

20 May 75 (C)

Butterfield - Bill to reinstate Butterfield's military benefits is defeated in the Senate, 46 to 42 (WXP gives the vote as 47 to 42). Several senators say the bill is not aimed at Butterfield personally but reflects a growing Senate concern about what they describe as a blurring in recent years of civilian and military authority in the government.

NYT: "Two of the more senior members of the Senate Armed Services Committee, John C. Stennis of Mississippi, and Howard W. Cannon of Nevada, both Democrats, sought the bill ... on the ground that [Butterfield] was entitled to receive his accrued retirement benefits.

"Mr. Cannon contended that it was 'only fair' to restore the retired rank to Mr. Butterfield because congress had passed special bills in the past to permit two other former F.A.A. heads - Elwood R. Quesada and William F. McKee, both Air Force generals - to retain their military status. But Sen. [John C.] Culver argued that this was 'governing by exception' and made what he called 'a mockery' of the law requiring a civilian to head the agency." AMP-A

NYTimes 21 May 75 [Special to NYT]

Earl J. Silbert is questioned during Senate Judiciary Committee hearings on his nomination as U.S. District Attorney for the District of Columbia. WXP: "Silbert, who was chief prosecutor in initial phases of the Watergate investigation, has been serving under court appointment while his nomination, first by President Nixon and later by President Ford, has languished in Congress for nearly 18 months. Reportedly under administration pressure, the Senate Judiciary Committee decided recently to move ahead with confirmation action."

Stories say the questioning today by the only senator present, John V. Tunney, concerned the Fielding break-in and a transcript of an intv of Alfred C. Baldwin in 1972 by the LATimes.

In the Baldwin matter, a tape recording of the intv was turned over to the court in Dec 72 and sealed by Sirica until this week. In the tape Baldwin refers to the CIA, but in the transcript (apparently submitted by Silbert's office as part of the court record) the ~~ref~~ initials CRP are substituted for CIA. See story for details.

(Cont'd)

(2)

20 May 75 (2)

[from previous page]

In the Fielding matter, Tunney asks Silbert why his office did not act sooner on leads, such as information in possession of his office for ten months which linked Liddy and Hunt to the Fielding break-in, including a report of a telephone call between Ellsberg and Dr. Fielding which was recovered from Hunt's WH safe (19 Jun 72?). See story for details.

WXP 21 May 75, Helen Dewar

AMP - B

NYT 21 May 75, Richard D. Lyons

Alfred C. Baldwin }
Fielding break-in } See entry, Earl J. Silbert

(20 May 75) AMP

(A) - The act creating the FAA in 1958 specified that the agency's administrator, at the time of his nomination, must be a civilian; he could not be on the active or even the retired list of any of the armed forces.

- Quesada, nominated in Jan 59, had to resign his commission as a lieutenant general in the Air Force; "the following Fall, while he was still running the F.A.A., Congress authorized the President to restore him to his status as a retired general, effective at the end of his F.A.A. service."

- McKee declined to take the position if he would lose his military status and the pay and other benefits that went with it; "so, in June, 1965, Congress passed a bill that, in effect, waived the provision that the nominee to the F.A.A. job had to be a civilian."

NYT 23 May 75, Richard Witkin

(B) - Seymour Glanzer, Silbert's top assistant in the Watergate prosecution, apparently was also questioned today during the Silbert hearings. See entry 22 May.