

POWs--the

Charges

May Fall

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WASHINGTON — Penta-

gon officials say lack of evidence may result in the dropping of charges against some returned prisoners-of-war.

"It is a distinct possibility that the charges will not go forward," a defense department spokesman said.

The Pentagon's decision will be too late for one of the accused former prisoners, Marine Sgt. Abel L. Kavanaugh, 24, who shot himself Wednesday in what appeared to be a suicide. His widow has accused the Pentagon and an air force officer who brought the charges against her husband of contributing to his death.

'Nullified'

The Marine Corps announced Friday that because of Kavanaugh's death, charges against him had been "nullified" and he would be considered innocent.

But the Marines refused to discuss the evidence against Kavanaugh and other men accused.

Col. Theodore B. Guy, senior officer at "the plantation," an American prisoner of war camp in North Vietnam, filed charges against Kavanaugh, two other marines and five army-enlisted men.

Guy accused Kavanaugh of misconduct, including disrespect to a superior officer, aiding the enemy, conspiracy to undermine discipline and failure to obey a lawful order.

Delay

The charges were filed one month ago on May 30. The Navy judge advocate general office has still not decided whether Guy's charges warrant a more formal investigation known as an article 32, which is similar to a civilian grand jury proceeding.

Defense officials said the month delay in deciding the charges indicate the Navy is having difficulty in dealing with Guy's evidence.

At the time the charges were filed, defense officials noted that Guy's information against Kavanaugh and others was based in part on hearsay or unwitnessed incidents.