



# Lavelle, Nixon, and the White House Tapes

**Tape recordings from the Nixon White House shed new light on an old controversy.**

**By Aloysius Casey and Patrick Casey**

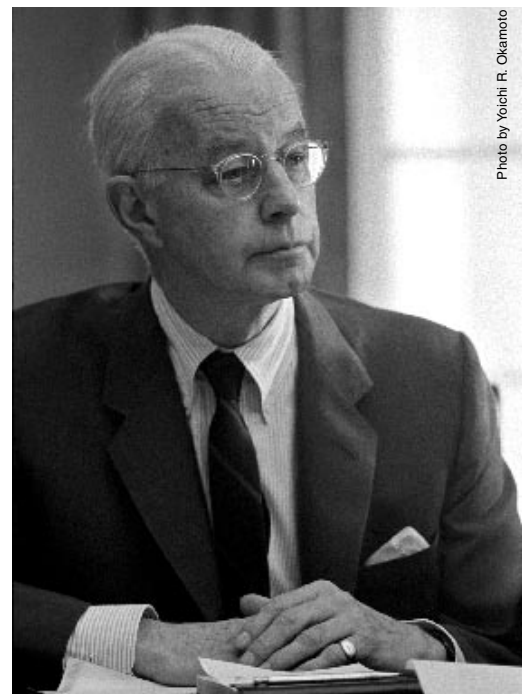


*President Nixon (l) and Henry A. Kissinger huddle in the Oval Office. On Feb. 3, 1972, they met with Amb. Ellsworth F. Bunker (r), US envoy to Saigon. Nixon told Bunker, "He [Gen. Creighton Abrams, US commander in Vietnam] can hit SAM sites, period. OK? But he is not to do it with a public declaration."*

November 2006 issue of this magazine. However, not all of the facts were known until now.

Hard evidence, from an unimpeachable source, shows that Lavelle had unequivocal authorization from the highest civilian authority—President Richard Nixon—to conduct so-called “preplanned strikes” in North Vietnam in February and March 1972. Equally hard evidence shows that senior military officials had approved earlier strikes of the same nature.

These statements are based on recently released White House audio recordings of Oval Office conversations as well as formerly classified



**A**ir Force Gen. John D. Lavelle in July 1971 assumed command of all air operations in Vietnam. He was known in the Air Force as an honest, hard-working, and capable leader. Seven months later, however, Lavelle would be fired as a result of allegations that he had ordered bombing missions into North Vietnam which

were never authorized. Congressional hearings arising from his case raised serious questions of encroachment by the military upon the principle of civil authority. Lavelle denied the allegations until his death in 1979.

The case was complicated, a fact made clear by John T. Correll’s expertly told article, “Lavelle,” published in the



**Gen. John D. Lavelle (r) on July 29, 1971 accepts command of 7th Air Force from Gen. Lucius D. Clay Jr. Lavelle inherited strange rules of engagement.**

JCS message traffic. We came across these pieces of evidence while developing material for our book, *Velocity: Speed With Direction*, a biography of Gen. Jerome F. O'Malley, which will be published this summer by Air University Press.

The background of the Lavelle case is generally well-known. However, certain parts of it bear retelling.

The story begins with Lavelle's arrival "in country." At that time, the overall US military commander in South Vietnam was Army Gen. Creighton T. Abrams. Responsibility for the air war in turn was delegated to Lavelle, who commanded 7th Air Force. Lavelle had operational control of USAF aircraft, control which was implemented by Maj. Gen. Alton D. Slay, his operations officer. Slay issued orders to wings, including the 432nd Tactical Reconnaissance Wing, led by Col. Charles A. Gabriel and his vice commander, Col. Jerome F. O'Malley.

Lavelle inherited strange rules of engagement. In 1968, Washington suspended bombing in North Vietnam to induce Hanoi to talk peace. When he came to the White House in 1969, Nixon kept the policy, but USAF continued intensive airborne reconnaissance of the North, and fighter escorts were assigned. The rules of engagement in late 1971 (and early 1972) prohibited US warplanes from firing at targets in North Vietnam unless US aircraft were either (1) fired at or (2) activated against by enemy radar. In those cases, the escorts could carry out so-called "protective reaction" strikes.

In 1968, North Vietnam's surface-to-air missiles were controlled by radar with a high-pulse recurring frequency, which keyed an alarm in the USAF aircraft. By late 1971, however, Hanoi had learned to "net" its long-range search radars with the missile sites. These additional sources of radar data allowed North Vietnam to turn on SAM radar at the last second, giving US crews virtually no warning.

Combat commanders believed it vital to let US aircraft defend themselves by attacking SAM sites and MiG airfields rather than waiting for a SAM site to launch a missile or a MiG to attack. Communiqués from Abrams to the JCS in Washington sought authority to destroy the MiG threat and recommended immediate strikes on Bai Thuong, Quan Lang, and Vinh airfields.

The JCS denied these requests, but urged commanders to make maximum use of authority allowable under existing ROE.

On Nov. 8, 1971, Adm. Thomas H. Moorer, the JCS Chairman, arrived in Vietnam and personally approved a request from Lavelle to attack the MiG airfield at Dong Hoi. Moorer even reviewed the bomb damage assessment results that day, before departing Vietnam. Mission results also went to the Pentagon. Instead of questioning the mission, the JCS only suggested more careful planning.

The situation continued to grow more dire. In a top secret Nov. 12 message to Moorer, Adm. John S. McCain Jr., head of US Pacific Command, warned, "I am

deeply concerned over the mounting threat that the enemy's integrated air defense network has posed against the B-52 force," adding his conviction that "the enemy is more determined than ever to shoot down a B-52."

On Nov. 21, McCain sent another top-secret communiqué to Moorer, redoubling his effort to obtain more authority to bomb North Vietnamese targets. McCain made specific reference to the preplanned strikes previously authorized by Moorer himself. Moorer, in a top secret Nov. 28 response, sounded understanding, but the Pentagon still declined to grant additional authority.

Another top official, Secretary of Defense Melvin R. Laird, visited the theater later in December. Lavelle met privately with the Pentagon chief in Saigon. At this meeting, Lavelle later asserted, Laird "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 conveyed this information to Abrams, and "General Abrams said he agreed with Secretary Laird."

By December 1971, US military forces had strong evidence that North Vietnam was preparing a massive conventional attack on the South. Combat losses heightened Lavelle's concern about the operating rules and the effect on his crews. On Dec. 18, the 432nd lost three aircraft to enemy action, two to ground fire and one to MiG attack.

Early in 1972, a strike into North Vietnam raised anew the issue of authority for preplanned protective reaction strikes. A ground control intercept radar at Moc Chau, used to control MiGs, was a major threat as it provided current information on slow-moving US gunships. Abrams personally authorized a preplanned strike. US aircraft on Jan. 5 hit and disabled the Moc Chau site.

When informed, the JCS took a dim view of the Moc Chau raid. The Chiefs, in a message to US commanders, conceded "the logic" of the attack. "However," they continued, "we are constrained by the specific operating authorities as written."

US aircraft losses continued to mount. On Jan. 17, 1972, the enemy hit two AC-130 gunships, with much loss of life. Three days later, the 432nd TRW lost an RF-4C fighter. Accordingly, Lavelle on Jan. 23 ordered another preplanned

protective reaction strike, this one against Dong Hoi airfield.

The strike was successful, but a miscue within the 7th Air Force headquarters command post caused a major misunderstanding. On his return flight, the USAF pilot radioed a report: "Expended all ordnance, the mission was successful, no enemy reaction."

Lavelle, knowing enemy "reaction" was needed to justify every strike against targets in the North, snapped at his director of operations, Slay: "We can't report 'no reaction.'" The attacking pilot, Lavelle told Slay, "must report reaction."

Lavelle later contended he meant that a pilot should report "hostile radar" as the enemy reaction, and that he earnestly believed that recording "hostile radar" complied with the ROE, since the netted enemy radar constituted an automatic "activation against" US aircraft. However, Lavelle went on to say that he did not take care to explain this to Slay.

Nor did Lavelle realize that the format of the official operations report for a mission would not permit the simple entry of the term "hostile radar" or "hostile reaction" without supporting details.

Slay told Gabriel and O'Malley, "You must assume by General Lavelle's direction that you have reaction." At subsequent preflight briefings, crews were told to record enemy "reaction," whether or not it happened. While most of the missions caused real reaction—SAM, triple-A, or MiG fire—a few did not. On those occasions, crews reported "hostile enemy fire" anyway.

Eventually, this caused trouble. On Jan. 25, 1972, Sgt. Lonnie D. Franks, an airman in the intelligence division of the 432nd TRW, was tasked to debrief crew members returning from a mission. He routinely asked whether they had received hostile fire. The crew responded, "No, we didn't, but we have to report that we did." Franks objected, but two superiors told him he was under orders to report enemy reaction.

Franks, troubled by this, reported the incident to Sen. Harold E. Hughes (D-Iowa). This would produce military inquiries, Congressional hearings, and the sacking of Lavelle. In time, everything would become public.

Unbeknownst at the time, however, the issue of granting additional strike authority was being discussed at the highest levels of the US government.

The first such discussion began promptly at 10:53 on the morning of Feb. 3, 1972, in the White House. President

Nixon and Henry A. Kissinger, his national security advisor, sat down in the Oval Office with Ambassador Ellsworth F. Bunker, the US envoy to Saigon. By virtue of the setup of the military assistance command in Vietnam, Bunker was in overall charge of all American operations in Vietnam.

Bunker was in Washington for a hearing on his renomination as ambassador. At this particular meeting, though, he spoke on behalf of Abrams, who was seeking greater air strike authority.

Bunker began, "If we could get authority to, to bomb these SAM sites ... Now the authority is for bombing when, when they fire at aircraft," or "when the radars locked on. The problem is, that that's, that's late to start attacking."

Kissinger chimed in, evidently supporting a more aggressive stance. He suggested that Nixon authorize US forces to strike any North Vietnamese SAM that had ever targeted a US aircraft.

He urged Nixon to "say Abrams can hit any SAM site that has locked on, even if it is no longer locked on."

A lengthy discussion ensued. Finally, Nixon instructed Bunker to deliver to Abrams the following order:

"He [Abrams] is to call all of these things 'protective reaction.' Just call it protective reaction. All right? ... I am simply saying that we expand the definition of protective reaction to mean preventive reaction, to mean preventive reaction where a SAM site is concerned. ... Just call it ordinary protective reaction." Then the President added, "Who

knows or would say they didn't fire?"

Kissinger, no doubt aware that any leak of such an ROE change could cause an uproar in Congress and the public at large, wanted to keep it a secret. He asked Bunker, "Now, could they stop from blabbing it at every bloody briefing?"

Nixon also wanted secrecy, for a specific reason. He was only weeks away from his historic Feb. 21-28 visit to China, and he didn't want a last-minute flare-up snarling his plan. This was clear from the context of his next comment.

Nixon told 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 from now on—until we get back from China."

Then Nixon went to some length to describe the new military dispensation.

"You've worked out the authority," Nixon said to Bunker. "He [Abrams] can hit SAM sites, period. OK? But he is not to do it with a public declaration. All right? And, if it does get out, to the extent it does, he says it's a protective reaction strike. He is to describe it as protective reaction. And he doesn't have to spell it out. They struck, that's all he needs, a SAM site. A protective reaction strike against a SAM site."

As a result of the President's words, the US military now had authorization from the highest level to attack certain North Vietnamese targets without the

**According to Lavelle, Pentagon chief Melvin R. Laird (l) urged "a liberal interpretation of the rules." Adm. Thomas H. Moorer (r), the JCS Chairman, met Lavelle in Vietnam and personally approved a Nov. 8, 1971 preplanned attack on Dong Hoi airfield.**





**Alexander M. Haig Jr., when asked by Nixon on Sept. 15, 1972 whether the White House could do something to save Lavelle, said only, "I don't think so, sir. I've been watchin' it."**

preceding condition of an enemy threat to aircraft. One would assume that Bunker, given his position, immediately would have forwarded the President's instruction to US military authorities. However, the public record contains no direct evidence that this did or did not happen.

Operating forces were not permitted to make public disclosure of the change. Indeed, the details of this Feb. 3, 1972 Nixon directive never became public—ever.

Moorer confirmed this order with a top secret Feb. 7 communication to commanders in Vietnam. The admiral wrote:

"To help minimize the possibility that the North Vietnamese build a military capability within the DMZ [demilitarized zone] for sudden strikes across the PMDL [provisional military demarcation line], you are authorized to conduct tactical air strikes into the northern portion of the DMZ whenever COMUSMACV [Abrams] determines the North Vietnamese are using the area in preparation for an attack southward. Public affairs guidance. No public announcement of any kind will be made with regard to these actions."

Thus did the White House and the Joint Chiefs work in sync to conceal Nixon's directive from the public.

Soon, the Pentagon decided to mount another campaign of "limited duration" strikes and on Feb. 16 announced orders suspending any prestrike need for enemy reaction. On that day, a reconnaissance aircraft and 14 escorting fighter-bombers

went north. A first wave of US aircraft struck the defending SAM sites and another struck heavy gun emplacements north of the DMZ.

The US command officials portrayed these as "protective reaction" strikes. They announced that the sole objective was to strike positions in North Vietnam that had previously fired on American airplanes.

On Feb. 25, USAF flew three more preplanned protective reaction missions using 17 escort aircraft. These types of raids went on unabated for another week or so. The preplanned missions were flown on March 1, 3, 4, 6, 7, and 8.

It was on March 8 that the letter from Franks finally reached the office of Hughes. After ricocheting around Capitol Hill and the Pentagon, it finally landed with a thud on the desk of Gen. John D. Ryan, the Air Force Chief of Staff. The Air Force inspector general was on an airplane to South Vietnam the next day.

Lavelle met right away with the inspector general. He withheld nothing. "You never go over North Vietnam that that system isn't activated against you," said Lavelle, because the North Vietnamese radar system was totally netted. The discovery of false reports surprised him. However, as the person who gave the order "not to report 'no reaction'" he assumed full responsibility for the miscommunication.

This statement by Lavelle provided significant protection for all those officers below him in the chain of command.

On March 21, Moorer dispatched an odd top secret message to 7th Air Force, warning that "the increased number of protective reaction strikes since Jan. 1, 1972 has attracted a considerable amount of high-level interest here and is receiving increasing attention from the press."

Moorer went on to underscore the "extreme sensitivity" of this subject and requested that all crews be "thoroughly briefed that current authority permits protective reaction to be taken only—repeat only—when enemy air defenses either fire at or activated against friendly forces."

On March 23, the Inspector General report found that "some missions had not been flown in accordance with the Rules of Engagement and that there were irregularities in the operational reports." Lavelle, summoned to Washington, was instructed to go immediately to Ryan's quarters. There, on March 26, the Chief of Staff told Lavelle he could retire as a lieutenant general or take a new assignment in the grade of major general.

Lavelle indicated he wished to speak directly with either Laird or Secretary of the Air Force Robert C. Seamans Jr. The meeting concluded with an understanding that Lavelle would meet with one of the two. Lavelle spent the following week at the Pentagon waiting in vain for an audience. Realizing he would not succeed in overturning the decision, Lavelle agreed to retirement.

On March 30, North Vietnamese forces stormed across the DMZ, putting all of their weight behind a massive conventional invasion intended to be a knockout blow. Predictably, the US promptly abandoned the niceties of "protective reaction." On April 7, American forces received unrestricted authority to bomb targets in the North, and B-52s over the next month flew more than 700 missions over communist territory.

Back in Washington, Ryan on April 7, 1972 released an Air Force statement saying Lavelle was retiring for "personal and health reasons." Inevitably, however, the Lavelle matter leaked. On June 10, 1972, the *New York Times* reported that Lavelle was "demoted after ordering repeated and unauthorized bombing attacks of military targets in North Vietnam."

The House Armed Services Committee called Lavelle and Ryan to testify on June 12. Instead of ending the controversy, however, the House hearing sparked calls for a Senate inquiry. Sen.

William Proxmire (D-Wis.) called for courts-martial. Hughes announced that he was planning to seek a full hearing on the matter before the Senate Armed Services Committee.

At the White House, the issue of Lavelle's authority had become a point of heated, behind-the-scenes discussion. On Wednesday, June 14, in a nearly 29-minute Oval Office meeting between Nixon and Kissinger, the issue of Lavelle came up repeatedly.

The President began: "Let me ask you about Lavelle. I was, I had it on my list this morning. I just don't want him to be made a goat. We all know what protective reaction is. This damn Laird." [Nixon evidently was responding in line with the views of Kissinger, who blamed Laird for the removal of Lavelle.]

Then Kissinger said: "And he had him already removed by the time I even learned about it."

Nixon asked, "Why did he even remove him? You, you destroy a man's career."

Kissinger did not answer the question, but rather took up a different topic. Nixon, however, interrupted: "Come back to Lavelle. I don't want a man persecuted for doing what he thought was right. I just don't want it done."

Still, Nixon does not receive a satisfactory answer from his national security advisor. The President continued:

"Can we do anything now to stop this damn thing or ... Why'd he even remove him?"

"Lavelle was removed at the end of March," Kissinger noted.

"Because of this?" asked Nixon.

"Yeh," said Kissinger.

Nixon was furious: "Why the hell did this happen? A decision of that magnitude, without— I should have known about it, Henry. Because this is something we told— You remember: We, we, we told Laird, 'Keep pressure on there in March.'"

Nixon concludes: "Laird knows G---- well, that ah, I told him, I said, 'It's protective reaction.' He winks, he says, 'Oh, I understand.'"

At 8:57 a.m. on June 26, 1972, Nixon and Kissinger once again took up the Lavelle problem in the Oval Office. Nixon was recoiling from advice that he steer clear of any involvement in the forthcoming Senate inquiry into Lavelle's actions.

"Frankly, Henry, I don't feel right about our pushing him into this thing and then, and then giving him a bad

rap," Nixon declared. "You see what I mean?"

The discussion eventually concludes with Nixon expressing anxiety about the Senate hearing. "I want to keep it away if I can," the President says, "but I don't want to hurt an innocent man."

Three days later, on June 29, Nixon squirmed at a televised news conference. Asked about Lavelle's preplanned bombing, Nixon said, "It wasn't authorized," and thus "it was proper for him to be relieved and retired." Yet he also said Lavelle attacked "only those military targets ... being used for firing on American planes."

In the period Sept. 11-28, 1972, the Senate Armed Services Committee conducted hearings. At issue were Lavelle's planned retirement at the grade of lieutenant general, matters relating to authority for certain bombing missions, Abrams' nomination to become Army Chief of Staff, McCain's planned retirement, and Moorer's nomination for a second term as Chairman.

Lavelle himself led off the testimony on Sept. 11, 1972, asserting unreservedly that all of his actions were authorized and taken to protect the lives of airmen in his command. He rejected assertions that he had exceeded his authority and said that he had applied the rules of engagement as he had been urged to by the JCS. He described his understanding that the enemy's netted radar system automatically produced "reaction," which authorized use of force.

He said that a commander is always ultimately responsible for the consequences his orders. "I have never suggested that the responsibility was other than my own," he said. Lavelle concluded: "Mr. Chairman, it is not pleasant to contemplate ending a long and distinguished military career with a catastrophic blemish on my record—a blemish for conscientiously doing the job I was expected to do, and doing it with a minimum loss of American lives."

On Sept. 13, 1972, Abrams testified that Lavelle "acted against the rules" of engagement. Lavelle and Abrams, who always had worked well together in Vietnam, were now at odds on the crucial issue of Lavelle's "authority to strike."

Two days later, on Sept. 15, 1972, Nixon met in the Oval Office with Haig,

his deputy national security advisor. Nixon, running for re-election, apparently felt frustration at his inability to correct the injustice he thought he was witnessing in the daily Senate testimony on the Lavelle issue.

The President told Haig, "We've got to be able to do something on this ah, this Lavelle."

Haig responded: "I don't think so, sir. I've been watchin' it."

The President said, "We told Laird that, 'If your guy Moorer isn't sure if it is protective reaction, that to protect yourselves, we would back you to the hilt.' [That's] the way I look at it."

For all that, the White House remained silent as the Senate hearings progressed.

The Senate Armed Services Committee on Oct. 6, 1972 turned down Lavelle's nomination for retirement as a lieutenant general. The vote was 14 to two. Instead, Lavelle was retired at his permanent rank of major general.

More than two weeks later, Nixon was still upset about the Lavelle incident. In an Oct. 23, 1972 meeting with Haig in the Old Executive Office Building, Nixon unleashed a torrent of anger.

"All of this G----- crap about Lavelle," said Nixon. "And I feel sorry for the fellow, because you and I know we did tell him about protective reaction being, very generally—"

"Very liberal," Haig helpfully suggested.

"Yeh, very liberally, very liberally," said Nixon. "Remember, I said it was, if they, if they hit there, go back and hit it again. Go back and do it right. You don't have to wait till they fire before you fire back. Remember I told Laird that. And I meant it. Now Lavelle apparently knew that, and received that at some time."

Six years after these events, Lavelle spoke at some length for an oral history project. "I did what was right," he insisted. "I did what was authorized."

Between Nov. 7, 1971 and March 9, 1972, US aircraft flew scores of strike sorties. Of these, a total of just 28 documented missions, entailing about 147 sorties, were identified as the unauthorized "Lavelle Raids."

Now, it seems clear enough that even that tiny handful of flights also were authorized. ■

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*Lt. Gen. Aloysius G. Casey, USAF (Ret.), retired as the commander of Space Division, Air Force Systems Command, in 1988. His son, Patrick A. Casey, is a trial attorney with the firm Myers, Brier & Kelly, LLP, in Scranton, Pa. This is their first article for Air Force Magazine.*