

An Earlier Beret 'Slaying'

Associated Press

Washington

A Green Beret captain, convicted in Vietnam of murder in a case similar to the one currently involving the same unit, claims he was "suddenly thrust into the world of spies and double agents without the benefit of special training."

The captain, John J. McCarthy of Phoenix, Ariz., is serving a 24-year prison term at Ft. Leavenworth, Kan., for the murder of Inchin Hai Lam, a Cambodian who had been working for the Green Berets in Vietnam.

McCarthy's appeal to the Court of Military Review
See Back Page

From Page 1

claims, among other things:

- That he was "living as a civilian with the civilian population in the capital of a foreign nation . . . under the direct control of a civilian agency of the U.S. government. His activities were without any service connection except his clandestine status as a member of the armed forces. The alleged victim was a foreign national who was not aware of any affiliation with the U.S. armed forces."

- That he was denied the right to a public trial.

- That the government failed "to compel the attendance at the trial of two foreign nationals as requested by trials defense counsel."

McCarthy's trial, in January last year, received little publicity. His lawyers say segments of the court-martial were classified as se-

News of the Green Beret investigation on Pages 16 and 17

cret and held behind closed doors. At 4 o'clock on the morning of Nov. 24, 1967, he was in a car on a road outside Saigon sitting in the front seat between McCarthy and the driver, a Green Beret sergeant.

REVOLVER

McCarthy admitted he was holding a .38-caliber revolver, cocked and loaded, and was questioning Lam. There was a shot and the Cambodian slumped, dead.

"The court asked a law officer if it could give a lesser sentence but was told that if it convicted McCarthy it would have to give him the sentence prescribed in the manual," said Charles Morgan Jr., his civilian attorney,

contacted in Destin, Fla.

"Immediately following the trial, five of the seven members of the court signed a petition for clemency and the court itself did not sentence Captain McCarthy to be dismissed from the service or forfeit his pay and his rank," Morgan said. The minimum sentence of life in prison later was reduced to 24 years.

CAREER

McCarthy enlisted in the Army in 1960, joined the Special Forces and was commissioned after attending officers' candidate school. His wife and three children live in Phoenix, Ariz.

The captain was in Green Beret unit B-47. Eight members of that unit are charged with murder and conspiracy in the death of a Vietnamese civilian employee of the U.S. Army who apparently was suspected of being a double agent and who reportedly was the subject of an order for termination "with extreme prejudice."

Lam also was to be "terminated," Morgan said, but McCarthy insists that he did not shoot the Cambodian.

"The deceased met his demise at approximately 4 a.m. on a highway outside Saigon which was considered dangerous t times during the day and certainly dangerous at night," said Morgan. "Captain McCarthy testified he saw a bullet hole in the windshield and the driver testified the windshield was shattered.

"The testimony by a pathologist was that the wound was occasioned by a projectile from a .22-caliber weapon. Neither McCarthy nor the sergeant had a .22-caliber weapon."

This file, 30 Oct 70: Beret Captain's Murder Conviction Is Overturned.
File should be checked between these dates for other possible items on Capt. McCarthy.