S.C., told reporters the witness was an army colonel working for the CIA. Gregory said the CIA was not producing the colonel on grounds of "executive privilege."

Gregory is defense lawyer for Maj. Thomas C. Middleton of Jefferson, S.C., one of eight being held at the Long Binh stockade North of Saigon.

They are being held for the alleged murder June 20 of a Vietnamese national near the coastal town of Nhatrang, headquarters of the 3,000-man

U.S. Special Forces.

American sources close to the case said Saturday the colonel who would not be available for the pre-trial investigation worked for the CIA and was believed to have advised the Special Forces to kill the victim, and alleged Vietnamese double agent.

Gregory also petitioned the army today for a speedy trial or dismissal of charges against his client. The army last Friday denied an earlier petition seeking immediate release for Middleton. A spokesman said the denial was "based on the seriousness of the alleged offense."

Gregory also said he is awaiting action on another petition filed Sunday with the army's staff judge advocate office at Longbinh which asked for "full access to all the files" in Middleton's case. Gregory said he has twice been denied access to the files.

Meanwhile, Army Secretary Stanley R. Resor will arrive in Saigon Wednesday, the day the pre-trial investigations are scheduled to start, for a seven-day visit, military sources said.

Although the visit is a routine one to study military questions, Resor is expected to look into the Green Berets case, observers said.