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SYNOPSIS

1. Investigation in the Western United States conducted to date revealed substantial evidence of misconduct on the part of Subject WILBER and co-subject MILLER while Prisoners of War in North Vietnam circa 1968 - 1973. Illustratively, interviews of 16 former POWs disclosed collaboration with enemy by WILBER and MILLER to the point of soliciting other POWs to participate in their anti-war propaganda campaign, one incident in which it is alleged communication with captors by WILBER resulted in torture of another POW, three incidents of compromise of POW covert communications, disobedience of orders from seniors by WILBER and MILLER, the aggravated assault of another POW by MILLER, as well as numerous violations of the Code of Conduct by both.

PREDICATION/BACKGROUND

2. This investigation is predicated on the 6 April 1973 request of the Chief of Naval Personnel for appropriate investigation of allegations of misconduct of Subject WILBER and co-subject MILLER while Prisoners of War (POWs) in North Vietnam circa 1968 - 1973. The Chief of Naval Personnel's request followed his receipt of a letter of 30 March 1973 from RADM (then Captain) James B. STOCKDALE, USN, alleging that it had come to his personal knowledge or was reported to him in his capacity as the senior Naval POW and Operations Officer of Fourth Combined POW Wing that WILBER and MILLER violated the standing orders of the Commander, Fourth Combined POW Wing, incited other POWs to violate these orders, and informed on fellow prisoners to their detriment. A copy of RADM STOCKDALE's letter is furnished herewith as Attachment (1).

INTERVIEW OF RADM STOCKDALE

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3. RADM James B. STOCKDALE, USN, was interviewed on 20 April 1973 in the presence of his designated legal advisor, CDR Edward T. BOYWID, JAGC, USN. A transcript of that interview is provided as Attachment (2). RADM STOCKDALE during the course of this interview related specific allegations of misconduct as POWs on the part of WILBER and MILLER noting, however, that due to the circumstances of his confineme often solitary, his direct observations were limited. He reported listening to tape recording broadcast over the Hoa Lo (Hanoi Hilton) prison camp radio during the summer of 1969 and his conclusion that this tape recording had been made by subject MILLER and CDR Robert J. SCHWEITZER, USN. He described this recording a purported "dialogue" between these two officers which was anti-American, pro-North Vietnamese in tenor and "alarming". Efforts to establish covert communications with these officers to influence them to obey the Code of Conduct and the

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Wing Commander's policies, known by the codeword "PLUMS", were initiated but were not categorically successful until the summer of 1970. At this time Subject WILBER, co-subject MILLER, CDR SCHWEITZER, and four other officers (LT Markham L. GARTLEY, USN, LT William J. MAYHEW, USN, CAPT Paul G. BROWN, USMC, and MAJ Roger D. INGVALSON, USAF) were living separately in a building within the Hoa Lo (Hanoi Hilton) compound which was physically remote from others containing POWs. either to this physical isolation or their reluctance to communicate covertly, this group had become known as "The Outer Seven". The exchange of communications during the summer of 1970, initiated by RADM STOCKDALE and continued by COL Robinson RISNER, USAF, acting Wing Commander, was an effort by the POW leadership to communicate the basic policy of resistance and compliance with the Code of Conduct and the PLUMS, and to determine categorically whether these seven would comply. SCHWEITZER, MAJ INGVALSON, LT GARTLEY, LT MAYHEW, and CAPT BROWN responded that they would comply. WILBER and MILLER responded with vague and non-committal answers ultimately declining to categorically comply with COL RISNER's orders. This action culminated in the relief from military authority of both WILBER and MILLER and to the designation of the next senior officer in their building, CDR SCHWEITZER, as the acting Senior Ranking Officer (SRO). The details of this exchange of communications were communicated to a "human 'memory bank'", and have subsequently been obtained through interview. (The results of these interviews will be reported separately by NISHQ, but for ease of comprehension of this report, the transcript of the interview of CDR Robert D. WOODS, USN, is duplicatively furnished with this report as Attachment (3).)

4. RADM STOCKDALE also provided general information of a less direct nature which had, in the main, been reported to him by other POWs and he suggested the identities of other POWs who might be able to provide first-hand information. The details of these reports are provided in Attachment (2).

INTERVIEWS OF OTHER FORMER POWS

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5. In addition to RADM STOCKDALE, the following former POWs have been interviewe to date in conjunction with this investigation. The date of each interview is reflected parenthetically followed by their respective dates of internment, where determined, indicating the period of time about which each could provide information. For ease of reference, they are listed alphabetically and transcripts/affidavits obtained from them are listed in conjunction.

BEELER, Carroll R., LT, USN (04-20-73) 05-24-72 to 03-28-73 Attachments (11) and (12)

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ABSTRACT OF INVESTIGATIVE RESULTS

- 6. The investigation reported herein represents only that portion of this Naval Investigative Service investigation conducted within the western United States. Notwithstanding its incompleteness, certain salient features of the generally alleged misconduct/collaboration of WILBER and MILLER are evident. First and foremost, substantial testimony was received from several witnesses to the effect that at some undetermined time during their confinement, probably prior to the Fall of 1969, both WILBER and MILLER began to actively collaborate with their North Vietnamese captors in the production of anti-war propaganda. This collaboration extended to soliciting other POWs to join with them in their anti-war propaganda campaign.
- 7. Second, this investigation reveals that WILBER/MILLER during August 1970 refused to comply with direct orders from the acting POW commander to obey the Code of Conduct and comply with POW policy statements, known as PLUMS. (Policy statements (PLUMS) 1-3 and 5-7, POW Instructions 1 and 2, and an Operational Guidance directive, obtained on 17 May 1973 from RADM STOCKDALE, will be provided separately for information.)
- 8. Third, evidence was adduced that the treatment afforded WILBER/MILLER by their North Vietnamese captors was preferential. Notably, within certain broad limitations they had virtually free run of the prison camp known as the Zoo during the latter period of their confinement, a privilege extended to no other prisoners.
- 9. Fourth, it has been established that WILBER/MILLER passively frustrated covert communications between other prisoners and in three instances (MILLER twice, WILBER once) actively thwarted covert prisoner communications by informing North Vietnamese guards.
- 10. Additionally, it should be noted that careful analysis of witness transcrip affidavits will reveal some confusion regarding the identity of WILBER vis a vis MILLER and vice versa in other prisoners' minds. This may be attributed to the fact that WILBER and MILLER after 1969 were confined together, were most frequer seen together, and indeed shared profound similarities in attitudes and philosophies accompanied by the unique circumstances of the prison camp situation in which some other prisoners saw WILBER and/or MILLER only infrequently and brief often through a crack in a door, a peephole or the like. This confusion is evi

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in the situation described in paragraph 11(h), below. WILBER and MILLER were, in fact, frequently described by other POWs as the "MILBER Team" or as "Monkey and Ward".

- 11. Some specific situations about which evidence has been adduced and reported in the attachments hereto which could form the basis for charges of violations of the Uniform Code of Military Justice by WILBER/MILLER accompanied by a synoptic rendition of the evidentiary support are set forth below. They are not all inclusive; to the contrary, CDR BOYWID, supra, has advised on the basis of a preliminary legal analysis of the attachments that a careful analysis by legal personnel would doubtlessly result in the enumeration of several additional violations, particularly of Articles 104 and 105, UCMJ, Aiding the Enemy and Misconduct as a Prisoner.
- Disobedience of a lawful order. (WILBER/MILLER) On or about 2 August 1971, WILBER and MILLER were directed by Colonel RISNER to obey the Code of Conduct and to refrain from making anti-war propaganda statements or otherwise assist the North Vietnamese in its propaganda campaign. They were also directed to reply to this order with a statement to the effect that they would or alternatively would not obey this order. The text of this order is contained in Attachment (3). Confirmation that the order was issued and received is contained in the transcripts of interview of RADM STOCKDALE, CAPT RUTLEDGE, and LT GARTLEY as well as the affidavit furnished by the latter (Attachments (2), (4), (5), and (6)). The latter officer said, in part, "The Wing was endeavoring to obtain a categorical statement from WILBER and MILLER that they would obey the Code of Conduct and adhere to Wing policies which the latter (WILBER and MILLER) refused to give. INGVALSON, BROWN, MAYHEW, SCHWEITZER and myself were also physically involved in this exchange of communications and I personally received and transmitted some of these messages. There is no doubt that both WILBER and MILLER received these communications from the Wing. Their refusal to respond yes or no to the direct question, 'Will you obey the Code of Conduct?' resulted in their relief from military authority..."

That WILBER and MILLER did not thereafter obey this order to obey the Co of Conduct is established by testimony provided by LT GARTLEY (Attachments (5) at (6)), LT RUDLOFF (Attachments (7) and (8)), LCDR HOFFMAN (Attachments (9) and (10 LT BEELER (Attachments (11) and (12)), LT MOLINARE (Attachments (13) and (14)), LATENDRESSE (Attachments (15) and (16)), CDR SHUMAKER (Attachments (17) and (18) CAPT SCHWERTFEGER, USAF (Attachments (19) and (20)), and CAPT LOGAN (Attachment (21)).

b. Disobedience of a lawful order. (WILBER/MILLER) In about April 1972,

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at the prison camp known as the Zoo, the North Vietnamese commenced construction of a brick wall designed to isolate one of the buildings thereat known as the Garage. Major John STAVAST, USAF, the SRO — and because of their relief from military authority, the military senior to WILBER and MILLER — directed that the prisoners under his command not aid the North Vietnamese in their wall building endeavor. Those prisoners who up until issuance of STAVAST's order had been working on the wall, with the exception of WILBER and MILLER, ceased. WILBER and MILLER, however, continued to work on the wall until its completion. (See LT GARTLEY's transcript and affidavit, Attachments (5) and (6).)

- c. Giving intelligence to the enemy. (WILBER) At an undetermined time after the late summer or early fall of 1968, WILBER disclosed to the North Vietnamese highly sensitive, classified information relevant to the technique of communications of POWs. This assertion is based on his reported October 1970 admission to LT GARTLEY. (See Attachments (5) and (6))
- d. Compromise of a covert POW communication system. (MILLER) On an undetermined date during the summer of 1970, according to the observations of CDR SHUMAKER (see Attachments (17) and (18)), MILLER invited the attention of a North Vietnamese guard to what was apparently writing on the bottom of a plate which he had been washing. Writing on the bottoms of plates was then an established system of covert communication among prisoners. For several months thereafter, plates were rigorously inspected by North Vietnamese guards, a security measure not heretofore practiced by them, and this means of covert communication was resultingly denied POWs. (It is possible that the plate which MILLER displayed to the guard was one bearing a communication from Colonel Herve STOCKMAN, USAF, to WILBER/MILLER. See transcript of CAPT RUTLEDGE's interview, Attachment (4)).
- e. Aggravated assault upon LCDR HOFFMAN. (MILLER) On or about 7 October 1972, MILLER assaulted without provocation LCDR HOFFMAN by choking him with his hands to the point of near unconsciousness. See transcripts of RUDLOFF and HOFFMAN and their affidavits (Attachments (7) (10)).
- f. Threatening the President of the United States. (MILLER) On at least two occasion during the period April December 1972, MILLER made or all threats against the life of the President saying that when he returned to the United States one of his primary aims would be to assassinate President NIXON whom he held responsible for the prolongation of the war and saying, in response to a wuery, the if he were President of the United States for one day, he would "do the American people a favor and kill myself". (See LCDR HOFFMAN's affidavit, Attachment (10)

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S/WILBER, WALTER EUGENE/CAPT_USN_

He is also reported to have said, commenting on Presidential candidate WALLACE's attempted assassination, "It's too bad that it wasn't NIXON and that it wasn't fatal", or words to that effect. Additionally, he commented to LT RUDLOFF that he wished someone would put a bullet through that's head", referring to President NIXON. (See LT RUDLOFF's affidavit, Attachment (8))

- Informing on a POW resulting in the latter's physical torture. On an undetermined date in mid-June 1972, WILBER and LCDR HOFFMAN exchanged heated words in the presence of other POWs but in the privacy of a room in the building known as the "Pool Hall", physically remote from the camp administration building. Immediately after this argument, WILBER left the room and the building and was shortly thereafter observed conversing on the steps of the administration building with the North Vietnamese Officer-in-Charge, known as "Plato." Prior to leaving the building, which only WILBER and MILLER among the POWs had authorization to do, WILBER reportedly told HOFFMAN, "You're going to regret this!" Within thirty minutes, HOFFMAN was summoned by "Plato" who remonstrated with him for his lack of cooperation with WILBER and MILLER and his "bad attitude." HOFFMAN was then hung by his left arm, the same arm which had been injured on ejection and by which he had been reportedly hung earlier in the year, from a hook in the ceiling causing extreme physical pain and anguish. When he returned, he looked pale and shaken, and appeared as though he had been crying. Immediately after returning from the torture session, HOFFMAN told RUDLOFF and, reportedly, Captain James CUTTER, USAF, that he had been tortured. (See Attachments (7) - (10))
- Compromise of POW communications. (MILLER) On or about 2 February 1973, POWs confined in the Pool Hall at the Zoo were exercising in their courtyard and endeavoring to establish oral communications over and through a brick wall separating their courtyard from a larger courtyard in which prisoners, including WILBER and MILLER, who were confined in the Garage were sweeping. Among others, MAJ Ken JOHNSON, USAF, communicated an abbreviated PLUM and the fact that WILBER and MILL had been relieved of military authority by talking over the wall. A prisoner on the other side, a member of the Garage group, was observed approaching a North Vietnamese guard and overheard informing him that "those people (referring to the prisoners on the Pool Hall side of the wall) are making malicious statements about us ...", or words to that effect. LTJG PENN overheard the complaining statement and reports it was said to be WILBER's voice by MAJ JOHNSON, USAF. (See Attachments (22) and (23)) LCDR NICHOLS advised he was present at the scene, confirms the general scenario, but did not personally overhear the alleged remark nor did observe either WILBER or MILLER approach the guard. He did, however, sight WILB in the other courtyard at the proximate time of the incident. (See Attachments

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S/WILBER, WALTER EUGENE/CAPT USN

(24) and (25)) MAJ JOHNSON confirms the fact that he communicated orally over the wall and that this fact was evidently brought to the attention of the North Vietnamese guards because they immediately thereafter entered the Pool Hall courtyard (See Attachments (26) and and indicated the prisoners should cease and desist. CAPT SEEK, USAF, while JOHNSON was communicating orally over the wall, observed "either WILBER or MILLER, the taller of the two, approach an NVA guard" but could not overhear what was said to the guard. (See Attachments (28) and CAPT SCHWERTFEGER, however, observing the prisoners on the Garage side of the wall through a peephole in the wall, observed "the taller of the two, WILBER and MILLER, approach one of the Vietnamese guards and tell him 'those people on the other side of the wall are making malicious statements about us', or words to that effect. There was some confusion in my mind at that time as to which POW was MILLER and which was WILBER although I had had them both identified to me previously Notwithstanding, the POW who spoke to the guard was about 6'3" tall with black graying hair and weighed about 190 lbs. By contrast, the other of the MILLER-WILBER team was about 5'11" tall, lighter hair and was stockier." (See Attachments (19) and (20)) LT ENSCH, in Attachments (30) and (31), relates he was present in the Pool Hall courtyard during this incident but that he had not personally seen or overheard a POW on the other side of the wall inform the North Vietnamese guard. However, according to ENSCH, shortly after MAJ JOHNSON's oral communication, a North Vietnamese guard entered the Pool Hall courtyard and informed them that they had been caught communicating and saying "bad" things about the prisoners in the Garage courtyard. PENN, NICHOLS, JOHNSON, SEEK, SCHWERTFEGER, and ENSCH agree that following this incident, their exercise time outside was curtailed by the North Vietnamese but disagree whether this was punishment directly related to the informing of the guard and also disagree as to the extent and duration of the exercise time curtailment.

i. Solicitation of other POWs to furnish anti-war propaganda. (WILBER/MILLER) On several occasions, both by direct, personal contact and by means of their leadership role in "seminars" sponsored by the North Vietnamese, WILBER and MILLER endeavored to persuade other POWs to join with them in the North Vietnames propaganda campaign. MILLER authored a manuscript, duplicated by the North Vietnamese, which was pro-North Vietnamese and anti-American in tenor and which was circulated among other POWs. LT BEELER, in Attachment (12), relates, "Shortly after arriving at the Zoo, I along with/POWs was exposed to propaganda material allegedly prepared by (WILBER) and (MILLER), including a manuscript of a pro-Vietnamese book purportedly prepared by MILLER... These materials were furnished new arrivals at the Zoo in an apparent effort to soften them up for subsequent solicitations to prepare or endorse pro-North Vietnamese propaganda. On at least

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two occasions, both WILBER and MILLER endeavored to persuade me to sign anti-war, pro-North Vietnamese statements. They did influence me to do this, although it is difficult to state with certainty to what extent. Certainly, they added to the pressures from the North Vietnamese to make such statements. In fairness, however, I should state that neither (WILBER) nor (MILLER) directly ordered me to sign these statements. The nature of their persuasion was oral argument; they made no threats against me of physical abuse or torture." LT MOLINARE, in Attachments (13) and (14), describes the leadership role of WILBER and MILLER in North Vietnamese sponsored "seminars" held for the purpose of encouraging other POWs to sign statements. Expressing reluctance to sign one such statement, MOLINARE recalled that WILBER said. "Let me convince you" and thereafter proceeded to present arguments in favor of signing the statement which the group eventually did. MOLINARE said WILBER did not order any of the POWs in his building to sign the statement, "it was simply a sales pitch." LT LATENDRESSE, in Attachments (15) and (16), relates that he had been severely injured upon ejection on 27 May 1972 and remained badly in need of medical attention during the last week in June when WILBER who was then living in the Garage at the Zoo came over to LATENDRESSE's room in the Office at the Zoo and endeavored to persuade LATENDRESSE to sign an anti-war statement. He stood at LATENDRESSE's window for 30-45 minutes, on the heels of an earlier and unsuccessful effort by "Plato", the North Vietnamese political interrogator, and presented arguments in favor of signing the statement. According to LATENDRESSE's recollection, WILBER said, "That the war was wrong and it was right to sign it and, he was the Senior Officer in the camp and he was advising us to sign it, the anti-war statement and he would take full responsibility for our signing the anti-war statement." LATENDRESSE went on to relate that WILBER did not "order" him to sign the statement, merely "advised" him to sign it.

AGENT'S NOTE:

At this juncture, however, LATENDRESSE had not yet been informed that WILBER and MILLER had been relieved of military authority.

LATENDRESSE continued that although influenced by WILBER, his basic reason for signing the statement was his belief that if he did he would receive medical attention. He signed the statement on 30 June 1972 and, in fact, received medicatention for the first time the following day.

LOCAL AGENCY CHECKS

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12. Independent of this investigation, but germane to it, was an inquiry conducted regarding co-subject MILLER based on a report that he had been "cited" or

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1 May	, 1973 by th	ne California Highw	ay Pat	rol un	der c	ircums	stances that may reflect
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ments	s (32) and ((33) but are summar	ized h	erewit	h: Ĉ	o-sub	ject was detained by the
							er he was observed fighting
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With	urs shonse	and non-outleast's	anone.	ne rre	eway Tindif	Mear 1	eged co-subject had pre-
nad i	een arinkin	ig and co-subject s	spous	e and		TA Chillian	is a that are adultarens
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tilona	ally, LINDEN	advised co-subjec	t had	previo	usly	threa	tened his (co-subject's)
wife	with a knif	e, that she was in	fear	of her	Lite	, and	that she made the state-
ment	that "You,	can't believe how	violen	t he (co-su	bject.) can be".
		•					
ATTA	CHMENTS						
(1)	Ltr from RA	DM J.B. STOCKDALE	to CNO	/03-30	-73	. (Copy	y all)
(2)	Transcript	interview of RADM	STOCKD	ALE/04	-20-7	3(Copy all)
(3)	Transcript	interview of LCDR	R.D. W	OODS	. (Cop	y all	·
(4)	Transcript	interview of CAPT	H.E. R	UTLEDG	E/05-	01-73	(Copy all)
(5)	Transcript	interview of LT M.	L. GAR	TLEY/0	5-08-	73	(Copy a11)
(6)		of LT M.L, GARTLEY/					
(7)		interview of LT S.					.(Copy all)
(8)	Affidavit c	of IT S.A. RUDLOFF/	04-30-	73 (Conv	a11)	
(9)	Transcript	interview of LCDR	D.W. H	OFFMAN	/04-1	7-73.	(Copy all) '
(10)	Affidavit	of LCDR D.W. HOFFM	IAN/04-	27-73.	(Co	pv al	1)
(11)		: interview of LT C					
(12)		of LT C.R. BEELER/					4. 3
(13)		: interview of LT A					(Copy all)
(14)	Affidevit	of LT A.R. MOLINAR	E/05-1	7-73.	(Con	v a11)
(15)	Transarini	interview of LT T	R. T.A	TENDRE	SSE/O	5-03-	73(Copy all)
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(19)	Transcript	c interview of CAPI	. W.K.	DUMMER	TEGE	K, US.	AF/05-10-73(Copy all)
(20)	Affidavit	of CAPT W.R. SCHWE	KTFEGE	K, USA	F/05-	TO-13	(Copy all)
(21)	Transcript	interview of CAPT	D.K.	LUGAN,	USAF/	U4-24	-/3(UODY ALL)
(22)	Transcript	t interview of LTJG	M.G.	PENN/C	14-13-	./3	(Copy all)
(23)	Affidavit	of LTJG M.G. PENN/	05-03-	.73(Copy	all)	
(24)	Transcript	t interview of LCDF	R A.A.	NICHOL	.s/04-	·16-73	(Copy all)
(25)	Affidavit	of LCDR A.A. NICHO	LS/04-	16-73.	(Cc	py al	1)

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