

Senate Unit Approves Abrams; Rebuffs Lavelle for Bombing

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The Senate Armed Services Committee yesterday approved Gen. Creighton W. Abrams for the Army's top job but voted against giving Air Force Gen. John D. Lavelle a symbolic promotion.

"No testimony put a hand on Gen. Abrams or put a speck on him," Committee Chairman John C. Stennis told reporters in announcing the unanimous 16-to-0 vote for Abrams as Army chief of staff.

As for Lavelle, Stennis said the majority of the committee felt the Air Force general "had not obeyed orders; that he went beyond the rules."

The Air Force relieved Lavelle as commander of the Seventh Air Force in Vietnam because he ordered 28 bombing raids that went beyond the rules of engagement and then covered up the true nature of the missions with false reports.

Lavelle's old job rated the rank of full general, four stars, but his permanent rank was that of major general, two stars. The Air Force had recommended to the committee that Lavelle be retired as a lieutenant general, three stars.

Since such retirement rank for the record book would ordinarily be the equivalent of the highest job held, or four stars for Lavelle, the Air Force leadership considered its recommendation a demotion.

But the symbolism of going up one star in retirement rank proved too much for the ordinarily sympathetic Senate Armed Services Committee. On a vote of 12 to 2, the committee recommended that Lavelle be kept at his permanent rank of major general. Sens. Strom Thurmond (R-S.C.), a

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retired Army major general, and Howard W. Cannon, a retired Air Force major general, voted in favor of Lavelle's promotion.

Lavelle's nomination to three-star retirement rank was only symbolic because he will receive the retirement pay of a four-star general. He retires at 70 per cent disability and thus, under the rules, qualifies for retirement pay at the highest rank held. His retirement pay, much of it tax free because of the disability, will be \$27,000 a year.

Neither the Stennis committee nor Pentagon legal officers intend to take any further action against Lavelle. Stennis said yesterday, however, that the committee will try to come up with recommendations to tighten controls within the military to deter such unauthorized actions as Lavelle's 28 bombing missions.

Lavelle both during the Senate inquiry and in a letter made public yesterday, stressed that he felt under pressure to act aggressively as the on-the-scene commander of the air war in Vietnam. He did not allege, however, that Abrams or Thomas H. Moorer, chairman of the Joint Chiefs of Staff, or other higher-ups

authorized him to break the bombing rules and file false reports.

"I still believe," wrote Lavelle to Stennis on Sept. 26 after testifying before the Senate committee in closed session, "that in the crisis environment we faced and in light of the frequent encouragement from higher authorities to be more aggressive and flexible, I acted legitimately and within the frame work of this guidance."

Lavelle said in his letter that at a conference in Honolulu on Dec. 4 and 5, 1971, Lt. Gen. John W. Vogt—then staff director for the Joint Chiefs of Staff and now Lavelle's replacement as commander of the Seventh Air Force—told Lavelle's representative that the Joint Chiefs of Staff "would not question our aiming points (targets) on protective-reaction strikes." Lavelle further wrote that "in the advent of adverse publicity we could expect full backing from JCS."

Abrams, when questioned in the hearings about pressure on Lavelle to blunt the North Vietnamese buildup, said that in approving raids against the North he did not authorize breaking the rules nor the filing of false reports.

Moorer made a similar dis-

claimer before the Stennis committee.

Lavelle, in telling Stennis that "higher authorities had recommended, encouraged and commended an extremely liberal policy well beyond the literal language of the rule of engagement," argued that "I was not running my private war or disobeying direct orders from the President, as many news reports have claimed."

Asked whether he felt Lavelle had been adequately punished for attacking targets in North Vietnam without regard to the "protective reaction" rules which required that enemy guns shoot at or focus radar on planes before bombs could be dropped, Stennis said: "Let's not convict anyone of wrongdoing now. But I'd feel that this is a lesson to them (the military) and at least they'll be more vigilant in the future."

In others actions yesterday, the Senate Armed Services Committee approved the nomination of Maj. Gen. Alexander M. Haig to full general. Now an aide to presidential adviser Henry Kissinger, Haig is slated to become Army vice chief of staff. The committee also approved the nomination of John S. McCain to full admiral on the retired list.