

Appeal Ruling**U.S. Wins Delay
In Bombing Halt****New York**

A three-judge appeals panel delayed yesterday a court order barring U.S. military activity in Cambodia and set a hearing on the case for August 13, two days before bombing in the Southeast Asian country is supposed to stop anyway.

The U.S. Court of Appeals panel granted the stay sought by the federal government on a lower court injunction that ruled bombing and military activity in Cambodia must stop by 4 p.m. yesterday. The stay came less than five hours before the deadline.

Appeals Court Judge Wilfred Feinberg said that if either side wanted "to further accelerate the matter" they could file motions next week.

ACLU

Burt Neuborne, an American Civil Liberties Union lawyer representing the plaintiffs, Representative Elizabeth Holtzman (Dem-N.Y.), and four Air Force officers, said he would fly to Washington to ask the Supreme Court to vacate the stay order.

President Nixon, under agreement with Congress, has said U.S. bombing in

Cambodia will stop August 15.

Feinberg, speaking for the panel that had deliberated about ten minutes after listening to an hour of arguments, said the government had "met the traditional test for granting a stay:

U.S. District Court Judge Orrin Judd ruled Wednesday in Brooklyn that U.S. military operations in Cambodia were unconstitutional and unlawful and issued a permanent injunction against the Defense Department and the Air Force barring such activities there. He stayed his injunction until Friday to allow the government time to file an appeal.

ARGUMENT

James D. Porter Jr., chief of the Civil Division in the federal court Eastern District, argued yesterday that the "gravity of the step taken by the district court (Judd) can scarcely be exaggerated."

He called Judd's decision erroneous for several reasons including that the military operation in Cambodia has been "known for some time" and that money to "fund the bombing has continued to flow from Congress."

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