

POWs Won't Face Charges for Words

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The Pentagon stood firm yesterday on its stated policy that it will not bring charges against returning American prisoners of war for anything they may have said while in captivity. But at the same time it held open the possibility that those who acted on their anti-war sentiments might face military court action.

The policy statement were precipitated by a report that at least eight American prisoners of war returning home yesterday had criticized U.S. policy in the Vietnam war during their imprisonment, thereby inspiring the enmity of fellow POWs, who were considering bringing charges against them.

While declining to confirm or deny the report, Jerry W. Friedheim, acting assistant secretary of defense for public affairs, acknowledged that any serviceman can bring charges against any other, thereby triggering pretrial investigation and possible formal disciplinary action.

Friedheim refused to say whether, in interviewing returning POWs, any complaints had been heard that others had collaborated with the enemy. He noted that 140 U.S. prisoners were still to be released before the agreed March 28 deadline and said he did not want to say anything that might jeopardize their release.

Asked whether he might discuss the subject after all 140 had been released, he said: "Possibly." Nor would he say whether the military had discouraged any returning POWs from filing charges against any of their colleagues.

Secretary of Defense Elliot L. Richardson, however, struck a cautionary note toward the report that some returning POWs had talked against, and possibly acted against, U.S. policy in Vietnam.

At Valley Forge Army Hospital in Phoenixville, Pa., where he was visiting convalescing former POWs, Richardson said, "I certainly cannot confirm the report, and said that in any event any action taken would be "on a case-by-case basis."

"We do not in our society proceed on the basis of blanket accusation or characterization of individual conduct," Richardson said. "Not only that, but we proceed only on

the basis of evidence and I don't think that it is useful or appropriate to be dealing with matters of heresay or gossip at this stage."

Pressed on whether he would rule out the possibility of court-martial against any POWs, the secretary said:

"... If any individual has taken action which on the evidence established reason to believe that he may have been guilty of a crime under civil law, military law, then he would on the face of it be subject to appropriate action."

But, Richardson added, "I have no information with respect to these individuals that would allow me to make a judgment."

The report, in The New York Times, said at least eight enlisted men captured in South Vietnam had generated hostility among their American campmates in North Vietnam by refusing to participate in camp life, by forming a "peace committee" and refusing orders from senior American officers.

The story cited an antiwar speech in July, 1971, by Army Sp. 4 Michael P. Branch of Highland Heights, Ky., according to a Hanoi radio broadcast, saying he had "disassociated" himself from the military and "taken it upon myself to desert and cross over to the side of the South Vietnamese people. . ."

It also cited a 1971 tape recording purported to be the voice of Army S. Sgt. John Young of Waukegan, Ill., saying to President Nixon that "I no longer want to fight for you or anyone like you. In fact, I won't ever fight for your kind of American people."

Cora Weiss, co-chairman of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, said in New York she had seen transcripts of critical statements from members of a group called "Captured U.S. Servicemen Against the War in Vietnam" made prior to August, 1971.

Mrs. Weiss, who made two trips to Hanoi and brought back U.S. prisoners on the second, said her group would work in behalf of war critics among the POWs, including offering them civilian lawyers in any military court action against them.