

Lavelle Affair Spurs Probe of Disability Pay

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The Lavelle case moved into a new area yesterday, with Sen. Harry F. Byrd Jr. (Ind.-Va.) calling for an inquiry into the way disability payments are determined for military officers.

Maj. Gen. John D. Lavelle retired at 70 per cent disability shortly after passing physicals that found him healthy enough to fly airplanes.

"It does appear that there may be considerable abuse of the retirement system," said Byrd in recommending a study of how the Defense Department and Veterans Administration determine the degree of disability.

After learning that Lavelle would retire with an income of \$27,000 a year, most of it tax free, Byrd demanded Pentagon figures showing the overall trend.

In the Air Force, Byrd said in summarizing the figures for the period from Jan. 1, 1964 through June 30, 1972, "more than half (53 per cent) of the general officers are retired with disability pay even though 77 per cent of those officers had within six months of retirement passed a medical examination qualifying them for the hazardous duty flight pay."

The same Pentagon survey of the Army and Marine Corps showed that about 40 per cent generals and 30 per cent of the Navy flag officers retire with the benefit of certified disabilities, according to Byrd.

In other developments related to the Lavelle case, the Senate Armed Services Committee in a strategy session decided to issue a short statement today approving the nomination of Gen. Creighton W. Abrams as Army Chief of Staff. Any recommendations for reducing chances of another breakdown in command which hid the Lavelle irregularities would come later.

The Senate as a whole is

scheduled to start debating the Abrams' nomination today, with critics focusing on the unauthorized bombings Lavelle conducted while Abrams was field commander in Vietnam. Abrams has denied any knowledge or approval of the 28 unauthorized raids conducted between November, 1971, and March, 1972.

At the Pentagon, spokesman Jerry W. Friedheim said he did not see "anything particularly new" in published statements by five Navy pilots that strikes against North Vietnam were premeditated, even though the "protective reaction" rules in force at the time required a hostile enemy response before bombs could be dropped.

But Sen. Harold E. Hughes (D-Iowa), a member of the Senate Armed Services Committee, said in an interview that there are still too many unresolved questions about the air war in Vietnam to end the Senate inquiry which was triggered by the disclosures about Lavelle's unauthorized bombing.

Hughes said the Senate, with its responsibility for authorizing and appropriating money for the war and the weapons used in it, need not limit its Lavelle investigation to the areas relevant to the nomination of Abrams.

Former Lt. William G. Groepper, who turned in his wings because of his disillusionment with the Vietnam War and reluctance to fly missions he believed violated protective-reaction rules, was asked by Hughes in testimony released yesterday whether there was "any doubt in your

mind" that Navy planes in Quanglang air field in North Vietnam whether they were threatened by anti-aircraft units or not.

"They were intending to deliver the ordnance regardless of whether or not they were fired upon," answered Groepper. "Is my mind that is perfectly clear."

Groepper's former superiors aboard the aircraft carrier Constellation contradicted him in other testimony before the Senate committee.

Yesterday, however, The New York Times and Associated Press quoted other pilots in Attack Squadron 165 who supported Groepper's testimony. "The original intent was to drop the bombs in one way or another," said former pilot James D. Hyberg, 30, of Fresno, Calif.

Bomb-Quiz Pilot Gets High Level Attention

Lt. Charles W. Moore Jr., a Navy pilot, called to testify before the Senate Armed Services Committee on alleged bombing violations, drew high level attention at the Pentagon before he went to Capitol Hill—as this excerpt from the hearing record shows:

Sen. Stuart Symington (D-Mo.)—"... Did you talk to an admiral about this?"

Moore—"Yes sir, I did."

Symington—"Whom did you talk to?"

Moore—"I saw Adm. (Elmo R.) Zumwalt" (Chief of Naval Operations).

Symington—"Did you ask to see him or did he ask to see you?"

Moore—"We just kind of ran into one another..."

Symington—"You happened to see him?"

Moore—"I am trying to remember now. Adm. (Means) Johnston (Navy Inspector General) took me to his office."

Symington—"What other admirals did you talk to?"

Moore—"I can't remember the names. I also talked to Adm. (Thomas H.) Moorer," chairman of the Joint Chiefs of Staff.

Symington—"How did you happen to run into him?"

Moore—"He was in the same place Adm. Zumwalt was."