

Bucher Defends Surrender as Navy Inquiry Ends

By BERNARD WEINRAUB
Special to The New York Times

CORONADO, Calif., March 13—The Navy's court of inquiry into the seizure of the Pueblo ended hearings today with Comdr. Lloyd M. Bucher defending his decision to surrender the intelligence ship without a fight on Jan. 23, 1968.

"I hereby state unequivocally that at the time of that seizure we did not have the power to resist," he said in a strained voice before the inquiry's five admirals.

Moments after the inquiry ended, Admiral Bowen said in a statement that the five admirals would take about 10 days to send their recommendations to the commander of the United States Pacific Fleet, Adm. John J. Hyland.

"The court cannot take any punitive action whatsoever," said Admiral Bowen. "It is not empowered to do so. It never has been. It can only recommend."

Standing before a black lectern in the packed, silent naval amphitheater, the Pueblo's 41-year-old skipper slowly read a prepared statement that blamed the Navy for "inadequately" providing equipment to destroy the 600 pounds of secret papers on the intelligence ship.

He also called for a review of the code of conduct, which tells American servicemen to yield only name, rank, serial number and date of birth if captured.

Following Commander Bucher's 260-word speech, his civilian attorney, E. Miles Harvey, said heatedly:

"A court of inquiry such as this is a cruel business because it cannot bring back Duane Hodges [the only crewman who was killed], because it cannot return the U.S.S. Pueblo or completely heal the scars that many of the crew will carry for the rest of their lives, or eliminate the nightmares that will continue for most of the crew."

"During these last eight weeks, Commander Bucher and his crew have rendered their account. The story has been fully and sometimes painfully told—the record is now complete."

Mr. Harvey, a 38-year-old San Diego business attorney, delivered a lengthy defense of Commander Bucher, terming him "a prophet or a man

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ahead of his time." The president of the court, Vice Adm. Harold G. Bowen Jr., then leaned forward and asked if any participant in the inquiry had anything further to say. There was silence.

"This court is closed," said the lean, thin-faced officer who commands United States anti-submarine forces in the Pacific.

Thus ended the prolonged and deeply emotional inquiry that lasted eight weeks—far more than even Admiral Bowen expected—and heard 104 witnesses whose testimony now covers 3,392 pages.

Two Options for Hyland

Once Admiral Hyland reviews the court findings, the Pacific fleet commander has two choices: he can take whatever action he thinks appropriate, ranging from a court-martial or a commendation, or he can forward the record of the case to Washington for action by the Chief of Naval Operations or the Secretary of the Navy.

Following the session, Commander Bucher and his wife, Rose, stepped outside the amphitheater on the rain-splattered Naval Amphibious base. The Pueblo's gaunt, nervous skipper was asked if he was optimistic about the outcome of the inquiry.

"I'd rather not say I'm optimistic," he said with a smile. "I'll wait with considerable apprehension."

Mrs. Bucher said coolly: "I'm very pleased it's all over with."

At today's brief session, Commander Bucher spoke first.

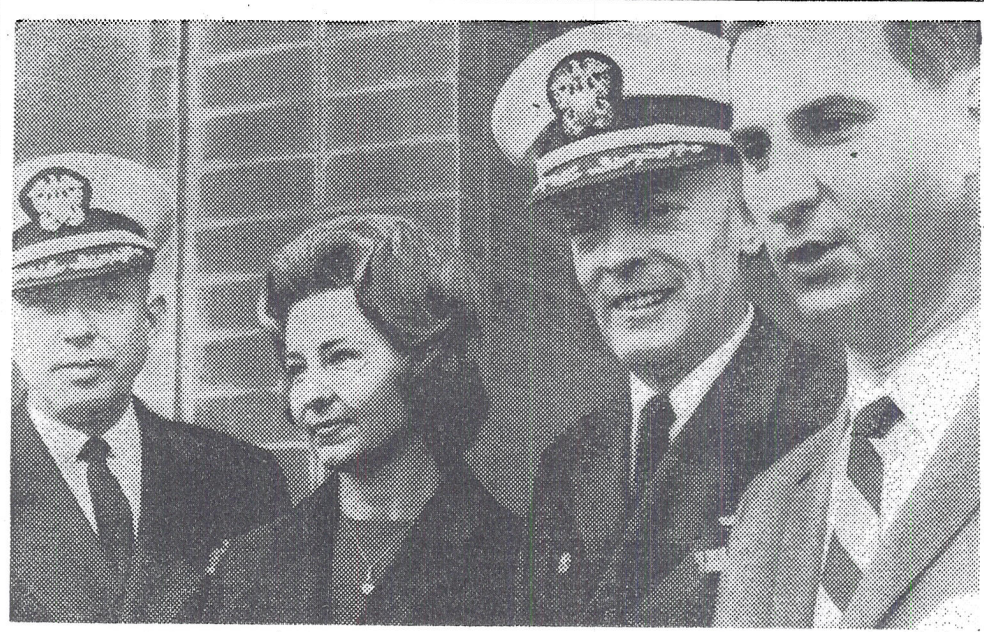
Clenching the lectern and breathing heavily, he said:

"Having made my decision many years ago to become a naval officer of the line, I eagerly sought command at sea. My first command was the U.S.S. Pueblo.

"During outfitting of my ship, I attempted to foresee problem areas and have them corrected. Many of my suggestions and requests were not approved for various reasons; this fact did not relieve me of my responsibility to make full use of my ingenuity to achieve the best possible results with those materials provided.

"As commanding officer, I am solely responsible for the results of our attempt to de-

stroy classified material. I am therefore totally accountable for anything that may have happened. Pueblo, I do consider that my ship was inadequately provided with proper destruct systems that were well within the state of the art—which could



Comdr. Lloyd M. Bucher, second from right, leaving the Naval Amphitheatre in Coronado, Calif., after the final session of the Navy Court of Inquiry. With him are his wife, Rose; his Navy attorney, Capt. James E. Keyes, left, and his civilian attorney, E. Miles Harvey.

Associated Press

Code of Conduct as Court of Inquiry Ends Hearings

have and would have eliminated the need for me to rely on jury rigged emergency destruct systems.

"As commanding officer of Pueblo, it was my responsibility to make the determination on 23 January 1968 regarding Pueblo's power to resist illegal seizure by units of the North Korean Army.

"I hereby state unequivocally that at the time of that seizure we did not have the power to resist."

At this point, Commander Bucher paused. He then briefly discussed the code of conduct for American servicemen—a key issue in the closing weeks of the inquiry.

Provisions of Code

"It is my considered opinion," he said, "that articles four and five should be reviewed in that they are difficult to reconcile when threats to the lives of your shipmates are involved."

Article 4 of the code tells all prisoners of war "to keep faith with fellow prisoners" and "give no information nor take part in any action which might be harmful" to other captured Americans.

Article 5 is, perhaps, the key

guideline in the code. It begins: "When questioned, should I become a prisoner of war, I am bound to give only name, rank, serial number and date of birth."

Most of the Pueblo's crewmen have testified that they departed from the code for fear of beatings, torture and even death, and that they signed statements about the ship and their own backgrounds because the North Koreans had already seized the Pueblo's personnel files and hundreds of secret papers.

In his summation, Mr. Harvey said: "Although the crew of the Pueblo may have deviated from the letter of this [code] their conduct in captivity indicated an adherence to the principles and philosophy of the code.

"The chain of command was maintained, leadership was exerted, escape plans were formulated and evaluated, every method was used to resist the North Koreans, none accepted favors or parole, each kept faith with the others, all remained dedicated to the principles which made our country free."

The bulk of Mr. Harvey's

argument, however, and the prime issue of the case focused on Commander Bucher's decision to keep the Pueblo's two .50-caliber machine guns silent when two North Korean submarine chasers and four torpedo boats surrounded the ship and opened fire.

'The Power to Resist'

Navy regulations specify that a commanding officer shall never permit his ship to be searched nor allow any crewmen to be removed by "a foreign state" as long as the ship "has the power to resist."

It is this point, "the power to resist," that Mr. Harvey stressed today.

"There is not one shred of evidence or testimony before this court that either Commander Bucher or the U.S.S. Pueblo had the power to resist," Mr. Harvey said, adding:

"In this area, it is tragic to note that from the evidence adduced, we, the supposed most powerful nation in the world, did not resist the seizure and retention of the ship. No air or surface forces were dispatched to rescue or destroy the Pueblo."

Mr. Harvey, a trim, dapper

lawyer, said with some vehemence that Commander Bucher had had a "horrible decision" to make over the use of the Pueblo's two machineguns.

"Once the firing began," he said, "their attempted use would have been ineffective, and at the expense of the needless loss of lives.

These guns were placed on board as a means of defending against personnel and small boats.

"Four PT's [torpedo boats] and two SO-1's [submarine chasers] don't fit into that category," he observed. "The Pueblo simply was not a combatant ship."

Fighting Called 'Suicide'

"He continued in a rising voice: "After many salvos of 57 millimeter cannon fire and continuous strafing by machinegun fire, with MIG's in the sky," and after one man had been fatally wounded and others had sustained serious wounds, the Koreans were permitted to come aboard.

"The testimony before this court is unequivocal that to attempt to man the .50-caliber guns would have been suicide and the ordering of men to their deaths," Mr. Harvey said.