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Congressman Assails Lavelle's Disability Rating

**Aspin Terms It Unsupported
 by Medical Evidence**

Special to The New York Times

WASHINGTON, Aug. 10—Representative Les Aspin has charged that Lieut. Gen. John D. Lavelle, who was removed as the American Air Force commander in Vietnam after he ordered unauthorized bombing raids on the North, was retired a month later with a 70 per cent disability rating unsupported by medical evidence.

Mr. Aspin, a Democrat from Wisconsin, said in a statement last night that General Lavelle, whom he characterized as being in "relatively good health," was given "a very special gift" in the form of the disability rating, which provides him with a sizable income-tax exemption.

"It strikes me as rather strange that a general who was, in effect, demoted for an extremely serious disobeying of the President's orders concerning the bombing of North Vietnam should be given such a big going-away present," Mr. Aspin said.

Basis of Removal

General Lavelle was relieved of his command in March after the Air Force discovered that he falsely reported as "protective reaction" strikes at least 28 bombing raids on military targets in the North between January and March. In May, the Air Force announced that General Lavelle had retired "for personal and health reasons." As a reprimand, the White House nominated him for retirement at the three-star rank, one grade lower than his active-duty rank of full general.

Along with the demotion from four stars to three, which the Pentagon says is unprecedented, the former commander of all United States Air Force units in Southeast Asia was given the medical disability rating.



The New York Times

Lieut. Gen. John D. Lavelle

As a result, 70 per cent of his annual retirement income, or \$18,900, is exempt from personal income taxes. In addition, because of his premature retirement at age 55 for reasons of health, General Lavelle is eligible for a further exemption of \$5,200 a year under the "sick pay" proviso of the Internal Revenue Code.

According to a spokesman for the Internal Revenue Service, the tax on the \$2,900 remaining, for a married couple filing a joint return, would be \$16.

General Listed Ailments

Air Force regulations prohibit disclosure of the specific health problems on which General Lavelle's 70 per cent disability is based. But the general told a House Armed Services subcommittee in June that he suffered from emphysema, a heart murmur and a back problem.

The New York Times has obtained, from a source unconnected with Mr. Aspin, por-

**Ex-Air Force Chief in Vietnam
 Would Get Big Tax Break**

tions of General Lavelle's medical record relating to the first two complaints.

A copy of a "pulmonary function study" performed by Air Force doctors on General Lavelle April 3, four days before he retired, showed the vital capacity of his lungs, which is the total amount of air that can be exhaled, to be 101 per cent of normal.

A second test was conducted to measure the amount of air that could be expelled in one second. The general obtained a rating of 72 on this test.

According to the sixth edition of Harrison's Principles of Internal Medicine, a score of 69 is considered normal for a man of General Lavelle's age. The general's score on this test also exceeded the Air Force's own standard score of 70, which must be met by pilots before they can qualify for flight duty.

Cardiology Study Results

A separate cardiology study, performed the next day, April 4 and marked "emergency," reported that General Lavelle had "known of heart murmur and nonspecific T-[wave] changes for three years." A T-wave is a reading obtained from an electrocardiogram.

The study said that these complaints had not resulted in any limitation of the general's activity. An Air Force spokesman confirmed that General Lavelle, who was a combat pilot during World War II, retained his flying status, which requires continued medical approval of fitness, until his retirement.

But the spokesman cautioned that "many of us have things wrong with us that do not necessarily disqualify us from flying."

See also General Earle G. Wheeler, SFCronicle 11 Jun 70, filed Misc. II.