

Nader Calls on Congress to Reassert Its Authority

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WASHINGTON, Jan. 30 —Ralph Nader, the consumer activist, urged Congress today to reassert its constitutional powers and thus prevent President Nixon from developing "a do-it-yourself Congress right inside the White House complex."

But Mr. Nader took sharp issue, in testimony before the Senate Subcommittee on Separation of Powers, with a bill designed to force the President to spend money as Congress directs.

"In my opinion, the bill falls far short of what is necessary," he said of the measure sponsored by Senator Sam J. Ervin Jr., Democrat of North Carolina, and supported by a majority of the Senate.

The measure would require the President to notify Congress when he impounds, or refuses to release, appropriated funds and to spend the money unless Congress consents within 60 days to the withholding of it.

According to Mr. Nader, the proposal implies that the President has a right to impound funds—a right that neither Mr. Nader nor the sponsors are prepared to concede—and leaves open the possibility that the Administration could hold up funds indefinitely by merely repeating the 60-day cycle.

Billions Held Up

Mr. Nixon has refused to release several billions of dollars for highway construction, sewage treatment, oil conservation, rural electrification and other programs enacted by Congress, prompting professions of outrage on Capital Hill.

The spending dispute was intensified by the President's proposal, in the budget for the 1974 fiscal year, which he sent to Congress yesterday, to eliminate or sharply reduce many of the same programs.



Associated Press

Ralph Nader at Senate subcommittee hearing.

The budget conflict took a new turn today when it was learned that Caspar W. Weinberger, Mr. Nixon's nominee to be Secretary of Health, Education and Welfare, had told department officials that he could not approve their testimony before Congressional committees until his nomination was confirmed by the Senate. As a result, the officials have canceled scheduled appearances before committees.

Mr. Weinberger had been director of the Office of Management and Budget at the White House and as such was

the official who supervised the impoundment of the disputed appropriations and drafted the controversial new budget proposal.

His confirmation to the Cabinet post is being blocked by members of the Senate Labor and Public Welfare Committee until they receive a full accounting of the amounts being withheld and the reasons for the actions.

Without Approval

Mr. Weinberger said the department officials could not testify because of "the problem of how do you form policy and how do you clear things when there's no one with official standing as Secretary to approve the policy."

Consequently, Mr. Weinberger and two education officials have declined invitations to testify next week before a House Education and Labor Subcommittee. Dr. John Sapp, a health policy planner in the department, canceled a scheduled appearance tomorrow before a Senate Labor and Public Welfare subcommittee.

The Senate Democratic Policy Committee adopted a resolution today to express its determination to "recapture" the "rightful constitutional place" of Congress in the fiscal process. The resolution complained that Mr. Nixon had "seized" Congressional authority "by means of impoundment, unilateral budget cuts and fiscal manipulations outside the knowledge or control of Congress."

Mr. Nader, the leadoff witness in four days of hearings by Senator Ervin's subcommittee, declared that control over the budget was only one of several powers Congress had allowed itself to lose.

He asserted that the Presi-

dent could, without any Congressional consent, make war, enter into treaties with other governments by calling them "executive agreements," transfer Cabinet authority to White House aides immune from Congressional inquiry, and fundamentally reorganize the Government.

Mr. Nader said the Congressional response must be more than a polite "palliative" and suggested that the real cause of Congressional unrest over lost powers was that Mr. Nixon had not consulted often enough "at White House breakfast tables" with Senate and House leaders.

Senator Ervin's bill won endorsements from a number of other witnesses, most of them Senators, but Mr. Nader urged that it be replaced by a bill to prohibit flatly the withholding of appropriations unless Congress consented to a Presidential request to reduce or eliminate the funding.

Over Spending

The suggestion was applauded by Senator Jacob K. Javits, Republican of New York, who suggested that he might offer something similar to the Senate before it acts.

Mr. Nader and another witness, Senator Hubert H. Humphrey, Democrat of Minnesota, worried aloud that the White House seemed to have the upper hand in the constitutional dispute because of the complexity of the subject.

Mr. Humphrey appeared to have found a way to dramatize his viewpoint, however. As the television cameras focused, he held up five documents comprising the 1974 budget request from the White House and complained that the President made them sound, to the public, like "Holy Writ."

He complained of secrecy surrounding preparation of the budget request and said that, by comparison, the Pentagon papers "are as open as the Sears Roebuck catalogue."