

ARMY REFUSES TO FREE BERET HELD IN VIET KILLING

By RICHARD PYLE

SAIGON (AP) — U.S. Army authorities today denied a petition for the release of one of eight Green Beret soldiers accused of murdering a Vietnamese who turned out to be a double agent.

An official spokesman said the release was refused because of "the seriousness of the alleged offense."

The petition was filed by a civilian attorney on behalf of Maj. Thomas C. Middleton Jr., 30, of Jefferson, S. C. His lawyer contended that pretrial detention is permissible only when the accused might try to flee or is a dangerous person at large, and the petition said this was not true of Middleton.

SOURCES CLOSE TO THE CASE today identified the dead man as Chu Yen Thai Khac, a Vietnamese who worked for the Special Forces as the chief of a team watching North Vietnamese infiltration trails in Cambodia.

The sources said the U.S. Central Intelligence Agency ordered him killed after films taken secretly in Cambodia exposed him as a double agent. But in about six days the CIA withdrew the order, the sources said.

The man was killed on or about June 20, but it was not clear whether the CIA changed its orders before or after the killing.

THE NAME Chu Yen Thai Khac was one of several that have been bandied about in speculation on the hush-hush case. Sources said that although this is the "official" name of the victim, it may be an alias.

Other sources said earlier the man was shot and his weighted body dumped in the South China Sea off Nha Trang. The body has not been recovered.

The Army has filed charges of premeditated murder and conspiracy against seven U.S. Special Forces officers and one sergeant.

ONE OF THE officers, Col. Robert B. Rheault of Vineyard Haven, Mass., was commander of all Special Forces in Vietnam at the time of the killing. The others were intelligence specialists who worked with the trail watchers in Cambodia.

The eight men are being

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held in the Army stockade at Long Binh, outside Saigon, while the Army investigates to decide whether to bring them to trial.

The order for the arrest of the Green Beret men was signed by Maj. Gen. G. L. Mabry, commander of support forces in Vietnam, but the sources today said Mabry got his orders from the highest U.S. commander in Vietnam, Gen. Creighton W. Abrams.

IN WASHINGTON, meanwhile, Rep. Peter W. Rodino, D-N.J., said he had talked by telephone with one of the men under arrest, Capt. Robert F. Marasco of Bloomfield, N.J.

"The captain didn't discuss what happened," Rodino said. "The captain said he was only acting under orders."

The congressman said he was shocked to learn that Marasco "is in solitary confinement" and that the Pentagon was apparently was unaware of this. Rodino said he would protest to Secretary of Defense Melvin R. Laird and go to Vietnam, if necessary, to learn the facts in the case.

The Pentagon also has been queried about the case by Rep. Tom S. Gettys, Middleton's congressman; Rep. John C. Culver, D-Iowa, acting on behalf of Maj. David E. Crew of Cedar Rapids, Iowa; Rep. Hastings Keith, R-Mass., and Rep. Henry Helstoski, D-N.J.

Culver said he was given a Pentagon briefing but wouldn't disclose what he was told. The other three said they were given no information beyond what the Pentagon has told the public.

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Solon Intervenes
In 'Berets' Case

WASHINGTON (AP)—Rep. Carl Albert, the House whip, today sent a telegram to Defense Secretary Melvin R. Laird asking him to order the release of eight Green Berets held in solitary confinement in Vietnam in a murder investigation.

One of the eight, Capt. Leland Brumley, is from Albert's district in Oklahoma.

In the telegram Albert said he was "extremely concerned" over reports that Capt. Brumley and other members of Green Berets are being held in solitary confinement at Long Binh jail under barely humane conditions.

He requested Laird to order their release "or at least removal from solitary confinement."

The Army has kept mum on the nature of the Green Beret's involvement in the case.

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