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# Army Won't Force Out Critic-Hero

United Press

Washington

Army Secretary Robert F. Froehlke yesterday blocked the forced retirement of Lieutenant Colonel Anthony B. Hebert, but denied Herbert's charge that he got into trouble by accusing two superior officers of covering up Vietnam war crimes.

Froehlke ordered purged from Herbert's file a damaging report that cost him his command in Vietnam in 1969 and two chances for promotion, and would have forced him to retire from the military in February.

Herbert, the Army's most decorated enlisted man in the Korean War, had twice appealed the bad efficiency report in his record before Froehlke reviewed his case. Froehlke began the review at the urging of Representative F. Edward Herbert (Dem.-L.A.) chairman of the House Armed Services Committee.

Herbert charged that he

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received the bad efficiency rating because he accused his two superior officers of covering up Vietnam atrocities he had reported to them.

Froehlke said his action would make Herbert eligible again for promotion. The unfavorable efficiency report had caused the Colonel to be passed over twice for advancement, thus making his retirement mandatory under federal law.

In announcing Froehlke's decision, an Army spokesman said "the Secretary's review showed there is no indication in any of the records in Lieutenant Colonel Herbert's file that his relief from

command was in any way connected with reporting or nonreporting of war crimes, atrocities or similar misconduct."

In ordering the report removed from Herbert's files, Froehlke said he considered the officer's long and distinguished career, that he had been commander of a battalion in Vietnam only 58 days when he was relieved, and the notation by authorities in Vietnam who reviewed the efficiency report at the time "that the efficiency report

contained unwarranted expressions of opinion."

As a battalion commander with the 173rd Airborne Brigade in Vietnam in 1969, Herbert reported to his superior

officers — Brigadier General John Barnes and Colonel J. Ross Franklin, alleged incidents of murder and torture of Vietnamese civilians.

Herbert, 47, a native of Hermine, Pa., filed charges against both men of covering up civilian atrocities. The Army is still investigating the charges against Barnes. The charges against Franklin were dismissed.

It was Barnes who relieved Herbert of his command after Franklin filed an efficiency report describing Herbert as undependable and uncooperative.

### DELAY

The Army said Froehlke originally intended to delay the announcement about Herbert until the conclusion of the investigation into Barnes' conduct.

"However, since the review of Lieutenant Colonel Herbert's records and his war crimes allegations proved to be two entirely separate matters due to the lack of mention of war crimes and atrocities in the Lieutenant Colonel Herbert file, there appeared to be no legal requirement or logical reason to delay this announcement," the Army said.

Herbert was told of the decision after being called to the Pentagon from Fort McPherson, Ga., where he has been serving as industrial operations officer supervising laundry service and the mortuary.