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2 Navy Officers Defend Conduct Code

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WASHINGTON, April 28—Two high-ranking Navy officers today defended the code of conduct as a voluntary guideline for American prisoners of war, despite its ineffectiveness in the case of the Pueblo.

Vice Adm. Charles K. Duncan, the Chief of Naval Personnel, praised the set of rules for captured servicemen as "a professional and inspirational rather than a penal code."

Rear Adm. Joseph B. McDevitt, the Navy's Judge Advocate General, said it was "not a punitive article on which punishment can be based."

But then, under questioning by members of a special House investigating committee, both officers admitted that all violations of major provisions of the code were punishable as breaches of Navy general orders and of the Uniform Code of Military Justice.

The two Navy men conceded that all 82 officers and crewmen of the Pueblo had apparently broken the code's prohibitions against giving information to the enemy and signing statements disloyal to their country.

Prosecution Up In Air

Whether they will be prosecuted is still undecided, they reported.

Despite the Navy officers' insistence on maintaining the code of conduct without relaxation, a Pentagon spokesman indicated that the Defense Department as a whole favored a much more liberal interpretation of its rules than anyone had suspected.

Brig. Gen. Leo E. Benade, Deputy Assistant Secretary of Defense for military personnel policy, told the committee that the pledge "I am bound to give only name, rank, service number and date of birth," contained in the code, was not a limit but a required minimum of information.

Representative Otis G. Pike, Democrat of Suffolk County, who heads the Pueblo investigation, asked General Benade if the inclusion of "only" did not limit captured servicemen to providing this information and no other.

"That may be the popular understanding, but it is not so," the witness replied. He also argued that the promise "I will evade answering further questions to the utmost of my ability" also did not constitute an absolute prohibition.



Associated Press

Vice Adm. Charles K. Duncan, left, Chief of Naval Personnel, and Rear Adm. Joseph B. McDevitt, Judge Advocate General, before they testified at hearing yesterday.

"It doesn't say 'You will not answer any other questions,' does it?" he asked.

General Benade said that prisoners of war, or "illegally held detainees" as in the case of the Pueblo could talk beyond the limits in the code as long as the information they gave did not affect national security.

This confusion over application of the code of conduct was only one matter in which the Pike committee became mired during what was probably the closing day of hearings in its inquiry into the capture of the Pueblo and the loss of the EC-121 plane off North Korea.

Representative Pike, following a series of questions to the Navy witnesses, said it was "insane that it should be a crime to allow a ship to be searched and not a crime to surrender it."

Admiral McDevitt was unable to find any prohibition against a captain's giving up his ship.

"If we're in a position where the Judge Advocate General has to look this kind of thing up, can you blame the crew of the Pueblo for not being cognizant of the terms of the code of conduct?" Mr. Pike asked. "Don't you think some changes are called for?"

Representative Alton A. Lennon, Democrat of North Carolina, was equally disturbed by what he saw as a moral discrepancy between the Government's apology to obtain the release of the Pueblo crew and earlier confessions by crew members.

"If this nation can capitulate and get on its knees and admit things it's not guilty of, what do you expect of a human being?" he asked.

Later, Mr. Lennon said regretfully that the Pueblo crew "ought to be brought to trial" for violation of the code of conduct if the code was to continue to have any meaning.