

Laird Says Air Force Studies Possible Lavelle Court-Martial

Pentagon Chief Asserts That Charges Are Under Review on Unauthorized Bombing

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WASHINGTON, Sept. 24—Secretary of Defense Melvin R. Laird said today that court-martial charges against Lieut. Gen. John D. Lavelle were pending and "under current review" by the Air Force in connection with unauthorized strikes he had ordered in North Vietnam.

But Defense Department officials explained later that Mr. Laird was simply stating the present legal situation facing General Lavelle following formal charges of "criminal misconduct" filed against him last June by a junior Air Force officer.

Mr. Laird made his statement during an appearance on the "Meet the Press" television program of the National Broadcasting Company.

It was believed to be the first time that the possibility of a court-martial for the former commander of the Seventh Air Force had been mentioned in public by a Pentagon official.

The charges that General Lavelle had "willfully disobeyed lawful orders and falsified official documents" were made in a complaint submitted to the Secretary of the Air Force, Robert C. Seamans Jr., by First Lieut. Delbert R. Terrill Jr., a 24-year-old graduate of the Air Force Academy.

Demoted and Retired

General Lavelle was relieved of his command, demoted from full general to lieutenant general and retired from the Air Force after investigations showed that he had falsified reports to justify unauthorized air strikes on North Vietnam as "protective reaction" raids—that is, in response to enemy threats on pilots.

These strikes occurred before the United States had undertaken the current heavy bombings of North Vietnam after the enemy offensive, which began March 30.

Denying that the Air Force had been "lenient" with General Lavelle, Secretary Laird observed that in addition to his dismissal there were "of course, court-martial charges that are pending."

"That is a matter under the Code of Uniform Military Jus-



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Lieut. Gen. J. D. Lavelle

...tice that is handled first by the Secretary of the Air Force," Mr. Laird said. "Those charges are pending and are under current review at the present time."

Later in the program, Mr. Laird said that "the question of court-martial I do not care to discuss because that is a matter that is pending and under review by the Secretary of the Air Force."

Defense Department officials said later that there were no indications of what action Mr. Seamans might take in the wake of Lieutenant Terrill's charges or when he might make a decision.

They said that to "the best of our knowledge" the Air Force itself had not contemplated initiating court-martial proceedings against General Lavelle. They said Secretary Seamans had been reviewing the charges under the provisions of Article 32 of the Code of Military Justice, which covers such charges.

Mr. Laird said that General Lavelle had been retired with the \$25,000 annual pension of a lieutenant general in compliance with Congressional statutes under which the Defense Department had no authority to deny him this benefit.

Inconclusive hearings on whether General Lavelle had ordered the strikes against North Vietnam with the knowledge of his superior officers, as he had asserted, were held earlier this month before the Senate Armed Services Committee.