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**Nixon Increasingly Yields
In Clashes With Congress**

By JOHN HERBERS
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WASHINGTON, July 28 — While the impeachment drive against President Nixon has been attracting widespread attention, a related development has gone virtually unnoticed: That Mr. Nixon has made important concessions of authority to the Congress that must decide whether he remains in office.

This trend has been under way for several months, but there have been recent actions such as the following, that go to the heart of the struggle for power between the legislative and executive branches:

¶A few days ago, Mr. Nixon quietly reversed himself and agreed to permit Kenneth Rush, his counselor for economic policy, to testify before Congressional committees. He had been strongly opposed to such a step, high Administration sources said, because he had felt that he must preserve the long-asserted Presidential prerogative that White House aides are not subject to the same Congressional scrutiny as are Cabinet officers and others whose appointments are confirmed by the Senate.

¶The effort that Mr. Nixon undertook early in 1973 to impound at will funds appropriated by Congress and to end by Executive order some programs established by Congress have now been abandoned. The President also signed legislation providing for Congressional review of impoundments, that may be necessary for the economy or other reasons.

Congressional authorities have noted that the Administration is more cooperative in providing Congress with information and access to officials

of the executive branch than it was.

An the President himself in the last two to three months has consulted Congressional leaders of both parties more often on the wider range of issues than was his practice. Over the last few weeks, when the President was in Washington, there was a steady stream of Senators and Representatives into the White House, and he frequently entertained members of Congress aboard the Presidential yacht Sequoia.

A little more than a year ago, Mr. Nixon was challenging Congress for power on a broad front. In addition to impoundment and restrictions on Congressional access to information and aides, he was attempting to reshape areas of the Government without Congressional authority and to effect important foreign and domestic policies without Congressional participation. Congressional leaders were fighting back.

Now, according to a number of authorities, the balance of power is close to where it was under the previous Presidents and there are no indications of

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further new challenges from the White House.

Still Uses Veto

Throughout the last few months, Mr. Nixon has continued to exert his authority on legislation. He has continued to veto bills, even though some members of Congress say he has not been as bold in the use of the veto as he would have been had the impeachment drive not been under way.

For example, Senator James A. McClure, Republican of Idaho, said last week that he expected Mr. Nixon to sign recently enacted legislation creating a legal services corporation even though it ran counter to the Nixon policies. The White House announced Thursday that the President had signed the legal aid bill.

"The President is trying to stay in office, and his staff assumes that means trying to placate everybody," Senator McClure said. "That means playing both sides. It can't be done."

The important concessions that Mr. Nixon has made, however, are in the area of Congressional authority and prerogatives that Congressional leaders over the years have jealously guarded. The use of the veto is considered in Congress to be a legitimate exercise of Presidential authority. Wiping out programs enacted by Congress is not.

Mr. Nixon's concessions on impoundings and on allowing Mr. Rush to testify were made under pressure, but it was not considered likely Mr. Nixon would have given in so easily on either had it not been for the impeachment inquiry.

A Usual Presidential Stance

Traditionally, Presidents have resisted Congressional attempts to question their top aides on policies. Mr. Nixon himself has rejected a number of requests for such testimony on the ground that it would violate the separation of powers.

Mr. Rush, however, was given unusual authority as a Presidential counselor—coordinator of economic policies throughout the administration. When George P. Shultz held that role he was, in addition to being a Presidential assistant, testimony.

Senator William Proxmire, Democrat of Wisconsin, threatened to hold up Senate confirmation of Alan Greenspan as a member of the Council of

Economic Advisers until the President agreed to allow Mr. Rush to submit to Congressional questioning.

Mr. Nixon was reported at the time to be strongly opposed and determined not to give in. After a few days, however, he did. Administration sources said it was felt that he could not at this time afford a struggle with Congress relating to Congressional authority.

On impoundment, the Administration had lost a series of court battles on the issue and Roy L. Ash, director of the office of Management and Budget, said on June 29 that the economic reasons for impoundment were not as compelling as they had been.

However, last year, the Nixon White House pledged to fight the impoundment issue all the way. Much of the effort was not so much to achieve fiscal restraint, as to allocate resources according to the Administration's formula and to eliminate expenditures that it considered wasteful or ineffective. It is that battle that has now been given up.

Reinecke's Hold on Office In California Is Uncertain

SACRAMENTO, Calif., July 28 (UPI)—Lieut. Gov. Ed Reinecke's prospects for remaining in office after his perjury conviction remained uncertain today.

The State Government Code specifies that any officeholder is disqualified by conviction of a felony, but conviction by a jury does not mean immediate removal from office, according to a spokesman for the State Attorney General's office.

"Such removal is predicated on sentencing by the judge," said Jerry Littman, chief of the Attorney General's information services.

Mr. Reinecke was convicted yesterday by a Federal jury in Washington of lying to the Senate Judiciary Committee.

Agnew Silent on Nixon

BAHRAIN, July 28 (Reuters)—Former Vice President Spiro T. Agnew, in Kuwait on a private visit, refused to comment to impeach President Nixon today on the recommendation. Asked if he had been keeping up with the committee's hearings, Mr. Agnew replied: "I've been keeping up with events, but we're a little behind time in receiving the news here."