## Challenge to Haig's Job Pressed

Washington Post Staff Writers

Sen. Stuart Symington (D-Mo.), acting chairman of the Senate Armed Services Committee, has once again challenged the legal basis for President Nixon's appointment of four-star Army Con ment of four-star Army General Alexander M. Haig to fill the White House chief of staff job recently vacated by H. R. Haldeman.

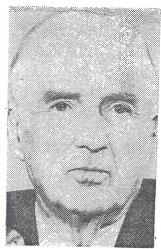
Symington, in a new exchange of letters with the Pentagon hierarchy, rejects the Defense Department view that Haig "has accepted no civil of-fice" in his White House capacity.

Similarly, Symington has also disputed the validity of precedents cited by the Pentagon in which senior military men worked directly for other

Symington, as well as some other critics, contend that moving a military man into the White House violates Section 973, Title 10, of the U.S. Code, which states basically that no officer on "active duty" can hold a civil office.

That provision protects "the cherished concept of civilian supremacy in the American body politic," Symington says.

The Pentagon's acting general counsel, Leonard Nieder-lehner sees it differently. Responding to earlier letters by





Sen. Stuart Symington, left, rejects the Pentagon's contention that Gen. Alexander M. Haig has accepted "no civil office" in taking over as White House chief of staff.

mander-in-Chief" of the mili-days as chief of the White

tary.
Thus, Niederlehner argues, Title 10 is not applicable because Haig "has accepted no civil office" and "in fact there is no defined civil office of 'chief of staff' in the White House."

The Pentagon lawyer also says Haig is "but the latest of senior military officers who have, over the years, been detailed by the President to perform a wide range of duties in the Office of the President."

House staff to Eisenhower; Brig. Gen. Andrew Goodpaster's service to Eisenhower as staff secretary and Gen. Maxwell Taylor's White House days as military advisor to President Kennedy.

But Symington, in new challenges made public yesterday, asserts that Leahy was re-called in a military capacity to serve as chief of staff during a time of war.

he served as assistant to the

And Gen. Taylor, the sena tor reports, was on the retired list at the time he served as "official military representa-tive to the President" return tive to the President, ing to active duty only when subsequently he became chair man of the Joint Chiefs of Staff.

If the Goodpaster appointment is to be the precedent, Symington said, "I know of no reason why a failure to observe the law in that case should be grounds on which to also ignore said law in the also ignore said law in the case of Gen. Haig."

As to the Pentagon's other main point, Symington says that the manner of the Haig appointment suggests "in the strongest way" that Mr. Nixon made it in his role as President rather than as ·mander-in-chief.

To refute claims that there is no defined "chief of staff" office in the White House and therefore no "civil office" for Haig to hold, Symington cites Presidential Press Secretary Ronald Ziegler's characteriza-tion of Haig's "interim" appointment to become "assistant to the President."

"In this role," Ziegler said at the time, "Gen. Haig will assume many of the responsi-Gen. Persons, he points out, bilities formerly held by H. R. was on the retired list when Haldeman. These responsibili-Symington, he says Haig is "on detail to the Office of the President by order of the President under his constitutional authority as Com- Maj. Gen. Wilton B. Persons' Include says assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national secutive me served as assistant to the President according to the President Roosevelt at the Work of the W