

Army to Try 6 of 8 Berets In Vietnam Murder Case

Action on 2 in Abeyance

By TERENCE SMITH

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SAIGON, South Vietnam, Sept. 18—The army announced tonight that it would try six of the eight Special Forces soldiers who were arrested two months ago in connection with the alleged murder of a Vietnamese agent.

In a statement the Army said that charges against the two other arrested men—a chief warrant officer and a sergeant—would be held in abeyance pending the outcome of the other trials.

The six include Col. Robert B. Rheault, former Commanding officer of the 3,000-man group of the Special Forces, or Green Berets, in South Vietnam. They will be court-martialed on charges of murder and conspiracy to commit murder.

The Army's brief statement said that the cases would be treated as "not capital." A spokesman said that this eliminated the death penalty and that the maximum possible sentence in all the cases would be life imprisonment.

All eight men are in custody at the United States Army Headquarters in Longbinh, 18 miles north of Saigon.

The six will be tried in two groups of three, beginning with three who are captains. A second court-martial will be held for the two majors and Colonel Rheault. The Army said it

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would be ready to proceed with the first trial in about three weeks and that a date for the second would be determined later.

This raised speculation that the second trial might not be held if the defendants in the first were acquitted.

A decision on whether to court-martial the men had been awaited since Aug. 21, when the Army completed its pre-trial investigation into the

Resor Tells of Pressure

by William Beecher

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charges. Few observers here had expected the Army to proceed with formal court-martial. It was considered more likely that the charges would be quietly dropped.

This had also been the expectation of two civilians defense counsel who represented their clients in the pre-trial hearings. One, Henry B. Rothblatt of New York, said after the hearings that he would be shocked if the army elected to proceed.

"Weighing the evidence," he said at the time, "there is just no case. I would be very surprised to see how any objective law officer could bring this case to trial."

The Army announced its decision in an unusual, hastily arranged news conference held at 10 P.M. Telephone calls were received in newspaper bureaus in Saigon about two hours earlier. The officers who made them invited correspondents to attend a news conference at the United States Embassy auditorium in downtown Saigon, but declined to disclose the topic of the conference.

Statement Read

At exactly 10 P.M., Lieut. Col. Ross L. Johnson, the deputy Army information officer in South Vietnam, stepped to the stage and read a 150-word mimeographed statement.

In answer to persistent questions, Colonel Johnson said that the news conference had been timed to coincide with the simultaneous notification of "certain interested Congressman." Two of these, he said, were the chairman of the House Armed Services Committee, L. Mendel Rivers, and the chairman of the Senate Armed Services Committee, John Stennis. Both had asked to be notified personally of the Army's decision on the trial.

He said the courts-martial would be public and open to correspondents, except when classified material was introduced in the testimony, when the court would be cleared.

Colonel Johnson was asked a number of times why the decision had been announced



Associated Press

Col. Robert B. Rheault, former commander of Special Forces group in Vietnam.

tonight and whether the Army was attempting to reduce the attention the decision would receive by making it public a few hours after the announcement of additional United States troop withdrawals. Earlier in the day the allied command had disclosed the details of the second phase of the United States troop withdrawals.

The colonel answered repeatedly: "I have no knowledge of such a plan." Finally he added, "but if there was one, it wasn't successful, was it?" This drew a laugh.

The colonel was unable to explain why capital punishment had been ruled out, why two separate trials were planned and why two of the eight men were not being tried at this time. He declined to say whether the warrant officer and sergeant would be

called as witnesses for the prosecution or whether they had been offered immunity to induce them to testify.

It is the opinion of independent legal observers here, as well as the civilian defense counsels, that the Army's case against the men, in strictly legal terms, is a weak one. The defense counsel assert that the Army has produced no body and has no independent witnesses to the alleged crime. They also claim that the alleged murder weapon—a .22-caliber pistol—was improperly obtained and is therefore inadmissible as evidence.

However, the initial assumption here was that military officials felt they had no choice because of the publicity the case had received.

Many Army officers have expressed the opinion that a court-martial would be required

if the accused men were to have any chance of clearing their names.

The soldiers were arrested on July 21, one month and a day after a Vietnamese named Thai Khac Chuyen was reportedly murdered. His body is said to have been weighted and dropped in the South China Sea off Nhatrang, the site of the Special Forces headquarters in Vietnam.

The Army has refused to disclose any details of the case, but according to sources close to the investigation the alleged victim was a double agent who was simultaneously serving the Central Intelligence Agency and the North Vietnamese intelligence.

The three captains who are to be tried first was the junior members of Colonel Rheault's staff. Presumably the Army feels it has the strongest case against these three and therefore decided to begin with them.

They are Captains Leland J. Brumley of Duncan, Okla., Robert F. Marasco of Bloomfield, N.J., and Budge E. Williams of Athens, Ga. The two majors are David E. Crew of Cedar Rapids Iowa, and Thomas C. Middleton Jr. of Jefferson, S.C.

No Approach to Bailey Yet

Henry B. Rothblatt, the New York criminal lawyer who represents three of the Special Forces men, noting rumors that F. Lee Bailey would participate in the case as a defense counsel, said that so far no such request had been made to Mr. Bailey. The two lawyers are co-authors of books on criminal law.

Later Mr. Bailey commented: "I would find it hard to disassociate myself from a case such as this. Perhaps it's because it's hard to find top defense counsel for military cases."