

## Senate Refuses Reinstatement Of Butterfield's Military Status

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WASHINGTON, May 20—The Senate defeated today, 46 to 42, a bill that would have reinstated Alexander P. Butterfield, the former head of the Federal Aviation Administration who first disclosed the existence of the White House tapes, as a retired Air Force colonel.

The vote, several Senators said, was not aimed personally at Mr. Butterfield but reflected a growing Senate concern about what they called a blurring in recent years of civilian and military authority in the Government.

It was Mr. Butterfield who told the Senate Watergate committee in 1973 about the existence of the extensive taping system in the White House, which played a major role in the resignation of President Nixon.

But that incident was not mentioned in the debate today, which focused instead on what normally would have been a routine bill to restore to Mr. Butterfield his retired military status.

Mr. Butterfield, who had 20 years service in the Air Force, resigned his commission as a retired colonel before being confirmed for the F.A.A. post in 1973 to comply with a 1958 law requiring the agency's head to be a civilian.

He resigned from the aviation agency last March, and 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 reinstating his military benefits on the ground that he was entitled to receive his accrued retirement benefits.

But Senator John C. Culver, a freshman Democrat from Iowa who is on the Armed Services Committee, fought the

bill on the floor, arguing that it would be an exception to the constitutional principle of "the scrupulous separation of civilian and military functions."

This separation, he argued, "has been blurred and systematically abused on too many occasions." Too often, he said, military officers have advanced in rank "on their political connections."

Mr. Culver and Senator Gary Hart, a freshman Democrat from Colorado, had argued in committee that there was growing concern about high military officers switching to key appointive civilian Government posts and then resuming their military careers.

"In the wake of events of the past few years wherein we have seen the weakening of our constitutional system by the development of massive conflicts of interest, we have in my judgment the duty to preserve the laws that guard against such a situation," Senator Culver said.

Mr. Cannon contended that it was "only fair" to restore the retired rank of 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 Senator 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.

He said that defeat of the bill would not impose a financial hardship on Mr. Butterfield and would deprive him only of post exchange and commissary privileges and military health care.