

3 Rulings to Free Unspent U.S. Cash

Washington

Three federal judges issued rulings yesterday aimed at stopping Nixon administration attempts to withhold \$670 million in federal money that had been authorized by Congress for three separate federal programs.

Two of the rulings here in district court merely ordered the money set aside for safekeeping so it would not revert back to the U.S. Treasury tomorrow night, the end of the fiscal year.

The other ruling, by U.S.

District Judge Leonard I. Garth in Newark, N.J., ordered the government to spend \$239 million in Neighborhood Youth Corps funds by the end of the fiscal year.

The rulings follow by one day an order by the U.S. District Judge William B. Jones here that the Office of Economic Opportunity process about 600 grant applications by Saturday.

RULING

In one of yesterday's rulings, U.S. District Judge Joseph C. Waddy ordered the government to set aside \$380 million in federal funds for elementary and secondary education. The suit was filed by Pennsylvania, later joined by Nebraska, Texas, Nevada, Oklahoma, Hawaii, Wisconsin and Washington state.

The suit claimed that the U.S. Office of Education had not released all of the money appropriated under the elementary and secondary education act, vocational education act and the adult education act. Many of the programs said the states had "demonstrated a substantial likelihood of success on the merits," and said the money should be obligated for possible future use instead of reverting to the treasury.

If the states lose their suit, however, Waddy made it

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clear that his order could be vacated.

In a third ruling, U.S. District Judge Gerhard A. Gesell ordered Health, Education and Welfare Secretary Caspar W. Weinberger to process applications for grants for community mental health centers.

ORDER

That processing had stopped on February 23 on the order of an HEW budget official, after President Nixon said in his fiscal 1973 budget that no new staffing grants would be awarded.

Affected were grants for more than \$51 million, according to the various plaintiffs in the suit, led by the National Council of Community Mental Health Centers.

Gesell's ruling asked that the funds be retained and earmarked for the grants by tomorrow night, and added that it is "highly probable" that the plaintiffs will prevail on the merits of the suit.

Nixon administration officials in each instance have refused to spend the money authorized by congress, stating that impoundment was necessary because of the state of the economy.

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