

CRACK DOWN ON WELFARE RECIPIENTS IS COSTLY

Washington (NBNS)--- The proposed crackdown on welfare fraud could wind up costing U. S. taxpayers hundreds of millions of dollars, the agency's general legal council has warned the Department of Health, Education and Welfare.

The crackdown was scheduled to go into effect on Dec. 4, but HEW delayed it for three months. The plan would call for the agency withholding \$689 million in federal welfare payments to the states it feels haven't done enough to get those ineligible for overpaid recipients off the rolls.

At the same time, Wilmot Hastings, HEW general counsel, warned that the courts would probably be sympathetic to the pleas of the states that the action was "destructive," rather than constructive.

In a memorandum sent to an Assistant Executive Secretary, Hastings said the action would very likely be overturned by a court. Some 34 states have already filed suit against the federal government to stop the proposed cutoff on April 1.

"With the new quality control regulation, however, we are abandoning our partnership with the states in this matter by insisting that the states bear cost of irregular payments," Hastings said in his Dec. 22 memo.

"Under the circumstances, the basis for HEW's continuing to dictate a state's every eligibility-related action is extremely weak as a matter of fairness, no matter what our strictly legal authority in this regard may be."

Hastings then advised the HEW Secretary that the court, in his opinion "would listen sympathetically to a state which sought to enjoin the quality control sanctions."

"In all likelihood . . . such success as we have on the merits of that question will not occur until after a temporary injunction has delayed and completely disrupted the whole quality control strategy," he wrote when speaking of the possibility of convincing the court that federal welfare regulations do not contribute to high rates of welfare ineligibility and over payment.

An injunction, secured by one of the states, would cost the federal government hundred of millions of dollars," Hastings said. Instead, he recommended that HEW implement several changes in the federal regulations that govern eligibility.

"A predetermined position against changes, even if not disclosed, would make a mockery of our professed willingness to consider alternatives," he said.

He suggested the government stop using the "simplified method" of deter-

mining eligibility and instead a more complicated method which involves more than just taking a recipient's word that he is eligible.

In their suit, the 34 states claim that because fed-

eral regulations already limit the amount of investigating they can do of welfare applicants, it's unfair for HEW to penalize them for adhering to the agency's own regulations.

WASHINGTON (NBNS)--- Word is imminent that Howard Phillips, a critic of activist poverty programs such as the Legal Services agency, will soon be named by President Nixon to head the Office of Economic Opportunity.

Civil rights forces are

concerned that Phillips, 31, has been chosen to preside over the burial of the program initiated by the late President Lyndon Johnson in his celebrated "War on Poverty." Phillips, who joined OEO in 1969, was an unsuccessful candidate for Congress in 1970.



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