

Lieutenant Seeks Trial of Lavelle

Washington

A young Air Force officer, acting "because my superiors and fellow officers have failed to come forward," formally accused retired Lieutenant General John D. Lavelle yesterday of criminal misconduct in connection with unauthorized attacks on North Vietnam.

First Lieutenant 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 Air Force Secretary Robert C. Seamans Jr.

Terrill, 24, a native of Charleboix, Mich., told a news conference that, "I expected that there would have been quite an uproar" over the Lavelle incident among his fellow officers.

"I waited," he said, "and I just feel that any oath of



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LT. TERRILL
'Superiors have failed'

allegiance requires that I at last speak out."

CHARGE

The lieutenant specifically accused Lavelle of willfully disobeying a lawful order and falsifying official docu-

ments, criminal actions that carry maximum penalties upon conviction of a total of six years in jail and immediate dismissal from the service.

Terrill demanded that 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 is enough evidence to sustain a full pretrial hearing, known in the military as an Article 32 proceeding, on the charges.

"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 dishonorable discharges?" Terrell asked.

The lieutenant also questioned "the propriety of the conduct" of four of Lavelle's superiors, General John D. Ryan, Air Force, Chief of Staff; General Creighton W. Abrams, the newly designated Army chief of staff; Admiral John S. McCain, commander of the Pacific Command based in Hawaii; and Admiral Thomas H. Moore, chairman of the Joint Chiefs of Staff.

ADMISSION

Lavelle, whose nomination for retirement as a three-star general is now pending before the Senate Armed Services Committee, acknowledged during a House 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.

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

REDUCTION

Lavelle was relieved of his four-star command in March and later reduced one rank, an unprecedented demotion in recent U.S. military history. He was permitted, however, to retire in April while drawing the pay of a full general — about \$2250 per month. Pentagon officials have said that no further action is pending against the general.

Terrill said he has been a member of the Concerned Officers Movement, an anti-war group of active duty military men that has been meeting sporadically for the past few years. The Air Force officer also said that he had tendered his resignation to the service, effective in August, although he still has three more years of his obligation to serve.

Officially, a Pentagon spokesman said there would be no comment until Terrill's complaint had been reviewed. Under military law, any enlisted man or officer subject to military law may file charges against a fellow officer or enlisted man.

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