

'Haig Not in a Civil Post' --

WASHINGTON — (AP) — The Defense Department says Gen. Alexander M. Haig "has accepted no civil office" in succeeding H. R. Haldeman as chief of President Nixon's White House staff.

The general, therefore, does not have to resign his military commission under

a law requiring termination of military appointment by an active officer accepting a civil assignment, the Pentagon said.

Leonard Niederlehner, acting Defense Department general counsel, explained the department's position in a letter to Sen. Stuart Symington (D-Mo.).

Symington, acting chairman of the Senate Armed Services Committee, voiced his disagreement in making public the Niederlehner letter yesterday.

"One can only seriously doubt whether the President has authority, in time of either peace or 'peace with honor,' to turn the office of

the President into a military command without congressional authority," he said in a letter to William P. Clements Jr., acting secretary of defense.

The Defense Department lawyer said General Haig, recently vice chief of staff of the Army, "is on detail to the office of the President

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military by order of the President under his constitutional authority as commander-in-chief."

"He has accepted no civil office," the letter said. "In fact, there is no defined civil office of 'chief of staff' in the White House."

Niederlehner cited precedents for senior military of-

ficers being assigned to the Kennedy's military adviser. the White House:

Adm. William H. Leahy as chief of staff to Franklin D. Roosevelt after 1942; Maj. Gen. Wilton B. Persons as chief of President Eisenhower's White House staff; Brig. Gen. Andrew Goodpaster as Eisenhower's staff secretary; and Gen. Maxwell Taylor as President Symington cited differences. Generals Persons and Taylor were on the retired list during their White House service. Leahy served in time of war, and Gen. Goodpaster "gave special attention to national security matters" when serving as White House staff secretary, Symington said.