

CIA Refuses to Provide Witnesses

BERETS CHARGES DROPPED

WASHINGTON (AP) — The Army today dropped all charges against eight Green Berets accused of killing a South Vietnamese who was reported to be a double espionage agent.

The Pentagon said the charges were dropped after the Central Intelligence Agency had refused to provide any witnesses at the scheduled trial of the Green Berets.

Secretary of the Army Stanley R. Resor said the CIA's action, based on grounds of national security, led him to believe that the Green Berets could not be tried fairly.

"IT IS MY judgment that under these circumstances the defendants cannot receive a fair trial," Resor said.

"Accordingly, I have directed today that all charges be dismissed immediately. The men will be assigned to duties outside of Vietnam," he said.

Resor said he had been advised only today that the CIA, "though not directly involved in the alleged incident, has determined that in the interest of national security it will not make available any of its personnel as witnesses . . ."

"WHILE IT IS not possible to proceed with the trials, I want to make it clear that the acts which were charged, but not proven, represent a fundamental violation of Army regulations, orders and principles," Resor said.

"The Army will not and cannot condone unlawful acts of the kind alleged."

Attorney Henry B. Rothblatt of San Francisco, who was seeking to transfer the Green Beret murder trial to San Francisco civil courts, said he was "extremely elated" when the Army dropped the charges.

The action by the Secretary of the Army was announced in Washington a few minutes after Rothblatt had filed for two writs of habeas corpus for four of the accused in U.S. District Court.

JUDGE GERALD S. Levin had taken the petitions under advisement.

"The Central Intelligence Agency has always been very much involved in this," Rothblatt told newsmen. "These dismissals is what we wanted in the first place.

"The Army knew that these men did nothing wrong."

DEFENDING HIS ABRUPT intervention in the case, Resor referred to "considerations of national security."

"It would be unjust to assess the culpability of any individual involved in this matter without affording him an opportunity to present his defense in a full and fair trial," Resor said.

"Under our system of jurisprudence every man accused of wrongdoing is presumed to be innocent until he is proven guilty," he added. "The determination of guilt may be made only by a court which has access to all information with respect to the alleged offense."

THE ARMY HAD charged Green Beret Capt. Robert F. Marasco, 27, of Bloomfield, N. J., as the one who fired the pistol that killed Thai Khac Chuyen.

Charge sheets released Friday also accused Col. Robert B. Rheault, 43, of Vineyard Haven, Mass., former commander of the 3,000 Green Berets in Vietnam, of premedi-

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tated murder, although they said he did not participate in the actual slaying.

Rheault was charged with conspiring in the June 15-20 period with the seven others in the slaying.

THE SPECIFICATIONS said Capt. Leland J. Brumley, 27, of Duncan, Okla., obtained a boat to carry the victim from the 5th Special Forces headquarters at Nha Trang and administered an injection of morphine to the alleged victim.

Also charged in the case and scheduled for court martial before today's announcement were Maj. Thomas C. Middleton Jr., 30, of Jefferson, S. C. and David E. Crew, 33, of Cedar Rapids, Iowa and Capt. Budge E. Williams, 27, of Athens, Ga.

Of the original eight, the Army said charges against Chief Warrant Officer Edward M. Boyle of New York City and Sgt. 1.C. Alvin L. Smith Jr., Naples, Fla., were being held in abeyance.

LAWYER F. LEE Bailey said in Boston, he felt the Army made the right decision in dropping the charges.

Bailey, who was to have represented Capt. Robert F. Marasco said: "I think the decision was a correct one."

"I think it was made for reasons that were perfectly sound."

He said it would have been embarrassing for the Army, the Green Berets and the United States to disclose Central Intelligence Agency activities in Vietnam.

"THEY, THE ARMY, had the realization that in the public mind this was a waste of time, that they were doing damage to the reputation of the Army and the Green Berets."

He said Army Secretary Stanley R. Resor showed "good judgment" in dropping the charges.

"Good judgment has prevailed in the nick of time," said Bailey.

Bailey said he had not heard officially from the Army that the charges against his client would be dropped, but added he expected to hear word shortly.