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AF Asked to Prosecute

Gen. Lavelle

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Senator William Proxmire (Dem.-Wis.) called upon the Air Force yesterday to begin court-martial proceedings against now-retired General John D. Lavelle for ordering unauthorized attacks against North Vietnam while in command of the Seventh Air Force.

Proxmire called Lavelle's actions "virtually unprecedented in modern American military annals and, due to the terror of the nuclear age, must be answered by disciplinary action commensurate with the seriousness of the act itself."

The Wisconsin Democrat, one of a number of legislators who commented on the Lavelle case yesterday, said that if a private first class had defied orders as Lavelle did, "he would be investigated, charged, court-mar-

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THE BOMBING DISPUTE

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tialled, given a bad-conduct discharge and confined for two years at hard labor.

"But the insubordination of General 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.

STATEMENT

"Instead of bringing immediate charges against him, ordering his arrest and throwing him in the brig,"

Proxmire said in a statement, "the Air Force tapped him on the wrist" and he was "fawned over by a number of hawkish members of Congress."

At a two-hour open hearing of a House armed services subcommittee last Monday, Air Force Chief of Staff General John D. Ryan said he relieved Lavelle after finding out and confirming that 28 unauthorized missions — involving 147 planes — had been carried out between Nov. 8, 1971, and March 8, 1972, under the

guise of so-called "protective reaction" raids.

Lavelle acknowledged that he had "probably" made about 20 such missions under what he said was "a very liberal interpretation" of the U.S. rules of engagement.

Lavelle was a four-star general. He was retired as a two-star, his permanent active-duty rank, and has been nominated for permanent retirement rank as a three-star general. It is the first time in modern military history that a four-star general has been demoted.

Defense Secretary Melvin R. Laird was asked about this on Capitol Hill Tuesday and asserted that the raids during the November-March period had no effect on the course of the negotiations. He cited recent statements of chief Communist negotiator Le Duc Tho which made no mention of such raids.

CONCERN

Administration sources, who say there was considerable concern over the Lavelle case at the White House, tend to back up Laird's assessment. They point out that there were also a number of "legitimate" protective reaction raids going on at the time and that Hanoi probably had no way to separate one from the other.

Senator Robert P. Griffin (Rep.-Mich.), the deputy GOP floor leader, also expressed the view that the Lavelle case should not be dropped, but added, "I don't know that I would recommend a court-martial."

An aide to Senator Harold E. Hughes (Dem.-Iowa) said the Senator has written to Senate Armed Services Committee Chairman John C. Stennis (Dem.-Miss.) to request that committee make a full scale investigation of the case.

Lavelle, however, is eligible to be paid at the highest rank achieved — four star — and he also remains within the authority of military courts. The Pentagon said yesterday, however, that no further action is planned against Lavelle or anyone on his staff.

Senate Democratic leader Mike Mansfield said that Lavelle affair is disturbing to him because of the constitutional situation it presented to the President.

IMPLICATIONS

Mansfield also added that he is concerned about the political implications, noting that secret peace negotiations were called off during the time of the unauthorized bombing.

On November 8, the first day of the raids cited by General Ryan and a time when the United States was awaiting a reply on talks from Hanoi, three North Vietnamese airfields were hit in what Pentagon sources say were unauthorized attacks.

'ISOLATED'

Questioned at the Pentagon on whether the Lavelle ordered raids constituted a violation of the 1968 "understanding" which led to the bombing halt over North Vietnam, Defense Department spokesman Jerry W. Friedheim called the raids ordered by Lavelle "isolated incidents" which were in violation of U.S. policy and were stopped immediately when they were uncovered.

Friedheim rejected any comparison with North Vietnamese violations of the understandings — which linked the bombing halt to Hanoi's "understanding" they would not violate the DMZ, shell cities or shoot at unarmed reconnaissance planes.

Friedheim said there is an "obvious difference between a mistake and error on our side and a long standing and flagrant policy of violation by the enemy."

Friedheim also said he rejected a newsman's charge that the Pentagon had indulged in telling at best a half truth when it claimed on April 7 that Lavelle was retiring for "personal and health reasons" and refused to provide any further information until the case began to leak out in the press several weeks later.

The Pentagon spokesman also claimed he had no knowledge of any specific incidents uncovered by the Air Force in which U.S. pilots had deliberately provoked enemy ground fire so that they could then hit certain targets under the "protective reaction" policy.