

Proxmire Suings to Oust Bork

Sen. William Proxmire (D-Wis.) yesterday asked that a federal judge remove acting Attorney General Robert H. Bork from office.

He filed a suit in U.S. District Court here in which he claimed that Bork could only serve 30 days, based upon a law that limits temporary heads of executive departments to that length of time.

The Justice Department has said it is specifically exempted from this law.

Bork, the solicitor general, assumed command of the department Oct. 20, when Attorney General Elliot L. Richardson and his deputy, William D. Ruckelshaus, resigned rather than obey President Nixon's order to fire Watergate Special Prosecutor Archibald Cox.

"Every action Mr. Bork has taken as Attorney General since Nov. 19 has been subject to legal challenge," Proxmire said in a statement. "Every day he serves the government of the United States, he is acting under a legal cloud."

The Justice Department, meanwhile, reissued a statement it had first given out Nov. 23 after Proxmire had raised the same issue in a letter to the department.

That statement, issued by Assistant Attorney General Robert G. Dixon Jr., said the 1870 law creating the Justice Department specifically exempted an acting Attorney General from the 30-day rule, and that the department has had interim chiefs serving for more than 30 days six times since 1881 without challenge in the courts.