

Nixon is an unrepentent sinner. While all the exposures of the rotten scandals were on all the front pages and as late as the end of the fiscal year, June 30, 1973, a long series of fde decisions by federal court judges ordered him to comply with the laws as they relate to spending money for the urgent needs of the poor. In the final week of the fiscal year alone there were four.

Two had to do with spending sums appropriated by Congress for elementary and secondary school education, one had to do with giving jobs to needy youth for the summer. and the fourth required the emergency processing of 600 applications for grants from the Office of Economic Opportunity, the agency and the services for the needy he had illegally tried to kill after they were established by the law.

"Nixon was never stingy with the rich, never delinquent in spending for the military and the over-rich corporations. For only the poor, the needy, the minorities in particular, was he a tightwad.

When ordinary citizens violate the law, the government sends them to jail.

When the government violates the law- the laws - and does it wholesale, the Nixons designate this as "principle".

Congress designated this by a sterile term, "impoundment". This means nothing to the average person.

It is like slicing a wurst. No matter how thin one slices, it remains wurst.

no matter what euphemism one uses, Nixon here was a criminal. He deliberately violated the laws. More, he set himself above the laws. And worst of all, he did it with the most urgent needs of those most urgently in need - with education, jobs and economic opportunities for the poormalone.

In some cases the sums involved were less than he personally squanders in his needless flying all around the country to escape living and working in the luxurious White House provided him with public funds.

Post 7-5-73 **Judicial Power Over the Purse**

Whatever its other distinctions, fiscal year 1973, which ended Saturday night, will go down in history as the first year in which major parts of the federal domestic budget were controlled by the courts. In the latest defeats for President Nixon's policy of impoundment, four federal judges last week issued eleventh-hour reprieves to keep alive appropriations which had been frozen by the President and would otherwise have reverted to the treasury at midnight Saturday.

Two of the judicial rescue missions were temporary. District Court Judge Joseph P. Waddy ordered the government to reserve \$380 million in elementary-secondary education funds, and District Judge Gerhard A. Gesell directed HEW to earmark more than \$51 million in grants for community mental health centers, simply in order to preserve the funds until the judges could rule on the merits of each case. But there was nothing tentative about the other two decisions. In Newark, District Judge Leonard I. Garth ordered the government to release at once \$239 million in impounded Neighborhood Youth Corps funds, enough to provide summer jobs for about 609,000 youths. The previous day, Judge William B. Jones, who has almost single-handedly kept the Office of Economic Opportunity alive for several months, told OEO to process some 600 grant applications before Saturday night.

Obituaries for impoundment would be premature, since no test of the issue has yet reached the Supreme Court. Even so, the thrust of lower court decisions is unmistakable. There has not been a single judicial ruling this year in support of what President Nixon has called "the constitutional right for the President of the United States to impound funds and that is not to spend money." The judges have not reached the contrary extreme, which would be the flat proposition that under the Constitution every penny appropriated by Congress has to be spent. Instead, each case has turned on the particular statutes involved. Thus various courts have found that Congress intended water pollution monies to be allotted to the states, welfare grants

to be paid, highway aid to be provided, and a veterans' education program to be carried out. But if these holdings stop short of a constitutional conclusion, their message is still powerful. It is that acts of Congress should be carried out.

All this judicial firmness contrasts sharply with the timidity and indecision of the Congress itself. While the courts have been sustaining the legislative power of the purse as expressed in acts of previous congresses, this Congress has been unable to carry through much of anything to bolster its own institutional grip on the budget processes. Despite loud protests about executive impoundment of everything from housing subsidies to REAP, Congress has so far actually passed only one bill mandating spending, for water and sewer grants. And when President Nixon vetoed that measure, the House failed to override. The White House has conceded a few dollars from time to time, but its highly advertised "compromise" on health programs last month has turned out to be a deception. The big struggles over urban aid and HEW funds for the coming year have just begun. And the two vital institutional reforms begun on Capitol Hill, the anti-impoundment legislation and new budget control plans, have become snarled in power squabbles in the House.

Thus the government entered a new fiscal year in legislative-executive stalemate, with the courts overseeing the uses of the budget much like referees in a political bankruptcy case. It is no way to run the country. There is waste and disruption when public programs are suddenly, arbitrarily suspended; there is also waste and confusion in sudden spurts of last-minute money, as OEO's frenzy of belated activity has shown. There is something terribly wrong when groups of citizens, and state and local governments, have to march into court time and again to obtain funds and programs which Congress intended them to receive. And there is something equally wrong when the people's representatives on Capitol Hill cannot muster the will—indeed, the sense of institutional self-preservation—to regain the power of the purse and exercise that power effectively.