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Lawyer for Green Berets Says C.I.A. Lied About Murder Case

By **TERENCE SMITH**
Special to The New York Times

SAIGON, South Vietnam, Sept. 25 — A defense counsel in the Special Forces murder case charged tonight that the Central Intelligence Agency had lied about its role in the reported murder of a Vietnamese double agent.

The attorney, Henry B. Rothblatt, said at an informal news conference here that the facts would eventually prove that CIA officials had lied about "their role, their activity, their advice and their participation in this case from the very beginning."

Mr. Rothblatt also said he would file a motion asking President Nixon, in his capacity as Commander in Chief of the armed forces, to dismiss the charges of murder and conspiracy that have been filed here against six soldiers of the Special Forces, or Green Berets.

In the motion, which is already prepared, Mr. Rothblatt charges that Gen. Creighton W. Abrams, the American commander in South Vietnam, has exerted "command influence" over the proceedings against Col. Robert B. Rheault, the former commander of the Green Berets in Vietnam, and five of his officers.

A Layman's Definition

Asked for a layman's definition of the phrase "command influence," Mr. Rothblatt said: "It means trying to fix the court."

The motion says in part: "It is apparent from a reading of the testimony in the Article 32 [the military pretrial hearing] that General Abrams repeatedly expressed his desire to see Colonel Rheault and the other defendants tried and convicted."

The petition argues that since all the authorities in the case are subordinates of General Abrams, a fair hearing is impossible. As an alternative request if his motion for dismissal is denied, Mr. Rothblatt asks for a reopening of the Article 32 hearing—designated by authorizing provision in the Uniform Code of Military Justice—which he describes as having been "totally inadequate."

Although Mr. Rothblatt is defense counsel for only three of the defendants, the petition for dismissal is being filed on behalf of all.

The motion states that during the hearing, which was concluded here on Aug. 21, the defendants were deprived of their "right of pretrial discovery"—the legal term for full access to all relevant materials.

In a conference with reporters in his hotel room in Saigon, Mr. Rothblatt was asked why he thought General Abrams would want to exercise command influence over the case.

"I can only speculate," he said, "but apparently Abrams felt that Rheault did not level with him when he reported to him on the case. Also, there's no question but that the C.I.A. fed Abrams a lot of misinformation on the role they played in the case."

George W. Gregory of Cheraw, S. C., another defense counsel in the case, has charged that the C.I.A. ordered the killing of the alleged agent and then rescinded its order after the execution.

The victim was a Vietnamese named Thai Khac Chuyen, who was reported to have been

employed by the Special Forces to gather information on enemy movements. According to Mr. Gregory, the man was a double agent who was also serving enemy intelligence. The Army charges that the Green Berets shot the man and dropped his body into the South China Sea on June 20.

After weeks of silence, the C.I.A. leaked its own version of the case to reporters in Washington late in August. High officials of the agency denied complicity in the reported execution.

Asked about this version at his news conference, Mr. Rothblatt said: "When the facts come out, this will be proven to be untrue. If Helms [Richard C. Helms, director of Central Intelligence] said the C.I.A. had no part in this case, he certainly was not telling the truth."

Mr. Rothblatt said he would call Mr. Helms and a number of C.I.A. agents to testify if the court-martial that the Army has ordered ever opens.

Censorship Is Charged

Special to The New York Times

WASHINGTON, Sept. 25 — The wife of a defendant in the Green Beret case and the Pentagon are in disagreement over whether his mail and telephone calls have been censored or monitored since his arrest.

"I'm almost positive the mail is being censored," Mrs. Phyllis Middleton, the wife of Maj. Thomas C. Middleton, said in a telephone interview from Jefferson, S. C.

The Pentagon has denied, however, that either the mail or telephone calls of the men have ever been censored or monitored.

In another development today, Secretary of Defense Melvin R. Laird disclosed that he had sought release of the men from the cramped cells in which they were originally confined at the Longbinh stockade.

"When I found that these men were being unfairly confined, I immediately contacted the Secretary of the Army, and action was taken within a matter of 24 hours," he said at a luncheon at the National Press Club.

Mrs. Middleton said she spoke with her husband by telephone on Friday and that the issue of censorship was discussed. "He cautioned me then to be careful what I said and he added that he felt sure the letters were being censored," she said.

Mrs. Middleton said that she and other wives intended to fly to South Vietnam for the trial, although the Army has said that it will not provide transportation.

In Dumas, Ark., the chairman of a newly formed group, the Beret Defense Committee, said his organization might supply transportation funds.

The chairman, Crews McCulloch, a real estate broker and farmer, said he resigned from the Army as a captain in 1965 after 12 years of service, including several years' experience in Southeast Asia with the Green Berets.

He said members of the organization were Army veterans, many of whom had served in Vietnam and who shared a concern that the Green Berets might receive unfair treatment if the case was heard there.