

LAWYER SAYS C.I.A. REFUSES TO PRODUCE KEY WITNESS IN GREEN BERET CASE

Lawyer Says C.I.A. Refuses to Produce Key Witn

SAIGON, South Vietnam, Aug. 17 (Reuters)—A civilian defense lawyer representing one of the eight members of the United States Army's Special Forces facing possible charges of premeditated murder of a Vietnamese said today the Central Intelligence Agency had refused to produce a crucial witness for a pretrial hearing Wednesday.

George W. Gregory of Cheraw, S. C., said that the witness was an Army colonel working for the agency. Mr. Gregory said the refusal was on the grounds of "executive privilege."

"At this stage I cannot subpoena him," Mr. Gregory said. "If my client is formally charged with murder at a court-martial, then I shall have him."

Mr. Gregory is defense lawyer for Maj. Thomas C. Middleton Jr. of Jefferson, S. C., who is being held at the Longbinh stockade north of Saigon, along with Col. Robert B. Rheault, of Vineyard Haven, Mass., former commander of all Special Forces in South Vietnam. Also held are five other Special Forces officers and a sergeant.

They are Maj. David E. Crew of Cedar Rapids, Iowa; Capt. Leland J. Brumley of Duncan, Okla.; Capt. Budge E. Williams of Athens, Ga.; Capt. Robert F. Marasco of Bloomfield, N. J.; Chief Warrant Officer Edward M. Boyle of New York City, and Sgt. 1st Cl. Alvin L. Smith Jr. of Naples, Fla.

The alleged victim has been identified as Chu Ven Thai Khac, who is reported to have been a double agent for American military intelligence agencies and for North Vietnam.

He was reported to have been killed on June 20 when it was learned he was working for both sides.

Colonel Rheault was relieved of his command of the Special Forces a month after the alleged murder.

American sources close to the case said yesterday the colonel who would not be available for the pretrial investigation worked for the Central Intelligence Agency and was believed to have advised the Special Forces to kill the victim.

Army Secretary Stanley R.

Resor will arrive in Saigon Wednesday, the day the formal pretrial investigations are to start. Mr. Resor will stay for seven days, military sources said. Although the visit is a routine one to study military questions, Mr. Resor is expected to look into the case, observers said.

Newsweek Cites 1965 Task

The Army's Special Forces, popularly known as Green Berets, were pressed into service as secret intelligence operatives during the intervention by the United States in 1965 in the Dominican Republic, according to the latest issue of Newsweek magazine, which is on sale today.

"We flew in by helicopter," one veteran of the mission recalled, "and landed in every town with a baseball field. Then we'd fly back to Santo Domingo and report whatever we had learned to the intelligence coordinator, who was a C.I.A. man. He'd show it to [Ambassador Ellsworth] Bunker."