

Challenge to Haig's Job Pressed

By Michael Getler

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Sen. Stuart Symington (D-Mo.), acting chairman of the Senate Armed Services Committee, has once again challenged the legal basis for President Nixon's appointment of four-star Army General Alexander M. Haig to fill the White House chief of staff job recently vacated by H. R. Haldeman.

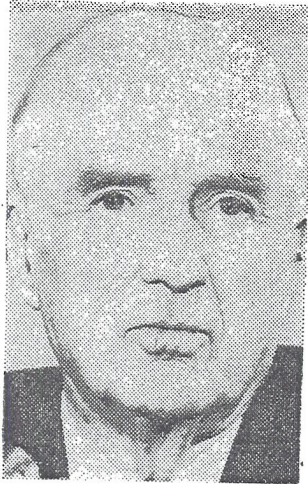
Symington, in a new exchange of letters with the Pentagon hierarchy, rejects the Defense Department view that Haig "has accepted no civil office" in his White House capacity.

Similarly, Symington has also disputed the validity of precedents cited by the Pentagon in which senior military men worked directly for other presidents.

Symington, as well as some other critics, contend that moving a military man into the White House violates Section 973, Title 10, of the U.S. Code, which states basically that no officer on "active duty" can hold a civil office.

That provision protects "the cherished concept of civilian supremacy in the American body politic," Symington says.

The Pentagon's acting general counsel, Leonard Niederlehner sees it differently. Responding to earlier letters by Symington, he says Haig is "on detail to the Office of the President by order of the President under his constitutional authority as Com-



Sen. Stuart Symington, left, rejects the Pentagon's contention that Gen. Alexander M. Haig has accepted "no civil office" in taking over as White House chief of staff.

mander-in-Chief" of the military.

Thus, Niederlehner argues, Title 10 is not applicable because Haig "has accepted no civil office" and "in fact there is no defined civil office of 'chief of staff' in the White House."

The Pentagon lawyer also says Haig is "but the latest of senior military officers who have, over the years, been detailed by the President to perform a wide range of duties in the Office of the President."

Niederlehner cites Admiral Frank Leahy's service from 1942 to 1949 as chief of staff to President Roosevelt; retired Maj. Gen. Wilton B. Persons'

days as chief of the White House staff to President Eisenhower; Brig. Gen. Andrew Goodpaster's service to Eisenhower as staff secretary and Gen. Maxwell Taylor's White House days as military advisor to President Kennedy.

But Symington, in new challenges made public yesterday, asserts that Leahy was recalled in a military capacity to serve as chief of staff during a time of war.

Gen. Persons, he points out, was on the retired list when he served as assistant to the President. Goodpaster, according to Symington, "gave special attention to national security matters" when serving as White House staff secretary.

And Gen. Taylor, the senator reports, was on the retired list at the time he served as "official military representative to the President," returning to active duty only when subsequently he became chairman of the Joint Chiefs of Staff.

If the Goodpaster appointment is to be the precedent, Symington said, "I know of no reason why a failure to observe the law in that case should be grounds on which to also ignore said law in the case of Gen. Haig."

As to the Pentagon's other main point, Symington says that the manner of the Haig appointment suggests "in the strongest way" that Mr. Nixon made it in his role as President rather than as commander-in-chief.

To refute claims that there is no defined "chief of staff" office in the White House and therefore no "civil office" for Haig to hold, Symington cites Presidential Press Secretary Ronald Ziegler's characterization of Haig's "interim" appointment to become "assistant to the President."

"In this role," Ziegler said at the time, "Gen. Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House staff and administration of the immediate office of the President."