

Decision on Berets Attributed to Nixon

By JAMES M. NAUGHTON
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WASHINGTON, Sept. 30 — The White House today reported that the original decision to prosecute the men in the Bay of Pigs was made by President Nixon.

C.I.A. Is Told Unable to Decide on Its Own

The Central Intelligence Agency today testified that it was unable to decide on its own whether to prosecute the men in the Bay of Pigs.

Mr. Casper testified that he was involved in the original decision to prosecute the men in the Bay of Pigs. He said that to the best of his knowledge the President had approved the decision. He said it was not his that the President had authority and therefore the President was responsible for the decision.

BERETS DECISION SAID TO BE NIXON'S

Continued From Page 1, Col. 7

Carolina and chairman of the House Armed Services Committee, said he had urged the President to review the situation and "not have the trial."

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alleged murder, Maj. Thomas C. Middleton Jr. and Maj. David E. Crew. The latter two were said to have been aware of the alleged plan.

A second case would have involved Capt. Leland J. Brumley, Capt. Robert F. Marasco and Capt. Budge E. Williams. The Army charged Friday that Captain Marasco had fired the fatal shot.

There were two theories offered to explain the abrupt Administration turnabout.

One was that the Central Intelligence Agency became alarmed that the proceedings would expose its operations and imperil the effectiveness of many of its agents.

In Boston, F. Lee Bailey, the civilian lawyer for Captain Marasco, said there would have been "a thorough rummaging into the operations of the C.I.A." in the trials. He contended that the agency never wanted a trial but that Secretary Resor and Gen. Creighton W. Abrams, commander of United States forces in Vietnam, "talked the President into it."

The Second Theory

Henry B. Rothblatt, a New York lawyer who was to have defended several of the soldiers, said in San Francisco that he believed Mr. Nixon knew nothing of the developments until it became obvious that in a trial "the C.I.A. would have to lay all its cards on the table and expose some of its operations."

The second theory on the decision held that President Nixon bowed to increasing public and Congressional criticism. This theory also took into account the belief that Mr. Nixon, already faced with renewed antiwar activities on the campuses and in Congress, was also coming under fire from those incensed by the treatment of the Green Berets.

"The President wanted to shush it up," said Senator Young.

Asked if public sentiment against the Army had played a role in the decision to abandon the case, the White House source replied: "You could say it would just be a fortuitous thing that it all ends up in the right direction."

George W. Gregory, defense counsel for Major Middleton, agreed with Mr. Bailey that the original motivation for the trial was General Abrams's unhappiness that he was not being consulted on Green Beret intelli-

gence activities. But Mr. Gregory said the case was dropped not because of a threat to national security but because the charges could not have been proved.

Defense Secretary Melvin R. Laird declared the case officially closed today. He told newsmen, "The charges have been dismissed, [the soldiers] are innocent under our system and things will go on without affecting their careers in any way."