

SEP 20 1972

# Aide Says Lavelle Ordered Bombings

NYTimes

By SEYMOUR M. HERSH  
Special to The New York Times

DENVER, Sept. 19—Lieut. Gen. John D. Lavelle's former top aide told a Senate committee today that the general personally ordered him to stage unauthorized bombing missions into North Vietnam and also demanded that official post-strike reports be falsified.

The testimony by Maj. Gen. Alton D. Slay, who served as Gen. Lavelle's operations officer during the period of unauthorized attacks, contradicted much of General Lavelle's previous testimony.

The testimony was taken by four committee members here at Fitzsimons General Army

Continued on Page 7, Column 1

Continued From Page 1, Col. 3

Hospital, where General Slay is recuperating from minor surgery. Afterward, the senators made clear that General Lavelle's credibility had been seriously damaged in many respects, including his claims of higher approval.

General Lavelle had insisted during two appearances before the Senate Armed Services Committee last week that he had never ordered a planned bombing raid over North Vietnam that was later described as "protective reaction—that is a United States response to North Vietnamese threats to American pilots."

General Lavelle also testified that he had not ordered official reports to be falsified.

Such steps, he testified, had apparently been taken by subordinates without his approval.

General Lavelle was relieved as commander of the Seventh Air Force in March and demoted a month later when the Air Force charged that he had ordered at least 20 of the unauthorized missions. Last week, he said that both Gen. Creighton W. Abrams, his former military commander in Vietnam, and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, had approved at least one of the missions.

## Question of a 'Bad Guy'

Today, asked if General Lavelle could be called the "bad guy" in the affair, Senator Barry Goldwater, Republican of Arizona, said, "I would assume that the general would come under that title," although the Senator added that he personally "would not describe him that way."

Senator John C. Stennis, the committee chairman, told newsmen after the three-hour closed hearing today that General Slay said he had no further knowledge of any authority from higher headquarters to stage the missions. The unauthorized attacks began early in November, 1971, and ended on March 9, less than a month before President Nixon authorized the renewed bombing of North Vietnam.

"General Slay said he assumed it was all right for him to go and engage in these activities," Senator Stennis said, "because he was under direct orders" from General Lavelle.

## Bombing Ordered

"The order were for the pilots to drop their bombs whether or not the enemy reacted," Mr. Stennis quoted General Slay as having testified. The Senator added that "there was direct, deliberate planning" of the protective reaction raids.

"This went on all the time, and it was well known to the Seventh Air Force," Senator Stennis said.

He also said that General Slay had testified that he assumed from the "confident" manner of General Lavelle that he "had more authority than he had."

General Lavelle, in his earlier testimony, had said that he had discussed the activation of a new North Vietnamese radar system with General Abrams in Saigon and stated, "We did agree that the system was activated against us and that crews that were going in there had to be protected and couldn't just stand around and wait until somebody shot one down before we could attack."

General Abrams has denied any contention that he knew or approved of the unauthorized raids, a position that was clearly buttressed by the testimony today.

## Abrams Confirmation

Without saying so directly, Mr. Stennis suggested that the committee would proceed with the confirmation of General Abrams as Army Chief of Staff, an action that had been delayed pending the Lavelle hearings.

Asked specifically about General Abrams's nomination, Senator Stennis said, "I've gotten clearer and clearer ideas about the raids." He repeated that he was not yet ready to vote for the general, but told the press that it should not intimate that "I'm not going to vote for him."

Mr. Stennis said that there was "still a question here about the interpretation" of the combat rules, but said his committee would not schedule any hearings in the near future.

## Time Out for Analysis

"We've got to take a break and analyze this testimony and weigh it," he said, "to see what else we have to go into in order to make a recommendation" on General Abrams' nomination and the pending retirement of General Lavelle at a reduced rank.

Asked whether the inquiry into question of orders from General Lavelle's superiors was now at a "dead end," the senator said it was not, but added, "We've come to a stopping point."

But Senator Peter H. Dominick, Republican of Colorado, who also attended the hearings, flatly declared that "All the evidence seems to indicate that General Lavelle did not seek any higher approval."

The sharpest criticism of General Lavelle came from Senator Harold E. Hughes, the Iowa Democrat who initiated the committee hearings.

He said the most important facet of General Slay's testimony was that "it brought onto the record" the fact that General Lavelle had issued the orders for the raids and falsifications.