

GREEN BERET CASE STIRS A COMPLAINT

Lawyer Says He Can't Get Facts From the Army

Special to The New York Times

WASHINGTON, Aug. 6—A lawyer retained by one of the Special Forces officers facing a possible court-martial in the murder of a Vietnamese civilian accused the Army today of failure to provide him with the facts surrounding the case.

He said he had been trying unsuccessfully for a week to learn the circumstances of the episode that resulted in the detention of his client, Maj. Thomas C. Middleton Jr. of Jefferson, S.C.

The lawyer is George Gregory of Cheraw, S.C., who arrived here today to make final arrangements for a trip to South Vietnam. He hopes to go tomorrow.

Major Middleton is one of eight members of the Special Forces, or Green Berets, in Vietnam who face possible charges of premeditated murder and conspiracy to murder, the Army disclosed today. Among the others are Col. Robert B. Rheault, Major Middleton's superior, who was relieved last month as commander of all Special Forces troops in South Vietnam.

The Army would say only that the killing under investigation occurred in the coastal town of Nhatrang on June 20. Secrecy has surrounded other aspects of the case, and the

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Pentagon has refused to provide details.

"It's a shame that I have to learn what my client's been charged with by reading the newspapers," Mr. Gregory said upon arrival at the Washington airport. "I still haven't found out from them the exact nature of the charges."

Although charges have been brought—the Army has not said by whom—it is possible that the case may not come to trial. The procedure is that the charges are forwarded to an officer exercising at least special court-martial jurisdiction. This officer must cause a formal pretrial investigation to be held—roughly the equivalent of a grand jury proceeding.

Mr. Gregory said he received a letter from Major Middleton last Wednesday asking for legal aid. The officer said he had been in jail seven days.

Upon receipt, Mr. Gregory said, he got in touch with legal officers in the Pentagon for details and was told they would have to send a routine query for information to Vietnam. "I could tell they were sending it on a slow boat to China," he asserted.

Yesterday afternoon, Washington spokesmen for the Department of the Army said they were still not acquainted with the facts of the case and could not even verify whether Major Middleton or any of the other officers had been jailed.

Those accused in the case are Major Middleton; Maj. David E. Crew, of Cedar Rapids, Iowa, and Chief Warrant Officer Edward M. Boyle of New York City, all intelligence officers, and Capt. Leland J. Brumley, of Duncan, Okla.; Capt. Robert F. Marasco, of Bloomfield, N. J.; Capt. Budge E. Williams, of Athens, Ga., and Sgt. Alvin L. Smith Jr., of Naples, Fla.

Investigation in Progress

By JAMES P. STERBA

Special to The New York Times

SAIGON, South Vietnam, Thursday, Aug. 7 — An Army spokesman said today that the

investigation had been under way for at least two weeks and that it would be at least another two weeks before any further action would be taken in the case of the eight former members of the Special Forces.

After issuing a statement for the press on the case yesterday, Army spokesmen declined to answer questions, including those concerning biographical data on the men held.

However, one spokesman at Army headquarters said that the use of the word "charges" in the statement was incorrect; he said the announcement should have said "allegations." But he declined to discuss whether an individual who is subject to the Uniform Code of Military Justice, or the Army itself, made the allegations or charges.

It was explained that after the investigation is concluded, the officer in charge of the case

may bring formal charges leading to court-martial.

Military officials usually do not issue statements on criminal investigations. Generally the cases are discussed only when newsmen make inquiries. Dates of military trials are not publicized, but will be given on request. The identities and backgrounds of those involved are also given on request.

Meanwhile, Col. Alexander Lemberes, who took over as commander of the Fifth Special Forces Group July 21, said last night that he was not aware when he took command that his predecessor and the seven others were under investigation on a murder charge.

Colonel Lemberes said he learned of the case when the Army issued its terse statement. The colonel spoke with two newsmen at the headquarters of the Fifth Special Forces in Nhatrang.

Colonel Rheault assumed command of the Fifth Special Forces on May 29.