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Judge Upholds Anti-War Suit

Philadelphia

A Federal judge refused yesterday to dismiss an antiwar suit which asks for a permanent injunction against the use of government funds to continue the war in Vietnam.

U.S. District Judge Joseph S. Lord III said the claim by seven peace activists that the war is unconstitutional "is not so insubstantial as to warrant dismissal," as the government had requested.

He added:

"The citizen's interest in having his nation free of war was the very one being considered when the Constitution was written vesting the power to authorize war with the Congress, rather than the President."

Judge Lord also granted the plaintiffs' request to con-

vene a three-judge panel to hear the case. He passed along that request to the U.S. Court of Appeals for the Third Circuit.

The suit claims that the war has been prosecuted without the necessary congressional declaration of war, and therefore the war is in violation of the Constitution, various treaties and international law.

The judge called the war a "human conservation issue" which has an effect upon all citizens.

Those who brought the case are the Rev. David Gracie, urban commissioner for the Philadelphia Episcopal Diocese; John S. Atlee, Henry Brown, John Malinowski, Joseph Miller, Helen K. Schotz and Seymour Schotz.

Associated Press
