

Ruckelshaus Choice

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The nomination of Assistant Attorney General William D. Ruckelshaus as head of the nation's new environmental watchdog agency could run smack into a jurisdictional dispute between three powerful Senate committees.

Most of the programs that are being transferred to the new Environment Protection Agency are under the control of the Senate Public Works Committee and its Air and Water Pollution Subcommittee, headed by Edmund S. Muskie (D-Maine). Up till now it had been assumed in most quarters that the Ruckelshaus nomination, which has still not been formally sent to Capital Hill, would be referred to Public Works.

But feelers have been sent out from the Senate Commerce Committee staff on the possibility of giving Commerce partial jurisdiction over the nomination, and an informal "inquiry" on the subject was also made by a staff member of the Senate Interior Committee, headed by Henry M. Jackson (D-Wash.).

The Commerce Committee, it was learned, suggested that the nomination be referred to all three committees. Public Works Committee spokesmen immediately prepared a memorandum claiming there would be chaos if that committee didn't get sole jurisdiction.

It argued that 70 per cent of the personnel and 90 per cent of the funds for the new agency are for air and water pollution and solid waste programs handled by Muskie's subcommittee.

The office of Senate Parliamentarian, which must advise the Senate where to

send the nomination when it is received (presumably Monday or Tuesday), has made no official ruling. But pending discussions with the Senate leadership when Congress returns Monday, the Parliamentarian's office has suggested joint referral to the three committees might be a good idea.

Unless the chairman of

the three committees—Jackson, Jennings Randolph (D-W.Va.) of Public Works and Warren G. Magnuson (D-Wash.) of Commerce—work out some agreement on the matter, an unpleasant jurisdictional fight between some of the Senate's most powerful senior Democrats could evolve, delaying approval of the nomination.

May Stir Fight

Jerry T. Verkler, staff director of the Interior Committee, said inquiries had been made by a Committee staffer, but it wasn't on behalf of Chairman Jackson and didn't represent any formal request for jurisdiction.

Michael Pertschuk, chief counsel of the Commerce Committee, said Commerce

had jurisdiction over fish and wildlife and pesticide matters handed by the new agency and felt jurisdiction over the Ruckelshaus nomination should go to all three committees. "I suspect that Chairman Magnuson and Sen. (Philip A.) Hart will be unhappy if that doesn't happen," Pertschuk said.