Army, Navy Drop

Evidence Is Cited

Washington

The Army and the Navy dismissed charges yesterday against seven enlisted men accused by an Air Force colonel of misconduct and collabo-rating with the enemy while they were prisoners of war in North Vietnam.

In announcing their separate but concurring decisions, Army Secretary Howard H. Callaway and Navy Secretary John W. Warner said that the charges were dismissed because of a lack of sufficient evidence.

In addition, the two secre-taries cited the mitigating circumstances of the long hardship that the enlisted men had suffered during imprisonment by North Vietnam as well as a Defense Department policy against prosecuting any of the prisoners of war for propaganda statements made while in

The decision was not unexpected and it resolved a moral problem that has been besetting high - ranking Pentagon officials ever since Air Force Colonel Theodore W. Guy filed misconduct charges in late May aginst five Army and three Marine Corps enlisted men who were confined with him in a North Vietnamese prison camp near Hanoi known as "The Plantation."

OFFICER

As the senior officer in the prison camp, Guy "accused the enlisted men of various acts of misconduct including failure to adhere to the postand authority in the prison camp, disobeying orders of an officer, cooperating with the enemy to obtain favoration and building the review of the charges are sempleted. What Kay-

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Defense Department offi- of my Marines. cials who had laid down a At Kavanaugh's funeral general policy of honor-and Monday, the pallbearers inforgive for the returning pricluded six of the men acsoners of war initially tried cused by Guy. They were to persuade Guy not to bring Staff Sergeant Robert P.

code of military justice to Sergeant John A. Young of review the charges to deter- Grayskale, Ill., all of the mine whether a court - mar. Army. Staff Sergeant Affontial was represented.

ported in their decisions by Fourth Class Michael 1.
the military leaders of the two services — General Creighton W. Abrams, the Army chief of staff, and General Robert E. Cushman Jr., Commandant of the Carps Corps

REVIEW

Kavanaugh's 22-year-old widow, pregnant with their second child, has blamed the decisions to drop the Guy and the Pentagon for charges against the five her husband's death.

Kavanaugh's 22-year-old of the Captors.

Similarly, in announcing the decisions to drop the Army men, Callaway said,

According to officials failure to adhere to the post-Korean war code of con-duct drafted for prisoners of who was anxious to leave war, undermining discipline the service, had become demodel airplanes that could anaugh did not know, acwas completed. What Kavcording to these officials, was that early last week be used as targets by the "I am not about to have any charges brought against any

the charges.

Chenoweth of Portland,
When Guy insisted upon Ore., Staff Sergeant James
bringing the charges, the A. Daly Jr. of Brooklyn,
Army and Navy were obliStaff Sergeant King D. Raygated under the uniform for Jr. of Chicago and Staff mine whether a court martial was warranted.

The responsibility for the review was assumed by the secretaries of the Army and Navy, who in turn were supported in their decisions by the military leaders of the Rranch of Newport, Ky

FACTORS

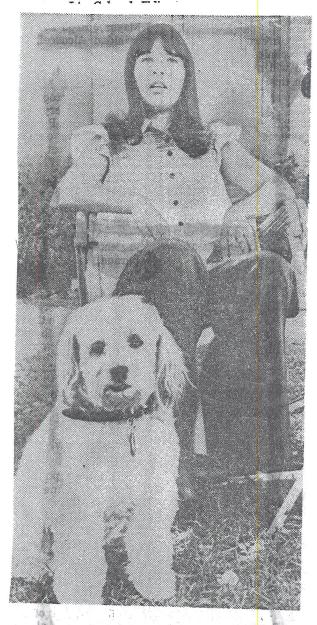
The review and the subse- A mong the "mitigating quent dismissal of the factors" that entered into charges, however, was not his decision to dismiss the completed before one of the charges against the two enlisted` men accused by Marines, Warner said, was Guy had committed suicide. "the fact that each of the re-Warner said, was Marine Sargeant Abel Larry turnees had suffered a long Kavanaugh shot himself last period of confinement dur-Wednesday in his father-ing which they each suffered in-law's suburban Denver severe deprivations and maltreatment at the hands

Kavanaugh's 22-year-old of their captors."

"We must not overlook the good behavior of these men during the two to three years each spent under brutal prison conditions in South Vietnam before they were moved to the north—the lack of food and medical care, the sub-primitive living conditions, and the physical torture. They had a very hard time, and they behaved admirably during this period."

While no administrative action will be taken against the five army men, Callaway said that they would not be permitted to re-enlist because they failed to meet "the current qualitative standards for the volunteer army."

Still pending are similar charges against two former POW-officers, Navy Captain Walter E. Wilber of Columbia Crossroads, Pa., and



SANDRA KAVANAUGH AND HER DOG MISSY She blamed Pentagon for her husband's suicide

Marine Lt. Colonel Edison Wainright Miller of Tustin, Calif. Rear Admiral James B.M. Stockdale, the second highest ranking POW, accused the two fighter pilots of, among other things, muttiny and aiding the enemy, charges punishable by death.

Those accusations are still under investigation.

New York Times