

THE LAVELLE AFFAIR:
AN AIR FORCE CASE STUDY IN ETHICS

BY
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APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

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DISCLAIMER

The conclusions and opinions expressed in this document are those of the author. They do not reflect the official position of the US Government, Department of Defense, the United States Air Force, or Air University.



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ABSTRACT

This study tells the story of General John D. Lavelle's dismissal as Commander, Seventh Air Force, during the Vietnam War. Tracing the life and career of General Lavelle prior to outlining the events surrounding his 1972 dismissal, the author then outlines the trajectories of the Lavelle case. The Lavelle affair represented to some a negative example of civil-military relations; to others, it represented a case study in ethical transgressions. As such, the story of General Lavelle's wartime command experiences became a case study in ethics and integrity within Air Force professional military education. The release of previously declassified information between 2006 and 2010 forced a reassessment of the Lavelle narrative. However, the Lavelle case would prove resilient to the sands of time, persisting within Air University studies. The author's conclusions highlight the limits of knowledge, the bounds of truth, and the nature of change within organizations. In the end, however, the overall picture painted is one of the redemption and reassessment of the career of General John D. Lavelle.



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Introduction

Reports of General John Daniel “Jack” Lavelle’s removal as Commander, Seventh Air Force, during the Vietnam War headlined major news sources throughout much of 1972. During the first week of March, Iowa Senator Harold Hughes received a letter from Sergeant Lonnie D. Franks, an intelligence specialist assigned to one of General Lavelle’s combat wings, in which Sergeant Franks alleged falsification of classified post-mission reports for operations into North Vietnam. The letter bounced around Washington, after which Chief of Staff of the Air Force General John Ryan directed the Air Force’s Inspector General (IG) to conduct a formal investigation.¹ Conducting interviews at Seventh Air Force Headquarters in Vietnam and the 432nd Tactical Reconnaissance Wing in Thailand, Lieutenant General Louis Wilson concluded that General Lavelle had, in fact, authorized 28 strikes between November 1971 and March 1972 under a liberal interpretation of the Rules of Engagement (ROE) and subsequently directed reporting procedures “to cover the true nature of these missions.”^{2,3} General Lavelle, the Air Force’s Inspector General contended, exceeded his authorities on 28 of the more than twenty five thousand missions that took place under his command, with falsified reports on four of the 28 protective reaction missions.^{4,5} Within a week, General Lavelle was back in Washington, meeting the chief about the results of the Inspector General’s

¹ Lt Gen A.J. Russell, assistant vice chief of staff, US Air Force, to Maj Gen Louis L. Wilson, Jr., inspector general, US Air Force, letter, subject: Investigation, 8 March 1972 with 2 attachments in Maj Gen Louis L. Wilson, Jr., *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, 20 March 1972.

² House, *Unauthorized Bombing of Military Targets in North Vietnam*, Report of the Armed Services Investigating Subcommittee of the Committee on Armed Services, 92nd Cong., 2nd sess., 15 December 1972, 5.

³ Maj Gen Louis L. Wilson, Jr., *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, 20 March 1972, 4.

⁴ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, 4.

⁵ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 5 & 10.

investigation and weighing his options: the medical retirement offered by General Ryan, or reassignment in his permanent rank of Major General. After waiting unsuccessfully to speak to Secretary of Defense Melvin Laird or Secretary of the Air Force Robert Seamans, General Lavelle, according to General Ryan, “was retired at his request for personal and health reasons,” effective 7 April 1972.^{6,7} Never before had a general been retired below his temporary rank, an ominous precedent that would soon attract the attention of US politicians and journalists.⁸

Unquestioning observers might have believed that medical ailments drove General Lavelle into retirement, effectively ending his career; however, medical retirement certainly did not put an end to his story. Despite attempts within the Department of Defense to control the narrative, a firestorm of questions ensued and precipitated formal investigative hearings by the House and Senate Armed Services Committees in June and September of 1972 respectively. The first of the inquiries began in the House on June 12, after the Air Force answered information requests with “stony silence.”⁹ The House Armed Services Investigating Subcommittee, initially concerned with the events surrounding the general’s retirement, met to consider the legitimacy of air operations conducted under General Lavelle’s direction as Seventh Air Force Commander, whereas the Senate Armed Services Investigating Subcommittee conducted a formal inquiry into the general’s retirement request. As the House and Senate investigative hearings were undertaken, the investigation of General Lavelle’s wartime command played out in a very public manner. As foreshadowed by the House

⁶ Gen John D. Lavelle, US Air Force Oral History Interview by Lt Col John N. Dick, Jr. 17-24 April 1978, transcript, p. 642-646, US Air Force Historical Research Agency, Maxwell AFB, AL.

⁷ House, *Inquiry on Retirement of General John D. Lavelle: Stenographic Transcript of Hearings before the Committee on Armed Services*, 92nd Cong., 2nd sess., 12 June 1972, 4, US Air Force Historical Research Agency. Maxwell AFB, AL.

⁸ House, *Inquiry on Retirement of General John D. Lavelle*, 18.

⁹ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 1.

investigative subcommittee, “It has been suggested by DoD that, at least initially, the secrecy which it imposed in this case was imposed to protect General Lavelle from embarrassment. By having just summarily relieved him of his command, reduced him in rank, and caused him to retire, it is difficult to understand how either the Air Force or DoD could have added to the General’s embarrassment. Therefore, one might be excused for entertaining an uneasy feeling that someone other than General Lavelle could be receiving the benefits of this secrecy.”¹⁰ General Lavelle would stand by his version of events throughout the hearings, retiring officially at the rank of major general.

The narrative of General Lavelle’s conduct during his tenure in Vietnam took off on disparate but related trajectories. To many, General Lavelle’s apparent oversight of unauthorized bombing raids signaled just one of the many things wrong with the Vietnam War. Lavelle was labelled a “rogue general” who acted alone in violation of wartime restraints. As reported by *The New York Times* in the fall of 1972, “Air Force spokesmen have repeatedly told newsmen both in Washington and Saigon that ‘General Lavelle alone was responsible for the air raids.’”¹¹ The “rogue general” narrative seemingly threatened the principle of civilian control over the military. As such, the story of General Lavelle’s wartime command has subsequently been cited in scholarly articles and studies as a negative example of civil-military relations. Some have even suggested that, by undermining the concept of war requiring legitimate authority for its conduct, this constituted a violation of just war theory.¹² A strict interpretation of just war theory requires the criterion of legitimate authority upheld both leading into war and during the conduct of hostilities. By these standards, General Lavelle’s actions are

¹⁰ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 7.

¹¹ Seymour M. Hersch, “Sergeant Says 200 Men Helped Falsify Bomb Data,” *New York Times*, 7 September 1972, 1 & 4.

¹² Kenneth W. Kemp, “Just-War Theory: A Reconceptualization,” *Public Affairs Quarterly* 2, no. 2 (April 1988): 65.

considered unjust regardless of his intentions or the nature of the targets struck. However, an assault upon the tenet of legitimate civilian authority over military matters was not the only trajectory of the Lavelle case.

The Lavelle narrative also proceeded on an ethical trajectory, highlighting the importance of integrity within military command and the perils of a lack of a moral and ethical compass. The case of General Lavelle, involving as it did apparent falsification of official reports, was often cited as a negative ethical example, mainly within the US Air Force. Professional military journal articles analyzed the Lavelle case through an ethical lens, as did professional military education studies. The US Air Force institutionally endorsed the findings of the Lavelle case and thus repeatedly taught it to generations of Air Force officers during formal professional military education courses. However, the apparent facts would soon prove subject to revision, calling into question the overall picture of what happened under General Lavelle's command and the ethical lessons to be learned from the Lavelle case.

More than thirty years after General Lavelle's dismissal as a wartime air commander, the "facts" surrounding the Lavelle case started to unravel. Lieutenant General Aloysius Casey and his son Patrick, a Pennsylvania attorney, unearthed new evidence related to the events of 1972 while researching a biography of General Jerome F. O'Malley, then a colonel and vice commander of the 432nd Tactical Fighter Wing in Thailand. Their discovery, made public in the February 2007 issue of *Air Force Magazine*, was made possible by release of presidential recordings and declassification of Joint Chiefs of Staff communications.¹³ The 2010 publication of the Department of State's *Foreign Relations of the United States (FRUS)* Vietnam series later provided further clarity, highlighting

¹³ Aloysius G. Casey and Patrick A. Casey, "Lavelle, Nixon, and the White House Tapes," *Air Force Magazine* 90, no. 2 (Feb 2007): 86-87.

senior-level decision making revealed through personal papers and taped conversations of President Richard Nixon, Secretary of State and National Security Advisor Henry Kissinger, and Chairman of the Joint Chiefs Admiral Thomas Moorer, among others. These new sources strongly suggested that General Lavelle did not act alone, but rather, with higher authority to conduct the raids in question. More broadly, they indicated that the evidence used to dismiss General Lavelle was incomplete. A flurry of reporting in the press ensued as the Lavelle family fought to clear the name of their loved one, a man who stood by his version of events until his death at age 62, only seven years after his wartime dismissal and subsequent retirement. The battle to reinstate General Lavelle to his previous rank and restore his reputation would prove an uphill one, a struggle against government bureaucracy and against residual conflicting accounts of the “truth.”

The formal process to retire General Lavelle posthumously in the grade of O-10 proceeded unhindered until considered by the Senate Armed Services Committee. Despite endorsement by President Barack Obama to restore General Lavelle posthumously to the rank of four-star General, Senators John McCain and Carl Levin deferred decision and requested further Department of Defense investigation in a December 2010 memorandum to Secretary of Defense Robert Gates. Senators McCain and Levin cited documents in the then recently released volumes of the *Foreign Relations of the United States* series, conflicting sworn testimony by general officers, and inadequate treatment of allegations that General Lavelle falsified documentation by the Air Force Board for Correction of Military Records.¹⁴ More than five years later, no resolution on the Lavelle case has occurred, and disagreement and doubt as to the actual course of events that culminated in General Lavelle’s

¹⁴ John McCain, ranking member, and Carl Levin, chairman, Senate Armed Services Committee, to Robert M. Gates, secretary of defense, letter, 20 December 2010.

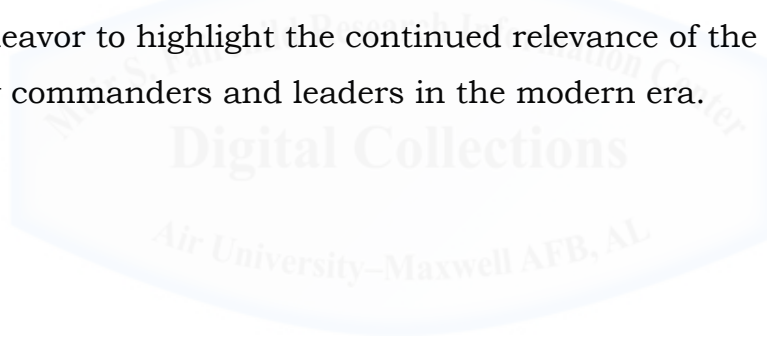
retirement remain. In short, without further action by the Department of Defense and the Senate Armed Services Committee, the Lavelle narrative will remain unresolved.

Although the Air Force seemed to reconcile its institutional account of the Lavelle case in 2009 through the Board for Correction of Military Records (BCMR) process, incomplete or inaccurate versions of the Lavelle narrative persist. This persistence is perhaps due to the fact that generations of military officers learned about integrity with General Lavelle held up as a case study of negative ethical behavior. Captains through colonels encountered formal syllabus events during professional military education that analyzed General Lavelle's actions based on the facts known at the time. Without an official rewrite of the Lavelle story, military officers past and present may continue to remember General John Lavelle as a wartime commander who defied rules of engagement and directed his subordinates to falsify post-mission reports, thereby clearly violating standards of integrity demanded by the military code of ethics.

I was first introduced to the Lavelle case by Dr. Richard Muller after showing interest in researching an ethical biography. The story of General John Lavelle proved intriguing because in the study of airpower, the tendency exists to focus upon positive examples and discount negative examples as aberrations. However, the same does not necessarily hold true in the studies of ethics under the broader umbrella of airpower studies. Negative examples more often prevail when teaching Airmen, soldiers, sailors, and marines how to lead others both morally and ethically. However, what it means to act morally and ethically is a multifaceted subject, made even more complex by the nuances of limited war. In addition, one must consider to what extent the Lavelle case continues to have relevance to the modern military professional in light of the primacy of limited warfare in the twenty first century and a

renewed emphasis upon ethical decision making within the Department of Defense.

The historical details that comprise the Lavelle case alone deserve consideration. As such, this analysis will first focus upon General Lavelle's life, career, and the events surrounding his 1972 dismissal as Commander of Seventh Air Force. These events will be explored as a foundation for studying ethical decision-making and, more significantly, how an institution educates its rising leaders. This study will subsequently emphasize the trajectories of the Lavelle narrative and attempt to document how accounts of General Lavelle's wartime experiences came to educate numerous Air Force, joint service, and international officers through Air Force professional military education (PME). However, this study is not solely rooted in the past. Rather, it will endeavor to highlight the continued relevance of the Lavelle case for military commanders and leaders in the modern era.



Chapter 1

The Life and Career of General Lavelle

General John Daniel “Jack” Lavelle served the United States during both World War II and the Korean War, spending approximately thirty years in uniformed service by the time he assumed a position that could be viewed as the pinnacle for an Airman during the Vietnam War. His assignment as Commander of Seventh Air Force, Tan Son Nhut Airfield, Republic of Vietnam, also entailed service as Deputy Commander of Air Operations, US Military Assistance Command in Vietnam (MACV) under General Creighton William Abrams Jr., US Army. As Seventh Air Force Commander, General Lavelle was “responsible for all Air Force combat air strike, air support and air defense in mainland Southeast Asia. In his MACV capacity, he advise[d] on all matters pertaining to effective use of tactical air support and coordinated Vietnamese Air Force and US air operations of all units in the MACV area of responsibility.”¹ However, the formative experiences of General Lavelle began well before he assumed command on 1 August 1971.

General Jack Lavelle grew up amid the worldwide economic depression of the early twentieth century, developing a hardworking ethic early in life that would carry over into his military career. Raised in Cleveland, Ohio during the height of the Great Depression, Jack Lavelle was the third of four children of first generation Irish American parents, his father a captain in the city fire department and his mother a homemaker. As stated by Lavelle, “I worked from about the sixth grade

¹ “Biography: Major General John Daniel Lavelle,” Official United States Air Force website, updated 4 August 2010, accessed 27 July 2015, <http://www.af.mil/AboutUs/Biographies/Display/tabid/225/Article/106469/major-general-john-daniel-lavelle.aspx>

on but so did everyone else.”² His employment as a youth allowed Jack to buy food for his family and to attend Cathedral Latin High School, where he paid \$50 in annual tuition until his graduation in 1934.^{3,4} While the depression wore on, the Lavelle household expanded to include twelve members in a rented three bedroom one bath home. As crowded as their home became, Jack experienced a stable home life, later recollecting in his oral history interview, “as hard up as we were, we were wealthy.”⁵

Jack Lavelle initially had no interest in furthering his education beyond high school and wanted to follow in his father’s footsteps as a firefighter, but to the elder Lavelle, whose education culminated in the fourth grade, his only son’s education was paramount.⁶ Jack thus enrolled at John Carroll University, initially studying the physical sciences and playing basketball for two years on a partial scholarship. Lavelle maintained full-time employment at the local steel mill to pay his \$250 yearly tuition. Despite interest in chemistry and physics, his employment did not allow the time to attend the requisite laboratory classes. Pragmatic considerations thus prevailed and Jack changed his major to mathematics, earning a Bachelor of Science degree in 1938.⁷ Following a brief stint as a traveling salesperson, Jack Lavelle simultaneously applied for executive training at General Electric and General Motors as well as aviation training with the US Navy and US Army Air Corps. A friend introduced Lavelle to the prospect of utilizing the aviation cadet program as a stepping-stone to becoming an airline pilot. Not only did aviation offer a financially secure future, but the

² Gen John D. Lavelle, US Air Force Oral History Interview by Lt Col John N. Dick, Jr. 17-24 April 1978, transcript, p. 3, US Air Force Historical Research Agency, Maxwell AFB, AL.

³ Lavelle, Oral History Interview Transcript, 21-22.

⁴ Cathedral Latin Alumni Association, “Class List 1933-1934,” <http://www.clatin.com/class-list-1933-1934/>

⁵ Lavelle, Oral History Interview Transcript, 11 and 21.

⁶ Lavelle, Oral History Interview Transcript, 19-22.

⁷ Lavelle, Oral History Interview Transcript, 16.

prospect of flying pursuit aircraft also offered adventure. He later noted of his time accompanying his father while on rescue duty at the National Air Races, "I'm sure those air races and the day after day after day I spent watching them was what made me want to be a fighter pilot, or pursuit pilot as they called them in those days."⁸ The US Army Air Corps accepted Lavelle into its aviation cadet program before responses from other job prospects arrived. Within a year of college graduation, Jack Lavelle embarked upon what would become an extended and largely distinguished professional military career.

Enlisted as a US Army Air Corps aviation cadet, General Lavelle soon came to appreciate a broader perspective outside of Cleveland, Ohio. "Prior to World War II, not till I got into the cadet program, did I realize there was a world out there and the world was at unrest."⁹ He completed the aviation cadet program, training in the PT-3, BT-9 and BT-14 and earning his wings and a commission in June of 1940.¹⁰ Serving as what today is referred to as a first assignment instructor pilot (FAIP), he spent the dawn of his career in Training Command, serving as initial cadre in the opening of Waco Army Air Field as the US Army Air Corps increased throughput of pilot training on the eve of World War II.¹¹ Responsibility came fast for then Major Lavelle, who at the age of 25 commanded a flying training squadron consisting of 300 officers, 3000 enlisted personnel, and 600 aviation cadets before reporting for duty in combat.¹² World War II would provide Lavelle his first wartime command experience, leading the 412th Fighter Squadron, a P-47 unit, as it provided air-to-ground support throughout the European Theater of Operations.¹³

⁸ Lavelle, Oral History Interview Transcript, 28-31.

⁹ Lavelle, Oral History Interview Transcript, 36.

¹⁰ Lavelle, Oral History Interview Transcript, 43-51.

¹¹ "Biography: Major General John Daniel Lavelle."

¹² Lavelle, Oral History Interview Transcript, 98.

¹³ Lavelle, Oral History Interview Transcript, 126, 130 & 140.

Jack Lavelle continued his meteoric rise through the ranks upon returning from combat. After World War II and repeatedly throughout his career, General Lavelle served in a wide range of staff and command positions, becoming involved in high-impact projects, and crossing paths with a number of influential and iconic figures within the air force and national security apparatus. His first assignment after World War II required he take over as Deputy Chief of Statistical Services, Headquarters Air Materiel Command from then Lieutenant Colonel Robert Strange McNamara, the future Secretary of Defense.^{14,15} In his assignment with Statistical Services, Lavelle would travel to Washington monthly to inform senior Department of Defense officials on the US Army Air Forces' progress in reducing surplus following World War II. During this time, Lavelle briefed then General Dwight D. Eisenhower, Secretary Stuart Symington, General Omar Bradley, General Carl "Tooey" Spaatz, and General Ira Eaker, with whom he developed a close friendship.¹⁶ As the Air Force established its independence in 1947, he subsequently served as one of two Air Force officers who negotiated and subsequently authored agreements between the Army and Air Force outlining the division of assets.¹⁷

Air Force service would next take the Lavelle family overseas, where Jack would serve in staff and command positions during the Korean War, but not see combat as he had in World War II. His assignments with Far East Air Materiel Command culminated as Commanding Officer of the Supply Depot at Tachikawa Air Base, Japan, where he earned the Legion of Merit for reorganizing the theater supply system and streamlining supply procedures by shipping supplies directly

¹⁴ "Biography: Major General John Daniel Lavelle."

¹⁵ Lavelle, Oral History Interview Transcript, 152.

¹⁶ Lavelle, Oral History Interview Transcript, 154-156 & 163.

¹⁷ "Biography: Major General John Daniel Lavelle."

from the United States to military bases in Korea.^{18,19} Lavelle would then serve as commander of McGuire Air Force Base, the 568th Air Defense Group, and subsequently the Military Air Transport Service (MATS) Transport Wing at McGuire AFB, where he bolstered relationships with the local community.^{20,21,22} A year at Air War College served as a respite for both then Colonel Lavelle and his family. Of Air War College, General Lavelle would later recall, “We talked about things I had never thought of in my military career. I had never been in Washington and never been in a higher headquarters, and we talked about politics, planning, international aspects, and where the military fit in. I had never thought of these things. I had always been out in the field...I guess I never had time to sit down and think about it; if I had, I would have realized there was more to the Air Force than flying airplanes.”²³ Jack Lavelle would very soon have an opportunity to serve in a higher headquarters and to make use of the knowledge gained during his year in professional military education.

The upward trajectory of General Lavelle’s career continued into the late 1950s and throughout the 1960s. During this time, General Lavelle served in a variety of staff positions, both on the Air Staff and with NATO, before serving as commander of Seventeenth Air Force, Ramstein Air Base, Germany from 1966 until December of 1967.²⁴ In his capacity as commander of Seventeenth Air Force, General Lavelle was

¹⁸ Col John D. Lavelle, commanding officer, 6400th Supply Group Depot, to commanding general, Far East Air Materiel Command, memorandum, subject: Historical Report for January 1952, 13 February 1952, US Air Force Historical Research Agency, Maxwell AFB, AL. Document is now declassified.

¹⁹ “Biography: Major General John Daniel Lavelle.”

²⁰ “Biography: Major General John Daniel Lavelle.”

²¹ History, 1611th Air Transport Wing (MATS), McGuire Air Force Base, 1 January 1954 – 30 June 1954, US Air Force Historical Research Agency, Maxwell AFB, AL. Document is now declassified.

²² Col Lavelle also served as Executive Officer to Brigadier General George B. Dany after the complete standup of the 1611th Air Transport Wing as outlined in History, 1611th Air Transport Wing, Medium, McGuire Air Force Base, New Jersey, 1 July 1955 – 31 December 1955, US Air Force Historical Research Agency, Maxwell AFB, AL.

²³ Lavelle, Oral History Interview Transcript, 233.

²⁴ “Biography: Major General John Daniel Lavelle.”

entrusted with combat air forces, armed with both nuclear and conventional weapons and positioned throughout Europe during the height of the cold war.²⁵ However, his subsequent assignment with the Defense Communications Planning Group (DCPG) would prove noteworthy on many levels. During three years that culminated as DCPG Director, General Lavelle gained intimate familiarity with the Southeast Asia theater, spending half of his time stateside and the other half in Vietnam and Thailand, travelling overseas thirteen times during 1967 alone.²⁶ General Lavelle reported directly to Secretary of Defense Robert McNamara, and then Secretary Melvin Laird starting in 1969, in his capacity directing the implementation of a high technology, anti-infiltration barrier to interdict personnel and supplies from North Vietnam along the Ho Chi Minh Trail.^{27,28} National Security Action Memorandum 358 placed the barrier, codenamed Project PRACTICE NINE, in the highest national priority category effective January 1967.²⁹ Directing this project put General Lavelle in a delicate position balancing the imperatives of the Office of the Secretary of Defense (OSD), the exigencies of war, and the preferences of the individual services. However beneficial to his knowledge of the theater of war, Lavelle would later recollect tensions during his interactions with Chief of Staff of the Air Force General John Ryan while serving as DCPG Director, with the chief expressing displeasure when mandated to send LORAN-equipped

²⁵ History, Seventeenth Air Force, 1 July-31 December 1967, Volume I, US Air Force Historical Research Agency. Document is now declassified.

²⁶ Lavelle, Oral History Interview Transcript, 497-498.

²⁷ Thomas G. Mahnken, *Technology and the American Way of War Since 1945* (New York, NY: Columbia University Press, 2008), 107-109.

²⁸ Details of the project are also outlined in the unpublished autobiography of Col Norbert L. Simon, "Lead Follow, or Get The Hell Out of My Way: The Not So Warm, Fuzzy Story of My Experiences as the Commander, 56th Special Operations Wing, Nakom Phenom Air Base, Thailand, June-December 1972," 55-58, US Air Force Historical Research Agency. Maxwell AFB, AL.

²⁹ Walt Whitman Rostow, National Security Action Memorandum No. 358, 13 January 1967. Document is now declassified.

F-4s overseas to meet Project PRACTICE NINE requirements.³⁰ Lavelle subsequently served as vice commander of Pacific Air Forces for less than a year, but his assignment with the Defense Communications Planning Group would prove most valuable and significant to his successive time in theater.

Vietnam

General Jack Lavelle's time as Director of the Defense Communications Planning Group was not the only event of the late 1960s that would shape his tenure as commander of Seventh Air Force. A bombing halt agreement in the fall of 1968 precipitated an array of rules of engagement (ROE) that would still be in place during General Lavelle's command. The agreement to discontinue US bombing of North Vietnam brought an end to more than three years of bombardment under Operation ROLLING THUNDER. After months of negotiations by senior diplomats in Paris, President Lyndon Johnson announced to the nation "I have now ordered that all air, naval, and artillery bombardment of North Vietnam cease as of 8 a.m. Washington time, Friday morning [1 November, 1968]. I have reached this decision on the basis of the developments in the Paris talks. And I have reached it in the belief that this action can lead to progress toward a more peaceful settlement of the Vietnamese War."³¹ However, strict cessation of bombardment activities over North Vietnam would soon erode, partially based upon perceived operational necessity.

Despite the President's declaration, the bombing halt was by no means instantaneous. Commanders were still authorized to protect

³⁰ Lavelle, Oral History Interview Transcript, 442 and 446.

³¹ President Lyndon Johnson's announcement of U.S. Bombing Halt, October 31, 1968, Department of State Bureau of Public Affairs Release No. 1168, November 1968 in Gareth Porter, ed., *Vietnam: A History in Documents* (New York, NY: Meridian Books, 1981), 372.

friendly forces attacked by North Vietnamese weapons firing either across or from within the DMZ.³² US military forces continued to conduct reconnaissance flights to keep US leaders and decision-makers apprised of the threat situation in North Vietnam, threats which could be utilized against forces south of the demilitarized zone. Following the loss of an unarmed reconnaissance aircraft, protective escort procedures were implemented and escort aircraft were “armed, prepared and authorized to provide suppressive fire in the event the reconnaissance aircraft was taken under attack.”³³

Reconnaissance aircraft flew escorted to ensure their safety and escort aircraft were allowed to return fire if fired upon, or in other words, conduct protective reaction strikes in accordance with JCS-approved rules of engagement. Although the ROE consisted of a myriad of messages relayed through the chain of command, the rules were repeatedly abridged as follows in investigative subcommittee hearings: “Fighter aircraft may strike any SAM or AAA site below 20 degrees North which fires at or is activated against US aircraft conducting missions over Laos or North Vietnam.”³⁴ General Creighton Abrams, Commander, MACV, was reported to state with regards to preplanned protective reaction strikes, “as a matter of policy, this country insisted on the right of free overflight of North Vietnam to maintain surveillance of the activity going on there, and that we would take whatever action necessary to preserve this right.”³⁵ As outlined by Colonel Charles Gabriel, Wing Commander, 432nd Tactical Reconnaissance Wing, the most common type of escort missions flown from November 1968 until early 1972,

³² House, *Inquiry on Retirement of General John D. Lavelle: Stenographic Transcript of Hearings before the Committee on Armed Services*, 92nd Cong., 2nd sess., 12 June 1972.

³³ House, *Inquiry on Retirement of General John D. Lavelle*.

³⁴ Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*. 92d Cong., 2d sess., Congressional Record vol. 118, part 26, 11 October 1972, 34869.

³⁵ Gen Creighton Abrams, commander, US Military Assistance Command in Vietnam, interview summary in Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab D.

termed “Standard Tester” missions, consisted of one R-F4C reconnaissance aircraft with two F-4s serving as armed escorts. The escort fighters were allowed to expend munitions only after fired upon and only on the North Vietnamese system or associated equipment that was a threat to their specific mission.³⁶

Several factors and events occurring between the 1968 bombing halt agreement and his 1972 dismissal influenced General Lavelle’s interpretation of the rules of engagement for protective reaction strikes. The gradual buildup, integration, and aggressiveness of North Vietnamese defenses, comments from senior Department of Defense officials, and the loss of US servicemembers all factored into General Lavelle’s judgement of the situation. To Lavelle, the issues at hand fundamentally required the discernment of a commander, stating to Congressman Pike during questioning before the House investigating subcommittee, “The standing rules that covered the rest of the normal operations I did believe, and I still believe, require judgment on the part of the commander.”³⁷ As such, General Lavelle utilized his judgement in guiding the pre-existing ROEs from the literal interpretation described above to a more liberal interpretation that endorsed striking preplanned targets under the umbrella of protective reaction. Discussion of the aforementioned factors guiding a liberal interpretation of the rules of engagement follows.

As noted, the continuing buildup, integration, and aggressiveness of North Vietnamese defenses, comments from senior officials, and the loss of American lives all influenced General Lavelle’s judgement of the evolving situation in Vietnam. Primarily, the unprecedented sanctuary afforded to North Vietnamese forces factored into the situation encountered by US warfighting personnel. North Vietnamese forces

³⁶ Col Charles A. Gabriel, wing commander, 432nd Tactical Reconnaissance Wing, interview summary in Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab F.

³⁷ House, *Inquiry on Retirement of General John D. Lavelle*, 23.

enjoyed sanctuary within their nation since the November 1968 implementation of the bombing halt agreement, moving supplies with impunity for over three years, thereby placing US personnel at a “tremendous tactical disadvantage.”³⁸ US forces were thus only allowed to interdict military supplies once the supplies reached Laos, of which the House Investigating Subcommittee proclaimed, “It is difficult to conceive a more unrealistic military situation.”³⁹ Sanctuary afforded the North Vietnamese the ability to not only move supplies across their nation, but to build up their air defense system gradually, emplacing anti-aircraft artillery (AAA) and surface-to-air-missiles (SAMs), expanding their radar control network, and steadily improving its MiG force.⁴⁰

In addition to steadily building up their air defense forces, the North Vietnamese made a myriad of technical improvements that increasingly countered US capabilities. Integration, or netting, of air defense radars allowed air defense forces to fire SAMs and AAA without activation of the associated target tracking radars, thereby reducing the usefulness of onboard aircraft radar warning receivers. As stated by Senator Schweiker during General Lavelle’s September 1972 testimony, “netting is the key to your position, and the key, I guess, to the whole controversy.”⁴¹ The greatest threat came from SA-2 Guideline missiles fired with target tracking information from early warning air defense radars, thereby making activation of the Fan Song target tracking radar unnecessary.⁴² Without activation of the Fan Song radar, pilots received no missile warning indications until the missile was already in the air,

³⁸ House, *Unauthorized Bombing of Military Targets in North Vietnam*, Report of the Armed Services Investigating Subcommittee of the Committee on Armed Services, 92nd Cong., 2nd sess., 15 December 1972, 10.

³⁹ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 10.

⁴⁰ Marshall L. Michel III, *Clashes: Air Combat Over North Vietnam 1965-1972* (Annapolis, MD: Naval Institute Press, 1997), 188 and 190.

⁴¹ Senate, *Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain, Hearings before the Committee on Armed Services*, 92d Cong., 2d sess., 11 September 1972, 32.

⁴² Senate, *Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain*, 11 September 1972, 32-33.

thereby significantly reducing reaction time and increasing the risk to aircrew lives. Optical guidance drastically reduced the signals required for missile guidance and Guideline missiles soon became equipped with jamming-resistant transponders, further rendering US countermeasures ineffective.⁴³

Not only did the refuge afforded North Vietnamese forces and the ability to integrate their defenses play into the situation encountered by US forces, but North Vietnamese aggressiveness steadily increased following the bombing halt agreement. As stated by Marshall Michel, “in 1971, slowly—indeed, almost imperceptibly—the air war began to change” following the March loss of an F-4, the first US aircraft lost over North Vietnam since 1968.⁴⁴ “Standard tester” reconnaissance flights continued in which reconnaissance aircraft flew accompanied by two armed escorts, thereby permitting free overflight for the purpose of surveillance.⁴⁵ The aggressiveness of adversary forces peaked during the winter 1971-2 dry season, in which MiG incursions into northern South Vietnam and Laos increased by a factor of 15 from the previous year. During that same time period, SAM firings increased ten-fold.⁴⁶ North Vietnamese forces also posed an increasing threat to other aircraft types and missions, thereby influencing a more liberal interpretation of the rules of engagement. As delineated in the Air Force Inspector General’s Report, the increasing threat posed by surface-to-air missiles and MiGs restricted the use of B-52 bombers and AC-130 Gunships and factored into General Lavelle’s judgement of the situation.⁴⁷

As the North Vietnamese threat increased, mixed messages from senior US officials further muddied an already complex situation.

⁴³ Michel III, *Clashes*, 209.

⁴⁴ Michel III, *Clashes*, 192.

⁴⁵ Gabriel, interview summary in Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab F.

⁴⁶ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 6.

⁴⁷ Maj Gen Louis L. Wilson, Jr., *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, 20 March 1972, 4.

Although the rules of engagement regarding protective reaction remained the same, Secretary Laird, the Chairman of the Joint Chiefs of Staff, and Air Force Chief of Staff General Ryan offered statements interpreted as encouragement to put increasing pressure on North Vietnamese forces via the air. Following the first preplanned protective reaction strike, General Ryan visited wing personnel at Udorn and discussed the 8 Nov 1971 strike on Quan Lang Airfield. Colonel Gabriel and his personnel interpreted General Ryan's acknowledgement of the mission as consent for preplanned protective reaction missions. JCS criticism of bomb damage results following the strike on Quan Lang also implied concurrence with said mission. Colonel Gabriel noted, "for these reasons, the aircrews involved in the planned protective reaction strikes believed that these missions were necessary to the prosecution of the war and were sanctioned by the highest authority."⁴⁸

Discussions held at a December 1971 Arc Light conference also seemed to offer support for increased air effort over North Vietnam and a liberal interpretation of the rules of engagement. Both Admiral John McCain, Commander in Chief, Pacific Command, and the Director of the Joint Staff, Lieutenant General John Vogt, showed support for increasing the air effort over North Vietnam during the December 1971 Arc Light Conference. According to Lavelle, Vogt contended, "field commanders had not made full use of their authority for such strikes," and that "no one in Washington would question aiming points and we could expect full support of the CJCS."⁴⁹ Additionally, Admiral McCain was reported at the same 4-5 December 1971 conference to encourage 7th Air Force to "explore every avenue to reduce risk to Arc Light [B-52] sorties, and that

⁴⁸ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab F Attachment 1.

⁴⁹ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Interview Summary.

authorities were adequate.”⁵⁰ Commanders thus discussed increasing the number of armed escort aircraft when MiGs were present on southern airfields, with preplanned protective missions undertaken when the threat to B-52 and AC-130 aircraft was “immediate and serious.”⁵¹

A deeply personal element also played into General Lavelle’s judgement as commander of all Air Force combat air strike, air support, and air defense forces in mainland Southeast Asia. The factors discussed above all signaled increasing enemy capabilities, capabilities that placed US personnel, to include his aircrews, in growing danger. Aircraft losses weighed personally upon the general, as he considered not the tally sheet of kill ratios or the loss of US assets, but the loss of life of US personnel. General Lavelle himself recalled the effect of losing pilots under his command, stating:

“One morning, about 2 o'clock in the morning, I was sitting in my house going through paperwork. Included in the paperwork were some letters the chaplain wrote and the commander signed, back to widows or wives of people missing in action. At 2 o'clock I had one I was signing to a wife of a pilot who had flown for me in the 50th Fighter Wing in Europe. I almost couldn't sign it. I could say to myself, ‘The letter is a form letter, and it's a fake.’ If we would just go in there aggressively and do the job we had to do instead of the phony rules we were playing with, there was no need for that guy to lose his life. There wasn't any target there worth it; nothing we had accomplished was worth it. I resolved then that they weren't going in there without a chance. That's when I said, ‘You never go over North Vietnam that that system isn't activated against you.’”^{52,53}

⁵⁰ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Interview Summary.

⁵¹ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Interview Summary.

⁵² Lavelle, Oral History Interview Transcript, 636-637.

⁵³ Guy Raz and Brent Baughman, “Family Fights for Honor of ‘Rogue’ Vietnam General,” National Public Radio, 12 October 2012, <http://www.npr.org/2012/10/13/162789031/family-fights-for-honor-of-rogue-vietnam-general>

A liberal interpretation of the rules of engagement ensued, intended to counterbalance the sanctuary afforded to the North Vietnamese and offer a modicum of protection to Lavelle's forces. Lavelle himself stated before the Senate, "I ask that you bear in mind one underlying consideration which I believe to be of the most paramount importance. That consideration is simply this: that all of my judgements were made as a field commander acutely mindful of my often anguishing responsibility for the protection of lives and the safety of thousands of courageous young Airmen under my command. It was that central consideration which was at the heart of my motivation."⁵⁴ The House of Representatives Investigating Subcommittee later concluded, "their [his superiors'] partial modification of the conditions for protective reaction strikes in January 1972, and the total abolition of those conditions two months later clearly demonstrated that General Lavelle's efforts to give his pilots a fighting chance against the improved enemy system were not only proper, but *essential*."⁵⁵ Senior elected US officials, given the information available at the time, thus concluded that General Lavelle had acted with proper judgment, interpreting the rules of engagement in a manner aligned with the evolving situation and essential to the safety of US personnel.

Although the House Investigating Subcommittee concurred with General Lavelle's interpretation of the situation and his application of the rules of engagement, one must also consider the event that spurred the involvement of the Air Force Chief of Staff and Inspector General—the alleged falsification of mission reports under General Lavelle's command. Following a preplanned protective reaction strike on Dong Hoi, 432d Tactical Reconnaissance Wing aircraft conducted their postflight radio

⁵⁴ Senate, *Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain*, 11 September 1972, 3.

⁵⁵ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 9.

call, reporting “fighters expended, no reaction.” However, General Lavelle told his Director of Operations, General Alton Slay, that “no reaction” could not be reported, since he interpreted enemy reaction as synonymous with activation, and with the netting of their air defenses no time existed when a US aircraft flew that it was not activated against. General Slay subsequently discussed this matter with Colonel Gabriel, commander of the 432d Tactical Reconnaissance Wing. In Colonel Gabriel’s sworn testimony before the Senate, he relayed that General Slay advised 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.”⁵⁶

Miscommunication and misinterpretation followed General Lavelle’s proclamation after the Dong Hoi strike. In addition to “errors of omission,” aircrew allegedly reported false AAA reactions to meet the requirements of the OPREP-4 reporting form.^{57,58} Despite the errors on OPREP forms, full details of the missions in question were relayed via SPECAT message from wing commanders to 7th Air Force.⁵⁹ It was not until the Air Force Inspector arrived on March 9th to conduct his investigation that General Lavelle was made aware that his statement to Major General Slay precipitated erroneous reports, after which he immediately ordered discontinuation of the aforementioned filing practices.⁶⁰ General Lavelle accepted full responsibility for the falsification of records under his command, stating to the House investigating subcommittee “I accepted responsibility for it even though I did not do it and did not have knowledge of the detail. It was my

⁵⁶ Senate, *Nomination of John D. Lavelle, General Creighton W. Abrams, and Admiral John S. McCain*, 15 September 1972, 201-202.

⁵⁷ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab F Attachment 1.

⁵⁸ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab I.

⁵⁹ Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, Tab G Attachment 1 and Tab H Attachment 1.

⁶⁰ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 9.

command and I should have known.”⁶¹ Notwithstanding General Lavelle’s lack of awareness of the erroneous reporting procedures and immediate discontinuation of the practice, the investigating officer recommended to the Chief of Staff of the Air Force “appropriate disciplinary action be taken against General Lavelle to demonstrate to concerned individuals that the Air Force does not condone the practice of falsifying records for any reason.”⁶²

Chief of Staff of the Air Force General Ryan followed the recommendation of his Inspector General, summarily relieving General Lavelle of command for the falsification of post-mission reports. When questioned during the House investigating subcommittee hearing as to whether he relieved the general under the direction of other parties, General Ryan stated, “I made the determination without any direction or recommendation from anyone, that he is relieved.”⁶³ The unilateral actions of the Air Force Chief of Staff would have operational consequences in the spring of 1972, leaving Seventh Air Force without a commander during the dawn of the Easter Offensive, a campaign that would stress the command to its limits.⁶⁴ As noted by historian Dr. Stephen Randolph, “Events might have proceeded differently had Lavelle still been on the scene, able to draw on the experience of a year in command.”⁶⁵ However, Lavelle was not on the scene during the Easter offensive and the command would slip into disarray.

As the servicemembers he once protected faced a determined and aggressive adversary in the skies over Vietnam, General Lavelle was stateside, settling into retirement and testifying before the House and Senate Investigating Subcommittees. The conduct of his command and

⁶¹ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 5.

⁶² Wilson, *Report of Investigation Concerning Alleged Falsification of Classified Reports for Missions in North Vietnam*, 5.

⁶³ House, *Unauthorized Bombing of Military Targets in North Vietnam*, 52.

⁶⁴ Stephen P. Randolph, *Powerful and Brutal Weapons: Nixon, Kissinger, and the Easter Offensive*, (Cambridge, MA: Harvard University Press), 60.

⁶⁵ Randolph, *Powerful and Brutal Weapons*, 60.

the operational decisions he made in Vietnam played out in a very public manner. However, the Lavelle case did not mean the same thing to everyone, with different audiences gleaning different lessons from the story of the Seventh Air Force Commander. As such, the Lavelle case launched on distinct but related trajectories. To the Air Force, the case represented a negative ethical example and a chance to teach its personnel about integrity. To the broader public, however, the Lavelle case represented civ-mil relations gone awry. The civ-mil angle of this case must first be considered before delving into the Air Force's treatment of the Lavelle affair.



Chapter 2

The Lavelle case has meant different things to different audiences over the years. To some, the case serves as a negative example of civil-military affairs, underscoring the importance of civilian control over the military. To others, the case highlights the ethical dilemmas of command and the need for integrity in all situations. While the case illuminates

two intricately woven threads, further analysis requires separating the two disparate but interrelated narratives of the Lavelle case.

Civil-Military Relations

The Lavelle affair unfolded during a low point in US history. The final years of the Vietnam War were marked by mounting US war casualties, growing public disenchantment with the conflict, and a strained relationship between the media and the military. The media certainly influenced domestic perceptions of the war's conduct, to include the circumstances surrounding the Lavelle case. Carefully released versions of the story, in conjunction with leaked investigative findings, led to accusations that Lavelle was not the only officer to take the war into his own hands. Speculation about other individuals' involvement surfaced alongside unproven allegations that civilian control of the military had collapsed.¹

Concern over the possible erosion of civilian control over the military during the Vietnam War also resonated within the highest echelons of government. As congressional inquiries into the legitimacy of air operations under General Lavelle transpired, concerns about the implicit or explicit involvement of his superior, General Creighton Abrams, held up Abrams' nomination as Army Chief of Staff. Wisconsin Senator William Proxmire vowed to fight General Abrams' confirmation, stating "The entire issue of civilian control over the military in forming American Policy is at stake. I do not intend to see this most important constitutional question swept under the rug, downgraded, ignored, or whitewashed."² Senator Proxmire implored the Senate to perform its constitutional duty by thoroughly investigating not only the events of the

¹ William M. Hammond, *Reporting Vietnam: Media and Military at War* (Lawrence, Kansas: University of Kansas Press, 1998), 276.

² Senate, *Civilian Control of the Military-The Nomination of General Abrams*, 92d Cong., 2d sess., Congressional record vol. 118, part 17, 23 June 1972, 22227.

Lavelle affair, but also General Abrams' involvement in the matter. The Senator declared, "It the duty of the Senate to determine whether General Abrams has upheld both the spirit and the letter of the Constitution of the United States before he is confirmed as Army Chief of Staff. Unless he can show in the most affirmative way that he did not know about General Lavelle's action and/or give us a complete explanation as to why he did not know about them, his competence to act as Army Chief of Staff in a democratic society will be under the most serious question. The credibility of the Army and the issue of civilian control of the military are both at stake." While the trustworthiness of individual services was often invoked, it was certainly not the only commodity in question.

In addition to the reliability of the services as it related to the issue of civil-military control, the security of the nation was also deliberated at length. With the backdrop of a Cold War standoff between two nuclear-armed powers, a nation with marginal control over its military forces gambled with its own security as well as that of its allies. General Ryan, Air Force Chief of Staff, frankly testified that civilian control over the military could be an illusion: "These admissions stun the imagination. They strongly suggest that the sense of security we derive from our powerful military machine is a false sense of security –that subordinate military commanders in the ranks of generals and admirals have sufficient leeway in their command functions to permit them to involve us in hostilities that would engulf this Nation in war."³ General Ryan suggested that this was not an isolated event, but rather a systemic problem.

The topic of civilian control over the military would remain an issue throughout investigative subcommittee hearings; however, there was little consensus among elected officials regarding who should be

³ Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*. 92d Cong., 2d sess., Congressional Record vol. 118, part 26, 11 October 1972, 34876.

held responsible for failing to carry out the orders of the Executive branch. Maine Senator Margaret Chase Smith voiced dissenting views during an executive session considering General Abrams' nomination as Army Chief of Staff. She stated, "I am not convinced by any means that General Lavelle alone is the culprit. We have conflicting testimony in the record of hearings...It appears to me that the Joint Chiefs of Staff, the Pacific Commanders and the Commanders in Vietnam must share the burden of command responsibility for not enforcing the orders of the Commander in Chief."⁴ It was clear to the investigating parties that a breakdown in following Presidential guidance had occurred, yet who was responsible was largely a matter of interpretation. Most chose to lay the blame solely and squarely upon General Lavelle, thereby clearing the way for General Abrams' confirmation as the twenty-sixth Chief of Staff of the United States Army.

The issue of civilian control of the military also captured the attention of students attending professional military education courses. Military students underscored the parallels and distinctions between the conduct of General Lavelle and his predecessors within the profession of arms, documenting such connections in professional research reports. One such study highlighted the similarities between General MacArthur during the Korean War and General Lavelle during Vietnam, concluding that neither general intentionally usurped control and speculating that "the military of the future will continue to operate under the concept of civilian control and the threat of commitment to a limited conflict with all its frustrations and temptations."⁵ Another such professional study added the case of Union General George McClellan alongside the stories of Generals MacArthur and Lavelle. Army Lieutenant Colonel Doris Frazier emphasized the similarities between each situation, asserting,

⁴ Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*, 11 October 1972, 34872.

⁵ Lt Col Jon R. Robson, "Civil Control in a Limited War: MacArthur and Lavelle," Research Report no. 5741 (Maxwell AFB, AL: Air War College, 1975), iii and 42-43.

“each general faced a professional dilemma when his military judgement of his situation and its impact on the interests of the United States was not in consonance with the policies and desires of his superiors.”⁶ Civil-military relations as it pertained to the Lavelle case not only captured the attention of professional military men and women, but also reappeared periodically in media and literature.

Purported crises in civil-military relations recurred throughout the latter half of the twentieth century and continued to garner attention from soldiers and scholars.⁷ To philosopher Kenneth W. Kemp, the breakdown in civil-military relations related to the Lavelle case also demonstrated a violation of just war theory. In “Just War Theory: A Reconceptualization,” Kemp poses the question “What does it mean to impose the criterion of legitimate authority on individual actions in a war?”⁸ He goes on to stress that Lavelle’s actions were morally wrong, since the just war theory criterion of legitimate authority must be met both in the decision to go to war and in the conduct of war. In short, Kemp contends that Lavelle violated the *jus in bello* criterion of legitimate authority regardless of the targets struck or the operational necessity to protect American and South Vietnamese soldiers. Kemp emphasized, “the war was not General Lavelle’s to conduct. Without even looking at the details of the targets, etc., we can say that his actions, because they lacked legitimate authority, were morally wrong.”⁹ Herein lies the juxtaposition between the two trajectories of the Lavelle case. The moral and ethical interpretation of the Lavelle Affair follows.

⁶ LTC Doris S. Frazier, “The Congress and the Generals: Precedents for the Lavelle Affair,” Research Report (Carlisle Barracks, PA: US Army War College, 1973), ii and 77.

⁷ Richard H. Kohn, “Out of Control: The Crisis in Civil-Military Relations,” *The National Interest*, Spring 1994, <http://nationalinterest.org/article/out-of-control-the-crisis-in-civil-military-relations-343>

⁸ Kenneth W. Kemp, “Just-War Theory: A Reconceptualization,” *Public Affairs Quarterly* 2, no. 2 (April 1988): 64-65.

⁹ Kemp, “Just-War Theory,” 65.

Ethical Trajectory

The narrative of General John Lavelle's dismissal as Commander of Seventh Air Force during the Vietnam War also took off on an ethical trajectory amid publicized integrity violations within the larger air force. In fact, General Lavelle's fate may have been sealed by events occurring more than eight thousand miles away. In early 1972, the US Air Force Academy experienced its third scandal in less than a decade, accepting the resignations of cadets who either cheated on examinations or turned a blind eye to the cheating, an honor code violation.^{10,11} As the Air Force Chief of Staff relayed to General Lavelle during their meeting in Washington, the fact that he [Gen Ryan] had just approved the dismissal of academy cadets played into his decision-making calculus. As recalled by General Lavelle, "General Ryan pointed out to me that he had just dismissed, or approved the dismissal of, 20 cadets from the Air Force Academy and [stated], 'I can't have two standards. What's good for a cadet in school is equally applicable to a four-star general.'"¹²

A desire to uphold equal standards of conduct across situations and ranks, whether an academy cadet taking an economics exam or a four-star general dealing with the exigencies of limited war, undoubtedly influenced senior political and military leaders. In an October 1972 executive session, Senator Harold Hughes warned against the risk of setting a double standard by dealing too leniently with General Lavelle's misconduct.¹³ During that same session, Senator Stennis stressed the importance of truthful reporting, holding the services accountable for emphasizing this standard to their personnel. Senator Stennis stated for

¹⁰ "16 Resignations: Air Force School Has Third Scandal," *Desert Sun*, 21 January 1972.

¹¹ "23 More Guilty in Academy Cheating," *Chicago Tribune*, 21 January 1972.

¹² Gen John D. Lavelle, US Air Force Oral History Interview by Lt Col John N. Dick, Jr. 17-24 April 1978, transcript, p. 642, US Air Force Historical Research Agency. Maxwell AFB, AL.

¹³ Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*, 34877.

the record, “Mr. President, to my knowledge, there has been no official guidance within the Department of Defense concerning the importance of truthful and accurate reporting since General Lavelle was relieved of command in March of this year. Truthful and accurate reports are the lifeblood of military command and control. It simply must be pointed out, and pointed out forcefully, by the Department of Defense and the Military Services, that false reporting will not be tolerated under any circumstances.”¹⁴ Air Force Chief of Staff General Ryan subsequently laid out guidance to his commanders regarding integrity and truthful reporting. In a policy memorandum dated 1 November 1972, the chief of staff specified, “Integrity—which includes full and accurate disclosure—is the keystone of military service...Integrity is the most important responsibility of command. Commanders are dependent on the integrity of those reporting to them in every decision they make. Integrity can be ordered but it can only be achieved by encouragement and example.”¹⁵ Ryan would continue to emphasize the importance of integrity throughout his tenure as chief of staff, again reiterating his focus in an address to students attending Air War College and in an additional policy letter to commanders.^{16,17}

Before the dust had settled following House and Senate investigations, the Lavelle affair captured the attention of the media, scholars, and military professionals alike.¹⁸ The Lavelle affair soon became a popular case study in ethics, garnering interest from military officers attending formal education courses at Air University, Maxwell Air

¹⁴ Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*, 34871.

¹⁵ Gen John D. Ryan, chief of staff, US Air Force, Air Force policy letter to commanders, 1 November 1972.

¹⁶ Gen John D. Ryan, chief of staff, US Air Force (address, Air War College, Maxwell AFB, AL, 18 May 1973).

¹⁷ Gen John D. Ryan, chief of staff, US Air Force, Air Force policy letter to commanders, 1 July 1973.

¹⁸ Malham M. Wakin, “The Ethics of Leadership,” *American Behavioral Scientist* 19, no. 5 (May/June 1976): 572, 578-579.

Force Base, Alabama. Students embarked upon research papers that analyzed the events of the Lavelle case through an ethical lens, drawing conclusions about the case in the years immediately following General Lavelle's dismissal. Submitting their findings to Air War College faculty to meet the requirements of graduation, students sought not only to outline the facts available regarding the Lavelle case, but also to expand upon the implications of lapses in integrity.¹⁹ While viewing the case through mainly an ethical lens, denoting a "crisis in integrity," one study also weaved into its narrative the issue of civilian control of the military as it pertained to the case.²⁰ The influence of the Lavelle case upon formal military education remained largely indirect for many years.

Although the Lavelle case garnered the attention of many within Air University, it did not become ensconced in professional military education until transformative measures commenced within the university. While Air University sought to weave its distinct schools and curricula into a continuum of education for its career officers, staff and faculty studied what this meant for each program. Widespread curriculum reforms had already taken hold within the war college, more than twenty years after the Lavelle Affair transpired.

Before delving into Air War College's transformation in the mid-1990s, one must first study the college's past. As noted in an internal study, "Evolution of Air War College Curriculum: 1946-1987," each successive Air War College administration actively "sought to keep the curriculum current and vital," preparing students for future challenges, with the focus of the school squarely upon the employment of air power throughout the late seventies and eighties.²¹ Prior to the mid-1990s, Air

¹⁹ Col James R. Olson, "Preplanned Protective Reaction Strikes: A Case Study in Integrity," Research Report no. 5372 (Maxwell AFB, AL: Air War College, 1974), iii.

²⁰ Col Gordon A. Ginsberg, "The Lavelle Case: Crisis in Integrity," Research Report no. 5255 (Maxwell AFB, AL: Air War College, 1974), 78-82.

²¹ Jerome A. Ennels, "Evolution of the Air War College Curriculum: 1946-1987," Office of History, Headquarters Air University, Maxwell AFB, Alabama, 12 February 1988, 20-23, US Air Force Historical Research Agency, Maxwell AFB, AL.

War College curriculum contained little explicit emphasis upon ethics within its study of leadership and command. The core curriculum within the Department of Leadership and Security Policy contained courses focused upon personal development and the leadership skills required to command units at and above the wing level.²² The curriculum maintained continuity from 1990-1995, until reform efforts within the college launched “Curriculum 2000” under the tutelage of Academic Dean (Dr.) Ronald Kurth.²³

With Dr. Kurth at the helm of Air War College, vast curriculum changes ensued, aimed at keeping astride international and technological change and restoring the reputation of the school. As noted in a faculty call early in transformation efforts, Dean Kurth championed change and the constant need for revitalization. He was also frank with his faculty about common negative perceptions of the college, from prospective students and outsiders alike, stating “people on the Board of Visitors –they think AWC is staid in its ways” and “we have a problem – our students would rather go to NWC [Naval War College] than AWC [Air War College].”²⁴

The college thus embarked upon an orchestrated transformation planning effort, initially termed “Blue Sky,” in the fall of 1994. Dean Kurth divided his Blue Sky Review Committee Members into five committees, devoted to overseeing the overall effort, integrating with other service schools and within the larger Air Force, preparing faculty for instructional duties, organizing the school year and, notably, “insuring the right subjects and the right density are being taught to our

²² Air War College Bulletin 1989-1990, Forty-Fourth Edition, Air University, United States Air Force, Maxwell Air Force Base, Alabama, 4-6.

²³ History, Air War College, Air University, Air Education and Training Command, United States Air Force, 1 July 1994-30 June 1995, 29, US Air Force Historical Research Agency, Maxwell AFB, AL.

²⁴ Notes, Air War College Faculty Call, 7 November 1994, in History, Air War College, 1 July 1994-30 June 1995, supporting document 19, US Air Force Historical Research Agency, Maxwell AFB, AL.

officers.”²⁵ In a JCS-sponsored review panel in December of 1994, Dean Kurth drew upon both the past and the future in laying out the path for Air War College. Noting the influence of historical events and broad changes within the national and international environment, Dr. Kurth relayed the need to produce students adept at coping with uncertainty.²⁶ The school accordingly sought to update its instructional methodology and increase the rigor of core curriculum courses, utilizing more case studies, reading, videos, and exercises while reducing the school’s reliance upon lecture and seminar.²⁷ In also removing artificial constraints upon the learning environment, such as nightly word counts for readings and unbalanced active/passive learning ratios, and providing more latitude for instructors, it seemed as if the faculty of Air War College sought to encourage a more creative learning environment. The school also added an ethical dimension to its curriculum in order to develop leaders “sensitive to the core values of the air force and the profession of arms.”²⁸ Such sweeping changes required Air War College to change its organizational structure, most notably standing up a Department of Leadership and Ethics.²⁹

With a renewed emphasis upon case studies and ethics, the Lavelle case became firmly implanted within the Air War College curriculum only months into reform efforts. Seeking to “educate officers to effectively, *ethically*, and responsibly lead large, complex, joint and combined organizations at the strategic level,” the newly conceptualized

²⁵ Notes, Blue Sky Review Meeting, 17 November 1994, in History, Air War College, 1 July 1994-30 June 1995, supporting document 20, US Air Force Historical Research Agency, Maxwell AFB, AL.

²⁶ Briefing, Air War College, subject: Briefing for the JCS-Sponsored Education Review Panel, 9 December 1994, in History, Air War College, 1 July 1994-30 June 1995, supporting document 21, US Air Force Historical Research Agency, Maxwell AFB, AL.

²⁷ Briefing, Air War College, 9 December 1994.

²⁸ Briefing, Air War College, 9 December 1994.

²⁹ Dr. Ronald Kurth, Academic Dean, Air War College, to Major General Robinson, Commandant, Air War College, memorandum, subject: Blue Sky Curriculum Proposal for Academic Year 1996, 3 February 1995, in History, Air War College, 1 July 1994-30 June 1995, supporting document 22, US Air Force Historical Research Agency, Maxwell AFB, AL.

Department of Leadership and Ethics divided its curriculum into four segments: an Introduction, the Strategic Leader, the Strategic Environment, and Leading Large, Complex Organizations.³⁰ The Lavelle Case Study embedded within the strategic leader portion of the curriculum, garnering three seminar hours, of seventeen total contact hours, over two instructional periods.³¹ With academic year 1995 coming to a close, Dean Kurth briefed the final product, entitled “Curriculum 2000,” to his faculty in March, thereby ushering in a new curriculum that would ready students for the challenges of the upcoming century.³²

The Lavelle Case Study remained a staple in the Air War College curriculum throughout the late 1990s. During academic year 1997, the Leadership and Ethics department introduced its 262 students to timeless challenges of senior level command with the movie “Glory,” emphasizing ethical issues during the Civil War still relevant to senior leaders.^{33,34} Students subsequently delved into several case studies, examining the case of General Lavelle along with the 1994 crash of a B-52 bomber at Fairchild Air Force Base and the friendly fire shoot down of a US Black Hawk helicopter during Operation Provide Comfort that same year.³⁵ The Lavelle case, in many respects, served as a bridge between the past and the future within the Leadership and Ethics curriculum, firmly rooted between distant and recent historical case studies.

The Air War College’s curriculum was unambiguous in its treatment of the Lavelle case. Citing General Ryan’s 1 November 1972

³⁰ Kurth to Robinson, memorandum.

³¹ Kurth to Robinson, memorandum.

³² Briefing, Air War College, subject: Curriculum 2000: Preparing Senior Leaders for the 21st Century, Pre-Implementation briefing to AWC faculty, 1 March 1995, in History, Air War College, 1 July 1994-30 June 1995, supporting document 23, US Air Force Historical Research Agency, Maxwell AFB, AL.

³³ History, Air War College, 1 July 1996 – 30 June 1997, 3.

³⁴ Air War College Leadership and Ethics Syllabus AY 1997, 2, in History, Air War College, 1 July 1996 – 30 June 1997, supporting document 8, US Air Force Historical Research Agency, Maxwell AFB, AL.

³⁵ Air War College Leadership and Ethics Syllabus AY 1997, 2.

policy letter to commanders, an introduction to the case went on to explain, “There is a clear, concise, and cogent answer to the question of whether what General Lavelle did was wrong: *He was unequivocally wrong*. You are asked to read the case study, not to debate whether Lavelle was right or wrong, but to understand the pressures which led Lavelle to arrive at the judgments he did.”³⁶ Further harkening back to General Ryan’s memorandum, the syllabus emphasized the Chief of Staff’s previously stated point, “False reporting is a clear example of a failure of integrity.”³⁷ Although the war college’s curriculum was unequivocal about Lavelle’s guilt, it also depicted the complex challenges Lavelle faced as a leader in its quest to have students explore the pressures of command. Similar to an *Airpower Journal* article published nearly concurrent to academic year 1997’s ethics block, General Lavelle’s situation was painted as a conundrum in which “taking care of your people” clashed with the imperative to follow orders.^{38,39} The Lavelle case remained ensconced in air force senior developmental education and unchanged for at least five academic years, educating students through academic year 2001.^{40,41,42} While the school’s faculty and curriculum materials largely painted the case as cut-and-dried, students encountering the case study in the fall of 2000 did not come to the same conclusions, mostly eschewing the “school answer.” Instead, the case spurred seminar discussion that debated the gray areas of the case and

³⁶ Leadership and Ethics Syllabus AY 1997, 19.

³⁷ Quoted in Leadership and Ethics Syllabus AY 1997, 19.

³⁸ Maj Lee E. Deremer, “Leadership Between a Rock and a Hard Place,” *Airpower Journal*, Fall 1996.

³⁹ Leadership and Ethics Syllabus AY 1997.

⁴⁰ Air War College Leadership and Ethics Course Syllabus Academic Year 1999, 1 and 14-15, in History, Air War College, 1 July 1998-30 June 1999. US Air Force Historical Research Agency, Maxwell AFB, AL.

⁴¹ Air War College Academic Year 1999 End of Year Report, 23, in History, Air University, 1 January 1999-31 December 1999, Volume XII, document II-190. US Air Force Historical Research Agency, Maxwell AFB, AL.

⁴² Col W. Michael Guillot (former AWC Leadership and Ethics Department Course Director), interview by the author, 22 June 2016.

delved into muddied waters.⁴³ The Lavelle case, even within military circles, meant different things to different officers. Introduced to the Air War College curriculum during curriculum revitalization efforts in the mid-1990s, the case would not withstand the next round of reform efforts.

At the dawn of the new century, Air War College again experienced changes throughout its curriculum and organizational structure, particularly within its Leadership and Ethics courseware. The Lavelle case was shelved in 2001 to make room for these changes, after having an influence on the ethical development of more than one thousand Airmen, soldiers, sailors, marines, international officers, and civilians.^{44,45,46} From 2001-2007, the leadership and ethics course evolved to include instructional periods and case studies on command decision making, ethics, leading large organizations, and leading change. Intended to encompass the strategic level of command, the course also focused more heavily upon leadership and critical thinking.⁴⁷

Despite its prevalence within the Air War College in-residence curriculum, the Lavelle case study was not utilized in all education delivery formats. While the case educated colonels and lieutenant colonels, and their equivalents within defense circles, attending Air War College in person at Maxwell Air Force Base, Alabama, it did not appear in nonresident studies. Course materials between academic years 1997 and 2002 cited various case studies, to include the aforementioned 1994 Fairchild B-52 crash and the loss of 26 personnel in the friendly fire shoot down of a US Black Hawk helicopter over Iraq that same

⁴³ Guillot, interview.

⁴⁴ Guillot, interview.

⁴⁵ Air War College Leadership and Ethics Course Syllabus Academic Year 1999, 1 and 14-15.

⁴⁶ Air War College Academic Year 1999 End of Year Report, 23.

⁴⁷ Col W. Michael Guillot (former AWC Leadership and Ethics Department Course Director), interview by Lt Col Antonio T. Douglas, 4 January 2008, in "Is Air War College Teaching the Right Leadership Skill Sets," Research Report (Maxwell AFB, AL: 2008), 3.

year.^{48,49,50} As the course materials evolved in response to current events, other case studies became the focus of Air War College ethics instruction. The 1996 Khobar Towers incident became the primary historical case study utilized during the new century, gaining much attention during the 2000 through 2002 academic years.^{51,52,53}

The Lavelle affair became a learning tool not just in Air Force senior developmental education, but also within primary developmental education, educating student captains more than thirty years after the events transpired. The objectives of Squadron Officer School's one-hour lesson on ethics and core values were broad, allowing students to comprehend ethics, values, and morals, the role of ethics and values in the military, the Air Force Core Values, and the importance of integrating Air Force Core Values into the profession of arms.⁵⁴ The lesson utilized the facts reprinted from a June 1972 article entitled "Lavelle's Private War" as a foundation for exploring such questions as "What is a lie?", "Does a commander have an ethical obligation to decrease risks to his [or her] people in combat?" and "What would you have done?".⁵⁵ Although the syllabus afforded less than fifteen minutes for any given student to contemplate the case, it would have educated a large number of young military officers during the dawn of their careers.

Numerous students learned about the circumstances surrounding the Lavelle case in Air University's quest to teach captains through

⁴⁸ Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 7th Edition, Academic Year 1996-1997.

⁴⁹ Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 8th Edition, Academic Year 1997-1998.

⁵⁰ Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 9th Edition, Academic Year 1998-1999.

⁵¹ Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 10th Edition, Academic Year 1999-2000.

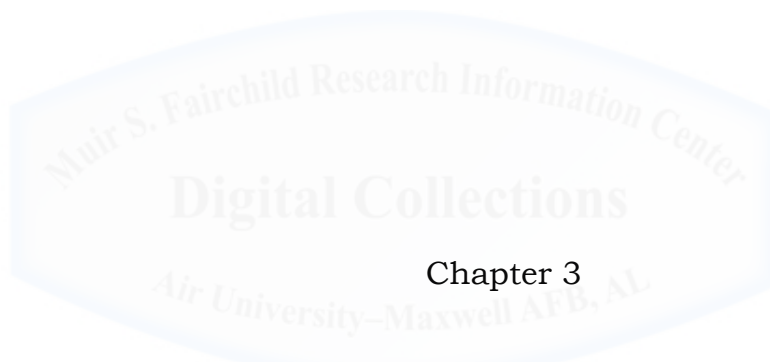
⁵² Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 11th Edition, Academic Year 2000-2001.

⁵³ Air War College Nonresident Studies, Leadership and Ethics Lessons 13-15, 11th Edition, Academic Year 2001-2002.

⁵⁴ Ethics and Core Values Lesson Plan, Squadron Officer School, 15 February 2005, 2-3.

⁵⁵ Ethics and Core Values Lesson Plan, 15-16 and 20-21.

colonels how to lead morally and ethically in the employment of airpower. Yet the commonly accepted narrative surrounding the Lavelle case would soon unravel, calling into question even the basic “facts” of the case. Despite the fact that new information caused those who thought they knew the Lavelle case to confront the case anew, the Lavelle affair did not vanish from Air Force professional military education. Rather, it endured within Air University curricula, amidst multiple limited contingencies across the globe. It seemed as if the Lavelle case, like limited conflict, was still in vogue.



Chapter 3

The Lavelle Case Reconsidered

Some may say that time is the enemy of truth; however, this maxim did not hold true for the Lavelle case.¹ Rather, time permitted declassification of materials central to the Lavelle affair and reconsideration of pertinent facts surrounding the case. A 2006 *Air Force Magazine* article reintroduced the Lavelle case to the public, with the magazine providing additional emphasis on the case the following year.²

¹ Senator Harold Hughes. In Senate, *The Nomination of General Creighton W. Abrams to be Chief of Staff, US Army*. 92d Cong., 2d sess., Congressional Record vol. 118, part 26, 11 October 1972, 34876.

² John T. Correll, “Lavelle: Unauthorized Air Strikes in North Vietnam, Depicted as “Protective Reaction” Missions, Led to his ouster as Commander of 7th Air Force,” *Air Force Magazine* 89, no. 11 (November 2006): 58-64.

By November 2006, the relevance and gravity of evidence related to the Lavelle case had already become apparent to Lieutenant General Aloysius Casey and his son Patrick while researching a biography of General Jerome F. O'Malley. O'Malley, while wearing silver eagles on his shoulders, served as vice commander of the 432nd Tactical Fighter Wing, Udorn, Thailand under General Lavelle. The Caseys made their revelations about the Lavelle affair public in a February 2007 *Air Force Magazine* article, months prior to Air University's publication of the general's biography.³ Former Secretary of Defense Melvin Laird could not contain his displeasure with the Caseys' reassessment of the case, writing a rebuttal letter to the magazine. In his defense of former Air Force Chief of Staff General John D. Ryan, Laird added to the evidentiary base in stating, "It was certainly true that in my meetings with Gen. John Lavelle I told him that my order on 'protective reaction' should be viewed liberally."⁴ Later that year, the biography entitled *Velocity: Speed with Direction: The Professional Career of Gen Jerome F. O'Malley*, afforded significant additional treatment to the Lavelle affair in a chapter dedicated to O'Malley's service during Vietnam.⁵

Following the Caseys' discovery, the Department of State's 2010 publication of the *Foreign Relations of the United States (FRUS)* Vietnam series brought about added transparency. Transcripts of personal communications and decision making in the highest echelons of the US government suggested that General Lavelle was by no means the "rogue general" of questionable integrity many had been led to believe. Rather, the new information revealed that Lavelle acted upon guidance from the highest of sources, the US President, to conduct air operations while commander of Seventh Air Force. The newly declassified material also

³ Aloysius G. Casey and Patrick A. Casey. "Lavelle, Nixon, and the White House Tapes," *Air Force Magazine* 90 no. 2 (Feb 2007): 86-89.

⁴ Melvin R. Laird, "The Lavelle Affair," *Air Force Magazine*, May 2007, 4.

⁵ Aloysius G. Casey and Patrick A. Casey. *Velocity: Speed with Direction: The Professional Career of Gen Jerome F. O'Malley* (Maxwell AFB, AL: Air University Press, 2007), 129-162.

suggested the evidence used to dismiss General Lavelle from wartime command and retire him in the rank of major general was fundamentally incomplete.

To reconsider the Lavelle case fully one must journey back to the 1970s and visit the offices of senior level decision makers within the US government. In January 1972, General Creighton Abrams, Commander, US Military Assistance Command in Vietnam (MACV), requested broadened air authorities in response to his overall assessment of threats to air operations. Secretary of Defense Melvin Laird approved some of General Abrams' requests and the National Security Council later discussed the topic at length during its 2 February meeting.⁶ The group pondered the conduct of protective reaction missions in response to General Abrams' request to strike GCI radars in North Vietnam, SAM sites regardless of whether they had recently fired upon US forces, and specified airfields. Armed reconnaissance flights, the same missions conducted daily by General Lavelle's forces in theater, were touched upon during the course of the discussion, with Chairman of the Joint Chiefs of Staff Admiral Moorer emphasizing the effectiveness of these missions.

Moorer: "We have told him [Abrams] to increase his airfield reconnaissance and to make certain these reconnaissance aircraft are heavily supported with bombing aircraft, and if these aircraft are fired upon, which they always are, he was to then attack the airfield, and so we have been doing a series of operations of this type, sir."

Nixon: "You've got all the intelligence ready, you know how to hit 'em, and so forth and so on?"

Moorer: "Now we have not attacked the Haiphong airfield, which is the one right up on the edge of the 20-degree parallel, but we've attacked Dong Hoi, Binh, and Quan Lang. And, incidentally, they're very effective. Usually what happens is we have one

⁶ Henry Kissinger, President's Special Assistant for National Security Affairs, to President Richard Nixon, memorandum, subject: Vietnam Authorities, 29 January 1972, <https://history.state.gov/historicaldocuments/frus1969-76v08/d10>.

reconnaissance plane, two fighters protecting against MiGs, and eight attack planes. And when the reconnaissance plane goes over the airfield, and as machine AA fires, they target their weapons on the—openly on the AA or on the support facilities on the airfield. But here again, Mr. President, I'd emphasize that this has to be done continually in order to make sure that the airfield is not restored to operation.”⁷

President Nixon went on to emphasize the liberal authorities afforded to senior field commanders by stating, “if you follow 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.”⁸ Although General Abrams was not yet granted blanket authority to conduct strikes against GCI radars, SAM sites, and airfields during the course of the National Security Council meeting, the President proclaimed that failure was not an option, “But we can't do it in terms of pusillanimous planning and options that are inadequate.”⁹ The President was less than impressed with military officers, many of whom he deemed lacking creativity and initiative in the conduct of their official duties.¹⁰ Displeased with many facets of the war, the President had much more to say about protective reaction strikes, albeit in a more private setting.

Protective reaction strikes would continue to pervade discussions at the highest levels of the US government. Following the National Security Council meeting, Ambassador to South Vietnam Ellsworth Bunker, the President's Assistant for National Security Affairs Dr. Henry Kissinger, and President Richard Nixon met again the following day, 3

⁷ President Richard Nixon and Chairman of the Joint Chiefs Admiral Tom Moorer, 2 February 1972 National Security Council Meeting, in *Foreign Relations of the United States, 1969-1976, Vol VIII, Vietnam, January-October 1972, Document 13.*

<https://history.state.gov/historicaldocuments/frus1969-76v08/d13>

⁸ Nixon, 2 February 1972 National Security Council Meeting.

⁹ Nixon, 2 February 1972 National Security Council Meeting.

¹⁰ President Richard Nixon, 6 April 1972, Transcript of audio-taped conversation of President Richard M. Nixon, Dr. Henry A. Kissinger, and Lt Gen John W. Vogt.

https://mbk-wpmedia.s3.amazonaws.com/wpcontent/uploads/2010/07/Lavelle-Press-Kit_full.pdf

February 1972. In a more intimate setting, the Oval Office, the three men discussed the conduct of the war in Vietnam and the use of force leading up to the President's upcoming trip to China. With more B-52s and an extra carrier ordered into theater, President Nixon advocated for continued pressure via air strikes. The President stated, "Let's have an awesome show of strength. Now, between now and the time we return from China, we cannot hit the North...On the other hand, we can dump everything we've got on the South."¹¹ However, the interplay between the use of force and diplomacy was not the only topic on the agenda.

Protective reaction strikes were also deliberated at length during the Oval Office conversation between President Nixon, Ambassador Bunker, and Dr. Kissinger. Overall, President Nixon concurred with Ambassador Bunker's recommendations regarding protective reaction authorities, verbalizing a liberal interpretation of the ROE. The President agreed that US personnel should strike SAM sites prior to the sites firing against US personnel, thereby authorizing the expansion of the definition of protective reaction to include preventive reaction. Yet the President did not publish formal guidance.

Nixon: "I am simply saying that we expand the definition of protective reaction to mean preventive reaction, where a SAM site is concerned. And I think that, but let's be sure that anything that is done there it's best to call an ordinary protective reaction. Who the hell's going to say that they didn't fire?"

Kissinger: "No, but could they stop from blabbing it at every bloody briefing?"

Bunker: "Yes, absolutely"

Nixon: "Yeah. Why do we have to put-? You tell him I don't want it put out any more."

¹¹ President Richard Nixon, 3 February 1972, Conversation Among President Nixon, the President's Assistant for National Security Affairs (Kissinger) and the Ambassador to South Vietnam (Bunker) in Foreign Relations of the United States, 1969-1976, Vol VIII, Vietnam, January-October 1972, Document 14.
<https://history.state.gov/historicaldocuments/frus1969-76v08/d14>

Bunker: “Right.”

Nixon: “Tell him-I want you to tell Abrams when you get back, he is to tell the military not to put out extensive briefings with regard to our military activities from now ‘til we get back from China. Do it, but don’t say it.”¹²

Nixon went on to state, “He [Abrams] can hit SAM sites, period. Okay? But he is not to build it up publically for the duration [unclear]. 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 out what they’ve struck. After all, it’s a SAM site, a protective reaction against a SAM site. 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.”¹³ The above conversation confirms that the air authorities required to conduct the Vietnam War came from the highest of sources, the US President. While the authorities abounded after February 1972, truthfulness did not. As noted by historian Mark Clodfelter, “[Lavelle] had no *intent* to deceive, unlike President Nixon, who used deception as a fundamental instrument of policy, as seen by the bombing of Cambodia and the February 3, 1972 decision to attack SAM sites.”¹⁴

Although President Nixon was not always truthful during his orchestration of the war effort, he did not intend harm to come to General Lavelle. In a private conversation with his National Security Advisor, the President bemoaned Lavelle’s fate, nearly simultaneous to the House investigation.

Nixon: “Well, 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, goddamnit.”

¹² Nixon, Kissinger, and Bunker, 3 February 1972 conversation.

¹³ Nixon, 3 February 1972 conversation.

¹⁴ Mark Clodfelter, “Violating Reality: The Lavelle Affair, Nixon, and the Parsing of the Truth,” (Washington, DC: National Defense University Press, 2016), 60.

Kissinger: "Right, I'll tell you what."

Nixon: "We all know what protective reaction is, this damn Laird a playing games..."

Kissinger: "What happened with Lavelle was he had reason to believe that we wanted him to [take] aggressive steps."

Nixon: "Right, that's right."

Kissinger: "Then he did it. And then suddenly Laird came down on him like a ton of bricks. And he had him already removed by the time I even learned about it. By that time the damage was done."

Nixon: "Why did he even remove him? You, you destroy a man's career?"¹⁵

President Nixon repeatedly returned to the issue of General Lavelle during his conversation with his national security advisor, later stating "Let's go back to the courage to take risks. Well you see, deep down, the thing that I'm getting at is this. That a, with Laird, I just don't like him to make a goat of this fella. Because Laird knows goddamn well, that a, I told him, I said it's protective reaction. He winks, he says 'oh I understand.'"¹⁶ While lamenting the entire matter, President Nixon and Mr. Kissinger were both cognizant of the influence of the press as well as the relevance of civil-military relations to the case.

Kissinger: "I think you might as well make a virtue of a necessity."

Nixon: "I know, I don't want the...Well, I don't think anybody gives a damn that we went in and bombed. I think they probably favored it. I don't want to a..."

Kissinger: "I think."

Nixon: "I don't like to have the feeling thought that the military can

¹⁵ President Richard Nixon, 14 June 1972, transcript of audio-taped conversation with Henry Kissinger, the President's Assistant for National Security Affairs. https://mbk-wpmedia.s3.amazonaws.com/wpcontent/uploads/2010/07/Lavelle-Press-Kit_full.pdf

¹⁶ Nixon, 14 June 1972 conversation.

get out of control. Well, maybe this censures that. This says we do something when they...It's just a hell of a damn. And it's a bad rap for him Henry."

Kissinger: "It's a bad rap for him under his com. The way this press plays things a is really."

Nixon: "Yea, Like what?"

Kissinger: "Well, now they're making a huge affair out of, out of this thing. Now, they say twenty three unauthorized bombing attacks. I'm going to get a record of them. I'm sure that each one of them was maybe two bombs on an airfield. They weren't mad raids. They were raids on by two or three airplanes. They weren't any big raids."¹⁷

By the time President Nixon discussed the general's fate in June of 1972, Lavelle's career had already suffered irreparable damage. One cannot help but consider whether President Nixon and senior officials could have extricated Lavelle from the affair with prompt action and a bit of truthfulness. Nonetheless, with Lavelle officially retired, the media played a role in how the case was portrayed to the public.¹⁸ Lavelle's story also came to educate numerous individuals attending professional military education courses at Maxwell Air Force Base, Alabama. Following the Caseys' revelations, the media again played a large role in the dissemination of Lavelle's story. With more than thirty years elapsed since the events in question, the media would prove largely sympathetic to the plight of General Lavelle.¹⁹ This new information also forced individuals and institutions to confront the case anew.

The release of material pertinent to the case allowed the Air Force to reconsider its institutional narrative surrounding the Lavelle affair. Under the counsel of attorney Patrick A. Casey, the Lavelle family found

¹⁷ Nixon and Kissinger, 14 June 1972 conversation.

¹⁸ George C. Wilson, "General Lavelle's 'Catch-22' War in Vietnam," *Washington Post*, 23 September 1972.

¹⁹ Gabriel Schoenfeld, "Machiavelli Meets General Lavelle: Lavelle was sacrificed for the sake of statecraft," *The Weekly Standard*, 5 August 2010, <http://www.weeklystandard.com/machiavelli-meets-general-lavelle/article/489332>

the Air Force Board for Correction of Military Records receptive to its request to retire Jack Lavelle in the grade of full general (O-10). The board concluded, “based on recently obtained documentation, it is clear the White House, the Department of Defense, and the Joint Chiefs of Staff (JCS) all possessed evidence which, if released, would have exonerated him.”²⁰ The report further stated, “As such, the only remaining issue before us is the allegation that he authorized the falsification of after-action reports. Although he did tell his personnel they could not report ‘no enemy action’...there is no evidence he caused, either directly or indirectly, the falsification of records, or that he was even aware of their existence.”²¹ The Air Force did an about face, reevaluating its stance on the Lavelle case and backing the Lavelle family’s quest to exonerate their loved one.

The Lavelle family also found support within the highest levels of government. Many connected to the House and Senate investigations were willing to reconsider their findings in light of new information. As stated by R. James Woolsey, previous General Counsel to the Senate Committee on Armed Services, “The Committee acted in good faith, given the information it had at the time, but the newly available material now makes it clear that its decision was not based on accurate information.”²² US President Barack Obama also stood behind the Lavelles, approving the Department of the Air Force’s request to advance John D. Lavelle posthumously to the grade of general (O-10).^{23,24}

²⁰ Air Force Board for Correction of Military Records, Record of Proceedings, 30 October 2009, 7.

²¹ Air Force Board for Correction of Military Records, 8.

²² R. James Woolsey, previous General Counsel, US Senate Committee on Armed Services (1970-1973), to Board for Correction of Air Force Records, letter, subject: Application of Mrs. John D. Lavelle for the correction of a military record, 11 June 2008.

²³ Michael B. Donley, secretary of the US Air Force, to chief of staff, US Air Force, memorandum, 29 October 2009. https://mbk-wp-media.s3.amazonaws.com/wp-content/uploads/2010/07/Lavelle-Press-Kit_full.pdf

Although the Senate Armed Services Committee later denied the Lavelles' request to restore Jack to the rank of full general, his reputation had, in many ways, already been restored.

With the Air Force having reconsidered its take on the Lavelle affair, Air University would also have to readdress what the case now meant to its faculty, curriculum, and students. The school soon had at its disposal a wealth of information related to the case, thanks in large part to the law firm representing the Lavelle family, Myers, Brier, & Kelly, who posted original evidence, transcripts of Nixon administration presidential recordings, and contemporary executive recommendations online for all to see.²⁵ Changes in the basic "facts" of the Lavelle case influenced the various Air University curricula differently. It seemed as if the Lavelle case study disappeared from the Squadron Officer School curriculum around the same time the case demanded reconsideration. Perhaps it was considered out-of-date and of limited relevance to the Air Force's next generation of company grade officers. On the other hand, the Lavelle case endured in the Air War College curriculum. A nuanced case with multiple angles and compounding factors proved valuable to a college seeking to forge the next generation of senior air force leaders. As such, the case was resurrected in the college's next round of curriculum changes.

In academic year 2008, the college again transformed its curriculum and organizational structure, incorporating leadership and ethics instruction across its four newfound primary courses: Foundations of Strategy and Leadership, National Security and Decision Making, Warfighting, and Global Security. The Lavelle case still

²⁴ Julian E. Barnes, "Obama Clears Gen. Lavelle's Record," *The Wall Street Journal*, 4 August 2010 <http://blogs.wsj.com/washwire/2010/08/04/obama-clears-gen-lavelles-record/>

²⁵ Myers, Brier, & Kelly, Attorneys at Law. Posthumous Nomination of General John D. Lavelle: Original Evidence, Nixon White House Tapes, Recent Executive Recommendations. https://mbk-wp-media.s3.amazonaws.com/wp-content/uploads/2010/07/Lavelle-Press-Kit_full.pdf

resonated within the Air University circle, now informing a lesson on senior leader derailment within the Foundations of Strategy and Leadership course.²⁶ While the lesson had changed, the salience of the Lavelle case remained.

The story of General Lavelle's wartime command experience came to enrich a variety of courses, both resident and nonresident, within the Air War College's curriculum. The case informed multiple instructional periods, albeit at different times, within the college's Joint Strategic Leadership (JSL) course.²⁷ The JSL course facilitated course objectives "through thoughtful reflection, critical assessment, creative thinking, and consideration of the issues found in the current, volatile, uncertain, complex, and ambiguous environment."²⁸ The Lavelle case fit well in a leadership course exploring the complexity of the senior leader environment and the significance of ethical leadership, professionalism, and personal accountability.²⁹ No longer a story of senior leader derailment, as in 2008, the Lavelle case eventually informed an instructional period entitled Providing Advice and Dissent in which students analyzed the mandated responsibilities of the professional military officer in providing advice to civilian officials and, if, when, and how dissent is appropriate.^{30,31}

The Lavelle case also continued to play an informal role in professional military education, educating lieutenant colonels, colonels, and their peers in other services as late as academic year 2016. The continued use of the Lavelle case was largely a matter of initiative since

²⁶ Lt Col Antonio T. Douglas, "Is Air War College Teaching the Right Leadership Skill Sets," Research Report (Maxwell AFB, AL: 2008), 19-21.

²⁷ Col Thomas A. Bruno, USMC (Air War College Department of Leadership & Warfighting, Maxwell AFB, AL), in discussion with the author, 16 May 2016.

²⁸ Catalog, Air War College Academic Year 2013, http://www.au.af.mil/au/awc/PDF/awccat_2013.pdf

²⁹ Department of Leadership and Warfighting to Air War College Class of 2016, memorandum, subject: Joint Strategic Leadership Course, Academic Year 2016, 9 July 2015.

³⁰ Syllabus, Joint Strategic Leadership AY16, Air War College, 9 July 2015, 9.

³¹ Bruno, 16 May 2016.

as of 2016, the case was no longer a formal part of the college's curriculum. Following his introduction to the case while enrolled in Air War College via distance education, a Department of Leadership and Warfighting military instructor later found the case useful in teaching a JSL instructional period on Ethical Reasoning. Utilizing a 2008 faculty paper as a basis for discussion, a single seminar consisting of sixteen individuals used the ethical triangle as a framework to examine the Lavelle case.^{32,33} The ethical triangle, consisting of principle-based ethics, consequence-based ethics, and virtue-based ethics, was endorsed within the curriculum as a way to inform how students should view a given dilemma.³⁴ In this manner, the Leadership and Warfighting Department leadership exhibited trust in its instructor cadre, giving individual instructors latitude to personalize their students' classroom experience and balance the tension between standardization and flexibility in their delivery of course materials.

In light of the staying power of the Lavelle case in formal curricula and this documented informal use of the Lavelle case in professional military education, one cannot help but ponder how the Lavelle case will continue to enrich Air University curricula. Each classroom is unique, a dialogue between the curriculum and the experiences of faculty and students alike. Considering the thousands of students who have studied the Lavelle affair and used it to inform their ethical worldview, it is reasonable to assume that the story of General John D. Lavelle's experiences in Vietnam is not over. The question is not *if* the Lavelle case will remain within professional military education, but rather *where* and *how* the case will continue to influence rising military leaders.

³² Lt Col Marcia Ledlow, USAFR, "General John D. Lavelle Case Study," Air War College faculty paper, Maxwell AFB AL, April 2008.

³³ Briefing, Air War College Department of Leadership and Warfighting, subject: JSL 6203 Ethical Reasoning, Academic Year 2016.

³⁴ Briefing, JSL 6203 Ethical Reasoning, Academic Year 2016.

Conclusions

The story of General John D. Lavelle's wartime experiences as a commander in Vietnam and his subsequent trials remains significant on many levels. The case's significance is not necessarily tied to the institutional narrative endorsed by the Air Force and the Department of Defense following the general's dismissal. Rather, the Lavelle affair and its use as a case study in ethics broadly highlights the limitations of knowledge, the bounds of trust, and the nature of change within organizations. After touching upon those three broad themes, one must reassess what the Lavelle case represents in the modern era.

For decades, many, to include soldiers and scholars, thought they knew the facts surrounding the Lavelle case. As such, they analyzed the case, passing normative judgement upon the general's actions. However, most people possessed only a portion of the facts surrounding the case, with very few people knowing the complete picture. One cannot help but think about this fact, specifically as it pertains to the use of case studies to enrich education. Students should be asked to evaluate the facts as presented to them, acknowledging the finite resources at one's disposal

and the bounded nature of human rationality. Passing judgement on individuals is counterproductive, given the incompleteness of information and the myriad of complex factors that permeate difficult situations. As such, schools should eschew pressing for a correct or “school answer” when it comes to the ethical education of leaders. Rather, the goal should be to provide frameworks for evaluating multifaceted, morally ambiguous situations. Even with useful ethical frameworks, one must be intellectually honest and flexible enough to reevaluate one’s position in light of additional information.

The Lavelle case also speaks to the limitations of trust. Some may read of the general’s fate, a man perhaps “sacrificed for the sake of statecraft,”¹ and wonder *could this happen to me?* While unlikely, it is certainly not impossible. Military command is a post of trust and responsibility and can thus prove fleeting. While trust in the military was often invoked during congressional hearings following General Lavelle’s dismissal, trust is a two-way street. It involves a dialogue between two parties and thus must bridge the civil-military divide. Trust and honesty are two distinct but intertwined concepts. With deception used as a “fundamental instrument of policy”² during the Vietnam War, one cannot help but ponder the legitimacy of a less-than-honest authority in the conduct of war.

Use of the Lavelle case in Air Force professional military education also highlights the nature of change within organizations. The 1994-1995 “Blue Sky” planning effort by which the Lavelle case became a part of the Air War College curriculum sought to revitalize Air Force senior developmental education at Maxwell Air Force Base, Alabama. While in the midst of creating and developing a fundamentally new curriculum,

¹ Gabriel Schoenfeld, “Machiavelli Meets General Lavelle: Lavelle was sacrificed for the sake of statecraft,” *The Weekly Standard*, 5 August 2010,

<http://www.weeklystandard.com/machiavelli-meets-general-lavelle/article/489332>

² Mark Clodfelter, “Violating Reality: The Lavelle Affair, Nixon, and the Parsing of the Truth,” (Washington, DC: National Defense University Press, 2016), 60.

changes might have seemed revolutionary in nature to those closest to reform efforts.³ In retrospect, the changes brought about were just another milestone in the ongoing quest to keep the school's content relevant. The conclusions of Air War College's 1946-1987 historical survey would continue to hold true, with successive administrations taking proactive measures to "keep the curriculum current and vital" in light of technological advances, changes in the international arena, and evolving military concepts and capabilities.⁴ Like technological change, organizational changes often seem transformational upon inception, but in hindsight appear as just another evolutionary step in the pursuit of relevance.

In closing, one must consider the modern relevance of General John Lavelle's wartime experiences as the Commander of Seventh Air Force during the Vietnam War. A multifaceted case study, laden with larger-than-life characters dealing with the exigencies of limited war, the Lavelle affair proved its staying power within Air Force professional military education. Some of the reasons it endured within the curricula speak to its continued relevance to military officers in the modern era. General Lavelle, his superiors, peers, and Airmen were charged with conducting an unpopular war within a complex array of restraints. The moral and ethical education of the contemporary officer corps requires complex, difficult scenarios, particularly in light of the prevalence of limited contingencies across the globe. Limited war, in many ways, turns black and white to gray, forcing a more nuanced approach to decision making. Nuance is exactly what the Lavelle case provides.

³ Notes, Air War College Faculty Call, 7 November 1994, in History, Air War College, 1 July 1994-30 June 1995, supporting document 19, US Air Force Historical Research Agency, Maxwell AFB, AL.

⁴ Jerome A. Ennels, "Evolution of the Air War College Curriculum: 1946-1987," Office of History, Headquarters Air University, Maxwell AFB, AL, 12 February 1988, 23, US Air Force Historical Research Agency, Maxwell AFB, AL.

Finally, it is worth contemplating the legacy of General John Lavelle. General Lavelle's reputation as an upstanding, hard-working, and competent military officer certainly suffered following the events of 1972. Despite the Senate Armed Services Committee's refusal to allow the general's posthumous advancement to the rank of O-10 to proceed, his honor has largely been restored thanks to the tenacity of many individuals. To many in the modern era, Lavelle represents a hero. Today's risk-averse society and arguably one-mistake Air Force may breed individuals so fearful of the repercussions of their actions that they prefer to "play it safe" instead of taking legitimate risks. A look at General John Lavelle's life and career paints a picture of a man of initiative, moral courage, and loyalty, the epitome of a selfless leader. He had the courage to stand up for his people, accepting responsibility for missteps that occurred under his command. He also had the courage to stand up for truth, standing by his version of events, an account congruent with recently released documentation, until his passing. Finally, General Lavelle demonstrated far greater loyalty to his senior military and civilian leadership than was afforded to him, perhaps avoiding an affair of greater magnitude than the one that transpired. Once a pariah within defense circles, new information makes it clear that the singularly distinctive accomplishments of General John D. Lavelle culminated a long and distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

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