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COMMENT

AUTHORIZATIONS

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Last month, in *Air Force*, the journal of the Air Force Association, Patrick Casey, a criminal lawyer, and his father, Aloysius Casey, a retired Air Force lieutenant general, unravelled the truth of one of the demoralizing stories that, three decades ago, marked the end of a losing war. In April, 1972, the Pentagon announced that Air Force General John D. Lavelle, the commander of all air operations in Vietnam, was retiring for “personal and health reasons.” In fact, as it became clear over the next two months, he had been relieved of his command and forced to retire—demoted by two ranks—after an internal inquiry determined that he had ordered bombing attacks on unauthorized targets in North Vietnam.

The news of Lavelle’s dismissal was followed by several hearings before the Senate Armed Services Committee and two Pentagon investigations. At that stage of the war, American pilots were authorized to fire on surface-to-air-missile sites and their radar in the North—but only after they had been fired upon or electronically engaged. Once that happened, a rule of engagement known as “protective reaction” came into play, and the missiles and radar became fair game. During the hearings, many Air Force pilots and intelligence personnel came forward to say that they had bombed unauthorized targets and then falsely reported those attacks as “protective reaction”—a phrase that entered the Vietnam lexicon, alongside “free-fire zones” and “pacification.” From late 1971 to early 1972, more than half the missions flown over North Vietnam—twenty-eight missions, involving a hundred and forty-seven flights—had been in violation of the rules of engagement.

I tracked Lavelle down after his firing, and, with his help, published an account of those missions, in the *Times*, on June 11, 1972. Lavelle told me that he had bombed radar sites, air fields, petroleum storage tanks, and other targets in the North without express orders. I also reported that he had verbal instructions that he thought carried an “implied”

authorization. In the early fall, as the Pentagon continued to insist that Lavelle “alone was responsible for the air raids,” he told the Armed Services Committee that he had discussed the SAM sites and radars with Secretary of Defense Melvin Laird and various senior commanders, including Army General Creighton T. Abrams, who was then in charge of the over-all war effort. Lavelle said that he and Abrams had agreed that the Air Force could not “just stand around” and wait until a plane was shot down. Abrams denied this; he told the committee that he had approved one early attack that was subsequently determined to be in violation of the rules of engagement, but had not known of any other such missions. (Lavelle later stated that Laird had encouraged him to make a “liberal interpretation” of the rules, and had promised to “back me up.”)

The issue of authorization was lost amid bigger stories—Richard Nixon’s reelection, the collapse of the Paris peace agreement, and the spreading Watergate scandal—and was never resolved. Lavelle and twenty-three others were accused of court-martial offenses, but the Secretary of the Air Force found no cause to take further action. (“When was the last time you heard of a four-star general being court-martialled?” Lavelle said to me, when we first talked.) In 1978, Lavelle gave an extensive interview to the Office of Air Force History, in which he said that he should not have acted on the basis of private assurances that he would be supported if the missions became known. He added, “Somewhere along there we just should have said, ‘Hey, either fight it or quit, but let’s not waste all the money and the lives the way we are doing it.’ ” A year later, Lavelle died, at the age of sixty-two.

Patrick and Aloysius Casey discovered the story behind the protective reaction attacks while researching a biography of a pilot who served under Lavelle. The authorization came from the Oval Office; the Caseys found the evidence that Lavelle had done and continued to do what the President wanted in recently released Nixon White House tapes, and they gave me a copy of their transcripts. On February 3, 1972, President Nixon; Henry Kissinger, the national-security adviser; and Ellsworth Bunker, the Ambassador to South Vietnam, were discussing the war. “The one thing both General Abrams and I want is . . . authority to bomb these SAM sites,” Bunker said. Nixon had a solution: “I think protective reaction should include the right to hit SAM sites. I am simply saying that we expand the definition of protective reaction to mean preventive reaction where a SAM site is concerned. . . . Who knows or would say they didn’t fire?” It was agreed that Abrams would be told. “Needless to say,” Nixon cautioned, “he is to call all of these things protective reaction.” Kissinger worried about a leak to the press. The President said to Bunker, “I want you to tell Abrams when you get back that he is to tell the military not to put out extensive briefings with regard to our military activities. . . . And if it does get out, he is to say it’s a protective-reaction strike.”

On June 14th, shortly after my first article on the bombings appeared in the *Times*, Nixon said to Kissinger, “This damned Laird.” He was referring to Laird’s decision to dismiss Lavelle. “Why did he even remove him? . . . I don’t want a man persecuted for doing what he thought was right.” Kissinger was quick to criticize the generals: “Of course the military are impossible, too. . . . They turn on each other like rats.” Nixon thought that he had been double-crossed. “Laird knows goddam well. . . . I told him, ‘I said it’s protective reaction.’ He winks, he says, ‘Oh, I understand.’ ” Kissinger: “Yeah, but Laird is pretty vicious.”

Twelve days later, Nixon raised his concerns again. Kissinger said that Nixon had really not changed the rules, because the first raids, in late 1971, were “not protective reaction in a strict sense, it was a punishment for [Hanoi’s] acts and that had to be made clear.” He added, “I don’t think Lavelle was pushed into anything. I think Lavelle did it on an unauthorized basis.” “You do?” the President asked. Kissinger continued, “In any event you should stay out of it, Mr. President.” Nixon agreed, more or less: “Well, I suppose . . . they”—the Democrats—“figure, Lavelle, it is just another card [like] the bugging of the [Democratic] National Committee.”

Finally, on October 23rd, Nixon told General Alexander Haig, Kissinger’s deputy, “All this goddam crap about Lavelle. I feel sorry for that fellow because you and I know we did approve to Laird of ‘protective reaction’ as being very liberal.” He added, “He never would have had to falsify any records if we had not had rules out that we were not to bomb the North.”

We have become inured to the vulgarity, deceit, and distrust that mark the Nixon tapes. But the Lavelle incident has a special resonance: in the midst of a disastrous and unpopular war, a President and his closest confederates authorized actions in violation of both the rules and their own stated policies. We’ll never know exactly what has been said in George W. Bush’s Oval Office, but there are parallels with the Nixon White House. One who has come to understand them is Robert Pursley, the Air Force lieutenant general who was Laird’s military assistant. Laird, who will publish a memoir next year, insists, “I did not know they were breaking the rules or lying about coördinates.” Pursley said last

week that it was Laird's office that noticed the increase in bombing missions over North Vietnam and questioned the Joint Chiefs of Staff about the authority used to justify it, which led to the Pentagon's first, internal inquiry. Pursley also told me, "I believe Lavelle was guilty of poor judgment, but Nixon enhanced the issue by saying, 'Do what you need to do.' That's what's wrong with us today. The President is just diminishing what holds the military together by saying forget the ethics—we'll do whatever we have to do. It's the stuff from which Walter Reed and Abu Ghraib are born."

ILLUSTRATION: TOM BACHTELL
