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. "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 or turned to duty records cleared," Resor said, "and we will insure that their records are clear."

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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.

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"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.

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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 court-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, Capt. Leland J. Brumley and Capt. 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 be 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.