

Double Veto

Only twenty-four hours after denying that his post-election aim is to concentrate more power in the White House, President Nixon has by simple dictate undermined a law sweepingly passed by Congress over his veto. The 1972 Water Pollution Control Act not only authorized an outlay of \$11 billion for waste treatment plants in fiscal 1973 and 1974; it expressly enjoined the Government to allocate that sum of money, by fixed dates, according to a formula based on the varying needs of the fifty states.

It was understood from the outset that the Environmental Protection Agency would retain the right to withhold funds for particular projects included in a state's application, leaving the possibility that the full allocation might not be spent. But that is a very different course from the one the President has now ordered of arbitrarily reducing the allocation to begin with. The ~~first~~ involves a discretionary power that goes with any disbursing of public moneys—a discretion that would be sufficiently subjected to public appeals and Congressional pressures to keep it from being autocratic. The course Mr. Nixon has chosen involves a rejection of the plain will of Congress and, very possibly, a violation of law.

E.P.A. Administrator William D. Ruckelshaus has intimated just that possibility, although he has gone along with the directive and minimized its potentially depressing effects. The legal implications are serious, aggravating the whole delicate problem of the executive branch's assumed right to impound funds voted by the legislative branch—the right to make the Office of Management and Budget, as it were, an unelected branch of government superior to Congress itself.

But Mr. Nixon's action involves other than purely legal contradiction. The President had also talked at his Camp David press conference of his commitment to "imaginative change," of his realization that the country had not given him a mandate to stand still and preserve the status quo. The method he has chosen for gutting the Water Pollution Control Act is indeed imaginative, but to enfeeble the greatest environmental achievement of a Congress is hardly to accept the election as a mandate to move ahead. Nor does it leave much credibility in the President's frequently professed commitment to purify the nation's waters now, before it is too late.