

Pueblo Held Subject to Rule

By George C. Wilson
Washington Post Staff Writer

CORONADO, Calif., Feb.

21—The Navy, in a reversal of opinion, has decided the American fighting man's code of Conduct applies to the Pueblo crewmen after all.

Capt. William R. Newsome, attorney for the five admirals who comprise the Naval Court of Inquiry looking into the Pueblo seizure, confirmed the change of opinion last night.

He told reporters, however, that no legal action is contemplated against Pueblo crewmen for breaking the code while in captivity in North Korea.

The code, he said, "is like the Ten Commandments," which can be violated "spiritually" but not "punitively."

Appraisal of Code

The court's focus instead, he said, is on the 1955 code itself and its viability in today's environment. He called the inquiry "an excellent vehicle" for appraising the code and recommending changes.

He would not say who or what reversed his earlier opinion that the code did not apply to the Pueblo men because they had been "illegally detained," as distinguished from being taken as prisoners of war.

Newsome does not set policy for the Court of Inquiry but acts as its hired legal hand. Vice Adm. Harold G. Bowe Jr., president of the court, and his four fellow admirals on the court obviously decided to focus on the code.

Questions all this week were framed to determine if the Pueblo crewmen knew about the code and why they had violated it. Their testimony will influence the Navy Department in Washington, which right now is trying to come up with a position on the code in advance of Congressional hearings on the subject.

All Admit Breach

To a man, the Pueblo crew admitted to breaking paragraph five of the code: "When questioned, should I become a prisoner of war, I am bound to give only name, rank, service

number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause." Another part of the code directs the man to "resist by a means available" and "make every effort to escape . . ."

The six officers, 74 enlisted men and two civilians on the Pueblo gave the North Koreans more than that minimum amount of information. Many of them also signed confessions of spying and they participated in propaganda press conferences and petitions while in captivity.

The Pueblo crewmen have told the court they could not hold out against the physical and mental torture. They added that the Koreans already had answers to most of the questions they were asking during severe beatings.

The Pueblo was captured with many of the records of the men and the ship's mission intact. The crewmen contend

their plight therefore was different than that envisioned by the code. They said they were not like a soldier captured with no detailed information about him or his outfit on his person.

Newsome conceded the Pueblo was a special case in another way—two civilians were aboard the ship serving as oceanographers for the intelligence center. This raises the question, Newsome said, of what code they were supposed to follow.

For purposes of comparison, here is what Newsome said in his earlier statement and last night about the applicability of the code to Pueblo crewmen:

Jan. 13—" . . . the Code of Conduct is inapplicable in this present situation. We have had an opinion that the crew members on the Pueblo were not prisoners of war; they were illegally detained. We are not in a state of hostilities at the present time with the North Koreans. Consequently, they are not the enemy. Not being the enemy, of course, we

don't have prisoners of war. And when we don't have prisoners of war, we don't have the application of the Code of Conduct . . ." He said the legal opinion had come from the Navy's judge advocate general.

Warning by Superiors

Feb. 20—"It has become obvious that the Code of Conduct is applicable in this situation. First of all, because the understanding of the people themselves, and second of all, because of certain things which transpired aboard the ship at the time of its capture." He apparently was referring partly to the warning passed to the men by their American superiors not to tell the Koreans anything more than name, rank, service number and date of birth.

"One of the tasks of the court is to examine that code and see whether or not it meets our present needs . . . I think we have an excellent vehicle for doing that right now . . ."