

Nobody Able to Issue

By Jules Witcover
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The operative question at the Office of Economic Opportunity yesterday was, "Who's in charge here? And the answer from the dying federal antipoverty agency was, "Nobody."

A day after U.S. District Judge William B. Jones enjoined President Nixon's hand-picked enfant terrible, Howard J. Phillips, "from taking any action as acting director" of OEO, Phillips was still on the job.

Encountered coming out of the acting director's office, the 32-year-old Phillips said he was obeying Judge Jones' ruling that he had been holding the post "unlawfully and illegally," but was staying on in another capacity.

That, Phillips said, was his old job as associate director for program review, from which he was elevated last Jan. 31 by the President and by outgoing director Phillip V. Sanchez.

Actually, the tall, portly Phillips said, he had been serving all along at his old associate director salary of \$36,000, and not the \$42,500

to which the agency's director is entitled by statute.

"They never gave me a raise," he said, smiling.

Despite the 90-degree-plus temperature outside and the heated atmosphere of OEO as it approaches its June 30 interment by administration fiat, Phillips was as cool as ever in his blue-flannel pin-stripe suit with an American flag pin in the lapel.

OEO's general counsel was looking into the legal ramifications of Judge Jones' ruling and considering an appeal or stay, Phillips said. In the meantime, he added, "I'm reading a lot."

An OEO spokesman in the general counsel's office, asked point-blank at 2 p.m. yesterday, "Who's in charge here?" replied:

"Nobody's acting director today. The onus for responsibility for OEO today evolves on the supervisors of the various activities. No official action is being taken by OEO today in terms of grants or other decisions requiring the acting director's approval."

Well, the spokesman was asked, what if such a decision had to be made at that very moment? Who would make it? Answer: "We don't know what the answer is to such a conjectural question."

As for the activities of Phillips, the general counsel's spokesman said Judge Jones had enjoined Phillips from taking any actions as acting director. But that didn't mean he had removed him from the job, or prevented him from getting into policy discussions as an associate director "up to the point of action."

OEO and Justice Department lawyers are considering an emergency appeal of the judge's decision, the spokesman said, "on the grounds the decision is wrong." At the White House, deputy press secretary Gerald L. Warren said, "It is our view, as we have stated, that Phillips has been serving legally."

Phillips conferred yesterday with Leonard Garment, acting counsel to the President, another White House spokesman reported.

From both supporters and foes of Phillips came dire warnings yesterday that Judge Jones' ruling could throw the already embattled agency into utter chaos, especially if it means all decisions made by Phillips or any designees since Jan. 31 are now invalid.

the Orders

The general counsel's spokesman said such a retroactive application "could cancel everything out" and require the return of federal funds already dispensed around the country for various antipoverty programs.

The first test may come today before Judge Jones, when lawyers representing a Michigan migrant legal services program denied federal funding may argue that

such a decision under Phillips was invalid.

Others representing OEO-grantee or OEO-employee clients also are considering what impact Judge Jones' ruling may have on their cases. Three local community action agencies have successfully sued Phillips to obtain release of fiscal 1973 funds and the union representing OEO employees is fighting the transfer of its members to other agencies.

That Will Scuttle OEO

On the union's makeshift bulletin board in the OEO headquarters lobby and 19th and M Streets NW, yesterday's message to the faithful read: "Judge Jones orders Howie removed. Occupancy by Phillips illegal from Jan. 29!"

But "Howie," as everybody calls him, is hanging in there. All through his troubled reign, during which his prime task has been to shoot the agency out from under

himself, Phillips has proceeded with the self-assurance of a man to whom The Truth has been revealed. And yesterday, the first day of his seeming demise, was no different.

From the first floor to the eighth, where Phillips' office—or the acting director's office, or the former acting director's office—is located, the signs of his success are all about. Room after room is without furni-

ture, and many of those still sitting up with the terminal patient were doing little yesterday but watching the Watergate hearings.

Supporters of OEO are still hopeful that a continuing resolution will be passed by Congress to keep the patient alive now that Phillips has been ordered by a federal judge to lay down his scalpel. But it is very late and nobody knows that better than Howie himself.