

Ehrlichman Disputed on Bombing

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Senior Defense Department officials indirectly challenged an allegation by John D. Ehrlichman's attorneys that the civilian leadership of the Pentagon was bypassed in White House-ordered bombings of North Vietnam during 1971.

This allegation, made in U.S. District Court on Thursday, is a key element in Ehrlichman's defense against charges that he concealed the activities of the "plumbers" unit.

Ehrlichman's attorneys made a series of unsworn statements that the White House bypassed Defense Secretary Melvin R. Laird's office and relayed calls for bombing strikes in North Vietnam directly to the Joint Chiefs of Staff.

The reason, Ehrlichman's motions alleged, was because "normal lines of command in the Defense Department were ineffective because of certain Cabinet-level personal difficulties." The Joint Chiefs chairman, Adm. Thomas H. Moorer, was in charge of liaison for the alleged bypass channel.

Highly placed Pentagon officials, while declining to take sides openly in a pending criminal case, said Moorer still stands by a sworn declaration he made to the Senate Armed Services Committee last Aug. 9.

In his testimony Moorer said he had never sent any authorization for military action to field commanders "which was not approved by the Secretary of Defense." This would include, it was pointed out, any bombing strikes alluded to in the Ehrlichman motions.

Informed officials acknowledged that Laird was opposed to the size, frequency and target objectives of the intensive bom-

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bing raids conducted against North Vietnam during December, 1971. Ehrlichman, in his White House role, was aware of Laird's dissenting position.

But senior officials said Laird was informed of all air actions against the north ordered by the White House and its Vietnam negotiating team.

Former Pentagon associates of Laird say the former Secretary was deeply concerned about pilot losses, financial costs and the dubious military value of the air strikes—doubts which were reflected at the time by other Pentagon officials.

In addition to these factors, limitations were imposed on the scope of the strikes to conform with the diplomatic exigencies of the Vietnam negotiations being conducted by the then-national security adviser to the President, Henry A. Kissinger.

Ehrlichman's motions provided the strongest public hint by a former White House insider of Laird's role as chief dissenter within the Nixon Cabinet to the administration's policies on bombing North Vietnam.

One senior official said that Moorer was in "an impossible position" during the 1971 disputes over bombing policy. "He was getting pulled in different directions by two sets of bosses — Laird and the White House."

Although the claim by Ehrlichman's lawyers of a specific Laird bypass channel on bombing policy was pointedly disputed, informed officials acknowledged that the White House did have direct communication with the Joint Chiefs on other matters. This link between presidential security advisers and the military chiefs has existed since the Kennedy administration, officials admitted.

Ehrlichman's attorneys raised the issue to justify the defendant's claim of a national security basis for concealing the White House "plumbers" activities.

The Ehrlichman motion said that the President's discovery of Pentagon spying activities against the White House in December, 1971, threatened to impair the direct chain of command to Moorer "and would have in turn impaired negotiations with the North Vietnam government."

Since the "plumbers" unit was investigating the military spying incident, Ehrlichman's lawyers reasoned, President Nixon imposed security restrictions on all activities of the unit. It was that presidential command which Ehrlichman contends he was obeying in concealing the activities of the White House investigators.

"What might be taken for concealment," said the Ehrlichman motion, "was in fact an effort to protect a legitimate national security concern."

One of the ironies of the disputed 1971 bombings is that they were carried out during the time period of unauthorized strikes ordered by retired Gen. John D. Lavelle, former commander of the U.S. Air Force in South Vietnam.