

THE NEW YORK TIMES, THURSDAY, AUGUST 21, 1969

# Lawyer in Green Beret Case Predicts All Will Be

By JAMES STERBA

Special to The New York Times

SAIGON, South Vietnam, Aug. 20 — A civilian lawyer for three of the eight Special Forces soldiers accused in the reported murder of a Vietnamese double agent said after a hearing today that he expected all eight to be exonerated.

Commenting after two Army witnesses had given testimony at an investigative hearing, the lawyer, Henry B. Rothblatt, said that the evidence presented had consisted of "innuendos, nonentities and guesses." One of the witnesses was a United States military man and the other a civilian.

An Army spokesman declined to comment on today's proceedings.

### One More Witness Expected

The Army will determine after the hearing whether the charges against the members of the Special Forces, or Green Berets, should be referred to a general court-martial for trial. Seven officers, including Col. Robert B. Rheault, former commander of all Special Forces in Vietnam, and an enlisted man were charged on July 24 with premeditated murder and conspiracy to commit murder.

Mr. Rothblatt said that the Army was expected to call one more witness tomorrow before ending the investigative stage of the case.

For the first time two civilian lawyers—Mr. Rothblatt and George W. Gregory—were in the hearing room to cross-examine witnesses and examine evidence the Army presented in the case. Mr. Gregory



Associated Press

Maj. Thomas C. Middleton, Special Forces, with his attorney, George Gregory of Cheraw, S. C., leaving Longbinh stockade for lunch after morning session of preliminary hearing.

represents Maj. Thomas C. Middleton. Mr. Rothblatt represents Maj. David E. Crews, Capt. Leland J. Brumley and Chief Warrant Officer Edward M. Boyle.

"The evidence was as weak and as vague as I predicted," Mr. Rothblatt said. "So far they have produced no witnesses of the alleged murder."

During the day Stanley R. Resor, Secretary of the Army, arrived in Saigon. The Pentagon has announced that while he is in Vietnam he will receive briefings on the Special Forces investigation. He is scheduled to visit Army headquarters at Longbinh tomorrow.

Mr. Resor will presumably be briefed on the case by Gen.

Creighton W. Abrams, commander of United States forces in South Vietnam, who is reported to have ordered the investigation.

Army spokesmen, meanwhile, had no immediate comment on reports from Washington that the eight accused men were confined before the Pentagon was informed. This became known yesterday when the Pentagon made public a letter by Under Secretary of the Army Thaddeus R. Beal to Representative Peter W. Rodino, Democrat of New Jersey. All eight of the accused ap-

## *Exonerated*

peared at the six-hour session today, held in the chapel inside the Army's stockade here.

The hearing began at 9 A.M., when the men were driven into the stockade in a sedan escorted by two jeeps. At noon Major Middleton, Mr. Gregory, a member of the Army's Criminal Investigation Division and two escorts climbed into the rear of an Army truck and drove to lunch.

The C.I.D. member was seen two weeks ago aboard a ship in the Nhatrang harbor, where an underwater search for a body was later abandoned.

The hearing resumed at 2 P.M. and recessed for the day at 5 P.M. Mr. Gregory emerged carrying his jacket, his shirt drenched in perspiration. "I'm still optimistic and it's hot in there," he said. The hearing room is not air-conditioned.

Mr. Gregory declined to discuss the proceedings. His manner was reserved, in sharp contrast to his outspokenness at news conferences a week earlier.

Besides those named, the accused men are Capt. Robert F. Marasco, Capt. Budge E. Williams and Sgt. 1st Cl. Alvin L. Smith.