

2 Officers Accuse Herbert of War Crimes 'Hoax'

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By PETER KIHSS

An Army general and a colonel charged in a nationwide television broadcast last night that a "hoax" had been perpetrated by retired Lieut. Col. Anthony B. Herbert, a highly decorated veteran of the Korean and Vietnam wars, in his contention that he was removed from command because of his complaints about war crimes in Vietnam.

The two officers' statements — and Colonel Herbert's renewed insistence on his accusations against them — were televised by the Columbia Broadcasting System during its "60 Minutes" program.

Maj. Gen. John W. Barnes, who had been Colonel Herbert's superior in the 173rd Airborne Brigade and who removed him, asserted that the colonel's charges must have come from "a pure motive of revenge a year and a half later, to make stuff up out of whole cloth."

The general's former deputy, Col. J. Ross Franklin, who long had refused public comment, declared in the filmed interviews that Colonel Herbert's contentions had been "a hoax on the American people."

Charges Were Dismissed

Colonel Herbert first filed allegations with the Army in September, 1970, and then formal charges in March, 1971, charging both officers with dereliction of duty for allegedly covering up atrocities he had reported.

The Army dismissed the formal charges against Colonel Franklin in July, 1971, and those against General Barnes in October, 1971. Colonel Herbert retired from the Army last Feb. 29. His recently published book, "Soldier," written with James

T. Wooten of The New York Times, included his allegations.

The C. B. S. program was described by Mike Wallace of the network's news staff as the result of a year's investigation in which producer Barry Lando had talked with more than 100 people.

In the telecast, both General Barnes and Colonel Herbert, maintaining their opposing contentions, favored having the Army publish its full investigation of the case. Colonel Herbert also urged "a full Congressional inquiry."

Timing in Dispute

Mr. Wallace said the Army had refused to release its inquiry. He reported "speculation among Pentagon people" that the Army "doesn't want to help make a martyr of Tony Herbert" or that it might have found "so many true stories of war crimes" that it didn't want to publish them.

Mr. Wallace said that except in one instance it was Colonel Herbert's word against that of the two other officers that he had reported war crimes to

them. The exception was his statement that he spoke twice from the field to Colonel Franklin on Feb. 14, 1969, and then flew back and reported personally.

Colonel Franklin, in the telecast, said he was in the Illikai Hotel in Honolulu that day, and had a canceled check of that date for his hotel bill. Mr. Wallace said hotel records showed him registered there from Feb. 7 to 14, which would have been until Feb. 15, Vietnam time, while two other officers said they flew back with him from Hawaii to Vietnam to arrive Feb. 16.

In the broadcast, Col. John Douglas, who had been the top military lawyer in Vietnam, denied that Colonel Herbert had told him about war crimes. He said the colonel simply complained of having been "improperly relieved." Mr. Wallace said Col. Lloyd Rector had made similar comments and that both had recommended investigating the removal from command.

The network also presented Ken Rosenblum, a Long Island

assistant district attorney, who said he had tracked down every lead offered by Colonel Herbert in charges against General Barnes while serving as a Judge Advocate General captain, without being able to prove them.

Also broadcast were statements by Sgt. Bruce Potter, a radioman, and Mike Plantz, a helicopter pilot, about alleged brutality by Colonel Herbert himself, and by Sgt. Bob Stemies, a military intelligence man, about the colonel's allegedly watching the beating of a Vietcong nurse.

Another portion included a confrontation between Maj. Jim Crimshaw and Colonel Herbert, in which the major asserted that two of three incidents in the colonel's book about him were "not true." One falsely portrayed Major Grimshaw as a hero flush-thru Vietcong soldiers from a cave, the major said.

Herbert Replies

In essence, Colonel Herbert's replies on the air were that the persons cited as being against him were mistaken or under Army pressure.

In the broadcast, Mr. Wallace said The New York Times failed to report an Army statement that Colonel Franklin had passed a lie detector test although it gave "big play" to a story that Colonel Herbert had passed such a test.

Questioned by a reporter, Mr. Wallace said off the air that an "Army fact sheet, not for attribution, background," dated Jan. 10, 1972, had said that Colonel Franklin passed a test given by the Army and that Colonel Herbert had passed a test given by a qualified civilian examiner after refusing to undergo such an Army examination.