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8 P.O.W.'S CHARGED
WITH MISCONDUCT

Top Officer at Camp Near
Hanoi Cites Enlisted Men

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WASHINGTON, May 29—
An Air Force colonel has
charged five Army and three
Marine Corps enlisted men
with misconduct while they
were all held as prisoners of
war in a North Vietnamese
prison camp near Hanoi, the
Defense Department announced
today.

The courts-martial charges
filed by Col. Theodore W. Guy,
who was the senior American
officer in the prison camp, rep-
resented the first formal action
taken against any of the 566
prisoners of war released ear-
lier this year.

Within both civilian and mil-
itary circles in the Pentagon
there was considerable concern
that Colonel Guy's initiative in
bringing the charges could end
the officially promoted atmos-
phere of "forgive and honor"
that thus far has surrounded
the prisoners and lead to a
period of recriminations that
would reopen some of the pub-
lic wounds of the Vietnam War.

There were indications that
some high-ranking officials as
well as some of his fellow offi-
cers who were held as pris-
oners sought to discourage
Colonel Guy from bringing the
charges. There was also con-
siderable doubt expressed in
Pentagon circles that his
charges, which were reportedly
based largely on hearsay and
circumstantial evidence, would

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ever lead to trials of the eight
enlisted men.

Under the Uniform Code of
Military Justice, any officer or
enlisted man can file courts-
martial charges against a mili-
tary colleague. But under the
code, the Secretaries of Army
and Navy must now convene an
investigative board — compa-
rable to a grand jury in civilian
law—to determine whether the
charges warrant a court-martial.

In general, Colonel Guy
charged the eight men with fail-
ing to adhere to the code of
conduct for prisoners of war,
undermining efforts to establish
military order and discipline
and actively seeking coopera-
tion of their fellow prisoners to
collaborate with the enemy.
Among the specific charges
were promoting disloyalty and
undermining discipline, aiding
the enemy, failure to obey a
lawful order and disrespect to-
ward a superior officer.

The marines were identified
as Sgt. Abel L. Kavanaugh of
Denver, Staff Sgt. Alfonso E.
Riate of Santa Rosa, Calif., and
Pvt. Frederick L. Elbert of
Brentwood, L. I.

Sergeants Kavanaugh and
Riate are on convalescent leave
from the Navy hospital at Camp
Pendleton, Calif., and Private
Elbert is under treatment at
St. Albans Naval Hospital, St.
Albans, L. I.

The Army identified the five
enlisted men, all of whom are
on convalescent leave, as Spec.
4 Michael P. Branch at Fort
Knox, Ky., S.Sgt. Robert P.
Chenoweth, Letterman Army
Hospital, San Francisco; S.Sgt.
James A. Daly Jr., Fort Mon-
mouth, N. J., S.Sgt. King D.
Rayford Jr., Fitzsimmons Gen-
eral Hospital, Denver, S.Sgt.
John A. Young, also at Denver.

Colonel Guy, who was held a
prisoner nearly five years after
being shot down over Laos, was
the senior United States officer
in a prisoner of war camp known
as Plantation, where the eight
enlisted men were held.

Under the practices outlined
in the post-Korean War code of
conduct for prisoners of war,
Colonel Guy, as the senior offi-
cer, was ostensibly in command
of the men held in the prison
camp.

One of the points of friction
that developed between Colonel
Guy and the eight enlisted men,
according to civilian sources who
have worked closely with
the prisoners, was that they re-
fused to respect or obey his
orders.

'Peace Committee'

The eight men, who were
captured in South Vietnam and
then marched north to the
camp near Hanoi in 1970, be-
longed to a group known among
some of the officers as "the
peace committee," which peri-
odically issued antiwar state-
ments broadcast by the Hanoi
radio. According to military
sources, the eight men dis-
regarded Colonel Guy's orders
to discontinue making such
statements.

In an interview with the As-
sociated Press about a month
ago, Colonel Guy, without
naming any individuals,
charged that some of the pris-
oners in his camp had collabo-
rated with the enemy and pro-
vided information that resulted
in physical harm to some of the
colleagues.

One of Colonel Guy's
charges, according to military
sources, is that he was thrown
back into solitary confinement
immediately after some of the
eight men were seen coming
out of the office of the prison
commandant.

Colonel Guy, these sources
reported, has also charged that
the eight men provided in-
formation to the North Viet-
namese on the secret method of
communications through tap-
ping on a wall that was de-
veloped among the prisoners.

Earlier Rebate on ??

Even in advance of Colonel
Guy's filing of his charges, a
debate had been going on be-
tween military and civilian cir-
cles over the validity of the
charges and the conduct of the
enlisted men.

According to civilian sources,
the charges that the men had
compromised the secret com-
munications system among the
prisoners had been thoroughly
investigated by the Pentagon
and found to be unsubstan-
tiated, at least as far as evi-
dence could be presented in a
trial.

As for the men's refusal to
respect Colonel Guy's authority,
these civilian sources noted
that the command system de-
pended entirely upon rank and

suggested that it was under-
standable that the enlisted men,
who were reportedly kept
mostly segregated from the of-
ficers in the camp, should
choose to develop their own
command and disciplinary
structure.

On their antiwar statements,
it was noted that former De-
fense Secretary Melvin R.
Laird had laid down a policy
that none of the prisoners
would be held responsible for
statements made while in cap-
tivity.

During the debriefings, ac-
cording to civilian sources, the
men contended they had made
the statements not voluntarily
but under pressure by their
captors, the same defense that
has been offered by officers
who had made antiwar state-
ments.