

Sewage funds: Nixon overrides the will of Congress

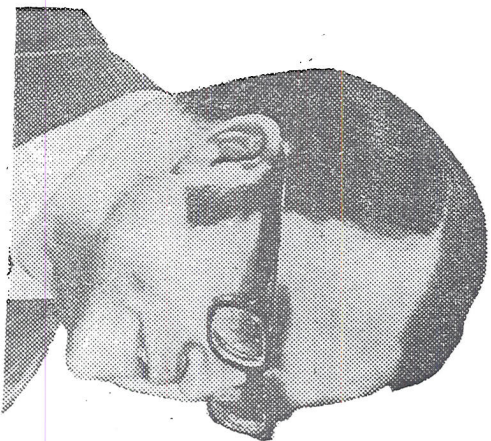
NEW YORK—The good news is that

President Nixon, in his remarks this week at Camp David, strongly denied that he intended to increase the already swollen power of the White House within the executive branch, and promised to reduce the size of the White House staff.

But the bad news is that the words were no sooner out of Nixon's mouth than William D. Ruckelshaus, the administrator of the Environmental Protection Agency, announced with what appeared to be studied reluctance that the President had directed him to cut by executive fiat the amounts authorized by congressional legislation for waste treatment plants.

The Ruckelshaus announcement does not necessarily mean that Nixon, at Camp David, was coming the public; but it suggests how unlikely it is that, even with the best of presidential intentions, the trend toward more, and more far-reaching, executive powers will in fact be reversed.

Any President regards himself as



The EPA's Ruckelshaus
Studied reluctance?

DEC 1 1972

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lected to manage the government, conduct foreign affairs, maintain the national security, and—in modern times, at least—oversee the national economy. In the nuclear era, on the one hand, and in the age of technology and vast corporate enterprise, on the other, no President will find it easy to meet these responsibilities by delegating authority, decentralizing the government apparatus, yielding the field to Congress, or turning power back either to “the people” or to “local government.” Rather, it will seem necessary and at least superficially more efficient to manage with a tight organization and an iron fist at the top.

It is arguable, for example, that Nixon is right that expenditures exceeding \$250 billion in this fiscal year will inflate the economy unacceptably. But Congress is constitutionally entitled, and in many fields is able, to make its own judgments on such matters, to decide national priorities by its own lights, and to legislate accordingly. If a President cannot bring Congress into line with his own ideas by blamishment, education, pressure or veto, he is immediately confronted with a dilemma: whether to find or assert means to act as he thinks best, or to acquiesce in the constitutional independence of congress.

Nixon's choice

In the case of waste treatment plants, Nixon has chosen the former way—despite the fact that when he protested strongly to Congress this fall that its \$18 billion authorization was too much, his veto was overwhelmed by a bipartisan vote in both houses. Moreover, while numerous presidents have chosen to im-

pound rather than spend appropriated funds, in this instance Nixon is refusing to allocate authorized funds, an exceptional example of executive action overriding legislation.

Congress had divested—the Senate unanimously—the authorized amount to be fully allocated among the states; then the states would propose projects within their authorizations which the federal government might or might not approve; and Washington would be obligated to fund only the approved projects. Thus, Nixon's traditional check on congressional largesse would have been to be tight-fisted in approving state projects, and thus in obligating actual dollar expenditures to pay for the federal share of them. Instead, he chose to order Ruckelshaus not to allocate the full authorization to the states, effectively limiting even the number and the cost of projects they can propose.

Like a veto

This order to an appointed official, if it stands, would accomplish most of what Nixon's veto could not; it would elevate his executive will over congressional legislation and nullify the congressional overriding of his veto. No wonder David Levin, the chairman of Florida's pollution control board, told *The Associated Press* that as far as he could see, “Congress might as well have not overridden (Nixon's) veto . . . I always thought we had three branches of government.” And no wonder several of the states are thinking of taking the matter into the courts.

Even in light of this striking example of executive aggrandizement—perhaps especially because of it—Nixon's stated intentions at Camp David are welcome. He had no intention of increasing the power of the White House and its staff,

he said, but wanted to put greater responsibility on his cabinet officers and the other heads of agencies (Ruckelshaus will be interested in that), and his primary intention was “to make our government more responsive to people.”

His real views?

There was no mention of congressional power, but then Congress is Democratic, and Nixon surely can be forgiven for that. Perhaps the Camp David statement really represents the President's views, and the order to Ruckelshaus was only what he regarded as a necessary exception; but that could be more confidently accepted if Nixon had not just last week visited his old law partner and former attorney general, John Mitchell, author of that immortal slogan of the first term: “Watch what we do, not what we say.”

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