

BERET CASE ROLE OF C.I.A. REPORTED

Special Forces Are Said to
Have Asked Repeatedly for
Instructions on Slaying

By TERENCE SMITH

Special to The New York Times

SAIGON, South Vietnam, Aug. 15—Qualified sources familiar with the investigation of the reported murder of a Vietnamese double agent asserted today that intelligence officers of the Special Forces had repeatedly tried to get clear instructions from the Central Intelligence Agency before the victim's death.

For at least two weeks before the reported slaying in Nhatrang on June 20, the officers of the Special Forces, or Green Berets, sought guidance on whether the double agent should be jailed, surreptitiously removed from the country or executed, the officials maintain.

A final request for guidance was submitted to the C.I.A. on the morning of June 20, the sources reported, but no answer was received for more than 24 hours.

Release of the 8 Refused

When it was received, according to this account, it directed that the agent be spared and said that if anything had already happened to him, the matter would have to be reported directly to Gen. Creighton W. Abrams, commander of the United States forces in South Vietnam. By this time, it is reported, the execution had been carried out.

[In Washington C.I.A. officials declined to comment on the case, but qualified sources maintained that the agency had a strict policy of neither ordering, suggesting nor condoning assassinations. The sources also said that the C.I.A. had no current authority over Defense Department personnel and therefore could not "order" an assassination.]

In Saigon tonight the military authorities refused to release from confinement one of the eight Special Forces soldiers facing possible charges of murder and conspiracy

Continued on Page 10, Column 1

Continued From Page 1, Col. 7

growing out of the shooting.

The authorities said that because of the seriousness of the charges, they had denied a petition filed Monday by a civilian lawyer seeking the release of Maj. Thomas C. Middleton Jr. He is in a five-by-seven-foot cell in the maximum-security section of the Army's main stockade at Longbinh, about 18 miles northeast of Saigon.

At a hastily called news conference, George W. Gregory, Major Middleton's civilian lawyer, angrily denounced the Army, saying he would carry his pleas for his client's release to the Military Court of Appeals in Washington.

According to the new account of the case, the Central Intelligence Agency's initial response to the request for guidance was that it could make no official recommendation at that point but that, unofficially, the only feasible course would be to eliminate the agent.

Lawyer Disputes Report

This response was given orally, the sources went on, and the "unofficial" recommendation was evidently accepted by the Special Forces as an instruction.

Report on C.I.A. Denied

At his news conference this evening Mr. Gregory denied an earlier broadcast report from Washington that the C.I.A. had rescinded its original recommendation to kill the agent before June 20. Mr. Gregory was commenting on a televised report by Marvin Kalb of the Columbia Broadcasting System.

Mr. Kalb quoted Washington officials as having said that the follow-up order not to kill the Vietnamese agent was received by the Special Forces before the assassination was completed. Mr. Gregory said the report was a "bald-faced lie."

"I say that if there was a second order, it was late," he said.

Mr. Gregory asserted that the Army was attempting to try the soldiers in "an atmosphere of lies and foolish statements by so-called informed sources." These sources, he said, are releasing "vast lies" to the American people.

The lawyer declared that the Army had classified all information in the case "not because of national security but because they are afraid to let the people know what the facts are." He also said that the Army's confinement of major Middleton was "inhumane, unbelievable." He added:

He's lost weight. His eyes are red from lack of light. He's been isolated from society. And a man who has been

trained to walk miles and miles is now confined to this little pigpen. And he's extremely nervous."

Confined in Small Cell

Major Middleton, the former head of intelligence operations for the Fifth Special Forces Group at Nhatrang, has been confined to his cell since July 20, according to Mr. Gregory.

The cell is cramped and hot, he said, and topped with a wire-mesh screen. Above the screen, hanging from the roof, is a light bulb that is not adequate for reading. The cell contains a small metal bed, a straight-back wooden chair and the top section of a foot locker used to hold the major's belongings, he said. The cell has no toilet facilities. A security guard must open the door on request to allow Major Middleton to use a privy in the compound.

Another major, three captains, a warrant officer and a noncommissioned officer, all Special Forces men being held in the case, are in adjoining cells in the same section, he said. They can talk to each other through the wire-mesh over the top of the individual cell walls.

Colonel Rheault is reportedly being held in a house trailer nearby.

Letter From Middleton Quoted

In a letter written by Major Middleton and obtained by The New York Times, the major said he had been treated "fairly well" in the stockade.

"I have been asked every other third day how things were going and if I needed anything," he wrote. "Everything I have asked for has been given that I recall. For the first two nights we had old fold-up cots which were very uncomfortable. [then we] were given Army metal beds.

"After several days I asked for extra milk because of my old ulcer and later asked for medicine. These requests were done."

Major Middleton said that at first he was allowed to exercise for one hour a day with one other prisoner in the open area outside his cell. Later the rule was changed and he had to exercise alone. He said:

"On about Aug. six, this was changed again, after we had complained several times, and we were allowed to go out in pairs."

"At about Aug. 6 they also got some gloves, softball and a scrabble board for our entertainment. Also on Aug. 6, instead of referring to us as numbers (mine was '2'), they put our names on the board above the door."

Major Middleton said that what he missed most was keeping up with current events. He said that only rarely did he receive a copy of Stars and Stripes, the armed forces' daily newspaper.

"Missed the moon flight, all-star [football] game and Nixon's trip," he wrote. Outgoing mail had to be turned in, unsealed, he said, and letters to him from his mother and wife were slit open before he received them.

"But as I said before, things haven't been too bad," he added. "I don't particularly like the idea of being locked up at all."

Agent's Activities Detailed

The Vietnamese who was slain has been identified as Chu Ven Thai Khac. He is alleged to have provided information to North Vietnamese intelligence on the operations of intelligence agents used to observe North Vietnamese troop movements on both sides of the Cambodian border. As a result, according to reliable sources, several agents were killed on a mission late in May or early in June.

The agent identified as Khac was incriminated when photographs captured in Cambodia showed him in conversation with agents of North Vietnamese intelligence, it was reported.

According to reliable military sources, General Abrams ordered a complete investigation into the case after he had summoned Colonel Rheault to Saigon for a personal report on the circumstances surrounding the agent's death.

On July 21 the Colonel was relieved of his command of the 3,000-man Special Forces group and placed in custody.

C.I.A. Remains Silent

Special to The New York Times

WASHINGTON, Aug. 15—Officials of the Central Intelligence Agency declined comment today on assertions that the agency was involved in the assassination of an alleged Vietnamese double agent.

Qualified sources affirmed, however, that since the C.I.A. was formed in 1947, the agency has followed a strict policy of neither ordering, suggesting or condoning assassinations.

"The C.I.A. is a member of the U.S. Government's intelligence community, and subject to very strict control by a special White House team of Presidential advisers," said a reliable source. "It does not go in for assassination and its other activities must all have prior approval by this White House panel."

The source added that the C.I.A. had no current authority over Defense Department personnel such as the Army's Special Forces teams and could not, therefore, "order" such teams to carry out assassinations.