

Captain Appeals Murder Verdict

WASHINGTON — (AP) — Appealing a military court murder conviction in the death of a Cambodian civilian, a Green Beret captain claims he was working “under the direct control of a civilian agency of the U.S. government” in Saigon.

The case closely parallels that of eight U. S. Special Forces members now facing charges in the death of an unidentified Vietnamese national.

Capt. John J. McCarthy of Phoenix, Ariz., contends he was “suddenly thrust into the world of spies and double agents without the benefit of special training.”

McCarthy is appealing the 24-year sentence at Ft. Leavenworth, Kan., he received after being convicted of killing Inchin Hai Lam, a Cambodian agent of the Green Berets, who died Nov. 24, 1967.

In a brief filed with the Court of Military Review, McCarthy’s civilian lawyer, Charles Morgan Jr., claims the military officer’s activities “were without any service connection except his clandestine status as a member of the armed forces.”

The attorney refused to elaborate on what McCarthy’s specific job was or what civilian agency he referred to in the brief.

Lam died of bullet wounds in an auto occupied by McCarthy and a Special Forces sergeant on a highway outside Saigon.

He was to be “terminated,” Morgan said, but McCarthy says he did not shoot the Cambodian.

Under military procedure, it may be several months before McCarthy’s appeal is acted upon.