

SUITS TO OPPOSE O.E.O. DISPERSAL

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Antipoverty Workers Say
Nixon's Plan Is Illegal

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By BEN A. FRANKLIN

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WASHINGTON, Feb. 25 —

The Nixon Administration's plan to disperse rapidly the programs and people of the Office of Economic Opportunity will be challenged in court this week in a series of potentially disruptive lawsuits asserting that the dismantling of the campaign against poverty is illegal as well as ill-advised.

Lawyers for the plaintiffs—unionized O.E.O. staff workers, local community action directors and rank and file representatives of their poor clientele — said that the suits, most of which are expected to be filed tomorrow, would challenge the Administration's authority, without Congressional assent, to transfer antipoverty programs from the O.E.O. to an uncertain future in Cabinet agencies.

Basic Issue Raised

The suits are to be filed in United States District Courts here, in Chicago and possibly in Minnesota.

They raise a basic issue that has agitated the capital for months—the alleged usurpation and denial by the executive branch of Government of programs enacted by Congress and presumably mandated by the legislative branch to be carried out. The latest O.E.O. renewal by Congress, for example, "directs" that the agency continue into 1975.

The chief plaintiff here was expected to be Local 2677 of the American Federation of Government Employees, a union representing O.E.O. headquarters workers. The federation holds the first nationwide exclusive labor agreement with any Federal agency covering terms and conditions of work.

Another, similar suit was to be filed here on behalf of the community action agencies in Boston and Jefferson County (Louisville), Ky., by the Lawyers' Committee for Civil Rights.

Still another was being prepared in Chicago by lawyers for the National Council of O.E.O. Locals, an organization of the union's units. And Wayne Kennedy, head of the national council, said that community action directors in Minnesota, a state in which he is an O.E.O. field representative, were also preparing a separate suit. "We want to get more than one judge to look at this case," Mr. Kennedy said.

'Cato Destroying Carthage'

The suit of the federation's headquarters local here is being drafted by John Karr and Glen Graves of the firm of Karr & Greensfelder. It is to include charges that remnants of the O.E.O.'s diminishing Washington staff are being illegally "coerced" and "terrorized" into resignations, transfers to non-existent jobs and "dead end" temporary details in violation of Federal civil service regulations or union rules.

Since he assumed the acting directorship of the O.E.O. on Jan. 31—reportedly with the professed mission of "Cato destroying Carthage"—Howard J. Phillips, a 32-year-old former member of the conservative Young Americans for Freedom, has reportedly dismissed untenured O.E.O. officials on short notice.

O.E.O. employes here interviewed Friday and yesterday said that entire office suites had been "stripped bare of desks and typewriters while the people weren't there."

"They had to wander around looking for something to do, trying to find out what happened and whether they still had jobs," one employe said. "Some were told they had been 'voluntarily' transferred to a task force that is supposed to find jobs for the people here."

Reorganization Act Cited

But proving violations of civil service or union job rules, if there have been any, would not be expected to deter the dismemberment of the O.E.O.

Accordingly, the suits will lean more heavily on the separation of powers dispute, lawyers said. One complaint is to be that the President failed, under the Reorganization Act of 1949, to submit his O.E.O. dispersal plan to Congress for prior approval. The act gives Congress 60 days to disapprove a major reorganization ordered by the President, which otherwise takes effect.

The federation local's suit is also expected to challenge Mr. Phillips's status as acting O.E.O. director, on the strength of allegations by Senator William Proxmire that L. Patrick Gray 3d, the acting director of the Federal Bureau of Investigation, has illegally held "acting" office beyond a 30-day limit set by law for administrators requiring Senate confirmation. Mr. Proxmire, a Democrat of Wisconsin, cited a Controller General's ruling on the 30-day status.

The O.E.O. director also requires Senate confirmation. Mr. Nixon has not yet submitted Mr. Phillips's name to the Senate. Mr. Phillips's 30-day "acting" status apparently will expire Friday.