

Sprague Ouster Is Upset by Panel On Assassination

Counsel Told to Ignore Chairman's Order

By DAVID BURNHAM

Special to The New York Times

WASHINGTON, Feb. 10—The chairman of the House Select Committee on Assassinations moved today to dismiss Richard A. Sprague, the committee's chief counsel and director, only to have all the other committee members order Mr. Sprague to disregard the termination notice.

The committee's chairman, Representative Henry B. Gonzalez, said in a letter requesting Mr. Sprague's immediate termination that the former Philadelphia prosecutor "has engaged in a course of conduct that is wholly intolerable for any employeé of the House."

He called for Mr. Sprague to vacate the offices of the committee by 5 P.M. today.

But within hours of the first public knowledge of the decision by Mr. Gonzalez, the committee's 11 other members signed a letter directing the counsel to disregard the order.

Decision Is Explained

Mr. Gonzalez, a Texas Democrat, said in a statement explaining his decision that for the last few days Mr. Sprague "has been making a consistent attempt to undermine my chairmanship and malign me personally with the members of the committee staff."

The bizarre struggle pitting Mr. Gonzalez against the members of his committee and Mr. Sprague broke out a week after the House re-established the committee on an interim basis until it submitted a new budget and a plan for the investigation of the deaths of President

Continued on Page A28, Col. 1

Panel on Assassinations Overrules Chairman on Dismissal of Sprague

Continued From Page A1

Kennedy and the Rev. Dr. Martin Luther King Jr.

In directing Mr. Sprague to ignore the order of Mr. Gonzalez, the other committee members cited the resolution re-establishing the committee until March 1. The resolution said that the whole committee, and not its chairman, was empowered to make decisions about hiring and the salaries of the staff.

In addition to the letter sent to Mr. Sprague, Mr. Gonzalez sent another one asking Representative Frank Thompson Jr., chairman of the House Administration Committee, to remove Mr. Sprague from the payroll immediately.

Mr. Thompson said in response to an inquiry that he would be "very pleased to sign the termination papers providing the rules of the House have been adhered to."

After acting to oust Mr. Sprague and drafting his expository statement, Mr. Gonzalez boarded a plane for his Texas district and could not be reached for comment on Mr. Sprague's decision to resist his discharge.

But a spokesman for Mr. Gonzalez said: "The chairman is confident his action will be sustained. There is no question that in the vast majority of cases it is the prerogative of the chairman to hire and fire staff. And in any event, there is no question that the disbursement of committee funds only can be done under the recognized signature of the chairman."

The subsequent statement made public by the assassination committee's staff said that Mr. Sprague "has been directed by the committee to disregard the orders of Henry B. Gonzalez, committee chairman, on the basis that he does not have the power unilaterally to discharge Mr. Sprague."

"It is only the committee which has this power," the statement added.

When the committee staff statement, drafted by Mr. Sprague, was made public, the spokesman said that it had been endorsed by two of the 12 members of the committee. An hour later, a spokesman for Walter Fauntroy, a member of the committee who is a delegate from the District of Columbia, said that it had been signed by five members.

Mr. Sprague's conduct both while heading the assassination committee's 73-man

staff and while a prosecutor in Philadelphia has been controversial. Many House members objected to the chief counsel's initial plan to mount a \$13-million, two-year investigation of the assassinations. Others were concerned with a proposal, now abandoned, to use hidden microphones and psychological stress evaluators to test secretly the credibility of witnesses.

There was also concern expressed by such members as Representative Timothy E. Wirth, Democrat of Colorado, about public criticisms that had been made of Mr. Sprague's private and public actions. The criticisms were made by such bodies as the Pennsylvania Crime Commission, the Pennsylvania Supreme Court and in a study done for the Philadelphia Crime Commission.

In explaining the decision to dismiss Mr. Sprague, Mr. Gonzalez said that at a recent meeting on the budget Mr. Sprague asked whether he still supported him.

"I told him that in all candor at best it was qualified support, and that if I had known last September what I know now, I would have objected to his being employed," Mr. Gonzalez said.