

Coast Guard Will Retire 2 Who Blocked Defection



Rear Adm. W. B. Ellis



Capt. Fletcher W. Brown

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WASHINGTON, Dec. 21—Two Coast Guard officers who ordered a Lithuanian defector returned to Soviet custody from a United States ship Nov. 23 will be spared a court-martial and allowed to retire, Transportation Secretary John A. Volpe announced today.

Mr. Volpe's statement said the Coast Guard had recommended a court-martial for the officers, Rear Adm. William B. Ellis, Commander of the Coast Guard District in Boston, and

his chief of staff, Capt. Fletcher W. Brown.

But Mr. Volpe, noting that the men have been widely condemned by the American public, said "no purpose would be served" by a court-martial and he had ordered the Coast Guard, an arm of his department, to drop the charges.

"I regret that the proud history of the U.S. Coast Guard, which has given shelter to hundreds of political refugees, was

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

But Mr. Volpe said the errors 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 seamen 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 in this case. It is also clear that they have been subjected to most extreme castigation from many quarters in this nation."

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

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. 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 Captain Brown to return Mr. Kudirka.

The board recommended that Admiral Ellis be rebuked but 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 criticize the action of Commander Eustis. It pointed out that he would have refused to return the defector if the decision 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.