

Young Air Officer Formally Accuses

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Special to The New York Times

WASHINGTON, June 21—A

young Air Force officer, acting "because my superiors and fellow officers have failed to come forward," formally accused Gen. John D. Lavelle today of criminal misconduct in connection with unauthorized strikes on North Vietnam and the falsification of official reports.

The officer, First Lieut. Delbert R. Terrill Jr., a 1970 graduate of the Air Force Academy, swore out court-martial charges against the retired general in the offices of a Congressman and later delivered the complaint to the offices of the Air Force Secretary, Robert C. Seamans Jr.

Lieutenant Terrill, a 24-year-old native of Charlevoix, Mich., said at a news conference that "I expected that there would have been quite an uproar" over the General Lavelle incident among his fellow officers.

Need to 'Speak Out'

"I waited," he said, "and I just feel that any oath of allegiance requires that I at last speak out."

The lieutenant specifically accused General Lavelle of having willfully disobeyed a lawful order and falsified official documents, criminal actions that carry maximum penalties upon conviction of a total of six years in jail and immediate dismissal from the service.

Lieutenant Terrill demanded that Secretary Seamans conduct a formal investigation of his accusations, in accordance with the Uniform Code of Military Justice. The code requires the Secretary to begin an informal inquiry to determine whether there was enough evidence to

sustain a full pretrial hearing, known in the military as an Article 32 proceeding, on the charges.

Under military law, any enlisted man or officer subject to military law may file charges against a fellow officer or enlisted man.

Military sources said the military retained jurisdiction over General Lavelle in the case because he was receiving retirement pay.

"What kind of discipline can be maintained in a military system in which commanders are relieved and retired while others for like offenses are court-martialed and given dis-

honorable discharges?" the solemn young lieutenant asked at the news conference. "The American dream and the necessity of military cohesiveness demand equality."

In addition to his court-martial charges, Lieutenant Terrill said he would file a separate request with Secretary of Defense Melvin R. Laird calling for a court of inquiry "concerning the propriety of the conduct" of four of General Lavelle's superiors—Gen. John D. Ryan, Air Force Chief of Staff; Gen. Creighton W. Abrams, the newly designated Army Chief of Staff; Adm. John S. McCain, Commander of the Pacific command based in Hawaii, and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff.

Orders for 20 Raids

General Lavelle, whose nomination for retirement as a three-star general is pending before the Senate Armed Services Committee, acknowledged during a House of Representatives hearing last week that he had ordered "in the neighborhood" of 20 unauthorized raids on North Vietnam between Nov. 8, 1971, and March 8 of this year.

The general said he had officially reported the raids as "protective reaction." He also testified that General Abrams—as head of the Military Assistance Command-Vietnam in Saigon, was aware of the unauthorized raids.

General Lavelle was relieved of his four-star command in March and later reduced one rank, a demotion unprecedented in recent United States military history. He was permitted, however, to retire in April while drawing the pay of a full general—some \$2,250 a



United Press International

First Lieut. Delbert R. Terrill Jr. at news session yesterday in Washington.

Lavelle of Misconduct for Raids on North

month. Pentagon officials have said that no further action against the general was pending.

Lieutenant Terrill said that he had been a member of the Concerned Officers Movement, an antiwar group of military men on active duty that has been meeting sporadically for the last few years. The lieutenant also said that because of the unpopularity of his views among some fellow officers he had tendered his resignation to the service, effective in August, although he still had three years of his obligation to serve.

Despite those steps, Lieutenant Terrill said, "I believe in the institution of the Air Force and I would like to stay in the Air Force. One of the primary things learned at the academy was that respect goes both ways in the chain of command—up and down."

An Air Force legal officer acknowledged in an interview that some kind of action would have to be initiated by the Air Force in response to the com-

plaint. "Somebody's going to have to make a determination somewhere along the line on how this thing is going to be handled," said the officer, who asked not to be identified.

Officially, a Pentagon spokesman said there would be no comment until Lieutenant Terrill's complaint had been reviewed.

There have been two similar army cases involving charges arising from the Vietnam war. In February, 1971, First Lieut. Louis P. Font, a young West Point graduate, accused two generals of war crimes. A month later, court-martial charges against two officers were filed by Lieut. Col. Anthony B. Herbert. In both cases, the charges were dropped by the Army.

Two members of the Senate Armed Services Committee today urged the committee to investigate thoroughly the Lavelle incident before acting on his pending application for retirement.

Senator Harold E. Hughes, Democrat of Iowa, described

the case as one that "gets at the very roots of the integrity of our command control system in wartime."

"The violations in question," he said in a Senate speech, "are far too serious and far-reaching in their implications to be adequately handled by disciplining one violator when a number were involved."

Senator Stuart Symington, Democrat of Missouri and a former Secretary of the Air Force, suggested that General Lavelle be asked to testify before the committee. Senator Symington also predicted that General Abrams would be questioned about his role in the case when his nomination as Chief of Staff came up for confirmation.

A committee source said the Senate would delay action on General Abrams's nomination until after the Democratic National Convention next month. Asked whether the delay had anything to do with the Lavelle incident, the source said, "There's obviously plenty of room for speculation."