



Sitting side by side, then-Air Force Chief of Staff Gen. John Ryan and recently fired Maj. Gen. John Lavelle testified before a House Armed Services subcommittee in 1972, as Congress investigated whether Lavelle acted within his authority or not in directing bombings in North Vietnam (Photo courtesy of *Air and Space Forces Magazine*)

Examining the Lavelle Affair 54 Years Later

An Injustice That Needs to Be Rectified Now

By Mark Clodfelter

On December 20, 2010, the Senate Committee on Armed Services denied the Pentagon's request, endorsed by President Barack H. Obama, for the posthumous advance of Air Force Major General John D. Lavelle to the retired list in the rank of general. Thirty-

eight years earlier, Air Force Chief of Staff General John D. Ryan had fired Lavelle as the 7th Air Force commander for allegedly conducting unauthorized airstrikes against North Vietnam and ordering the falsification of mission reports. Senate hearings in September

1972 deemed Lavelle guilty of both offenses, resulting in his demotion to major general following retirement.

Congress reconsidered the Lavelle Affair in 2024, but it did not turn to new information available to do so. Instead, it relied on the findings of former Federal Bureau of Investigation Director William H. Webster and his committee of attorneys and historians, who began investigating the case in 2011 and finally produced a report in May 2015. The

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Three U.S. Navy McDonnell F-4B Phantom II of Fighter Squadron 161 (VF-161) Chargers and three Ling-Temco-Vought A-7C Corsair II of Attack Squadron 86 (VA-86) Sidewinders during a Loran-guided strike mission over Vietnam, March 1973.

fiscal year (FY) 2025 National Defense Authorization Act (NDAA) reflected the conclusions of Webster's committee, advancing Lavelle's retired rank to lieutenant general. Webster's team determined that Lavelle's actions before becoming a four-star general had been honorable, but that the same assessment could not be made regarding his tenure in Vietnam. Yet like the Senate Committee on Armed Services in 2010, Webster's committee never examined documents essential to the case that remained classified until late 2015, and its findings—and those of the 2024 Congress—remain as flawed as that of the Senate Committee on Armed Services in 1972.

A careful reading of documentary and taped evidence now available reveals

that Lavelle neither violated the rules of engagement (ROE) nor falsified mission reports, and further reveals that some four-star testimony at his hearings was deceitful. Accordingly, 54 years after those accusations, Lavelle should now have his retired rank restored to that of full general. In this age of concerns about the validity—and legality—of aerial operations, his tale should serve as a cautionary one for those who question the proper conduct of “civil-military relations” in the complex and often confounding era of modern limited war.

Lavelle's controversial bombing came to light in early March 1972, after General Ryan received a letter that Air Force Sergeant Lonnie Franks, an intelligence specialist at Udorn Air Base, Thailand, had

written to his senator. The letter alleged that Udorn's pilots regularly filed false reports after flying over North Vietnam, claiming that they had received ground fire when they had not. Ryan dispatched the Air Force inspector general (IG) to investigate, and the IG determined that Lavelle had ordered 28 missions consisting of 147 sorties that violated the rules of engagement governing them and led to falsified mission reports.¹

Ryan called Lavelle to Washington, telling him that he would be relieved of command and demoted to his permanent rank of major general should he remain in the Air Force. Lavelle instead chose retirement, and the Senate Committee on Armed Services voted 14-2 to keep him on the retired list as a major general.²

Background

Lavelle's dismissal stemmed from a bombing halt "agreement" supposedly concluded at the 1968 Paris Peace Talks. In the accord, the North Vietnamese seemingly promised not to fire on unarmed American reconnaissance aircraft in exchange for America's not bombing the North. Violations led to escorting reconnaissance aircraft with fighters that could conduct "protective reaction strikes" on enemy air defenses that shot at aircraft. American technicians then perfected a radar homing and warning indicator that triggered a tone in a pilot's headset when the radars guiding surface-to-air missiles (SAMs) or antiaircraft artillery locked onto an aircraft prior to firing.³ This warning gave the pilot several seconds of reaction time, enabling him to attack the threat before it fired. As a result, the following rules of engagement were in effect when Lavelle took command of Seventh Air Force: "Fighter aircraft may strike any SAM or Triple A site below 20 degrees north [latitude] which fires at or *is activated against* U.S. aircraft conducting missions over Laos or North Vietnam."⁴

Lavelle arrived in Saigon in July 1971. He had flown P-47s in World War II and then had assignments in Europe, Asia, and the Pentagon. He was not Ryan's choice for the job, and in fact had clashed with Ryan in previous assignments. But Lavelle had backing from other leaders—in particular, Army General Creighton Abrams, the commander of Military Assistance Command, Vietnam, who became Lavelle's boss. Abrams was focused on thwarting an expected North Vietnamese invasion, and Lavelle began working with him to negate it.

Ominous signs pointed to a massive attack. Along with stockpiling materiel, the North Vietnamese began moving MiG fighters south where they could threaten B-52 bombers. On October 4, 1971, a MiG attempted to shoot down a B-52. Lavelle was responsible for protecting the bombers, as well as for obtaining reconnaissance photographs. Much of that duty fell to the 432nd Wing at Udorn, which sported a squadron of unarmed, camera-equipped

RF-4s plus two squadrons of ordnance-carrying F-4s.

The attempted shooting down of a B-52 troubled Lavelle. MiGs had begun operations from airfields at Dong Hoi and Quang Lang, both in southern North Vietnam. Abrams called for a reconnaissance mission over Dong Hoi. Admiral Thomas Moorer, the Chairman of the Joint Chiefs, was in Saigon, and, according to Lavelle, advised him to conduct a protective reaction strike against Quang Lang. Moorer believed that defensive fire would certainly occur on the mission—and thus, the raid would be in accordance with the rules of engagement.⁵ In his 1972 testimony before the Senate Committee on Armed Services, Moorer denied that he told Lavelle to preplan the Quang Lang mission.⁶

On November 7 and 8, 1971, 7th Air Force aircrews bombed the airfields at Dong Hoi and Quang Lang, receiving ground fire on both missions and cutting the Quang Lang runway. Those raids marked the first of Lavelle's "unauthorized attacks." In Senate testimony 10 months later, General Ryan condemned the attacks as ROE violations because they were preplanned strike missions.⁷ At the time of the raids, though, Ryan's thoughts were very different—he berated Lavelle for poor bombing.⁸

The Dong Hoi and Quang Lang attacks did little to deter the North Vietnamese. On November 20, 1971, a MiG from Dong Hoi fired on a flight of B-52s; the bombers managed to escape harm. The commander of Strategic Air Command then grounded all B-52s in Southeast Asia for 48 hours. As a result, the Joint Chiefs called for a conference to resolve the bomber protection problem. In Honolulu from December 4 to 5, Air Force Lieutenant General John Vogt relayed Admiral Moorer's directives. Vogt's message was blunt: field commanders should be more aggressive in applying the ROE for protective reaction strikes. He recommended raising the number of escorts from 2 to 16 to assure damage. He said the Joint Chiefs would not question aiming points on such attacks, and commanders could expect full backing from the Chiefs.⁹

The conference amplified the impetus to attack North Vietnam that Lavelle had received from Secretary of Defense Melvin Laird. In early November 1971, Laird visited Saigon and Lavelle talked with him privately. Lavelle mentioned the MiG threat and the need for ROE changes to attack them directly. Laird replied that it was a bad time to request ROE changes; Lavelle and Abrams should "make maximum use of the authorities they had and he would support them in Washington."¹⁰ Lavelle recalled that Abrams agreed with Laird's advice.¹¹

Lavelle received still another inducement to intensify bombing. While in Washington for a conference, he received a briefing on how to destroy the radar site at Moc Chau. Moc Chau was a "ground control intercept" (GCI) radar that relayed its view to MiG pilots and had recently enabled MiGs to shoot down three F-4s. Lavelle reflected: "No one mentioned anything to me about doing it, legal, illegal, or what have you. Just how to."¹² On January 5, 1972, Lavelle bombed the facility. He briefed Abrams before the attack, and both men believed the airstrike was a necessity. The Joint Chiefs viewed the raid differently. They told Abrams that they sympathized with the attack's rationale, but it did not adhere to the ROE, and not to do it again.¹³

The Moc Chau mission did not make the IG's list of unauthorized raids, yet the raid is a noteworthy part of the Lavelle Affair. Senate hearings cited it to highlight the Joint Chiefs' displeasure with the perceived ROE violation. In addition, Major General Alton Slay, Lavelle's director of operations, told the Senate Committee on Armed Services that he led mission planning because Lavelle was away in the United States.¹⁴ Abrams stated to the committee that Lavelle was present for the raid and had discussed it with Abrams beforehand; Abrams's taped conversations also revealed Lavelle's presence. Slay's statements about the mission make his further testimony before the Senate Committee on Armed Services questionable.



A U.S. Navy McDonnell F-4B Phantom II of Fighter Squadron VF-111 Sundowners drops 227 kg Mk 82 bombs over Vietnam during 1971. VF-111 was assigned to Attack Carrier Air Wing 15 (CVW-15) aboard the aircraft carrier USS Coral Sea for a deployment to Vietnam, November 25, 1971 (Navy photo/public domain).

North Vietnamese Radar Netting

For Lavelle, not only were the GCI radar sites a threat when MiGs were airborne, but they had also become a threat when MiGs failed to fly. In late 1971, the North Vietnamese “netted” their radar systems so that the GCI radars could provide tracking information to SAM sites.¹⁵ As a result, the SAM operators now had to turn their radars on for only an instant, which allowed the firing of missiles at the last possible second and minimized—or negated—the warning tone that pilots received. The North Vietnamese downed an F-105 and an F-4 using this new tactic. Lavelle concluded that the notion of “radar activation” based on receiving a warning was no longer valid,

and that radar netting meant that pilots over the North were now *always* “activated against.”¹⁶

Lavelle first discussed the dangers that the netted radars posed with General Abrams in a December 1971 staff meeting.¹⁷ After several discussions regarding that threat with Lavelle, Abrams emphasized his agreement with Lavelle’s assessment in a detailed message on January 6, 1972, to Admiral John McCain, commander of Pacific Command, that Admiral Moorer and General Ryan also received. The message concluded:

This tactic effectively negates the protection afforded by our radar homing and warning equipment since there is little or no time to evade the missile with such a

*short warning. We believe that this tactic was used in the shootdown of the F-105 and F-4 near Mu Gia pass on 10 and 17 December respectively. This tactic must be countered if we are to continue to operate within the SAM threat area.*¹⁸

Ryan later told the Senate Committee on Armed Services that radar netting “was not a new phenomenon,” and the North Vietnamese had practiced it since 1967. When pressed by senators, Ryan recanted: “Perhaps the internetting was developed to a greater degree in 1971 and early 1972 than it was in 1967. I have no way of knowing this,” a dubious claim for a Chief of Staff who received constant updates to the air war over the North, including Abrams’s January 6, 1972, message.¹⁹

Lavelle's interpretation of the ROE had significant consequences for the missions that followed. On January 23, 1972, he ordered a protective reaction strike against the airfield at Dong Hoi. Intelligence revealed that a MiG had left Hanoi for Dong Hoi and B-52s were to be in the area. Lavelle recalled that he contacted Abrams and received his approval for the strike.²⁰ Despite poor weather, F-4s cut the runway, compelling the MiG to return to Hanoi.

After departing the target, the RF-4 crew radioed that the raid was successful, but that the enemy had not reacted, meaning that the North Vietnamese had not fired. General Lavelle heard the transmission and stated that the aircrew could not report "no reaction." As he recounted to both the House Armed Services Committee and the Senate Committee on Armed Services, he meant by that statement that the North Vietnamese *had* reacted by activating their GCI radars. Lavelle directed General Slay to contact the wing and make sure it did not post "no reaction." Lavelle later told the Senate Committee on Armed Services that he should have directed Slay to convey, "Report hostile reaction radar."²¹ Yet given the tense atmosphere in the command post, with a MiG headed for Dong Hoi, Lavelle's comment lacked clarity.

As a result of Lavelle's guidance, Slay directed Colonel Charles Gabriel, the wing commander, to state that the enemy had shot at the flight. Gabriel and his subordinates never realized Lavelle's intent to categorize the raid as one stemming from the threat posed by netted radars. Because they were told they could not state "no reaction" on the written post-strike mission report, the Operations Report Number 4 (OPREP-4), intelligence analysts selected from one of the four "reaction categories" on the form—SAMs, antiaircraft artillery, small arms, or MiGs—and chose antiaircraft artillery; "radar activation" was not an option listed, and, to complete the form "correctly," one of the four choices had to be selected.

For the remaining "unauthorized" protective reaction strikes, Sergeant

Franks and other analysts repeated the process used on the OPREP-4 for Dong Hoi.²² Gabriel recalled that Slay said to him, "You will report it in that way each time, regardless of whether or not there is a reaction you will report reaction, fighters expended."²³ Yet Slay also told Gabriel to send him a detailed report describing what had actually occurred on each mission and gave that to Lavelle.²⁴

The OPREP-4 was a cumbersome summary read by a computer from punch cards. Slay remarked: "I doubt if there is anyone above the rank of sergeant looks at the OPREP-4. For a usable piece of paper for somebody to read it and say, 'This is what happened' it is terrible."²⁵ General Michael P. C. Carns, a veteran of 200 Vietnam combat missions in F-4s from 1968 to 1969 who then became General Ryan's aide as a major, described the OPREP-4 as "useless."²⁶ Lavelle was unaware that the report even existed and stated the first time he saw it was when the Air Force IG produced a copy. For evaluating missions, Lavelle relied on the reports that he received from Slay and forwarded those to Abrams.

As for the veracity of the OPREP-4s, the difficulty of identifying enemy fire made it uncertain that the reports were actually erroneous. J. Fred Buzhardt, the Defense Department's General Counsel, concluded: "To sustain a criminal charge of falsifying records, it is necessary to prove a specific intent to deceive. Where people are reporting the facts to their superiors correctly, you cannot sustain that element." He added: "As to the question of proof, on either a violation of the Rules of Engagement or falsifying reports, after the most intensive investigation we are even now not in a position to prove with any degree of conclusiveness that there was no enemy fire except on only one of the missions that took place. That was at Dong Hoi on the 23rd of January."²⁷

The Joint Chiefs' reaction to the Dong Hoi attack—the third of Lavelle's "unauthorized" raids—was to praise it. Moorer lauded the strike to President Richard M. Nixon as an example to follow.²⁸ Yet when asked by the Senate

Committee on Armed Services about the mission, Abrams said that he remembered little about it—an odd statement given the serious MiG threat.²⁹ Lavelle told the House Armed Services Committee that for the Dong Hoi mission—and those that followed—SAMs were activated "any time U.S. pilots were over North Vietnam."³⁰ Still, that reasoning did not permit indiscriminate bombing—he refused to attack 60 tanks spotted north of the Demilitarized Zone because he was authorized to attack only air defense targets.³¹ In sum, Lavelle believed that the raids and his logic for them matched what the "higher authority" wanted him to do.

Nixon Secretly Changes the Rules of Engagement

To higher authority Richard Nixon, bombing offered answers to many national security problems. Soon after becoming President, Nixon began a secret air campaign with B-52s against North Vietnamese troops in Cambodia, technically a neutral country.³² The Air Force maintained two sets of mission reports for the raids—similar to the dual sets kept for Lavelle's controversial attacks.³³ The President did not want to trigger protests by revealing an expanded war.

In February 1972, Nixon realized that air power was vital to stymie the expected invasion, plus he feared the loss of a B-52. He endorsed the liberal interpretation of the ROE advocated by Lavelle, telling Moorer and Secretary Laird on February 2: "If you're following your intelligence reports, we're having *correct* protective reaction strikes every damn day right now, so you're hitting things. Incidentally, and I understand, and I just want to be sure, that that's being interpreted very, very broadly."³⁴

In the Oval Office with Henry Kissinger and ambassador to South Vietnam Ellsworth Bunker the next day, Nixon elaborated on how broadly he wanted to interpret the ROE. He did not want to give Abrams "blanket authority" to attack SAM sites because "It'll get out."³⁵ On the eve of visiting China, the President feared that increased airstrikes might affect the trip

or stir protests. Thus, like in Cambodia, he decided to intensify bombing—and keep it secret. Nixon told Bunker that protective reaction now meant preventive reaction regarding SAMs. “Who the hell’s going to say that they didn’t fire?,” the President emphasized to Bunker: “Tell Abrams when you get back not to put out extensive briefings with regard to our military activities from now till we get back from China. Do it, but don’t say it. He can hit SAM sites, period. Okay?”³⁶ The conversation continued:

Nixon: As you know, when we were hitting the [Mu] Gia Pass and the rest, we’d call that protective reaction—and then bomb the hell out of a lot of other stuff.

Bunker: Sure.

Nixon: Okay?

Bunker: Sure.³⁷

Two days later Laird authorized airstrikes in the northern portion of the Demilitarized Zone. Moorer relayed the message, prohibiting a public announcement of it. Moorer also notified Abrams that Nixon wanted a daily update on the war.³⁸

To answer Moorer’s request, Lavelle sent Abrams the accurate mission summaries that Gabriel had forwarded to Slay. Abrams in turn forwarded the summaries until they reached Laird, who sent them to Nixon. For all of those carefully recorded raids, constituting 70 percent of the alleged unauthorized strikes, no complaints came to either Abrams or Lavelle. Indeed, on the February 8 report, Nixon scribbled in the margin for Kissinger: “K—is there *anything* Abrams has asked for that I have *not* approved?”³⁹

Airstrikes continued during Nixon’s China visit, and Nixon received daily updates on them. On March 11, with the arrival in Saigon of the Air Force IG, Lavelle halted protective reaction strikes and OPREP-4 reporting. Once in Washington, Lavelle took blame for failing to articulate clearly his notion of “activated against,” but he remained adamant that he had not ordered falsification of the OPREP-4s. He soon determined that he would receive no high-level backing and



President Richard Nixon and National Security Advisor Dr. Henry Kissinger, February 8, 1972 (White House Photo Office, General Services Administration, National Archives and Records Service, Office of Presidential Libraries)

decided to retire. Ryan advised him to take a medical retirement; Lavelle had a heart murmur following a heart attack as well as other ailments.

On April 7, Ryan announced that Lavelle had retired from the Air Force “for personal and health reasons.”⁴⁰

The *New York Times* soon reported that other factors had likely led to Lavelle’s retirement, spurring investigations by the House and Senate. Those hearings came as a surprise to the President. In a June meeting after the House Armed Services Committee hearing, Nixon asked, “What

the hell is that all about? Who is Lavelle? Is he being made a goat? If he is, it's not good."⁴¹ Later that day, Nixon met privately with Kissinger. Kissinger stated, "What happened with Lavelle was he had reason to believe that we wanted him to take aggressive steps," to which Nixon replied, "Right, that's right. . . . I don't want a man persecuted for doing what he thought was right." "Of course, the military are impossible too," Kissinger rejoined. Nixon responded, "Well, they all turn on each other like rats." Kissinger agreed and offered: "I think this will go away. I think we should just say after all we took corrective steps. We could have easily hidden it. I think you might as well *make a virtue of a necessity*." Nixon replied: "I don't like to have the feeling that the military can get out of control. Well, maybe this censures that. This says we do something when they . . ." and he stopped mid-sentence. Then he said, "It's just a hell of a damn. And it's a bad rap for him, Henry. . . . Laird knows goddamn well, that I told him, I said it's protective reaction. He winks, he says, 'Oh I understand.'"⁴²

Nixon vacillated between sympathy and practicality, but in the end, pragmatism won out. He took Kissinger's advice, telling the press Lavelle's dismissal "was appropriate."⁴³ A week later, Nixon elaborated: "Lavelle did exceed authorization; it was proper for him to be relieved and retired. And I think it will assure that kind of activity may not occur in the future."⁴⁴

Judging the Truth

Since the 1972 ruling by the Senate Committee on Armed Services, the evidence now available makes the failure of the 2010 Senate Committee on Armed Services to restore Lavelle's rank especially confounding, and that is equally true of Congress in the 2025 NDAA. The 2010 Senate Committee on Armed Services and William Webster's 2011 investigating committee both neglected sources providing strong arguments for why Lavelle should get his two stars back—Nixon's pattern of behavior, the results of Buzhardt's investigation, House

and Senate testimony, and documentation that has since been declassified.

Nixon reveled in making key decisions via covert or backchannel means, and he excelled in defying existing policy to suit his own ends. His February 3 direction to Bunker that Abrams "can hit SAM sites period—do it, but don't say it," was just one example of Nixonian decisionmaking. The President had used the same technique when he ordered the 1969 secret bombing of Cambodia without informing the Secretary of the Air Force or General Ryan.⁴⁵

Buzhardt's thorough investigation revealed that antiaircraft artillery fire may well have occurred and gone unnoticed on virtually all airstrikes. Moreover, even if the falsification of OPREP-4s transpired, Lavelle and his subordinates made no effort to hide the true results of the missions, and Lavelle's superiors received accurate mission summaries. The Joint Chiefs, the Air Staff, and the Secretary of Defense encouraged him to broaden the air war, and the loss of two fighters to radar netting caused him to take the advice and redefine "activated against." Indeed, two weeks after the IG arrived in Saigon and Lavelle halted protective reaction strikes, a North Vietnamese SAM downed an Air Force AC-130 gunship, killing all of its 13 crew members.⁴⁶

During the 1972 congressional hearings, several high-ranking officers tended to view Lavelle's interpretation of "activated against" differently, and the analysis of the 2010 Senate Committee on Armed Services, as well as the Webster committee and the 2024 Congress, failed to examine this key part of the Lavelle puzzle—the veracity of the testimony by others wearing four stars. Ryan contended that the North Vietnamese had netted their radar system since 1967, a dubious assertion that he then tried to amend. His description of the ROE to the House Armed Services Committee also rang hollow when he argued it had remained constant since 1968, and 3 months later told the Senate Committee on Armed Services that it had not because of the "radar activation" caveat.⁴⁷

As for Abrams, his remarks to Lavelle during the December 1971 staff meeting after the loss of an F-105 and F-4 to the North's netted radar system show that Abrams understood the dangers that netting posed. He told Lavelle to study the problem—with the implication being to find a solution for it. Abrams's January 6, 1972, message to Admiral McCain, Admiral Moorer, and General Ryan revealed that Abrams had accepted Lavelle's definition of "activated against." Yet he asserted to the Senate Committee on Armed Services that Lavelle had "acted improperly" regarding the ROE but could not remember any violations.⁴⁸ Additionally, he could not recall the strike on Dong Hoi when a MiG threatened B-52s.

The testimony of Joint Chiefs Chairman Moorer also contained dubious remarks. His comments about his role in coordinating the November 8, 1971, raid on the Quang Lang airfield were questionable. Furthermore, in the June 1972 Senate Committee on Armed Services hearing to confirm his reappointment as Chairman, Moorer offered observations regarding the chain of command that contradicted the personal arrangement he had secured with Nixon. Nixon had told Moorer to bypass Secretary of Defense Laird and report to him directly, while Moorer told Senator Margaret Chase Smith that the President would never bypass the Secretary of Defense in giving orders.⁴⁹

Lavelle was not perfect as 7th Air Force Commander. Yet the failure to provide clarity does not equate to an attempt to deceive. Lavelle is not the first, nor the last, commander who has failed to provide precision when issuing orders, but he may well be the first to be sacked and demoted because of his failure to be specific. He had no *intent* to deceive and kept his superiors *fully informed* of his actions.

In the final analysis, the Lavelle Affair stands as a test of American civil-military relations in the modern era of limited war. During the hearings, many editorial writers excoriated Lavelle for conducting his own private air war and trying to hide what he had done. So it must have seemed at the time. In reality, rather than usurping power,

Lavelle grappled with how best to stop an imminent enemy offensive that he could not attack directly—and how to achieve that goal without further endangering his aircrews; no aircraft were lost on any of the “unauthorized missions.” Meanwhile, he received guidance to interpret the rules “liberally,” along with promises of support. Lavelle interpreted the rules as suggested—and was cast adrift by his military chiefs, and ultimately by the President.

Today’s commanders are likely to face the same type of dilemmas, because many situations will demand interpretation. The ROE will likely contain phrases such as “activated against,” and seemingly sound guidance may quickly become lethal because the enemy gets a vote—and a savvy enemy will use the ROE to its own advantage. Moreover, presidential personalities will profoundly affect the use of military power, and air power in particular—the military instrument that seemingly offers the most gains for the least costs. Generals and admirals can possess personality defects as well; high rank is no guarantee of sound strategic thinking—and the integrity and responsibility that should accompany it. In addition, today’s era of 24/7 news cycles and social media will make dealing with such issues more difficult for not just a field commander but for any individual holding a high position.

Lavelle met his challenges with logic, integrity, and dignity, and the injustice that he received should finally be rectified. That acknowledgment can occur in one of two ways: the current Congress can do so through a provision in the fiscal year 2027 National Defense Authorization Act restoring his retired rank to four stars. The Senate Committee on Armed Services also has the power to accomplish the same objective by approving the recommendation from the 2016 Air Force Board for the Correction of Military Records that has now languished for a decade. Some members of the current Senate Committee on Armed Services staff, perhaps thinking that the FY 2025 NDAA resolved the question of Lavelle’s retired rank, have recently voiced objections to having Congress again consider the issue in the FY 2027 NDAA. Yet that should

not deter those who believe that Lavelle has been unfairly treated to take action in the forthcoming NDAA to rectify the previous miscarriage of justice.

Lavelle acted as he was ordered, and his just conduct saved American lives. A half-century after his actions, it is high time that he receives proper recognition for doing his duty. **JFQ**

Notes

¹ Louis L. Wilson Jr., Inspector General of the Air Force, “Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam” [hereafter “Report of Investigation”], March 20, 1972, 1–5, <https://www.yumpu.com/en/document/view/16595042/inspector-general-report-march-20-1972-with-attachments-pdf/7>.

² Aloysius Casey and Patrick Casey, “Lavelle, Nixon, and the White House Tapes,” *Air Force Magazine*, February 2007, 90, <https://www.airandspaceforces.com/article/0207tapes/>.

³ Wayne Thompson, *To Hanoi and Back: The U.S. Air Force and North Vietnam, 1966–1973* (Washington, DC: Smithsonian Institution Press, 2000), 205, <https://media.defense.gov/2010/Oct/01/2001329749/-1/-1/0/ToHanoiAndBack.pdf>.

⁴ Hearings before the Committee on Armed Services of the United States Senate, 92nd Cong., 2nd sess., “Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain” [hereinafter “Nomination of Lavelle, Abrams, and McCain”], September 18, 1972, 281. Emphasis added.

⁵ Quoted in John D. Lavelle, interview by John N. Dick Jr., McLean, VA, April 17–24, 1978, K239.0512-1036, Air Force Historical Research Agency (AFHRA), Maxwell AFB, AL, 575–76; “Nomination of Lavelle, Abrams, and McCain,” September 12, 1972, 55, 59–60.

⁶ “Nomination of Lavelle, Abrams, and McCain,” September 28, 1972, 444. Yet Moorer later stated during the hearing, “going to an airfield like Quang Lang, it would be, you know, the ultimate in nonprofessionalism if you just waited until you got there, flying at 500 or 600 knots, to decide what you are going to do in case you do get fired upon. So [air crews] make a very careful study of the antiaircraft sites, the missile sites, and say, if we get attacked, I want you to do this, you to do that. But if we do not get attacked, we just fly right on over and in this case, we had alternate targets in Laos that they would have gone on over and attacked.” See 463–64.

⁷ “Nomination of Lavelle, Abrams, and McCain,” September 18, 1972, 256.

⁸ Lavelle, interview by Dick, 578. See also “Nomination of Lavelle, Abrams, and McCain,”

September 12, 1972, 60, 85; Charles A. Gabriel, “Statement of Witness,” March 14, 1972, in Wilson, “Report of Investigation.”

⁹ “Nomination of Lavelle, Abrams, and McCain,” September 12, 1972, 20, 48, 50; September 19, 1972, 314; Lavelle, interview by Dick, 597–99.

¹⁰ “Nomination of Lavelle, Abrams, and McCain,” September 12, 1972, 50.

¹¹ Lavelle, interview by Dick, 592–93.

¹² Lavelle, interview by Dick, 587; Thompson, 206.

¹³ “Nomination of Lavelle, Abrams, and McCain,” September 12, 1972, 62–63, and September 13, 1972, 107–8; Lavelle, interview by Dick, 589–90.

¹⁴ “Nomination of Lavelle, Abrams, and McCain,” September 19, 1972, 291–92, 304–5; Lavelle, interview by Dick, 589.

¹⁵ For a thorough review of North Vietnamese air defenses, see Bernard C. Nalty, *Electronic Countermeasures in the Air War Against North Vietnam 1965–1973* (Washington, DC: Office of Air Force History, 1977), 1–13, and especially 10 on netting.

¹⁶ Hearing before the Armed Services Investigating Subcommittee on Armed Services, House of Representatives, 92nd Cong., 2nd sess., “Unauthorized Bombing of Military Targets in North Vietnam,” June 12, 1972, 34. See also Lavelle, interview by Dick, 637–39; “Nomination of Lavelle, Abrams, and McCain,” September 12, 1972, 55–56.

¹⁷ Transcript of December 19, 1971, Commanders Weekly Intelligence Estimate Update at MACV Headquarters, in *Vietnam Chronicles: The Abrams Tapes, 1968–1972*, ed. Lewis Sorley (Lubbock: Texas Tech University Press, 2004), 722; “Nomination of Lavelle, Abrams, and McCain,” September 11, 1972, 24, and September 13, 1972, 105.

¹⁸ Message, General Abrams to Admiral McCain, Info Admiral Moorer, General Ryan, General Clay, Admiral Clarey, and General Lavelle, 0405Z, January 6, 1972, Subject: “Iron Hand Expenditure,” Folder: COMUSMACV GENSER MSGS (January 1–14, 1972), Box 62, Admiral Moorer Records, RG 218, National Archives and Records Administration, College Park, MD.

¹⁹ “Nomination of Lavelle, Abrams, and McCain,” September 11, 1972, 24, and September 13, 1972, 105.

²⁰ “Nomination of Lavelle, Abrams, and McCain,” September 11, 1972, 9–11, 37.

²¹ “Nomination of Lavelle, Abrams, and McCain,” September 11, 1972, 31, 46; “Unauthorized Bombing of Military Targets in North Vietnam,” June 12, 1972, 22.

²² Two of those strikes listed as “unauthorized” included attacks on 130mm artillery, approved by President Nixon, on February 16–17, 1972. Those raids did not yield OPREP-4s.

²³ “Nomination of Lavelle, Abrams, and McCain,” September 15, 1972, 201.

²⁴ “Nomination of Lavelle, Abrams, and McCain,” September 15, 1972, 234–35, September 19, 1972, 288, 289, 300–301; IG interview of Charles Gabriel, March 12, 1972, in Wilson, “Report of Investigation,” appendix F.

²⁵ “Nomination of Lavelle, Abrams, and McCain,” September 19, 1972, 313.

²⁶ Interview of USAF General Michael P. C. Carns (Ret.) by the author, Alexandria, VA, September 30, 2016.

²⁷ Hearing before the Committee on Armed Services, United States Senate, 93rd Cong., 1st sess., “Certain Nominations in the Air Force and the Navy,” March 22, 1973, 5.

²⁸ “Meeting of President Nixon and the National Security Council,” in *The Nixon Tapes*, ed. Douglas Brinkley and Luke A. Nichter (Boston: Houghton Mifflin Harcourt, 2014), 367.

²⁹ “Nomination of Lavelle, Abrams, and McCain,” September 13, 1972, 106. Yet Abrams previously told the Senate Committee on Armed Services, “A MiG at Dong Hoi was important to me, because with the GCI that they had, it gave it—it could get properly handled as far south as Da Nang. And this meant then that if that was in fact true it extended the MiG threat for B-52s and other aircraft that much further south.” See p. 105.

³⁰ “Unauthorized Bombing of Military Targets in North Vietnam,” June 12, 1972, 35.

³¹ “Unauthorized Bombing of Military Targets in North Vietnam,” June 12, 1972, 43–44. See also “Nomination of Lavelle, Abrams, and McCain,” September 11, 1972, 21, 49.

³² Richard M. Nixon, *RN: The Memoirs of Richard Nixon* (New York: Grosset and Dunlap, 1978), 380–81.

³³ Hearings before the Committee on Armed Services, United States Senate, 93rd Cong., 1st sess., “Bombing in Cambodia” (Washington, DC: U.S. Government Printing Office, 1973), July 16, 1973, 2–12, and July 20, 1973, 132–33. B-52s dropped 120,578 tons of bombs on Cambodia during the 15-month span. See Carl Berger, ed., *The United States in Southeast Asia, 1961–1973: An Illustrated Account* (Washington, DC: Office of Air Force History, 1984), 141, <https://apps.dtic.mil/sti/citations/ADA045012>.

³⁴ “National Security Council Meeting,” *Foreign Relations of the United States* (hereafter, *FRUS*), 1969–1976, vol. VIII, *Vietnam: January–October 1972* (Washington, DC: U.S. Government Printing Office, 2010), 58, <https://history.state.gov/historicaldocuments/frus1969-76v08>. See also in “Meeting of President Nixon and the National Security Council,” *The Nixon Tapes*, 375. Emphasis added.

³⁵ “Conversation Among President Nixon, the President’s Assistant for National Security Affairs (Kissinger), and the Ambassador to South Vietnam (Bunker),” February 3, 1972, *FRUS, Vietnam: January–October 1972*, 73–74. See also in “Oval Office Meeting with Nixon, Bunker, and Kissinger,” *The Nixon Tapes*, 387–88.

³⁶ “Conversation Among President Nixon, Kissinger, and Bunker,” *FRUS, Vietnam:*

January–October 1972, 74–75. See also in “Oval Office Meeting with Nixon, Bunker, and Kissinger,” *The Nixon Tapes*, 388–89.

³⁷ “Conversation Among President Nixon, Kissinger, and Bunker,” *FRUS, Vietnam: January–October 1972*, 75–76. See also in “Oval Office Meeting with Nixon, Bunker, and Kissinger,” *The Nixon Tapes*, 389.

³⁸ Message, Admiral Moorer to Admiral McCain and General Abrams, 2334 Zulu 5 February 1972, Copies of this message also went to the four Service chiefs. Record Group 218, Records of the Joint Chiefs of Staff—Admiral Thomas H. Moorer, National Archives and Records Administration, Suitland, Maryland.

³⁹ “Memorandum for the President from Henry A. Kissinger, Subject: Secretary Laird’s Daily Report on Southeast Asia Situation,” February 8, 1972; Folder: Vietnam, January–February 1972 (2 of 3); Box 158, National Security Council Files, Nixon Presidential Library, Yorba Linda, CA. Also in *FRUS, Vietnam: January–October 1972*, 84.

⁴⁰ “Unauthorized Bombing of Military Targets in North Vietnam,” December 15, 1972, 1.

⁴¹ Transcript of Oval Office conversation among President Richard Nixon, National Security Advisor Henry Kissinger, and Secretary of State William Rogers, The White House, June 14, 1972, Nixon Tapes Project, Conversation 733-003b (10:04–11:07 a.m., June 14, 1972).

⁴² Transcript of Oval Office conversation among President Richard Nixon, National Security Advisor Henry Kissinger, and Secretary of State William Rogers. Emphasis added.

⁴³ “Transcript of the President’s News Conference Emphasizing Domestic Affairs,” *New York Times*, June 23, 1972, <https://www.nytimes.com/1972/06/23/archives/transcript-of-the-presidents-news-conference-emphasizing-domestic.html>.

⁴⁴ “Transcript of the President’s News Conference Emphasizing Foreign Affairs,” *New York Times*, June 30, 1972, <https://www.nytimes.com/1972/06/30/archives/transcript-of-president-nixons-news-conference-emphasizing-foreign.html>.

⁴⁵ William Shawcross, *Sideshow: Kissinger, Nixon, and the Destruction of Cambodia* (New York: Simon and Schuster, 1979, 1981), 29.

⁴⁶ Lavelle Oral History interview, 673.

⁴⁷ “Nomination of Lavelle, Abrams, and McCain,” September 18, 1972, 245.

⁴⁸ “Nomination of Lavelle, Abrams, and McCain,” September 13, 1972, 108.

⁴⁹ *U.S. Senate Committee on Armed Services hearing, Nomination of Admiral Thomas H. Moorer, USN, for Reappointment as Chairman, Joint Chiefs of Staff, June 22, 23, 29, 1972* (Washington, DC: U.S. Government Printing Office, 1972), 20.