

2 Officer POWs Charged With Mutiny

By William Claiborne
Washington Post Staff Writer

Two of the highest-ranking prisoners of war released by North Vietnam have been charged with mutiny and aiding the enemy, offenses that carry the death penalty, the Pentagon announced yesterday.

Navy Capt. Walter E. Wilber and Marine Lt. Col. Edison W. Miller, both fighter pilots, have also been charged with failure to obey orders, soliciting collaboration, misconduct as a prisoner and causing insubordination and disloyalty.

As defined by the Navy, mutiny involves collective insubordination by two or more persons, or it can consist simply of persistent refusal on the part of one person to obey orders.

The harsh indictment of the two officers' conduct was lodged by Rear Adm. James B. Stockdale, who was the deputy senior officer at the "Hanoi

Hilton" prison camp for nearly eight years.

Stockdale's charges were the first brought against members of the officer corps who were released from Communist prisons following the first cease-fire accord last January. Eight enlisted men were charged last month by Air Force Col. Theodore W. Guy, commander of a Hanoi camp called The Plantation.

Filing of the charges followed close by criticism within the services that the only former POWs who were being accused of misconduct were enlisted men, most of whom were draftees.

Pentagon sources said they were unaware of anyone else who is seriously considering bringing charges of prison camp misconduct.

Wilber was the executive officer of a squadron of F-4 Phantom jet fighters when he was shot down over North Vietnam on June 16, 1968 after

20 missions. Miller's Marine F-4 Phantom went down over North Vietnam on Oct. 13, 1967.

On Christmas Day, 1970, Wilber and another officer, Navy Cmdr. Robert Schweitzer, were portrayed in a 13-minute interview filmed in Hanoi by newsmen from the Canadian Broadcasting Corp. and a three-man Japanese camera crew.

During the interview, in which about 30 POWs were shown in the background, Wilber called the Vietnam war "bad" and said, "The answer, of course, is that the war must be stopped now."

One of five POWs pictured at close range during the filmed interview was Lt. Col. Miller. Schweitzer, who also made an oral statement against the war, has not been charged, however.

Shortly after his return to the U.S., Wilber appeared on a CBS-TV interview program,

and admitted making antiwar statements as a POW without having been tortured. He said the statements were based on his captivities at the time of his capture and on the basis of prolonged contemplation of the effects of the war.

Wilber, 48, lives in Columbia Cross Roads, Pa., with his wife, Jeanne, and three sons.

Officials of the Fourth Naval District in Philadelphia said Wilber and his wife appeared there yesterday morning, and that the charges were formally read to the captain.

Before leaving, Wilber drafted a terse statement in which he said he would have no comment until the Navy's preliminary inquiry is completed.

Miller, 41, who lives in Tuskin, Calif, could not be reached. However, before the formal charges had been received by the Pentagon, Miller said, "I realize this is a difficult matter and it will be a difficult time for my family and friends . . . I have nothing to hide and I have great deal of confidence in my country and its system of justice."

Pentagon officials refused to reveal the specific acts of misconduct alleged in Stockdale's charges. One Navy source said the charges are more detailed than the gen-

eral charges of collaboration made against the eight enlisted men, and, therefore, military lawyers had ruled that their disclosure could be extremely prejudicial to the defendants and others mentioned.

According to the Code of Military Justice, the charge of misconduct by a prisoner covers all acts "which tend to ameliorate his condition to the detriment of other prisoners."

The code says that in cases of mutiny, it is not necessary that the act of insubordination be active or violent. Instead, the code specifies, it may consist merely of intent to refuse to obey orders.

Navy officials said such orders could include directives from Stockdale or the "Hanoi Hilton" senior commander, Brig. Gen. John P. Flynn, not to meet with the North Vietnamese or issue antiwar statements.

Pentagon sources said that when Stockdale filed the charges, he went against the wishes of Flynn, who had advocated a for-give-and-forget policy.

Stockdale's charges were being reviewed yesterday by the office of the Secretary of the Navy, which could order a formal grand jury-like inquiry, dismiss the action or refer it to a lower command level for investigation.