

## **Amendment 3243 -- Transfers funding from six unnecessary earmarks to the Department of Justice's Civil Rights Division to prosecute unsolved crimes from the Civil Rights Era**

The Fiscal Year 2008 Commerce/Justice/Science appropriations bill contains over 600 earmarks costing more than \$458 million. Many of these do little or nothing to advance the priorities of the Departments they are funded within.

Investigating and prosecuting criminals and protecting the rights of American citizens should be the highest of priorities funded by this bill.

This amendment would increase funding for the Department of Justice's Civil Rights Division by \$1,680,000 to prosecute unsolved crimes from the Civil Rights Era by eliminating or delaying funding for six unnecessary earmarks.

### **Decades Later, There Have Been Few Convictions for Many Ghastly Crimes Committed During the Civil Rights Era**

This year in Jackson, Mississippi, James O. Eastland U.S. Courthouse, reputed Ku Klux Klan member James Ford Seale has watched a parade of witnesses take the stand-- his former daughter-in-law, his pastor, a fellow Klansman, FBI agents, a retired Navy diver, an elderly church deacon, a small town newspaper publisher-- to testify about his involvement in the 1964 murders of Henry Hezekiah Dee and Charles Eddie Moore, two 19-year-old black men from southwest Mississippi.<sup>[8]</sup>

*The American Prospect* notes "The horrific deaths of the two young men, and their families' years of suffering without remediation, illustrate why it is so important for perpetrators to be brought to justice, even decades after the crime was committed.

"On May 2, 1964, Dee and Moore were hitchhiking from Meadville, Mississippi and were picked up by James Seale. Seale and other Klansmen took the two men into the surrounding Homochitto National Forest and tortured and interrogated them about a possible influx of guns in Franklin County meant to arm blacks against their white attackers. Later the same day, several of the Klansmen put Dee and Moore in the trunk of a car and hauled them across the Louisiana state line, 100 miles north to a spot on the Mississippi River. Then they dumped the men into the river, weighting their bodies down with a jeep engine block and pieces of railroad track. The Dee-Moore murders were referred to as the 'Torso Murders' because only parts of the young men's bodies were initially found in the river, starting with Moore's lower torso on July 12, 1964.

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<sup>[8]</sup> Benjamin Greenberg. "Belated Justice for Civil Rights Era Crimes," *The American Prospect*, June 14, 2007; [http://www.prospect.org/cs/articles?article=belated\\_justice\\_for\\_civil\\_rights\\_era\\_crimes](http://www.prospect.org/cs/articles?article=belated_justice_for_civil_rights_era_crimes)

Though the FBI made an initial investigation into the homicide, it quickly dropped the case.”<sup>[9]</sup>

Decades later, there have been fewer than two dozen convictions for an untold numbers of murders of blacks and their allies during the civil rights era.

Time may have passed, but prosecuting the perpetrators of these horrific crimes should be a priority of the Department of Justice until justice is rendered.

### **The FBI Has Identified 100 Unsolved Civil Rights Cases That Merit Further Investigation**

In February 2006, the Federal Bureau of Investigation (FBI) enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.<sup>[10]</sup>

The Bureau's 56 field offices have been directed to re-examine their unsolved civil rights cases and determine which ones could still be viable for prosecution.<sup>[11]</sup>

The FBI has partnered with a number of state and local authorities, civic organizations, and community leaders to reexamine old files. The U.S. Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center and the National Urban League to investigate unsolved crimes from the civil rights era.<sup>[12]</sup>

Then-Attorney General Alberto Gonzales pledged that "The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows-because there is no statute of limitations on human dignity and justice."<sup>[13]</sup>

Since the initiative began, the FBI has received nearly 100 such referrals. The FBI is continuing to assess each referral for its investigative and legal viability

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<sup>[9]</sup> Benjamin Greenberg. “Belated Justice for Civil Rights Era Crimes,” *The American Prospect*, June 14, 2007;

[http://www.prospect.org/cs/articles?article=belated\\_justice\\_for\\_civil\\_rights\\_era\\_crimes](http://www.prospect.org/cs/articles?article=belated_justice_for_civil_rights_era_crimes)

<sup>[10]</sup> “PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER,” FBI release, February 27, 2007,

<http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

<sup>[11]</sup> “FBI Announces Partnership in Reviewing Cold Cases,” FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[12]</sup> “FBI Announces Partnership in Reviewing Cold Cases,” FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[13]</sup> FBI press release, “PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER,” February 27, 2007,

<http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

and, given the updated investigative and forensic tools, move forward in investigating these cases.<sup>[14]</sup>

FBI director Robert Muller stated that roughly 100 cold cases have been identified that merit further investigation, and have prioritized the top dozen or so cases. The FBI can also now use forensic analysis and technology that didn't exist 40 years ago to solve cases that once looked unsolvable.<sup>[15]</sup>

There have been several recent successful prosecutions of old civil rights cases: the 2001 conviction of Thomas Blanton and Bobby Frank Cherry for a 1963 church bombing in Birmingham, Alabama; the 2003 conviction of Ernest Avants for the 1966 murder of Ben Chester White; the 2005 conviction of Edgar Ray Killen for his role in the deaths of three civil rights workers in Mississippi in 1964; and the recent indictment of former Klansman James Ford Seale.<sup>[16]</sup>

"We cannot turn back the clock. We cannot right these wrongs. But we can try to bring a measure of justice to those who remain," Mueller said.<sup>[17]</sup>

### **This Amendment Would Provide Millions of Dollars in Additional Funds to Investigate and Prosecute Unsolved Civil Rights Crimes**

The Criminal Section within DOJ's Civil Rights Division is responsible for prosecuting these cases.

The Fiscal Year 2008 Commerce/Justice/Science appropriations bill provides \$116.8 million for the Civil Rights Division, an increase of \$3.2 million from last year. The \$1,680,000<sup>[18]</sup> provided by this amendment would increase this amount by 50 percent and bring the Civil Rights Division's total budget to \$118,480,000.

A Department of Justice attorney with more than two and a half years experience earns between \$79,115 to \$102,848.<sup>[19]</sup> The additional funding provided by this

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<sup>[14]</sup> "FBI Announces Partnership in Reviewing Cold Cases," FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[15]</sup> "FBI Announces Partnership in Reviewing Cold Cases," FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[16]</sup> FBI press release, "PARTNERSHIPS ESTABLISHED WITH NAACP, THE NATIONAL URBAN LEAGUE, AND THE SOUTHERN POVERTY LAW CENTER," February 27, 2007,

<http://www.fbi.gov/pressrel/pressrel07/coldcase022707.htm>

<sup>[17]</sup> "FBI Announces Partnership in Reviewing Cold Cases," FBI release, February 27, 2007;

<http://www.fbi.gov/page2/feb07/coldcase022707.htm>

<sup>[18]</sup> The amendment creates \$2,550,000 in savings from earmarks, but due to program spend out rates, this amount translates into about \$1,680,000 when transferred to the Department of Justice Civil Rights Division.

<sup>[19]</sup> "Salaries, Promotions, and Benefits," Department of Justice website, accessed October 3, 2007, <http://www.usdoj.gov/oarm/arm/hp/hpsalary.htm>

amendment could hire 20 or more experienced attorneys to assist with the investigations and prosecution of these unsolved crimes.

With the early promising FBI investigative results of this new Civil Rights era initiative, it is highly probable that the prosecuting portion of these efforts at DOJ will see an influx of cases. Consequently, additional funding and resources for the DOJ Civil Rights Division could be helpful in bringing justice to those who committed ghastly civil rights crimes.

### **Bringing Justice to Those Who Committed Civil Rights Crimes Should Be a More Urgent Federal Responsibility Than Funding Unnecessary Parochial Projects**

Last month, Congress voted to increase the national debt limit to nearly \$10 trillion.

It is irresponsible for Congress to add to this debt when each American citizen now owes nearly \$30,000 as a result of the Congress' "borrow and spend" policies.

Rather than borrowing more money, Congress must do what ever family in America does with its budget—set priorities.

This means picking between paying for unnecessary parochial pet projects or funding activities which truly are federal responsibilities.

Clearly, bringing justice to those who have committed civil rights crimes in a fiscally responsible manner should be a higher priority for Congress than funding parochial pork barrel projects.

This amendment will eliminate or delaying funding for only 6 of the over 600 earmarks in this bill. The resulting savings would be directed to the Department of Justice to investigate and prosecute Civil Rights crimes would be paid for with funds set aside in the bill for:

- 1) A Maritime Museum in Mobile, Alabama;
- 2) The Eye-On-The-Sky Museum and Planetarium in St. Johnsbury, Vermont;
- 3) The Adler Planetarium in Chicago, Illinois;
- 4) The Space and Rocket Center in Huntsville, Alabama;

- 5) Installation of buoys marking the John Smith National Water Trail on the Chesapeake Bay; and
- 6) An undersea vehicle for the Mystic Aquarium-Institute for Exploration in Connecticut;

These are all interesting projects that may have merit, but they are not essential or urgent federal priorities that should take precedence over bringing justice to perpetrators of horrific civil rights crimes that have gone unpunished for decades.

### **Earmark Offset #1: \$500,000 for the Maritime Museum in Mobile, Alabama**

This earmark directs \$500,000 for the construction of a Maritime Museum in Mobile, Alabama.

Mobile already boasts two maritime museums, this earmark would construct another.

Projected to open in 2009, the National Maritime Museum of the Gulf of Mexico is intended to “become the premier maritime museum on the Gulf Coast, dedicated to inspiring its visitors to understand and appreciate the area's rich maritime heritage.”<sup>[20]</sup>

The museum's 90,000 square foot building will “resemble a glass ship headed into Mobile Bay, complete with three decks and a protruding bridge.”<sup>[21]</sup>

According to the Museum's website, “Visitors will be awed as they walk into the stern of a full-sized ship. The exploration continues — with the chance to walk the bridge like a true sea captain, to navigate the ship channel, to design and sail your own boat, to practice life as a stevedore loading cargo, or to experience the fury of a hurricane — it's all here.”<sup>[22]</sup>

This project has already received over \$10 million from the federal government and the City of Mobile is seeking to secure the remaining funding for the \$22 million building.<sup>[23]</sup>

Alabama's current budget surplus stands at nearly \$1.2 billion for fiscal year 2007, and it is estimated that it will grow to over \$2.1 billion for fiscal year

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<sup>[20]</sup> City of Mobile, Alabama website, accessed October 3, 2007, <http://www.cityofmobile.org/news.php?view=full&news=1076>

<sup>[21]</sup> City of Mobile, Alabama website, accessed October 3, 2007, <http://www.cityofmobile.org/news.php?view=full&news=1076>

<sup>[22]</sup> Mobile Landing website, accessed October 3, 2007, <http://mobilelanding.com/MaritimeMuseum.htm>

<sup>[23]</sup> “The Making of an Exhibit...,” Alabama Lightkeepers, Summer 2007; <http://alabamalighthouses.com/images3/Summer%20newsletter%20color2%208%2022%2007.pdf>

2008.<sup>[24]</sup> Conversely, the United States national debt now exceeds \$9 trillion with a \$500 billion annual spending deficit. The state of Alabama, not the deficit and debt ridden U.S. federal government, should fund the difference for this local project if this museum is a state priority.

Furthermore, there are more than 35 maritime museums in the Gulf Coast region,<sup>[25]</sup> including two in Mobile, Alabama.<sup>[26]</sup> These include the Museum of Mobile, Alabama, which interprets the cultural, social, economic and political history of the Mobile bay area and southwest Alabama. The collection includes a HUNLEY submarine, the CSS ALABAMA and the Admiral Raphael Sommes collection, a full scale historic vessel—the CSS HUNLEY—and a 35 foot replica of a Confederate submarine, and the USS LST Ship Memorial.

Even without this earmark, federal funds are available for this and other museums through competitive grants. The Institute of Museum and Library Services, and the National Science Foundation's Informal Science Education Program (ISE) both provide tens of millions of dollars in grants every year for museums. Unlike Congressional earmarks, these grants are awarded under an open and competitive process.

### **Earmark Offset #2: \$300,000 for the Fairbanks Museum and Planetarium in Vermont for the "Eye-In-The-Sky" Program**

This earmark provides \$300,000 for the "Eye-In-The-Sky" program at the Fairbanks Museum and Planetarium in Vermont.

The "Eye on the Sky" program provides region-wide weather information complemented by science, history, astronomy, and lore.<sup>[27]</sup>

A part of this program is a weather radio show that is produced daily at the Museum and broadcast by Vermont Public Radio. The radio program includes features that focus on farm and garden information, seasonal recreation, storm coverage, and what "comes up" when the sun goes down, referred to as "Eye on the Night Sky".<sup>[28]</sup>

In the museum, the program features a "Weather Gallery" with four interactive stations to learn about wind, moisture, pressure, and temperature, dew points

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<sup>[24]</sup> "Alabama Economy," <http://alabama.wedding.net/economy.html>

<sup>[25]</sup> Smith's Master Index to World Wide Maritime Museum Internet Resources website, accessed October 3, 2007, <http://www.maritimemuseums.net/>

<sup>[26]</sup> Smith's Master Index to World Wide Maritime Museum Internet Resources website, accessed October 3, 2007, <http://www.maritimemuseums.net/>

<sup>[27]</sup> Eye on the Sky website, accessed October 3, 2007, <http://www.eotsweb.org/index.php>

<sup>[28]</sup> <http://www.eotsweb.org/index.php>

and gulf streams, hail storms and hurricanes, and how wind and pressure are measured and recorded.<sup>[29]</sup>

Another aspect of the program is to report the color of leaves on trees in the “eye-in-the-sky” blog: People are encouraged to “Share observations of foliage and other natural phenomena.”<sup>[30]</sup>

One participant wrote in and reported: “Traveling from Worcester to Johnson along Route 12 was thrilling on Saturday as the foliage was brilliant. This year's colors include a lot of reds from flaming orange red to deeper tones of plum and even maroon. During part of the trip the trees were backlit by the sun and were the visual equivalent to a beautifully played symphony. In the fields, milkweeds added their golden yellows and ferns were deep sepia browns.”<sup>[31]</sup>

While this program provides educational value and recreational interest to nature enthusiasts in Vermont, it does not warrant federal financing as it does not align with the core mission of the Department of Commerce. It may have local interest, but it is clearly not an urgent or necessary federal responsibility.

### **Earmark Offset #3: \$300,000 for the Adler Planetarium in Chicago, Illinois**

This earmark provides \$300,000 for the Adler Planetarium in Chicago, Illinois for science and education programming.

The Adler Planetarium provides a variety of offerings, including sky shows, field trip guides, interactive software experiences, and interactive videoconferences designed and led by Adler educators.<sup>[32]</sup>

The museum is already well financed. In 2006, the Adler Planetarium received over \$11 million in revenues and possessed net assets totaling \$34 million.<sup>[33]</sup>

The President of the Museum, Paul Knappenberger, is paid an annual salary of \$316,379, a sum that is greater than this earmark.<sup>[34]</sup>

This earmark is carved out of the budget appropriated for the National Aeronautics and Space Administration (NASA).

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<sup>[29]</sup> <http://www.eotsweb.org/index.php>

<sup>[30]</sup> <http://www.eotsweb.org/index.php>

<sup>[31]</sup> <http://www.eotsweb.org/index.php>

<sup>[32]</sup> <http://www.adlerplanetarium.org/education/index.shtml>

<sup>[33]</sup> <http://www.charitynavigator.org/index.cfm/bay/search.summary/orgid/3213.htm>

<sup>[34]</sup> <http://www.charitynavigator.org/index.cfm/bay/search.summary/orgid/3213.htm>

In testimony submitted to a Senate appropriations subcommittee last year, NASA Administrator Michael D. Griffin warned Congress that such earmarks are compromising the mission of the agency.

"The growth of these Congressional directions is eroding NASA's ability to carry out its mission of space exploration and peer-reviewed scientific discovery," according to Griffin<sup>[35]</sup>

The consequence of Congressionally directed spending within NASA's budget results in "reductions within NASA's budget" to "ongoing and planned NASA programs."<sup>[36]</sup>

Griffin noted that the "redirections" that have resulted from Congressional earmarks included half of NASA's education budget, 5 percent of the exploration budget and 4 percent of the science budget. These reductions negatively impact the space shuttle program, the international space station, design of a new spaceship, and planning of future missions to the moon and Mars.

Griffin explained that NASA's "budget is very limited. We have a strategy approved by Congress, and we can carry out that strategy ... but every earmark, if it isn't coaligned with that strategy, is a fiscal distraction."<sup>[37]</sup>

Clearly the activities of the Adler Planetarium are not urgent federal responsibilities, and may actually be a distraction to NASA's mission. Fortunately, the museum has significant assets, including enough to pay its president a generous salary, without this earmark.

Even without this earmark, federal funds are available for this and other museums through competitive grants. The Institute of Museum and Library Services, and the National Science Foundation's Informal Science Education Program (ISE) both provide tens of millions of dollars in grants every year for museums. Unlike Congressional earmarks, these grants are awarded under an open and competitive process.

#### **Earmark Offset #4: \$500,000 for the Space and Rocket Center in Huntsville, Alabama**

This earmark provides \$500,000 for exhibits at the U.S. Space and Rocket Center museum.

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<sup>[35]</sup> <http://www.spaceref.com/news/viewstr.html?pid=20415>

<sup>[36]</sup> <http://www.spaceref.com/news/viewstr.html?pid=20415>

<sup>[37]</sup> Guy Gugliotta. "At NASA Hearing, Silence on Earmarks," Washington Post, April 26, 2006; Page A23; <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/25/AR2006042501702.html>



According to its own website, “the U.S. Space and Rocket Center has one of the greatest collections of rockets and space memorabilia anywhere in the world.”<sup>[38]</sup> The journey through the museum takes visitors “from the beginning of rocketry to today’s shuttle system and beyond.” In the museum collection, there are the original Mercury and Gemini capsule trainers, the Apollo 16 capsule, Casper, a full life size replica of the Apollo 11 Saturn V, a V-2 rocket, and full size MIR lab like the one used in the International Space Station.<sup>[39]</sup>

The U.S. Space and Rocket Center is expecting to make \$8 million in revenue in 2007- the fourth year in a row it will post a profit.<sup>[40]</sup>

Additionally, Alabama’s current budget surplus stands at nearly \$1.2 billion for fiscal year 2007, and it is estimated that it will grow to over \$2.1 billion for fiscal year 2008.<sup>[41]</sup> Conversely, the United States national debt now exceeds \$9 trillion with a \$500 billion annual spending deficit. The state of Alabama, not the debt ridden U.S. federal government, could cover the costs of this exhibit.

This earmark is carved out of the budget appropriated for the National Aeronautics and Space Administration (NASA).

In testimony submitted to a Senate appropriations subcommittee last year, NASA Administrator Michael D. Griffin warned Congress that such earmarks are compromising the mission of the agency. “The growth of these Congressional directions is eroding NASA’s ability to carry out its mission of space exploration and peer-reviewed scientific discovery,” according to Griffin.<sup>[42]</sup> Griffin explained that NASA’s “budget is very limited. We have a strategy approved by Congress, and we can carry out that strategy ... but every earmark, if it isn’t coaligned with that strategy, is a fiscal distraction.”<sup>[43]</sup>

Clearly, funding exhibits at the U.S. Space and Rocket Center museum, which already boasts “one of the greatest collections of rockets and space memorabilia anywhere in the world,” is not an urgent federal responsibility, and may actually be a distraction to NASA’s mission. Fortunately, the U.S. Space and Rocket Center has experienced and expected to continue to raise significant revenues which can ensure that these exhibits will be funded without this earmark.

Even without this earmark, federal funds are available for this and other museums through competitive grants. The Institute of Museum and Library Services, and the National Science Foundation’s Informal Science Education

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<sup>[38]</sup> U.S. Space and Rocket Center website, accessed October 3, 2007,

<http://www.spacecamp.com/details.php?cat=Museum&program=Exhibits>

<sup>[39]</sup> <http://www.spacecamp.com/details.php?cat=Museum&program=Exhibits>

<sup>[40]</sup> <http://www.spacecamp.com/reports/AnnualRpt2006.pdf>

<sup>[41]</sup> “Alabama Economy,” <http://alabama.wedding.net/economy.html>

<sup>[42]</sup> <http://www.spaceref.com/news/viewstr.html?pid=20415>

<sup>[43]</sup> Guy Gugliotta. “At NASA Hearing, Silence on Earmarks,” Washington Post, April 26, 2006; Page A23; <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/25/AR2006042501702.html>

Program (ISE) both provide tens of millions of dollars in grants every year for museums. Unlike Congressional earmarks, these grants are awarded under an open and competitive process.

### **Earmark Offset #5: \$500,000 for an interpretive buoy system along the Captain John Smith Chesapeake National Historic Trail**

This earmark provides \$500,000 for the Chesapeake Bay Interpretive Buoy System in Virginia.

According to its official website, the “Chesapeake Bay Interpretive Buoy System is designed to mark significant points along the Captain John Smith Chesapeake National Historic Trail and to provide real-time meteorological, oceanographic, and water-quality information at different points along the trail.”<sup>[44]</sup>

The purpose of the buoys is to “promote awareness of the Bay's condition, and to support the stewardship efforts of educators, trail users, government, and civic organizations dedicated to the preservation of the Bay and its natural environment.”

This buoy system will “mark” the newly created John Smith National Water Trail on the Chesapeake Bay. The “water trail” is the first entirely water-based National Historic Trail and would consist of a circuit of the Chesapeake Bay and its tributaries combining the routes of Smith's historic voyages in 1607-1609.<sup>[45]</sup>

Captain Smith was an English sailor remembered for his role in establishing the first permanent English settlement in North America at Jamestown, Virginia, and for leading an exploration along the rivers of Virginia and the Chesapeake Bay.

Interpretative buoys at key points will act as “trail markers” and will provide information about Smith's journey, cultural and natural history and real time monitoring of weather and environmental conditions.<sup>[46]</sup>

This project was initiated by a Congressional earmark in the Fiscal Year 2006 Commerce, Justice, State and Related Agencies (CJS) appropriation act.<sup>[47]</sup>

The report accompanying the Commerce, Justice, Science appropriations bill states that the \$500,000 is for the “installation of interactive buoys marking the John Smith National Water Trail on the Chesapeake Bay” and the Conservation Fund of Arlington, Virginia is specified as the intended recipient of the earmark.

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<sup>[44]</sup> Chesapeake Bay Interpretive Buoy System website, accessed October 3, 2007, <http://www.buoybay.org/site/public/>

<sup>[45]</sup> <http://friendsofthejohnsmithtrail.org/vision.html>

<sup>[46]</sup> <http://friendsofthejohnsmithtrail.org/vision.html>

<sup>[47]</sup> NOAA Congressional Liaison, October 2, 2007

According to the National Oceanic and Atmospheric Administration (NOAA) which administers this project:

“To develop the system, the NOAA Chesapeake Bay Office partnered with the National Park Service (NPS), National Geographic Society, Conservation Fund, the Chesapeake Bay Foundation, Sultana, Verizon, and others to determine the requirements for the interpretive buoy system. These requirements defined needs for a new type of buoy, capable of collecting environmental data (winds, waves, and currents) for users; water quality data for monitoring the health of the Bay; and a system for communicating historical and cultural information through cell phone technology and shore-based computer networks to the public and into the classroom.”<sup>[48]</sup>

Among the partners for this project and the National Historic Trail, several organizations are listed that hold considerable assets.

The Conservation Fund, the non-profit which is the recipient of this earmark, is listed as having net assets totaling more than \$275 million.<sup>[49]</sup> Additionally, the Conservation Fund has received over \$23 million in federal funds since 2000, according to FedSpending.org.

The Chesapeake Bay Foundation, which has encouraged the creation of this NPS trail,<sup>[50]</sup> boasts just under \$70 million in net assets and had a revenue surplus of \$7 million in 2005 alone.

The National Geographic Society reported an income of \$531,595,929 with over \$45,000,000 in profits and total assets of \$1,127,705,462 in 2005.

Promoting tourism in the Chesapeake Bay and increasing understanding of the historic voyages of Captain Smith are well intentioned goals but are clearly not urgent, federal priorities. Likewise interactive buoys may be innovative ways to educate tourists and visitors about the Bay and Captain Smith's voyages, but they are inessential extravagances. Fortunately, the organizations that are heading up this effort, including the recipient of the earmark, have sufficient financial assets to ensure the continuation of this project.

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<sup>[48]</sup> NOAA Congressional Liaison, October 2, 2007

<sup>[49]</sup> Charity Navigator, accessed October 3, 2007,

<http://www.charitynavigator.org/index.cfm/bay/search.summary/orgid/4537.htm>

<sup>[50]</sup> “Congress passes Captain John Smith Chesapeake Trail Bill,” Conservation Fund Press Release, 12/08/2006, <http://www.conservationfund.org/node/214>

## **Earmark Offset #6: \$450,000 for an undersea vehicle in Mystic, Connecticut**

This earmark provides \$450,000 for an Advanced Undersea Vehicle, for undersea mapping sonar at Mystic Aquarium in Mystic, Connecticut.

Undersea vehicles are used to map the floor using sonar technologies. The advantages of using undersea vehicles as opposed to surface techniques are that you are able to be closer to the sea floor in order to increase resolution for maps.

While improving sea-floor mapping is a worthy endeavor for the science community, funding this project through a non-merit based earmark is not the appropriate way to do so considering there are numerous initiatives in this area that are currently ongoing and merit-based.

The U.S. Geological Survey conducts a federal program, the National Seafloor Mapping project whose purpose is what this earmark aims to do. Additionally, the proposed FY 2008 budget for USGS includes an increase of \$3.0 million for U.S. Ocean Action Plan activities, including an increase of \$1.5 million in the Coastal and Marine Geology program to begin implementation of the Oceans Research Priorities Plan and Implementation Strategy (ORPPIS). Apart of this new initiative is sea-floor mapping.

Additionally, this earmark bypasses the regular process by which NOAA's National Undersea Research Program (NURP) awards funding for projects such as the Advanced Undersea Vehicle.

The NOAA Undersea Research Program provides knowledge needed to wisely use the nation's oceanic, coastal, and large lake resources. One of the six regional NURP centers is in Connecticut. NURP scientists explore, sample and live beneath the sea using advanced technologies and techniques.

Projects in this program are chosen based upon peer review. This open, competitive process ensures that a variety of high quality science projects are directed towards the most pressing problems. Instead, this particular earmark gets to jump to the front of line not on merit, but because of pressure from a politician.

Mystic Aquarium is a part of a parent organization called the Sea Research Foundation that has its own assets that should be used to pay for this project. For example, assets for the organization totaled more than \$68.1 million in 2005.

According to the publicly available IRS Form 990 for the Sea Research Foundation, the organization had revenues of more than \$19 million and expenses of roughly \$18 million in 2005. The same tax form notes travel expenses of half a million dollars (\$503,677) over the past two years. The tax

forms show expenses of \$4.3 million in 2005 related to “deep sea research and archaeology.” Presumably the underwater vehicle earmark would take part in these activities.

According to its website, the Mystic Aquarium also has a number of very wealthy corporate sponsors and foundations, including Coca-Cola, Monsanto, IBM, Microsoft, Citigroup, and Target.

Even more striking, the foundation disclosed cash balances of more than \$1.8 million and securities investments of \$2.3 million at the end of tax year 2005. Of those securities investments, \$1.9 million is invested in individual stocks.

In addition, the Sea Research Foundation spent \$422,756 on architectural design, \$219,686 on theater production, \$399,498 on satellite service, and \$391,686 on exhibit design in 2005. It made nearly \$8 million from admissions and merchandise sold.

These figures, especially those regarding cash balances and securities investments, paint a picture of an organization that is not in need of a taxpayer handout. A look at the salaries of the foundation’s executives also reveals a foundation that is doing very well for itself financially. Its CEO made \$167,016. The president of Mystic Aquarium made \$167,504, and the president of the Institute for Exploration made \$159,150.

Finally, the lead researcher for Mystic Aquarium is Dr. Robert Ballard, who is one of eleven explorers-in-residence at the National Geographic Society. Explorers-in-residence are the top tier of scientists and explorers in the multi-billion National Geographic Society.

On September 4, Connecticut State Comptroller Nancy Wyman announced that the state has ended the 2007 fiscal year with \$269.6 million budget surplus. In fact, according to the Mystic Aquarium website, the Connecticut Commission on Culture and Tourism and the Connecticut Department of Economic and Community Development are both sponsors of the aquarium.

This organization could apply to the Undersea Research Program to receive merit-based federal funding like all other NOAA applicants. Or, if it’s truly a pressing priority for this Connecticut community, the project should be funded through the abundant resources of the Sea Research Foundation, National Geographic, or the Connecticut state government.