



CADETS at West Point yesterday. Academy superintendent, Maj. Gen. Samuel W. Koster, is charged in Songmy incident

The New York Times (by Meyer Liebowitz)

# Army Case Recalls Gen. Mitchell's Court-Martial

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By FRANK J. PRIAL

Maj. Gen. Samuel W. Koster, charged with dereliction of duty yesterday in connection with the alleged Mylai massacre two years ago, may be the highest ranking general officer to be so charged in modern military history.

He is not, however, the most famous. That distinction belongs to Brig. Gen. William Mitchell, the Army Air Corps officer who was tried and convicted by a court-martial in 1925.

General Mitchell, who had been "dropped back to his permanent rank of colonel at the time of the trial, had led a long and highly publicized attack on the military establishment for failing to see the growing importance of air power and for permitting the United States to slip to the position of a minor nation in terms of military aviation strength.

The court-martial, one of whose members was Gen. Douglas McArthur, was convened in Washington, D. C., amid worldwide attention.

#### Mitchell Found Guilty

On Dec. 17, 1925, the court found General Mitchell "guilty on all counts" of violating an article of war that forbids "conduct of a nature to bring discredit upon the military service."

He was not dismissed from the service but suspended for five years with loss of rank and pay. He died in 1936. In 1942, his warnings vindicated, he was restored posthumously to the Army with full rank.

When the Japanese attacked Pearl Harbor Dec. 7, 1941, the Army commander in the Hawaiian Islands was another major general, Walter C. Short. Soon after the attack, Congress initiated an investigation into the circumstances surrounding United States unpreparedness that Sunday morning.

The report of the joint committee, chaired by Senator Alben Barkley of Kentucky, was published in 1946, and was highly critical of General Short and of his Navy counterpart, Rear Adm. Husband E. Kimmel, commander in chief of the Pacific Fleet. However, no charges were ever filed against either officer.

In 1955, Admiral Kimmel published a book in which he

purported to vindicate himself and General Short. He based their defense partly, he said, on files and secret data never consulted in the Congressional inquiry.

Probably the most famous military trial of the 1950s was the court-martial, in July and August of 1956, of Marine S. Sgt. Matthew C. McKeon, the leader of what came to be known as the "Parris Island Death March."

On the night of April 8, 1956, Sergeant McKeon, a drill instructor at the big Marine Corps basic training facility at Parris Island, S. C., led a group of recruits on a disciplinary march into a swollen stream. Six drowned.

During the trial, in which Sergeant McKeon was defended without cost by a New York trial lawyer, Emile Zola Beriman, the Commandant of the Corps, Gen. Randolph McC. Pate, admitted to the possibility of excesses in "boot" training. However, he testified in behalf of the sergeant.

Nevertheless, the Marine court found the sergeant guilty of drinking on duty and negligent homicide, and sentenced him to nine months at hard labor, accompanied by a reduction in rank to private, a bad conduct discharge and a fine of \$270.

The Secretary of the Navy, Charles Thomas, later reduced the sentence to three months and canceled the discharge and fine.

Sergeant McKeon vowed to stay in the Marine Corps and to regain his rating and job as a drill instructor. However, three years later, after getting back to corporal, he was honorably discharged at the age of 34 with a ruptured spinal disk.

What was perhaps the most significant United States military inquiry of the "cold war" period ended last May 6 when the Navy announced that "no disciplinary action" would be taken against any of the crew of the spy ship Pueblo.

#### "Suffered Enough"

"They have suffered enough," Navy Secretary John H. Chafee said in rejecting the court of inquiry's recommendation that the Pueblo's captain, Comdr. Lloyd M. Bucher, and the officer in charge of the

Lieut. Stephen R. Harris, be tried by a general court-martial.

Secretary Chafee's decision ended some 15 months of agony for the 82-member crew and soul-searching for the American people, most of whom had been unaware of the existence of vessels with missions such as the Pueblo's.

The Pueblo, a lightl yarmed former cargo vessel loaded to the gunwales with electronic surveillance equipment, was seized by North Korean gunboats Jan. 23, 1968. Commander Bucher gave up his ship without a fight and, allegedly, the North Koreans were able to capture much of the sophisticated spying gear intact.

Commander Bucher had broken the Navy tradition of "don't give up the ship," but the circumstances under which he had done so were hardly traditional. Moreover, the 11 months he and his crew spent in prison in North Korea had turned public opinion in their favor.

The court of inquiry heard

80 days of testimony and yet, in the opinion of some observers, raised more questions than it answered—about the role of regular service personnel in espionage missions and about the value of missions such as the Pueblo's in terms of the enormous repercussions when such a mission failed.

One of the lesser known courts-martial in recent times took place just after World War II when Navy Capt. Charles B. McVay 3d was found guilty of negligence in the loss of the cruiser Indianapolis on July 30, 1945.

The Indianapolis, cruising alone between Guam and Leyte in the Philippines, was struck by Japanese torpedoes and sank within 12 minutes with the loss of 883 lives.

It was second largest United States naval disaster of the war. Only the loss of the U.S.S. Arizona at Pearl Harbor, at a cost of 1,104 lives, was greater.

The loss of the Indianapolis was not reported until three days after it sank when a Navy plane on routine patrol sighted survivors in the water.