

JUN 15 1972

# Punish

# Lavelle--

# Proxmire

SF Examiner

WASHINGTON — (UPI) — Sen. William Proxmire said today the Air Force should court-martial Gen. John D. Lavelle, who has acknowledged ordering unauthorized bombing raids over North Vietnam.

The Wisconsin Democrat accused Lavelle of insubordination and said:

"The time has come to determine whether a civilian or military finger is on the trigger."

Told of Proxmire's remarks, an Air Force spokesman said the service does have authority to court-martial retired officers. He cited a 1958 decision by the Court of Military Appeals, sustained by the civilian courts, upholding the principle.

Proxmire said that if a private first class had defied orders as Lavelle did, "he would be investigated, charged, court-martialed, given a bad conduct discharge and confined for two years at hard labor."

"But the insubordination of Gen. Lavelle was glossed over while the general was quietly retired on a \$2500 a month pension and the military tried to cover up the event," Proxmire said.

Lavelle testified Monday at a House hearing that while U.S. Air Force commander in Southeast Asia, he ordered "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam last winter. He said he cloaked them as permissible "protective reaction" raids, saying they were in response to Communist ground fire or the threat of it.

The only bombing authorized by President Nixon while the raids occurred were "protective reaction" strikes.

Lavelle was recalled in March and retired.

"Instead of bringing immediate charges against him, ordering his arrest and throwing him in the brig," Proxmire said, the Air Force tapped him on the wrist and he was "fawned over by a number of hawkish members of Congress."