

Army Drops Murder Case Against the Green Berets

CIA Won't Provide Witnesses

Associated Press

Washington

The Army abruptly dropped its entire case yesterday against the Green Berets accused of drugging and killing a South Vietnamese civilian who was an alleged double agent.

Secretary of the Army Stanley R. Resor said the Central Intelligence Agency had refused to provide any witnesses for the trial scheduled for October, making it impossible for the men to be tried fairly.

In a four-paragraph statement issued by the Pentagon without elaboration, Resor said he was informed the CIA refusal was made "in the interest of national security."

"It is my judgment that under these circumstances the defendants cannot receive a fair trial," Resor said. "Accordingly, I have directed today that all

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charges be dismissed immediately. The men will be assigned to duties outside of Vietnam."

REACTION

The unexpected Army action brought a theoretical end to the controversial case

but appears likely to set the stage for charges that the military is trying to sweep its official dirt under the rug.

The House burst into applause when Chairman L. Mendel Rivers, (Dem-S.C.) of the Armed Services Committee announced that the charges had been dropped.

"These men will be returned to duty and their records cleared," Rivers said, "and we will insure that their records are clear."

For his part, Resor went on record as disapproving of the kind of act the eight Green Berets, including the former Vietnam commander Colonel Robert B. Rheault, were orig-

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inally accused of carrying out.

"I want to make it clear that the acts which were charged, but not proven, represent a fundamental violation of Army violations, orders and principles," Resor said. "The Army will not and cannot condone unlawful acts of the kind alleged."

Under specifications released only Friday after weeks of official secrecy, the Green Berets were accused of murder and conspiracy in the death of a South Vietnamese named Thai Khac Chuyen, who was allegedly drugged with morphine and then shot.

Rheault, later relieved of command of the 3000 Green Berets in Vietnam, was charged with premeditated murder although the legal specifications said he did not

participate in the actual slaying.

The so-called trigger man was identified in the charges as Captain Robert F. Marasco, 27, of Bloomfield, N.J.

According to the Pentagon, Resor acted on his own in the rare, top-level legal intervention and informed Secretary of Defense Melvin R. Laird of his decision yesterday morning.

"Laird supports him," Daniel Z. Henkin, Pentagon spokesman, said.

But it appeared obvious that Resor was taking note of intense congressional criticism of the case. Some members at the Capitol had urged him earlier to stop the legal proceedings, contending that the Green Berets were being made scapegoats in a situation with considerable foreign-policy implications.

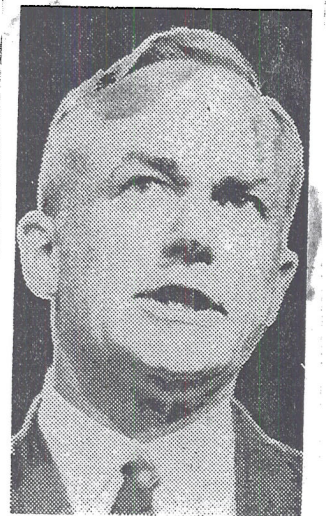
Only 11 days ago, Resor had stated publicly that "it would be unwise and unjustified for me to interfere with the normal course of proceeding in this case" because that might possibly affect the military legal system.

Presumably the CIA decision against allowing any of its intelligence people to testify in the courts-martial was based on the fact that some of its secret operations involving the military in Vietnam might be compromised.

Resor did not explain in his statement how the national security might be affected by CIA testimony.

He stated that the CIA was "not directly involved in the alleged incident," but there have been a flood of reports from both Saigon and Washington that the super-secret spy outfit was enmeshed in the situation.

According to one account, the CIA originally ordered the assassination of Chuyen. George W. Gregory, a South



UPI Telephoto

STANLEY R. RESOR
Army Secretary

Carolina lawyer representing one of the accused, Major Thomas C. Middleton Jr., said the CIA later tried to

rescind the assassination order but it came too late.

There also were reports that the Special Forces (Green Berets) and the Army were feuding about handling of the case. Those sympathetic to the case accused General Creighton W. Abrams, U.S. commander in Vietnam, of taking a direct hand in making an example of the eight Green Berets. But they furnished no documentation.

There were contentions that Abrams became furious over the slaying and was using his full authority in prosecuting the case.

Although the case was a hot potato for the Nixon Administration, the Pentagon had generally maintained a hands-off policy, leaving legal disposition with the Army in Vietnam.

Laird disclosed late last week, however, that he had become disturbed about the

presumption of guilt which some people were holding against the Green Berets.

Laird also revealed that at one point he had directly intervened to see that the accused men were freed from what amounted to solitary confinement in small, individual cells, and given some amount of freedom as "institution parolees" pending their trials, at the Army base at Long Binh, South Vietnam.

There had been other criticism from official quarters about the Army's handling of the legal details. Although the South Vietnamese agent was slain in mid-July, the accused men were not informed of the charges against them for several days after being arrested.

Then followed about six weeks of pre-trial investigation by the Army which amounted to a grand jury proceeding to determine

whether the Green Berets actually would be brought before courts-martial on murder and conspiracy charges.

On September 18, Major General G. L. Mabry Jr., the convening authority, directed general court-martial on charges of murder and conspiracy to commit murder against Rheault, Marasco, Middleton, and Major David Crew, Captain Leland J. Brumley and Captain Budge E. Williams.

Charges against two others, CWO Edward M. Boyle and Sergeant First Class Alvin L. Smith Jr., were ordered held in abeyance pending their trials.

Mabry had specified that the accused men would not face the death penalty which he had authority to do.

There was no immediate word on where the Green Berets will be assigned next. Rheault, strictly speaking, is the only career Special

Forces man in the group, with the others having backgrounds in intelligence work, plus qualifying training in special forces operations.

"It would be unjust to assess the culpability of any individual involved in this matter without affording him an opportunity to present his defense in a full and fair trial," Resor said.

"Under our system of jurisprudence, every man accused of wrongdoing is presumed to be innocent until he is proven guilty. The determination of guilt may be made only by a court which has access to all information with respect to the alleged offense."

In response to reporters' questions at the White House, press secretary Ronald L. Ziegler said President Nixon did not have anything to do with the dropping of charges against the eight Green Berets.