

Unanswered Question In Green Beret Case

WASHINGTON — (UPI) — The Green Beret Case has ended without a solution, leaving a moral question without a clear national answer.

In dismissing murder charges against six members of the Special Forces accused of killing an alleged Vietnamese double-agent, the Army sought to make clear it was not granting a license to summarily kill spies, agents or other prisoners.

"The Army will not and cannot condone unlawful acts of the kind alleged," said Army Secretary Stanley Resor in issuing the dismissal order. The six, plus two Green Berets whose cases already were in abeyance, will be transferred to duties outside Vietnam.

Still Unanswered

But still unanswered was the question of just how deeply U.S. forces — and the CIA — are involved in assassinations in South Vietnam, and the moral question of when such actions are considered justified.

Resor said the CIA was "not directly involved." However, on the basis of his own statement, the agency was sufficiently involved that its failure to let its agents testify was given as the main reason for dropping the case against the six members of the elite Special Forces.

Broaden Trial

Actually, according to some intelligence sources, the decision not to carry out the trial stemmed primarily from other considerations.

One of these, they said, was reluctance on the part of the administration to pursue an affair in which some of the highest priced criminal lawyers in the United States, acting for the defense, were determined to broaden the trial into an investigation of the moral basis for the Vietnam war itself.

CIA officials have contended for some time their agents played only a minimal role and actually were the victims of false information given by the Green Berets.

According to CIA sources, when the Green Berets advised the agency in Vietnam of its conviction that the Vietnamese civilian concerned was a double-agent, the CIA was not entirely convinced of this. In any event, CIA officials assert, their advice to the Green Berets was to turn the man over to the South Vietnamese military officials.

Hazardous Mission

The CIA subsequently was told, as were high U.S. Army officials in Vietnam, the matter had been disposed of by sending the alleged double-agent on a hazardous mission to the north from which he would not likely return.

Subsequently, according to the CIA version, one of the eight Green Berets involved became conscience-stricken and came to the CIA and "confessed" the Vietnamese had been killed and his body dumped into the South China Sea.

The repentant Green Beret was told to take his "confes-

sion" to U.S. Army investigation officers, since the Special Forces came under the Army.

That, according to CIA officials, was the extent of the agency's involvement.

'No Fair Trial'

Resor said refusal of the CIA to let its men testify would prevent the defendants from receiving a fair trial; but it appeared more likely, on the basis of what is known about the case, that any CIA testimony would have aided the prosecution as much or more than the defense.

Defense attorneys have made much of the fact the prosecution was unable to find and produce the corpse of the alleged victim.

Some observers believe that this fact, plus the desire to avoid airing differences between the Army high command and its Special Services branch, played a big part in the decision to drop the case.

Applause

When Resor's decision was announced on the floor of the House yesterday, there was applause. The applause presumably meant some congressmen felt the Green Berets were unfairly prosecuted for actions that may be common in war, or at least may have involved their carrying out their understanding of orders.

An Army official in the Pentagon said military law and regulations against such killings still stand, although no new directives have been sent to the field to reinforce them.