

SENATE OVERRIDES NIXON VETO, 62-22

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Insists on Power to Confirm
Two Budget Office Posts
—House to Vote Today

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By RICHARD L. MADDEN

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WASHINGTON, May 22—The Senate, in its first test of strength with the Presidency since the Watergate scandal widened, overrode today President Nixon's veto of a bill requiring Senate confirmation of the director and deputy director of the Office of Management and Budget.

The vote was 62 to 22, or six more than the required two-thirds. It came after only 20 minutes of perfunctory debate, during which only one of a half-dozen Senators who spoke urged the Senate to sustain Mr. Nixon's veto.

The House is scheduled to vote tomorrow on whether to override, but even before the Senate acted, Speaker Carl Albert of Oklahoma acknowledged that it would be "very difficult" to override.

The bill passed the House May 1 by 229 to 171, or 37 votes short of two-thirds. In general, the House has tended to support Mr. Nixon more than

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the Senate.

The last time both houses overrode a Nixon veto was last October on a major Federal water pollution control measure.

Senator Robert P. Griffin of Michigan, the Republican whip who voted to override the veto, said after the vote that the Watergate case had not affected the outcome.

"I think it was a Senate issue—what's the Senate's role and responsibility in appointments," Mr. Griffin said.

He said that no effort had been made by the Republican leadership to round up votes to sustain Mr. Nixon's veto.

"We counted the votes and saw we were so far short there wasn't anything to be done," he said.

Before the vote, however, Senator John G. Tower of Texas, chairman of the Senate Republican Policy Committee, said that "given the current climate," he thought it would be difficult to sustain the veto. Asked if he was referring to Watergate, Mr. Tower replied, "Uh, huh. What else could I be talking about."

"On an issue of this kind there's a feeling on the part of a number of Republicans that one way the Senate can assert itself is through the confirmation process," he said.

'Back-Door Method'

Mr. Nixon vetoed last Friday the bill requiring Senate confirmation of the two top officials of the Office of Management and Budget and charged that Congress was using "a back-door method" of circumventing the President's power.

The bill would abolish the office of director, now held by Roy L. Ash, and the office of his deputy director, Frederic V. Malek, 30 days after enactment of the legislation and would provide for immediate re-establishment of the offices.

To keep Mr. Ash and Mr. Malek in office, the President would have to reappoint them, subject to confirmation by the Senate. At present, both key Federal budget officers are appointed by the President and serve at his pleasure.

The legislation was prompted in part by Congressional unhappiness over the Administration's impoundment of appropriated funds and in part by some Senators who wanted to question Mr. Ash, a former president of Litton Industries, a Federal contractor, about his business connections.

Forty-eight Democrats and

14 Republicans voted to override Mr. Nixon's veto while 22 Republicans voted against overriding. There were no cheers or handshakes among the Senators as the result was announced. They had set aside an hour to debate the issue but used only about one-third of it.

Senator Mike Mansfield of Montana, the Democratic majority leader, said that the Office of Management and Budget, created initially as a budget office in 1921, had become "the most powerful, single policy-making instru-

ment in government" and that its director "sits today without peer as a policy-maker and policy-implementer."

He said it was "absurd" that the Senate did not have a role in confirming the agency's director and contended that such a role would restore the Senate to "its proper status."

Senator Charles H. Percy, Republican of Illinois, said that the President's veto "clashes directly with his expressions of a new era of cooperation" with Congress. He said that the Office of Management and Bud-

get had become "more powerful than many Cabinet departments," but added, "this is not an effort to ax Mr. Ash."

Only Senator Hugh Scott of Pennsylvania, the Republican minority leader, urged the Senate to sustain the veto. He read briefly from Mr. Nixon's veto message.

Mr. Nixon had won two previous tests this year with Congress on vetoes of politically popular measures.

On April 3 he scored a surprise victory when the Senate refused to override his veto

of a bill supplying vocational aid to the handicapped. That vote was 60 to 36, four short of the two-thirds needed. On April 10, the House sustained his veto of a bill financing rural water and sewer systems by a vote of 225 to 189, or 51 short of two-thirds.

Today's vote was not significantly different from two previous Senate votes on the budget office bill. The Senate initially passed the measure, 63 to 17, Feb. 5, and repassed the House version of the bill, 73 to 19, May 3.