

How Beret Affair Unfolded

By HOMER BIGART

"Return agent to duty. If unable to do so, we must inform Abrams and Bunker. Has highest moral and flap potential."

This message, reportedly sent by a high official of the Central Intelligence Agency in Saigon to the headquarters of the Army's Special Forces, or Green Berets, in Nhatrang, arrived too late to save Thai Khac Chuyen, a suspected double agent, from execution at the hands of the Green Berets.

Mr. Chuyen, employed by the Berets as part of an intelligence net operating in Cambodia, had been given what one of his executioners called "a wet disposal."

New information which sources close to the incident made available after the Army abruptly dropped its case against six Berets accused of the slaying, establishes the following version of what happened to Mr. Chuyen and how the "flap" feared by the C.I.A. came to develop.

After 10 days of solitary confinement, during which Mr. Chuyen was subjected to lie detector tests and was repeatedly interrogated while under the influence of sodium pentathol (truth serum) and other drugs, he was disposed of in Nhatrang bay.

According to sources close to the case, Mr. Chuyen was given

a massive dose of morphine. Unconscious, he was carried to an outboard motorboat. When the boat was some miles from shore in water 150 feet deep, he was weighted with tire rims, hit on the head with a pistol butt, shot twice in the head with a .22-caliber pistol and thrown over the side.

There had been several meetings between Green Beret officers and C.I.A. officials to discuss what to do with Mr. Chuyen. At one meeting in the

United States Embassy at Saigon, a C.I.A. official suggested that if Mr. Chuyen was indeed proved a double agent, the Berets had the following options:

They could fly him out of the country to imprisonment. They could turn him over to the South Vietnamese. They could "double him back"—continue to use him in the Cambodian collection network in full knowledge that he was dealing with Vietcong and North Vietnamese agents, obliging him to plant false intelligence with them. Finally, although the intelligence agency could never officially sanction murder, perhaps that was the last alternative, the C.I.A. official was reported to have said.

Three days before the execution, the Berets asked the intelligence agency to make a final check on Mr. Chuyen's background. The C.I.A. liaison officer at Nhatrang, having been told that the Berets planned to send Mr. Chuyen on a "one-way mission" to "test his loyalty," suspected that the Berets had reached the fateful decision.

He transmitted this information to Saigon along with the Berets' request for a final check. Finally the answer came: "Return agent to duty . . ."

But on the previous night,

Beret Case Widow Paid \$6,472 by U.S.

By The Associated Press

SAIGON, South Vietnam, Oct. 5—The United States Government has paid \$6,472 in compensation to the widow of the Vietnamese man allegedly slain in the Green Beret case, a United States spokesman said today.

The spokesman said the woman, Phan Kim Lien, filed a claim with the United States Embassy Aug. 23 accusing eight Special Forces, or Green Beret, soldiers of killing her husband, Thai Khac Chuyen, and asking for full information about the case.

A spokesman for the United States command said the widow accepted the "missing

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Wife of Vietnamese Paid \$6,472 in Compensation

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person gratuity" yesterday from representatives of the United States Foreign Claims Commission.

"The amount of the settlement was mutually agreed upon and represents what is determined to be adequate compensation," the spokesman said.

The command said Mr. Chuyen "has been missing since June 20 while on duty with the U.S. Special Forces, Detachment B-41, Mochoa, Republic of Vietnam."

The United States Army dropped charges of murder and conspiracy to commit murder against six Green Beret soldiers last Monday. Originally, eight men were implicated in the alleged killing, but charges against two of them were held "in abeyance" pending the other trials.

Although the Army had kept

the details secret, reports said that Mr. Chuyen had been exposed as a double agent and was allegedly slain June 20 near the Special Forces coastal headquarters at Nhatrang. The body was reportedly put in a weighted bag and dumped into the South China Sea. So far as is known, no body has been recovered.

Reporters asked the United States spokesman why the Army had reversed its charges against the Green Berets.

"There is no evidence that he [Mr. Chuyen] is dead," he replied. "He is considered to be missing."

Asked how the amount of compensation had been derived, the spokesman said that each claim was handled on its merits with the number of children in the family and other factors considered in the settlement.

Saigon newspapers turned up two more alleged cases of miss-

ing men in which the families charged that American forces were included. United States information officers disclaimed any knowledge of either case.

In one case, the Buddhist newspaper Chanh Dao said the father of an interpreter for the Special Forces camp at Dakto charged that his son was killed in January, 1967, by a Green Beret major and a sergeant with a machine gun. The son was never seen again, the newspaper said.

The second case, published in the popular paper Chinh Laun, identified the missing man as an interpreter for a United States advisory team. The paper quoted a brother as saying the missing man had disappeared after being taken to a United States hospital following a jeep accident. The brother contended that United States officials had destroyed hospital records to avoid compensation.

The Case of the Green Berets and the

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June 20, Mr. Chuyen had been slain.

"The Green Berets are not trained in resurrection," an official connected with the case noted dryly.

A Cover Story

The officers involved in the slaying of Mr. Chuyen concocted an elaborate cover story. They reported that on June 21, the day after the execution, Mr. Chuyen had departed on a dangerous mission equipped with a one-way radio set — sending only. He hadn't been heard from, they said.

To support this story, a Japanese-American soldier attached to the Green Berets posed as Mr. Chuyen and flew with Maj. Thomas C. Middleton Jr., the Green Beret officer in charge of intelligence, to Saigon, the supposed jumping-off place for Mr. Chuyen's perilous solo mission.

C.I.A. officials, on hearing the cover story, immediately became suspicious. The C.I.A. liaison man at Nhatrang thought it "stupid" to send a suspected double agent on such a mission.

"Use all pressure possible to have Crew [Maj. David E. Crew of the Special Forces] recall agent," C.I.A. headquarters notified its man in Nhatrang.

A Request for Asylum

The cover story was finally "blown" on June 30 when Sgt. Alvin L. Smith Jr. of the Green Berets, who ran the intelligence network in which Mr. Chuyen was employed, went to the C.I.A. office in Nhatrang and requested asylum. Sergeant Smith said he suspected that Mr. Chuyen had been executed, and by the Green Berets. Now, Sergeant Smith said, he felt himself in danger of being slain for "knowing too much."

This behavior was curious, for it was Sergeant Smith himself who had "fingered" Mr.

Chuyen. It happened this way:

In late April or early May a Vietcong camp in Cambodia was overrun. In the booty seized was a roll of film. The film was developed and circulated among intelligence personnel. One shot displayed a group of men, and among them was spotted a known officer in the North Vietnamese intelligence operation: the Central Office for Research and Studies.

Sergeant Smith, perusing the faces of the other men, gave a cry of recognition. He saw Mr. Chuyen in the group—he was sure of it.

Mr. Chuyen was sent to Saigon on a sham mission. He was arrested there and flown to Nhatrang.

On the lie detector tests he was said to have "blipped" on two questions: "Have you compromised any security matters?" and "Are you working for the Vietcong?"

Special Forces officers involved in the investigation of Mr. Chuyen were Major Crew, Major Middleton, Capt. Robert F. Marasco, Capt. Leland E. Brumley, Capt. Budge E. Williams and Chief Warrant Officer Edward M. Boyle. After the initial interrogations, Major Crew went to the Special Forces commander, Col. Robert B. Rheault, and related the developments.

Status of Network

Sergeant Smith had told the investigators that his Cambodian network was "drying up" — he was getting a reduced trickle of information, and two of his new agents had simply vanished. He felt he knew why when he recognized Mr. Chuyen consorting with enemy agents in the film.

But Sergeant Smith was apparently never consulted on the disposal of Mr. Chuyen. Although convinced that Mr. Chuyen was a double agent, he is said to have opposed execu-

Colonel Rheault, after getting his first briefing on the Chuyen case, ordered his subordinates to continue their investigation and to "cue in" the C.I.A.

At a second conference Colonel Rheault was informed by Major Crew that the C.I.A. seemed reluctant to become involved and had refused to take Mr. Chuyen off the Berets' hands.

The Options Discussed

The options were discussed. One of them was "termination with extreme prejudice," the euphemism employed when an agent is to be destroyed. This was strongly opposed by Lieut. Col. Kenneth B. Facey, executive officer of the Green Berets.

No decision was made. A high-ranking Beret officer in Saigon was sent to the embassy for a chat with an official of the Central Intelligence Agency. The Beret officer reported back that the C.I.A. official had told him the "elimination" of Mr. Chuyen "might be the best course of action."

(When agents of the Army's Criminal Investigation Division approached the C.I.A. official and asked for a signed statement confirming that advice, the official said he would have to clear it with his superiors.

Later he informed the C.I.D. agents that he could not sign the statement.

(But when the official was again asked by a C.I.D. agent, in the presence of the C.I.A. chief in Saigon and a representative from the staff of the United States commander, Gen. Creighton W. Abrams, if he had in fact offered such advice, he replied yes, elimination might be the only course of action.)

Impatience in Nhatrang

Back in Nhatrang, Mr. Chuyen's captors were getting impatient. They reported to Colonel Rheault that Mr. Chuyen had been under interrogation for 10 days, that he

was "climbing the walls" and "we can't hold him forever."

The decision was made to kill Mr. Chuyen. A cover story was approved by Colonel Rheault. The colonel himself told it to General Abrams, who reportedly became furious at the trickery when the truth was exposed.

The general's displeasure at being lied to has been cited as the main reason why eight Green Berets, including Colonel Rheault, were arrested even before the investigation was completed. But others have suggested that the general was more disturbed by the prospect that shadowy activities by troops under his command might someday be considered as verging on war crimes.

A Night Rehearsal

The elimination of Mr. Chuyen was planned as carefully as a major operation. There was even a night rehearsal.

This dry run was not totally uneventful. When the boat was a mile or two offshore it came under fire. Whether it came from friend or foe was never ascertained. Mr. Boyle, guarding the shore, was taking no chances.

"Di di mau," he advised the men in the boat through his walkie-talkie. Heeding this advice to get out of there, they hauled anchor and made for the shore.

Next night the only shots fired, according to reports, were aimed directly at Mr. Chuyen's head.

There have been many versions of what happened that next night, and several denials. Colonel Rheault denies that his men were involved in any killing. Captain Marasco denies that he was the trigger man. The version that follows is the one on which the Army is reported to have based its origi-

Suspect Vietnamese Agent

nal decision to prosecute the case.

Mr. Chuyen had been given an injection of morphine by Captain Brumley. Unconscious, he was put in a truck, taken to the beach and deposited in a boat obtained by the captain.

In the boat were Captain Brumley, Captain Marasco and Captain Williams. They had obtained a 25-foot length of heavy chain, and when the boat was far offshore, hidden by darkness, they used the chain to secure the tire rims to Mr. Chuyen. The chain had six locks.

Captain Marasco struck Mr. Chuyen on the head with his pistol. Then, while Captain Williams propped Chuyen to a standing position, Captain Marasco fired a bullet into the agent's head.

The plan called for two shots in the head. Captain Marasco's gun jammed. He stripped the pistol (Special Forces men are trained to do this in total darkness), cleaned it and aimed again. This time the pistol fired. Mr. Chuyen was dumped into the bay.

A Week Passes

More than a week passed before Sergeant Smith took his story to the C.I.A. He voluntarily submitted to a lie detector test. When he passed it, the Army command decided to press a full investigation. Incriminating statements reportedly were made by three officers.

The Army, in a curt statement, announced the arrest of eight Green Berets: Colonel Rheault, Sergeant Smith and the six officers who were involved in the investigation of Mr. Chuyen. Later the charges against two of the eight, Mr. Boyle and Sergeant Smith, were "held in abeyance" pending the trial of the others. Captain

Marasco was specifically charged with shooting Mr. Chuyen. Captain Brumley was charged with administering the morphine.

Meanwhile the arrested officers had written letters to their families, to lawyers and to Congressmen. George W. Gregory of Cheraw, S. C., a civilian lawyer representing Major Middleton, hurried to Saigon and, in a series of news conferences, said that the arrested men had simply obeyed orders in killing the double agent. The order came from the C.I.A. which then rescinded the order after the execution, Mr. Gregory asserted.

Matter of Security

It became apparent that a trial involving defense lawyers as aggressive as Mr. Gregory, F. Lee Bailey, Henry Rothblatt and Edward Bennett Williams might compromise security by exposing facts of the intelligence operation.

So the Nixon Administration advised Army Secretary Stanley R. Resor to dismiss charges against the Green Berets.

In his terse statement Sept. 29, Secretary Resor said the Central Intelligence Agency—"though not directly involved in the alleged incident"—had refused to make available any of its personnel as witnesses. This refusal, which the C.I.A. said was made "in the interest of national security," made a fair trial for the Green Berets impossible, Secretary Resor said.

Mr. Resor said the Green Berets must be presumed innocent because the determination of guilt could only be made by a court that had access to all information regarding the alleged offense.

But he warned: "The Army will not and cannot condone unlawful acts of the kind alleged."