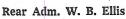
## Coast Guard Will Retire 2 Who Blocked Defection







Associated Press Capt. Fletcher W. Brown

By United Press International EC 2 2 1970 NYTIMES WASHINGTON, Dec. 21-his chief of staff, Capt. Fletcher

Two Coast Guard officers who W. Brown. ordered a Lithuanian defector returned to Soviet custody from the men have been widely cona United States ship Nov. 23 demned by the American pubwill be spared a court-martial lic, said "no purpose would be Volpe announced today.

the Coast Guard had recom-mended a court-martial for the Ellis, Commander of the Coast dreds of political refugees, was Guard District in Boston, and Continued on Page 7, Column 1

But Mr. Volpe, noting that

and allowed to retire, Trans-served" by a court-martial and portation Secretary John A. he had ordered the Coast Guard, an arm of his depart-Mr. Volpe's statement said ment, to drop the charges.

"I regret that the proud hisofficers, Rear Adm. William B. which has given shelter to hun-

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not upheld in this tragic incident," Mr. Volpe said.

But Mr. Volpe said the er-

rors in the chain of command had been corrected. "We now give assurances to the world that an incident such as that which occurred on Nov. 23 can never occur again and that America remains the haven for the oppressed," Mr. Volpe said.

The captain of the cutter-Comdr. Ralph Eustis-was told by Admiral Ellis and Capt. Fletcher Brown, Chief of Staff of the First Coast Guard District, Boston, and his second in command, to return Mr. Kudirka to the Soviet ship. Mr. Kudirka refused to go but was overpowered by Russian sea-men who were allowed to board the cutter and return to the Soviet ship,

## Advice Wasn't Followed

The Commandant of the Coast Guard, Adm. C. R. Bender, recommended court-martial for both Admiral Ellis and Captain

Brown. But Mr. Volpe said:

"It is my considered view that no purpose would be served" by the court-martial.

"There is no doubt that both of these officers now appreciate their serious error of judgment. their serious error of judgment

their serious error of judgment in this case. It is also clear that they have been subjected to most extreme castigation from many quarter in this nation."

For these reasons, Mr. Volpe said he was ordering the Coast Guard to withdraw the courtmartial charges. "In taking this action," he said, "I have taken note of the fact that both officers are submitting requests ficers are submitting requests for immediate retirement and that these requests will be accepted."

The Coast Guard board that the Coast Guard board that investigated the incident said that Captain Brown had been advised by his principal officers to keep Mr. Kudirka aboard the Vigilant until the State Department could make a decision.

ment could make a decision. Captain failed to rely on their advice, the board said.

It also criticized the captain for having failed to exercise his command powers by referring the matter to Admiral Ellis for a decision. Captain Brown was in command of the Coast Guard district when the incident occurred. Admiral Ellis was at home with ulcers.

## Rebuke, Not Court-Martial

But the report also criticized the Admiral. It said "He was reluctant to offer advice while not in command, but should have known that Captain Brown and Commander Eustis were treating his remarks not as advice but as orders." Admiral Ellis advised Captai Brown to return Mr. Kudirka. Captain

The board recommended that Admiral Ellis be rebuked but not court-martialed. Admiral not court-martialed. Admiral Bender said that even though Admiral Ellis "disobeyed no orders," nevertheless "he gave advice having the force of orders," and should be court-martialed also.

The board, however, did not criticizze the action of Com-

criticizze the action of Commander Eustis. It pointed out that he would have refused to return the defector if the decis-

ion had been up to him.

Because he was directly ordered to return Mr. Kudirka, the board said, he "cannot be faulted in his decision to allow Soviet crew members aboard his ship." But the board said it could not condone his failure to prevent the Russians from using force to drag Mr. Kudirka back to their ship.