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Saigon May Release Thieu Foe to Vietcong

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SAIGON, South Vietnam, March 11—The case of Tran Ngoc Chau, whose imprisonment by the Saigon Government in 1970 caught world attention, now turns on the question of whether he will be turned over to the Vietcong or set free.

Mr. Chau, 48 years old, a major architect of the anti-Communist pacification program and a valued friend of American advisers during the war, had fought against the Vietcong for two decades before his imprisonment.

In 1970, he was sentenced to 10 years in prison for having made "treasonable" contacts with his brother, who was a spy for North Vietnam.

The South Vietnamese authorities recently expressed an intention to "release" Mr. Chau to his old adversaries as part of the exchange of prisoners of war now under way. But late last week, an official spokesman indicated that this plan might be reconsidered.

Amnesty Considered

An informed South Vietnamese source said it was even possible that Mr. Chau, a former soldier, official and member of the National Assembly, might be given amnesty and set free.

But whatever his ultimate fate, the Chau case has resulted in one of the most tumultuous, bitter and divisive political controversies of the administration of President Nguyen Van Thieu.

The case has also caused emotional argument between American officials who had tried to help Mr. Chau and those who supported President Thieu's efforts to jail him.

The affair seemed to be heading toward a tragic climax in recent days, when the South Vietnamese Government announced that Mr. Chau's name was on a list of more than 5,000 civilian prisoners to be "exchanged" with the Vietcong in line with the Vietnam cease-fire agreement.

"It's grotesque," said one of Mr. Chau's American friends. "He's not a Communist and the final straw would be to turn him over to the other side."

The Government's official spokesman, Pham Duong Hien, however, said in answer to a question Friday that if Mr. Chau asked not to be sent to the Vietcong, "we would con-

sider his request."

An informed source said that, technically, if Mr. Chau remained in South Vietnam, he would have to serve out the seven remaining years of his sentence. But then he indicated that President Thieu might favorably consider setting Mr. Chau free.

"We are very open about this," the source said.

Although Mr. Chau was convicted of illegal contacts with Communists, bitter political feuds were at the root of his troubles. His case marked the beginning of a severe erosion of civil liberties, constitutional procedure and democratic government. The case was also a considerable drama.

Served With Vietminh

Born in Hue, Mr. Chau fought for a time with the Vietminh against French rule but left them in 1949, charging that they were being dominated and misdirected by the Communists.

He entered the South Vietnamese Army, rising to the rank of lieutenant colonel. President Ngo Dinh Diem made him chief of Kien Hoa Province, which, with more than half a million people, is the largest province in the Mekong Delta.

After serving briefly as Mayor of Da Nang, Mr. Chau again assumed control of administration in Kien Hoa after President Diem was assassinated in November, 1963.

According to Americans who devoted themselves to the same difficult subject, Mr. Chau was an innovative and imaginative thinker on revolutionary, or political, warfare and counterinsurgency. This made him unusual because few South Vietnamese officials displayed much real interest or talent for the basics of guerrilla war.

Vann Was Close Friend

Mr. Chau was a close friend of the late John Paul Vann, the respected American civilian adviser. Another good friend was Edward G. Lansdale, another legendary Asia hand, who with a team of old associates and new recruits such as a Daniel Ellsberg, came to South Vietnam in 1965 to help get an

effective pacification program adopted for the first time.

The plan, a synthesis of many minds, reflected in large part ideas first developed or refined by Mr. Chau, including an emphasis on identifying and meeting grievances of the peasants.

Mr. Chau became the national director of the pacification cadre and head of the training school. Along with the Pacification Minister, Lieut. Gen. Nguyen Duc Thang, he was the most influential Vietnamese in the struggle to win control of rural Vietnam.

Right Kind of Vietnamese

To the American "snake-eating night fighters," he was the right kind of Vietnamese—dedicated, effective, flexible and honest.

Mr. Chau ran for the lower house of parliament in 1967 and won by one of the largest margins of any candidate. And he ran in the province that he had ruled as province chief, something many of the nation's administrators would have found a futile, possibly humiliating, project.

Although he was originally not unfriendly to President Thieu, Mr. Chau gradually began to arouse deep anger and apprehension in the Presidential Palace.

For one thing, Mr. Chau accused one of President Thieu's closest supporters of paying large bribes to subvert the Assembly. After the Tet offensive of 1968 he recommended diplomatic contacts with North Vietnam aimed at a settlement of the war. However, he specifically opposed a coalition government with the Vietcong.

Meanwhile, Mr. Chau's older brother, Tran Ngoc Hien, had come from North Vietnam to work as an underground intelligence agent. When the brother was finally arrested in 1969, the Government learned that he and Mr. Chau had been in contact.

Mr. Chau admitted that he had met his brother eight times but said he had kept the United States mission informed of these meetings and had been encouraged to continue them. Mr. Vann confirmed this.

President Thieu attempted to strip Mr. Chau of his parliamentary immunity by obtaining a three-fourths vote of the Assembly's members, as stipulated in the Constitution. Failing this, the Government used other parliamentary methods, to per-

mit Mr. Chau's arrest.

Mr. Chau went into hiding at Mr. Vann's quarters in the city of Can Tho. Mr. Vann developed an elaborate plan to fly him to safety in Cambodia by helicopter, a step that would surely have meant Mr. Vann's dismissal. Finally, Mr. Chau—after great soul-searching—permitted himself to be arrested.

Bunker Supported Thieu

Mr. Vann wanted the United States mission to use all its influence to save Mr. Chau. But Ambassador Ellsworth Bunker, deeply committed to President Thieu, forbade any intervention. A sense of shame ran deeply through a part of the American community here.

A military court convicted Mr. Chau of illegal contacts with his brother and sentenced him to 10 years in prison.

Angry scenes, approaching riots, took place in the Assembly, which had begun to decline in power relative to the President. The Supreme Court ruled that Mr. Chau's conviction was unconstitutional, and later annulled his sentence.



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