

NIXON VETOES BILL ON CONFIRMATIONS

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He Terms Plan to Require Approval of Budget Aides Assault on Presidency

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WASHINGTON, May 18 —

President Nixon, accusing Congress of a "backdoor" assault on Presidential authority, vetoed today a bill that would require Senate confirmation of the director and deputy director of the Office of Management and Budget.

His firm veto message was the first strong indication that the President would continue his constitutional struggle with Congress despite the shake-up his Administration has undergone in the Watergate case.

The President's Congressional opponents are certain to attempt to override the veto, and this could provide the first test of the President's power since the major Watergate disclosures of recent weeks. Previously, he has been able to sustain his vetoes in Congressional attempts to challenge his impoundment of funds for domes-

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President Vetoes Bill to Require Confirmation of Budget Officials

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tic programs.

Legislation to require Senate confirmation of Roy L. Ash as budget director and Frederic V. Malek as deputy director passed the Senate, 64 to 17, and the House 229 to 171. A two-thirds vote of both houses is need to override a veto.

Congressional action to require confirmation of posts that have long been in existence without such a requirement was prompted by Congressional resentment of the impoundment of appropriated funds and by the desire of Senators to question Mr. Ash about his business connections. Before his appointment, he was president of Litton Industries, a Federal contractor with a history of cost overruns.

Representative Thomas P. O'Neill of Massachusetts, the House Democratic leader, said when the bill passed the House May 1: "Here we strike the core of the impasse between the Congress and the White House. We authorize, we appropriate, the President signs into law. Yet, by whim, the director of the O.M.B. can strike the program dead. But here, we have an opportunity to get back some of our eroding power."

President Nixon made it clear that he considered the legislation a grave assault on the Presidential powers. Under Present law, he pointed out, the two officers in question are appointed by the President to serve at his pleasure.

'Grave Violation' Noted

The legislation would abolish the two positions 30 days after enactment and provide for their immediate re-establishment. The President, in order to keep Mr. Ash and Mr. Malek in office, would have to reappoint them, subject to advice and consent of the Senate.

"This step would be a grave violation of the fundamental doctrine of separation of powers," Mr. Nixon said. "I do not dispute Congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the tenure of the incumbent in that office ends.

"But the power of the Congress to terminate an office cannot be used as a backdoor method of circumventing the President's power to remove.

With its abolition and immediate re-creation of two offices, [this bill] is a device, in effect and perhaps in intent, to accomplish Congressional removal of the incumbents who lawfully hold these offices."

Mr. Nixon said the Office of Management and Budget positions were to provide the President with advice and support and "cannot reasonably be equated with Cabinet and sub-Cabinet posts for which confirmation is appropriate."

The Congressional position has been that much of the authority formerly invested in the Cabinet has been moved directly under the President and the Office of Management and Budget and thus ought to be subject to confirmation.

Mr. Ash's appointment has been controversial, due to his connection with Litton Industries, and a Senate challenge of his right to hold the post is considered likely should the legislation survive the veto.

President Nixon said that if the American system of government was to remain workable "I must continue to insist on a strong delineation of power and authority."