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Army Viet

Critic Wins

2-Year Fight

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WASHINGTON — (AP) — His record cleared of a bad efficiency report after a two-year battle with the Army, Lt. Col. Anthony Herbert says he will pursue his allegation of war crimes in Vietnam.

"This has not changed me one iota," Herbert said of Secretary of the Army Robert Froehlke's action blocking, at least for now, his forced retirement. "There is more to this than correcting my records and I'm going to continue."

Froehlke ordered yesterday that a damaging efficiency report against Herbert, an outspoken and the most decorated enlisted man in the Korean war, be removed from his file.

But in doing so, the secretary denied that Herbert's release from command in Vietnam had anything to do with reporting war crimes.

The 47 year old soldier will now be considered for promotion by a board of officers. If turned down, Herbert must retire March 1 in accordance with federal law.

Herbert's troubles began in 1969 when as a battalion commander with the 173rd Airborne Brigade he told his superior officers, Brig. Gen. John Barnes and Col. J. Ross Franklin, he saw incidents of murder and torture of Vietnamese civilians.

But, instead of acting on his complaints, Herbert said, Barnes relieved him of command after Franklin filed an efficiency report describing him as undependable, uncooperative and without moral courage or loyalty.