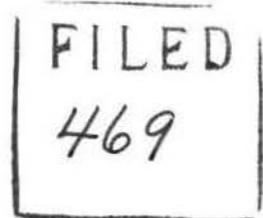


March 29, 1965

OPINION NO. 469

Mr. Sargent Shriver, Director
Office of Economic Opportunity
Executive Office of the President
Washington, D. C. 20506



Attention: Miss Deirdre Henderson

Dear Mr. Shriver:

The Office of the Governor of the State of Missouri has requested the Attorney General to give an opinion as to the legality of contractual relationships between the Office of Economic Opportunity, as established by the Economic Opportunity Act of 1964 (Public Law 88-452), and the Office of the Governor of the State of Missouri.

Section 209 of the Economic Opportunity Act of 1964 provides for participation of state agencies. Section 209 (b) reads as follows:

"The Director is authorized to make grants to, or to contract with, appropriate state agencies for the payment of expenses of such agencies and provide technical assistance to communities in developing, conducting, and administering community action programs."

By the terms of the guidelines proposed by the Office of Economic Opportunity on November 6, 1964 entitled "Guide to Programs or Grants to States for Providing Technical Assistance to Communities". and in particular under Section b thereof, the Governor of each state was guided to determine the appropriate state agency to apply for technical assistance funds and to carry out the state's program of technical assistance.

In the State of Missouri former Governor John Dalton designated his Administrative Assistant to be the Director. On September 30, 1964, Missouri's Application for Technical Assistance Grant, pursuant to Section 209 (b) of the Economic Opportunity Act of 1964 was forwarded. On November 18, 1964, this application was approved by the Office of Economic Opportunity. On March 5, 1965, Governor Warren E. Hearnes designated his Administrative Assistant for Urban Affairs to be the appropriate state agency to carry out the state's program of technical assistance. This agency has been termed Missouri Office of Economic Opportunity by the Governor which is a fictitious name used to describe the program within the Office of the Governor.

Article IV, Section 1, of the Constitution of Missouri which pertains to the executive powers of the Governor states:

"The Supreme Executive Power shall be vested in the Governor."

It is under this power that the Governor of Missouri is empowered to contract with the federal government. In *Shepard Engineering Company v. U.S.*, 289 F.2d 681, the court stated that in the absence of constitutional inhibition, the sovereign can make such contract as it pleases and no one can object. There are no constitutional or statutory restrictions upon the Governor of Missouri to contract with the federal government.

More fully, therefore, it is our opinion that the Office of the Governor of the State of Missouri possesses the legal capacity to enter into contractual relationships with the Office of Economic Opportunity, as established under the Economic Opportunity Act of 1964 (Public Law 88-452).

Very truly yours,

NORMAN H. ANDERSON
Attorney General