

WXPost JUL 7 1973

Haig's Rank As Adviser Called Legal

Attorney General Elliot L. Richardson said yesterday that the Justice Department's preliminary legal research indicates that Gen. Alexander M. Haig Jr. is entitled to serve as President Nixon's chief of staff while still on active duty with the Army.

In a letter to Rep. John E. Moss (D-Calif.), Richardson challenged a legal interpretation given the congressman last month by Comptroller General Elmer B. Staats.

Moss and Staats, agreeing with other officials and legal experts, pointed to section 973(b) of Title 10 of the U.S. Code, which states that "no officer on the active duty list of the regular Army, regular Navy, regular Air Force or regular Coast Guard 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 White House has said that Haig will retire from the Army on Aug. 1, and Pentagon lawyers insist that arrangement is legal.

Richardson's letter, while noting that "the facts so far available" to the Justice Department about Haig's status "are incomplete," said that the general's military commission had not automatically terminated when he went to work at the White House.

Haig replaced H. R. (Bob) Haldeman, who resigned while under investigation in connection with the Watergate case.