

NYTimes

OCT 25 1972

WASH DC R 21 1972

Air Force Dismisses Last Charges Against Lavelle

Special to The New York Times
WASHINGTON, Oct. 24 —

The Air Force announced today the dismissal of court-martial charges filed against Maj. Gen. John D. Lavelle by an Air Force lieutenant after what it called a "thorough investigation and review of all facts and materials." It said the charges had been dropped because "the interests of discipline" have already been served.

A statement issued this afternoon by the Secretary of the Air Force, Robert Seamans Jr., noted that General Lavelle had been relieved of his command of the Seventh Air Force in South Vietnam in April. The removal followed a series of unauthorized bombing raids over North Vietnam ordered by the General. "This action," the statement

said, "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 General Lavelle discharged his duties."

The charges dismissed today were filed in June by First Lieut. Delbert R. Terrill Jr. after the Air Force had announced that no further action against General Lavelle was planned. The 25-year-old lieutenant was stationed at Bolling Air Force Station in Washington.

General Lavelle was charged with having willfully disobeyed a law of order and having criminally falsified documents, in this case operational reports. The charges "were dismissed after thorough investigation and review of all facts and material

in connection with the matter." Today, Lieutenant Terrill called the dismissal "a slap in the face to every soldier who has ever worn the American uniform."

He said that the Secretary of Defense had ordered an inquiry to determine if a court martial was warranted. He also noted that "no action has been taken with respect to these below General Lavelle who knowingly carried out the illegal orders."

"To effect," he said, "the Administration gives amnesty to our men in Canada," a reference to those who have left the country to avoid serving in the Vietnam war. General Lavelle has been re-

duced from full general to major general and allowed to retire. However, his retirement pay is that of a full general.

Further, General Lavelle was allowed a 70 per cent disability, despite the fact he had been drawing flight pay during his Vietnam assignment. This provides him with a pension of \$27,000 a year, all but \$2,900 of it tax free.

According to the Internal Revenue Service, the Federal income tax on \$2,700 for a married couple filing a joint return and taking standard deductions would be \$16. The spokesman said that the annual monsoon was effecting air operations over North Vietnam, but he acknowledged that as recently as Saturday 220 missions were flown over the North.