

# ELDERLY SUE U.S. ON FOOD AID CURB

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Ask for \$40-Million They Say  
Is Impounded by Ford

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WASHINGTON, May 14 -Elderly citizens and groups representing them filed a suit in Federal District Court today charging the Ford Administration with impounding more than \$40-million earmarked by Congress for food programs.

The suit, brought by the New York-based Food and Research Action Center, is the first filed by a private organization since the Budget and Impoundment Control Act was passed by Congress last year.

Individuals and groups in nine states and the District of Columbia argued in the suit that through delaying tactics and low levels of spending, the Department of Health, Education and Welfare prevented 75,000 elderly persons from receiving meals under the Older Americans Act of 1972, which now serves 220,000.

Harold Furstenberg, 83 years old, of Queens, contended that the alleged impoundment meant he could receive meals at the Kissena Luncheon Club only every other day instead of every day.

Organizations such as the St. Charles Senior Citizen Club and Gold Star Senior Citizens, Inc., both of Harlem, charged that H.E.W. funding policies had kept them from providing meals to their members.

### Assails Administration

"Although there are many millions of elderly Americans who are desperately in need of the food and social services provided by this program, the Administration's bar on program spending has prevented most needy senior citizens from receiving program benefits, said Ronald F. Pollack, founder and director of the Food Research Action Center, who is an attorney in the case.

Mr. Pollack's remarks were made following his argument before Judge John J. Sirica.

A spokesman for the Department of Health, Education and Welfare said that there would be no comment on the suit "until we have a chance to study it."

If the department does not reply within 60 days, it loses by default. But by that time, the fiscal year will be over, Mr. Pollack said, so his organization will file a motion seeking immediate relief within a week.

### \$150-Million Budgeted

The nutrition program for the elderly was given \$100-million last July for this fiscal year. In December, it received a supplemental appropriation of \$50-million, bringing the total for the year to \$150-million.

At the end of January, the Administration made a formal request to Congress to cut \$25-million from the appropriation under the impoundment act. At the end of 45 days, Congress had taken no action, which meant that the funds must be spent.

In March, Senator Warren G. Magnuson, Democrat of Washington, chairman of the subcommittee on labor-health, education and welfare of the Appropriations Committee, wrote to Caspar W. Weinberger, H.E.W. secretary, about the program. The Senator emphasized to Mr. Weinberger Congress's intention to spend the money.

At the beginning of the month, Mr. Weinberger wrote back saying that all \$150-million had been sent to the states and that the funds would be spent at a rate that would reach an annual level of \$150-million by June 30, the end of the fiscal year.

Mr. Pollack charged that even if the department was spending at that rate by June 30, that would not necessarily mean that it had spent all of the money. He said, in fact, that it was possible that the money would not be entirely spent. If that should happen, he said, the Administration would have effectively withheld the money it was told it must spend.

### Says Government Breaks Law

"Unfortunately, once again, we are required to force the Federal Government to do what it is supposed to do, under law, with regard to feeding needy people," Mr. Pollack said.

In another development Senator George McGovern, Democrat of South Dakota, called for the creation of a Federal food and nutrition office to plan and co-ordinate a national nutrition policy.

Mr. McGovern, who is chairman of the Select Committee on Nutrition and Human Needs, based his recommendation on a series of hearings held by his committee last year.