

# Further Punishment of Gen. Lavelle Ruled Out

## 'Slap in the Face'

WASHINGTON (AP) — The Air Force has ruled out further disciplinary action against Maj. Gen. John D. Lavelle, saying the general's firing as commander of the 7th Air Force was punishment enough for last winter's unauthorized bombing of North Vietnam.

Court-martial charges lodged against Lavelle by a junior officer were dismissed Tuesday by Secretary of the Air Force Robert Charles Seamans Jr.

The Air Force said Seamans acted "after thorough investigation and review of all facts and material in connection with the matter."

But the officer who brought the charges, 1st Lt. Delbert R. Terrill Jr., called the dismissal "a slap in the face to every soldier who has ever worn the American uniform."

"The whole handling of this affair has been an indictment against the military ethic," said Terrill, an Air Force Academy graduate from Charlevoix, Mich. "There is no respect down the chain of command. There is no attention to duty."

In a brief statement, the Air Force said Lavelle's relief from command in April "has served the interests of discipline by its punitive impact and by placing commanders on notice that the Air Force does not and will not condone the manner in which Gen. Lavelle discharged his duties."

The Air Force said it "plans no further action in this case."

Although this, in effect, closed the legal books in the Lavelle case, questions over civilian control of the military and the armed forces disability retirement system remain unresolved in the view of some congressmen.

Terrill filed the charge in June after the Air Force had announced that it planned no further disciplinary action against the general for 28 unauthorized bombing strikes by his planes between November, 1971, and last March. Lavelle admitted falsely reporting these as "protective-reaction" strikes to cover up the violations of White House restrictions on the bombing of North Vietnam.

The restrictions subsequently were relaxed.

The Uniform Code of Military Justice provides that any serviceman can prefer charges against another. Terrill did so, he said, because discipline and morale would be undermined if enlisted men

could be prosecuted for wearing their hair too long while generals escaped prosecution even after admitting violations of orders.

Lonnie Franks, the Air Force sergeant who first brought the incident to light, called the dismissal of charges another attempt by the military to cover up the case.

"The military has been trying to cover this up in every way possible, so the decision today isn't surprising," said Franks, now stationed at McCoy Air Force Base in Orlando, Fla.

"The military isn't giving Lavelle an opportunity to clear his own name. He's taking the whole rap despite his testimony before congressmen that he's never disobeyed anyone's orders," he added.

Franks was among witnesses who testified before the Senate Armed Services Committee in its probe of the case.

After Lavelle was ordered home from his war assignment in April, he was virtually forced into retirement at the rank of major general, two grades lower than his status as full general as commander of the 7th Air Force.

The Senate last week killed his promotion from major general to lieutenant general on the retired list and Seamans said he now is formally withdrawing the Pentagon's

recommendation that Lavelle be retired as a three-star general.

The promotion would have amounted to a symbolic gesture, because it would not have affected Lavelle's \$25,000 annual retirement pay, largely tax-free because of a 70-

percent disability status granted by military doctors a few weeks after he passed a flight physical.