

House, Defying Nixon, Votes Bill on Rehabilitation

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, March 8—Congressional challenges to President Nixon's budget-cutting continued today with House passage of a \$2.6-billion vocational rehabilitation bill that was vetoed last fall.

The House action, by a vote of 318 to 57, was one of several challenges to the Administration today. It raised to 11 the number of major bills approved by either the Senate or the House this year in a determined effort to reverse Presidential vetoes or program terminations.

Still to come, however, is the real test of wills, for none of the 11 bills have yet been cleared by Congress and sent to the White House.

Administration supporters have warned that most, and perhaps all, of the bills face an almost certain veto on the ground that they are too costly.

The challenges posed to the Administration today included the following:

¶Several leading academicians urged Congress to demonstrate that it did have the will to restore itself to an equal footing with the President — by impeaching him, if necessary.

¶The House Public Works Committee unanimously approved a one-year, \$1.2-billion extension of a program providing grants and loans to communities with high unemployment. Similar legislation was vetoed last fall by Mr. Nixon as "ineffective in creating jobs."

Senator Edmund S. Muskie and 13 other Senators of both parties introduced a bill to narrow the restrictions on Government release of official information to the public and to require the courts to review the contents of records that executive agencies wish to keep secret. A similar bill was offered in the House by Representative William S. Moorehead, Democrat of Pennsylvania. Hoping to avoid another

Presidential veto of the rehabilitation bill, a bi-partisan group from the House Education and Labor Committee had trimmed about \$800-million from the version rejected last year by the President.

But even the revised version was denounced as too costly by the House minority leader, Gerald R. Ford, Republican of Michigan. He proposed instead, a far more modest bill tailored to White House specifications, but this was rejected, 213 to 165.

A bill similar to the one now cleared by the House was passed by the Senate last week, 86 to 2. Differences between the two versions must be worked out in conference committee before the final version is sent to the President.

The bill would continue grants to states for the physically and mentally handicapped and provide new programs to aid those with serious spinal injury and severe kidney disease.

"This is truly a bill of rights for the handicapped," Representative Peter A. Peyser, Republican of Westchester, told the House.

White House Defied

Mr. Peyser was one of a number of Republicans who, ignoring White House pressure, joined Representative John Brademas, Democrat of Indiana, in pushing the rehabilitation bill.

The suggestion that Congress might consider using its impeachment power was made at the final session of a two-day conference on the constitutional clash between Congress and the President.

Impeachment "is a great tool of government," Raoul Berger, the Charles Warren Senior Fellow of Harvard Law School, told the session in a Capitol Hill hearing room.

Mr. Berger and other leading lawyers and historians ap-

peared to reach the conclusion that Congress already has enough powers to stand up to the President, if it had the will to use them.

Arthur Bester, a professor of history at the University of Washington, viewed as "a myth" the theory of "executive privilege," under which Presidents have refused to provide witnesses and information to Congress. He was supported by Mr. Berger and by Henry Steele Commager, the Amherst historian.

Under their interpretation of the Constitution, the White House aide could be held in contempt of Congress if he refused to appear as a witness, and the President himself could be held accountable for failure to supply information sought by Congress.

"Stop being sissy about it," Mr. Berger said.

His solution to the refusal by a Presidential aide to testify was: "Just clap him in jail."

Use of Power Urged

Similarly, Mr. Commager told a handful of Senators still at the conference laste this afternoon that Congress should

seek "revival" of its authority to reject Presidential nominees, conduct investigations of the executive branch and penalize Administration officials who "intimidate" subordinates for testifying before Congress.

Senator Harold E. Hughes, Democrat of Iowa, told the conference, "I just pray to God that we will have the guts to follow some of the recommendations that you have made."

In a busy Congressional day, the House basked in its newly approved "sunshine bill," with all but two of some 30 committees holding sessions open to the public.

Only a Defense appropriations subcommittee and a House administration subcommittee dealing with internal budget or personnel matters. Otherwise, a committee must operate openly unless it votes by roll-call to close the session.

Meanwhile, the House's \$1-million electronic voting system was back in operation after its first breakdown yesterday.

"We're back in the 20th Century again," Speaker Carl Albert announced jubilantly, just before the noon session.

Actions on Bills Opposed by Nixon

Special to The New York Times

WASHINGTON, March 8—Following is a table of Congressional action this year on major legislation that President Nixon vetoed after Congress adjourned last year and on programs that the President proposes to terminate. All votes so far have been affirmative.

	HOUSE	SENATE
Rural environmental assistance (REAP)	251-142 (Feb. 7)	71-10 (March 1)
Rural Electrification (REA)	In committee	69-20 (Feb. 21)
Flood control	In committee	68-14 (Feb. 1)
Water-sewer grants	297-54 (March 1)	In committee
Disaster loans	269-95 (Feb. 22)	In committee
Older Americans	Before House	82- 9 (Feb. 28)
Vocational rehabilitation	318-57 (March 8)	86- 2 (Feb. 28)
Airport development	In committee	65-15 (Feb. 5)
Airport security	In committee	89- 0 (Feb. 22)
Veterans burial benefits ..	In committee	84- 4 (March 6)
Veterans hospitalization ..	In committee	86- 2 (March 6)