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Adv Sun AMs Oct. 5

Green Berets 500, 3 takes 1,500

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WASHINGTON AP

- Special Forces officers in the Pentagon are miffed at the way Secretary of the Army Stanley R. Resor went about dropping charges against Green Berets accused of murder in Vietnam.

These officers, while relieved that the Green Berets will not be placed on trial, feel that Resor's disposition of the case left an ugly cloud of suspicion over the men as well as the elite organization.

In directing dismissal of the charges on the ground that the Green Berets couldn't get a fair trial without Central Intelligence Agency testimony, Resor said last Monday:

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

To Special Forces officers, the secretary's words clearly implied that the Green Berets had done something for which they couldn't be punished but for which they at least needed a public scolding.

"In effect he was convicting those men," one officer commented. "And he was supposed to be dropping the charges."

Other Pentagon officials interpret Resor's remarks as merely a declaration to the world that assassination is not an accepted practice within the Army, with no rebuke intended.

This scrutiny of words is but one of several signals that the Green Beret case, involving the alleged death of a South Vietnamese intelligence agent, may be officially closed but will not soon be quieted.

Questions of who said what and why and what really happened near Nha Trang, South Vietnam, last June persist. Some members in Congress are suggesting that a congressional inquiry might resolve them.

Broad questions beyond the issue of the crime itself, assuming there was one, also exist.

What was the CIA role? Did the spy agency really decide to boycott the Green Berets' scheduled courts martial strictly because intelligence methods might be revealed? Is military justice suspect? Are Green Berets assassins as well as advisers and fighters?

The shadowy central figure in the tale of intrigue is a Vietnamese national named Thai Khac Chuyen, whose family knew him as an interpreter for the 5th Special Forces Group in Vietnam. He went to work for the Green Berets in 1965.

Various sources said that Chuyen also kept watch over enemy infiltration into Vietnam from Cambodia-until he was photographed last June with a North Vietnamese operative.

Apparently the Special Forces determined that Chuyen had jeopardized U.S. lives and knew too much about American intelligence operations to be merely fired.

At some unspecified command level, the Green Berets and the CIA conferred over what should be done.

There are conflicting versions concerning what was proposed.

Sources sympathetic to the Green Berets said the CIA was asked to fly Chuyen out of the country but refused.

Another version is that a CIA suggestion to "get rid" of the man was misinterpreted as a death sentence.

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Sources friendly to the CIA said the agency's representative urged the Green Berets to turn Chuyen over to the South Vietnamese.

Whoever made the decision, Chuyen's "disposition" eventually pulled eight Green Berets into one of the most controversial and most mysterious operations of the Vietnam war.

They ranged from the then-commander of Green Berets in Vietnam to a sergeant.

The accusation:

... that Col. Robert Rheault, U.S. Army, Headquarters USARV, then Headquarters and Headquarters Company, 5th Special Forces Group Airborne, 1st Special Forces, did at or near Nha Trang, Republic of Vietnam, from about 15 June, 1969, to about 20 June, 1969, conspire with Maj. David E. Crew, Maj. Thomas C. Middleton Jr., Capt. Leland J. Brumley, Capt. Robert F. Marasco, Capt. Budge E. Williams, CW2 Edward M. Boyle and SFC Alvin L. Smith, Jr., to commit an offense under the Uniform Code of Military Justice, to wit:

"Murder of Thai Khac Chuyen, and in order to effect the object of the conspiracy, Capt. Leland J. Brumley and CW2 Edward M. Boyle, co-conspirators herein, did carry Thai Khac Chuyen from Detachment B57, 5th Special Forces Group Airborne; Capt. Leland J. Brumley . . . did obtain a boat to be used in transporting Thai Khac Chuyen and . . . did administer an injection of morphine to . . . render the said Thai Khac Chuyen unconscious; Capt. Robert F. Marasco . . . did request Capt. Robert A. Wolf to obtain a heavy chain to be used in disposing of Thai Khac Chuyen and . . . Marasco did shoot Thai Khac Chuyen with a pistol."

Apprehended, drugged, shot. And according to unofficial accounts, bound in heavy chain, placed in a big and dumped into the South China Sea.

No body was ever recovered.

For whatever reason, some have since credited, or blamed, Gen. Creighton W. Abrams, commander in Vietnam, for pushing prosecution of the men.

The fact they were charged with murder at all came as a surprise to some people who suspect that killing of enemy agents is not uncommon in covert warfare, but treatment of the eight men was even more surprising.

All, including Rheault, were jailed in small, individual cells in a stockade for days pending the outcome of what amounted to a grand jury proceeding to determine whether courts martial should go forward.

In the meantime, half the accused group sought out private lawyers. Some wrote their congressmen. Reporters pressed the Saigon command and the Pentagon for more details on the case. Pressures built.

On Sept. 18, Maj. Gen. G. L. Mabry Jr., commanding general of support troops in Vietnam, directed that all but the warrant officer and the sergeant should be tried. They apparently were to be "state's witnesses."

Eight members of Congress jointly demanded that Resor intervene, but the Army secretary said it would be "unwise and unjustified" for him to short-circuit the military legal process.

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Critics accused the Army of pushing a vendetta against the glamorized Special Forces, and accounts of intra-service backbiting and jealousies appeared.

Resor made one comment in his refusal to intervene, however, that proved to be a clue to the Nixon administration's eventual "out" in the affair.

"A trial, accompanied by the arguments of counsel for both sides, and the availability of necessary witnesses, will provide a chance for full exploration of matters bearing on innocence, guilt, excuse, justification, mitigation or extenuation," Resor said.

"Availability of necessary witnesses. . ." That was the tipoff. Eleven days later, Resor completely reversed himself and stepped into the case:

"I have been advised today that the Central Intelligence Agency, 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 in connection with the pending trials. . ."

"It is my judgment that under these circumstances the defendants cannot receive a fair trial. According, I have directed today that all charges be dismissed immediately. . ."

Congress literally cheered at the news. The freed Berets had a party and then flew to the states. The defense lawyers said it was the best way to end the affair.

While to some it appeared a too-obvious way for the Nixon administration to get off the hook, there is a precedent for the CIA to avoid public courtrooms in the name of national security.

In 1966, the CIA successfully kept one of its agents from being hauled into Baltimore's Federal District Court to testify in a slander suit.

In that case CIA agent Juri Raus was sued for \$110,000 by Berik Heine, an Estonian expatriate whom Raus had named as a Soviet agent. The CIA-saying it ordered Raus to disseminate the accusation against Heine-said testimony by Raus might compromise intelligence secrets.

The happy ending for the Green Berets may not necessarily be happy or even the end, however.

Special Forces officers are wondering what will happen to the careers of the accused men, particularly Col. Rheault who was a rising star in the Army.

"I don't think you can say the outlook is too promising," an officer observed.

Military men do not believe there has been a severe breach in relations between the parent Army and its offspring Special Forces, but do wonder if the Green Berets will suffer a loss of volunteers in the future.

Green Beret types also are concerned that many people now assume assassination is a standard item in the Special Forces' war kit, and they insist it is not. Nor, they said, do Green Berets in Vietnam get their orders from the CIA.

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