

Publicity Kit on Nixon's Budget Is Called Illegal by the G. A. O.

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WASHINGTON, May 4—The General Accounting Office said today that a 145-page publicity campaign kit designed to rally support for President Nixon in his dispute with Congress over spending "violates the provisions" of a 1973 appropriations act.

But the accounting office, a fact-finding agency of Congress, declined to make a determination on whether the White House kit might also have been prepared in violation of a criminal law forbidding the use of Government money for lobbying purposes.

In a report to Senators Hubert H. Humphrey of Minnesota and Edmund S. Muskie of Maine, both Democrats, the accounting office said that 30 to

50 of the kits had been prepared in the White House, that they included statements that "people should be urged to write their representatives in Congress" and that they thus appeared to conflict with Section 608 (A) of the act appropriating funds for the White House.

Section 608 (A) of the Treasury, Post Office and General Government Appropriations Act specifies that "no part of any appropriations contained in this or any other act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propa-

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ganda purposes designed to support or defeat legislation pending before Congress"

The White House kit, titled "Rattle of the Budget, 1973," was distributed early last month to Cabinet appointees throughout the Administration. It contains background information on the President's budget positions, "one-liners" or anecdotes to be used in speeches and suggested arguments for use against 15 specific bills enacted by or pending before Congress.

In a statement issued today with the G.A.O. report, Senators Muskie and Humphrey called on the Attorney General-designate, Elliot L. Richardson, to begin an investigation of the "propaganda campaign" that they said was "part of an attack on the Congress."

"We find it outrageous," the joint statement said "that the Administration has to resort to illegal propaganda campaigns to try to discredit the Congress. We demand that all activity involving the use of the 'Battle of the Budget' kit immediately cease."

At the White House, however, Ken W. Clawson, the deputy director of communications for the executive branch, defended the kit as part of the White House "informational function."

Kit Is Defended

He said that he did not believe it violated any laws or that it was departure from practices of previous Administrations.

"Not only is it proper," Mr. Clawson said, "We would be derelict in our duty if we did not make an effort to get the President's perspective on such a vital issue to the public."

According to the accounting

office report, "It is clear that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the Administration opposes."

The report, signed by the Controller General, Elmer B. Staats, said that the accounting agency would leave to the Department of Justice any decision as to whether the kit is in violation of the Federal criminal code.

Citing a provision of the code that makes it a violation—punishable by fine or imprisonment—to lobby with Government funds, the report said that the section should be enforced "only through judicial criminal proceedings" that are not within the G.A.O. jurisdiction.