

## The Lavelle Case

# Civilian Control Is Still the Issue

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Perhaps the time has come to fire a general.

Gen. John D. Lavelle is increasingly being cast as the sole villain of the command nightmare he created in Vietnam. The Senate Armed Services Committee is taking time out before deciding what to do about the unauthorized air war Lavelle waged over North Vietnam. Reports coming out of the hearings have tended to absolve Lavelle's superiors and subordinates of any wrongdoing.

All of this gives many citizens and professional military officers a feeling of uneasy concern. For it appears that once again the issue of civilian control over military parochialism and rapacious careerism is going to be obscured by minutia and rhetoric. Two broad fundamental issues which go to the heart of the affair are being ignored: The long-existent insulation of the military command and control system from civilian

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surveillance and control; and the traditional responsibility of military commanders for all that occurs within their commands. Central to these issues is the question of the moral and professional responsibility of all military personnel to adhere to the principle of civilian control. They must be more adequately encouraged to promptly report orders which violate civilian control and not permit themselves to become accomplices in falsely informing civilian authorities.

THE FITZHUGH COMMISSION Report informed President Nixon on July 15, 1970, that there were serious deficiencies in the military command and control system. The commission said the system "inhibits the flow of information to and from the combatant commands and the President and Secretary of Defense even in crisis situations." The commission noted that a component commander (such as Lavelle) could, on some vital matters, deal directly with the chief of staff of his branch of the services, rather than through the unified or sub-unified commander (such as Gen. Creighton Abrams), who was his immediate superior. This system decreased the command authority of the unified commander and encouraged the separate services to overtly emphasize parochial objectives, the commission said.

Such an unnecessarily layered military command structure obstructs adequate control by the Secretary of Defense. But it does not deny senior military commanders knowledge of the actions of combat commanders. Since each service's chief of staff is informed daily of what is happening in each overseas component command, it is difficult to believe that Gen. John D. Ryan could have been totally unaware of Lavelle's covert activities. How would Ryan have known to berate the 7th Air Force crews for expending large amounts of ordnance at Quang Lang while failing to destroy the MIG reported there, if he was not intimately familiar with the 7th Air Force combat operations? Military personnel who know the intense attention that each service gives to monitoring—and often interfering with—their component commands in Vietnam (where the Air Force, for example, has been particularly anxious to "look good" by proving that bombing can be decisively effective) can understand Sgt. Frank's belief that "Gen. Lavelle's superiors knew what he was doing. They had to know it just from the expenditure of ordnance."

Lavelle's 4-star superiors have all testified under oath that they did not know of his 28 unauthorized strikes against targets in North Vietnam. But why didn't they know? As senior commanders, Adm. Moorer, Abrams and Ryan were directly responsible for the actions of their subordinate commanders. It was their job to know—the taxpayers were paying each over \$40,000 a year to do that job. And Joint Chiefs of Staff Publications (Nos. 1-4) are quite explicit on the subject of command responsibility: There are no valid grounds for such senior commanders being unaware of their responsibility for everything their subordinates do or fail to do. (It might also be noted that the 1946 Supreme Court decision that led to the execution of Japan's Gen. Yamashita

was based on the thesis that he was responsible for the illegal actions of his subordinate commanders, even though he testified that he had no knowledge of their actions at the time.)

Judged solely on the basis of standing military directives and traditions, these senior officers have failed to effectively perform their duties in the manner normally expected of 4-star officers. Yet despite this obvious collective failure, Moorer will continue, as Chairman of the Joint Chiefs; Abrams will no doubt become chief of staff of a demoralized army, and Ryan will continue as chief of staff of the air force — an air force in which 200 officers knew of the direct disobedience of an order from the Commander-in-Chief, but only a 23-year-old sergeant reported it. And the Congress and public wonder why American youth look askance at military careers!

LAVELLE HAS indicated that, under prodding from the Joint Chiefs to be more "aggressive," he considered the risk to his crews more compelling than obeying the orders of the President. Abrams, in the same vein, has testified that he was not in agreement with the political restrictions



GEN. JOHN D. LAVELLE

that caused a "piddling away" of aircraft and crews. But even the newest second lieutenant is familiar with the military code which prescribes that a subordinate should argue to a point of decision. If he then feels that the decision is incorrect or improper, he is morally and professionally obligated to state his objections to higher levels of command. If those levels do not sustain his objection, and he continues to believe the decision is not in the best interests of the country or the men under his command, he has the ultimate option of voluntary resignation or retirement. Gen. Mathew B. Ridgeway and Gen. James M. Gavin are recent examples of officers who have followed this code.

Yet no evidence has appeared to date to indicate that either Abrams or Lavelle made an official attempt to disagree with their superiors' political decision—a decision they are now criticizing as part of their personal defenses. If they were sincerely convinced that men and planes were being risked unnecessarily or for little return, they had a professional obligation to stand up and say so at the time. What should not have happened was Lavelle's attempt to covertly disobey an order with which he didn't agree. Nor should Abrams have waited 10 months to voice his disagreement, and then only in defense of his future career.

Perhaps this distressing example of lack of high level sincerity and courage of conviction is why a sergeant rather than a general stood up to express concern for the supremacy of civilian control over the military. What remains to be seen is who will be rewarded and who will be punished. Based on the recent example of the Mylai investigations, and considering Lavelle's pending promotion on the retired list, it is difficult to be optimistic about Sgt. Frank's courage and loyalty.