

Judge Sets Hearing Here on Suit to Bar Vietnam Bombing

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President Nixon and Defense Department officials were directed by a Federal district judge here yesterday to demonstrate why they should not halt the bombing of North Vietnam and the mining of its coastal waters.

Judge John F. Dooling Jr. signed an order for a hearing next Tuesday in his court in Brooklyn to determine if an injunction should be granted to stop the intensification of the war.

The lawsuit was filed by the New York Civil Liberties Union on behalf of Specialist 4 Ernest Da Costa, a 23-year-old draftee now serving as a machine gunner with the First Air Cavalry Division in Vietnam's Bienhoa Province. His home was given as 95-36 150th Street, Jamaica, Queens.

Denies Authorization

Vurt Neuboarne of the liberties union, in an affidavit in support of the suit, contended that Mr. Nixon's directive last Monday providing for the coastal mining and the destruction of North Vietnam's international rail and highway connections by aerial bombardment was unlawful because Congress had not authorized such acts.

The suit was the third filed in the court by Specialist Da Costa. Judge Dooling denied his suit last July calling on Secretary of Defense Melvin R. Laird to rescind, as unconstitutional, the orders sending the soldier to Vietnam. The judge ruled then that Congress, in assing appropriations, had basically approved the war.

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