

# Air Force Sergeant May Press Bombing Raids Case in U.S. Courts

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Sgt. Lonnie Franks, who disclosed illegal U.S. bombing raids in North Vietnam, may turn next to the federal courts in his effort to make Air Force authorities take legal action against those involved, his lawyer said yesterday.

Attorney William P. Homans Jr., of Boston, said both he and Franks were surprised when the Air Force dismissed court martial charges Franks had filed against Maj. Gen. John D. Lavelle and 23 others alleged to have either ordered the bombing or helped cover it up.

"I never believed the matter would be disposed of like this," Homans said in a telephone interview. "I never thought we'd have to contemplate going into federal court."

But in light of the Air Force action, he said, "I will do my best on his [Franks'] behalf to see that the matter does not stop here."

Homans said he plans to decide in about a week, after a thorough review of the law and discussions with Franks, what the next step will be. He said he has no idea who will pay for further legal steps, adding: "Maybe me."

Franks filed his charges Nov. 3 against Lavelle, two other generals, the only Air Force aces in Vietnam, a just-released prisoner of war and 18 others. All were either in the 7th Air Force or in the 432d Tactical Reconnaissance Wing in Thailand — Franks' unit — when the raids were conducted between November, 1971, and March, 1972.

In dismissing Franks' charges, Air Force Secretary Robert C. Seamans said "the allegations were thoroughly reviewed. No new information was presented which would warrant further action."

Franks, 23, of Cedar Rapids, Iowa, last spring made public the illegal bombing in a letter

to Sen. Harold E. Hughes (D-Iowa).

Franks told the senator U.S. planes were bombing North Vietnamese missile and anti-aircraft artillery sites before the communists fired or turned on their guidance radar — a violation of the rules of engagement in force at the time.

As a result of Franks' disclosure, Lavelle was removed from command of the 7th Air Force, stripped of two of his four stars and retired with the pay of a four-star general, for

ordering the illegal raids and the falsification of reports to cover them up.

Homans said this constituted a virtual admission that Lavelle and others had conducted activities punishable under the Uniform Code of Military Justice. No legal action has been taken by the Air Force.

"The important step now," he said, "is for us to decide whether we can go into federal court either in Washington or in Orlando," where Franks is now stationed.