

Education Funds

Judge Overturns Nixon Impound

Washington

U.S. District Judge Joseph Waddy ruled yesterday that the administration must spend \$380 million in appropriated education funds that President Nixon had ordered impounded.

Ruling in a class action suit brought by the Commonwealth of Pennsylvania, Waddy ordered Secretary Caspar Weinberger of Health, Education and Welfare to distribute the \$380 million among the states "immediately."

The case involved money appropriated for fiscal year 1973, which ended last June 30. Pennsylvania had sought its share, which it said amounted to \$18 million.

The money was appropriated under the Elementary and Secondary Education Act — the basic federal aid to education program — and under the Vocational Education and Adult Education Acts.

There have been a number of court decisions on the constitutionality of Mr. Nixon's refusal to spend all that Congress has appropriated.

The Library of Congress said opponents of Mr. Nixon's impoundments have won well over 30 lawsuits while the administration has been upheld in about six.

The administration has been seeking a definitive Supreme Court decision on the constitutionality of impoundments.

In the only case to go above the District Court level, the U.S. Court of Appeals has upheld, 2 to 1, a district court decision ordering the release of money from the highway trust fund.

Other district court cases have ordered the release of funds for housing, urban renewal, rural housing, anti-poverty, food, water pollution and health programs.

By some calculations, the administration has refused to spend as much as \$18 billion. In a recent review, the Office of Management and Budget said it currently is withholding a total of \$3 billion.

Democrats in Congress, unhappy because the impoundments have withheld money for social programs, have sought to enact legislation inhibiting the President's ability to refuse to spend appropriated funds.

Such legislation has passed the Senate and awaits House action. It confronts a likely veto if passed.

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