

Unauthorized air strikes in North Vietnam, depicted as “protective reaction” missions, led to his ouster as commander of 7th Air Force.

LAVELLE



By John T. Correll

Gen. John Ryan (left), USAF Chief of Staff, and retired Maj. Gen. John Lavelle appear at a 1972 hearing before a House Armed Services subcommittee. Their testimony differed about the number of “protective reaction” missions.

On March 23, 1972, Gen. John D. Lavelle—seven months into his tour as the four-star commander of 7th Air Force in Saigon—was suddenly recalled to Washington. On April 7, the Pentagon announced that Lavelle had retired “for personal and health reasons.”

Replacing him as the senior Air Force officer in Southeast Asia was Gen. John W. Vogt Jr., formerly director of the Joint Staff. Vogt’s promotion had been expected, but the assumption was that he would be assigned to Europe.

Lavelle was retired in his permanent grade of major general. It was routine to promote generals on the retired list to the highest grade they held on active duty, but nothing was said about promoting

Lavelle. There was no precedent for reducing a general by two stars upon retirement.

The fiction of a medically induced retirement held for almost a month.

On May 4, Rep. Otis Pike (D-N.Y.) called for a Congressional investigation. Pressed by Congress and the news media, the Pentagon issued a revised statement on May 15. Gen. John D. Ryan, the Air Force Chief of Staff, said that Lavelle “had been relieved of command of the 7th Air Force by me because of irregularities in the conduct of his command responsibilities.”

With that, the questions began in earnest. “What irregularities?” Pike asked the next day. “What conduct? What command responsibilities?”

The story unfolded in hearings before the Senate and House Armed Services Committees and in hundreds of newspaper articles.

The Air Force said that in 28 documented instances, Lavelle had directed the unauthorized bombing of North Vietnam under the guise of “protective reaction” strikes, exceeding his authority and in violation of the rules of engagement. Operational reports were then falsified to conceal the actual nature of the strikes.

These actions came to light only because a sergeant involved in the false reporting wrote to his Senator, triggering an investigation and the recall of Lavelle. The Air Force itself was accused of a cover-up for

putting out the medical retirement cover story.

Lavelle said that he had been encouraged by the Secretary of Defense and others to interpret the rules of engagement liberally and that the reports were falsified by subordinates who misconstrued his instructions.

A belated proposal in May by the Air Force to promote Lavelle to lieutenant general was eventually turned down by the Senate. His retired grade would be major general, but his retired pay would be based on his previous four-star rank because his official relief as 7th Air Force commander did not occur until his retirement had taken place. This opened up yet another line of criticism.

Piling On

The reaction from the news media and Congress was devastating. In "The Private War of General Lavelle," *Newsweek* described a "widespread conspiracy" in which "scores of pilots, squadron and wing commanders, intelligence and operations officers, and ordinary airmen were caught up in the plot."

George C. Wilson of the *Washington Post* said, "What Lavelle did—taking a war into his own hands—has obviously grave implications for the nation in this nuclear age." There was speculation that other senior officials were implicated. "Was Lavelle the only bad apple?" Nina Totenberg asked in the *National Observer*.

Tom Wicker of the *New York Times* said that "numerous 'protective reaction' raids on North Vietnam have been staged to let American fliers bomb what they wanted to bomb, when they wanted to bomb it."

Sen. William Proxmire (D-Wis.) called for the Air Force to court-martial Lavelle, saying that if a private first class had defied orders as Lavelle did, "he would be investigated, charged, court-martialed, given a bad conduct discharge, and confined for two years at hard labor."

On the other hand, Rep. William L. Dickinson (R-Ala.), a member of the House Armed Services investigating subcommittee that conducted hearings in June, laid considerable blame on the "crazy rules for this crazy war which has no parallel or anything to compare with it."

The most relentless coverage was by investigative reporter Seymour M. Hersh of the *New York Times*, who had established his reputation in 1969

by exposing the My Lai massacre in Vietnam. Hersh charged that the case "raised grave questions about the Nixon Administration's grip on command and control over the skies of Southeast Asia."

The mountain of facts produced by the Congressional hearings and the news media reports did not lay the matter to rest. Lavelle's critics thought that he had gotten off too easily. His supporters thought that he had been singled out for unfair treatment. Both sides thought there was more to the story than had been told.

Thirty-four years later, what came to be known as "the Lavelle affair" is still a touchy subject.

Rules of Engagement

Lavelle arrived in Saigon Aug. 1, 1971. As commander of 7th Air Force, he had operational control of Air Force units based in both Vietnam and Thailand. He was also deputy commander for air operations for Military Assistance Command Vietnam, or MACV.

By that time, Vietnamization—the transfer of responsibility for the war to the South Vietnamese—was well along, and US forces were steadily withdrawing. Protests in opposition to the war were raging back in the United States, and in Paris, President Nixon's national security advisor, Henry A. Kissinger, was engaged in secret negotiations with the North Vietnamese.

Rolling Thunder, the air war against North Vietnam, ended in 1968. (See "Rolling Thunder," March 2005, p. 58.) Since then, there had been no regular bombing of North Vietnam, although intensive reconnaissance continued.

In November 1968, less than a month after initiation of the bombing halt, the North Vietnamese shot down a reconnaissance aircraft. Fighter escorts were assigned and given "protective reaction" authority. They could attack any missile or anti-aircraft artillery sites that shot at them. The authority was later expanded to include MiG fighters and Fan Song radar sites when the fire-control radar was activated against reconnaissance aircraft or their escorts.

US airmen were saddled with extensive and restrictive rules of engagement that specified when and how they could attack the enemy. The rules kept changing, and they did not come in a neat list. They consisted of a compilation of wires, messages, and directives.

"We have a saying we used in Vietnam, that we finally found out why there are two crew members in the F-4," Lavelle said. "One is to fly the airplane and one is to carry the briefcase full of the rules of engagement."

Ryan told Congress that the Joint Chiefs of Staff in 1970 had restated the basic protective reaction authority, empowering fighters "to strike any SAM anti-aircraft artillery site in North Vietnam below 20 degrees north which fired at or was activated against US aircraft conducting missions over Laos or North Vietnam." However, "this authority was limited to immediate protective reaction; no subsequent retaliation was authorized."

The key phrase was activated against. Once the fighters were painted by the tracking radar, they got no further warning until the missiles were on the way. Radar homing and warning (RHAW) gear in fighter cockpits could detect the Fan Song radar beam, and for the first years of protective reaction, that was sufficient.

During the months that Lavelle was commander of 7th Air Force, the tight rules of engagement were frequently suspended for a "limited duration." This happened, for example, when Washington officials wanted to send the enemy a message related to the negotiations.

In September 1971, 7th Air Force flew about 200 sorties against three gasoline tank farms. Operation Proud Deep Alpha, Dec. 26-30, launched 1,000 preplanned sorties against North Vietnam. These missions had no discernable military value, but the Air Force and the Navy lost five aircraft and seven airmen. The operation was timed for a week when college students were home for the holidays, reducing the probability of campus protests.

The day after Proud Deep Alpha ended, the regular rules of engagement went back into effect. The fighters were forbidden to attack the same kinds of targets that they had been pounding for the past five days.

Secretary of Defense Melvin R. Laird met privately with Lavelle on a visit to Saigon Dec. 8. "He told me I should make a liberal interpretation of the rules of engagement in the field and not come to Washington and ask him, under the political climate, to come out with an interpretation; I should make them in the field and he would back me up," Lavelle said. "He stated that if I were to make



Then-Maj. Gen. Alton Slay served as 7th Air Force deputy chief of staff for operations during the time of the protective reaction strikes. He rose to become commander of Air Force Systems Command.

more liberal interpretations of the rules of engagement, I was not likely to be questioned by DOD for our actions. ... I conveyed this information and my private discussion to [Army Gen. Creighton W. Abrams Jr., commander of MACV], and General Abrams said he agreed with Secretary Laird."

Lavelle said he got another cue to relax the rules of engagement from a conference in Honolulu in January 1972. He did not attend himself, but his vice commander, Maj. Gen. Winton W. Marshall, did. Lavelle said Marshall told him that Vogt, representing the Joint Chiefs of Staff at the meeting, said that "field commanders were, in the opinion of the Chairman of the Joint Chiefs of Staff, not nearly as aggressive as they should have been." At the time, the JCS Chairman was Adm. Thomas H. Moorer.

In a written statement submitted to the Senate, Lavelle said that Marshall reported that Vogt "indicated" that "field commanders had not been flexible enough in the use of existing authorities" and that "JCS would not question our aiming points (targets) on protective reaction strikes."

Lavelle Bends the Rules

In late 1971 and early 1972, the United States was preparing to depart South Vietnam, but the North Vietnamese were not. They were concentrating forces and equipment near the Demilitarized Zone, preparing for what would shortly become known as the "Easter Offensive" of South Vietnam. (See "The Easter Halt," September 1998, p. 60.)

The North Vietnamese were also increasingly aggressive. Between No-

vember and February, more than 200 surface-to-air missiles were fired at US aircraft, compared to about 20 for the same interval a year before. The number of incursions by MiG fighters into South Vietnam and Laos increased by a factor of 15.

More significant to Lavelle's decisions that followed, the North Vietnamese netted their Fan Song fire-control radars with their Bar Lock, Whiff, and Spoon Rest ground control intercept radars. The GCI radars could feed the tracking data to Fan Song, which then did not have to be turned on until missile launch.

Whereas the RHAW gear gave warning when aircraft were being tracked by the Fan Song, it could not detect emissions from the GCI radar. Pilots had little or no warning of a missile attack.

The GCI radars were always on, and, in Lavelle's opinion, that redefined the "activated against" criterion for protective reaction strikes. "As far as



Twelve years after the controversy, Jerome O'Malley became the four-star commander of TAC.

I'm concerned, from November on, no airplane ever went into North Vietnam when the system wasn't activated against them," he said. Lavelle bent the rules of engagement in several ways.

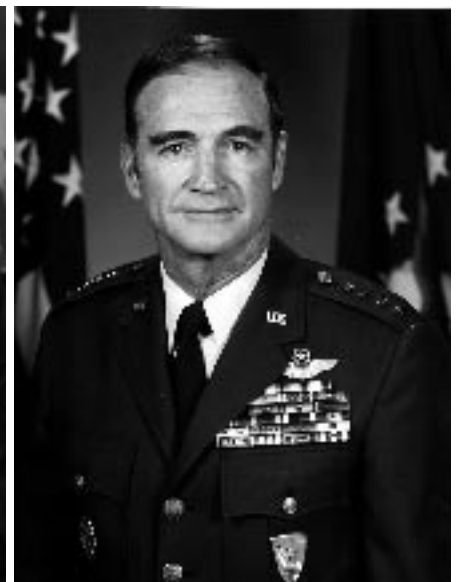
- Anytime US aircraft were in North Vietnam, crews were to assume the air defense system was activated against them, so they were authorized to fire.

- Spontaneous protective reaction was not good enough. US fighters might not be carrying their best weapons or have full target information when they were shot at. Details had to be worked out in advance. Lavelle called these planned protective reaction strikes and said that reaction was to be assumed, said Maj. Gen. Alton D. Slay, 7th Air Force deputy chief of staff for operations. Lavelle required that routes in and out, dive angles, aim points, and other details be worked out before the mission was launched.

- Targets for the planned protective reaction strikes went beyond elements of the air defense system.

In his testimony to the House Armed Services Committee, Ryan said that these missions "were not protective reaction strikes. They were briefed before those pilots ever took off, to go and hit a target whether any reaction came or not. ... The targets were preselected and were not always Fan Song radars or ack-ack."

"I chose to make a very liberal interpretation of these rules of engagement," Lavelle acknowledged. "In certain instances against high priority military targets, I made interpretations



Gen. Charles Gabriel became USAF Chief of Staff in 1982, a decade after the Lavelle affair.



Secretary of Defense Melvin Laird talked privately with Lavelle about the rules of engagement.



Adm. Thomas Moorer was the Chairman of the Joint Chiefs of Staff in 1972.



US Army Gen. Creighton Abrams Jr. was the top American commander in South Vietnam.

that were probably beyond the literal intention of the rules.”

Lavelle said he could have hit some of the targets within the rules of engagement by “trolling,” or first sending aircraft into hostile areas as bait to provoke enemy fire. He said that the Navy used this practice but that he did not, regarding it as unacceptably dangerous to his aircrews.

No “No Reaction”

“Planned protective reaction strikes” moved into a new phase on Jan. 23, 1972. Seventh Air Force intelligence determined that the North Vietnamese planned to attack “a large aircraft” that night, presumably a B-52, two of which would be flying against targets on the Ho Chi Minh Trail in Laos.

This was a reprise of an attack attempted earlier, when MiGs had fired missiles at a B-52 near the Mu Gia Pass but missed. On Jan. 23, the North Vietnamese were going to deploy a flight of their best pilots to Dong Hoi, just north of the DMZ, and they would conduct the attack from there. Lavelle decided to destroy the MiGs or foil their plans under the guise of a protective reaction strike.

Intelligence reported that the MiGs had taken off from Hanoi, and 7th Air Force put up its strike flights. Weather closed in around Dong Hoi, but Lavelle—who was in the command post personally directing the operation—told the fighters to cut the runway at Dong Hoi so the MiGs couldn’t land. A critical exchange of words followed.

“That strike went off extremely

well,” Lavelle said, “so well that the report came in and said, and I was in the control room running it myself, from the lead pilot—we used code words, but in effect his code word said, ‘Mission successful. Target hit, did expend, no enemy reaction.’ That is, we got in and got out before they were awake.

“At that point, I said, ‘We cannot report “no reaction.”’ Our authority was protective reaction, so we had to report there was some enemy action. ... Now that was really the first of these missions when we planned and reported this as ‘protective reaction.’”

Slay, the operations deputy, was in another part of the command post and did not hear the exchange, but Lavelle filled him in right away. As Slay recounted it later in testimony, “General Lavelle did tell me what had occurred and he said, ‘You see those letters up there?’ and the plotters would always have, you know, each day would have a code, like ‘no reaction,’ might be today [deleted] and it was [deleted] up there. He said, ‘Goddamn it; we can’t have that. It’s got to be ‘reaction.’ You have got to show ‘hostile reaction.’”

The aircraft that flew the strike were from the 432nd Tactical Reconnaissance Wing at Udorn RTAB, Thailand, where the commander was Col. Charles A. Gabriel, a future Air Force Chief of Staff.

“On a number of missions,” Gabriel later told the Senate, “my wing was given instructions from 7th Air Force to conduct a planned strike against specific targets regardless of whether

or not there was a reaction from the air defenses in North Vietnam.

“The first time ... was on the 23rd of January when our reconnaissance pilot called in, ‘No reaction, fighter expended.’ Seventh Air Force called my command post right away and said, ‘You cannot do that; you were given instructions that on these planned protective reactions you would call in ‘Reaction, fighters expended.’”

Lavelle repeated his admonition against reporting “no reaction” on various occasions. The big question was what exactly he meant by that.

A Letter From Udorn

Sergeant Lonnie D. Franks of Cedar Rapids, Iowa, had been in the Air Force for three years. He was an intelligence specialist for Gabriel’s wing at Udorn, where his duties included debriefing pilots after they returned from missions and helping them prepare the OPREP-4, one of five operational reports that had to be rendered.

Of these, the most important were OPREPs 3 and 4. The OPREP-3, based on a radio report from the flight as it exited North Vietnam, went forward in most cases before the aircraft landed. It was kept for only a short time since the OPREP-4 was more complete. The OPREP-4 was detailed and specifically formatted, designed for use by specialists and to provide data for a computerized database. It was also the official record of the mission.

On Jan. 25, 1972, Franks debriefed a pilot and a navigator who had flown a reconnaissance mission. They said



Gen. John Vogt Jr. replaced Lavelle as USAF's senior officer in Southeast Asia. What did he really say at the January 1972 Pacific Command meeting in Honolulu?

they had not received any ground fire or hostile reaction but had been instructed nevertheless to report hostile reaction.

Franks checked with his supervisor, TSgt. John Voichita, who told him to fabricate the necessary details, "make it look real," and "just make up some sort of hostile reaction." Franks then asked the officer in charge, Capt. Douglas Murray, who confirmed the instructions from Voichita and said the orders came from the wing director of intelligence.

Franks created an OPREP-4 that said 10 to 15 rounds of 23 mm AAA had been fired at the reconnaissance crew. Other such instances followed in subsequent days.

Falsification was not limited to stating hostile reaction. Sometimes the OPREP-4 stated a target different from what was actually struck, reporting a SAM site or AAA site when the real target was a truck or a supply area. For the OPREP-4, a considerable amount of detail needed inventing, including the target, type of target, the coordinates, the time, and the bomb damage assessment.

Franks was concerned, both by the falsification of reports and by his being required to falsify them. The designated official for hearing concerns and complaints was the inspector general. Franks did not feel he could go to him, because the wing IG, Col. Jerome F. O'Malley, was also the deputy wing commander. Both O'Malley and Gabriel sometimes monitored the debriefings and already knew what was going on.

Franks wrote to his Senator, Sen. Harold E. Hughes (D-Iowa), who was a member of Armed Services Committee. His letter said, among other things, that "we have been reporting that our planes have received hostile reactions such as AAA and SAM fir-

ings, whether they have or not. We have also been falsifying targets struck and bomb damage assessments."

Hughes gave the letter, with Franks' name deleted, to Sen. W. Stuart Symington (D-Mo.), a fellow member of the committee and a former Secretary of the Air Force. Symington sent it to the then-current Secretary, Robert C. Seamans Jr., who turned it over to the Chief of Staff, Ryan, on March 8. The next day, the Air Force inspector general, Lt. Gen. Louis L. Wilson Jr., was on his way to Saigon to investigate.

The Roof Falls In

It did not take Wilson long to figure out what was happening. Everyone, including Lavelle, talked to him freely. Wilson interviewed Slay, Gabriel, pilots, intelligence officers, and others, including Franks. In addition, he obtained copies of OPREP-4s.

Lavelle told Wilson that he interpreted the rules of engagement liber-

ally, as he had been prompted to do. He explained why he regarded the air defense system as always being activated against any aircraft flying into North Vietnam, thus providing grounds for protective reaction strikes. He told people in the command that they could not report "no reaction" to a mission over North Vietnam.

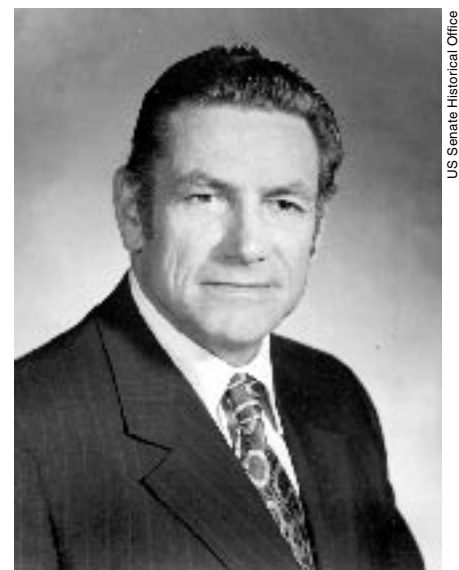
Lavelle was astounded when Wilson showed him the OPREP-4s with false data. He said he had never seen an OPREP-4 before and had not known the detail that was required to complete one. He had assumed that a general statement about enemy reaction would do.

Lavelle called in three members of his staff and asked them to reconcile the OPREP-4 reporting requirements with the kinds of missions he had been directing. They quickly determined that it could not be done. At that point, Lavelle ordered the planned protective reaction strikes stopped, but it was too late to save his career.

On March 23, Wilson reported his findings to Ryan, who immediately summoned Lavelle to Washington. "Upon his arrival in Washington on March 26, General Lavelle admitted to me that a limited number of strikes which had attacked military targets in North Vietnam had been inaccurately reported as protective reaction," Ryan said. "He also admitted that he ordered that crews could not report 'no reaction' when they expended ordnance in North Vietnam."

In Ryan's view, Lavelle's biggest offense, worse than violating the rules of engagement, was putting members of the command in a situation where they were forced to falsify reports. Ryan told Lavelle he could either retire or take

Sen. Harold Hughes (D-Iowa) received a troubling letter from a constituent, USAF Sergeant Lonnie Franks, an intelligence specialist at Udorn.



US Senate Historical Office

off the four-star rank and be assigned somewhere else as a major general.

(Major general was the highest permanent grade an officer could hold. Temporary promotion to lieutenant general or general was possible when the officer was assigned to a position justifying those grades, but the rank was in the job, not in the individual. At the end of the assignment, unless going to another position that carried a high temporary grade, the officer reverted to permanent grade.)

Lavelle had genuine medical problems—a heart murmur, emphysema, and a disc problem that caused aggravated pains in his hips and legs—so his retirement could be explained as being for medical reasons. The assistant surgeon general was waiting outside Ryan’s door to begin the processing.

Lavelle decided to take the retirement, but soon found himself front page news in the *New York Times* and his actions the subject of two Congressional investigations.

Congressional Hearings

Ryan and Lavelle were the only ones called to testify before the House Armed Services investigating subcommittee June 12. The Senate Armed Services Committee hearings, Sept. 12-19, took a deeper look. Ryan and Lavelle told their stories again, and the committee also heard from Slay, Gabriel, Abrams, Murray, Franks, Moorer, the Chairman of the Joint Chiefs of Staff, and Adm. John S. McCain, former commander in chief of US Pacific Command.

At the House hearing, Ryan said that before relieving Lavelle, he had gotten assurances from the Secretary of Defense, the Joint Chiefs, and US Pacific Command that no authority had been given to deviate from the rules of engagement. Moorer, McCain, and Abrams said in their Senate testimony that they knew of nothing that would have led Lavelle to interpret the rules as he did.

■ **Scope of Unauthorized Strikes.** Ryan told the House Armed Services Committee that between Nov. 8 and March 8, there had been some 28 missions, equating to about 147 sorties, that were in violation of the rules of engagement. The Air Force had evidence of false reporting in three cases, but the total number of false reports was not known.

Lavelle said Ryan’s numbers were high. The total of protective reaction missions exceeding the rules of en-

Sen. Barry Goldwater (R-Ariz.) had harsh criticism for the rules of engagement and expressed sympathy for Lavelle’s situation. However, he said, the general’s violation of an order “cannot be defended.”



gagement “was in the neighborhood of 20, probably less,” he said.

■ **The False Reports.** Ryan said that Lavelle’s instructions were the “impetus” behind the falsified reports. Lavelle agreed but said that “the impetus for what went into that report stems from me by my stating that we could not report ‘no reaction.’ Now there is a difference here between that and a false report.”

Lavelle later added that “my instructions were not clear and were subject to misinterpretation and, in retrospect, were apparently interpreted by my subordinates as an exhortation to report enemy fire when there was none. ‘Hostile action, enemy radar,’ would, in my judgment, have been an accurate report.” That, of course, left his subordinates with the problem of what to put on the OPREP-4.

■ **What Lavelle’s Subordinates Understood.** In most cases, Slay was the intermediary between Lavelle and the wings on the reporting of strikes, and in most cases, the wing involved was Udorn. Of the 28 known planned protective reaction missions, Udorn had flown 25. The wing had one reconnaissance squadron and two F-4D fighter squadrons, which made it easier for reconnaissance and escort crews to talk to each other.

At the Senate hearing, Slay was asked what he thought Lavelle’s reporting instructions had meant. “It was just understood by everybody that was involved in this thing that the reports had to come in with ‘enemy reaction’ shown because that is what the boss directed,” Slay said.

In response to another question, Slay said, “Lavelle knew, sir, that regardless

of whether there was reaction or not, it would be reported that there would be reaction. He knew that because he directed it.”

Slay said Lavelle exuded “supreme confidence” and gave the impression that he had the authority to do what he was doing. “I accepted the fact that General Lavelle would not be such a damned fool to go about this on his own,” Slay said.

Gabriel said that at a conference, Lavelle “chided me personally about the call that was made Jan. 23, about ‘no reaction, fighters expended,’” but said there may have been a teasing tone to the chiding.

■ **“Specats.”** “The wing commander later submitted on this type of strike, a Specat, a special category message to 7th Air Force and said, ‘This is what we really hit,’” Ryan said. This special category report, he said, was called a “Specat eyes only” and was “a message that does not come to the normal distribution centers.”

Asked by Congressman Pike about the Specats, Lavelle said, “I was aware that he [Slay] was getting special reports that included the actual bomb damage that was being done.”

■ **Acceptance of the Orders.** Lavelle’s orders about planned protective reaction strikes and the characterization of enemy reaction met no serious challenge from within the command. Gabriel, in his testimony to the Senate, explained it best.

“Looking back, I think certainly if his directions were to strike civilian targets, cities, or anything not directly related to our military objectives over there, I certainly would have questioned the orders,” Gabriel said. “But

since these were all military targets and I had one authority that I answer to, the 7th Air Force, for the rules of engagement as well as the strikes, I assumed that he had the authority to tell me to do what I did.”

Asked by Sen. John C. Stennis (R-Miss.), chairman of the Armed Services Committee, what he thought about filing the false reports, Gabriel said, “My conjecture was that possibly there was—it goes to the world, the OPREP-4—and I assume there was somebody on the loading list that did not have a need to know, and the full report would be filed with the special report [the Specat] that was sent in at night.” By “to the world,” Gabriel said he meant the OPREP-4 went to a lot of addressees.

Beyond that, the White House and the Pentagon had set a low standard for truth in the Vietnam War. From 1964 to 1970, for example, the government claimed that US forces were flying only “armed reconnaissance” missions in Laos, with aircraft authorized to return fire if fired upon. In actuality, the Air Force and the Navy were flying hundreds of combat strike missions a day in Laos. Official records were full of cover stories for operations that were not what they seemed. (See “Barrel Roll,” August, p. 54.)

■ **Why No Court-Martial?** “I considered a court-martial and thought about it quite awhile,” Ryan said. “I decided against it. Relief from command is a blow to a man’s pride, to his high prestige. ... I thought it was adequate punishment.”

The Flap Rolls On

In a *New York Times* article June 18, reporter Hersh disclosed that the whistleblower had been a sergeant at Udorn who wrote to a Senator from Iowa. There were only two sergeants in the Current Intelligence section. Franks was from Iowa and the other sergeant was from California.

After that, working in the intelligence shop became difficult for Franks and he requested a transfer. He was assigned to the social actions office, first as a counselor and then as a clerk typist. Just before his testimony to the Senate, he was reassigned to McCoy AFB, Fla., again as a clerk typist.

On Nov. 3, 1972, Franks preferred charges against Lavelle, Slay, Gabriel, O’Malley, and 20 others with a series of accusations that included violation of the rules of engagement, false reporting of operations, and inducing others to violate

the rules and make false statements. The charges were dismissed by the Secretary of the Air Force Nov. 21.

(Anyone subject to the Uniform Code of Military Justice can prefer charges against anyone else who is also subject. In June 1972, 1st Lt. Delbert R. Terrill Jr., a recent graduate of the Air Force Academy, filed charges against Lavelle for disobedience of orders and falsifying official records. Terrill, who was assigned to *Air Reservist* Magazine at Bolling Air Force Base in Washington, acted on behalf of the Concerned Officers Movement, an anti-war group. His charges had been dismissed in October.)

One item on the agenda for the Senate hearing was to consider the Air Force’s proposal to promote Lavelle. Ryan said that although Lavelle’s “service as a four-star general was not satisfactory and did not warrant retirement in that grade,” his service as a lieutenant general was outstanding and the Air Force recommended his promotion to that grade. The Senate disapproved the proposal in October and held Lavelle’s retired grade at major general.

Sen. Barry Goldwater (R-Ariz.) was strongly critical of the rules of engagement and expressed considerable sympathy for Lavelle, but he said that Lavelle’s actions were “the violation of an order which has been admitted to” and that Lavelle “cannot be defended.”

For several months in 1973, Senator Hughes held up promotions for 160 Air Force and Navy officers who might have “material evidence regarding unauthorized air strikes” in Southeast Asia but eventually gave it up. “In 1973, revelations about the false reporting system authorized by President Nixon for the bombing of Cambodia undercut Hughes’ campaign against Lavelle’s subordinates,” Air Force historian Wayne Thompson said. “In any case, most of Hughes’ colleagues saw merit in General Ryan’s position that General Lavelle’s subordinates had no way of knowing how high was the source of the orders they were getting from Lavelle.”

Three of those involved—Slay, Gabriel, and O’Malley—went on to become four-star generals. Gabriel

was Chief of Staff of the Air Force from July 1982 to June 1986.

Lavelle Unwavering

In retirement and until his death in 1979, Lavelle stuck to his position. The strikes were within the rules of engagement because the air defense radars were constantly activated against his aircraft. A liberal interpretation of the rules had been encouraged. He did not intend for the reports to be falsified. The Air Force was “hasty” in relieving him.

In an oral history interview in April 1978, Lavelle said that the inquiry had been neither thorough nor fair. “If anybody really wanted the total story or wanted the true story, no effort was made to gather it by historians, by the Senate, by the press, by the Air Force,” he said. He pointed out that the Senate had not called Vogt to ask him what he said at the conference in Hawaii.

Vogt responded in an oral history interview of his own in August 1978. “In fact,” he said, “I had attended a conference out at CINCPAC where his [Lavelle’s] deputy had come up, and we had talked about what we were going to do in this situation. And I said to them, ‘I’ll tell you the JCS thinking on this. The Chiefs say that we must abide by the rules. You cannot fire on them until they’ve fired on you, but once they’ve fired on you, there is no limit to the amount of effort you can put in, in response.’ ... Whether he misinterpreted that guidance to mean that the Chief would support him in the other thing he did or not, I don’t know.”

Vogt said the Joint Chiefs understood that the rules of engagement put pilots at a disadvantage and had, without success, “made repeated attempts to get that loosened up.” The rules were laid down “at a very high level,” and the White House wanted to give the appearance of great constraint and great restraint as a tactic in the negotiation process.

Ironically, the North Vietnamese Army launched its Easter Invasion of South Vietnam on March 30, 1972, a week after Lavelle’s recall. The bombing of North Vietnam resumed, and 7th Air Force was flying missions daily against the very kinds of targets that Lavelle had stretched the rules of engagement in order to attack. ■

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