NYTimes OCT 2 0 1972 ... Cloud Over the Chiefs

Although the Senate voted 84 to 2 to confirm the appointment of Gen. Creighton W. Abrams as Army Chief of Staff, the former commander of United States forces in Vietnam has become a member of the Joint Chiefs under a cloud that shadows the entire Pentagon hierarchy.

Hearings conducted by the Senate Armed Services Committee into allegedly unauthorized bombing raids over North Vietnam by both Air Force and Navy pilots left several key members of the committee and others in Congress profoundly disturbed by contradictory testimony from high military officers and by evidence of serious flaws in command and control discipline and procedures.

Few can be persuaded that the grave questions of military conduct raised in the hearings have been resolved with the mild rebuff delivered to one man—Maj. Gen. John D. Lavelle who as commander of the Seventh Air Force in Vietnam ordered more than twenty strikes that exceeded existing rules of engagement.

A majority in the committee and in the full Senate apparently accepted General Abrams' denial that he was aware of the unauthorized raids, extending over a period of five months, although General Lavelle has contended he had a green light from both the Saigon commander and the Joint Chiefs. But ignorance is really no excuse. As Senator Margaret Chase Smith pointed out: "General Abrams was in command. It was his job to know what was happening, and his failure to ascertain that the rules imposed by the Commander in Chief were being followed is nonfeasance by anybody's definition." Senator Smith, who voted to confirm General Abrams' appointment, added: "I am also not satisfied that General Abrams' superiors are as innocent of what was occurring as they purport to be."

The Senator's misgivings are widely shared. Congressional determination that the issue shall not be "swept under the rug"—as Senator Hughes of Iowa has put it, is not likely to be satisfied by Defense Secretary Laird's announcement of a new inspector general system at the unified command level—although that may help if the new officers are granted sufficient independence and authority. It will be recalled that the sergeant who first reported the unauthorized raids in a letter to Senator Hughes had refrained from lodging a complaint with his base inspector general because the same man was vice commander of a wing that was carrying out the raids and had allegedly participated in the falsification of documents.

If the Pentagon fails to take further steps to pinpoint and punish those responsible for unauthorized missions and false reports and to clarify command responsibilities, Congress will have the inescapable obligation next session to investigate the whole question of command and control far more thoroughly than has yet been done.