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UNDERGO PRETRIAL EXAMINATION: Capt. Leland J. Brumley is followed by Col. Robert B. Rheault as the two Special Forces officers leave dining hall in Longbinh. They and six other men are facing possible court-martial in the reported murder of a Vietnamese double agent.

Lawyer Says Army Has 'Just No Case' Against the Berets

By JAMES P. STERBA

Special to The New York Times

SAIGON, South Vietnam, Aug. 19—A criminal lawyer hired to defend three of the Special Forces soldiers facing possible court-martial on charges of murder and conspiracy said today that "there is just no case" against the men.

"Weighing the evidence," said the lawyer, Henry B. Rothblatt, "there is just no case. I would be very surprised to see how any objective law officer could bring this case to trial."

Mr. Rothblatt, who has written several books on criminal law, said that the Army had committed an "error in judgment" in its handling of the case and that the morale of United States troops in South Vietnam and their faith in military justice were at stake as a result.

Eight Special Forces officers, including Col. Robert B. Rheault, former commander of all Special Forces in Vietnam, are undergoing pretrial examination—similar to a grand jury investigation—in the reported murder of a Vietnamese double agent June 20.

Mr. Rothblatt was summoned to South Vietnam by the military lawyers for Maj. David E. Crew, Capt. Leland J. Brumley and Chief Warrant Officer Edward M. Boyle.

Knowledgeable sources said

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RETURN TO QUARTERS: Capt. Leland J. Bromley, left, and Col. Robert B. Rheault walk to billets in which they were confined since Sunday. They had been elsewhere before.



OUTSIDE BARRACKS: Colonel Rheault, left, Chief Warrant Officer Edward M. Boyle, back to camera, and Capt. Robert F. Marasco. Man next to Colonel Rheault is not identified.

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'Just No Case' Against Berets, Lawyer Asserts

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that the three had asked for civilian counsel but had not specified a particular lawyer. Their military lawyers selected Mr. Rothblatt.

Yesterday seven of the Special Forces soldiers, who had been in a stockade at the Army post at Longbinh, were moved to regular quarters. They were joined there by Colonel Rheault, who had been in a house trailer. Today, Colonel Rheault was observed walking outside his room without a shirt. Capt. Robert F. Marasco, who is also being held, appeared at one point wearing his full Special Forces uniform and sunglasses.

An Army spokesman said that the men had been held in the stockade earlier in order to keep them from communicating with each other during the initial phase of the investigation.

Details on Victim Reported

As lawyers were awaiting the continuation of the investigation tomorrow, a Vietnamese language newspaper reported that the victim in the case was a 31-year-old man named Thai Khac Chuyen. Previously the victim has been identified as Chuyen Thai Khac.

According to this account, Mr. Chuyen, who worked as an interpreter for the Special Forces since Dec. 6, 1965, was ordered to a Special Forces liaison office in Saigon on June since by his wife and family.

The report said that Mr. Chuyen not only worked on secret missions along the Ho Chi Minh Trail in Laos and Cambodia but also swept floors and polished furniture for the Special Forces. It added that on June 11 Mr. Chuyen was notified to report to Camp Goodman, a Special Forces post. He appeared the next day and was questioned and released, and he told his wife he was "going on a mission."

On June 13 he went to Camp Goodman again and returned to tell his wife that he had had to pass a lie-detector test. He left home that day and has not returned, according to the account.

As attorneys awaited the continuation of the investigation tomorrow, reporters were looking into a story that appeared in a Vietnamese-language newspaper that said the victim in the case was a 31-year-old man named Thai Khac Chuyen, similar to Chuyen Thai Khac, who was identified as the victim in the case.

According to this story, Mr. Chuyen, who worked as an interpreter for the United States special forces since Dec. 6, 1965, was ordered to a Special Forces liaison office in Saigon on June 13 and has not been seen since by his wife and family.

The article said that Mr. Chuyen not only worked on secret missions along the Ho Chi Minh trail in Laos and Cambodia, but also swept floors and polished furniture for the Special Forces. It added that on June 11, Mr. Chuyen was ordered to report to Camp Goodman, a special forces post. He appeared the next day, was questioned, released and told his wife he was "going on a mission."

On June 13, he went to Camp Goodman again and returned to tell his wife that he had to pass a lie detector test. He left his home that day and has not returned, according to the report.

Some time after June 13 two Americans dressed in civilian clothes questioned his family, it was reported. According to the account, Mr. Chuyen worked for the Special Forces in the Ashau Valley in northern South Vietnam, in Tayninh, near the Cambodian border, and in Canto, in the Mekong River delta, before being summoned to Saigon on June 11.

Meanwhile, the Army spokesman said that on July 24 all eight of the Special Forces soldiers were accused of premeditated murder and conspiracy to commit murder. On the same day, he added, military lawyers were appointed to their defense.

The allegations were made by Col. Edward V. Hendren, the Army's chief legal officer in Vietnam, "on the basis of information supplied to him," the spokesman said.

Col. H. D. Seaman, secretary to the General Staff of the Army in Vietnam, is in charge of the investigation, he added.

The spokesman said that when Col. Seaman finishes the investigation, he will make rec-

ommendations to Maj. Gen. G. L. Mabry, commander of Army support troops here. General Mabry, who ordered the investigation, will then decide whether to proceed with a court-martial.

Pentagon Was Not Notified

WASHINGTON, Aug. 19 (UPI)—The Army has informed a member of Congress that the arrests of the eight Special Forces soldiers were made without notification to the Pentagon.

A letter dated Aug. 16 by Under Secretary of the Army Thaddeus R. Beal to Representative Peter W. Rodino, Democrat of New Jersey, made public at the Pentagon today, said: "To the best of my knowledge, no official in the Pentagon was informed prior to the arrests being made."

Mr. Beal's letter dealt with a list of questions submitted by Mr. Rodino, who interceded in behalf of Captain Marasco.

Asked by Mr. Rodino if the Army had a policy for dealing with double agents, Mr. Beal replied in the affirmative but added: "This information is contained in classified Army and defense intelligence agency regulations and manuals."

Without being specific, the Under Secretary said that "Army staff experience indicates" that the Special Forces were not taking orders from anyone outside the military chain of command. There have been reports that the alleged execution of the Vietnamese national was ordered by the Central Intelligence Agency, and that the order was reversed after it had been carried out. Government sources have denied any C.I.A. involvement in the case.

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