

Laird Won't Rule Out Charges Against the 3 Freed P.O.W.'s

By WILLIAM BEECHER

Special to The New York Times

WASHINGTON, Sept. 27— Defense Secretary Melvin R. Laird refused today to rule out the possibility of court-martial proceedings against any of the three American prisoners of war just released by North Vietnamese authorities.

He took this position in a radio interview over the Columbia Broadcasting System in response to a question whether the men might be open to criminal charges on the ground that they had allowed themselves to be used for propaganda purposes by the North Vietnamese.

"That does not mean that a court-martial or any action will be taken," Mr. Laird said. "But I can't state to you on this program that the Code of Uniform Military Justice will not be followed."

He added that as long as he was Defense Secretary, any judicial actions "will be tempered with a great, great deal of mercy."

Later in the day Mr. Laird appeared to all but closed the door to the possibility of charges against the three former prisoners of war.

Talking with reporters in Oklahoma City about the radio interview he declared that the three fliers "will face no charges as far as the Department of Defense is concerned, I can assure you of that."

He noted, however, that under the Uniform Code any officer might lodge charges that must then be considered. "I would hope that no such charges would be made by any individual," he said.

Other Pentagon officials said that until American authorities talked with Lieut. (j.g.) Mark L. Gartley and Lieut. (j.g.) Norris A. Charles, both of the Navy, and Maj. Edward K. Elias of the Air Force, they were in no position to know whether the men did or said anything while in North Vietnam that in any way violated military rules.

According to an Agence France-Presse dispatch from Vientiane, Laos, on Sept. 3, a statement issued by the North Vietnamese Embassy there quoted Lieutenant Charles and seven other prisoners as having said: "We appeal to the American people to exercise your rights and responsibilities and demand an end to the war now."

The same dispatch said that the North Vietnamese attributed the following statement to Major Elias: "We proved in previous years that the bombing of North Vietnam would not stop the war in South Vietnam, and now we are filling

the detention camps again."

On Sept. 17, the day of the official release of the three pilots in Hanoi, lieutenant Gartley was quoted by The Associated Press as having said at the release ceremony: "As long as this conflict continues for the people of Vietnam, their suffering will continue, much dissension and unrest in the United States will continue, more pilots will be killed or captured and my many friends who are now in detention camps will be unable to go home."

Pentagon officials said that the Defense Department was primarily concerned with giving the men physical examinations to determine their state of health, reuniting them with their families and "debriefing" them to learn whatever the men know about the conditions of 536 other war prisoners.

"We have no idea whatever about the accuracy of quotes attributed to some of the men in Hanoi and Peking, or what pressure they may have been under when they talked with reporters," one official said.

"We don't want to prejudge anything," he added. "These men are entitled to all the protections of the Geneva Convention."

In his radio interview, Mr. Laird demanded an apology from Senator George McGovern, the Democratic Presidential candidate, for accusing him of "playing politics" with the released prisoners.

Mr. Laird refused to retract his statement late Sunday that Senator McGovern had committed a "despicable act" in making himself "a spokesman for the enemy."

The Senator had said earlier that the Administration seemed to be "playing politics" over the release of the men.

"There's nothing in the Geneva accords that requires that these men be turned over for military briefing by army officers," Mr. McGovern reportedly said.

Mr. Laird's reply Sunday, in effect repeated in his radio interview today, was that although the Geneva accords of 1949 require contacts between the governments involved in prisoner releases, there has been no contact from Hanoi in this matter.