

STAATS SAYS HAIG IS VIOLATING LAW

Controller General Reports
His View on Dual Jobs

Special to The New York Times

WASHINGTON, June 22—The Controller General has concluded that Gen. Alexander M. Haig Jr. is violating Federal law by serving as an assistant to the President while remaining on active military duty.

The view that a "violation of the statute is indicated" was expressed in a letter June 15 from Elmer B. Staats, the Controller General and head of the General Accounting Office, to Representative John E. Moss, a California Democrat who had protested General Haig's status and solicited Mr. Staats's opinion.

Mr. Moss, who released Mr. Staats letter today, also made public his own written request of yesterday at Attorney General Elliot L. Richardson that the statute be enforced in this "clear violation of the law."

The statute that Mr. Moss and a number of other Congressional critics in both houses believe General Haig's "dual status" violates provides that "no officer of the active duty list" in any of the armed services "may hold a civil office by election or appointment..."

"The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment," the statute says.

No criminal penalty is attached to violation of the statute, and an aide to Mr. Moss said that his vigorous pursuit of the issue was a matter of "principle and precedent" rather than any personal feeling against General Haig. In a House speech June 11, Mr. Moss said: "Civil control of the military is jeopardized when professional military people, no matter how competent, are allowed to participate in and influence vital civil government processes, while retaining their career military status. This is what Haig is now doing."

There was no comment from General Haig's office today on Mr. Staats' finding.

Widespread Protest

The initial White House announcement, in May, of General Haig's appointment as an assistant to the President caused widespread Congressional protest.

On June 6, the White House announced that General Haig would retire from active duty as of Aug. 1. The announcement made no mention of the controversy. The Pentagon's legal opinion was that General Haig was not violating the statute because he was not holding civil office, and because Mr. Nixon, in appointing him, was acting as Commander in Chief.

Mr. Staats, in his letter to Mr. Moss, said, "While...we cannot categorically say that General Haig is exercising the functions of a civil office, it now is our view that a violation of the statute is indicated."

He said that "after General Haig's retirement from the Army, there would no longer be a question of whether by serving as assistant to the President he is violating 'the statute,' since that law applies only to regular officers on the active list and not to retired officers."

However, Public Citizens, Inc., a citizens' group, has said that it will continue its suit, which charges that General Haig's dual status is illegal and will be even after his retirement, in the belief that the Federal law applies also to military officers on inactive duty.

A spokesman for Mr. Moss said that the Congressman was "studying" this situation and considering the introduction of legislation that would plug the "loopholes" in the law if he found that it did not cover inactive officers.

General Haig formally requested retirement, to be effective Aug. 1, on June 6, an Army spokesman said. And President Nixon, on June 15, nominated him to retire at the rank he now holds, that of full General.