

ARMY TO TRY 6 OF 8 BERETS IN VIETNAM MURDER CASE

(Companion story, "Action on 2 in Abeyance," by Terence Smith, on separate page.)

Resor Tells of Pressure

By WILLIAM BEECHER

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WASHINGTON, Sept. 18—Secretary of the Army Stanley R. Resor said today that he had rejected strong pressures to remove the Green Berets case from the jurisdiction of the military command in Saigon. He also said he had been under pressure to dismiss charges of murder and conspiracy against the soldiers.

To have acceded to these pleas, he said in a statement, would have been "unwise and unfair."

Mr. Resor, a lawyer, insisted that a full, fair and open trial would be held, with closed-door testimony only on those matters that are highly classified. The alleged victim, Thai Khac Chuyen, was believed to have been an enemy agent while working for the Special Forces, or Green Berets, in covert operations in Laos.

The case is expected to shed light on the shadowy world of intelligence operations, specifically on what American agents may and may not do in the name of expediency.

Knowledgeable sources said that the pressures on Mr. Resor had come not only from a number of congressmen, but also from some high-ranking military men and attorneys representing some of the defendants.

The Secretary went to some pains to point out that there

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were five levels of appeal and review, if any of the Green Berets should be convicted.

It is understood that the decision not to seek the death penalty was partly because of a growing national feeling against capital punishment and partly because the Uniform Code of Military Justice requires a court-martial board to impose either the death sentence or life imprisonment if any military man is found guilty of "premeditated murder." The officers making up the board, it was felt, might be reluctant to return a guilty plea if no lesser punishment were permitted.

At least six of the officers will be tried under a lesser charge of "intent to kill." This permits wide leeway on the sentence.

Article 118 of the Uniform Code details four different murder charges: premeditated murder; intent to kill or inflict great bodily harm; wanton disregard of human life while engaged on a dangerous mission; murder while engaged in some other crime, such as burglary, arson or rape.

Charges 'in Abeyance'

Charges against two remaining men, Chief Warrant Officer Edward M. Boyle and Sgt. Alvin L. Smith Jr., will be "held in abeyance" pending the other trials.

Sergeant Smith set off the investigation when he went to agents of the Central Intelligence Agency in Nhatrang, South Vietnam, in late June, telling of the alleged killing and asking for protection against possible retribution.

Chief Warrant Officer Boyle, the first of the men taken into

custody in the ensuing Army inquiry, is said to have cooperated with the investigation.

Military sources say he drove the truck containing three Special Forces officers and a large, weighted canvas sack to dockside in Nhatrang. It is alleged that the sack contained Mr. Chuyen's body and that it was dropped into the South China Sea. An extensive search has failed to turn up a body.

Lesser Counts Possible

Maj. Gen. G. L. Mabry Jr., in charge of reviewing the pre-trial investigation, is said to have recommended immunity for these two men. But by holding open this question, the Army remains free to bring lesser charges if the trials produce incriminating evidence against them.

Two trials are foreseen, involving three officers in each. The Army said it would be ready with its case in three weeks, but officials said that defense lawyers could seek a delay to prepare their case.

The first case would involve Capt. Leland J. Brumley, Capt. Robert F. Marasco and Capt. Budge E. Williams. Military sources said that these three are alleged to have actually participated in the murder and the disposal of the body.

The second case would include as defendants Col. Robert B. Rheault, commander of Special Forces in Vietnam at the time of the alleged murder, and Maj. David E. Crew and Maj. Thomas C. Middleton, Jr. they are said to have been aware of the alleged plan to dispose of the double agent.

Presence Not Required

Military law does not require that a man be present at a murder to be found guilty of that charge, so long as he played a central role in planning or approving plans for the killing.

As pieced together from sometimes conflicting military and C.I.A. sources, this is what happened:

Starting early this year, the team of Vietnamese agents handled by Mr. Chuyen in spying missions in Laos began to fall apart. Some men were killed, others quit. Some members of the team passed the word that their leader was believed to be "sympathetic to the Vietcong."

Subsequently, on a military raid on an enemy base camp, a photograph turned up showing Mr. Chuyen with two or three known "middle-level" agents of the central headquarters of the Vietcong in South Vietnam.

The man was apprehended and he was given two or more lie detector tests. Sources say that the tests convinced the Special Forces that the man was a double agent.

A Check With Saigon

On either June 10 or June 12, the Special Forces made contact with a C.I.A. man at Nhatrang, outlined their case and asked whether the agency had a "safe haven," in or out of South Vietnam, where the man could be held and where he could not be reached by agents either of the Vietcong or of South Vietnamese intelligence.

They explained that since the man was involved in a "unilateral" operation, without the knowledge of the South Vietnamese, they did not want to take the risk that the details of his mission or the names of his agents might fall into unauthorized hands. The C.I.A. man said he would check with his superiors in Saigon.

(no continuation)