

MOORER SAYS NAVY DID NOT VIOLATE RULES ON BOMBING

Former Pilot's Charges of
Unauthorized Raids Denied
by Head of Joint Chiefs

SENATE HEARINGS END

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Most on Panel Apparently
Agree Civilian Authority
Was Not Infringed
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WASHINGTON, Sept. 29—

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, told the Senate Armed Services Committee today that the Navy had not conducted unauthorized bombing strikes against North Vietnam.

The testimony of Admiral Moore and Adm. John S. McCain, former commander-in-chief in the Pacific, concluded the committee's hearings into the unauthorized air strikes ordered by Gen. John S. Lavelle, former commander of the 7th Air Force in Vietnam, late in 1971 and early in 1972.

On the basis of eight days of hearings, it was apparent that a majority of the committee was coming to the general conclusion that there had been no violation of civilian authority by either the Air Force or the Navy.

Demotion Explained

The committee seemed prepared to accept the assertion made by Admiral Moorer after the hearing that "while much has been made of the question of civilian authority" in the Lavelle case, "I do not think it is proper to describe this as a violation of civilian authority."

Asked by newsmen why General Lavelle had been relieved of his command and demoted to Lieutenant General, Admiral Moorer said it was because of "a violation of instructions." Pressed as to who had handed down the instructions, the admiral said all such instructions came from "civilian authority," such as the Secretary of Defense.

Senator Stennis, the committee chairman, told reporters after the closed-door hearing that "the facts do not show any drastic challenge or drastic violation of civilian authority."

A conflicting conclusion was reached by Senator Richard S. Schweiker, Republican of Penn-

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sylvania. The Navy, he said, had had almost a "blank check" for bombing North Vietnamese targets, thus violating the spirit if not the letter of the rules of engagement laid down for air activities over North Vietnam before the renewed air war.

Senator Stennis did say there may have been "something lacking" in the military chain of command—a point also made by Senator Schweiker.

Senator Harold E. Hughes of Iowa, who initiated the hearings after receiving a letter from an Air Force sergeant describing the unauthorized air strikes ordered by General Lavelle, said, "The way I view it right now, I don't see any deliberate violation of civilian authority."

Decision Next Week

The Senate committee will meet next week to review the testimony before deciding on whether to approve the retirement of General Lavelle at the rank of lieutenant general. He was relieved as commander of the 7th Air Force last March and later demoted on charges of ordering more than 20 unauthorized bombing strikes against North Vietnam and then falsifying official reports.

At the same time, the committee must reach a decision on whether to approve the nomination of Gen. Crighton W. Abrams to be Army Chief of Staff. The promotion of General Abrams, who served as over-all commander in Vietnam while General Lavelle was chief of the 7th Air Force, has been held up while the committee investigated the Lavelle case.

Senator Schweiker, who has emerged as the Republican critic in the Lavelle investigation, said after the hearing, "The more I get into this case, the less I am inclined to make General Lavelle a scapegoat."

"If Lavelle had not had records falsified and had he been a little more sophisticated," he said, "what he was doing was not that much different from what the Navy was doing."

Investigation Broadened

In the final two days, the Senate committee broadened its investigation to include Navy air activities after being told by a former Navy pilot, William Gregg Groepper, that pilots aboard the carrier Constellation had been instructed in late 1971 and early 1972 to bomb targets in North Vietnam regardless of whether they were fired upon first.

Such instructions would have been in violation of the then prevailing rules of engagement on "protective reaction," which provided, following the 1968 bombing halt, that United States planes could attack North Vietnamese targets only if they were first fired upon or tracked by anti-aircraft radar. General Lavelle was accused of violating these rules of engagements by ordering preplanned strikes, which were then officially described as "protective reaction" raids.

The Groepper testimony was disputed today by Comdr. John A. Willer, who was his squadron commander aboard the Constellation, by Admiral Moorer and by Admiral McCain, who retired as Commander in Chief Pacific in July and is now scheduled for retirement.