

Charges Filed Against 8 Ex-POWs

Associated Press

Washington

An Air Force colonel formally accused eight young enlisted men yesterday of collaborating with the North Vietnamese while in captivity.

Colonel Theodore W. Guy filed formal charges against

the five Army men and three Marines, alleging that their misconduct took place while he was the senior American in a POW camp outside Hanoi known as the "Plantation."

Guy, 44, of Tucson, Ariz., has said that some POWs obtained special privileges by telling the North Viet-

names of the activities of the other prisoners. In some cases other POWs were tortured as a result of the alleged collaboration, according to Guy.

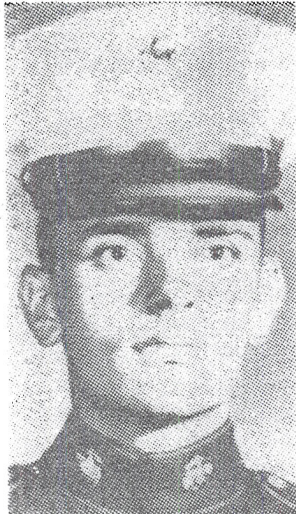
Guy filed a number of charges, including aiding the enemy, failure to obey orders and conspiracy.

The three Marines

charged are Sergeant Abel L. Kavanaugh of Westminster, Colo.; Staff Sergeant Alfonso E. Riate of Santa Rosa, Calif.; and Private Frederick L. Elbert Jr. of Brentwood, N.Y.

Kavanaugh and Riate are on convalescent leave from

See Back Page



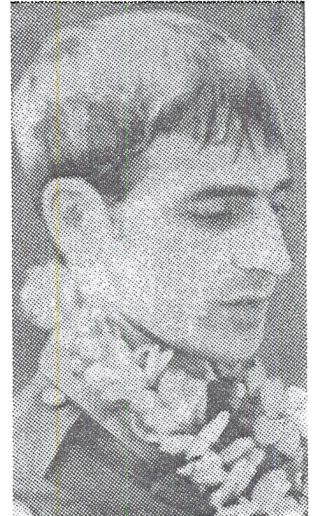
UPI Telephoto
SGT. KAVANAUGH
'Alleged misconduct'



UPI Telephoto
SGT. RIATE
Collaboration charged



UPI Telephoto
FREDERICK ELBERT
Private accused



AP Wirephoto
MICHAEL P. BRANCH
Disrespect charge
SEE SFC 26 MAY



AP Wirephoto
ROBERT CHENOWETH
Model aircraft charge



AP Wirephoto
KING D. RAYFORD
'Failure to obey order'



AP Wirephoto
JAMES A. DALY JR.
Cooperation alleged



AP Wirephoto
JOHN A. YOUNG
'Preferential treatment'

From Page 1

the Navy hospital at Camp Pendleton, Calif. Elbert is under treatment at St. Albans Naval Hospital, St. Albans, N.Y.

The Army identified the five Army men as: Specialist 4 Michael P. Branch, 26, of Highland Heights, Ky.; Staff Sergeant Robert P. Chenoweth, 25, of Portland, Ore.; Sergeant James A. Daly Jr. of Brooklyn, N.Y.; Staff Sergeant King D. Rayford, 27, of Chicago, Ill.; and Staff Sergeant John A. Young, 27, Grayslake, Ill.

The Army said all are on convalescent leave, with Branch assigned to Ireland Army Hospital, Ft. Knox, Ky., Chenoweth to Letter-

man General Hospital, San Francisco, Daly to Patterson Army Hospital Ft. Monmouth, N.J., and Rayford and Young to Fitzsimmons General Hospital, Denver.

In filing charges, Guy acted under a provision of military law that permits any soldier to file charges against any other serviceman who he thinks has broken the U.S. code of military justice.

Guy's charges must be weighed by the secretaries of the Army and Navy, who will determine if a court-martial will be convened or assign the decision to local commanders of the posts where the men are stationed.

In a brief summary of the

This order was said to have been issued by Air Force Major Edward W. Leonard of Winlock, Wash. between August, 1971, and March 16 this year, when they were released.

Branch is charged with disrespect to Leonard sometime during October, 1971.

Branch was denied permission to attend President Nixon's POW banquet last Thursday. A White House spokesman said Branch declined an invitation and that his place was assigned to somebody on a waiting list.

In its summary of Guy's charges, the Army said each of the five soldiers, "in conjunction with three Marine Corps returnees, entered into a conspiracy to impair

the morale, loyalty or discipline of their fellow prisoners of war."

The five also were accused of violating Article 134 of the Uniform Code of Military Justice, a broadly phrased section which has been ruled unconstitutional by federal appeals courts and will be reviewed by the Supreme Court. That article involved "conduct of a nature to bring discredit upon the armed forces."

The Marines did not furnish any similar summary concerning charges against their three men accused by Guy.

The Pentagon has followed a general policy of allowing the issue of alleged misbehavior among the 566 re-



UPI Telephoto

COLONEL T. W. GUY
The accuser

charges, the Army said all five Army POWs were accused of "alleged cooperation with the captors . . . including accepting preferential treatment, communicating with the enemy and seeking political asylum from the officials of the North Vietnamese army."

In addition, Chenoweth and Young were charged with an additional violation "by constructing model aircraft for use by the North Vietnamese army in conducting target practice for their soldiers at the camp."

The five Army men also were charged with failure to obey an order "to stop all forms of cooperation and collaboration with the enemy."

turned military POWs to die quietly. Pentagon spokesman Jerry W. Friedheim did not answer directly yesterday when asked at a morning briefing if Pentagon lawyers attempted to dissuade Guy from bringing charges. The spokesman would say only that Guy sought and received legal advice.

Friedheim did say that "a handful" of other former POWs had sought out Pentagon officials about whether to bring their own charges.

In an interview on April 23 and a later news conference Colonel Guy has acknowledged that many POWs made broadcasts against President Nixon's Indochina War policy after a period of torture or lengthy interrogation.

Guy distinguishes between these POWs and those he says accepted favors and special treatment from the beginning, thereby bringing pain and punishment to the other POWs.

"I have information that I know and I just cannot accept some of these people being accepted as heroes before the American people," Guy has said. "They are not and I think it has to be brought out into the open."

Guy, shot down over Laos March 22, 1968, has said he was extensively tortured during the five years he spent in various POW camps.

Most of the prisoners under his command in the Plantation were Navy or Air Force pilots.