

OCT 4 1971

NYTimes

ARMY REVIEWING CASE OF COLONEL

Secretary Studies Herbert
File in Atrocities Dispute

WASHINGTON, Oct. 3 (AP) — Prodded by Congress, Secretary of the Army Robert F. Froehlke is personally reviewing Lieut. Col. Anthony B. Herbert's file to determine whether the officer, who is now facing forced retirement, was unjustly relieved of his command.

Colonel Herbert asserts that his once-promising career was turned into a shambles after he accused two superior officers of covering up atrocities in Vietnam.

The Army's most-decorated enlisted man of the Korean War, Colonel Herbert now spends his day as industrial operations officer at Fort McPherson, Ga., supervising laundry services and the post mortuary.

Congressional sources say Mr. Froehlke's review is based on information brought to his attention only last month.

The sources say this information involves documents filed by Col. Fred E. Hansard, Third Army adjutant general at Fort McPherson, recommending that a damaging efficiency report against Colonel Herbert "be expunged from the record" and that the case be resolved in Colonel Herbert's favor.

Although Colonel Hansard's recommendation was made a year ago, it was never acted on, the sources said.

Colonel Hansard said in a telephone interview that his recommendation was "a staff-coordinated position" that he forwarded to Army headquarters in Washington Sept. 9, 1970. The colonel said he had never received a reply. "I suppose it's been delayed," he said.

Appeals Exhausted

Representative F. Edward Hébert, Democrat of Louisiana, chairman of the House Armed Services Committee, learned of Colonel Hansard's recommendation last month and wrote to Mr. Froehlke Sept. 20 urging him to review Colonel Herbert's case.

"The material that we came up with led the chairman to believe that something ought to be done because Herbert's last avenue of appeal had been exhausted," committee sources said. "The word we had been getting from the Army was that no one was aware of the adjutant generals report."

An Army spokesman acknowledged that Mr. Froehlke had entered the case but refused further comment. An announcement will be made when the review is completed, he said.

Colonel Herbert's troubles began in 1969, when, as a battalion commander with the 173d Airborne Brigade, he reported to his superior officers, Brig. Gen. John Barnes and Col. J. Ross Franklin, incidents of murder and torture of Vietnamese civilians.

Colonel Herbert said that instead of acting on his complaints, the two officers called him a liar and cheat and told him to mind his own business.

Relieved of Post

General Barnes relieved Colonel Herbert of his post and recommended that he never be allowed to command again after Colonel Franklin filed an efficiency report describing Colonel Herbert as undependable, uncooperative and without integrity, moral courage or loyalty.

During his 58 days as battalion commander, Colonel Herbert added to his Korean decorations a fourth Silver Star, three Bronze Stars, two Air Medals, the Army Commendation Medal for Valor and a recommendation for the Distinguished Service Cross. Earlier efficiency reports had given the 47-year-old soldier excellent and superior rating.

Nevertheless, Colonel Franklin's efficiency report has twice been used as the basis to deny Colonel Herbert's promotion. Because of this, Colonel Herbert must retire in February unless the Secretary of the Army intervenes.

In the meantime, the Army has dismissed formal charges brought by Colonel Herbert against Colonel Franklin accusing him of dereliction of duty and covering up civilian atrocities. The Army says it still is investigating similar charges filed against General Barnes.