

SFChronicle

SEP 14 1972

U.S. Drops N.Y. Times Ad Case

Washington

The Justice Department announced yesterday that it would not press criminal charges under Federal election laws against the New York Times for publishing a two-page advertisement by a group advocating the impeachment of President Nixon.

Mark T. Sheehan, a spokesman in the Justice Department's public information office, said "the matter was referred to us and after a review we decided that prosecution would not be appropriate.

Justice Department officials refused to elaborate upon the decision. Thus the case, which was the first one against a newspaper to arise under the Campaign Election Act of 1971, will apparently not provide a clear precedent to guide publications in handling future advertisements.

The incident arose out of the publication in the Times on May 31 of an advertisement entitled "A Resolution to Impeach Richard Nixon as President of the United States."

The General Accounting Office, an investigative arm of Congress, asserted that the Times had failed to obtain and publish a statement from the sponsor, the National Committee for Impeachment, saying that no candidate for Federal office had authorized an expenditure for the publication.

This was said to be required on the ground that the advertisement was one "opposing or urging the defeat of a Federal candidate or derogating his stand on campaign issues," which are covered by the law.

Administrative regulations issued under the law require that such advertisements include the disclaimer that no candidate contributed to it, or list the names of any candidates who did, so that the costs of the advertisements can be counted against that candidate's spending limitation.

The Times said that the employee in charge of compliance did not think the advertisement involved the President's candidacy or the campaign.

N.Y. Times Service