

# Army Tosses Out Report on Herbert

WASHINGTON — (AP) — Secretary of the Army Robert F. Froehlke today threw out a damaging fitness report against controversial Col. Anthony B. Herbert, the most decorated enlisted man of the Korean War.

Froehlke thus opened the possibility that Herbert, who complained of atrocities against civilians in Vietnam, may be allowed to continue his career.

Army officials said Froehlke believed the unfitness report "might have reflected an unfortunate exception to a record of otherwise effective service."

Herbert said he was unjustly relieved of his command after reporting alleged incidents of murder and torture of Vietnamese civilians.

He was relieved as a battalion commander with the 173rd Airborne Brigade in 1969 by Brig. Gen. John

Barnes and Col. J. Ross Franklin after Franklin filed an efficiency report describing Herbert as undependable, uncooperative, and without integrity, moral courage or loyalty.

Today the Army said the report, used twice to deny Herbert promotion, "contains some unwarranted expressions of opinion."

The Army said Herbert now will be considered for promotion to regular Army major. If approved the 47-year-old native of Herminie, Pa., may remain in the service. Otherwise he must retire March 1. He now holds temporary rank.

Froehlke undertook the review last month as the request of Rep. Edward F. Herbert (D-La.) chairman of the House Armed Services Committee.