

NYTimes
**PILOT WHO BALKED
GETS A DISCHARGE**

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**Captain Refused to Bomb in
North After 175 Missions
—Faced Court-Martial**
NYTimes

By ANTHONY RIPLEY
Special to The New York Times

WASHINGTON, Feb. 8 — A B-52 pilot who refused to fly more bombing raids in Vietnam after 175 missions has been granted a discharge from the Air Force, his civilian lawyer said today.

The lawyer said the discharge was under "less than honorable conditions."

Capt. Michael J. Heck, 30 years ago, had been accused of refusing to obey a lawful order to fly a bombing mission over North Vietnam on Dec. 27 from Thailand. At the time he told his superior officers he based his decision on moral considerations and matters of conscience.

Mother Says She's 'Elated'

Captain Heck's lawyer, Marvin M. Karpatkin of the American Civil Liberties Union in New York, said he learned late today that Captain Heck's second request for a discharge had been approved.

Air Force spokesmen here had no immediate comment, but one said he thought there might be an announcement on the matter tomorrow.

Mr. Karpatkin said he had telephoned Captain Heck in Thailand with the news. He said the discharge had been approved by James C. Goode,

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Deputy Assistant Secretary of the Air Force.

The pilot's mother, Mrs. John W. Heck, reached by telephone at her home in Chula Vista, Calif., said she was elated.

"I'm just very, very proud of him that he had the courage of his convictions," she said. "I think he spoke for the conscience of America."

Mr. Karpatkin said Captain Heck, airborne commander for a flight of three B-52's, learned on Dec. 26 that the heavy raids over the cities of North Vietnam were to be resumed.

"He reached the decision he could not be part of it and advised his commander," Mr. Karpatkin related. "His commander asked if he was a conscientious objector and he said he was."

At the time Captain Heck was the holder of the Distinguished Flying Cross and the Air Medal with 22 clusters, both for his work flying B-52's and for earlier missions as pilot

of a C-123 dropping flares for a forward air controller.

Captain Heck applied for a discharge for "the good of the service" following his refusal to fly, a request that would have won him an honorable discharge. The Air Force turned down the request, Mr. Karpatkin said, and brought charges of refusing to obey a legal order.

An investigating officer recommended that he be court-martialed on the charges, Mr. Karpatkin said, and then Captain Heck filed a second resignation, which was accepted, but under the less than honorable terms.

"We are delighted the Air Force has seen fit to do this," Mr. Karpatkin said, adding that he did not think they wanted "to court-martial a man with 175 missions."

He said that action might be taken to change the terms of the discharge after Captain Heck was discharged.

Mr. Karpatkin said he expected Captain Heck to return to the United States from Thailand in less than a week.