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Bucher Terms Navy Inquiry 'Completely Fair'

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Special to The New York Times

CORONADO, Calif., Jan. 27—Comdr. Lloyd M. Bucher said today that the court of inquiry into the seizure of the intelligence ship Pueblo was "completely fair."

Commander Bucher's civilian attorney, E. Miles Harvey, made the statement for the Pueblo's skipper at a brief news conference in the naval amphibious base here. Referring to a warning given by the court of five admirals last Wednesday, Mr. Harvey said:

"Commander Bucher feels an overreaction has set in concerning the warning of the court. In his mind and our mind the court of inquiry has been completely fair."

The Pueblo skipper was told that he was suspected of violating Navy regulations and was subject to a court-martial for surrendering the vessel to the North Koreans last Jan. 23.

"It was totally proper, it was a routine procedure," Mr. Harvey said, adding that Capt. William R. Newsome, the counsel for the court, would have been derelict had he not give the warning.

Mr. Harvey conceded that Commander Bucher had decided to make the rare public statement after the speech Saturday night by Adm. Thomas H. Moorer, Chief of Naval Operations. Admiral Moorer told the American Bar Foundation in Chicago that the warning was "not unexpected" by Commander Bucher and was "only a routine and totally correct legal procedure."

Regulation Is Cited

The Navy regulation cited by the court of inquiry reads:

"The commanding officer shall not permit his command to be searched by any person representing a foreign state nor permit any of the personnel under his charge to be removed from the command by such person, so long as he has the power to resist."

Mr. Harvey, a slim, dapper, 38-year-old business attorney from San Diego, discussed the case during a noon break of the court of inquiry, which moved into its third day of closed sessions today.

"Commander Bucher sees all of this as an opportunity to clear any slur that might have existed on his name and present the facts to the entire nation," he said. "The record of these proceedings will tell the full story of the Pueblo and answer all the questions that need to be answered."

Gripping a lectern and speaking rapidly, Mr. Harvey said

Civilian Attorney Moves to Play Down Court Warning on Trial Over Pueblo

Commander Bucher had so far received about 300 telegrams of support since the court of inquiry began last Monday.

"Many of the telegrams show concern for his physical health," said Mr. Harvey, standing next to Commander Bucher's military attorney, Capt. James E. Keys.

"I can assure you he is in good physical condition and mentally alert and these proceedings have not been trying on his physical or mental health."

Asked if Commander Bucher hoped to continue in the Navy as a commander once the court of inquiry ends, Mr. Harvey replied:

"Yes, he definitely does."

Tenor of Telegrams

Capt. Vincent Thomas, public affairs officer for the Commander in Chief, Pacific Fleet, said the court of inquiry had received about 100 telegrams.

"Their general tenor is giving the court fits because in the mind of so many people they're court-martialing Commander Bucher and this is just not so."

The court will make a recommendation to the Pacific Fleet commander, Adm. John J. Hyland. Admiral Hyland will, in turn, make his own recommendations to Washington.

It will be up to the Secretary of the Navy and the Chief of Naval Operations to decide whether to press court-martial charges against Commander Bucher.

At today's closed session, in a classroom guarded by armed marines, the court heard a pivotal witness in the case, Rear Adm. Frank L. Johnson, the former Commander of United States naval forces in Japan. In that role, Admiral Johnson was in operational charge of the Pueblo, a converted cargo ship whose home base was in Yokosuka, Japan.

Commander Bucher testified last week that Admiral Johnson had told him that the Pueblo's two .50-caliber machine guns "should in no way" have their canvas covers removed "unless it was absolutely necessary."

"He said they were to be used in the event that all else failed in extracting ourselves from a harassment situation such as had not been experienced before," Commander Bucher recalled. "He was quite

sure that they would never be needed."

Commander Bucher said later that "the covers were in fact frozen and could not be easily removed" when North Korean subchasers and torpedo boats opened fire on the Pueblo.

"I was completely and hopelessly outgunned," he said.

Code Revision Sought

WASHINGTON, Jan. 27 (UPI)—Representative Jonathan B. Bingham, Democrat of the Bronx, asked President Nixon today to amend the Uniform Code of Military Justice so servicemen in the position of the Pueblo crew could sign confessions with impunity.

In another development, Senators Peter H. Dominick, Republican of Colorado, and Stephen M. Young, Democrat of Ohio, and Representative John Myers, Republican of Indiana, called for Congressional investigations of the Pueblo incident.

Mr. Dominick cited "substantial discrepancies" between what former Defense Secretary Robert S. McNamara and other military leaders told the Senate Armed Service Committee and what Commander Bucher has told a board of inquiry.

Representative Edwin D. Eshleman, Republican of Pennsylvania, said he wrote Navy Secretary John H. Chafee over the weekend urging him to halt the Navy's inquiry. He called it "an inquisition of a man who is neither physically nor mentally in position to be subjected to the kind of investigation" being conducted.

"Present proceedings have begun to look suspiciously like an attempt to let Commander Bucher take the rap for higher officials who sent him on a mission with an ill-equipped vessel and without proper contingency planning," Mr. Eshleman wrote.

In his letter to Mr. Nixon, Mr. Bingham suggested that along with allowing captured servicemen to sign confessions and statements by their captors, the President should announce to the world that hereafter such confessions "cannot be believed."

"American prisoners are forced by the 'name and rank and service number' limitation to suffer and often to die for nothing," Mr. Bingham said.

Senator Carl T. Curtis, Republican of Nebraska, in a Senate speech, opposed a Congressional questioning of Bucher.

"I urge that Commander Bucher not be harshly judged by Monday-morning quarterbacks who were so inactive on that fateful day when the Pueblo was fired upon, attacked, chased and seized by Communist vessels," he said.