

Head of Safety Panel Concedes White House Pressure on Jobs

NYTimes

By JOHN D. MORRIS MAY 22 1973

Special to The New York Times

WASHINGTON, May 21—The chairman of the National Transportation Safety Board, which was established as an independent agency, acknowledged today that the White House had influenced the appointment of key staff personnel.

The chairman, John H. Reed, also confirmed reports that the board's Republican members had been threatened with "disciplining" if the 1972 annual report included a recommendation that the board's housekeeping functions be removed from the Department of Transportation.

Mr. Reed, a former Republican Governor of Maine, testified at a hearing before the Senate Commerce Committee. The committee is trying to determine whether the board's independence, mandated by Congress, has been compromised.

Independent by Statute

The five-member board was created six years ago as the Federal Government's investigatory and advisory arm on the safety of aviation and land transportation. Although independent by statute, it is located in the Transportation Department, which handles its supplies and performs other housekeeping functions.

Mr. Reed insisted that no attempt had been made by the White House or the department to influence the board "as to its substantive duties."

He said he saw no impropriety in his appointment of the board's general manager, Richard L. Spears, and several other high staff officials recommended by the White House.

As for threats of disciplinary action, Mr. Reed said he merely passed along to board members a "message" received through William S. Heffelfinger, Assistant Secretary of Transportation for Administration.

Mr. Heffelfinger, he reported, told him "it was the position of the Administration that the safety board was properly located within the department."

"It was suggested," Mr. Reed added, "that I so advise the Republican members of our board and indicate that any action taken to the contrary in our annual report would be looked upon with disfavor and could result in the disciplining of the Republican members."

Advised 3 Members

He testified that he so advised the Republican members, Isabel A. Burgess and William R. Haley, and the independent member, Louis M. Thayer.

Three days later, Mr. Reed said, Mr. Heffelfinger told him that "the reference to disciplining the members should be ignored."

Mr. Heffelfinger, who was called to the witness stand, denied that he had raised the question of possible disciplinary action in informing Mr. Reed that the Administration "would

look with disfavor" on any statement regarding the board's independence in its annual report. The report is now being prepared.

Mr. Heffelfinger said he was "distressed" and "alarmed" when the term "discipline" came up during his conversation with Mr. Reed.

Mr. Heffelfinger added that, after checking back with Egil Krogh Jr., then Under Secretary of Transportation, he told Mr. Reed there was no intention to discipline board members, "nor was I empowered to discuss discipline" in the earlier conversation.

Sought Information

Mr. Krogh recently resigned from the Department of Transportation after disclosure of his role, while serving as a Presidential assistant, in planning the burglary of the office of Dr. Daniel Ellsberg's psychiatrist.

Mr. Reed and Mr. Heffelfinger agreed that Mr. Reed had asked Mr. Krogh for information on the Administration's attitude toward a possible statement about the board's independence in its annual report. Mr. Krogh expressed ignorance of the issue at the time. Later, according to Mr. Heffelfinger's testimony, Mr. Krogh sold him to inform Mr. Reed of the Administration's "disfavor."

Mr. Reed denied reports that he had been ordered to "cease issuing reports which could be construed as critical" of the Transportation Department or the executive branch.

The other members of the board, in later testimony, backed up that statement and others to the effect that there had been no interference with the board's "substantive" work, such as accident investigations and special studies.

'Should Avoid Criticism'

But Mr. Haley, one of the Republican members, quoted Mr. Reed as having passed along word from the department that the board "should avoid public statements that would be in disagreement with the policies and programs of the various agencies administered by the Department of Transportation" and that it "should avoid public criticism of the Federal Aviation Administration and its programs."

Mr. Reed denied that he had intentionally given such an impression to any of the members.

Mr. Reed and the other board members said they did not know of any disciplinary powers held by the department or the White House and did not understand what was meant.

Senator Howard W. Cannon, Democrat of Nevada, who conducted the hearings, suggested that the implication was that members might not be reappointed by President Nixon if they opposed the Administration's position.

HELP REFRESH A KID.