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CAUSE CELEBRE: Huynh Tan Mam, center, is a South Vietnamese student who faces trial—for the second time—on charges of treason brought by the Government.

Saigon Will Retry Student for Treason

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SAIGON, South Vietnam, May 23—The Government has treason a young medical student whose trial last year ended decided to retry on charges of ed when the Supreme Court ruled that the military field court judging his case was unconstitutional.

The frail, soft-spoken student named Huynh Tan Mam is now a symbol for many thousands of Vietnamese students who feel that the Government of Nguyen Van Thieu is brutal and repressive.

Mr. Mam, who is not a stirring revolutionary figure, now plays a role in Vietnamese politics that almost seems too large for him, according to some students.

The Government's decision to bring him back to trial this week puzzled some Vietnamese politicians and lawyers who do not see what President Thieu stands to gain. He is running for reelection in October.

"A new trial of Mam and other students will simply stir up too much mud," one politician said.

The Supreme Court's ruling last May that the military field court was unconstitutional was considered a surprise victory for the students, who had demanded trial by a civilian court. The military court had been set up in 1962 by President Ngo Dinh Diem to try political dissidents.

At issue now is not Mr. Mam's innocence or guilt—for very few informed Vietnamese feel he is a traitor—but the impartiality of the new military

court that is to try him and 21 other students next Thursday.

Eight of the students are still in jail. Sixteen are charged with treason—which in wartime is punishable by death—and six with violation of national security.

After the Supreme Court ruling, President Thieu promulgated a new law changing the military field court in two respects: a civilian judge appointed by the Chief Justice of the Supreme Court has been added to the court and defendants are now permitted to appeal.

Four military judges, picked by the Ministry of Defense before being approved by the Supreme Court, sit on the court. This continuing military dominance of the court, which tries civilians, still disturbs many Vietnamese who feel that President Thieu has simply ignored the Supreme Court ruling.

Under this Government Vietnam is a country without justice, Mr. Mam said in Vietnamese. "We have already seen that military courts are not impartial. Being called again to be tried by a court already ruled unconstitutional by the Supreme Court is disgusting."

His lawyer, Vu Van Huyen, a well known liberal, also feels that the presence of four military judges is not encouraging.

"Their independence is very questionable indeed—yet they have four votes against the one vote of a civilian judge," he said.

The four lawyers representing the 22 students will either ask for a recess or again challenge the constitutionality of the court, hoping to take the case again to the Supreme Court.

Whether South Vietnam's Supreme Court, only four years old, can continue to make rulings that do not represent the Government's viewpoint is also a question in the minds of many Vietnamese.

More than a few Government officials were startled and upset by the independence of the Supreme court in 1970, for the decision that the court that tried Mr. Mam and the other students was unconstitutional had deeper repercussions.

This was the same military court that last year also sentenced Tran Ngoc Chau, a prominent Congressman, to 10 years at hard labor for maintaining contact with a Vietcong intelligence agent who was his brother. Deputy Chau insisted that he had been asking his brother to defect. Many Vietnamese believed that the enmity felt by the President toward him doomed Deputy Chau.

Despite the Supreme Court ruling which made his trial illegal, and a second ruling last October which annulled his sentence, Deputy Chu is still in prison and unable to see visitors.

The annoyance of President Thieu at the Supreme Court rulings in the Chau case were reportedly vented against the Chief Justice, Tran Minh Tiet. He has been replaced legitimately—the term of a Chief Justice is one year—but his supporters say that he is now assigned to very technical, apolitical cases.

Tran Minh Tiet, however, says he still feels that the jurisdiction of any military field court in Vietnam should be restrained.